

Aaron  
Dickerson/DC/USEPA/US  
07/30/2009 12:25 PM

To Richard Windsor  
cc  
bcc  
Subject Obama's EPA: Changing The Regulatory Environment

## Obama's EPA: Changing The Regulatory Environment

*Law360, New York (July 06, 2009)* -- "Elections have consequences," newly installed chair of the Senate Environment and Public Works Committee, Democratic Senator Barbara Boxer, quipped in a much publicized exchange with a Republican Senator during a hearing on global warming following the 2008 election.

While this is no doubt true, it is perhaps nowhere more evident to environmental law practitioners than in the changes in administrative agency practices that frequently follow presidential elections.

The changes within the U.S. Environmental Protection Agency that have occurred since President Obama's election, however, have proven to be particularly dramatic in terms of the speed at which they have been implemented, their scope and their significance.

Indeed, since President Obama took office on Jan. 20, 2009, the EPA has reviewed, and in many cases rescinded, revised or delayed, the implementation of significant Bush administration rules and policies affecting virtually every one of the agency's regulatory programs.

The broad sweep of changes in the EPA, and its demonstrated willingness to reconsider its prior position on a variety of issues, presents both potential pitfalls and opportunities for those with an interest in the agency's regulatory and enforcement programs.

### **Compliance and Enforcement**

As with any change to an EPA regulatory program, the failure to comply with newly imposed requirements can result in violations, enforcement actions, significant administrative penalties, as well as civil and criminal liability.

The failure to remain informed of rapidly changing regulatory requirements, or the adoption of new interpretations of existing requirements, therefore can have serious consequences for the uninformed. This is especially true now, as the EPA intends to significantly step up its enforcement efforts.

Although the EPA's new enforcement priorities are still evolving and hard numbers regarding the agency's enforcement efforts are not yet available, the regulated community should expect an increase both in the number of enforcement actions initiated and the vigor with which they are prosecuted.

Enforcement actions that have remained dormant for nearly a decade under the Bush administration are being revived, information requests are being sent out, and potential cases prepared.

In addition, sources within the EPA have indicated that the agency intends to more aggressively prosecute enforcement actions, by restricting the use of tolling agreements during administrative settlement negotiations, facilitating the sharing of information between the EPA and the U.S. Department of Justice, and increasing the number of cases referred to the DOJ for civil and criminal enforcement.

The EPA's budget requests confirm this new emphasis on increased enforcement. The agency sought and was awarded approximately \$600 million for enforcement in fiscal year 2010. This is

the largest enforcement budget ever sought by the agency.

A portion of this request would be used to fund the addition of up to 30 civil and criminal enforcement staff. In addition, the agency is seeking to direct \$184 million to its CERCLA, or Superfund, enforcement program.

The rapidly evolving regulatory scheme and an increased focus on enforcement efforts make it critically important for members of the regulated community — and the lawyers that advise them — to remain informed about changing regulatory requirements.

Now, perhaps more than any time in recent memory, they also must be proactive in ensuring compliance by employing tools such as audits and site visits.

The costs of a robust compliance program quite simply pale in comparison to the defense costs, penalties and negative publicity associated with an actual or even threatened enforcement action.

## **Opportunities for Input**

Less obvious than compliance and enforcement, but equally important, are the opportunities to participate in the process of shaping agency policy and the development of the administrative records that will provide the basis for any future agency actions.

Under the Obama administration, the EPA has already agreed to reconsider a host of formal rules and policies established by the previous administration, with potential implications for virtually every sector of the regulated community and of the economy as a whole.

For example, in the Clean Air Act's New Source Review program alone, the EPA has, since Jan. 20, 2009, formally granted requests to reconsider Bush-era rules and policies governing fine particulate matter (PM2.5), fugitive emissions, recordkeeping requirements and the application of the "aggregation" principle.[1]

Likewise, in what is perhaps the most striking example of the shift between EPA policy under the Bush and Obama administrations, the EPA has taken the first steps toward the regulation of greenhouse gas emissions.

To that end, in just over five months, the EPA has formally agreed to reconsider the Bush administration's policy concerning the regulation of greenhouse gases under the Clean Air Act's Prevention of Significant Deterioration ("PSD") program;[2] issued a proposed endangerment finding regarding greenhouse gas emissions from mobile sources and a long-awaited greenhouse gas reporting rule;[3] and left open the possibility of state regulation exceeding the current requirements of federal law.[4]

While the passage of federal climate change legislation may moot some of these regulatory actions, such legislation will only reinforce the central role that the EPA will play in the implementation of any congressional plan to reduce nationwide greenhouse gas emissions.

Other changes are also on the way. For example, for the first time in nearly 35 years, the EPA has proposed, and is currently seeking comment on, a rule strengthening the primary National Ambient Air Quality Standard for nitrogen dioxide ("NO<sub>2</sub>") by, among other measures, establishing a one-hour NO<sub>2</sub> standard.[5]

The EPA is also considering revisions to controversial rules promulgated under the Bush administration amending the definition of "solid waste" under the Resource Conservation and Recovery Act,[6] planning to withdraw the "comparable fuels" rule that reclassified certain manufacturing byproducts as nonwastes,[7] and proposing stringent new engine and fuel standards for large, ocean-going vessels.[8] These are just a few examples.

These ongoing revisions to EPA rules and policies present opportunities for members of the regulated community to participate in the development of agency policy going forward.

As the above developments indicate, these opportunities may come in many different forms, including formal notice and comment rulemaking, invitations for input at public meetings and the solicitation of comments prior to the issuance of proposed rules, and the reopening of the administrative record to reconsider previously promulgated rules and policies.

It is therefore important for interested parties to engage the agency or forego opportunities both to participate in the development of policy and to build a record for potential challenges to final agency determinations.

## **Litigation and Permitting Decisions**

In addition to the development of formal rules and policies, the EPA has demonstrated its willingness to revisit and abandon permitting decisions and litigation positions consistently taken by the agency only months ago.

Indeed, in a number of recent cases, the agency has boldly reversed its litigation position, electing to reconsider permits that the Bush administration had previously issued.

For example, on April 27, 2009, the EPA filed a motion with the Environmental Appeals Board to remand a PSD permit for the proposed Desert Rock coal-fired power plant in New Mexico for further consideration of several issues, including the facility's CO<sub>2</sub> emissions and the use of the pollution control technology Integrated Gasification Combined Cycle, or "IGCC."<sup>[9]</sup>

Prior to the filing of this motion for voluntary remand, the EPA had consistently taken the position that CO<sub>2</sub> emissions and IGCC need not be considered in issuing PSD permits to new coal-fired power plants.

Similarly, within weeks of President Obama's inauguration, the EPA moved to dismiss its previously filed petition for writ of certiorari with the United States Supreme Court that sought to uphold the Clean Air Mercury Rule, a key component of the Bush administration's "Clear Skies Initiative" that had been invalidated by the D.C. Circuit Court of Appeals.<sup>[10]</sup>

In May 2009, the EPA yet again reversed itself, this time submitting a brief opposing an en banc rehearing of a D.C. Circuit decision that had vacated a separate Bush-era rule exempting from permitted emission limits those hazardous air pollutants emission exceedances occurring during "upset" events (i.e., startup, shutdown and malfunction).<sup>[11]</sup>

In both instances, the EPA's pleadings mark the formal abandonment of the agency's previous litigation posture, and further confirm that Bush-era agency positions are afforded little, if any, deference by the current administration.

The EPA's willingness to reconsider permitting decisions and litigation positions suggests that permittees and others with a vested interest in pending litigation can no longer rely on the agency to prosecute and defend actions taken by the agency just a few months ago.

## **Conclusion**

The dramatic reversal of past EPA policy by the Obama administration has been met with mixed reviews.

Environmental groups in most instances have lauded the EPA's decisions to revisit the Bush administration's interpretations of environmental statutes and regulations, and praised what they have called a return to science-based policy at the agency.

Others, particularly some in the business community, have questioned the wisdom of such dramatic changes in EPA practice.

These interested parties have argued that such remarkable changes in the agency's interpretation of the environmental statutes it enforces both upset settled expectations and undermine the credibility of the agency and the processes it employs to develop those interpretations.

Whatever the merits of these respective positions, the EPA's actions under the Obama administration serve as a stark reminder of both the breadth of the EPA's discretion and the need for interested parties to look for and recognize the many opportunities and pitfalls that such vigorous agency activity presents. Elections do, indeed, have consequences.

--By John C. Bottini and John L. Fortuna, King & Spalding LLP

*John Bottini and John Fortuna are both associates with King & Spalding in the firm's Atlanta office.*

*The opinions expressed are those of the authors and do not necessarily reflect the views of Portfolio Media, publisher of Law360.*

[1] See Letter from Lisa P. Jackson to Paul R. Cort (Apr. 24, 2009) (granting Sierra Club and the Natural Resource Defense Council's ("NRDC") petition for reconsideration of specific provisions of EPA's PM2.5 Implementation Rule, 73 Fed. Reg. 28,321 (May 16, 2008)); Letter from Lisa P. Jackson to John Walke (Apr. 24, 2009) (granting NRDC's petition for reconsideration of EPA's Fugitive Emissions Rule, 73 Fed. Reg. 77,882 (Dec. 19, 2008)); Letter from Lisa P. Jackson to Anne Milgram (Apr. 24, 2009) (granting the State of New Jersey's petition for reconsideration of EPA's New Source Review "Reasonable Possibility in Recordkeeping" rule, 72 Fed. Reg. 72,607 (Dec. 21, 2007)); Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR): Aggregation, 74 Fed. Reg. 7,193 (Feb. 13, 2009) (granting NRDC's petition for reconsideration of EPA's New Source Review "Aggregation" Rule, 74 Fed. Reg. 2,376 (Jan. 15, 2009)).

[2] Letter from Lisa P. Jackson to David Bookbinder (Feb. 17, 2009) (granting Sierra Club and others' petition for reconsideration of former EPA Administrator Stephen Johnson's Dec. 18, 2008, memorandum defining the pollutants subject to regulations under the Clean Air Act's PSD program).

[3] Proposed Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act, 74 Fed. Reg. 18,886 (Apr. 24, 2009); Mandatory Reporting of Greenhouse Gases, 74 Fed. Reg. 16,448 (Apr. 10, 2009).

[4] For example, at the request of the California Air Resources Board, EPA recently granted California's requested waiver of preemption under the Clean Air Act enabling the state to enforce its own greenhouse gas emissions standards for new motor vehicles — a waiver that the Bush-era EPA had denied. See California State Motor Vehicle Pollution Control Standards; Notice of Decision Granting a Waiver of Clean Air Act Preemption for California's 2009 and Subsequent Model Year Greenhouse Gas Emission Standards for New Motor Vehicles (June 30, 2009), available at [www.epa.gov/otaq/climate/ca-waiver.htm](http://www.epa.gov/otaq/climate/ca-waiver.htm).

[5] See Proposed Rule, Primary National Ambient Air Quality Standard for Nitrogen Dioxide, Docket ID No. EPA-HQ-OAR-2006-0922, available at [www.epa.gov/air/nitrogenoxides/pdfs/20090626proposal.pdf](http://www.epa.gov/air/nitrogenoxides/pdfs/20090626proposal.pdf).

[6] See Definition of Solid Waste Public Meeting, 74 Fed. Reg. 25,200 (May 27, 2009). EPA's decision to seek comment on possible revisions was prompted by a petition by the Sierra Club, and opposed by industry groups, requesting that the agency repeal the October 2008 revisions to the definition of solid waste rule and stay the implementation of the rule.

[7] Press Release, EPA Announces Next Steps on Two Hazardous Waste Rules (May 5, 2009).

[8] See Notice of Proposed Rulemaking: Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder (June 26, 2009), available at [www.epa.gov/otaq/regs/nonroad/marine/ci/c3reg.pdf](http://www.epa.gov/otaq/regs/nonroad/marine/ci/c3reg.pdf).

[9] EPA Region 9's Motion for Voluntary Remand, In re Desert Rock Energy Company LLC, PSD Appeal Nos. 08-03, 08-04, 08-05, 08-06 (E.A.B. Apr. 27, 2009) (docket available at [yosemite.epa.gov/oa/EAB\\_Web\\_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/7c0e2fa7cd40282f852574a900678970!OpenDocument](http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/7c0e2fa7cd40282f852574a900678970!OpenDocument)).

[10] See *New Jersey v. EPA*, 513 F.3d 574 (D.C. Cir. 2008).

[11] See *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008).

**Aaron  
Dickerson/DC/USEPA/US**  
02/01/2011 03:58 PM

To Richard Windsor  
cc  
bcc  
Subject Reminder - 4:00 Update on Regional Haze. Normal call in number. (i will be sending a new call-in # for the 5:00 Utility MACT)

Aaron  
Dickerson/DC/USEPA/US  
02/22/2012 02:45 PM

To Richard Windsor  
cc  
bcc  
Subject Re: Fw: washington times piece

Arvin/Brendan will call your cell at 4:15.

Richard Windsor | [I'd like to discuss this. Aaron - Can yo...](#) | 02/22/2012 02:08:47 PM

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From: Richard Windsor/DC/USEPA/US  
To: "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Cc: "Aaron Dickerson" <dickerson.aaron@epa.gov>  
Date: 02/22/2012 02:08 PM  
Subject: Fw: washington times piece

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I'd like to discuss this. Aaron - Can you set up a call for this afternoon?

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**From:** Arvin Ganesan  
**Sent:** 02/21/2012 09:50 PM EST  
**To:** Richard Windsor  
**Subject:** washington times piece

Wow. You should expect a harder edged Inhofe.

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March 2 should be a date that lives in infamy for the Obama Environmental Protection Agency. That day will most likely be the last opportunity for congressional Republicans to apply meaningful pressure on EPA Administrator Lisa P. Jackson as she testifies before the Senate Environment and Public Works Committee on the agency's 2013 budget.

Over the past three years, the Obama EPA has conducted a scorched earth campaign against fossil fuel producers and users, especially the coal-fired power industry, with multibillion-dollar rules that provide no meaningful environmental or public-health benefits, like the Cross-State Air Pollution Rule and the Mercury Air Toxics Standard (MATS).

The EPA will soon propose its greenhouse gas emission standards for power plants - rules that will attempt to make it financially impossible to construct new coal-fired power plants in the United States.

It seems that President Obama was deadly serious when he told the San Francisco Chronicle in January 2008, "So if somebody wants to build a coal-powered plant, they can; it's just that it will bankrupt them because they're going to be charged a huge sum for all that greenhouse gas that's being emitted."

And while nothing short of a change of administration will change the fate of coal-fired power in the United States, Senate Republicans should use the March 2 Senate hearing as an opportunity to put Ms. Jackson on the hot seat.

To stoke their blood pressure, Republican committee members should remember that Ms. Jackson has delivered numerous speeches and written newspaper Op-Eds over the past year denouncing Republicans as trying to sicken and kill hundreds of thousands of Americans.

Last October, for example, Ms. Jackson wrote in the Los Angeles Times, "Since the beginning of this year, Republicans in the House have averaged roughly a vote every day the chamber

has been in session to undermine the EPA and our nation's environmental laws. ... How we respond to this assault on our environmental and public health protections will mean the difference between sickness and health - in some cases, life and death - for hundreds of thousands of citizens."

Ms. Jackson has taken the gloves off, and it's time for Sen. Jim Inhofe, Oklahoma Republican, the ranking minority member on the Senate Environment and Public Works Committee, to whip his team into shape and to do the same for this final showdown before the election.

GOP committee members will first need to inoculate themselves against Ms. Jackson's charms. They may like her personally, but her agency's junk science-fueled regulatory war against American jobs, families, businesses and the economy as a whole ought to transcend any warm and cuddly feelings. There is nothing to be gained from the one-way respect and collegiality that allows her to lie, temporize and filibuster her way out of answering tough questions.

Next, GOP committee members need to internalize the reality that American air is already clean and safe, and was so before the Frankenstein that is the Obama EPA came to life. There is no one being harmed by ambient air quality in America and the EPA cannot produce anyone that has been harmed.

JunkScience.com, for example, obtained through the Freedom of Information Act emergency hospital admissions data for 2010-11 from the large Department of Veterans Affairs hospital in West Los Angeles. The data show no correlation between hospital admissions for asthma and air quality measurements for ground-level ozone (smog) and fine particulate matter (soot) in Los Angeles, which supposedly has some of the "worst" air quality in America.

Finally, committee members need to be aware of the massive scientific conflict-of-interest going on in the EPA air office. The EPA not only commissions research that fits its agenda, it then pays the reviewers who rubber-stamp the quality of that research. The EPA also allows its researchers to deny outside scientists access to key data that would allow confirmation of claimed results.

The dubiousness of this process and EPA air quality science in general is best exposed and debunked by a recent study published in the U.S. government journal Environmental Health Perspectives. That study shockingly reported that air quality in the Chinese city of Xi'an, one of the dirtiest cities in the world, is safer than the air in U.S. cities. Either air pollution is not as harmful as the EPA asserts or the agency's self-funded multitude of statistical analyses on air quality are suspect - or both.

No doubt Ms. Jackson will try to deflect questions about the probity of EPA science by saying that scores of "independent" researchers can't possibly be wrong, or worse, part of a conspiracy. But bought-and-paid-for statistics based on secret data really ought to raise a Republican eyebrow.

At a recent House hearing on the EPA MATS rule, Rep. Joe Barton, Texas Republican, successfully interrogated EPA air chief Lisa McCarthy into stunned silence about the absence of health effects from power plant mercury emissions - a dramatic first. Coach Inhofe should get the video for his team

**Aaron  
Dickerson/DC/USEPA/US**  
09/03/2009 04:45 PM

To windsor.richard, David McIntosh, Seth Oster, Diane  
Thompson  
cc  
bcc  
Subject Fw: PSA Bipartisan Statement on Climate Change

FYI

----- Forwarded by Aaron Dickerson/DC/USEPA/US on 09/03/2009 04:28 PM -----

From: Matthew Rojansky <psa@psaonline.org>  
To: Aaron Dickerson/DC/USEPA/US@EPA  
Date: 09/03/2009 04:20 PM  
Subject: PSA Bipartisan Statement on Climate Change

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Dear Ms. Jackson,

I am writing to bring to your attention a high-level bipartisan statement on climate change and national security, signed by thirty-two top Democrats and Republicans, including nine former Senators, three former National Security Advisors, two former Secretaries of State, and a former Secretary of Defense. The full text and signatory list are copied below, and a PDF of the statement can be seen here:

<http://www.psaonline.org/downloads/Climate.pdf>

The statement will appear in Politico as a full page advertisement on Tuesday, September 8. With the U.S. Senate currently considering a bill on climate change and the Copenhagen summit only three months away, we hope this statement can help generate consensus for a clear, comprehensive, realistic and broadly bipartisan plan to address our role in the climate change crisis.

I have copied below an invitation to our formal launch event to be held on Capitol Hill, on Tuesday. Please join us if you can, and feel free to share this invitation with others who may be interested. If you have any questions or suggestions regarding this effort, I would be happy to hear from you.

Sincerely,

Matt Rojansky



Executive Director  
Partnership for a Secure America  
2000 P Street, NW, Suite 505  
Washington, DC 20036  
Phone: (202) 293-8580  
Fax: (202) 747-7732  
E-mail: [rojansky@psaonline.org](mailto:rojansky@psaonline.org)

\*\*\* EVENT INVITATION \*\*\*

**Climate Change, Energy and National Security**  
**We Must Work Together on an American Strategy**

Tuesday, September 8, 2009, 11:00 am – 12:00 pm  
Reserve Officers Association (One Constitution Avenue, NE, Washington, DC 20002)

You are invited to join Partnership for a Secure America, the Reserve Officers Association and CNA for a discussion on the national security implications of climate change and America's energy use. This event will coincide with the release of PSA's bipartisan statement, signed by 32 prominent Republicans and Democrats, urging the development of a “unified American strategy” that will allow the U.S. to respond to and mitigate the impact of climate change.

**Speakers:**

**Sen. Joseph Lieberman** (Invited)  
**R. James Woolsey**, Director of Central Intelligence 1993-95  
**Frank Wisner**, Undersecretary of State 1992-93, Amb. to India 1994-97  
**Vice Admiral Dennis McGinn**, USN (Ret.), CNA Military Advisory Board

*To RSVP*  
E-mail [prandato@psaonline.org](mailto:prandato@psaonline.org)  
Call 202-293-8580

\*\*\* FINAL STATEMENT AND SIGNATORIES \*\*\*

For a PDF version of the statement as it will appear in Politico, click here:

<http://www.psaonline.org/downloads/Climate.pdf>

## **Climate Change Threatens All Americans We Must Work Together on an American Strategy**

Climate change is a national security issue. The longer we wait to act, the harder it will be to mitigate and respond to its impacts. U.S. leadership alone will not guarantee global cooperation. But if we fail to take action now, we will have little hope of influencing other countries to reduce their own harmful contributions to climate change, or of forging a coordinated international response.

We must also help less developed countries adapt to the realities and consequences of a drastically changed climate. Doing so now will help avoid humanitarian disasters and political instability in the future that could ultimately threaten the security of the U.S. and our allies.

But most importantly, we must transcend the political issues that divide us – by party and by region – to devise a unified American strategy that can endure and succeed.

We, the undersigned Republicans and Democrats, believe Congress working closely with the Administration must develop a clear, comprehensive, realistic and broadly bipartisan plan to address our role in the climate change crisis. We must lead.

**Howard Baker**, US Senator (R-TN) 1967-85

**Samuel Berger**, National Security Advisor 1997-2001

**Warren Christopher**, Secretary of State 1993-97

**John C. Danforth**, US Senator (R-MO) 1977-95

**Kenneth M. Duberstein**, White House Chief of Staff 1988-89

**Slade Gorton**, US Senator (R-WA) 1981-87, 1989-2001

**Lee Hamilton**, US Congressman (D-IN) 1965-99, Co-Chair, PSA Advisory Board

**Gary Hart**, US Senator (D-CO) 1975-87

**Rita E. Hauser**, Chair, International Peace Institute

**Carla Hills**, US Trade Representative 1989-93

**Nancy Kassebaum-Baker** US Senator (R-KS) 1978-97

**Thomas Kean**, Governor (R-NJ) 1982-90, 9/11 Commission Chair

**Anthony Lake**, National Security Advisor 1993-97

**Richard Leone**, President, The Century Foundation

**Robert McFarlane**, National Security Advisor 1983-85

**Vice Admiral Dennis McGinn**, USN (Ret.), CNA Military Advisory Board

**Donald McHenry**, US Ambassador to the UN 1979-81

**Sam Nunn**, US Senator (D-GA) 1972-96

**William Perry**, Secretary of Defense 1994-97

**Peter G. Peterson**, Secretary of Commerce 1972-73

**Thomas Pickering**, Under Secretary of State 1997-2000

**Joseph Prueher**, US Ambassador to China 1999-2001, Commander, U.S. Pacific Command 1996-99

**Warren Rudman** US Senator (R-NH) 1980-92

**George Shultz** Secretary of State 1982-89

**Theodore Sorensen**, White House Special Counsel 1961-63

**Gen. Charles F. Wald**, USAF (Ret.) Deputy Commander, US European Command 2002-06, CNA Military Advisory Board

**John Warner**, US Senator (R-VA) 1979-2009

**John Whitehead**, Deputy Secretary of State 1985-88

**Christine Todd Whitman**, Governor (R-NJ) 1994-2001

**Timothy E. Wirth** US Senator (D-CO) 1987-93

**Frank Wisner**, Under Secretary of State 1992-93

**R. James Woolsey**, Director of Central Intelligence 1993-95

[www.PSAonline.org](http://www.PSAonline.org)

Aaron  
Dickerson/DC/USEPA/US  
09/16/2009 09:22 AM

To "Lisa Jackson"  
cc  
bcc  
Subject Fw: Hats off on cars and HFCs

Aaron Dickerson  
Brian Hope

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

**From:** Brian Hope  
**Sent:** 09/16/2009 09:21 AM EDT  
**To:** Eric Wachter; Aaron Dickerson  
**Subject:** Fw: Hats off on cars and HFCs

----- Forwarded by Brian Hope/DC/USEPA/US on 09/16/2009 09:21 AM -----

### Message Information

**Date** 09/15/2009 06:21 PM  
**From** "Doniger, David" <[ddoniger@nrdc.org](mailto:ddoniger@nrdc.org)>  
**To** LisaP Jackson/DC/USEPA/US@EPA  
**cc**  
**Subject** Hats off on cars and HFCs

### Message Body

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Lisa,

This was a banner day on two fronts. Thanks for all your efforts to get the cars proposal, and the HFC proposal, off and running.

Two pieces we're circulating about them:

[http://switchboard.nrdc.org/blogs/rhwang/president\\_obamas\\_national\\_pro\\_g.html](http://switchboard.nrdc.org/blogs/rhwang/president_obamas_national_pro_g.html)

[http://switchboard.nrdc.org/blogs/ddoniger/three\\_amigos\\_move\\_on\\_super\\_gre.html](http://switchboard.nrdc.org/blogs/ddoniger/three_amigos_move_on_super_gre.html)

David

David D. Doniger  
Policy Director, Climate Center  
Natural Resources Defense Council  
1200 New York Ave., NW  
Washington, DC 20005  
Phone: (202) 289-2403  
NRDC Cell: (202) 321-3435  
Personal Cell: (202) 445-9023  
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/>

**OEX Processing Information**

**Processed Date:**

**Processed By**

**PO Office**

**Category:**

**Message Count**

Aaron  
Dickerson/DC/USEPA/US  
09/17/2010 12:26 PM

To "Lisa Jackson"  
cc  
bcc  
Subject Fw: Kudos on a Great Performance by EPA official Dina Kruger

Aaron Dickerson

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**From:** Peter Schoettle [PSCHOETTLE@brookings.edu]  
**Sent:** 09/17/2010 11:35 AM AST  
**To:** LisaP Jackson; "Dickerson.aaron@epa.gov" <Dickerson.aaron@epa.gov>  
**Cc:** "kruger.dina@EPA.gov" <kruger.dina@EPA.gov>; "hargrove.Anne@epa.gov" <hargrove.Anne@epa.gov>; Peter Schoettle <PSCHOETTLE@brookings.edu>; "Elaine Yang" <eyang@brookings.edu>; Carol Davidson <CDAVIDSON@brookings.edu>  
**Subject:** Kudos on a Great Performance by EPA official Dina Kruger

Dear Administrator Lisa Jackson: I want to bring to your attention a recent example of outstanding performance by one of your senior officers, Ms. Dina Kruger, the Director of the Climate Change Division. In a difficult situation, she was outstanding and brought great credit on the EPA and herself. She deserves to be recognized.

This past Tuesday, Sept. 14, Dina Kruger spoke at the Brookings Institution on "Climate Change and the Potential Impact on the Metals Industry." The audience was tough – 14 CEOs of major metal (iron and aluminum) distribution companies from all around the U.S. They were skeptical of the Obama Administration, concerned that prospective EPA regulations could put their firms at a comparative disadvantage, and largely unconvinced of the fact of global climate change. Dina's presentation was calm, clear, logical, and persuasive. She ably outlined the history of EPA actions, the court decisions that dictated policy courses to your agency, and the numerous efforts the EPA had made to obtain input from businesses. Her candor in answering a wide array of somewhat hostile questions helped to disarm the group. I can't state that these CEOs are now confirmed environmentalists, but she did win rave reviews from the group in their confidential evaluations. Her efforts to explain how these companies could in the future most effectively influence the rule-making process, was particularly well received. Dina Kruger could have declined our invitation. Instead, she went into the lions' den and came out a winner. Sincerely, Peter Schoettle, Director, Policy Programs, Brookings Institution (202) 797-6094

Adam Zellner  
<azellner@gbdtoday.com>  
05/04/2010 03:44 PM

To: Richard Windsor  
cc  
bcc  
Subject: RE: Huffington Post: EPA Announces First-Ever Toxic Coal Ash Regulations

thx  
Adam Zellner  
President  
Greener by Design  
94 Church Street - Suite 301  
New Brunswick, NJ 08901  
www.GbDtoday.com  
azellner@GbDtoday.com

---

From: Windsor.Richard@epamail.epa.gov [Windsor.Richard@epamail.epa.gov]  
Sent: Tuesday, May 04, 2010 3:34 PM  
To: Adam Zellner  
Subject: Fw: Huffington Post: EPA Announces First-Ever Toxic Coal Ash Regulations

Info on the website. Can send if you need.

----- 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.

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.

**Adora Andy/DC/USEPA/US**  
03/18/2011 10:29 AM

To Alisha Johnson, Andra Belknap, Assistant Administrators, Associate Administrators, Arvin Ganesan, Avi Garbow, Beth Craig, Beth Zelenski, Betsaida Alcantara, Bicky Corman, Bob Perciasepe, Brendan Gilfillan, Catherine McCabe, Comm Directors and Alternates, Daniel Kanninen, Dayna Gibbons, Don Zinger, Dru Ealons, Elle Beard, Erica Canzler, Erica Jeffries, Gilberto Irizarry, James Jones, Janet McCabe, Joel Beauvais, Juan Reyes, Karen Higginbotham, Kevin Teichman, Lisa Feldt, Lisa Garcia, Lisa Schlosser, Malcolm Jackson, Marygrace Galston, Matt Bogoshian, Michael Moats, Nancy Stoner, PADs and Alternates, Peter Grevatt, Raul Soto, Regional Administrators, Sarah Dale, Sarah Pallone, Scott Fulton, Shalini Vajjhala, Shira Sternberg, Stephanie Owens, Vicki Ekstrom, "windsor.richard@epa.gov"

cc

bcc

Subject REMARKS BY THE PRESIDENT ON THE SITUATION IN JAPAN

All,

Below please find the remarks the President made yesterday on the situation in Japan. I will continue to update you with information as I receive it.

Best,

Adora

THE WHITE HOUSE  
Office of the Press Secretary

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For Immediate Release

March 17, 2011

REMARKS BY THE PRESIDENT  
ON THE SITUATION IN JAPAN

Rose Garden

3:35 P.M. EDT

THE PRESIDENT: Good afternoon, everyone. Over the last several days, the American people have been both heartbroken and deeply concerned about the developments in Japan.

We've seen an earthquake and tsunami render unimaginable -- an unimaginable toll of death and destruction on one of our closest friends and allies in the world. And we've seen this powerful natural disaster cause even more catastrophe through its impact on nuclear reactors that bring peaceful energy to the people of Japan.

Today, I wanted to update the American people on what we know about the situation in Japan, what we're doing to support American citizens and the safety of our own nuclear energy, and how we are helping the Japanese people contain the damage, recover and rebuild.

First, we are bringing all available resources to bear to closely monitor the situation, and to protect American citizens who may be in harm's way. Even as Japanese responders continue to do heroic work, we know that the damage to the nuclear reactors in Fukushima Daiichi plant poses a substantial risk to people who are nearby. That is why yesterday, we called for an evacuation of American citizens who are within 50 miles of the plant. This decision was based upon a careful scientific evaluation and the guidelines that we would use to keep our citizens safe here in the United States, or anywhere in the world.

Beyond this 50-mile radius, the risks do not currently call for an evacuation. But we do have a responsibility to take prudent and precautionary measures to educate those Americans who may be endangered by exposure to radiation if the situation deteriorates. That's why last night I authorized the voluntary departures of family members and dependents of U.S. officials working in northeastern Japan.

All U.S. citizens in Japan should continue to carefully monitor the situation and follow the guidance of the U.S. and Japanese governments. And those who are seeking assistance should contact our embassy and consulates, which continue to be open and operational.

Second, I know that many Americans are also worried about the potential risks to the United States. So I want to be very clear: We do not expect harmful levels of radiation to reach the United States, whether it's the West Coast, Hawaii, Alaska, or U.S. territories in the Pacific. Let me repeat that: We do not expect harmful levels of radiation to reach the West Coast, Hawaii, Alaska, or U.S. territories in the Pacific. That is the judgment of our Nuclear Regulatory Commission and many other experts.

Furthermore, the Centers for Disease Control and Prevention and public health experts do not recommend that people in the United States take precautionary measures beyond staying informed. And going forward, we will continue to keep the American people fully updated -- because I believe that you must know what I know as President.

Here at home, nuclear power is also an important part of our own energy future, along with renewable sources like wind, solar, natural gas and clean coal. Our nuclear power plants have undergone exhaustive study, and have been declared safe for any number of extreme contingencies. But when we see a crisis like the one in Japan, we have a responsibility to learn from this event, and to draw from those lessons to ensure the safety and security of our people.

That's why I've asked the Nuclear Regulatory Commission to do a comprehensive review of the safety of our domestic nuclear plants in light of the natural disaster that unfolded in Japan.

Finally, we are working aggressively to support our Japanese ally at this time of extraordinary challenge. Search and rescue teams are on the ground in Japan to help the recovery effort. A disaster assistance and response team is working to confront the aftermath of the earthquake and tsunami. The U.S. military, which has helped to ensure the security of Japan for decades, is working around the clock.

To date, we've flown hundreds of missions to support the recovery efforts, and distributed thousands of pounds of food and water to the Japanese people. We've also deployed some of our leading experts to help contain the damage at Japan's nuclear reactors. We're sharing with them expertise, equipment, and technology so that the courageous responders on the scene have the benefit of American teamwork and support.

And the American people have also opened up their hearts. Many have given generously to support the ongoing relief efforts. The Red Cross is providing assistance to help meet the immediate needs of those who've been displaced. And I would encourage anybody who wants to lend a hand to go to [usaid.gov](http://usaid.gov) to learn more -- that's [usaid.gov](http://usaid.gov) -- to find out how you can be helpful.

As I told Prime Minister Kan last night, and reaffirmed at the Japanese embassy here in Washington today, the Japanese people are not alone in this time of great trial and sorrow. Across the Pacific, they will find a hand of support extended from the United States as they get back on their feet. After all, we have an alliance that was forged more than a half century ago, and strengthened by shared interests and democratic values. Our people share ties of family, ties of culture, and ties of commerce. Our troops have served to protect Japan's shores, and our citizens have found opportunity and friendship in Japan's cities and towns.

Above all, I am confident that Japan will recover and rebuild because of the strength and spirit of the Japanese people. Over the last few days, they've opened up their homes to one another. They've shared scarce resources of food and water. They've organized shelters, provided free medical care, and looked out for their most vulnerable citizens. One man put it simply: "It's a Japanese thing. When hard times hit, we have to help each other."

In these hard times, there remains, nevertheless, hope for the future. In one small town that had been flattened by the tsunami, emergency workers rescued a four-month-old baby who had been swept out of her parents' arms and stranded for days among the debris. No one can say for certain just how she survived the water and the wreckage around her. There is a mystery in the course of human events.

But in the midst of economic recovery and global upheaval, disasters like this remind us of the common humanity that we share. We see it in the responders who are risking their lives at Fukushima. We show it through the help that has poured into Japan from 70 countries. And we hear it in the cries of a child, miraculously pulled from the rubble. In the coming days, we will continue to do everything we can to ensure the safety of American

citizens and the security of our sources of energy. And we will stand with the people of Japan as they contain this crisis, recover from this hardship, and rebuild their great nation.

Thanks very much.

END 3:42 P.M. EDT

Adora Andy  
Deputy Associate Administrator  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
09/24/2009 05:02 PM

To Allyn Brooks-LaSure, Arvin Ganesan, David McIntosh,  
Richard Windsor, Seth Oster  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc  
Subject Re: WSJ blog: Less Awkward: Senators Backtrack on Plans  
to Rein in EPA

WSJ's Stephen Power changed the headline. It now reads...

# Lisa Versus Lisa: EPA's Jackson Be Murkowski

Awesome.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy Less Awkward: Senators Backtrack on... 09/24/2009 03:58:10 PM

From: Adora Andy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 09/24/2009 03:58 PM  
Subject: WSJ blog: Less Awkward: Senators Backtrack on Plans to Rein in EPA

## Less Awkward: Senators Backtrack on Plans to Rein in EPA

By Stephen Power

Yesterday, we wrote about how members of the U.S. Senate were trying to limit the Environmental Protection Agency's powers to fight climate change – even though the U.N., was trying to persuade other countries to take action.

We noted that both Sens. Tom Harkin and Lisa Murkowski, he an Iowa Democrat, she a Republican, were offering different legislative maneuvers that would both limit the EPA's powers. Well, a lot has changed since yesterday. (See the original post [here](#).)

Turns out Sen. Murkowski won't be offering her amendment after all. The EPA's Lisa Jackson and the [Alliance of Automobile Manufacturers](#) sent letters to Sen. Murkowski's office saying that her amendment would prevent the EPA from finalizing its rules on automobile greenhouse gas emissions. If that had happened, the industry would have been able to continue to lobby against the EPA's rules.

of conflicting state and federal regulations,” the Alliance warned in its letter. A spokesman for Sen. Murkowski says Senate Democratic leaders prevented an amendment and that the senator disputes the EPA administrator’s view that it would prevent the EPA from finalizing its vehicle proposal. “They’ve gone out to court to debate the merits of this bill,” the spokesman said.

Environmentalists are [crowing](#) at the turn of events - a rare case where they are siding with auto makers in favor of regulation.

“The good news is that a major effort failed to pull the rug out from under the nation’s most successful environmental laws. But now, rather than just waiting, the Senate must take a leap forward to repower America with clean energy, making America more energy independent, and creating millions of clean energy jobs. Environment America Federal Global Warming Program Director Emily Harkin. Meanwhile, it seems Sen. Harkin has decided to shelve his amendment. EPA rules that attempt to measure the global-warming impact of biofuels. A spokesman for the senator says he’s been assured by the EPA administrator that the agency “recognizes the uncertainty in calculating the indirect effects on land use from biofuels production” and will “carefully quantify and consider these uncertainties.” In light of these assurances, outlined in a [letter dated Sept. 23](#), the senator will withdraw his amendment today,” his spokesman added.

“All the withdrawal of the amendment means is that the EPA can do what it is supposed to do, which is to make sure that biofuels won’t do harm to the climate,” says Franz A. Hurn, director of the Natural Resources Defense Council.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
10/01/2009 04:12 PM

To Allyn Brooks-LaSure, Betsaida Alcantara, Bob Sussman,  
Brendan Gilfillan, Richard Windsor, Seth Oster  
cc  
bcc  
Subject Re: HEADS UP: 60 Min Preview/clip

Here's what's on their website next to the video clip I sent earlier:

## How Safe Is Coal Ash?

### 60 Minutes Investigates a Potentially Harmful Waste Byproduct that Inundated

(CBS) If coal ash is safe to spread under a golf course or be used in carpets, why are the residents of Kingston, Tenn., where the material was spilled last December? **60 Minutes correspondent Lesley Stahl** reports from the town, where a pond containing coal ash - the byproduct of burning coal for power - inundated homes and yards in a spill 100 times larger than the one that burst in Kingston.

Her **60 Minutes** investigation into a substance that contains the toxic metals mercury, arsenic and lead but has yet to be fully regulated is broadcast this Sunday, Oct. 4, at 7 p.m. ET/PT.

Most of the 130 million tons of waste generated in the U.S. every year by the burning of coal for electricity is recycled and used in a variety of agricultural applications, and even in household products like carpeting or kitchen countertops.

This recycling of coal ash has been going on for years. Many uses have been studied and found to be safe and the EPA does not review many of these uses. Asked why, Lisa Jackson, the new Administrator for the EPA, says, "Coal ash is a regulated material by the federal government."

It is only regulated by the states. Jackson says she does not know if the substance is safe in carpeting or countertops. "The agency is currently reviewing whether or not the EPA should regulate the disposal of coal ash as a hazardous waste. In December we will make a regulatory proposal with respect to this material," she tells Stahl.

But in one site at least, her agency is already treating coal ash like a hazardous waste. The EPA has taken over the site of a coal ash spill, where the waste is being dredged up from the Emory River. On location, there is concern that the ash is being recycled. "In the wrong circumstances coal ash is dangerous. Breathing it, that's dangerous," says Leo Francendese, head of the Tennessee Valley Authority.

It's considered dangerous enough that when Stahl left the Kingston site where she spoke to Francendese, both she and Stahl had to wear coal ash powder residue.

Jim Roewer, a lobbyist for the power industry who specializes in coal ash related issues, says that in the wake of the spill, the industry can do better, but on the whole he thinks they are disposing of the coal ash as safely as they can.

He warns that if the EPA labels and regulates coal ash as a hazardous waste, its recycling - which significantly offsets the cost of coal - will be severely impacted in a negative way, and the price of electricity will shoot up. "Environmental protection doesn't mean higher electricity prices."

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency



Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy      A taste of what's to come Sunday... Lin...      10/01/2009 03:51:38 PM

From: Adora Andy/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Cc: Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 10/01/2009 03:51 PM  
Subject: HEADS UP: 60 Min Preview/clip

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A taste of what's to come Sunday... Link below. Brendan made the transcript for those in the field:

<http://www.cbsnews.com/video/watch/?id=5356259n&tag=related;photovideo>

(VOICE OVER VIDEO of coal ash being poured and spread on the ground)

Stahl: Coal ash is recycled in dozens of ways. As cement substitute for instance. It's also placed under roads, and in deserted mines. It's added to products from carpets to bowling balls to bathroom sinks. While the industry says the uses have been studied, I asked Lisa Jackson if the EPA knows whether some of the recycled products are safe.

(BACK ON CAMERA)

Stahl: School room carpeting?

LPJ: I don't know. I have no data that says that is safe at this point.

Stahl: Kitchen counters?

LPJ: The same.

Stahl: 50,000 tons of coal ash, the byproduct, have been used in agriculture. Now what's being done, through EPA, to look at the use of coal ash in agricultural products. Anything? Is there a study?

LPJ: I'm not sure that there's any study out there right now.

Stahl: How did we get to a place where coal ash is in products without anybody knowing?

LPJ: We're here now because coal ash right at this time isn't regulated material by the federal government.

###

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



Adora Andy/DC/USEPA/US  
08/24/2009 11:47 AM

To Allyn Brooks-LaSure, Seth Oster, Richard Windsor  
cc  
bcc  
Subject NRDC: EPA WON'T RESTRICT TOXIC HERBACIDE - WH DOCUMENTS SAY INDUSTRY INFLUENCED DECISION

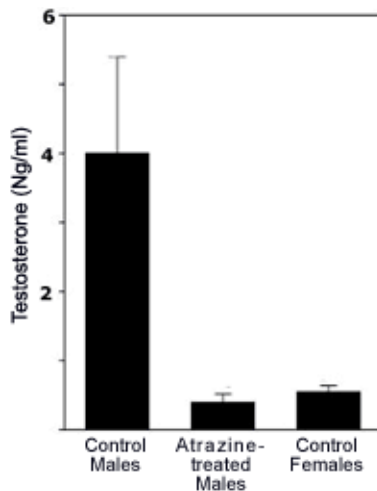
# EPA Won't Restrict Toxic Herbicide Atrazine, Despite Health Threat

## White House documents obtained by NRDC reveal that industry influenced the decision.

The EPA has decided not to limit one of the nation's most widely used weed-killers, a chemical that, according to several recent studies, threatens human health and the environment. The October 2003 decision -- which the EPA was required to make under a court-approved consent decree reached with NRDC in 2001 -- will allow Syngenta, the main manufacturer of atrazine, and other companies to continue to sell the chemical in the United States with no significant restrictions.

To determine whether industry played a role in shaping the EPA's decision, NRDC filed a series of Freedom of Information Act requests with the White House and the EPA, which failed to produce relevant documents. In November 2003, NRDC filed a lawsuit charging that the White House and the agency were violating the freedom of information law by withholding documentary evidence. The following month, the White House released 22 documents, with most of their contents blacked out, including a memo from former senator Bob Dole to a high-level White House official urging the EPA not to restrict the hazardous weed-killer despite the environmental risks. The White House continues to withhold more than 80 other relevant documents.

In a lawsuit filed in August 2003, NRDC charged the EPA with failing to protect endangered species from atrazine, despite having acknowledged that the weed-killer might cause widespread harm to endangered species. NRDC is calling on the EPA to fulfill its obligations under the Endangered Species Act and ban atrazine from the market. NRDC has also asked Syngenta to hand over to the EPA, and to make readily available to the public, any other data it may have on atrazine's health effects.



A 2002 study by Dr. Tyrone Hayes of atrazine's effects on frogs found that sexually mature males suffered a

In 2003, Dr. Hayes found that atrazine induced hermaphroditism at 0.1 ppb in American leopard frogs. (An ab

In announcing its October 2003 decision not to restrict atrazine use, the EPA said it found that atrazine is

not likely to cause cancer in humans. However, an August 2003 report from the EPA's independent scientific advisory panel noted that atrazine exposure could not be ruled out as the cause of cancers observed in studies of the chemical.

Several recent studies show that atrazine causes sexual abnormalities in frogs, and another revealed elevated levels of prostate cancer in workers at an atrazine manufacturing plant. Some of the findings resulted from research funded by the manufacturer itself. In at least one case, when the data's damning implications became clear, the company repeatedly insisted on new tests. Indeed, the frog data only became public after the scientist conducting the research ended his contract with the manufacturer -- a company formed by the merger of Novartis and Zeneca and now called Syngenta -- and re-ran his experiment independently.

Because of atrazine's risks, several European countries have already banned the chemical, and the European Union has announced it will ban it entirely by early 2005. In America, though, farmers continue to spray the weed-killer heavily on corn, sugarcane and other crops throughout the country. As a result, some portion of the more than 60 million pounds of atrazine applied annually makes its way into streams, rivers, lakes and drinking water supplies. The problem is at its worst in the spring, when atrazine is applied most heavily, then washed by rain into waterways.

### EPA Cut Private Deal with Manufacturers

Under the deal, the EPA will adopt no regulatory restrictions on atrazine use, and more than 96 percent of the streams that the EPA has identified as being at highest risk from atrazine contamination will remain untested by Syngenta. Nor will the EPA take any steps to protect those streams.

The EPA has found that atrazine is toxic to some species in water at levels as low as 2.16 parts per billion (ppb). Under the new agreement, however, Syngenta will only be required to take additional steps, such as increased monitoring, when a stream exceeds a "level of concern" -- apparently a range from 10 to 20 ppb -- over a vaguely defined "prolonged period," and only then for the most contaminated of the 40 monitored streams.

### Sexual Deformities in Frogs

<b>Atrazine Application on Corn Crops by State, 2001</b>	
<b>State</b>	<b>Pounds of Atrazine</b>
CO, GA, KY, NC, ND, NY, PA, SD, TX, WI	Between 166,000 and 1,915,000
MI, MO, MN	Between 1,915,000 and 3,664,000
KS, OH	Between 3,664,000 and 5,413,000
NE	Between 5,413,000 and 7,162,000

IA, IN	Between 7,162,000 and 8,911,000
IL	Between 12,409,000 and 14,158,000
No data or very little data: AL, AR, AZ, CA, CT, DC, DE, FL, ID, LA, MA, MD, ME, MS, MT, NH, NJ, NM, NV, OK, OR, RI, SC, TN, VA, VT, WA, WV, WY	
Data: National Agriculture Statistics Service, Agricultural Chemical Use Database	

One of the first of several studies to turn up evidence of sexual deformities in frogs exposed to atrazine was conducted by Dr. Tyrone Hayes, and published -- after much delay -- in April 2002. Dr. Hayes conducted initial research with funding from Syngenta, and the deformities he found in the frogs included hermaphroditism.

Syngenta responded by repeatedly sending him back to re-run his research, and apparently did not submit the findings about hermaphroditism to the EPA. Frustrated by the delays, Dr. Hayes eventually gave up his Syngenta funding, ran the experiments again independently, and found the same results. Since then, Syngenta-funded researcher Tim Gross has reported similarly damaging effects to a different species of frogs exposed to atrazine, including males with abnormal female skin coloration.

### Atrazine May Contribute to Human Cancers

Separately, data gathered by Syngenta also shows a potential link to prostate cancer in humans. But, as with the frog research, the company's data was suspiciously slow in reaching the public and the EPA. In the summer of 2001, NRDC learned that Syngenta had been tracking prostate cancer in the employees of its St. Gabriel, Louisiana atrazine plant. Only after NRDC alerted the EPA did Syngenta submit reports of numerous recent cancer cases to the agency. The study has since been published in the *Journal of Occupational and Environmental Medicine*. Its most significant finding is that Syngenta employees have elevated rates of prostate cancer -- a rate more than three-and-a-half times higher than the Louisiana statewide average. One worker employed by the St. Gabriel facility in the mid-1970s said that he "worked 'eyeball' deep in the powder [atrazine]" and recalls instances of employees "eating meals . . . in areas covered with atrazine dust." Another worker recalls his supervisors telling him that "atrazine could be eaten without any adverse health effects."

The Syngenta study might even understate the problem, because the company has not updated the numbers to include new cancer cases since 1999. While the company proposes that the increased detection of cancers is due to a company prostate screening program, it provides no data to support this view.

### Protecting Your Family from Atrazine

Some large water systems test for atrazine in their water supplies and filter it from drinking water if necessary, but smaller systems often do not. The good news is that a simple activated carbon-based water filter -- like the ones commonly available in grocery stores and elsewhere in pitcher and faucet-mount varieties -- can filter atrazine from drinking water.

###

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
03/31/2010 12:06 PM

To Allyn Brooks-LaSure, Seth Oster, Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Gina McCarthy, Stephanie Owens, Arvin Ganesan, David McIntosh  
cc Betsaida Alcantara, Brendan Gilfillan, Alisha Johnson, Michael Moats  
bcc  
Subject NPR: Obama Gets Drilled By Enviros; An Attempt To Win GOP Votes?

NPR: POLITICAL JUNKIE BLOG  
[http://www.npr.org/blogs/politicaljunkie/2010/03/obama\\_gets\\_drilled\\_by\\_enviros.html](http://www.npr.org/blogs/politicaljunkie/2010/03/obama_gets_drilled_by_enviros.html)

## Obama Gets Drilled By Enviros; An Attempt To Win GOP Votes?

Environmentalists had nothing but contempt for the GOP platform in 2008. How will they react to today's Obama move on drilling?

One of the many issues that separated the Democratic and Republican national tickets in 2008 was the environment. The selection of Alaska Gov. *Sarah Palin* as *John McCain's* running mate, and the chants of "Drill, baby, drill" filling the Republican convention hall in St. Paul, drove environmentalists nuts. They responded with ridicule, exasperation and contempt. While Republicans argued that increased drilling for oil in the U.S. would result in lowering prices and weaning us away from the OPEC nations, enviros -- such as this posting at the time from the [Environmental Defense Fund](#) -- saw it differently:

Drilling will not reduce fuel prices, and will not make us more energy independent. The only way to achieve these goals is to reduce our dependence on oil -- foreign or domestic -- through fuel economy, and a cap on carbon emissions. A carbon cap will spur innovation and shift us into a green energy economy.

*Dan Weiss*, the former political director at the **Sierra Club**, wrote [this](#) in response to the selection of Palin as VP:

Palin is a champion for drilling, the Bush-Cheney approach to energy policy that brought us \$4.00-per-gallon gasoline and the rising threat of global warming. Like McCain, Palin believes that oil drilling is the only solution to our energy problems. "I beg to disagree with any candidate who would say we can't drill our way out of our problem," she says. She supports more drilling in protected areas of the Outer Continental Shelf and the Alaska Natural Wildlife Refuge, once attacking McCain for his "close-mindedness on ANWR." ... Sarah Palin has taken positions that would ensure a continuation of the Bush-Cheney energy policies. She supports drilling everywhere and ignores the need for binding reductions in global warming pollution even though her state is melting. The continuation of these policies will continue higher energy costs, more severe hurricanes and droughts, and despoiled natural treasures.

It's not that candidate **Barack Obama** promised an end to drilling. But there was no question where environmentalists stood in the 2008 presidential campaign.

Still, they were no doubt prepared for bad news, and some of it came today. Obama hinted during his State of the Union message that increased drilling was a real option. Today's speech, given at the Andrews Air Force Base in Maryland, had something for them to cheer about: for example, Obama ruled out drilling in Alaska's Bristol Bay, deciding instead to conduct an environmental study to see if such drilling could be defended.

But he did call for drilling on tracts 50 miles off the coast of Virginia, and increased drilling could follow off the Florida Gulf coast as well. It will be the first new drilling in the Atlantic in decades.

In his speech this morning, Obama said that this was "not a decision that I've made lightly":

But the bottom line is this: given our energy needs, in order to sustain economic growth, produce jobs, and keep our businesses competitive, we're going to need to harness traditional sources of fuel even as we ramp up production of new sources of renewable, homegrown energy.

Much of the speculation for the administration's reasoning has been on the need to get Republican votes for Obama's climate legislation. Sens. **John Kerry** (D-MA), **Lindsey Graham** (R-SC) and **Joe Lieberman** (I-CT) are trying to hammer out a bipartisan climate bill, but Graham is getting no GOP backing on this, and Graham himself has said that he couldn't support a bill that "doesn't have off-shore drilling in a meaningful way."

The New York Times' [John Broder](#) writes that today's proposal by Obama could "help win political support for comprehensive energy and climate legislation," but at the same time, "the sheer breadth of the offshore drilling decision will take some of his supporters aback. And it is no sure thing that it will win support for a climate bill from undecided senators close to the oil industry," such as **Lisa Murkowski** (R-AK) or **Mary Landrieu** (D-LA).

If the president was expecting an unfavorable reaction from environmentalist groups, he is unlikely to be disappointed.

[Kevin Drum](#) of *Mother Jones* doesn't understand the president's strategy:

Here's what I don't get. When it comes to energy, conservatives are crazy about two things: nuclear power and offshore drilling. Now Obama has agreed to both. But does he seriously think this will "help win political support for comprehensive energy and climate legislation"? Wouldn't he be better off holding this stuff in reserve and negotiating it away in return for actual support, not just hoped-for support? What am I missing here?

A more resigned [Monica Potts](#) blogs at *The American Prospect* :



It's not like Obama said he didn't support off-shore-drilling expansion as a candidate, but this announcement is still a disappointment. The gains are likely to be small, the risks are huge, and it puts politics over evidence.

But conservatives are unlikely to be pleased either. Rep. [Mike Pence](#) (R-IN) wasn't buying the Obama argument:

The President's announcement today is a smokescreen. It will almost certainly delay any new offshore exploration until at least 2012 and include only a fraction of the offshore resources that the previous Administration included in its plan.

Unfortunately, this is yet another feeble attempt to gain votes for the President's national energy tax bill that is languishing in the Senate. At the end of the day this Administration's energy plan is simple: increase the cost of energy on every family in America and trade American jobs overseas at a time when millions of Americans are looking for work.

And Moe Lane, blogging at [RedState](#), was equally dismissive:

The White House is implying the promise of jam tomorrow - in reality, it's just a study to revisit the denial of jam yesterday - in exchange for jam today. Only the jam today is actually a swarm of angry wasps. Try again, Mr. President. Start with rescinding your interference with the Bush drilling permits, and expect to give up more. A lot more: your opponents are not interested in indulging the Greenies' quaint, somewhat primitive religious sensibilities.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

09/22/2009 10:11 AM

To David McIntosh

cc Allyn Brooks-LaSure, Arvin Ganesan, Bob Perciasepe, Diane Thompson, Gina McCarthy, Lisa Heinzerling, Richard Windsor, Seth Oster

bcc

Subject Re: Murkowski Holding Press Conference on Amendment

It's already with reporters.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

David McIntosh

I think this bolsters the case for getting...

09/22/2009 10:09:27 AM

From: David McIntosh/DC/USEPA/US  
To: Seth Oster/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA  
Date: 09/22/2009 10:09 AM  
Subject: Re: Murkowski Holding Press Conference on Amendment

I think this bolsters the case for getting the Administrator's quote to her for review and then out to reporters within the next couple of hours.

Seth Oster

FOR IMMEDIATE RELEASE

...

09/22/2009 10:08:08 AM

From: Seth Oster/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 09/22/2009 10:08 AM  
Subject: Murkowski Holding Press Conference on Amendment

**FOR IMMEDIATE RELEASE**

**Office**

September 22, 2009

**CONTACT: Press**

202-863-8614

**\*\*\*MEDIA ADVISORY\*\*\***

## **U.S. SENATOR LISA MURKOWSKI TO HOLD PRESS CONFERENCE CALL ON CLIMATE CHANGE**

**WASHINGTON** – Alaska Senator Lisa Murkowski will hold a press conference call today at 3:00 p.m. EDT to discuss the president's speech on climate change in New York. Details of the press conference call are as follows:

**Tuesday, September 22, 2009**

**WHAT: Press Conference Call**

**WHO: Senator Lisa Murkowski (R-AK)**

**WHEN: 3:00 p.m. EDT**

**CALL-IN 1-800-369-2045**  
**Pass Code: RNC Communications**

Seth Oster  
Associate Administrator  
Office of Public Affairs  
Environmental Protection Agency  
(202) 564-1918  
oster.seth@epa.gov

Adora Andy/DC/USEPA/US

08/18/2009 05:12 PM

To Richard Windsor

cc

bcc

Subject FYI: the Grio

<http://www.thegrio.com/2009/08/heart-disease-cancer-and-respiratory.php>

## Environmental threats contaminate our health and pro

By *Lisa Jackson*

8:01 AM on 08/18/2009



Jyra Hill, 16, Feb. 12, 2009 in Kansas City, Mo. Until about a year ago, Jyra Hill never had a green thought in her head. She admits she regularly threw trash out the car window. (AP Photo/The Kansas City Star, Mike Ransdell)

Heart disease, cancer and respiratory illness are three of the top four deadliest health threats in America. They are among the deaths in the nation and all three have an overwhelming impact on black communities.

Blacks visit the emergency room for asthma at three and a half times the average rate that whites do, [Mortality rates for cancer](#) are higher for us than for any other group and [heart disease](#) is the most fatal.

Many of us have friends or family members battling these diseases, and far too many of us know loved ones who have died. There is another common trend here: all of these illnesses have been linked to environmental causes.

These health threats are connected to our greatest health challenges. African Americans - who are almost twice as likely as whites to die from heart disease - breathe in more air pollution related to asthma and heart disease. High-traffic urban areas are blanketed with smog, leading to premature birth and raising the threat of developmental disabilities in children. Poor and minority communities are often located near polluters and face exposure to disease causing chemicals in their land and water.

These health threats don't travel alone. Building schools in polluted areas means our kids fall behind because of asthma or other problems. The poor who get sick because of toxins in their neighborhoods are the same people who end up in emergency rooms. That drives up health care costs for everyone and hurts the entire economy.

And environmental challenges hold back economic growth. At a recent meeting of national black business leaders, there were concerns about the costs of environmental regulations. But what about the costs in lost productivity from people staying home with a sick child? What about the costs for small businesses that pay higher health insurance

workers are at greater risk of chronic diseases? When environmental degradation keeps businesses from growing, jobs are limited. As a result, crime and violence are higher, often drug use is rampant, and the vicious cycle of poverty keeps our young people to value, aspire to, or take pride in when they see that their communities are unclear about the future. The people around them seem unconcerned?

Our country is vigorously debating the future of health care, clean energy and climate change. We can create more good energy jobs, and healthy environments to black communities, but only if we act with the fierce urgency of now. These new opportunities the same way previous generations fought for the opportunities we have today. African Americans, now and in the years ahead, depend on our work to create clean, safe environments where they can play and learn.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
09/10/2009 07:33 PM

To Richard Windsor  
cc  
bcc  
Subject NYT: CHAMBER OF COMMERCE, CAR DEALERS FIGHT CALIFORNIA EMISSIONS RULES

**NEW YORK TIMES**

**September 10, 2009, 7:00 pm**

**Chamber of Commerce, Car Dealers Fight California Emissions Rules**

**By *Jim Motavalli***

The United States Chamber of Commerce is joining with the National Automobile Dealers Association in an attempt to derail California's ability to regulate greenhouse gas emissions. In a Sept. 8 preliminary filing with the federal court of appeals in Washington, the Chamber of Commerce and the dealer association asked for a review of an E.P.A. action last July that [granted California a waiver](#) allowing the state to regulate tailpipe climate emissions. Their court action was filed against the Environmental Protection Agency and its administrator, Lisa Jackson. The petition for review does not spell out arguments, but a "Statement of Issues to be Raised" is due at the court by Oct. 13.

N.A.D.A. did not respond to requests for a statement. A spokesman for the Chamber of Commerce, Sheldon Gilbert, was asked if it was accurate to call the filing preliminary to a lawsuit. "That's a fair description," he said.

The court filing does not have the backing of the Alliance of Automobile Manufacturers, which represents all three of the major American automakers.

Last May, the Obama administration established rules for [a single national regulatory standard](#) for fuel efficiency — which will, in effect, also regulate tailpipe emissions — something the automakers have long sought. Proposed regulations to be issued as early as this month are expected to lay out a road map to a 35.5 mile-per-gallon federal standard by 2016. The new lawsuit appears to be aimed not at blocking the national agreement, but at preventing the precedent of allowing states to regulate greenhouse gases.

The E.P.A. said in a statement that it granted the California waiver "after a comprehensive analysis of the science and in adherence to the rule of law. The agency believes strongly it was the right decision and is fully confident it will be found by the courts to be entirely consistent with the law."

Mary Nichols, chairwoman of the California Air Resources Board, also made a statement. "We are very disappointed that these parties continue to pursue an outdated course of action designed to obstruct and oppose efforts to move us toward a cleaner environment and greater energy security," she said. "And we are confident that E.P.A. will prevail in court. California has led the nation on aggressive greenhouse gas reduction efforts, and has shown you can protect the environment and create jobs at the same time."

According to Charles Territo, a spokesman for the Alliance of Automobile Manufacturers, who had just seen the filing, "We share the Obama administration's goals of increasing fuel economy and reducing carbon dioxide emissions and remain committed to the national program announced last May."

Dan Becker, director of the Center for Auto Safety's Safe Climate Campaign, said any such lawsuit is likely to be "a loser." He added, "It's not surprising that polluting industries would throw the kitchen sink to try to block the E.P.A. from controlling global warming pollution, but

it is unfortunate.”

Frank O’Donnell, president of Clean Air Watch, said the court filing is “the leading edge of what may be a hurricane of lawsuits against attempts to deal with climate.” [According to a report in Greenwire](#), industry challenges may also arise to other climate-related E.P.A. regulations, including “the Clean Air Act portion of the car and truck standards.”

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**

10/05/2009 11:42 AM

To: Richard Windsor

cc

bcc

Subject: Re: 60 minutes coal ash story

np

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Richard Windsor

Got it. Tx. ----- Original Message -----

10/05/2009 11:40:30 AM

From: Richard Windsor/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Date: 10/05/2009 11:40 AM  
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>

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



**Adora Andy/DC/USEPA/US**

10/13/2009 08:35 PM

To Richard Windsor

cc

bcc

Subject Re: AP: Endangerment updated story

Amen! Good coverage so far.  
Richard Windsor

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

**From:** Richard Windsor

**Sent:** 10/13/2009 08:33 PM EDT

**To:** Adora Andy

**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

Adora Andy/DC/USEPA/US  
10/07/2009 01:29 PM

To: Richard Windsor  
cc  
bcc  
Subject: Re: CHARLESTON GAZETTE: EPA-CORPS SHOWDOWN  
COMING?

no prob

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Richard Windsor | [Boy oh boy. Tx!](#) | ----- Original Mess... | 10/07/2009 12:31:41 PM

From: Richard Windsor/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Date: 10/07/2009 12:31 PM  
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 administration and the 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 limit the 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 is evaluating other practical alternatives that would have less impacts on the aquatic environment than the current permit operation covering 2,278 acres and including 8.3 miles of valley fills and other structures. The operation is 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 took 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 stay his order over 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 a permit.”

Under [Section 404\(c\) of the Clean Water Act](#), EPA may override Corps decisions to issue a permit. EPA can do so only after first issuing a public notice and providing opportunity for public comment. EPA determines that the proposed permit:

*... Will have an unacceptable adverse effect on municipal water supplies, surface waters, wetlands, fish and wildlife, spawning and breeding areas, wildlife, or recreational areas.*

Recall that in early September EPA officials urged the Corps to revoke, suspend or modify the permit, [citing a long list of problems with the current mining proposal](#). DOJ lawyers then asked Judge Chambers 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 [Manly](#) 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 included the following language:

*... I am mindful of your agency's concerns and appreciate the efforts you are making to conduct an environmental review of pending applications for surface coal mining activities. Your staff is very helpful and they are providing excellent support to the Department. We would like to provide a more rigorous review of applications in the coalfields. I look forward to your continued collaboration as we work closely with your agency on all projects.*

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 showdown is coming.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
12/07/2009 05:26 PM

To: Richard Windsor  
cc  
bcc  
Subject: Re: ENDANGERMENT ANNOUNCEMENT TALLIES

add to that: 5000 following us on twitter. :)

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Richard Windsor    **Wow!**    ----- Original Message -----    12/07/2009 05:10:03 PM

From: Richard Windsor/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Date: 12/07/2009 05:10 PM  
Subject: Re: ENDANGERMENT ANNOUNCEMENT TALLIES

Wow!

Adora Andy

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

**From:** Adora Andy  
**Sent:** 12/07/2009 04:34 PM EST  
**To:** Richard Windsor; Seth Oster; Allyn Brooks-LaSure; Bob Perciasepe; Diane Thompson; Bob Sussman; Gina McCarthy; Lisa Heinzerling; Stephanie Owens  
**Cc:** Brendan Gilfillan; Betsaida Alcantara; Michael Moats; Shira Sternberg  
**Subject:** ENDANGERMENT ANNOUNCEMENT TALLIES

**REPORTERS ON TELEPHONE:**

58

**NUMBER OF PEOPLE STREAMING ON EPA.GOV:**

2445

**REPORTERS AT THE PRESS CONFERENCE:**

Over 30 media outlets, including 13 TV cameras

**COMMENTS ON FACEBOOK:**

33 so far

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



Adora Andy/DC/USEPA/US

11/10/2009 04:14 PM

To Richard Windsor

cc

bcc

Subject Re: NJ POLITICKER: Obama's Climate Change Dilema

Isn't that nice.

Richard Windsor

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

**From:** Richard Windsor

**Sent:** 11/10/2009 03:52 PM EST

**To:** Adora Andy

**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](mailto:Asteinberg613@comcast.net) .

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

10/14/2009 01:52 PM

To Richard Windsor

cc

bcc

Subject Re: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

Don't you love it?!  
Richard Windsor

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

**From:** Richard Windsor

**Sent:** 10/14/2009 01:44 PM EDT

**To:** Adora Andy

**Subject:** Re: NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

Hahahaha

Adora Andy

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

**From:** Adora Andy

**Sent:** 10/14/2009 01:16 PM EDT

**To:** Richard Windsor; Bob Sussman; Seth Oster; Allyn Brooks-LaSure; Lisa Heinzerling; David McIntosh; Gina McCarthy; Diane Thompson; Bob Perciasepe

**Cc:** Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Stephanie Owens; Arvin Ganesan

**Subject:** NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

NEW YORK TIMES

October 14, 2009

## Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

By ROBIN BRAVENDER of [Greenwire](#)

Climate scientists are refuting claims that raw data used in critical climate change reports has been destroyed, rendering the reports and policies based on those reports unreliable.

The Competitive Enterprise Institute, a free-market advocacy group, is arguing that U.S. EPA's climate policies rely on raw data that have been destroyed and are therefore unreliable. The nonprofit group -- a staunch critic of U.S. EPA's efforts to regulate greenhouse gases -- [petitioned](#) (pdf) the agency last week to reopen the public comment period on its proposed "endangerment finding" because the data set had been lost ([E&ENews PM](#), Oct. 9).

But climate scientists familiar with the data insist that the reports are based on sound science and that the data in question was altered as part of standard operating procedure to ensure consistency across reporting stations.

At issue is raw data from the Climatic Research Unit at the University of East Anglia in Norwich, England, including surface temperature averages from weather stations around the

world. The data was used in assessments by the Intergovernmental Panel on Climate Change, reports that EPA has used in turn to formulate its climate policies.

Citing a statement on the research unit's Web site, CEI blasted the research unit for the "suspicious destruction of its original data." According to CRU's Web site, "Data storage availability in the 1980s meant that we were not able to keep the multiple sources for some sites, only the station series after adjustment for homogeneity issues. We, therefore, do not hold the original raw data but only the value-added (i.e. quality controlled and homogenized) data."

Phil Jones, director of the Climatic Research Unit, said that the vast majority of the station data was not altered at all, and the small amount that was changed was adjusted for consistency.

The research unit has deleted less than 5 percent of its original station data from its database because the stations had several discontinuities or were affected by urbanization trends, Jones said.

"When you're looking at climate data, you don't want stations that are showing urban warming trends," Jones said, "so we've taken them out." Most of the stations for which data was removed are located in areas where there were already dense monitoring networks, he added. "We rarely removed a station in a data-sparse region of the world."

Refuting CEI's claims of data-destruction, Jones said, "We haven't destroyed anything. The data is still there -- you can still get these stations from the [NOAA] National Climatic Data Center."

Tom Karl, director of the National Oceanic and Atmospheric Administration's National Climatic Data Center in Asheville, N.C., noted that the conclusions of the IPCC reports are based on several data sets in addition to the CRU, including data from NOAA, NASA and the United Kingdom Met Office. Each of those data sets basically show identical multi-decadal trends, Karl said.

Still, CEI's general counsel Sam Kazman remains skeptical of the IPCC's conclusions. The fact that the report relies on several data sets "doesn't really answer the issue," he said.

CEI and Cato Institute senior fellow Patrick Michaels argued that the "destruction of [CRU's] raw data violates basic scientific norms regarding reproducibility, which are especially important in climatology."

Ben Santer, a climate scientist at Lawrence Livermore National Laboratory, dismissed that argument. "Raw data were not secretly destroyed to avoid efforts by other scientists to replicate the CRU and Hadley Centre-based estimates of global-scale changes in near-surface temperature," he wrote in comments to the advocacy group Climate Science Watch.

Santer said CRU's major findings were replicated by other groups, including the NOAA climatic data center, the NASA Goddard Institute for Space Studies, and also in Russia.

For more news on energy and the environment, visit [www.greenwire.com](http://www.greenwire.com).

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**

07/11/2011 07:30 AM

To Richard Windsor

cc

bcc

Subject Re: St. Pete Times: Republicans take dead aim on EPA

Yeah! Quite a few pro-EPA/LPJ editorials. Today!  
Richard Windsor

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

**From:** Richard Windsor

**Sent:** 07/11/2011 07:25 AM EDT

**To:** Adora Andy

**Subject:** Re: St. Pete Times: Republicans take dead aim on EPA

Cool!

Adora Andy

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

**From:** Adora Andy

**Sent:** 07/11/2011 07:20 AM EDT

**To:** Scott Fulton; Daniel Kanninen; "Richard Windsor"

<windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman"

<sussman.bob@epa.gov>; David McIntosh; "Arvin Ganesan"

<ganesan.arvin@epa.gov>; Sarah Pallone

**Cc:** Stephanie Owens; Shira Sternberg; Alisha Johnson; Dru Ealons; "Brendan

Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara"

<alcantara.betsaida@epa.gov>; Andra Belknap; Michael Moats; Vicki Ekstrom;

"Seth Oster" <oster.seth@epa.gov>

**Subject:** St. Pete Times: Republicans take dead aim on EPA



Appeared in: St. Petersburg Times and Pocono Record

Republicans take dead aim on EPA

By Robyn Blumner

July 11, 2011 12:00 AM

The best way to appreciate the benefits of environmental regulation is to travel internationally. I don't mean to First World cities like Toronto or Paris but to places where government is unable or unwilling to rein in polluters.

When I was in Beijing about 10 years ago, travelers could expect days of thick smog and locals sporting facemasks to protect their lungs. What I saw in Lagos, Nigeria, were waterways piled high with garbage, while children played nearby. And the tap water? Don't even brush your teeth with it. In my experience, anywhere pollution was allowed to exist, it did, ruining the outdoors, not to mention the health of human beings.

But in America we have the Environmental Protection Agency.

Yes, the EPA, the great "Job-Killing Organization of America" as Republican presidential candidate Michele Bachmann dubbed it. She'd repeal it if she could. So would former House Speaker Newt Gingrich, another GOP presidential hopeful, who would replace it with the "Environmental Solutions Agency," that would work cooperatively with industry. Because that's worked so well in the past.

The EPA is under assault right now by Republicans on the campaign trail as well as in Congress. Last

week, House Republicans outlined new cuts they will seek, representing an 18 percent reduction from current spending. EPA administrator Lisa Jackson has been called before a congressional energy subcommittee to be pilloried by its chairman Rep. Edward Whitfield, R-Ky. She's a Republican punching bag.

There is a fever pitch of hysteria coming from conservatives against a host of regulations that would tighten rules on harmful emissions from coal-burning power plants, mining operations and vehicles. The new rules are needed in light of the latest scientific data on the dangers posed to human health by various pollutants. Even former Republican EPA administrators, William Ruckelshaus and Christine Todd Whitman, have been publicly defending the Obama administration's efforts, including on the regulation of greenhouse gas emissions.

But current congressional Republicans, representing their industry donors and climate-change deniers, are in full-attack mode. As always, the science is irrelevant, and when profits are at risk, so is human health.

What a far cry from the bipartisanship that surrounded the EPA's beginnings in 1970, when Republican President Richard Nixon established it. That year, a Democratic controlled Congress passed the Clean Air Act by a vote of 73-to-0 in the Senate, and 374-to-1 in the House. Everyone understood that the time had come to put the Earth first.

America desperately needed heavy-handed, top-down environmental regulation. As Ruckelshaus and Whitman noted in a Washington Post op-ed, air in major cities was so smog-filled that Bob Hope joked, "I don't trust air I can't see." The Cuyahoga River in Cleveland, Ohio, caught fire in 1969, and Lake Erie was declared dead a year later.

Obviously, the concept of leaving industry to police itself was an unmitigated failure. Even free market proponents realized that, without government-imposed pollution controls, businesses won't invest in clean technologies since they'd be at a competitive disadvantage. The state-by-state approach didn't work either. Powerful industries simply co-opted local politicians.

Last year marked the EPA's 40th anniversary. A report card issued by the nonpartisan Aspen Institute highlighted 10 ways the agency has strengthened America. These include removing lead from gasoline, as well as from the air, controlling car emissions, managing toxic chemicals such as DDT and asbestos, and cleaning the water. We all live stunningly better lives due to the agency's work.

But there are signs that the Obama EPA is bowing to the constant haranguing. In Florida, the agency just dropped its years-long effort to establish clean water standards for the state's waterways, leaving it to the state to police nutrient runoff from farms and industrial plants. The backward lesson is, create enough of a ruckus over cost, and polluters win.

And around the world, when polluters win, life is miserable. In China, thousands of villagers and their children suffer from exposure to lead released from nearby factories. Without a robust government regulator, it can happen here, too. Again.

You can respond to Robyn's column at [blumner@sptimes.com](mailto:blumner@sptimes.com)

Adora Andy/DC/USEPA/US  
04/01/2011 11:43 AM

To: Richard Windsor  
cc  
bcc  
Subject: Re: TIME (BLOG) : Under Pressure—Q & A With EPA Head Lisa Jackson

Oh! No worries. Your team is so excited that the tweeting and facebooking have commenced my friend.

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    [Like. Tweet worthy.](#)    ----- Original M...    04/01/2011 11:42:13 AM

From: Richard Windsor/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Date: 04/01/2011 11:42 AM  
Subject: Re: TIME (BLOG) : Under Pressure—Q & A With EPA Head Lisa Jackson

Like. Tweet worthy.

Adora Andy

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

**From:** Adora Andy  
**Sent:** 04/01/2011 11:21 AM EDT  
**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Bob Sussman; Arvin Ganesan; David McIntosh; Sarah Pallone; Stephanie Owens; Dru Ealons; Seth Oster  
**Cc:** Brendan Gilfillan; Betsaida Alcantara  
**Subject:** TIME (BLOG) : Under Pressure—Q & A With EPA Head Lisa Jackson  
Under Pressure—Q & A With EPA Head Lisa Jackson  
Time (blog)  
Bryan Walsh  
April 1, 2011 at 10:38 am

EPA Administrator Lisa Jackson—who has emerged as the Republicans' favorite target as the party looks to dismantle environmental protections—sat down with us for a 10 Questions in this week's issue. That interview was condensed to fit one page—click below for the full transcript:

To of your Republican predecessors recently wrote in the Post that the EPA is under siege from Republicans. Do you see that as the case? Do you see a war going on against the EPA?

There are certainly some members of Congress who I think have come in with an agenda that includes this agency, and we hear words like scaling back and you even hear things like defunding. I really appreciate two former Republican heads of this agency who point out that this agency plays an extremely important role in protecting American's health and the environment.

The key point of argument is really these EPA regulations that could be coming on climate change. Can you outline quickly, what is the agency going to be looking to do on this issue?

As I've said before, we're talking about common sense steps that get us started. Using the Clean Air Act,



updating standards under the Clean Air Act to address pollution, in this case, greenhouse-gas pollution. In a common sense way, the Clean Air Act history, not the rhetoric, but the history of the Clean Air Act is that it moves in moderate steps that add up over time to pollution reduction. I think we can use the Clean Air Act to get started on greenhouse-gas pollution, as we have on other types of pollution, very successfully.

In the past, both you and President Obama have said that you much prefer Congress to take the lead on greenhouse gases, probably preferably through a cap and trade program as opposed to regulation. Why should the EPA be in the business of doing this regulation?

Well first off because it's the law. The Clean Air Act and Supreme Court cases have said that EPA must determine whether or not greenhouse gases endanger public health. We have determined, based on multiple lines of scientific evidence, that they do. And the Clean Air Act then requires us to act. The second reason is more of a common sense approach. Although I joined the President in calling for legislation, that doesn't mean we can't get started using the Clean Air Act to make a series of moderate steps that would add up to real reduction. And third, and certainly not the least important, but a little bit different, is that industry needs to know what the rules of the game are going to be. So in the absence of legislation, the Clean Air Act and the requirements of the Clean Air Act, touch certainly the power sector. No one's ever denied that. Require them to make pollution control investments, so we don't have unlimited amounts of pollution, including carbon pollution, entering our air.

You've called Congressional attempts underway right now to restrict the EPA's ability to regulate these gases draconian. If some of the legislation that's out there right now were to go through, what would it mean for the agency?

The biggest criticism that I've leveled - and I've done it in my hearing testimony - is that what the current efforts do is overrule scientists on a scientific finding. Congress is essentially passing a law that says, We, a bunch of lawmakers, have decided what the science is on this issue. And that to me is what this Congress could be remembered for, more than anything else. History will forget a lot of the day-to-day, inside the beltway discussions about riders and budget and trying to get rid of or defund the EPA, but I don't think that history will forget the first time that politicians made a law to overrule scientists.

Speaking of testifying, you've been called upon frequently since the Republicans have taken over the House to testify on Capitol Hill. They said that you might need your own parking space there. Do you feel that you are being targeted personally?

I certainly hope not. I have no reason to think that. But, listen, I have so far and continue to - although getting ready for hearings is - I certainly take time out - I see it as part of my job. I should be able to explain our actions to Congress, and I should be able to explain them to the American people. I think facts matter. So one of the things that we've used these hearings to do is point out the facts of what the EPA's doing, not what special interests are saying we're doing. They're very different things. In the countryside, Americans want a strong EPA that protects public health, that reins in polluters. Inside the beltway, they may be bombarded with different messages. It's an opportunity for me, as head of this agency, to speak to what we are doing.

Are there other ways you can go around that mouthpiece and actually make that case to the American people? Do they understand what it is the EPA's mission really is?

It isn't our job to poll them, but polling data, there's a new one out to do from the League of Conservation Voters, showing that the American people want a strong EPA. We have another Gallup poll out today saying that Americans remain unchanged in their concern about environmental issues, particularly clean water issues. Events of the day, as usual, point out the things that we don't think about until we need them. One of them is our RadNet monitoring system, which has been out there monitoring air quality and now is coming into highlight because of the horrible tragedy in Japan. So it's also my job as head of this agency to try to manage the budget that we get, so we squeeze every drop of environmental protection out. It's also my job to point out when I think either cuts or legislation or proposals are going to tie the hands of this agency and let industries that want to pollute, go unchecked.

If indeed we do see legislation that would block the EPA's regulatory ability on greenhouse gases actually go through Congress, are you confident the President would veto?

Listen, the President's been really clear all along that he supports this agency following the law. Whenever he's talked about it, he and I have said we call for legislation, but we also need to follow the Supreme Court decision. The other issue here is that these are not thumbs up, thumbs down issues. We are happy to work with Congress to insure that we work on a common sense timetable to address the largest polluting industries. We've proposed rules that are actually deregulatory to insure small and medium size businesses aren't covered. We've had wonderful success in moving this country toward more efficient cars, and we're working on more efficient trucks. So it's my hope that we can get into the discussion, some real facts about what we have accomplished and try to allay real or imagined fears about what we might do.

Speaking of that fear, we often see in bad economic times like we have now, this argument that America can't afford both strong environmental protection and policies that would promote job creation. Can those needs be balanced? How should they be balanced?

They have been balanced in this country for 40 years, as long as there's been an Environmental Protection Agency, as long as there's been a Clean Air Act, a Clean Water Act. We've shown the world that it can and should be done. We have cleaned the air. We're not done. We have cleaned the water. We're not done. But we've done it while our country prospered. So I don't think we should minimize the concerns of the average American, but I think the proof - it's important to look at what has been done, not these doomsday scenarios that special interests trump up about what might happen. Well what has happened? It's also important to - I get a chance to do a little bit of work internationally and I think we've also seen, and it's pretty stark what happens when you try to pick economic development over clean air or clean water. It may seem like a short-term gain, but once air is dirty, once water is dirty, it is extremely expensive to clean it up and untold lives have been impacted or untold illness and cost have been accrued.

Another somewhat controversial subject the EPA's going to be getting into soon is that study that's being formulated on hydraulic fracturing and shale-gas drilling. The EPA did a study on this back in 2004. A lot of people in the industry ask, Why do we need a new one?

The study back in 2004 was what scientists might call a review of the existing literature. No samples were taken, no independent studies were done. It was a very narrow look at a very specific set of data. This is a much different study. This is a comprehensive look at the impact of hydraulic fracturing on drinking water, which means surface water and groundwater resources. Even the [inaudible] of the study is going through a peer review. We've been very transparent and open about it. It's important to understand that no one in this agency, including recently we had the former head of the water program who said he believed that the 2004 study was over-interpreted, that people were drawing conclusions from it that the study itself did not warn, and I agree with that.

We're nearing the one-year anniversary of the BP oil spill. At this point, is it possible to begin to really get a fix on how much environmental damage was done to that region by the spill?

Scientists will tell you that the picture will continue to emerge over several seasons. Those who study the ecosystem and the food chain out in the Gulf will tell you that we need to see what happens this year, but not only this year. It may take several years to manifest itself. I think in general the science that's coming back is somewhat reassuring, which is that, I think, partially because of the distance from shore, partially because of the efforts that were made the government and the private sector to respond to the explosion and the spills and the ongoing spill afterward, that we may see a situation where the ecosystem can recover quite well. But there will be studies for years and years, and you know what, the ecosystem deserves to be studied because I think that there's a skeptical group of people down there and they deserve to know that real resources are going into understanding their resource and any impact on it.

You grew up in that region. For you to go back when that spill was happening, personally to see Louisiana and that region getting hit by disaster again, another one that like Katrina, that had issues of manmade problems that went along with it. What did that mean to you?

It was an honor to be able to go back and serve a region I call home. In this job and in the jobs I've had before, I've had to respond to major crises - either environmental crises or crises that had environmental components. And in all the cases, the work I came here to do, I mean no one wants a crisis, but my belief is that we can protect the environment even when we're responding to a crisis. So it's an honor to be able to do it. It was - the only difference with the Gulf spill is that I would go home and see people I knew and hear from people I knew who would reach out to me and want to make sure that their voices were being heard. It made me feel good to know that they knew that they had a person at a very high level in their government, who they could reach out to and who was hearing them. If it brought them any comfort, I'm happy, but it's also my job.

You're chairing the Gulf Coast Ecosystem Restoration Taskforce. What are your plans for that? Is it going to go beyond just looking at what happened with the oil spill and also take on the other environmental damages, hypoxia, erosion to coastal wetlands? Are we really going to be able to make that region better than it was before the spill?

That is the intent of the taskforce. This is not about a response to the oil spill. In fact there's separate work going on. This is about the President's other promise, which was to make the Gulf ecosystem stronger and more resilient than it was when the oil spill happened, the day before it, if you will. So to me this taskforce is an opportunity to give voice to people in that region who have been working literally for decades trying to be a voice for coastal restoration, for the ecosystem as a whole, how to balance the myriad needs of a working Gulf with the demands of a tourist-based economy that exists many times in the exact same spot. As head of this agency I chair the taskforce for Chesapeake Bay. I've sit on a Commission for the Great Lakes. I sit on the National Oceans Commission. This is the opportunity for the Gulf Coast, the Gulf of Mexico to get that same level of attention, and it's long overdue.

Are we ready for another spill of this nature, should it happen again? Have we learned something from this first experience to make sure either it doesn't happen again or if it does we can respond better and faster?

We are more ready. The thing I have learned in this career of mine is that you can never anticipate all the ins and outs of any crisis. Part of this is having really experience and bright people who can respond to what the crisis is on the ground, but yes we're more ready. We've dealt with some issues in the course of that crisis that have highlighted work that can be done. Here at the EPA we've gone back to our National Response Team and offered additional guidance and questions on everything from the use of dispersants to the preparation of the response plans that are in place in every region of the country to deal with releases to water. We've also looked at facilities on land and beefed that up. We're doing additional research on dispersant chemistry and the use in general. So I never like to say we're 100% ready because the next emergency, if and when it comes, could be entirely different. But we learned and we're certainly more ready. Probably, in my experience, this crisis more than any other was an example of a team effort by government. Certainly on a federal level, this far surpasses any response I've been involved with in terms of how we worked as a team, our whole government approach.

The EPA recently had its 40th birthday. Where do you see the agency in another 10 years time? How will it change from what it is now?

If history's any guide, the American people will continue to support a strong, independent agency that protects their health and the environment for future generations. I think this agency, if history is any guide, will continue to need to be both a strong protector, but also incorporate the kind of flexibility that responds to the issues of the day. For us whether it's an agency that through the Energy Star program saw the need for us to deal with energy efficiency voluntarily, I think the world has caught up with that. We'll see this agency moving into issues of sustainability that cross any individual media even more and more, where we look at pollution, is it sustainable for water, air and land? We'll continue to deal with issues of adaptation to climate change. I think because of the change in demographics in this country, we will see issues that are important to Latinos and African Americans come to forefront, and those tend to be issues of environmental justice, longstanding pockets of pollution that just haven't been addressed, the

unfinished business of this agency.

With the agency coming in for a lot of criticism in the press and some members of Congress, how do you keep your workers feeling optimistic, keeping from feeling that they're under attack as well?

My job is to go to the hearings and talk about their great work, but the other thing I say to them - I worked in this agency for over 15 years as a career employee, non-political and it's not about us. It's not about this agency. It's not about any individual effort. It's about reminding us what it is we come here to do. And that's to uphold the environmental laws of this country. This agency has lived through tough times before, where it seemed as though the politics in Washington were aligned against it. What has always made a difference in the environmental field is that the public, the people of this country, know that clean air and clean water are important, that were it not for the work of this agency, there would be more sickness, more illness, more incidences of water that can't be used, that doesn't support fishing or can't be used for drinking. So what I tell them is to keep their eye on their jobs, to do their jobs with impeccable science and integrity and I feel confident that the American people will then turn to us as they should.

**Adora Andy/DC/USEPA/US**

To Richard Windsor

01/11/2010 04:50 PM

cc

bcc

Subject Re: WaPo Blog: Murkowski and her lobbyist allies

Good stuff, huh?  
Richard Windsor

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

**From:** Richard Windsor

**Sent:** 01/11/2010 04:43 PM EST

**To:** Adora Andy

**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."

Adora Andy/DC/USEPA/US  
10/09/2009 05:34 PM

To: Richard Windsor  
cc  
bcc  
Subject: Re: WASHINGTON EXAMINER:Obama seeks to silence the U.S. Chamber of Commerce

quite funny.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Richard Windsor | Hahahaha ----- Original Message ----- | 10/09/2009 05:00:18 PM

From: Richard Windsor/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Date: 10/09/2009 05:00 PM  
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."

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



Adora Andy/DC/USEPA/US  
09/24/2009 04:09 PM

To Richard Windsor  
cc  
bcc  
Subject Re: WSJ blog: Less Awkward: Senators Backtrack on Plans  
to Rein in EPA

And we all lived happily ever after  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 09/24/2009 04:02 PM EDT  
**To:** Adora Andy  
**Subject:** Re: WSJ blog: Less Awkward: Senators Backtrack on Plans to Rein  
in EPA  
Yeah - like that.  
Adora Andy

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

**From:** Adora Andy  
**Sent:** 09/24/2009 03:58 PM EDT  
**To:** Richard Windsor; David McIntosh; Arvin Ganesan; Allyn Brooks-LaSure;  
Seth Oster  
**Subject:** WSJ blog: Less Awkward: Senators Backtrack on Plans to Rein in  
EPA

## Less Awkward: Senators Backtrack on Plans to Rein in EPA

By Stephen Power

Yesterday, we wrote about how members of the U.S. Senate were trying to curtail the Environmental Protection Agency's powers to fight climate change – even as the U.N., was trying to persuade other countries to take action. We noted that both Sens. Tom Harkin and Lisa Murkowski, he an Iowa Republican, were offering different legislative maneuvers that would both curtail the EPA's powers. Well, a lot has changed since yesterday. (See the original post [here](#).) Turns out Sen. Murkowski won't be offering her amendment after all. The Alliance of Automobile Manufacturers and the Alliance of Automobile Manufacturers sent letters to Sen. Murkowski's amendment would prevent the EPA from finalizing its rule on automobile greenhouse gas emissions. If that had happened, the industry would have been "conflicting state and federal regulations," the Alliance warned in its letter. A spokesman for Sen. Murkowski says Senate Democratic leaders prevented her amendment and that the senator disputes the EPA administrator's view that the amendment would prevent the EPA from finalizing its vehicle proposal. "They've gone out of their way to debate the merits of this bill," the spokesman said.

Environmentalists are **crowing** at the turn of events - a rare case where e  
with auto makers in favor of regulation.

“The good news is that a major effort failed to pull the rug out from under  
the nation’s most successful environmental laws. But now, rather than ju  
the Senate must take a leap forward to repower America with clean ener  
making America more energy independent, and creating millions of clea  
Environment America Federal Global Warming Program Director Emily  
Meanwhile, it seems Sen. Harkin has decided to shelve his amendment t  
rules that attempt to measure the global-warming impact of biofuels suc  
spokesman for the senator says he’s been assured by the EPA administra  
“recognizes the uncertainty in calculating the indirect effects on land use  
biofuels production” and will “carefully quantify and consider these unco  
rules. In light of these assurances, outlined in a **letter dated Sept. 23**, the  
press the amendment today,” his spokesman added.

“All the withdrawal of the amendment means is that the EPA can do wha  
is to make sure that biofuels won’t do harm to the climate,” says Franz A  
director of the Natural Resources Defense Council.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**

To Richard Windsor

09/27/2010 04:16 PM

cc

bcc

Subject YOU WON SIERRA CLUB AWARD

FYI Below

----- Forwarded by Adora Andy/DC/USEPA/US on 09/27/2010 04:16 PM -----

From: Orli Cotel <orli.cotel@sierraclub.org>  
To: Adora Andy/DC/USEPA/US@EPA  
Date: 09/27/2010 03:52 PM  
Subject: Sierra Club Announces 2010 Awards

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Check out our Press Room archive:

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For Immediate Release: September 27, 2010

Contact: Orli Cotel 415 977 5627

SIERRA CLUB ANNOUNCES 2010 NATIONAL AWARDS

SAN FRANCISCO The Obama administration's new EPA administrator, a congressman who has a long record of advocating for environmental protection and a photographer who helped raise awareness of overconsumption are among those receiving national awards from the Sierra Club this year.

EPA Administrator Lisa Jackson is receiving the club's Edgar Wayburn Award, which honors outstanding service to the environment by a person in government.

"In her first year, Administrator Jackson has established herself as the most consequential and effective EPA Administrator since William Ruckelshaus launched the agency," said Sierra Club President Robin Mann.

"She has reversed in a little over a year the overwhelming majority of the anti-public health and environmental regulations left in place by eight years of Bush appointees. New health standards have been established for conventional air pollutants; the agency had moved aggressively to begin carrying out the Supreme Court decision that the Clean Air Act requires regulations of greenhouse gasses; important progress has been made in establishing stringent restrictions on pollution from mountaintop removal mining; and the federal program to regulate commercial chemicals, which had been long ignored and languishing, is beginning to move forward again."

Norman Dicks, a congressman from Bremerton, Wash., is receiving the Distinguished Service Award, which recognizes individuals in public service for strong and consistent commitment to conservation. Dicks has represented Washington's 6th Congressional District since 1976 and has used his position on the Interior Appropriations Subcommittee to pass several key pieces of environmental legislation, including a landmark bill that created a new federal lands conservation trust.

Chris Jordan of Seattle, Wash., is receiving the Ansel Adams Award, which honors excellence in conservation photography. His latest book, *Running the Numbers: An American Self-Portrait*, brings to life through photography some of the startling statistics related to American consumerism; statistics such as the fact that 1 million trees are cut down every year and 2 million plastic bottles are used every five minutes.

Jeff Biggers, author of the 2010 book *Reckoning at Eagle Creek*, is receiving the David R. Brower Award, which recognizes outstanding environmental reporting or editorial comment that contributes to a better understanding of environmental issues. Biggers writes extensively on issues related to coal mining and is a regular contributor to the *Huffington Post*, *Grist* and *Salon.com*.

The Club's top award, the John Muir Award, is going to Dick Fiddler of Shoreline, Wash., who has provided outstanding conservation leadership for the Sierra Club at the chapter, regional and national levels for more than 40 years.

The Club's highest honor for administrative work, the William E. Colby Award, will go to Doris Cellarius of Prescott, Ariz., who also has been an active Club leader for more than 40 years at the group, chapter, national and international levels.

Others receiving 2010 Sierra Club awards include the following:

EarthCare Award (Honors an individual, organization, or agency that has made a unique contribution to international environmental protection and conservation): Anna Rose of Sydney, Australia. Rose founded the Australian Youth Climate Coalition, which has been a major partner with the Sierra Student Coalition in its efforts to build an international youth climate movement.

Environmental Alliance Award (recognizes individuals or groups that have forged partnerships with other non-Sierra Club entities): Jose Menendez of San Juan, Puerto Rico. Menendez partnered with other organizations to create an ecotourism micro enterprise that has helped nearly 200 fishermen support their families.

Ida and Denny Wilcher Award (recognizes outstanding achievement in membership development and/or fundraising): The Sierra Club Puerto Rico Chapter, which has recruited 1,300 new members since it was established in 2005.

Joseph Barbosa Earth Fund Award (recognizes a club member under the age of 30): Members of the Washington University Climate Justice Alliance. This group has worked to educate their fellow students and the general public about the hidden costs of "clean coal." The award includes a \$500 prize that they will use to defray the costs of a four-day symposium titled "Global Energy Future" that is being held at Washington University next month.

Madelyn Pyeatt Award (recognizes work with youth): Matt Nelson of Tucson, Ariz., and Chris Bachman of Spokane Valley, Wash. Both have worked with the Sierra Club's Inner City Outings program in their communities. Their local ICO groups will each receive \$250 to continue their outreach.

Oliver Kehrlein Award (for outstanding service to the club's outings program): Susan Estes of Richmond, Calif. Estes is a national outings leader for the Sierra Club.

One Club Award (honors club members who have used outings as a way to protect

or improve public lands, instill an interest in conservation, increase membership in the Sierra Club, or increase awareness of the Sierra Club: Norma McCallan of Santa Fe, N.M. McCallan has sponsored outings and hikes to introduce policymakers and activists to several areas in New Mexico that are worth protecting.

Raymond J. Sherwin International Award (honors extraordinary volunteer service toward international conservation): Larry Williams of Washington, D.C. Williams has served as chair of the Club's International Committee and has particular expertise on international banks and the environment. Special Achievement Awards (for a single act of importance dedicated to conservation or the Sierra Club): Lisa Cox of Beaufort, N.C., and Lynn Ryan of Arcata, Calif. Cox served as chair of the club's Chapter Fundraising Task Force and Ryan helped secure passage of the Northern California Coastal Wild Heritage Act, which became law in 2006.

Special Service Awards (for strong and consistent commitment to conservation over an extended period of time): David Dow of East Falmouth, Mass.; Luis Jorge Rivera Herrera of San Juan, Puerto Rico; Barry Kohl of New Orleans, La.; Martin Mador of Hamden, Conn.; and James Rickard of Afton, Minn. Dow has been involved with issues ranging from the cleanup of the Massachusetts Military Superfund Site to offshore renewable energy and ocean and fisheries management. Herrera is working to save a strip of coastal land in Puerto Rico known as the Northeast Ecological Corridor. Kohl has worked to reduce levels of mercury in Louisiana and has been an important science advisor to the Sierra Club and others on the consequences of the BP oil spill in the Gulf of Mexico. Mador has worked with other environmental organizations to further the Connecticut Chapter's legislative agenda. Rickard has been a spokesperson for protection of the St. Croix River, which serves as a natural boundary between Minnesota and Wisconsin.

Susan E. Miller Award (honors administrative contributions to Sierra Club groups, chapters and regional entities): The Angeles Chapter GIS Committee and Betsy Grass of Miami, Fla. The GIS Committee has provided computer-based mapping to support Angeles Chapter conservation and political efforts. Grass has been active in the Miami Group and the Florida Chapter for 35 years.

Most awards were presented Sept. 25 during the Sierra Club's Annual Dinner in San Francisco.

For more information on the Sierra Club awards program, visit [www.sierraclub.org/awards](http://www.sierraclub.org/awards).

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**Adora Andy/DC/USEPA/US**

09/30/2009 06:18 PM

To Richard Windsor

cc Allyn Brooks-LaSure

bcc

Subject FYI: LISA H. in Newsweek

From their "Who Really Runs Washington" feature: <http://www.newsweek.com/id/216463/page/2>

[Lisa Heinzerling](#), the former Georgetown law professor, is the Obama Environmental Protection Agency's leading voice on climate change. Heinzerling is best known for her leading role in helping the state of Massachusetts prosecute a successful 2007 Supreme Court case obligating the EPA to regulate greenhouse gases that could cause global warming. Though the Bush EPA dragged its feet on implementing new rules, within months of Heinzerling's arrival on her new job, greenhouse gases were officially declared a public-health hazard. Next up: [convincing the Senate](#), already weary of the health-care-reform fight, to approve a controversial cap-and-trade program.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US

09/16/2009 03:35 PM

To Richard Windsor

cc Allyn Brooks-LaSure, Seth Oster

bcc

Subject FYI...THIS RELEASE IS GOING OUT

**FOR IMMEDIATE RELEASE**

Sept. 16, 2009

## **EPA Releases Reports on Dam Integrity Assessments at 17 Coal Ash Impoundments**

**WASHINGTON** - As part of the U.S. Environmental Protection Agency's ongoing national effort to assess the management of coal combustion residuals, EPA is releasing the final contractor reports assessing the structural integrity of 17 impoundments and similar management units containing coal combustion residuals, commonly referred to as coal ash, at nine facilities. These 17 impoundments have a "high" or "significant" hazard potential rating. A high hazard potential rating is not related to the stability of those impoundments but to the potential for harm should the impoundment fail. A significant hazard potential rating means impoundment failure can cause economic loss, environmental damage, or damage to infrastructure.

The assessments have rated the structural integrity of seven impoundments as "satisfactory," nine units as "fair," and one unit as "poor." None of the units assessed received an "unsatisfactory" rating. According to dam safety experts, only impoundments rated as unsatisfactory pose immediate safety threats.

The assessment reports have been completed by firms, under contract to EPA, who are experts in the field of dam integrity and reflect the best professional judgment of those engineering firms. A draft of these reports has been reviewed by the facilities and the states for factual accuracy; their comments on the draft reports are also posted on EPA's website. EPA continues to review the reports and technical recommendations, and is working diligently with the facilities to ensure that the recommendations are implemented in a timely manner.

EPA has provided a copy of the final report to each facility and has requested that the facility implement the recommendations contained in the reports and provide its plans for taking action. Should facilities fail to take sufficient measures, EPA will take additional action, if the circumstances warrant, and will be devoting special attention to those facilities receiving a poor rating.

These reports include complex engineering evaluations and use terms which may be unfamiliar to the general public. Impoundment ratings noted in the reports should be taken in the proper context, since a structurally sound unit may receive a fair or poor rating based on other factors, such as whether structural reports were kept.

EPA will assess by the end of the calendar year all of the units that had a dam hazard potential rating of high or significant in the responses provided by electric utilities to EPA's previous information requests, and will release additional reports as they become available.

As announced by Administrator Lisa P. Jackson on March 9, 2009, EPA, together with other federal agencies and states, is working to ensure that tragedies like the coal ash spill in Kingston, Tenn. last December are avoided through the proper management of coal combustion residuals.

More information: <http://www.epa.gov/epawaste/nonhaz/industrial/special/fossil/surveys2/index.htm>



Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
09/16/2009 05:54 PM

To Richard Windsor, Allyn Brooks-LaSure, Seth Oster  
cc  
bcc  
Subject FYI: NEED FOR EPA IG INVESTIGATION OF TREATMENT  
OF BLACK COMMUNITIES

Making sure you saw this:

Dissident Voice Blog:

## Need for EPA Inspector General Investigation of Region 4 Treatment of Black Communities

by Robert D. Bullard / September 14th, 2009

President Barack Obama made a bold move this year by selecting [Lisa P. Jackson](#), the first African American to the EPA. Now he is set to select EPA regional administrators—ten important and powerful posts that can reshape the agency to provide equal protection for all. Historically, regional administrators have served as a bridge between EPA headquarters and the state and local governments. While on the surface this traditional role may be appealing to state and local government officials who would move the center of power and authority away from Washington, DC to regional offices, it has been a disaster for African Americans in [Region 4](#), eight states in the Deep South (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee).

Fundamental change is needed in Region 4, a region which has a legacy of slavery, Jim Crow segregation, and resistance to civil rights and equal environmental protection. It is not an accident that the modern civil rights movement and environmental justice movement were born in the South. Nearly four decades of Region 4 harmful and discriminatory decisions have turned too many black communities into the [dumping grounds](#), lowering nearby residents' property values, stealing their wealth, and exposing them to unnecessary environmental health risks. There is a clear need for an EPA Office of Inspector General ([OIG](#)) investigation of Region 4 enforcement, waste facility permitting, hazardous waste cleanup and disposal, and property assessments and relocation pre- and post-Environmental Justice [Executive Order 12898](#), with specific emphasis on the treatment of African Americans in the region. Unequal protection threatens the health and safety of millions of African Americans in the region.

A 1992 *National Law Journal* special report uncovered glaring inequities in the way the EPA enforces its Superfund laws placing communities of color at special risk—with White communities seeing faster action, better results and stiffer penalties than communities where blacks, Hispanics and other people of color live and with unequal protection often occurring whether the community is wealthy or poor.

The 2007 [Toxic Wastes and Race at Twenty](#) report found people of color make up about one third of the nation's population and more than 56 percent of the residents living in neighborhoods within two miles of commercial hazardous waste facilities and 69 percent of the residents in neighborhoods with clustered facilities. Although African Americans and other people of color comprise 28.5 percent of EPA Region 4 population, they are overrepresented among residents living within two miles of commercial hazardous waste facilities in EPA Region 4 states: Alabama (66.3%), Florida (52.7%), Georgia (55.6%), Kentucky (51.5%), Mississippi (50.6%), North Carolina (55.9%), South Carolina (43.9), and Tennessee (53.8%).

African Americans make up 21 percent of the population in Region 4. Except for Florida, African Americans comprise the largest ethnic minority in the region. Hispanics make up 20.1 percent of Florida's population compared to 15.3 percent African Americans. African Americans comprise 26.3 percent in Alabama, 29.6 percent in Georgia, 7.6 percent in Kentucky, 37.1 percent in Mississippi, 21.3 percent in North Carolina, 28.6 percent in South Carolina,

and 16.6 percent in Tennessee.

Many of the bad Region 4 EPA waste facility permitting and disposal decisions flow directly from backroom deals and compromises made with state and local government officials, often at the expense of African Americans and people of color communities. Communities on the fenceline with polluting facilities have suffered the brunt of the bad decisions.

### **Sumter County, Alabama (1974)**

In 1974, EPA nominated Sumter County, Alabama as a possible hazardous waste landfill site. The county, located in the heart of Alabama's Black Belt, is 71.8 percent black. Over 35.9 percent of the county's population is below poverty. In 1977, Resource Industries Inc. purchased a 300-acre tract of land just outside of Emelle, Ala. where 90 percent of the residents are black. The permit for the facility was approved by the Alabama Department of Environmental Management (ADEM) and EPA Region 4 over opposition of local residents who thought they were getting a brick factory. In 1978, Chemical Waste Management, a subsidiary of Waste Management Inc. bought the permit from Resource Industries Inc. and opened the nation's largest hazardous waste landfill, often tagged the Ca of Dumps.

Sumter County has a legacy of farming and cotton production dating back to the plantation system of slavery and sharecropper tenant farming system that followed. The hazardous waste facility was lured to the predominately black county during a period when the residuals of Jim Crow segregation still ruled the day. No blacks had held public office or sat on governing bodies from the predominately county, including the state legislature, county commission or industrial development board from the county.

### **Warren County, North Carolina (1979)**

Between June 1978 and August 1978, over 30,000 gallons of waste transformer oil contaminated with polychlorinated biphenyls (PCBs) were illegally discharged on roadsides in fourteen North Carolina counties. The PCBs resulted in the U.S. EPA designating the roadsides as a superfund site to protect public health. North Carolina needed a place to dispose of the PCB-contaminated soil that was scraped up from 210 miles of roadside shoulders. In 1979, North Carolina Department of Environment and Natural Resources (DENR) along with EPA Region 4 selected rural, poor and mostly black Warren County as the site for the PCB landfill.

In 1982, the local National Association for the Advancement of Colored People (NAACP) filed suit in district court to block the landfill. The residents lost their case in court despite the fact that the Warren County PCB Landfill site was not scientifically the most suitable because the water table at the landfill is very shallow, only 5-10 feet below the surface and where the residents of the community get all of their drinking water from local wells. William Sanjour, head of the EPA's hazardous waste implementation branch, questioned the Warren County landfill siting decision. The first truckload of contaminated soil that arrived at the landfill in September 1982 was met by protesters. More than 500 demonstrators were jailed protesting the landfill, sparking the national Environmental Justice Movement.

Warren County which was 54.5 percent black in 1980 is one of six counties in North Carolina's "Black Belt." The other North Carolina counties where African Americans comprise a majority of the population include Bertie County (62.3%), Hertford (59.6%), Northhampton (59.4%), Edgecombe (57.5%), Warren (54.5%), and Halifax (52.6%). Eastern North Carolina is also significantly poorer than the rest of the state.

Region 4 and North Carolina officials insisted the PCB landfill was safe and would not leak. They were dead wrong. Warren County resident Dolly Burwell and her fellow protesters were right. The landfill was suspected of leaking early as 1993. It took more than two decades for Warren County residents to get the leaky landfill site detoxified by the state and federal government. In all, a private contractor was paid \$18 million to dig up and burn more than 80,000 tons of contaminated soil in a kiln on site.

### **Dickson County, Tennessee (1988)**

The collaborations between EPA Region 4, the State of Tennessee, and the City and County of Dickson failed to protect the health and the environment of a black family who lives in Dickson's Eno Road community. EPA Region 4 records indicate that trichloroethylene or TCE, a "reasonably anticipated to be a human carcinogen," was found

Harry Holt family's wells as early as 1988, the same year the Tennessee Department of Environment and Conservation (TDEC) issued a permit to Dickson County for operation of a sanitary landfill in Dickson's mostly Eno Road community.

A 1991 EPA Site Inspection Report completed by Haliburton documents several state and federal approved contamination cleanups (i.e., wastes from on-site industrial dumps, plant contamination, soil containing TCE, benzene, toluene, ethylbenzene, xylenes and petroleum hydrocarbons from underground storage tank cleanups, and wastes from a train derailment) from mostly white areas in Dickson County were trucked to the landfill on Eno Road. A Region 4 [chronology](#) shows that in December 1988, TDEC sent letters to the Harry Holt family informing them of the test results and the finding of contaminants in their wells. The letter states: "Your water is of good quality for all parameters tested. It is felt that the low levels of methylene or trichloroethene may be due to either lab or sampling error." On December 3, 1991, EPA Region 4 sent the Harry Holt family a letter informing him of three tests performed on his well and deemed it safe. The letter states: "Use of your well water should not result in any adverse health effects."

A December 17, 1991 TDEC internal memorandum expressed some concern about the level of TCE contamination found in the Holt's well and recommended the well continue to be sampled. However, no government tests were performed on the Holts wells between January 1, 1992 and October 8, 2000, an eight year and nine-month gap in testing, even though government tests were conducted nearly each year on private wells and springs located within one and two-mile radius of the leaky landfill. In 1995, government tests were performed on nearby private wells, springs, duck ponds, and even a well at the Humane Society of Dickson County (410 Eno Road), located across the street from the Holt's homestead (340 Eno Road). In April 1997, TCE was detected in water from a production well (DK-21) operated by the City of Dickson and located northeast of the landfill. The city well was later closed. The Holt family's well lies between the landfill and the DK-21 well.

Tests were finally conducted on the Harry Holt well on October 9, 2000—where results registered 120 ppb TCE. A second test on October 25, 2000 registered 145 ppb—24 times and 29 times, respectively, higher than the maximum contaminant level ([MCL](#)). The Holts were placed on the city water system on October 20, 2000—twelve years after the first government test found TCE in their well in 1988.

### **Escambia County, Florida (1991)**

[Margaret Williams](#), a 73 year old retired Pensacola, Florida school teacher, led a five-year campaign against EPA Region 4 to get her entire community relocated from environmental and health hazards posed by the 26-acre Escambia Treating Company ([ETC](#)) contamination, the nation's third largest Superfund site. In 1991, EPA inspectors found that leaking drums had contaminated the site with [dioxin](#), one of the most dangerous compounds ever made, nine years after it was abandoned by the owner.

The ETC site was dubbed "[Mount Dioxin](#)" because of the 60-foot high, 1000 feet long, and 40 feet wide mound of contaminated soil an EPA contractor dug up from the neighborhood and covered with plastic tarp. Some residents described EPA's plastic cover as a "Ban-Aid on a cancer." By January 1993, the L-shaped mound held more than 255,000 cubic yards of soil contaminated. In December 1994, the ETC site was placed on the Superfund National Priorities List ([NPL](#)).

Because of the reckless digging, bulldozing, and faulty containment of the dust and runoff from the site, Margaret Williams help start Citizens Against Toxic Exposure or [CATE](#). During excavation in 1992, residents living in neighborhoods like Rosewood Terrace, Oak Park, Goulding, and Clarinda Triangle communities constantly complained to Region 4 officials about acute respiratory problems, headaches, nausea, skin rashes, and other ailments.

CATE also questioned the fairness of EPA's site plan. Region 4 officials first proposed to move only 66 households most affected by the Superfund site. After prodding from CATE, EPA then added 35 more households for a total of \$7.54 million. The original Region 4 [plan](#) left behind 257 households or nearly three-quarter of the households in the impacted area, including an apartment complex.

CATE refused to accept any relocation plan unless everyone was moved. The partial relocation was tantamount to

partial justice. CATE took its campaign on the road to EPA's National Environmental Justice Advisory Council NEJAC. In May 1996, the group was successful in getting EPA's NEJAC Waste Subcommittee to hold a [Superfund Relocation Roundtable](#) in Pensacola. At this meeting, CATE's total neighborhood relocation plan won the backing of more than 100 grassroots organizations. EPA nominated the Escambia Wood Treating Superfund site as the country's first pilot program to help the agency develop a nationally consistent relocation policy that would consider not only toxic levels but welfare issues such as property values, quality of life, health and safety.

On October 3, 1996, EPA officials agreed to move all 358 households from the site at an estimated cost of \$18 million. EPA officials deemed the mass relocation as "cost efficient" after city planners decided to redevelop the site for light industry rather than clean the site to residential standards. After more than a dozen neighborhood relocations across the nation, the Escambia County decision marked the first time that an African American community had been relocated under EPA's Superfund program and was hailed as a landmark victory for environmental justice.

On July 8, 2009, the [last shovel](#) last shovel of soil from the ETC stockpile was excavated and permanently interred along with approximately 500,000 cubic yards of contaminated soil in an 18-acre on-site containment cell. The formerly cleaned up site will provide nearly 100-acres of real estate for redevelopment into the Palafox Midtown Commerce Park.

Relocation was only a partial victory for the residents since they still faced discrimination in their property assessments. Many residents received artificially "low" assessments and were not "made whole" as promised by the government. The first wave of property appraisals ranged from \$20,000 to \$27,000—far less than comparable homes sold in the area valued at \$134,900 to \$135,000. The racism did not stop with the property appraisals. It also extended to the Region 4 buyout plan—with Pensacola residents paying a "[hidden cost](#)" of being black.

A March 1998, EPA Office of Inspector General (OIG) [report](#) indicates that white homeowners in Pennsylvania, [Region 3](#), were given a better deal for their loss than the black residents in Florida, Region 4. Forty homeowners in an all-white neighborhood were relocated from the contaminated [Austin Avenue Radiation Site](#) in Delaware County, Pa. Region 3 took extra steps and expense to make the white homeowners whole. For example, 18 of the 40 homes were decontaminated at a cost of \$24 million while the residents were placed in temporary housing. The Pensacola residents had to suffer through and endure the cleanup while still in their homes. The other 22 Delaware County homeowners were given the option either to relocate or have new homes built under a program that cost an additional \$2 million.

Region 4 offered to buy Pensacola, Fla. African American homeowners existing homes in their price range. On the contrary, Region 3 offered the Delaware County, Pa. white homeowners brand new homes that cost an average of \$651,700 each. These types of glaring inequities should not exist if there is one EPA and one set of rules that apply equally to all Americans, regardless of region or race.

### **Perry County, Alabama (2009)**

In December 2008, a wall holding back 80 acres of [sludge](#) from the Tennessee Valley Authority (TVA) [Kingston Fossil Plant](#) broke spilling more than 500 million gallons of toxic [coal ash](#) over a dozen homes and up to 400 acres of the surrounding landscape, endangering aquatic life and the water supply for more than 25,000 residents. Six months after this tragedy in July 2009, a major environmental injustice was perpetrated by EPA Region 4 [approval](#) of TVA's decision to [ship](#) 5.4 million cubic yards of toxic coal ash by railcar from the mostly white east Tennessee Roane County to a landfill located in the heart of the Alabama Black Belt, Perry County (69% African-American with more than 32% of its residents living in poverty) and to rural Taylor County, Georgia (41% of the population is African-American and more than 24% of residents live in poverty).

Region 4 justifies the Perry County decision in its "Frequently Asked Questions ([FAQs](#))" by declaring the Arrowhead Landfill to be located in "an isolated area, surrounded by large tracts of property, farms and ranches." However, "isolated" is not defined. There are black home owners and black cattle farmers who live across from the landfill. The agency goes on to state that the "nearest residence is approximately 250 to 300 feet away from the site." It failed to report how many homes and households line Cahaba Road (County Road 1) and Whitehill Road—two major roads

that buttress the landfill property.

An established black community exists on two sides of the landfill with a population large enough to support at least three churches (Star Bethel Church, Living Hope Baptist Church, and Shady Grove Church). An old cemetery is near the entrance of the landfill on County Road 1 and another cemetery was found during the construction of the landfill, which provides further support for the historic nature of the community that borders the landfill.

The FAQs also failed to report how many families in the adjacent community are on well water. Nowhere in FAQs does the term "environmental justice" appear. No report has been made public to date indicating that Region 4 conducted an environmental justice analysis on its Perry County decision as called for under the 1994 Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations which seeks "to ensure that no segment of the population, regardless of race, color, national origin, income, or net worth bears disproportionately high and adverse human health and environmental impacts as a result of EPA's policies, programs and activities." Under this Order, each Federal agency must make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health and environmental effects of its programs, policies, and activities on minorities and low-income populations.

EPA Region 4 had enough time to conduct a comprehensive environmental justice analysis between December 2, 2008 and July 2, 2009, a full five months, to answer these and other related equity questions about the potential adverse and disproportionate impact of its decision on low-income and minority populations.

Perry County is not the only Alabama black belt county targeted for waste dumping. In 2000, national civil rights and environmental justice groups successfully blocked landfills from being built in Macon County (86.4% black) near Tuskegee University and in Lowndes County (75.7% black) off U.S. 80 Highway, designated in 1996 the Selma to Montgomery National Historic Trail. Some waste companies and government agencies see nothing wrong with "trashing" Black History or black communities. Six years later, in 2006, Perry County's Uniontown residents fought the Arrowhead Landfill. However, without national support, Perry County residents were not able to stop the landfill from being built and permitted.

It is time for this toxic Dumping in Dixie madness in Region 4 to end. It is time for bold leadership and real change in the region.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



Adora Andy/DC/USEPA/US

06/24/2009 07:35 PM

To Richard Windsor

cc Allyn Brooks-LaSure, Seth Oster

bcc

Subject Re: CEI - grist story

## Scant evidence for charge that EPA 'suppressed' dissent

This is spin. Courtesy katiw via FlickrWouldn't it be terrible if the Obama administration turned out to be manipulating science to fit its own ideology? Especially after Obama declared, to [much fanfare](#), that "the days of science taking a back seat to ideology are over"?

Yeah, *that* would make a helluva story: "Look, the new guy is just like the old guy!"

Well yeah, but it hasn't happened yet, at least not in the way the [Competitive Enterprise Institute](#) claims in a release it sent this morning under the headline "[BREAKING: EPA Suppresses Internal Global Warming Study](#)."

The free-market think tank, which has a history of [intellectually hi-larious denialism](#), says the "Environment (sic) Protection Agency" silenced an internal dissenter in the course of its endangerment finding, a process that concluded in April that [greenhouse-gases threaten public health](#) and can be regulated under the Clean Air Act.

According to CEI, the dissenter wanted to include "a significant internal critique of the agency's global warming position" but was stifled because the report didn't fit the political conclusion the EPA had already reached. The group published four EPA emails as evidence of political maneuvering within the agency.

And what do the emails reveal? **That there's nothing to this story.** An EPA economist wanted to give scientific opinion, which wasn't accepted—most likely because it's outside his area of expertise and training.

The dissenter, Alan Carlin, works as a research analyst in Washington at the EPA's [National Center for Environmental Economics](#) (NCEE), which conducts [a variety of economic analysis](#), including cost-benefit studies, risk assessment, and economic impact modeling. In short, it does number crunching, not scientific research.

Carlin's personal website, [Carlin Economics](#), reports that he received a B.S. in physics and a Ph.D. in economics and joined the EPA in 1971. It also includes links to his publications, the most recent of which [support solar radiation management](#)—a form of geoengineering—and [oppose reducing greenhouse gas emissions](#).

If Carlin wanted to comment on the scientific causes of climate change, there's little in his

work experience or education to suggest it's within his expertise. In an email, his supervisor at the EPA [told him to stick to his own work](#) [PDF].

The EPA said Carlin has had plenty of opportunities to present his thoughts—on both science and economics.

“Certain opinions were expressed by an individual [Carlin] who is not a scientist and was not part of the working group dealing with this issue,” said EPA spokesperson Adora Andy.

“Nevertheless, several of the opinions and ideas proposed by this individual were submitted to those responsible for developing the proposed endangerment finding. Additionally, his manager allowed his general views on the subject of climate change to be heard and considered inside and outside the EPA and presented at conferences and at an agency seminar. The individual was also granted a request to join a committee that organizes an ongoing climate seminar series, open to both agency and outside experts, where he has been able to invite speakers with a full range of views on climate science. The claims that his opinions were not considered or studied are entirely false.”

But what was it that Carlin wanted to attach to the endangerment ruling? Sam Kazman, the Competitive Enterprise Institute's general counsel, told me Carlin's work cites research showing global warming has been caused by ocean and solar cycles, not by human-caused emissions. Kazman refused to share the document.

“On the question of whether we have a copy of any version of the report—sorry, but at this time all I can say is no comment,” Kazman wrote in an email.

So there's your nothingburger of a story. The CEI tried to seed this false controversy in hopes that it would grow into a media kerfuffle that would slow down the EPA's climate work or the energy [and climate bill](#) advancing toward a vote in the House this wee.

One [gullible blogger](#) already took the bait. Any others who make the same error shall have their blogging license suspended for 90 days and their Twittering privileges permanently revoked. It is hereby declared.

# # #

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy    [Here's who's covering: Dow Jones, Ian...](#)    06/24/2009 07:19:36 PM

From: Adora Andy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA



Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 06/24/2009 07:19 PM  
Subject: CEI

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Here's who's covering:

Dow Jones, Ian Talley

Washington Post, David Fahrenthold

Forbes, Brian Wingfield

BNA, Steve Cook

Grist.com, Jonathan Hiskes

Greenwire/New York Times, Robin Bravender

The Examiner.com, Thomas Fuller

Adora Andy

Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2715

andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
05/04/2010 02:23 PM

To Richard Windsor  
cc Betsaida Alcantara, Brendan Gilfillan, Alisha Johnson  
bcc  
Subject 3 MORE COAL ASH ARTICLES

## **Bloomberg: EPA Proposes First U.S. Rules for Coal Ash Disposal (Update1)**

Monday, May 3, 2010

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.

MAY 4, 2010, 1:33 P.M. ET

## **Dow Jones News Wires: EPA Proposes Competing Approaches To Regulate Coal-Ash Waste**

NEW YORK (Dow Jones)--The U.S. Environmental Protection Agency announced competing proposals to regulate coal-ash waste Tuesday, deciding not to choose a single option amid pressure from industry and environmental groups.

The federal agency said both proposals for the first time would place national rules on the disposal and management of the waste material from coal-fired power plants. Yet the EPA's plan leaves open the question of whether to phase out wet storage impoundments in favor of landfills, with the dueling proposals differing on the issue, according to an EPA press briefing.

The proposals wouldn't declare coal ash a hazardous waste and the waste material could continue to be reused in various ways, EPA officials said.

The regulations of coal ash follow a December 2008 spill at a Tennessee Valley Authority power plant that sent about a billion gallons of ash and water over as many as 300 acres. Environmentalists have long pushed for the EPA to tighten regulation of coal-combustion byproducts.

The accident raised public health fears, since coal ash contains arsenic, selenium, and other contaminants that can be damaging. Electric utilities and companies that recycle coal waste into products such as cement and drywall have been fighting off new EPA regulations. Power plants say it would be expensive to phase out wet impoundments and shift to landfills.

The EPA will now take public comment and eventually make a final decision on the regulations.

-By Mark Peters, Dow Jones Newswires; 212-416-2457; mark.peters@dowjones.com

## **Louisville Courier- Journal: EPA proposes two options for managing coal waste**

By James Bruggers • [jbruggers@courier-journal.com](mailto:jbruggers@courier-journal.com) • May 4, 2010

The Environmental Protection Agency on Tuesday proposed two different ways to manage the nation's huge volume of coal combustion waste, and asked the public to weigh in to help the government decide.

One approach would eventually phase out coal ash storage ponds. The other would allow ash ponds, but only if they have plastic liners.

There are no national requirements for plastic liners or other coal-ash safety measures currently.

“Over the course 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. “We believed the next best step would be to open a transparent public process, then the EPA does its job and makes a final decision.”

She said the agency will open a 90-day comment period.

The agency’s announcement follows Jackson’s promise last year to develop the first national rules on managing the wastes that come from burning coal, following a massive ash slide in December 2008 at a [power plant](#) near Knoxville, Tenn.

The issue is of special interest in Kentucky and Indiana, which the EPA says rank first and third for production of coal burning wastes. Indiana and Kentucky are also the nation’s top two states for coal ash ponds, with 53 and 44 respectively, according to the EPA.

Coal ash ponds at several power plants in Kentucky and Indiana also hold some of the nation’s highest amounts of six potentially toxic heavy metals, according to a report released last year by the Environmental Integrity Project, an environmental group.

Dan M Riedinger, a spokesman with the Edison [Electric](#) Institute, told reporters in an email earlier this week that “utilities support federal regulation of coal ash as a non-hazardous waste, which would protect public health and the environment, while preserving the many beneficial uses of coal ash.”

Reporter James Bruggers can be reached at (502) 582-4645.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
12/23/2010 02:22 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, David McIntosh, Diane Thompson, Arvin Ganesan, Sarah Pallone, Stephanie Owens  
cc Dru Ealons, Betsaida Alcantara, Brendan Gilfillan, Gina McCarthy, Seth Oster  
bcc

Subject NSPS Clips - December 23, 2010

### **EPA Agrees to Limit Emissions From Power Plants, Refineries**

New York Times (Greenwire)

By GABRIEL NELSON - Dec 23, 2010

Threatened with lawsuits from environmental groups, the Obama administration has agreed to issue another round of greenhouse gas limits for both power plants and refineries -- this time through a provision of the Clean Air Act that allows U.S. EPA to require pollution controls at both new and existing facilities.

The agreement suggests the administration plans to press forward with its efforts to address climate change, despite the failure of the cap-and-trade bill in the Senate this year and the expectation of a backlash in Congress once regulation-averse Republicans seize control of the House next month.

Under today's deal with several states and environmental groups, EPA plans to issue a "modest" set of performance standards for two sectors that produce about 40 percent of U.S. greenhouse gas emissions, air chief Gina McCarthy told reporters this morning.

The rules for power plants (pdf) would need to be proposed by July 26, 2011, and finalized by May 26, 2012. Proposed standards for refineries (pdf) would need to be released by Dec. 10, 2011, with a final rule due on Nov. 10, 2012.

Because putting the rules in place will demand significant resources, EPA Administrator Lisa Jackson has decided to focus on the largest sources of greenhouse gas emissions first, McCarthy said. The agency will still meet its Clean Air Act obligations for other industries, she said, leaving open the possibility that performance standards could be issued later for other sectors, such as cement kilns.

"In refineries and power plants, we have large amounts of emissions, we have significant opportunities for cost-effective reductions, and we have relatively few sources to have to regulate," McCarthy said. "So it was her decision that in 2011 this would be the focus of EPA's attention."

The performance standards are also expected to get substantial attention from Congress next year. Despite being announced the day before Christmas Eve, the deal got a noisy and divided reception inside the Beltway, where leading critics of the Obama administration's approach to climate change predicted that the new regulations will play right into their hands.

The plan to issue performance standards was praised by environmentalists, who wanted to put a price on planet-warming gases and feel the rules are the best option left after the failure of the cap-and-trade bill in Congress. But Republicans and industry groups described today's agreement as another step toward a "backdoor" cap-and-trade program, vowing to stop the regulations from taking effect.

Fred Upton (R-Mich.), the incoming chairman of the House Energy and Commerce Committee, said in a statement today that the push to establish greenhouse gas pollution standards under the Clean Air Act is "a crescendo" in EPA's ongoing assault on energy producers. Upton said the effort doesn't help protect American jobs or fortify the country's energy security.

"We should be working to bring more power online, not shutting plants down," Upton said. "We will not allow the administration to regulate what they have been unable to legislate -- this Christmas surprise is

nothing short of a backdoor attempt to implement their failed job-killing cap-and-trade scheme."

Alaska Sen. Lisa Murkowski, the top Republican on the Senate Energy and Natural Resources Committee, sponsored a resolution this year to stop EPA from regulating greenhouse gases under the Clean Air Act. It failed on the Senate floor, but with an upcoming shift in the balance of power and a new batch of costly rules on the way, those types of measures could get more support, Murkowski spokesman Robert Dillon said.

"The administration used the threat of EPA regulations as a cudgel to force Congress to pass cap and trade. It was a strategy that failed," he said in an interview. "You've opened Pandora's box now. You've let the agency loose with these new regulations when they're interpreting the law."

The New Source Performance Standards (NSPS) would go beyond the Obama administration's first set of greenhouse gas regulations, which are aimed at emissions from cars, light trucks and the largest new industrial facilities. Those rules, which are focused on energy efficiency and apply only to new vehicles and facilities, are set to take effect on Jan. 2.

But the new rules, despite their misleading name, allow EPA to limit emissions from existing power plants and refineries, expanding the scope of the climate program beyond the handful of large plants that are expected to be built or renovated over the next few years. The agency has the discretion to set an efficiency standard for the two industries, perhaps requiring plants to release no more than a certain amount of greenhouse gases for every megawatt of electricity that is generated or gallon of fuel that is refined.

Experts say the potential reductions are modest but significant as the Obama administration tries to cut U.S. greenhouse gas emissions by 17 percent from 2005 levels by 2020. According to a recent study by Resources for the Future, a nonpartisan think tank, the utility sector could cut its emissions by 5 to 10 percent with efficiency standards and rules that require biomass to be burned along with coal.

The options for setting performance standards under the Clean Air Act are more flexible than the rules for construction permits that will be required starting Jan. 2, McCarthy said.

Some experts have suggested the standards could allow businesses to buy, sell or swap the right to release carbon dioxide and other planet-warming gases, but EPA does not plan to limit total emissions, McCarthy said today. She said the agency has no target in mind for the overall emissions reductions that it could achieve.

"The NSPS process is a tool of the Clean Air Act that we've used 75 times before," McCarthy said. "This is not about a cap-and-trade program, it's nothing unusual to greenhouse gases, and it's not in any way trying to get into the area where Congress will be establishing law at some point in the future -- we hope."

### Eye on the economy

Supporters of the rules hope that limiting emissions at power plants and refineries will hasten a shift from fossil fuels -- such as coal, which provides more than 40 percent of U.S. electricity -- to cleaner sources of energy such as wind or solar. They say EPA has been legally obligated to take these steps for years, and that the technology to meet the upcoming rules is already affordable.

"EPA is doing precisely what is needed to protect our health and welfare and provide businesses certainty at a time when some would prefer to roll back the clock," said David Doniger, policy director of the Natural Resources Defense Council's Climate Center.

But while the agreement was praised by environmentalists, who are worried that unchecked industrial emissions are causing dangerous changes to the Earth's climate, it was criticized by industry groups, which argued that the new regulations will impose chilling costs on American businesses while doing little

or nothing to help the environment.

Some trade groups representing utilities, energy-intensive businesses and the oil industry are challenging the legality of EPA's new rules in court while pushing for Congress to overrule EPA's regulations.

Today, those groups took the occasion to challenge President Obama. Just last week, he spent several hours with a group of business leaders at the White House and promised to take a "balanced approach" to regulation to help the economy rebound from the worst slowdown since the Great Depression.

Today's agreement is the opposite of what President Obama was seeking when he pledged to put economic recovery first, said Charles Drevna, president of the National Petrochemical and Refiners Association, in a statement.

"EPA's proposals would carry tremendous costs but no benefits for the American people -- all pain and no gain," Drevna said. "Regulations can't create technology that doesn't exist or change the laws of physics and economics, so the only way to comply with EPA's proposals would be to inflict massive increases in energy costs and massive increases in unemployment on families across our nation."

Jackson and other top EPA officials have argued that these types of environmental rules haven't stifled the economy in the past, but businesses have lingering worries that greenhouse gases are different. Unlike the nitrogen oxides (NOx) and sulfur dioxide (SO<sub>2</sub>) that cause acid rain, skeptics say, carbon dioxide is ubiquitous and impossible to curb on a global scale without cooperation from other countries.

Performance standards have been used for decades to make plants install the newest air pollution controls and run their equipment in ways that reduce emissions, they say, but there's no such thing as a scrubber for carbon dioxide. As things stand right now, there's no practical way to keep large amounts of carbon dioxide out of the atmosphere without trapping it underground.

But while carbon capture could someday become the norm for power plants and refineries, EPA has admitted that it isn't a viable technology. Projects are under way around the world, but the process is still expensive and relatively untested, the agency said in a November document that provided guidance on its previous round of regulations for high-emitting facilities.

Facilities will only need to use existing technology to reduce emissions in a cost-effective way, McCarthy said today.

Of all the programs in the Clean Air Act, she said, the performance standards are "one of the most flexible and common-sense approaches that we can take to reduce pollution in sectors where we have determined that pollution reductions are necessary to guarantee public health protection as well as protection of welfare."

Hill battles ahead

Though industry lobbyists are confident that the Republican-controlled House will pass legislation next session to block or delay the regulations, those types of measures still face an uphill battle in the Senate.

But Republican committee chairmen with jurisdiction over EPA rules will have the opportunity to probe the new rules at hearings and summon Jackson, among other top officials, for an explanation. They could also try to tighten EPA's purse strings or pass legislation to block the new rules, though a veto from Obama would be nearly impossible to overcome, experts say.

These lawmakers, many of whom previously challenged the scientific argument for climate change and tried to rebrand cap and trade as a "cap and tax" scheme, said the performance standards would slam American consumers by hiking electric bills and raising the cost of gasoline. They are preparing for a bruising fight with the Obama administration at a time of nearly unprecedented debate over environmental regulations in general and, more specifically, any proposal that would force action on

climate change.

One House member who has already showed his willingness to tangle with EPA is Rep. Darrell Issa (R-Calif.), the incoming chairman of the House Oversight and Government Reform Committee.

Issa spokesman Kurt Bardella said today the congressman is disappointed by the decision to move forward with new regulations, in part because he believes they will hurt an already fragile economy. But he also dislikes the Obama administration's tactics.

"There are serious questions about EPA's decision to move forward with these job-killing regulations that will usurp power from states -- violating the principles of federalism that are the backbone of the Clean Air Act," Bardella said.

Long legal road

Environmentalists have spent years suing EPA to make the agency issue limits on greenhouse gas emissions, but they have only made headway during the tenure of President Obama, who has described climate change as a major threat to humanity and has vowed to tackle the issue.

The performance standards for power plants and other sectors were sent back to EPA after the Supreme Court's 2007 ruling in *Massachusetts v. EPA*, which held that greenhouse gases can be controlled as a pollutant under the Clean Air Act if EPA decides that they are a threat to human health and welfare.

Environmentalists wanted the agency to make that scientific decision, and once it did -- in December 2009 -- they redoubled their push for federal limits on the amount of greenhouse gases that large industrial sources are allowed to emit.

Until today, there were frequent signs that the agency would start issuing the performance standards, but nothing definitive.

In its draft budget for the current fiscal year, the White House requested \$7.5 million to consider and possibly develop the performance standards for key industry sectors. The request said the White House was trying to limit greenhouse gas emissions "through means that are flexible and manageable for business," prompting swirling speculation about an administration-sanctioned cap-and-trade program.

The first major opportunity for such a program came in August, when EPA issued performance standards for the cement industry -- the nation's third-largest source of greenhouse gas emissions, after power plants and refineries.

EPA passed on the issue, saying it couldn't require emissions cuts because it didn't have adequate information to set a standard. The agency hadn't included greenhouse gas limits in a 2008 proposal that was issued before the agency concluded greenhouse gases are a threat.

"This is not the end of the matter," EPA wrote in its final rule. "To the contrary, based on our current knowledge we believe that it may be appropriate for the agency to set a standard of performance."

Environmentalists challenged that decision in court last month, claiming EPA is obligated to limit greenhouse gases now that the agency has acknowledged that the emissions threaten the public.

Experts say today's decision by EPA could have wide-reaching implications, potentially influencing a landmark global warming case that is waiting to be heard by the Supreme Court next year.

The case, *American Electric Power v. Connecticut*, stems from a lawsuit by states and environmental groups that claimed members of the public are being hurt by the greenhouse gas emissions from coal-fired utilities. In a brief supporting the Tennessee Valley Authority, a federally owned utility that was named as a defendant, the Obama administration argued that those types of "public nuisance" claims



were pre-empted by EPA's plan to begin regulating greenhouse gases on Jan. 2.

But those rules only apply to existing sources, the states and environmental groups shot back in a recent filing. They agreed that they would have no choice but to drop their lawsuit if EPA were actually regulating existing power plants -- and the performance standards that the agency agreed to issue today would do just that.

Reporter John McArdle contributed.

### **EPA to Propose Carbon Dioxide Emission Limits for Power Plants, Refineries**

Bloomberg

By Kim Chipman - Dec 23, 2010

The U.S. Environmental Protection Agency, under fire from lawmakers trying to stop greenhouse-gas rules set to start next month, said it will issue a second wave of carbon-emissions regulations by July.

The EPA will propose new standards under the Clean Air Act for power plants by July and for oil refineries by December as part of an agreement with environmental groups and states pushing for further limits on emissions linked to climate change, the agency said in a statement today.

The agency will begin its first phase of regulating carbon-dioxide pollution from power utilities and refineries on Jan. 2. The new rule, pushed by President Barack Obama after Congress failed to pass legislation capping greenhouse gases, is opposed by Republicans, the U.S. Chamber of Commerce and Democratic lawmakers such as Senator Jay Rockefeller of West Virginia.

The agency said in the statement that its timetable sets "a modest pace."

EPA Administrator Lisa Jackson today sought to respond to concern that the rules will burden business with excessive new costs and hurt the economy.

"These standards will help American companies attract private investment to the clean energy upgrades that make our companies more competitive and create good jobs here at home," Jackson said in the statement.

Texas Governor Rick Perry, a Republican, has said his state won't cooperate with the rules taking effect next month because they would cripple the economy. The regulations call for states to apply the carbon rules through permits, issued when companies seek to build or upgrade operations.

The EPA informed Texas yesterday that the agency will take over regulation in the state if it fails to act.

"The unwillingness of Texas state officials to implement this portion of the federal program leaves EPA no choice but to resume its role as the permitting authority," EPA Assistant Administrator Gina McCarthy wrote in a Dec. 21 letter to Bryan Shaw, chairman of the Texas Commission on Environmental Quality in Austin.

To contact the reporters on this story: Kim Chipman in Washington at [Kchipman@bloomberg.net](mailto:Kchipman@bloomberg.net).

To contact the editor responsible for this story: Larry Liebert at [LLiebert@bloomberg.net](mailto:LLiebert@bloomberg.net).

### **EPA to set greenhouse gas standards for big polluters**

USA Today

By Wendy Koch - Dec 23, 2010

Recommend In January, the U.S. Environmental Protection Agency will begin requiring large emitters of greenhouse gases such as this Chevron oil refinery in Richmond, Calif., shown here on March 9, to obtain permits for their emissions and to follow EPA guidelines on how best to reduce them when expanding or building new plants or factories.

CAPTIONBy Paul Sakuma, APThe U.S. Environmental Protection Agency, which begins regulating greenhouse gas emissions next year, announced Thursday that it will propose industry-specific standards by next December.

EPA officials will propose standards for fossil-fuel power plants in July and for petroleum refineries next December, finalizing them in May 2012 and Nov. 2012 respectively. Those are the two largest industrial sources of greenhouse gases, together accounting for nearly 40% of these U.S. emissions.

"This is not a cap program," Gina McCarthy, EPA's assistant administrator for air and radiation, told reporters in a conference call. "It's an emissions standard," requiring polluters to look at cost-effective, existing technologies for reducing their emissions. She said the schedule will allow the agency to host "listening sessions" with businesses, states and other stakeholders in early 2011.

Beginning Jan. 2, however, the EPA will begin requiring that new power plants and refineries, or those expanding their operations, obtain permits for emitting greenhouse gases and follow agency guidelines on how best to control emissions. Texas is fighting the regulations.

"EPA sets the standard for new facilities," McCarthy said, explaining it's required to do so under the Clean Air Act. Yet for existing utilities and refineries, she said, "states will have broad discretion in looking at this."

Earlier this week, the EPA announced that it was delaying some of the reporting requirements for large emitters until as late as 2014 because of industry complaints about confidentiality. he EPA starts

Environmental groups, some of which joined states in suing EPA to adopt industry-specific emissions' standards, welcomed the agency's announced plan for developing them.

"By setting timetables for issuing standards to cut dangerous carbon pollution from power plants and oil refineries, EPA is doing precisely what is needed to protect our health and welfare and provide businesses certainty at a time when some would prefer to roll back the clock," said David Doniger, policy director of the Natural Resources Defense Council's Climate Center, in a statement.

### **EPA announces plans to regulate power plant , oil refinery emissions**

Washington Post

By Juliet Eilperin - Dec. 23, 2010

The Environmental Protection Agency announced Thursday that it would regulate greenhouse gas emissions from power plants and oil refineries next year, targeting the nation's two biggest sources of carbon dioxide.

The move, which comes as part of a legal settlement with several states, local governments and environmental groups which have sued EPA under the Bush administration for failing to act, highlights the Obama administration's intent to press ahead with curbs on carbon despite congressional resistance.

Collectively, electric utilities and oil refineries account for almost 40 percent of U.S. greenhouse gas emissions: Under the agreement, EPA will propose new performance standards for power plants in July 2011 and for refineries in December 2011 and will issue final standards in May 2012 and November 2012, respectively.

"We are following through on our commitment to proceed in a measured and careful way to reduce GHG pollution that threatens the health and welfare of Americans, and contributes to climate change," EPA Administrator Lisa P. Jackson said in a statement. "These standards will help American companies attract private investment to the clean energy upgrades that make our companies more competitive and create good jobs here at home."

Environmentalists such as David Doniger, policy director of the Natural Resources Defense Council's climate center, hailed the announcement of the new schedule for regulation.

"By setting timetables for issuing standards to cut dangerous carbon pollution from power plants and oil refineries, EPA is doing precisely what is needed to protect our health and welfare and provide businesses certainty at a time when some would prefer to roll back the clock," Doniger said. "The EPA's forthcoming standards will be based on available and affordable measures to clean up the two industries responsible for the most pollution that drives climate change. Clear pollution control standards also will help these industries plan future investments, fuel the economic recovery and create jobs."

Power plants account for more than 2.3 billion tons of carbon dioxide emissions each year, more than any other industry. Oil refineries rank as the nation's second-largest source, with emissions equivalent to more than 200 million tons of carbon dioxide a year.

Charles T. Drevna, president of the National Petrochemical & Refiners Association, said his industry will urge lawmakers to block EPA's move.

"EPA's proposals would carry tremendous costs but no benefits for the American people - all pain and no gain," Drevna said in a statement. "Regulations can't create technology that doesn't exist or change the laws of physics and economics, so the only way to comply with EPA's proposals would be to inflict massive increases in energy costs and massive increases in unemployment on families across our nation. This is exactly the opposite of what President Obama rightly called for when he said economic recovery and job creation should be our nation's top priorities."

Some key lawmakers such as Rep. Darrell Issa (R-Calif.), who is in line to chair the House Oversight and Government Reform Committee next year, seemed open to such suggestions.

"Rep. Issa is disappointed by EPA's refusal to appropriately and thoroughly consider regulations that will undoubtedly kill more jobs in an already struggling economy," said Issa spokesman Kurt Bardella in an e-mailed statement. "The fact is there are serious questions about EPA's decision to move forward with these job-killing regulations that will usurp power from states -- violating the principals of federalism that are the backbone of the clean air act. EPA's actions will also impose a de facto building moratorium that comes at the expense of thousands of jobs."

This post has been modified since it was first published.

### **EPA vows to tread carefully**

Politico

By Robin Bravender - December 23, 2010

The Obama administration is plowing forward with greenhouse gas regulations next year, but promises to be cautious in advance of a looming battle on Capitol Hill.

The Environmental Protection Agency on Thursday announced plans to issue a new round of global warming rules aimed at power plants and petroleum refineries, which are responsible for nearly 40 percent of domestic greenhouse gas emissions.

But as the agency prepares to play defense to safeguard their regulations in the next Congress, officials took a measured tone in their announcement.

"We are following through on our commitment to proceed in a measured and careful way to reduce GHG pollution that threatens the health and welfare of Americans, and contributes to climate change," EPA Administrator Lisa Jackson said in a statement.

"This is basically just business as usual," EPA air chief Gina McCarthy told reporters, adding, "It's flexible, it's cost effective."

Under agreements reached with states and environmental groups in lawsuits over the rules, EPA plans to issue draft greenhouse gas performance standard for power plants by July 2011 and a final rule by May 2012, as first reported Tuesday by POLITICO. The draft rule for refineries is due out by Dec. 2011 and a final rule by Nov. 2012.

For some existing facilities, those standards likely won't take effect until 2015 or 2016, McCarthy added.

And, she insisted, the new rules will not involve a cap-and-trade program like the failed climate bill from Capitol Hill. "This is not any type of a cap approach," McCarthy said. "This is about taking a look at what technologies are available that can cost-effectively achieve reductions in greenhouse gases."

But despite EPA's best efforts to preempt a political firefight, the new climate rules are certain to come under attack from the agency's foes on Capitol Hill.

"This rule will add to EPA's enormous regulatory burden on the economy, and will inevitably make consumers pay more for gasoline and electricity," Sen. Jim Inhofe (R-Okla.) said in a statement. "Jobs will also be at risk. We will be examining the rule through vigorous oversight in the coming months."

Inhofe and a host of other Republican lawmakers are hoping to scale back some of the agency's regulations in the next Congress, and climate rules are at the top of their list.

Industry officials were also quick to blast EPA's plans. "EPA's proposals would carry tremendous costs but no benefits for the American people - all pain and no gain," said Charles Drevna, president of the National Petrochemical & Refiners Association.

Environmentalists applauded the announcement, and they've vowed to rally around EPA greenhouse gas rules after climate legislation collapsed in Congress.

"Actions and efforts to try and stop the EPA from moving forward with these standards represent nothing more than old and dirty politics as usual - polluters that want to hold hostage America's clean energy future and our public health with bullying and unfounded threats of doom and gloom," said Joe Mendelson, director of global warming policy at the National Wildlife Federation.

### **EPA takes over Texas pollution permits**

Houston Chronicle

By R.G. RATCLIFFE AUSTIN BUREAU - Dec. 23, 2010

AUSTIN - The U.S. Environmental Protection Agency today officially took away from state regulators the permitting process for air quality on major industrial facilities.

The move was praised by environmentalists, but, criticized by industry and Gov. Rick Perry's office.

EPA Regional Administrator Al Armendariz in a letter to industry said that as of Jan. 2, 2011, all greenhouse gas air quality permits that are pending at the Texas Commission on Environmental Quality or may be filed in the near future will now be reviewed and issued by the EPA. Armendariz said the TCEQ has estimated that 167 projects in Texas will be affected.

The action has no effect on existing air quality permits and only will impact businesses that are expanding facilities or building new operations. The impact most directly will affect petrochemical refineries.

Armendariz said a U.S. Supreme Court opinion gave the authority to regulate greenhouse gas emissions for the "Prevention of Significant Deterioration (PSD)" of air quality. He noted that Texas has been fighting the EPA in court over the issue.

"State officials in Texas have made clear in letters to EPA Administrator Lisa P. Jackson, statements in the media and in legal challenges to EPA's greenhouse gas rules ... that they have no intention of implementing this portion of the federal air permitting program," Armendariz said. "The unwillingness of Texas state officials to implement this portion of the federal program leaves EPA no choice but to resume its role as a Clean Air Act permitting authority in the state."

The state recently lost an effort in federal court to block immediate implementation of the new greenhouse gas rules. But a lawsuit against the rules is continuing.

"The EPA is interpreting the Clean Air Act in a way Congress never intended, setting arbitrary greenhouse gas emission levels and ignoring statutory guidelines of the act," said Perry spokeswoman Katherine Cesinger.

"The EPA's misguided plan paints a huge target on the backs of Texas agriculture and energy producers by implementing unnecessary, burdensome mandates on our state's energy sector, threatening hundreds of thousands of Texas jobs and imposing increased living costs on Texas families," Cesinger said.

Cesinger said the state's flexible air quality permitting system led to a 22 percent reduction in ozone and a 53 percent decrease in nitric oxide emissions since 2000.

r.g.ratcliffe@chron.com

### **EPA taking over greenhouse gas permits in Texas**

Associated Press (via Bloomberg)

By JEFF CARLTON - Dec 23, 2010 By The Associated Press

DALLAS (AP) – The Environmental Protection Agency is taking the unprecedented step of directly issuing air permits to industries in Texas because of the state's refusal to comply with new greenhouse gas regulations going into effect Jan. 2.

The EPA on Thursday announced it will issue Clean Air Act Permits for greenhouse gas emissions in Texas beginning in January. The agency said in a statement that it prefers if states remain the permitting authorities but that "officials in Texas have made clear ... they have no intention of implementing this portion of the federal air permitting program."

A spokesman for the Texas Commission on Environmental Quality did not immediately return a message.

The nation's largest oil refineries are in Texas, which also is home to more coal-fired power plants than any other state.

### **Obama to regulate greenhouse gases from power plants**

BBC

Dec. 23, 2010

Mr Obama is pushing the EPA to cut greenhouse gas emissions after a climate bill failed earlier this year

The Obama administration has said it will regulate greenhouse gas emissions from power plants amid opposition from industry and Republicans in Congress.

The Environmental Protection Agency (EPA) said it would regulate emissions from fossil fuel power plants by 2011 and petroleum refineries by 2012.

President Barack Obama is pushing the EPA to cut emissions after a climate bill failed in Congress this year.

But Republican lawmakers have said the EPA's new rules will harm the economy.

The EPA said it would propose figures for emissions cuts in 2011 and finalise them in 2012.

The new rules are expected to limit the amount of carbon dioxide a plant can emit per each megawatt hour of electricity produced.

"We are following through on our commitment to proceed in a measured and careful way to reduce greenhouse gas pollution that threatens the health and welfare of Americans and contributes to climate change," EPA chief Lisa Jackson said in a statement.

Collectively, fossil fuel power plants and petroleum refineries release nearly 40% of the total greenhouse gases emitted in the US.

Republican objections

Republicans, who will take control of the House of Representatives when the new Congress convenes on 5 January, have already expressed opposition to the new regulations.

"I think we ought to start with a two-year pause" in upcoming EPA regulations, said Republican Representative Mike Simpson, who is expected to lead a House panel that controls the EPA's budget.

Mr Obama said last year that the US would curb emissions by 17% by 2020 compared with 2005 levels.

Legislation forcing reductions in carbon dioxide and other greenhouse gas emissions, which are believed by most climate scientists to contribute to global warming, was struck down in Congress this summer.

### **EPA to Unveil Carbon Limits Plan for US Power Plants**

Reuters

By James Murray, BusinessGreen.com at Greener World Media -- Dec 23, 2010

The US Environmental Protection Agency (EPA) is today expected to unveil controversial new plans designed to curb emissions from US power plants and industrial facilities.

According to various reports, the agency intends to set out a timeline for introducing new greenhouse gas emissions standards for power plants by July and for oil refineries by December next year.

A source told The New York Times that the rules are likely to place a binding limit on the amount of carbon dioxide a power plant can emit per megawatt-hour of electricity it produces.

Depending on the level at which the new emission standards are set, the rules could effectively outlaw the dirtiest coal-fired power plants and force energy firms to increase investment in cleaner gas and renewable energy sources.

The proposals will prove highly controversial and are already under fire from Republicans and industry groups, many of which have launched legal actions against the EPA challenging its right to regulate

greenhouse gas emissions.

Republicans have also pledged to use their control of the House of Representatives to try to curb the EPA's powers.

Speculation is mounting that they could use a partial-year spending bill that has to pass in early 2011 to avoid a government shutdown to try to secure concessions from the Obama administration that would limit the EPA's authority.

The announcement comes as the EPA this week stepped up its battle with Texas over the introduction on 2 January of new rules requiring carbon intensive power plants and industrial sites to obtain permits guaranteeing that they use the most efficient technologies when undertaking upgrades or building new facilities.

Texas and over a dozen other states are suing the EPA in an attempt to overturn the new rules. However, Texas is the only state to refuse to implement the permitting regime when it comes into effect next month.

As a result, EPA assistant administrator for air issues Gina McCarthy wrote to state environmental officials this week warning that the agency would take over the operation of the permitting scheme.

"The unwillingness of Texas state officials to implement this portion of the federal programme leaves the EPA no choice but to resume its role as the permitting authority," she wrote.

The move puts the Obama administration on a collision course with Texas Republican governor Rick Perry, who has consistently opposed the EPA and has argued that the new rules should be ditched on economic grounds.

!--pagebreak--

A spokeswoman for Perry told reporters that the EPA's rules "paint a huge target on the backs of Texas agriculture and energy producers by implementing unnecessary, burdensome mandates".

In related news, the EPA secured victory this week in its legal battle with a coalition of oil companies and refiners over its decision to impose ethanol targets for gasoline sales.

A federal appeals court rejected the oil industry suit, which argued that the EPA had imposed the ethanol standards retrospectively after waiting until March to announce targets for 2010.

The court said in its ruling that oil firms had sufficient time to meet the renewable fuel standard, which requires that biofuels make up 8.25 per cent of gasoline sales this year.

Charles Drevna, president of the National Petroleum Refiners Association, expressed disappointment at the decision.

"This retroactive regulation by a federal agency establishes a deeply troubling and potentially far-reaching precedent," he said in a statement.

### **EPA to issue greenhouse gas permits in Texas**

The Dallas Morning News

By DAVE MICHAELS - Dec. 23, 2010

WASHINGTON - The Environmental Protection Agency will announce today that it will seize authority from Texas to award permits to plants that emit large amounts of greenhouse gas, because Gov. Rick Perry and state officials have refused to implement federal regulations.

The announcement was expected, since top Texas elected officials deny the scientific basis for regulating

greenhouse gas emissions. Additionally, Perry and others have warned that the rules will harm Texas' key fossil-fuel industry.

In a letter sent this week to state regulators, an EPA official wrote that 167 facilities in Texas - many of them power plants and oil refineries - would come under the rules.

As of Jan. 2, those plants will have to seek greenhouse-gas permits if modifications increase their greenhouse-gas emissions by 75,000 tons per year. New facilities that emit more than 100,000 tons annually become subject to the permit rule in July.

Texas has sued to stop EPA regulation of greenhouse gases, and Perry has accused the EPA of interfering in Texas' successful air-permitting program. In June, the EPA rejected a separate Texas permit program that, according to federal officials, let some companies avoid certain federal clean-air requirements.

That action required those businesses to seek revised permits from the EPA.

By assuming control for greenhouse gas permits, the EPA said businesses would avoid the uncertainty that plagued the other clean-air program.

"We are simply now going to supplement the state actions to insure that we have an emission standard that ... governs greenhouse gases," EPA Assistant Administrator Gina McCarthy said Thursday. Permits "will be legally defensible. The industries will be able to rely on them and have certainty they are enforceable under federal law."

The Clean Air Act allows states to implement their own federally-compliant programs to regulate industrial sources of pollutants such as carbon monoxide, ozone and sulfur dioxide. Texas is the only state that refused to add greenhouse-gas controls to its existing permit program.

Earlier this month, the U.S. Court of Appeals for the District of Columbia Circuit denied a request by Texas and other litigants to halt the greenhouse-gas permit rule. The court ruled that Texas and the other plaintiffs didn't prove that significant economic harm would result from the regulation.

The rule requires state permit writers and businesses to consider the "best available control technology" for reducing emissions when a plant is built or newly modified.

The EPA has issued guidance that says energy-efficiency measures would probably be the most cost-effective way to comply.

The EPA also announced Thursday that it would propose standards in 2011 for greenhouse gas emissions from existing coal-fired power plants and oil refineries, which emit nearly 40 percent of U.S. carbon-dioxide emissions. The standards would become final in 2012.

The oil and gas industry opposes the standards, which they say will raise their costs and hurt job growth.

Republican members of Congress have pledged to undo EPA's regulations when they take over the House in January.

"Today's announcement marks a crescendo in the EPA's long regulatory assault against America's energy producers," said Rep. Fred Upton, R-Mich., the incoming chairman of the House Energy and Commerce Committee. "The EPA has its foot firmly on the throat of our economic recovery."

EPA officials characterized the measure as a "modest" step toward their goal of reducing greenhouse-gas emissions. McCarthy said the industry has years of experience meeting the standards, which already apply to toxic pollutants and other emissions that can harm public health.



## **Obama to regulate carbon from power plants**

AFP

By Shaun Tandon - Dec. 23, 2010

WASHINGTON – US President Barack Obama's administration said Thursday it will regulate greenhouse gas emissions from power plants, setting up a potential climate change battle with a skeptical new Congress.

The Environmental Protection Agency (EPA) said it would set standards for fossil fuel power plants and petroleum refineries -- which together emit nearly 40 percent of US greenhouse gases -- starting in 2012.

"We are following through on our commitment to proceed in a measured and careful way to reduce greenhouse gas pollution that threatens the health and welfare of Americans and contributes to climate change," EPA chief Lisa Jackson said in a statement.

"These standards will help American companies attract private investment to the clean energy upgrades that make our companies more competitive and create good jobs here at home," she said.

The initiative is likely to set up a clash with lawmakers of the rival Republican Party, who will assume control of the House of Representatives next month.

The upcoming rules could also trigger a battle with oil-producing Texas, which emits far more greenhouse gases than any other state and has adamantly opposed Washington restrictions.

The last House of Representatives, whose session ended Wednesday, approved the first nationwide US "cap-and-trade" plan which would restrict emissions and allow companies to trade pollution credits on the market.

The bill died in the Senate, where Republicans argued it would be too costly. A number of Republicans also question the science behind climate change.

The EPA did not go into specifics about the new standards, saying it would make a proposal in the new year and finalize it in 2012 after public comment.

The regulator suggested it would not impose an outright figure for emission standards but instead would ask companies to embrace cleaner technologies.

"This is not about a cap-and-trade program," senior EPA official Gina McCarthy told reporters on a conference call.

"It is not in any way trying to get into the areas in which Congress will be establishing law, at some point in the future we hope," she said.

McCarthy did not say which technologies would be favored. The dirtiest source of power is coal, which accounts for more than one-quarter of US energy production and is politically sensitive.

McCarthy voiced confidence that the EPA move would "not only sustain jobs in the US but grow jobs" and "provide a measure of certainty" to businesses as they plan new investments.

But Scott Segal, a lawyer representing utilities and refineries, said that the EPA timetable was "unrealistic."

"By singling out the energy sector, the agency puts the nation's fragile economic recovery at risk and stifles job creation," Segal said.

He also doubted the environmental benefits of the EPA move in the absence of "coordination with foreign nations."

Fast-growing China has surpassed the United States as the top emitter of carbon, the most prominent greenhouse gas, but Beijing has launched an initiative to reduce emissions.

Obama last year pledged that the United States would curb emissions by 17 percent by 2020 compared with 2005 levels. The goal is modest compared to the actions of other developed economies, particularly the European Union.

Most scientists say the world is far off track at meeting a goal -- codified at UN climate talks in Mexico this month -- of keeping temperatures from rising more than two degrees Celsius (3.6 Fahrenheit) above pre-industrial levels.

The EPA was able to act due to a 2007 Supreme Court ruling that gave it authority to regulate greenhouse gases under the landmark Clean Air Act.

Joe Mendelson of the National Wildlife Federation, who initiated the case, hailed the EPA for "reasonable and thoughtful steps" to fight climate change.

Bracing for a fight, Mendelson criticized "polluters that want to hold hostage America's clean energy future and our public health with bullying and unfounded threats of doom and gloom."

### **EPA Taking Over Greenhouse Gas Permits In Texas**

by The Associated Press (via NPR)

Dec 23, 2010

text size A A A DALLAS December 23, 2010, 01:15 pm ET

The Environmental Protection Agency is taking the unprecedented step of directly issuing air permits to industries in Texas because of the state's refusal to comply with new greenhouse gas regulations going into effect Jan. 2.

The EPA on Thursday announced it will issue Clean Air Act Permits for greenhouse gas emissions in Texas beginning in January. The agency said in a statement that it prefers if states remain the permitting authorities but that "officials in Texas have made clear ... they have no intention of implementing this portion of the federal air permitting program."

A spokesman for the Texas Commission on Environmental Quality did not immediately return a message.

The nation's largest oil refineries are in Texas, which also is home to more coal-fired power plants than any other state.

### **EPA Lays Out Path For Setting Power Plant , Refinery Standards**

Dow Jones

By Siobhan Hughes - Dec. 23, 2010

WASHINGTON -(Dow Jones)- The U.S. Environmental Protection Agency on Thursday set a timetable for issuing standards for controlling greenhouse-gas emissions from power plants and oil refineries, saying it would propose the regulations starting in July.

The EPA said it reached the decision as part of an agreement with environmental groups and state attorneys general. The coalition had sued the agency over its failure to issue standards for the facilities, which together account for a large share of the nation's greenhouse gas emissions.

Under the settlement, the EPA will propose the power-plant standards by July 26, 2011, and finalize the rules by May 26, 2012. The agency will propose standards for refineries by Dec. 10, 2011, and finalize the

standards by Nov. 10, 2012.

-Siobhan Hughes; Dow Jones Newswires; siobhan.hughes@dowjones.com; (202) 862- 6654

### **EPA sets the stage for expanded climate rules**

The Hill

By Ben Geman and Andrew Restuccia - Dec. 23, 2010

The Environmental Protection Agency (EPA) unveiled a schedule Thursday for setting greenhouse gas standards for power plants and oil refineries.

While EPA is pledging a "common-sense" approach, the move is likely to escalate a battle between the Obama administration and Republicans, who argue climate regulations will hurt the economy. Members of the GOP are pledging to block the rules on Capitol Hill next year.

The Clean Air Act standards will address two industry sectors that together account for almost 40 percent of U.S. emissions, EPA said.

The agency plans to propose so-called performance standards for oil- and coal-fired power plants in July of 2011, and for refineries in December of 2011. The agency plans to finalize the power plant rules in May of 2012 and complete the refiner rules in November of 2012.

"We are following through on our commitment to proceed in a measured and careful way to reduce [greenhouse gas] pollution that threatens the health and welfare of Americans, and contributes to climate change," EPA Administrator Lisa Jackson said in a statement.

EPA has already completed rules that will begin to include carbon emissions in Clean Air Act permitting programs early next year. But those initial rules will only cover new and overhauled industrial plants with large emissions, and are applied on a case-by-case basis.

The rules slated for completion in 2012, in contrast, set a national, industry-specific standard for power plants and refineries which could be applied to existing facilities in some cases.

"These standards will help American companies attract private investment to the clean energy upgrades that make our companies more competitive and create good jobs here at home," Jackson said.

But EPA's schedule came under attack from an industry representative, who called the schedule "unrealistic."

"By singling out the energy sector, the agency puts the nation's fragile economic recovery at risk and stifles job creation. Small businesses, schools, hospitals and energy-intensive manufacturers are particularly at risk from high energy prices," said Scott Segal, an attorney with the firm Bracewell & Giuliani who represents utilities and refiners, in a statement.

The agreement on the schedule for the rules stems from a lawsuit brought by states and environmental groups seeking controls on heat-trapping emissions.

EPA's regulations have become the focal point of political battles over climate change after emissions-capping legislation collapsed on Capitol Hill.

Senior Republicans, including Rep. Fred Upton (Mich.), the incoming chairman of the House Energy and Commerce Committee, have pledged efforts to block EPA when they take control of the House next year.

But current House Energy and Commerce Committee Chairman Henry Waxman (D-Calif.) – who is about to hand the gavel to Republicans – doesn't think the GOP can topple EPA greenhouse gas rules.

"They are not going to succeed in stopping EPA from acting under existing law, and I think the Republicans underestimate the support of the American people for environmental legislation," Waxman told reporters in the Capitol on Wednesday.

"I don't think they are going to get any bills passed to stop EPA. ... You need to pass it through both houses and get a signature by the president. I don't think it is going to happen," Waxman said.

Gina McCarthy, the EPA's top air-pollution official, told reporters on a conference call Thursday that the rules are the "beginning of a process that will help decrease greenhouse gas emissions in the United States."

She said there are no details to reveal yet, but stressed that EPA's climate rules do not set an emissions cap for the industry sectors.

"It's not about establishing a tonnage that should or shouldn't be emitted," said McCarthy, the EPA's assistant administrator for air and radiation. She emphasized that the agency's focus is on technologies that cut emissions. McCarthy also said Thursday that the standards may not go into effect until as late as 2015 or 2016 for some power plants and refineries.

The upcoming rules drew a quick cheer from green groups.

"Power plants and oil refineries represent two of our biggest sources of carbon pollution, and these sources need to be held accountable for all of their pollution," said Joe Mendelson, director of global warming policy for the National Wildlife Federation.

He said the standards would "will create regulatory certainty for industry, cut down on our energy waste and provide significant steps toward tackling the climate crisis that affects us all."

Here's how EPA described the rules it's crafting for power plants and refineries.

"The Clean Air Act requires EPA to set industry-specific standards for new sources that emit significant quantities of harmful pollutants. These standards, called New Source Performance Standards (NSPS), set the level of pollution new facilities may emit and address air pollution from existing facilities. The act allows flexible and innovative approaches that take into account cost, health and environmental impacts and energy requirements," the agency said in a summary.

EPA said it will host "listening sessions" early next year with business groups, states and other stakeholders.

This post was updated at 11:57 a.m., 12:03 p.m. and 12:24 p.m.

Adora Andy/DC/USEPA/US

11/04/2009 04:14 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, David McIntosh, Seth Oster, Allyn Brooks-LaSure, Diane Thompson, Gina McCarthy  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Arvin Ganesan  
bcc

Subject WAPO: Kerry, Graham, Lieberman announce a "dual track" on the climate bill

Washington Post

**Kerry, Graham, Lieberman announce a "dual track" on the climate bill**

*By David A. Fahrenthold*

Even before a Senate committee could begin marking up the "Kerry-Boxer" climate bill, Sen. John F. Kerry (D-Mass.) is taking a "dual track" of negotiations over climate policy that makes his original bill look somewhat irrelevant.

Kerry, appearing at the U.S. Capitol with Sens. Lindsay O. Graham (R-S.C.) and Joseph I. Lieberman (I-Conn.), is meeting with business groups and the White House to forge a compromise climate measure that could get 60 votes in the Senate. These negotiations would be separate from the work that six different Senate committees are doing on climate legislation. The Environment and Public Works committee was supposed to begin Tuesday, the senators said. Republican opposition to the Environmental Protection Agency analysis of the bill's impacts, are boycotting that markup, so progress on the bill is slow.

Kerry said that the senators were not circumventing that committee's process or ignoring the bill being marked up by the staff of that of Sen. Barbara Boxer (D-Calif.). "We're going to take the best [of the bill the committee produces], and we're going to take it to the floor," Kerry gave few details about when he and the other senators would be done with their work. "When and how it will be determined by Harry Reid," he said.

The idea that Senate Majority Leader Harry Reid (D-Nev.) would meld the various climate proposals into a single bill, while the committees working on related bills, Democrats have long said that someone would have to stitch them all together. This move was an early, and stark, signal that the committee bills would not be the only things shaping the final product.

Kerry, Graham and Lieberman offered few details about the elements of a climate bill they considered non-negotiable. They should protect the climate, but also allow for more offshore drilling, an expansion of nuclear energy and an emphasis on clean energy. Asked if the group was committed to a "cap and trade" scheme, like the one used to reduce pollution in a bill passed last year, yes, but noted that the scheme had "a lot of moving parts you could negotiate on."

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

06/17/2010 12:47 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens, Mathy Stanislaus, Dana Tulis, Gina McCarthy, Paul Anastas, Lisa Garcia  
cc Seth Oster, Allyn Brooks-LaSure

bcc

Subject TheRoot.Com : Seeking Environmental Justice in the Gulf

Pls see highlighted portions on EPA

Seeking Environmental Justice in the Gulf

By: Brentin Mock

TheRoot.com

Posted: June 17, 2010 at 7:39 AM

Those in disadvantaged areas, already hard hit by poverty and illness, say their concerns are not being addressed.

In President Obama's address to the nation Tuesday, he pledged to create a "Gulf Coast restoration plan" for families and workers whose lives have been negatively affected by the BP oil spill. "The plan," said the president, "will be designed by states, local communities, tribes, fishermen, businesses, conservationists and other Gulf residents."

For that to happen, he'd be best served by consulting with the community-based organizations throughout the Gulf region that are fully engaged in "the worst environmental disaster America has ever faced." Otherwise, the most vulnerable communities might not get the recovery resources from the federal government that they need, as happened after hurricanes Katrina and Rita. There's no reason this needs to happen.

Gulf Coast communities are often environmental justice communities, overburdened by sickness and poverty, and located in places that federal safety nets don't reach, or where state safety nets don't exist. They are also in areas where polluting industries operate with impunity even though their emissions, leaks and spills have a disproportionate impact on already disadvantaged families.

The federal government is bound by Executive Order 12898, a 1994 order signed by Bill Clinton that compels federal departments and agencies to consider any environmental justice implications before implementing an action. **The Environmental Protection Agency is the guardian of that order , and Administrator Lisa Jackson , who grew up in New Orleans , has honored environmental justice policy like no administrator before her .**

But community organizations along the Gulf feel that many of their concerns still aren't being heard and are dissatisfied with the federal government's response. After the 2005 storms and floods, there was an enormous effort to bring together dozens of social and environmental justice organizations in Alabama, Mississippi and Louisiana. The hundreds of nonprofit organizations that came online after Katrina were added into the mix. Birthed from that effort were coalitions such as STEPS and the Equity and Inclusion Campaign, which clustered small, local organizations into unified fronts, spurred by resources from the Gulf Coast Fund, Louisiana Disaster Recovery Foundation, Oxfam America and many others.

Operating like a coordinated military organization, they tackle issues such as civic engagement, disaster response and climate change adaptation -- all of which are core tenets of environmental justice. So when it became clear that the BP oil spill would not be contained and would threaten the livelihoods of thousands of African and Asian Americans and Latinos in the Gulf, these organizations were well-positioned to be first responders, and many were.

**But there is still a huge responsibility that belongs not just to BP but also to the federal government ,**

especially for ensuring that the most vulnerable of these communities will recover fully . A major concern in these Gulf communities has been jobs . Unemployment was already high before the spill , and what work did exist often came from the fishing areas now closed by the slick , as well as from tourism industries . What few jobs are available now are in oil cleanup .

Much like the dispersants , those jobs come with a trade-off . With the former , shorelines and marshes are protected (although not all), but at the expense of the added toxicity from dispersant chemicals . With the latter , a certain level of income is protected (though not even close to normal income ) , but at the expense of the health of workers exposed to hazardous chemicals -- chemicals often in dispersant mixtures .

Many workers are not getting proper safety training , and this is the wrong area to try to get over on that . Since the early 1990s , the New Orleans-based Deep South Center for Environmental Justice has worked with the National Institute of Environmental Health Sciences to train people in the region in hazardous-material mitigation . So it was clear to these communities that BP was being slick when it staged trainings that lasted only a few hours and offered minimal safety equipment .

Oil spill workers and coastal communities have reported sickness from exposure to the oil . In a letter sent to the EPA on June 15 , several organizations told the agency : "Oil spill impacted communities have been experiencing odors and health complaints consistent with exposure to oil spill chemicals . At the same time , EPA is reporting 'typical' air quality for the areas monitored . This disconnect reflects gaps in the current monitoring and communication plans employed by EPA that must be remedied ."

African-American fishermen , a dwindling community , also issued a statement , really a list of demands to President Obama and Congress , asking for more oversight of BP and just compensation for those put out of work by the spill . Another letter issued June 10 on behalf of vulnerable families across the Gulf also asks that the federal government protect workers' provisions and health .

The federal agency that's been most responsive has been the EPA . Its official duties really include monitoring only air , water and sediment , but it has become the default monitor of community concerns too . Its website has the most comprehensive set of data and document collections . Unlike websites of other federal departments involved in the spill -- Coast Guard , Interior , NOAA , DisasterAssistance.gov -- the EPA's has Spanish and Vietnamese translations .

EPA senior officials have made multiple journeys to the Gulf Coast to learn firsthand what the problems are . EPA officials were present at four "listening sessions" with Bayou Interfaith Shared Community Organizing , while BP and the Coast Guard have mostly been available only through hot lines . On June 15 , there was a teleconference with EPA 's National Environmental Justice Advisory Council (NEJAC) , where community stakeholders were able to comment and ask questions of EPA directors , including Jackson , who appeared on the line for about 30 minutes . In her speech she promised that environmental justice would become part of the "standard operating procedure " of the EPA , and that she would work to do the same for the rest of the federal government .

As an example , Jackson pointed out that she assigned an environmental justice representative to the EPA's Emergency Operations Center , which is the liaison to the Joint Incident Command , the official federal coordinator of the oil disaster .

As grateful as the stakeholders were to hear this , they weren't without concerns . Derrick Evans , executive director of the Mississippi -based Turkey Creek Community Initiatives , credited the EPA in his presentation during the teleconference with making a "historic effort to reach out to environmental justice communities ." However , he said , "the problem seems to be the exchange [of information] back -- the information doesn't appear to be making its way back to policy and action . I am very grateful for the availability of government officials , but we don't see the return in investment of time and words that we would like to see ." One of the things Evans would like to see is a citizens ' advisory council guiding the oil spill response , similar to what was produced in the Exxon Valdez spill .

In Katrina's aftermath , the EPA's NEJAC put together a Gulf Coast Hurricanes Work Group , consisting

**of local Gulf environmental justice leaders . The group prepared a report asking that the EPA identify areas where vulnerable populations are located , improve its communication with those populations , and incorporate an environmental justice function into its Incident Command System .**



Adora Andy/DC/USEPA/US  
12/08/2009 03:41 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, David McIntosh, Arvin Ganesan, Seth Oster, Allyn Brooks-LaSure, Gina McCarthy, Lisa Heinzerling  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject WASHINGTON TIMES: Inhofe: After 2010, Senate Can Reverse EPA Decision

## [Inhofe: After 2010, Senate Can Reverse EPA Decision](#)

By [David Weigel](#) 12/8/09 12:44 PM

At the Heritage Foundation today, [Sen. James Inhofe](#) (R-Okla.) claimed that there were only 25 “aye” votes in the Senate for the Kerry-Boxer cap-and-trade bill. The “Climategate” scandal, over e-mails obtained from the University of East Anglia’s Climate Research Unit that skeptics claim to show scientists forging global warming data, had not had an effect on the vote because it was “already dead.”

I asked Inhofe whether he saw enough votes in the Senate to pass a law reversing the EPA’s [“endangerment finding”](#) of yesterday, which classified greenhouse gases as dangers to public health. It would be tough now, he said, and he didn’t want to put Republicans “on the spot.” But the situation would change if Republicans had more votes in the Senate.

“After the 2010 election,” said Inhofe, “I guarantee we’ll have the votes to do it.”

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
03/01/2010 04:35 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Gina McCarthy, David McIntosh, Arvin Ganesan  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject THE HILL: Top House Republicans ready bill to thwart EPA climate rules

## Top House Republicans ready bill to thwart EPA climate rules

By Ben Geman - 03/01/10 02:43 PM ET

Senior House Republicans including Minority Leader John Boehner (R-Ohio) plan to roll out a resolution Tuesday that would nullify EPA's authority to regulate greenhouse gas emissions.

Their plan mirrors a Senate effort led by Sen. Lisa Murkowski (R-Alaska) – which may come to the floor this month – to overturn EPA's "endangerment finding" that greenhouse gases are a threat to humans.

The finding provides the legal underpinning for planned EPA rules that limit emissions from various industry sectors.

Boehner plans to hold a press conference Tuesday about the plan with members including Republican Conference Chairman Mike Pence (R-Ind.) and Energy and Commerce Committee Ranking Member Joe Barton (R-Texas).

The resolution currently has 79 cosponsors, according to Boehner's office. It will be a so-called resolution of disapproval under the Congressional Review Act, a mid-1990s law that allows Congress to overturn federal rules but has been used successfully just once.

The House GOP plan follows a resolution to block EPA [filed last week by two senior House Democrats from conservative states](#) – Ike Skelton (D-Mo.) and Collin Peterson (D-Minn.).

The White House is opposing the efforts, [alleging recently that they would harm Detroit automakers](#), even though opponents of EPA rules say they want to blunt the economic effects of regulating stationary sources like power plants and refineries.

Murkowski's plan – which has 40 cosponsors including three Democrats – could not be filibustered but faces big hurdles clearing Congress and a likely White House veto. But it would nonetheless be a major political setback for advocates of emissions curbs if the plan gained majority support in either chamber.

Sen. Jay Rockefeller (D-W.Va.) is planning legislation that would temporarily block EPA's stationary source rules without nullifying EPA's power entirely.

An industry lobbyist tracking the plan said Rockefeller's bill is expected to call a two-year timeout on the planned EPA rules, which the agency recently said it would [implement more slowly](#) than had originally been expected.

The lobbyist predicts that Rockefeller's plan could draw centrist Democrats away from backing Murkowski's more sweeping approach.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
12/06/2010 02:52 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Gina McCarthy, Scott Fulton, Avi Garbow, David McIntosh, Arvin Ganesan, Sarah Pallone  
cc Seth Oster, Brendan Gilfillan, Michael Moats, Vicki Ekstrom, Betsaida Alcantara  
bcc

Subject HEADS UP: POLITICO ON AEP V CT, WH TPS

## **POLITICO:**

### **SCOTUS to hear global warming case**

By [Robin Bravender](#) | 12/6/10 @ 11:23 AM EST

The U.S. Supreme Court will take on another landmark global warming lawsuit, the high court announced today.

The court will hear an appeal next year from electric utilities in the high-profile American Electric Power v. Connecticut case. Power companies are challenging a lower court ruling that allowed states and environmental groups to move ahead with a public nuisance lawsuit seeking to force the utilities to slash their greenhouse gas emissions.

Monday's decision marks a victory for the utilities — American Electric Power Co., Duke Energy, Southern Co., Xcel Energy Inc. and the Tennessee Valley Authority — that want the court to toss out the decision that could force them to reduce their greenhouse gas emissions.

Attorneys for the utilities argued that nuisance lawsuits targeting power plants are the wrong way to tackle global warming.

Obama administration attorneys also asked the court to vacate the appeals court's judgment, arguing that the Environmental Protection Agency is moving forward with efforts to cut greenhouse gas emissions and that the nuisance claims would be better handled by legislation or regulations than by the courts.

The eight states, New York City and environmental groups that filed the lawsuit in 2004 had asked the court to refuse to take the case and to leave the lower court's ruling intact. Last year the U.S. Court of Appeals for the 2nd Circuit ruled that the case could go forward.

Justice Sonia Sotomayor recused herself from the case; she served on the federal appeals court when it heard arguments on the case, although she was seated on the Supreme Court by the time the court issued its ruling.

David Doniger, a climate attorney at the Natural Resources Defense Council representing environmentalists in the case, said the outcome will have major implications for greenhouse gas litigation.

"When some in Congress are attacking EPA and the Clean Air Act, it's more important than ever that the federal courts be there to protect the health and welfare of millions of Americans who are put in danger by these power plants' enormous emissions," he said.

## **WH APPROVED TPS:**

\* The Administration continues to believe that new, comprehensive legislation passed by Congress would provide the strongest and most cost-effective option for federal action.

\* In the absence of such legislation, though, the Administration has already taken and continues to take, through the agencies, sensible steps to control greenhouse gas pollution under

existing statutory authorities.

\* The Administration believes a balanced, clear set of rules-of-the-road for the businesses that are directly responsible for the majority of US emissions makes the most sense to tackle our climate challenges. The alternative - ad hoc, private litigation pursued in myriad of different courts - will only lead to more uncertainty and confusion for business.

\* To that end, the federal and state governments are proceeding with a common sense approach to regulation in this area in a way that makes sense both economically and environmentally.

Adora Andy  
Deputy Associate Administrator  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
09/01/2010 11:56 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Mathy Stanislaus, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens, Seth Oster, Dru Ealons, Lisa Garcia  
cc  
bcc  
Subject CNN: EPA spends \$1M a year to neutralize leaking mine / Concrete-eating acid at former California mine

This is the CNN.com US edition, a link in the front page as a top US story. There are a lot of negative comments by readers about the mine creating this pollution and some positive comments about how this is exactly why we need government.

CNN: EPA spends \$1M a year to neutralize leaking mine

Concrete-eating acid at former California mine

<http://news.blogs.cnn.com/2010/08/31/concrete-eating-acid-at-former-california-mine>



The Iron Mountain Mine acid draining treatment facility, the heart of the EPA effort to clean up the site.

A few days ago, environmental scientists and representatives of the Environmental Protection Agency trudged through steaming toxic sludge at what the federal agency considers one of its [Superfund](#) sites in California. Iron Mountain, a former mine that is dripping with acid that is eating away even specially resistant concrete, is outside Redding.

The mine shut down in the 1960s and has been closed to the public since.

But runoff from the site potentially threatens salmon in the Sacramento River, which the EPA closely watches a treatment facility that has kept the river clean and has kept pollution at the mine, said Rick Sugarek, an EPA point person for a cleanup effort that has spanned more than 20 years.

About 2 percent of the original pollution continues to discharge from the mine, said Sugarek, that's unlikely to change because there's simply no technology to get rid of it. The Sacramento Chronicle explains why that is, and how [Iron Mountain became a hazard](#).

"This is a common problem at hard rock and coal mines - iron sulfide turns into sulfuric acid."

Iron Mountain, it's 500 times more concentrated. It's more like battery acid coming out of the mountain," he told CNN.

The EPA spends \$1 million a year on lime alone to help neutralize the acid, he said.

There are several dozen workers and contractors who do maintenance for the EPA on

Even with stringent safety measures in place, workers have reported going home and falling apart, said Sugarek.

Adora Andy/DC/USEPA/US  
01/28/2010 01:20 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Peter Silva, David McIntosh, Arvin Ganesan, Gregory Peck  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject Charleston Gazette Blog: EPA offers straight talk on coal permit 'clarity'

## **EPA offers straight talk on coal permit 'clarity'**

by Ken Ward Jr.

My buddy David Fahrenthold at The Washington Post this morning gave readers his take on the recent happening in coal country, with a piece headlined, "[EPA crackdown on mountaintop coal mining criticized as contradictory.](#)"

Here's what we in the business call "the nut graph" –

*... To many people in Appalachia, the orders coming out of Washington, especially one this month, have appeared contradictory and mysterious, signing off on some mines and blocking others. Environmentalists are unhappy because they fear federal officials are losing their nerve to take on the powerful coal industry. The coal industry is unhappy because it thinks the administration is on the brink of giving in to the green crowd.*

*To each side, it looks like the EPA hasn't made up its mind. Which would make now the time to yell as loudly as possible.*

The story quotes WVDEP Secretary Randy Huffman explaining his thought that EPA's appearance of indecision on mountaintop removal is creating some of the bitter conflict here in the coalfields:

*They didn't have a well-thought-out plan whenever they did this. And that's really been the basis of the uproar. [Confusion over the EPA's intentions] creates fear, and that brings out the worst in people.*

Maybe so. But the part of the story that floored me was where the assistant EPA administrator for water, Peter Silva, took on directly and forcefully this idea that the industry and its coalfield political friends are just looking for the Obama administration to "clarify" what the permit requirements are going to be. Said Silva:

***The notion of 'clarity' invoked by some West Virginia officials and industry representatives has too often meant letting coal companies do as they please, with little or no consideration for the harmful impacts on Americans living in coal country.***

Wow. That's and unusually straight-forward response from a federal agency. And don't forget, this is a guy whose nomination to the EPA slot was [briefly blocked by Sen. Robert C. Byrd, D-W.Va.](#) Sen. Byrd apparently lifted his hold on Silva's nomination after he met with Silva.



There was apparently more to Silva's prepared statement that wasn't included in the Post story ... here's the rest of it:

*Under this Administrator, the EPA believes clarity comes from following emerging science and the law and sending a simple message that we are willing to work with companies to figure out how to mine coal while reducing the environmental and health impacts. [EPA's recent decision on West Virginia's Hobet mine](#) is an example [where EPA's collaboration with the company](#) cut stream impacts by half, reduced water contamination, increased the amount of coal extracted, and protected both public health and hundreds of jobs."*

Adora Andy/DC/USEPA/US  
06/22/2010 06:57 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens, Peter Silva, Mathy Stanislaus, Shawn Garvin  
cc Betsaida Alcantara, Brendan Gilfillan, Alisha Johnson, Michael Moats, Vicki Ekstrom  
bcc  
Subject KEN WARD BLOG: Coal Industry costs WV \$97.5 mil more than it generates

KEN WARD'S "COAL TATTOO" BLOG:

<http://blogs.wvgazette.com/coalattoo/2010/06/22/must-read-report-coal-industry-costs-w-va-state-budget-97-5-million-a-year-more-than-it-generates/>

## Must read report: Coal industry costs W.Va. state budget \$97.5 million a year more than it generates

June 22, 2010 by Ken Ward Jr.

Does the coal industry help or hurt West Virginia's state government budget?

The conventional wisdom is that coal keeps the state running, and is a — if not the — major driver behind the state budget (not to mention the overall state economy). That's [the argument consistently put forth for years](#) by the industry, its friends in political office, and by various economists working for the mining lobby.

But a new, must-read report from the folks at [Downstream Strategies](#) and the [West Virginia Center for Budget and Policy](#) raises major new questions about that bit of conventional wisdom. According to [the report](#):

*While every job and every dollar of revenue generated by the coal industry provides an economic benefit for the state of West Virginia and the counties where the coal is produced, the net impact of the West Virginia coal industry, when taking all revenues and expenditures into account, amounted to a net cost to the state of \$97.5 million in Fiscal Year 2009.*

That's right — a **net cost** to the state of **\$97.5 million**.

For example:

The coal industry in 2009 paid \$307.3 million in severance taxes, corporate net income tax, business franchise tax and other taxes. But, the state spends \$113.7 million to support units of government that regulate mining and for the repair of the state's coal haul roads. So, the report concludes that industry in this respect provided a net benefit to the state budget of about \$193.6

million.

Or:

The state provides variety of tax credits and subsidies that amounted to nearly \$174 million in 2009 — all of which show up as “expenditures,” or costs to the state budget of the coal industry.

(There’s a handy chart of all of the revenues and expenditures at the end of the Executive Summary of the [report](#)).

The report, written by Rory McIlmoil and Evan Hansen of Downstream Strategies and Ted Boettner and Paul Miller of the West Virginia Center for Budget and Policy, is similar to the [previous analysis done on coal’s impact on the Kentucky state budget](#) by the [Mountain Association for Community Economic Development](#). It was being released today along with a similar report on coal’s impacts on the [Tennessee state budget](#). Both reports are available online [here](#).

Broken down simply, the West Virginia report tries to account for all of coal’s contributions to the state budget and compare those contributions to the expenditures of state money made necessary by the coal industry. This is quite different from what is normally done in [reports like the West Virginia Coal Association project released earlier this year](#), which promoted coal’s benefits but ignored any costs.

The report makes one thing clear from the start:

*Coal plays a significant role in West Virginia’s economy, contributing hundreds of millions of dollars in state and local revenue and providing well-paying jobs to tens of thousands of West Virginians.*

But:

*... the size of the coal economy, while substantial, is not as considerable as previous accounts suggest. Further, such accounts have only prevented coal’s benefits; our estimates provide an initial accounting of both benefits and costs.*

*As estimated in this report, the industry itself — including direct and indirect employers — actually costs West Virginia state taxpayers more than it provides.*

*Such an accounting is important, [for projected declines in production](#), should they prove accurate, will further diminish coal’s contribution to state revenues, while the negative impacts resulting from coal industry activity will result in ongoing costs to the state and its citizens.*

Today’s release of the West Virginia and Kentucky reports is being promoted by the Sierra Club, and the West Virginia report was partly funded by the Sierra Club and the Natural Resources Defense Council (other contributors are listed in the acknowledgments section). And the authors previously issued another Coal Tattoo must read, [The Decline of Central Appalachian Coal and](#)

[the Need for Economic Diversification.](#)

Among the more interesting parts of the report concerns the “legacy costs” of the coal industry, those for long-term acid mine drainage pollution, damaged roads and bridges and injured or sick workers. These items were actually considered in the report’s accounting, but the authors make clear how important they are:

*Overall, the legacy costs associated with past and future coal industry activity must be considered in examining the total impact on the state. External costs resulting from coal industry activity, including the costs to human health, for repairing damage to personal property, and in the value of lost economic opportunities resulting from the loss of clean water and timber resources, for instance, were not considered in this report. However, they all represent real costs to society, and should be considered in any full accounting of the benefits and costs of the coal industry.*

Among other things, the authors recommend:

- Maintaining the revenues currently generated by the workers’ compensation coal tax and creating a “Permanent Diversification Fund” that would support short- and long-term economic development goals and insure against the potential for future declines in coal-related revenues.
- Increasing the coal severance tax rate and distribute the additional funds to coal-producing counties.
- Increase the per-ton fee on coal haul trucks.

The report concludes:

*As mining declines in the future, the potential loss of state revenues will make it even more difficult to cover the annual and legacy costs of coal. Therefore, state policy related to energy and economic development — to the extent that it supports the coal industry — should be reconsidered, and new policies should be enacted that reflect the recognition of these realities.*

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
02/02/2010 01:43 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Gina  
McCarthy, Diane Thompson, David McIntosh, Arvin Ganesan  
cc Seth Oster, Allyn Brooks-LaSure, Stephanie Owens  
bcc

Subject CNNMoney.com: Obama's climate change police

## Obama's climate change police

By [Steve Hargreaves](#), staff writer February 2, 2010: 6:55 AM ET

NEW YORK (CNNMoney.com) -- The Copenhagen climate talks went nowhere. The Senate's attempt to pass a global warming bill appears stuck. But that's doesn't mean greenhouse gas laws aren't coming.

The Environmental Protection Agency, spurred by a Supreme Court ruling, is racing to fill the void. As early as March, the EPA could be required to cap greenhouse gases from things like power plants and large factories, essentially doing what Senate Democrats want, without a messy vote.

Some say it's a great idea. It could put a serious dent in greenhouse gas emissions and go a long way to cleaning up the environment. Others say it could jeopardize investment in industry and hurt job creation.

A tight spot

The EPA didn't really ask for this new power, and most lawmakers pushing to restrict greenhouse gases, in Congress and the administration, would prefer Congress to pass a new global warming law.

But EPA is being forced to act thanks to a challenge from the state of Massachusetts and others back in 2007. Massachusetts said global warming was eroding its coastline, and pushed the EPA to regulate greenhouse gases from vehicles.

The Supreme Court more or less sided with Massachusetts, saying EPA must either classify carbon dioxide - the main gas behind global warming - as an endangerment to public health and regulate it, or say it's not.

The Obama administration, like most scientists, believes it could be a danger.

So come March, EPA will begin regulating carbon dioxide from vehicles - largely through tighter fuel economy standards that have already been announced. Once that happens, the next step, legally, is to regulate it from everything else.

"They are compelled to move forward," said Max Williamson, head of the climate program at Andrews Kurth, a law firm that represents both renewable and fossil fuel energy companies. Williamson is among those who believe using EPA, and specifically the Clean Air

Act, to combat global warming is a bad idea.

There are too many steps EPA needs to go through to perform the task - too many questions that need answering. Who is going to be regulated? What technologies will be used? What are the acceptable limits going to be? At each stage in the process, there's the possibility for lawsuits.

"No one is going to be able to build any kind of industrial facility because they will be sued," he said. "You're going to see any industry that can go overseas, go overseas."

Many say a law passed by Congress would avoid all that.

Whitney Stanco, an energy analyst at the brokerage firm Concept Capital, also thinks using EPA for the job will keep investors at bay.

"There will be lawsuits on each of these rules, and it's going to create a lot of uncertainty for quite some time," she said. "It increases the hurdles for new investment."

The EPA did not return calls and e-mails seeking comment.

Up to the job

But others believe this fear over using EPA is overblown.

Industry currently has to get a permit from the agency for hundreds of other pollutants. Given enough time to iron out the many questions before EPA starts acting, companies shouldn't have any trouble meeting the new restrictions.

"They've lived with this for decades for other pollutants, they can make it work with this," said David Doniger, policy director at the Natural Resource Defense Council's climate center. "You can take a big bite out of global warming pollution by using the Clean Air Act," he said.

Doniger says the EPA should regulate greenhouse gases in addition to having Congress pass a more comprehensive law. That way, if Congress' rule is too weak, the nation will have something to fall back on.

"EPA has a legal obligation to do it, and they have a moral one," he said.

A high-stakes game

As a whole, utilities would like to see Congress pass a global warming bill similar to the one that passed the House this summer, although perhaps one a bit less ambitious in its targets. They also believe using the EPA is a bad idea.

Most utilities believe regulation in some form is coming, and they want to be at the table crafting the laws as they are passed.

Global warming legislation keeps getting bumped further down the agenda in the Senate and is now behind financial reform and health care. But Jim Owen, a spokesman for the utility trade organization the Edison Electric Institute, is still hopeful Congress will pass something, and in the process tell EPA it does not need to act.

"Sometimes, when you least expect it, stuff can happen," said Owen.

But lots of other groups oppose both EPA action and a global warming law similar to what Congress is considering, including the U.S. Chamber of Commerce, The American Petroleum Institute and the National Mining Association.

So what's their plan?

The mining association is continuing to work with Congress to draft what they feel is a better global warming bill, said the association's spokeswoman Carol Raulston. Plus, they are hoping Congress steps in and tells EPA to back off, even if they don't have separate climate legislation ready to go.

That last strategy right now is a long shot. Even if they could muster the votes in Congress, it's thought the president would veto such a move.

But as Raulston says, "The train may have left the station, but there are many stops along the way."

First big stop? This year's midterm elections.

Adora Andy/DC/USEPA/US  
10/09/2009 04:58 PM

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  
bcc  
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."

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
12/22/2010 06:04 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Gina  
McCarthy, Seth Oster, David McIntosh, Arvin Ganesan,  
Sarah Pallone, Stephanie Owens, Diane Thompson  
cc Betsaida Alcantara, Alisha Johnson, Dru Ealons  
bcc

Subject WAPO: EPA to regulate carbon from power plants, refineries

Washington Post:

## EPA to regulate carbon from power plants, refineries

By Juliet Eilperin

The [Environmental Protection Agency](#) on Thursday will announce details of how it will regulate greenhouse gas emissions from power plants and oil refineries, the biggest single sources of the nation's annual carbon output.

The move stems from legal agreements the agency has reached with state attorneys general and [environmental groups](#) in two separate suits concerning utilities under the Clean Air Act. Under the timeline EPA plans to unveil, it will issue a draft performance standard for utilities in July that will become final by March 2012, and for other utilities in a year that would become final in November 2012.

Frank O'Donnell, president of Clean Air Watch, said the timetable shows that the [states](#) as well as EPA are working to curb emissions linked to climate change. "The EPA is going to deal with the very biggest sources first," he said.

In response to an inquiry about the announcement, EPA spokeswoman Adora Andy wrote in an e-mail Wednesday: "We have nothing to announce at this time. Our decisions will be guided by sound science and stakeholder input, and encourage deployment of clean technology, while cutting greenhouse gas pollution across the country."

Adora Andy  
Deputy Associate Administrator  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
10/09/2009 04:51 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Seth Oster, Allyn Brooks-LaSure, Gina McCarthy, David McIntosh, Lisa Heinzerling  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats, Arvin Ganesan  
bcc  
Subject BUSINESS WEEK: U.S. Chamber's Donohue Shrugs Off Defections

## BUSINESS WEEK

**Policy** October 9, 2009, 3:03PM EST text size: [TT](#)

# U.S. Chamber's Donohue Shrugs Off Defections

Faced with dissent the Chamber of Commerce's energy stance, its chief talks about health care, Obama, and calls for alternatives to thwart global warming

The U.S. Chamber of Commerce has been under fire in recent weeks, as five companies—the most prominent among them tech maven Apple ([AAPL](#))—have resigned or reduced their roles at the organization to protest its staunch opposition to current legislative and regulatory proposals aimed at reining in global warming. But Thomas J. Donohue, the Chamber's combative, long-time president and CEO isn't backing down. He says the resignations are insignificant and argues that the majority of the Chamber's members back its hard-line stance on climate solutions.

*BusinessWeek* Washington Bureau Chief Jane Sasseen spoke with Donohue about the controversy, the Chamber's growing opposition to key parts of the Democratic agenda, and the risks to the Chamber's broader role as the voice of business in Washington. Here is an edited version of their conversation.

**BW: You have vehemently fought the legislation now in Congress that would set up a "cap-and-trade" system to cut back greenhouse-gas emissions. Just to be clear: You say you**

**want legislation, but not this particular legislation. Are you opposed to cap-and-trade, per se?**

Donohue: Not per se—there are cap-and-trade systems that would work and I would be happy to listen to them. I am very concerned about this legislation, in terms of three or four parts of it. We'd like to see a bill that's more workable, more immediate, and more beneficial to our economy at a time that we're in a very serious recession.

For the longest period of time, we have supported every proposal for legislation and regulation which would make it more feasible and more possible and more economic to do all the alternate fuels businesses. We've been there, we've supported it. Now, we have a problem—there are at least a hundred alternate fuels projects, not to mention all the nuclear power things we ought to be doing—that others are holding up. But whether it's environmentalists, whether it's labor unions, we are ready to do them.

**But do you object to the basic principle of putting a price on carbon and controlling emissions by making them more expensive, whether that is done through a cap-and-trade program or other methods?**

Or even a carbon tax might be worth looking into if the money were put into building America's infrastructure. But I don't think we could get that done.

And not I'm saying that's what we should do; it's what some people are suggesting. But I'm not opposed to dealing with the matter. I am opposed to the current bill.

[Editor's note: The Chamber has also been criticized for challenging the U.S. Environmental Protection Agency's plans to regulate carbon; the agency contends that it has the authority to do so under the Clean Air Act because such emissions endanger the public's health. The Chamber has called for public hearings to examine the EPA's plans and its right to regulate in this area.]

Let me explain why we did that. The first reason is the

endangerment business was never put together to deal with a finding on CO<sub>2</sub>. It was put together to deal with specific pollutants— asbestos and other things—for which an endangerment finding would be more narrow and more easily corrected.

If you were to have an endangerment finding on CO<sub>2</sub>—in our opinion, and we could be wrong—we believe the EPA would then be in a position to regulate, control, limit, and constrict every construction and reconstruction project of any size throughout this country, and with a bureaucracy the size of the national military. So we're saying if this is something that is being threatened, as a way to push towards a federal bill, then we ought to sit down and have a conversation and say "What data and what arguments would [the EPA] bring to make that finding?" And could we see the numbers so that perhaps we could participate in that discussion? And I don't expect they are going to let us do that.

I don't find three or four or five people leaving the Chamber extraordinary. I don't find it surprising what's going on, I just find it interesting that when five members decide to quit, they all call up the press and tell them, and all of a sudden the press thinks it's a really huge deal at the Chamber. It's something I'm concerned about, because you don't ever want people feeling like they haven't been heard. I will just give you this quote: I have never heard from these companies in a specific manner on these subjects.

**Both Nike and PG&E have said they did discuss these issues within the Chamber.**

I'm sure they did discuss it with some of our folks. I will say this; I've always known that Nike was very concerned about environmental issues. Their representative on our board never brought this to the board, never brought this to us, and now they want to talk about how we set policy? Nah, I don't think so.

**P&GE also says they tried to discuss this internally for months and bring about change within the Chamber.**

In fairness to PG&E, they are a company that is very, very engaged

on an environmental side, and we had discussed this and I thought it—you know, with others —when I originally talked to some of their people, I made it very clear that we were interested in a bill. They have some particular interests in their forms of energy generation and if they feel that the Chamber is doing something that's holding back what they need to get for their company and that we didn't respond well, then they have every reason to resign. But that's not what they did. They resigned and did it in a very public way because they were trying to make a point in conjunction with others.

**The utilities who've left argue that they, like many others, want to see standards for carbon emissions fixed so they can make investment plans. You all seem to be implying they want this legislation because they're going to make a lot of money with this solution while other companies won't. Explain that to me.**

This is probably not the answer you want to hear, but if I were running one of those companies, I would do whatever is good for my shareholders. That would be my job. If I belonged to an organization that was impeding my ability to meet the needs of my shareholders on a broad basis, I might well resign. I don't know that I would do it the way they did it, but then I'm not in their situation. But fair is fair.

Having said that, I think there is a third party in the room [that is] talking to a very receptive group of people who feels strongly about what we're doing. I think it's also important to understand there are lots and lots of people that feel strongly on other sides of what we're doing—and by the way, this is not indigenous just to climate.

**I want to go back to the argument over the EPA and its authority in regulating carbon. The resignations started because of a story in *the Los Angeles Times* in late August in which Bill Kovacs, the Chamber's lead person on environmental issues, called for something along the lines of a new "Scopes Monkey Trial" to examine the EPA's role and look at whether human**

**activities are actually causing global warming and the damage attributed to them.**

Let me be very clear about that. And if you don't listen to anything else with a careful ear, listen to this. That is probably the dumbest thing that Kovacs has said in a very distinguished, very accomplished, and helpful career at the Chamber and other places. His enthusiasm caught up with his mouth. If he had a moment to rethink it, he would never say it, and we have disowned that quote. We do not choose to have not a public debate on the science of CO<sub>2</sub> and global warming. We are interested in public debate on how we deal with the phenomena.

**The distinction being?**

The distinction being [that] the science as defined by government, or whomever, we don't argue that. We now want to say, we know [the science]; how do we resolve it? Do we do it in a way that is helpful and productive in terms of dealing with global warming and at the same time in terms of keeps our economy going and our people employed and our budgets in some sort of order? Or do we act in a way that while well intended, does not achieve those objectives while trying to do something about CO<sub>2</sub>? [That] is a legitimate discussion.

**You all now have taken a leading role in this area, in the health-care fight, in some of the financial services reforms—you have taken a lead role in opposing much of the Democratic agenda put forth by the Administration and Congress.**

Would you say also that we took a lead role in helping on the TARP funds? On the stimulus—which large numbers of our members were very angry that we did that, but it was the right thing to do, we could have slipped into a depression? We took a lead role in trying to help the Administration in dealing with the auto industry, when others could have found that not a thing we should have done? And on and on?

And if you would agree with that, then I would agree in certain

other areas such as card check, and some of the capital market issues, then you might be right. On the health-care side, we've said we want a health-care bill, we want to immediately go ahead and cover the 45 million people who are not covered. We're looking for a bill right now. We just have a couple of things in it that most people have found difficult. That doesn't make us an obstruction.

**I would agree that early on you backed some of these measures meant to stimulate the economy and I think people in the Administration and the Congress would agree wholeheartedly with that as well. That said, there is a growing view that you are now moving much more aggressively against many of the policy proposals that they are trying to put forward. The argument I've heard from a number of people, from the White House on down and key people in Congress, is that you are becoming something of a "Dr. No." you're leading the opposition to all of these things.**

Well, we're certainly not alone. If you look at the issues individually—if you look at card check, we don't control the votes on that, but the votes aren't there for that legislation. So are we the only "Dr. No?"

**No, but you were very effective.**

I would hope so. That's what we get paid for. Look, we don't do Presidential politics. Get that very clear. Whoever is the president is our guy. We want to keep them strong, dealing with all the global issues they have to deal with. But that doesn't mean we can't take issue with parts of the policy agenda they are trying to advance. If people want to say that we're becoming more aggressive, they are free to do that in this country. They may want to take a minute or two to wonder if there is something wrong with what they are proposing—not only with the people that are reacting to it.

And clearly understand one thing. The Chamber is a federation of companies and associations. It's not me standing there by myself. And it's not our staff standing there by ourselves. We're dealing with



the issues that concern the American business community and we're doing it with the greatest amount of integrity that we can. And it is very predictable that if we are successful at some period of time—and we're not going to win them all—that will not make the proponents of that legislation or those regulation happy. But that's the American system. That's what we try to do.

**Do you see a risk in that? As you are working against the broader things that are core to the Democratic agenda, is there a risk is that you lose your place at the table?**

That's a very legitimate question. But a place at the table is not granted by a ticket from the Administration or the leaders of the Congress. A place at the table is granted by our ability to be heard by those who make decisions—in the Congress, in the regulatory agencies, in the White House, in the press, and everywhere else where people will listen.

**One last thing. You have been crisscrossing the country to raise up to \$100 million to back a "Campaign for Free Enterprise," which you will launch on October 14th. Some people have seen it as something of a declaration of war on the Democratic priorities. Why do you feel such a campaign is needed, and what will it focus on?**

First of all, it's not a declaration of war against anyone. The issue is very, very clear. This is going to be very positive program. We are going to remind, promote, educate and encourage in every way we can so that people remember, or learn, what made the greatest economy in the history of the world—[what] created more jobs, created more wealth, created more innovation, created more opportunity—was a free-enterprise economy with free and open trade with open capital markets, with the right to fail and fall right on your face and get up and try it over again, the right to make money, and the right to make it in a system with moderate regulation and taxes.

And we are doing this [because] we have just gone through the most

significant recession since the Great Depression. As we as a society, business and labor and government and the private sector and the public sector, look for ways to assure that these problems don't happen again—although they will in some other context because that's the cycle of economies, We are trying to remind people that there is a way forward, based on our history.

For example, part of this is the trade material we put out a couple of weeks ago. And what did we say? We as a nation have to figure out a way to get out of the recession and create 20 million jobs in less than 10 years and deal with a growing deficit. And how do you do that? We are the largest exporter in the world. You double your exports every five years. And by the way, in the last five years, with one year of recession, exports went up 78%. And if you do that again and again over a number of years, you're going to create a hell of a lot of jobs. So this is a positive thing.

**Much of it does seem to focused on wanting to limit regulation, limit government, limit taxation at a time when there is obviously a lot of discussion in Washington about whether more reforms or regulations are needed to prevent many of the excesses we've seen in the last year.**

Well, if the shoe fits, whoever owns the shoe ought to wear it.

**Where do you think that's a problem?**

Come on. Read the headline on the book that you represent. We're going to do a whole redo of the capital markets. And there are good people to work with on that. But maybe while we're doing that, let's ask some fundamental questions, let's make sure that while we do this, we can still drive the capital markets and create wealth. Get the lending going. These are good things. We just have a style here, we say why don't we look at this—are we getting too far from it, too close to it? I think it will be helpful. But we're not going to attack anybody.

Adora Andy  
Press Secretary

U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
05/26/2010 06:29 PM

To Richard Windsor, Bob Perciasepe, David McIntosh, Arvin Ganesan, Diane Thompson, Bob Sussman, Gina McCarthy, Stephanie Owens  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject Bloomberg: Carbon-Rule Delay Has 'Better Chance' Than Repeal

## Carbon-Rule Delay Has 'Better Chance' Than Repeal

Lawmakers should try this year to delay the U.S. Environmental Protection Agency from enforcing greenhouse gas regulations instead of repealing them, Senator Jay Rockefeller, a West Virginia Democrat, said today.

"We cannot wait any longer to send the message that relying on EPA is the wrong way to go," Rockefeller said in an e-mail. Rockefeller has proposed a two-year suspension of EPA rules for power plants and factories, a delay that he says will give Congress time to pass laws dealing with carbon dioxide and other greenhouse gases scientists have linked to climate change.

A two-year suspension "has a better chance of becoming law" than a plan from Senator Lisa Murkowski, an Alaska Republican, to overturn the agency's Dec. 7 finding that greenhouse gases are a danger to the public and should be regulated, Rockefeller said.

A vote on Murkowski's motion to overturn the EPA finding is scheduled for June 10.

The EPA issued regulations to cut greenhouse gas emissions by setting higher fuel economy standards for cars and requiring newly built and modified industrial plants to use the "best available" technologies to minimize pollution.

President Barack Obama has been urging Congress to pass legislation that would replace these regulations with a cap-and-trade program in which companies buy and sell pollution allowances.

### Pressuring Lawmakers

Murkowski has said the EPA regulations are being used to pressure lawmakers into backing the cap-and-trade plan, which narrowly passed the House last year and stalled in the Senate. Senators John Kerry, a Massachusetts Democrat, and Joseph Lieberman, a Connecticut independent, released a revamped cap-and-trade bill May 12 hoping it can pass Congress this year.

Rockefeller said he and Murkowski agree that limits on greenhouse gases should be set by Congress, "not an unelected federal agency."

"The fate of our West Virginia economy, our manufacturing industries and our workers should

not be in the hands of EPA," Rockefeller said.

Rockefeller and Murkowski are "scare-mongering" by portraying the EPA's greenhouse gas regulations as a threat to the economy, Frank O'Donnell, president of the Washington-based environmental group Clean Air Watch said in a telephone interview.

#### Dependent on Oil

Murkowski's motion would make the U.S. economy more dependent on oil, Brendan Gilfillan, an EPA spokesman, said in an e-mail. "We hope the Senate will reject the resolution," he said.

The EPA will phase-in regulations for industrial polluters and is "trying to move forward in a measured way," O'Donnell said. In 2007, the Supreme Court ruled that greenhouse gases could be regulated under the Clean Air Act and it would be "irresponsible" if the EPA didn't use that authority, he said.

While lawmakers are worried about the impact of new EPA carbon regulations on the economy, they are also "nervous" about limiting the agency's authority to take action on climate change, Rockefeller told reporters in Washington yesterday.

Rockefeller said his legislation would allow the EPA to enforce higher fuel economy standards while delaying regulations for industrial polluters. Murkowski's resolution would overturn all the agency's carbon regulations, he said.

Under the Congressional Review Act, Murkowski can demand a Senate vote on her motion to disapprove the EPA's endangerment finding. Unlike other legislation that often requires 60 out of 100 votes to clear the Senate, it only needs 51 votes to pass.

#### No Guarantee

The disapproval motion isn't guaranteed to get a vote in the House, and if the measure does pass both chambers of Congress, Obama might veto it.

Since it became law in 1996, the Congressional Review Act has only been used once to successfully overturn the regulations of a federal agency, Richard Williams, managing director of the regulatory studies program at George Mason University's Mercatus Center, said in a telephone interview from Arlington, Virginia.

Obama, who supports federal limits on greenhouse gases, would "almost certainly" veto the disapproval motion, Williams said. With large Democratic majorities in the House and Senate, Murkowski and her supporters wouldn't be able to get the two-thirds majority needed to override a presidential veto, he said.

"They must understand how difficult and how unlikely it is that you're actually going to sustain one of these things," Williams said. A more effective way of blocking the EPA would be amending legislation that sets the agency's budget to prohibit the enforcement of greenhouse gas

regulations, he said.

“The budget is the one thing that will make agencies take notice, so it’s a much easier way to do it,” Williams said.

#### Unsuccessful Attempt

Murkowski tried unsuccessfully to amend the EPA’s budget last year to limit its ability to regulate greenhouse gas emissions. That measure would have delayed EPA regulation for one year and allowed the agency to move ahead with higher fuel economy standards, Robert Dillon, Murkowski’s spokesman, said in a telephone interview.

Murkowski chose to pursue a disapproval motion because “it’s the only way to guarantee a vote,” Dillon said.

“It’s a legitimate attempt to stop the EPA from harming the economy,” he said. If it fails, “it is still beneficial to the American public that members are on the record on whether they support EPA climate regulation.”

Adora Andy/DC/USEPA/US  
12/08/2009 08:49 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Allyn Brooks-LaSure, Seth Oster, David McIntosh, Arvin Ganesan, Gina McCarthy, Lisa Heinzerling  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
bcc

Subject AP: Questions and answers about EPA action on warming

## Questions and answers about EPA action on warming

By DINA CAPPIELLO – 17 hours ago

A big meeting in Copenhagen. A cap-and-trade bill in Congress. And now, a determination by the Environmental Protection Agency that global warming pollution is a threat to public health — a move that clears the way for first-ever federal regulations targeting climate-changing emissions.

Confused about the EPA's action on greenhouse gases?

Here are some questions and answers about what was announced by the EPA on Monday, and what it means for international climate negotiations, action in Congress and global warming in general:

### Q: What did the EPA do exactly?

A: The EPA classified six greenhouse gases — carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride — as pollutants that threaten the health and welfare of the American people. This will compel the federal government — unless it is blocked by Congress — to regulate emissions of these greenhouse gases for the first time under the 1970 Clean Air Act. The government already controls regulations for sulfur dioxide, ground-level ozone, nitrogen oxides and carbon monoxide under the law.

### Q: How do these six newly classified gases threaten us?

A: Unlike other pollutants, greenhouse gases threaten public health and welfare indirectly, by warming the planet rather than directly by having people breathe them in. In terms of health, the EPA expects global warming to expand the range of certain diseases such as Lyme disease, boost many allergens and worsen smog, which is known to trigger asthma attacks and cause lung damage. On the welfare front, a rise in sea level brought about by climate change could worsen flooding.

### Q: Why did the EPA decide to do this?

A: A 2007 Supreme Court ruling declared that carbon dioxide and other greenhouse gases are air pollutants as defined by the Clean Air Act and that the EPA had the authority to regulate them if they are found to endanger public health and welfare. It directed the EPA to make that determination. The Bush administration never acted on the court order. By contrast, the Obama administration found the science overwhelming and announced that it would set the first-ever greenhouse gas standards for automobiles and would move to control heat-trapping emissions from large industrial sources such as factories and power plants. The endangerment finding announced Monday was needed to make those proposed rules a reality.

### Q: How does the EPA finding related to the climate negotiations now under way in Copenhagen, Denmark?

A: It will allow the Obama administration to present another piece of evidence that the White House is taking global warming in the absence of new legislation and convince other nations that the U.S. is taking climate change seriously. However, the emission reduction target of 17 percent by 2020 that Obama will propose

Denmark falls short of what European leaders wanted and scientists say is needed to avoid the worst consequences of global warming. The EPA's endangerment finding in itself produces no pollution reduction without actual regulations — and those have yet to be written.

**Q: How would the EPA regulate greenhouse gases?**

A: The agency has plans to do something similar to what it does for other pollutants, by requiring new and expanding factories and power plants to install best-available technology to reduce heat-trapping pollution. For automobiles, it has drafted the first-ever greenhouse gas emissions standards that would require automobiles to be more fuel-efficient than they are today. But industry worries that the EPA could go further — regulate greenhouse gases from small sources such as buildings, farms and small businesses. The Obama administration has said it does not intend to do that.

**Q: What would these new regulations cost?**

A: It's not yet clear. The cost for power producers, which would probably be passed onto electricity consumers, would depend on what technology the EPA requires. Pollution reductions could come from installing carbon capture technology, reducing energy use through efficiencies or shifting away from fossil fuels. The EPA estimates it will cost automakers about \$60 billion to meet planned fuel economy requirements. The cost for power plants and factories are likely to be more.

**Q: Isn't Congress also trying to pass legislation to control greenhouse gas emissions?**

A: Yes. In June, the House of Representatives passed a bill that would reduce greenhouse gas emissions 15 percent by 2020 and about 80 percent by 2050. But the Senate, which has been tied up with legislation on health care, is not expected to vote on the bill until next spring. Both versions of the bill limit how the EPA can use the Clean Air Act to regulate emissions, but to differing degrees. The legislation would reduce greenhouse gases by setting a limit on heat-trapping pollution and by allowing companies to buy and sell pollution allowances as long as they don't exceed the overall limit. This system, known as cap-and-trade, would be more flexible than straight EPA regulation and would probably be cheaper than straight EPA regulation.

**Q: Which would come quicker: EPA regulations or Congressional action?**

A: It's hard to say. The decision by the EPA will set in motion a complex set of rules that could take years to implement and could be delayed by lawsuits from the business community and others. Congress faces its own challenges getting a bill passed. Many Republicans and moderate Democrats are worried cap-and-trade would increase energy prices and could result in job losses for those who work in energy-intensive industries. These concerns will only become magnified as midterm elections in November get closer.

**Q: How will the EPA decision affect Congress?**

A: Prominent politicians on both sides of the aisle have said the Clean Air Act was not designed to control greenhouse gases. Supporters of cap-and-trade will try to use the EPA's decision to jump-start action by Congress. But it could backfire. Earlier this year there were attempts to block the EPA from taking action to buy more time for Congress to draft a bill. Look for efforts to try and block the EPA again.

**Q: How can a gas we all exhale be considered a dangerous pollutant and be regulated?**

A: Don't worry — the EPA has no plans to control breathing. But scientists say the widespread burning of fossil fuels and activities that reduce the natural absorption of carbon dioxide on earth have disrupted the natural carbon cycle. Growing concentrations of carbon dioxide and other greenhouse gases are creating a heat-trapping blanket in the atmosphere, thereby warming the earth. The EPA's focus is to reduce the



U.S. greenhouse gas emissions from human activities, many related to burning fossil fuels.  
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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

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To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Allyn Brooks-LaSure, Seth Oster, David McIntosh, Arvin Ganesan, Sarah Pallone, Mathy Stanislaus, Dana Tulis, Paul Anastas, Gina McCarthy, Cynthia Giles-AA, Al Armendariz, Stan Meiburg, Stephanie Owens  
cc Dru Ealons, Shira Sternberg

bcc

Subject TIME: How Safe is Gulf Seafood?

<http://wellness.blogs.time.com/2010/07/20/how-safe-is-gulf-seafood/?xid=rss-topstories>

TIME MAGAZINE

How Safe is Gulf Seafood?

Posted by Alice Park

Tuesday, July 20, 2010 at 2:21 pm

Some reassuring news from the Institute of Food Technologists on the safety of seafood from the Gulf. Despite the photos of pelicans and turtles drenched in the oil from Deepwater Horizon, seafood from Louisiana, which provides one-third of the continental US's seafood (that's about 1.5 billion pounds a year) does not seem to be that adversely affected by the spill.

That's according to Mike Voisin, CEO of Motivati Seafood, an oyster supplier and member of Louisiana's Wildlife and Fisheries Commission. Granted, Voisin has a vested interest in convincing folks to eat foods from the Big Easy again - since May 2009, the number of fishermen trolling the Gulf's waters has dropped by nearly a third, and so has the number of pounds of seafood brought in by the state's fishing community.

But Voisin told the food scientists that government officials from the National Oceanic and Atmospheric Administration, who tested samples of shrimp and other fish as recently as a week ago, found very little evidence of contamination of these products. The biggest concern are polyaromatic hydrocarbons, or PAHs, which are chemicals normally created by incomplete burning of oil, coal or wood but are also found in crude oil. PAHs have been known to cause cancer in animals, and the Environmental Protection Agency lists some PAHs as probable human carcinogens. So far, Voisin, told me afterward, no samples from the Gulf region have tested anywhere near levels of concern. All have registered at undetectable levels so far, and that includes seafood from the near vicinity of the spill.

Ronald Klein, president of the non-profit Association of Food and Drug Officials, which advises governments, states and industry on regulations about food safety, noted in his talk that PAHs don't stick around that long in fast-moving fish such as the ones caught in the Gulf. Klein, who is also part of the Alaska Food Safety and Sanitation Program and was part of the state's efforts to assess the health impact of the Exxon Valdez spill in 1989, said that finned fish and seafood like shrimp and crab tend to metabolize these compounds quickly.

Things don't look so good for oysters, since they tend to be attached to their environments, so to speak. Voisin estimates that oysters will probably be the last industry to bounce back in the Gulf, since it will take longer to verify that they are safe and free of oil contaminants.

That's good news as far as the oil itself is concerned. The bigger concern for more people are the chemical dispersants being used to break up the spilled crude. These are slightly more problematic, since the EPA has limited knowledge of their potential toxicities. And nobody has ever used the dispersants at the volume they are being dumped into the Gulf by BP (the company scaled back its initial plans, but still...) As my colleague Bryan Walsh noted in his excellent breakdown of the pros and cons of dispersants a few weeks ago

Indeed, the dispersants debacle is one more sign of just how unprepared both industry and the government were for a spill of this magnitude. The government let BP pour hundreds of thousands of gallons of chemical dispersants into the Gulf—and use them deep under water, something that had never been tried before—without any independent verification that this was safe.

So how do you and I know that seafood coming from the Gulf is safe? Thousands of samples have been tested so far, and Klein said that the process is relatively simple - it all starts with the familiar low-tech sniff and sight test. Sensory analysis of samples, he says, is the most powerful tool we have to picking up seafood contaminated by oil. PHAs can make the fish smell and taste “off.” At the moment, one-third of the Gulf is closed to recreational and commercial fishing; in order to reopen those waters, NOAA, the Food and Drug Administration, and the Gulf states have to agree that fish is safe to eat. For that to happen, samples have to pass a first tier of sensory testing, and then be analyzed by another 10-member expert panel. These professional tasters and sniffers will test both raw and cooked versions of the seafood, and if 70% of them agree that there is no evidence of contamination, then the samples go through more sophisticated imaging analysis. If those come up negative, then the waters may be considered safe for fishing and the seafood okay to eat.

Voisin, for one, is hopeful that mother Nature will eventually do what she does best. A sixth generation oyster farmer, he has faith in the one “advantage” he sees in the warm waters off Louisiana - they're home to a plethora of microbes that have evolved to digest contaminants and oil on their own. “Mother Nature bioremediates herself pretty well,” he said, and then admitted “But we are going to have a real challenge with our brand that is going to haunt us for some period of time.”

Read more:

<http://wellness.blogs.time.com/2010/07/20/how-safe-is-gulf-seafood/?xid=rss-topstories#ixzz0uFxm4zWi>

Adora Andy/DC/USEPA/US  
12/23/2009 03:39 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Allyn Brooks-LaSure, Seth Oster, Gina McCarthy, Lisa Heinzerling, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject DOW JONES: Senate Agrees to Vote on Proposal to Halt EPA's CO2 Action

# Senate Agrees to Vote on Proposal to Halt EPA's CO2 Action

By Ian Talley

WASHINGTON -- The Obama administration may be forced to delay new greenhouse-gas regulations for a year under a Senate Republican proposal that leadership has agreed to allow a vote on in early 2010.

As part of a deal on a bill to increase the nation's debt limit, Majority Leader Harry Reid (D., Nev.) will allow the GOP to submit a controversial amendment to temporarily suspend new emissions regulation. The agreement was reached late Tuesday.

A similar amendment wasn't allowed to come up for a vote earlier this year. Capitol Hill pundits say the majority leader likely feared Republicans might win the vote, with many Democrats also expressing concern about proposed greenhouse-gas regulations.

The Obama administration's Environmental Protection Agency has triggered the process of regulating greenhouse gases across industries through the Clean Air Act by declaring such emissions a public danger. Business groups, lawyers, legislators and industry analysts say regulating such emissions as carbon dioxide under the law could cripple the economy.

The EPA's action under the tenure of Administrator Lisa Jackson and Mr. Obama's climate czar, Carol Browner, is meant to pressure Congress into crafting a more economically efficient way to curb emissions, analysts say. Both Ms. Jackson and Ms. Browner, recognizing the consequences of regulating under the Act, have said they prefer congressional legislation.

Senator Lisa Murkowski (R., Alaska), the ranking member of the Energy and Natural Resources Committee and chief sponsor of the amendment, has said a number of colleagues across the aisle have already expressed support for her proposal.

If the amendment passed, it may also be a relief to the EPA, now that Congress is increasingly unlikely to pass a climate bill next year and the agency is forced to play out its regulatory hand.

Even if the amendment is approved in the Senate, it would still need to be passed in the House, where its fate is also certain.

Republican leadership said earlier this month they were prepared to try to block any administrative action on greenhouse gas regulations, including by prevention of any funding for such work or by voting on a "disapproval resolution."

An aide with a ranking Republican said that by allowing a vote on the Murkowski amendment, Democrats may have avoided the confrontation that such strategies would likely precipitate. Politically, debate on EPA regulation of greenhouse gases might have proved harmful for the majority and the administration, especially for those lawmakers preparing to fight tough reelection campaigns next year.

The EPA wasn't immediately able to comment.

**Write to** Ian Talley at [ian.talley@dowjones.com](mailto:ian.talley@dowjones.com)

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**

04/01/2011 11:21 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Arvin Ganesan, David McIntosh, Sarah Pallone, Stephanie Owens, Dru Ealons, Seth Oster  
cc Brendan Gilfillan, Betsaida Alcantara

bcc

Subject TIME (BLOG) : Under Pressure—Q & A With EPA Head Lisa Jackson

Under Pressure—Q & A With EPA Head Lisa Jackson

Time (blog)

Bryan Walsh

April 1, 2011 at 10:38 am

EPA Administrator Lisa Jackson—who has emerged as the Republicans' favorite target as the party looks to dismantle environmental protections—sat down with us for a 10 Questions in this week's issue. That interview was condensed to fit one page—click below for the full transcript:

To of your Republican predecessors recently wrote in the Post that the EPA is under siege from Republicans. Do you see that as the case? Do you see a war going on against the EPA?

There are certainly some members of Congress who I think have come in with an agenda that includes this agency, and we hear words like scaling back and you even hear things like defunding. I really appreciate two former Republican heads of this agency who point out that this agency plays an extremely important role in protecting American's health and the environment.

The key point of argument is really these EPA regulations that could be coming on climate change. Can you outline quickly, what is the agency going to be looking to do on this issue?

As I've said before, we're talking about common sense steps that get us started. Using the Clean Air Act, updating standards under the Clean Air Act to address pollution, in this case, greenhouse-gas pollution. In a common sense way, the Clean Air Act history, not the rhetoric, but the history of the Clean Air Act is that it moves in moderate steps that add up over time to pollution reduction. I think we can use the Clean Air Act to get started on greenhouse-gas pollution, as we have on other types of pollution, very successfully.

In the past, both you and President Obama have said that you much prefer Congress to take the lead on greenhouse gases, probably preferably through a cap and trade program as opposed to regulation. Why should the EPA be in the business of doing this regulation?

Well first off because it's the law. The Clean Air Act and Supreme Court cases have said that EPA must determine whether or not greenhouse gases endanger public health. We have determined, based on multiple lines of scientific evidence, that they do. And the Clean Air Act then requires us to act. The second reason is more of a common sense approach. Although I joined the President in calling for legislation, that doesn't mean we can't get started using the Clean Air Act to make a series of moderate steps that would add up to real reduction. And third, and certainly not the least important, but a little bit different, is that industry needs to know what the rules of the game are going to be. So in the absence of legislation, the Clean Air Act and the requirements of the Clean Air Act, touch certainly the power sector. No one's ever denied that. Require them to make pollution control investments, so we don't have unlimited amounts of pollution, including carbon pollution, entering our air.

You've called Congressional attempts underway right now to restrict the EPA's ability to regulate these gases draconian. If some of the legislation that's out there right now were to go through, what would it mean for the agency?

The biggest criticism that I've leveled - and I've done it in my hearing testimony - is that what the current efforts do is overrule scientists on a scientific finding. Congress is essentially passing a law that says, We,

a bunch of lawmakers, have decided what the science is on this issue. And that to me is what this Congress could be remembered for, more than anything else. History will forget a lot of the day-to-day, inside the beltway discussions about riders and budget and trying to get rid of or defund the EPA, but I don't think that history will forget the first time that politicians made a law to overrule scientists.

Speaking of testifying, you've been called upon frequently since the Republicans have taken over the House to testify on Capitol Hill. They said that you might need your own parking space there. Do you feel that you are being targeted personally?

I certainly hope not. I have no reason to think that. But, listen, I have so far and continue to - although getting ready for hearings is - I certainly take time out - I see it as part of my job. I should be able to explain our actions to Congress, and I should be able to explain them to the American people. I think facts matter. So one of the things that we've used these hearings to do is point out the facts of what the EPA's doing, not what special interests are saying we're doing. They're very different things. In the countryside, Americans want a strong EPA that protects public health, that reins in polluters. Inside the beltway, they may be bombarded with different messages. It's an opportunity for me, as head of this agency, to speak to what we are doing.

Are there other ways you can go around that mouthpiece and actually make that case to the American people? Do they understand what it is the EPA's mission really is?

It isn't our job to poll them, but polling data, there's a new one out to do from the League of Conservation Voters, showing that the American people want a strong EPA. We have another Gallup poll out today saying that Americans remain unchanged in their concern about environmental issues, particularly clean water issues. Events of the day, as usual, point out the things that we don't think about until we need them. One of them is our RadNet monitoring system, which has been out there monitoring air quality and now is coming into highlight because of the horrible tragedy in Japan. So it's also my job as head of this agency to try to manage the budget that we get, so we squeeze every drop of environmental protection out. It's also my job to point out when I think either cuts or legislation or proposals are going to tie the hands of this agency and let industries that want to pollute, go unchecked.

If indeed we do see legislation that would block the EPA's regulatory ability on greenhouse gases actually go through Congress, are you confident the President would veto?

Listen, the President's been really clear all along that he supports this agency following the law. Whenever he's talked about it, he and I have said we call for legislation, but we also need to follow the Supreme Court decision. The other issue here is that these are not thumbs up, thumbs down issues. We are happy to work with Congress to insure that we work on a common sense timetable to address the largest polluting industries. We've proposed rules that are actually deregulatory to insure small and medium size businesses aren't covered. We've had wonderful success in moving this country toward more efficient cars, and we're working on more efficient trucks. So it's my hope that we can get into the discussion, some real facts about what we have accomplished and try to allay real or imagined fears about what we might do.

Speaking of that fear, we often see in bad economic times like we have now, this argument that America can't afford both strong environmental protection and policies that would promote job creation. Can those needs be balanced? How should they be balanced?

They have been balanced in this country for 40 years, as long as there's been an Environmental Protection Agency, as long as there's been a Clean Air Act, a Clean Water Act. We've shown the world that it can and should be done. We have cleaned the air. We're not done. We have cleaned the water. We're not done. But we've done it while our country prospered. So I don't think we should minimize the concerns of the average American, but I think the proof - it's important to look at what has been done, not these doomsday scenarios that special interests trump up about what might happen. Well what has happened? It's also important to - I get a chance to do a little bit of work internationally and I think we've also seen, and it's pretty stark what happens when you try to pick economic development over clean air or clean water. It may seem like a short-term gain, but once air is dirty, once water is dirty, it is extremely



expensive to clean it up and untold lives have been impacted or untold illness and cost have been accrued.

Another somewhat controversial subject the EPA's going to be getting into soon is that study that's being formulated on hydraulic fracturing and shale-gas drilling. The EPA did a study on this back in 2004. A lot of people in the industry ask, Why do we need a new one?

The study back in 2004 was what scientists might call a review of the existing literature. No samples were taken, no independent studies were done. It was a very narrow look at a very specific set of data. This is a much different study. This is a comprehensive look at the impact of hydraulic fracturing on drinking water, which means surface water and groundwater resources. Even the [inaudible] of the study is going through a peer review. We've been very transparent and open about it. It's important to understand that no one in this agency, including recently we had the former head of the water program who said he believed that the 2004 study was over-interpreted, that people were drawing conclusions from it that the study itself did not warn, and I agree with that.

We're nearing the one-year anniversary of the BP oil spill. At this point, is it possible to begin to really get a fix on how much environmental damage was done to that region by the spill?

Scientists will tell you that the picture will continue to emerge over several seasons. Those who study the ecosystem and the food chain out in the Gulf will tell you that we need to see what happens this year, but not only this year. It may take several years to manifest itself. I think in general the science that's coming back is somewhat reassuring, which is that, I think, partially because of the distance from shore, partially because of the efforts that were made the government and the private sector to respond to the explosion and the spills and the ongoing spill afterward, that we may see a situation where the ecosystem can recover quite well. But there will be studies for years and years, and you know what, the ecosystem deserves to be studied because I think that there's a skeptical group of people down there and they deserve to know that real resources are going into understanding their resource and any impact on it.

You grew up in that region. For you to go back when that spill was happening, personally to see Louisiana and that region getting hit by disaster again, another one that like Katrina, that had issues of manmade problems that went along with it. What did that mean to you?

It was an honor to be able to go back and serve a region I call home. In this job and in the jobs I've had before, I've had to respond to major crises - either environmental crises or crises that had environmental components. And in all the cases, the work I came here to do, I mean no one wants a crisis, but my belief is that we can protect the environment even when we're responding to a crisis. So it's an honor to be able to do it. It was - the only difference with the Gulf spill is that I would go home and see people I knew and hear from people I knew who would reach out to me and want to make sure that their voices were being heard. It made me feel good to know that they knew that they had a person at a very high level in their government, who they could reach out to and who was hearing them. If it brought them any comfort, I'm happy, but it's also my job.

You're chairing the Gulf Coast Ecosystem Restoration Taskforce. What are your plans for that? Is it going to go beyond just looking at what happened with the oil spill and also take on the other environmental damages, hypoxia, erosion to coastal wetlands? Are we really going to be able to make that region better than it was before the spill?

That is the intent of the taskforce. This is not about a response to the oil spill. In fact there's separate work going on. This is about the President's other promise, which was to make the Gulf ecosystem stronger and more resilient than it was when the oil spill happened, the day before it, if you will. So to me this taskforce is an opportunity to give voice to people in that region who have been working literally for decades trying to be a voice for coastal restoration, for the ecosystem as a whole, how to balance the myriad needs of a working Gulf with the demands of a tourist-based economy that exists many times in the exact same spot. As head of this agency I chair the taskforce for Chesapeake Bay. I've sit on a Commission for the Great Lakes. I sit on the National Oceans Commission. This is the opportunity for the Gulf Coast, the Gulf of Mexico to get that same level of attention, and it's long overdue.

Are we ready for another spill of this nature, should it happen again? Have we learned something from this first experience to make sure either it doesn't happen again or if it does we can respond better and faster?

We are more ready. The thing I have learned in this career of mine is that you can never anticipate all the ins and outs of any crisis. Part of this is having really experience and bright people who can respond to what the crisis is on the ground, but yes we're more ready. We've dealt with some issues in the course of that crisis that have highlighted work that can be done. Here at the EPA we've gone back to our National Response Team and offered additional guidance and questions on everything from the use of dispersants to the preparation of the response plans that are in place in every region of the country to deal with releases to water. We've also looked at facilities on land and beefed that up. We're doing additional research on dispersant chemistry and the use in general. So I never like to say we're 100% ready because the next emergency, if and when it comes, could be entirely different. But we learned and we're certainly more ready. Probably, in my experience, this crisis more than any other was an example of a team effort by government. Certainly on a federal level, this far surpasses any response I've been involved with in terms of how we worked as a team, our whole government approach.

The EPA recently had its 40th birthday. Where do you see the agency in another 10 years time? How will it change from what it is now?

If history's any guide, the American people will continue to support a strong, independent agency that protects their health and the environment for future generations. I think this agency, if history is any guide, will continue to need to be both a strong protector, but also incorporate the kind of flexibility that responds to the issues of the day. For us whether it's an agency that through the Energy Star program saw the need for us to deal with energy efficiency voluntarily, I think the world has caught up with that. We'll see this agency moving into issues of sustainability that cross any individual media even more and more, where we look at pollution, is it sustainable for water, air and land? We'll continue to deal with issues of adaptation to climate change. I think because of the change in demographics in this country, we will see issues that are important to Latinos and African Americans come to forefront, and those tend to be issues of environmental justice, longstanding pockets of pollution that just haven't been addressed, the unfinished business of this agency.

With the agency coming in for a lot of criticism in the press and some members of Congress, how do you keep your workers feeling optimistic, keeping from feeling that they're under attack as well?

My job is to go to the hearings and talk about their great work, but the other thing I say to them - I worked in this agency for over 15 years as a career employee, non-political and it's not about us. It's not about this agency. It's not about any individual effort. It's about reminding us what it is we come here to do. And that's to uphold the environmental laws of this country. This agency has lived through tough times before, where it seemed as though the politics in Washington were aligned against it. What has always made a difference in the environmental field is that the public, the people of this country, know that clean air and clean water are important, that were it not for the work of this agency, there would be more sickness, more illness, more incidences of water that can't be used, that doesn't support fishing or can't be used for drinking. So what I tell them is to keep their eye on their jobs, to do their jobs with impeccable science and integrity and I feel confident that the American people will then turn to us as they should.

Adora Andy/DC/USEPA/US  
01/11/2010 07:22 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Gina McCarthy, Lisa Heinzerling  
cc Allyn Brooks-LaSure, Seth Oster  
bcc

Subject POLITICO: Lobbyists helped write EPA amendment

## Lobbyists helped write EPA amendment

By: [Lisa Lerer](#)

January 11, 2010 06:53 PM EST

Alaska Republican Sen. Lisa Murkowski is under fire for asking energy lobbyists to help draft an amendment that would forbid the Environmental Protection Agency from regulating carbon dioxide.

Murkowski consulted with lobbyists Jeffrey Holmstead, of Bracewell & Guiliani, and Roger Martella, Jr., of Sidley Austin. Both lobbyists worked at the EPA during the Bush administration and now represent coal, oil, and other utility clients that would be directly impacted by the climate bill. The amendment could be voted on as early as Jan. 20.

Holmstead said Murkowski staffers approached him after environmental groups criticized an early draft of their proposal.

"They didn't approach us before they already shared their language with a bunch of people," he said. "I never had any clients that even asked me to work on it."

Critics have seized on the involvement of lobbyists in the amendment.

"This undermines Sen. Murkowski's credibility as a honest broker in the effort to get a comp clean energy and global warming legislation in 2010," said Dan Weiss, Director of Climate Strategy at the liberal Center for American Progress, "This is a special interest provision written by people on the payroll of big oil companies."

But Murkowski spokesman Robert Dillon said the Senator approached Holmstead and Martella because of the expertise on the Clean Air Act – not their lobbying clients.

"In her floor speeches, she said she contacted clean air attorneys and to make sure the language she wrote was correct and limited to just deal with stationary sources," he said.

The amendment would stop the EPA from moving forward with sweeping regulations mandated by the Supreme Court that would regulate greenhouse gas emissions across the economy.

Senate Majority Leader Harry Reid agreed to hold a vote on the amendment on January 20, when the Senate is expected to take up legislation raising the debt limit.

Dillion said the Senate might postpone her amendment to a later date.

“There hasn’t been a final decision on which way to go,” he said. “But there is no option where she doesn’t press this issue it just depends on which vehicle.”

**Adora Andy/DC/USEPA/US**  
01/12/2010 05:08 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Gina McCarthy, Lisa Heinzerling  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject Reuters: Largest U.S. farm group: Stop EPA on greenhouse gases

## **Largest U.S. farm group: Stop EPA on greenhouse gases**

Tue Jan 12, 2010 8:20pm GMT

By [Charles Abbott](#)

SEATTLE (Reuters) - The largest U.S. farm group called on Congress on Tuesday to prevent the government from regulating greenhouse gases if lawmakers kill climate change legislation.

The 6 million-member American Farm Bureau Federation also underlined its firm opposition to legislation to reduce emissions of carbon dioxide and other gases blamed for boosting global temperatures.

In their first item of policy work, delegates at the AFBF annual meeting voted to support "any legislative action" to suspend authority of the Environmental Protection Agency to regulate greenhouse gases under air pollution laws.

EPA cleared the way for regulation a month ago by ruling that greenhouse gases endanger human health. It offered a route to control greenhouse gases if Congress does not pass a climate law. AFBF staff say the Senate is unlikely to pass a "cap and trade" climate bill this year.

At least one bill was pending in the House to prohibit EPA regulation of greenhouse gases. Senators say they may offer amendments to do the same thing.

Delegates applauded after Phil Nelson, Illinois Farm Bureau president, read a 1-1/2 page critique of climate legislation, which included a warning EPA regulation "would significantly burden all sectors of the economy."

"Motion carries -- unanimously," said AFBF President Bob Stallman after a voice vote called with no debate of Nelson's language.

Farmers are dubious of Obama administration analyses that say higher fuel and fertilizer costs will be outweighed by revenue from contracts to offset greenhouses by planting trees and crops that capture carbon.

Higher production costs are certain, said Nelson, but many farmers will not see any income from carbon sequestration.

Farm Belt critics say climate legislation will drive up food costs by constraining meat and grain output. Before the convention, Stallman said without a global agreement on greenhouse gases, unilateral U.S. action would be futile on controlling emissions.

An Agriculture Department study says up to 8 percent of crop and pasture land, or 59 million acres, would be converted to woodlands by 2050 because carbon-capturing trees would be more profitable

than crops. USDA is taking a second look at its analysis because of complaints about the economic models that were used.

(Reporting by Charles Abbott)

Adora Andy/DC/USEPA/US  
12/09/2009 10:52 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Gina McCarthy, Lisa Heinzerling  
cc Seth Oster, Allyn Brooks-LaSure  
bcc

Subject Wash Post: EPA chief says she's 'fighting to make up for lost time'

## EPA chief says she's 'fighting to make up for lost time'

**By Juliet Eilperin**

COPENHAGEN--The United States has been "fighting to make up for lost time" in the fight against global warming since President Obama took office nearly 11 months ago, Environmental Protection Agency administrator Lisa P. Jackson said Wednesday.

In the Obama administration's keynote speech at the U.N.-sponsored climate talks here, Jackson said more progress has been made in the last 11 months than what "happened in the last eight years prior" under former president George W. Bush.

Making a pitch to an international community that has demanded bolder action from Washington on climate change, Jackson detailed a list of measures ranging from stricter fuel economy standards to the promotion of renewable offshore energy projects.

But Jackson's biggest applause line came when she said she was "proud" of the EPA's declaration Monday that greenhouse gases endanger public health and welfare. "That is a decision that has been a long time coming," she said to a packed crowd in the U.S. Pavillion.

Jackson said that in light of the scientific finding, the EPA is obligated "to take reasonable efforts to reduce greenhouse pollutants under the Clean Air Act."

In a sign of how intensely people are watching the Obama administration's actions at this conference, dozens of people gathered at the door of the small pavilion long before Jackson started speaking--only to be turned away because the room was full.

While Jackson deflected questions about the ongoing state of negotiations, she fielded several queries about Monday's endangerment decision, which she said opens the door to regulate greenhouse gas pollution under the Clean Air Act. At the same time, she said, the White House still will push Congress to produce a U.S. climate bill.

"This is not an either/or moment," Jackson said. "This is a both/and moment."

**Adora Andy/DC/USEPA/US**  
02/01/2010 12:20 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Gina McCarthy, Peter Silva  
cc Seth Oster, Allyn Brooks-LaSure  
bcc

Subject WaPo: Obama 2011 budget request: EPA

## **Obama 2011 budget request: EPA**

By David A. Fahrenthold  
Washington Post Staff Writer  
Monday, February 1, 2010; 11:26 AM

The Environmental Protection Agency's budget -- which ballooned an estimated 34 percent last year, as the Obama administration set out new ambitions for the agency -- would receive slightly less funding in fiscal 2011, according to budget documents.

Under the budget released Monday, the EPA's estimated funding would decrease from \$10.3 billion in 2010 to \$10.02 billion next year.

But the budget would boost funding for several programs in which the EPA has shown a newly aggressive tone in the past year. It includes \$43 million in new funding for efforts to reduce greenhouse gases using the Clean Air Act. Those efforts, which have been controversial on Capitol Hill, follow an EPA declaration last year that greenhouses gases "endanger" public health.

And the budget would add \$13 million for the Chesapeake Bay. Last year, Obama promised an overhaul of an EPA-led cleanup program, which despite 25 years of effort and billions of dollars failed to improve the bay's problems with low-oxygen "dead zones."

For the full budget request, click [here](#).



Adora Andy/DC/USEPA/US  
12/08/2009 08:03 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Lisa Heinzerling, Gina McCarthy  
cc Seth Oster, Allyn Brooks-LaSure  
bcc

Subject FOXNEWS.COM: Sensenbrenner: No New Laws Until Climate Data 'Scientific Fascism' Ends

## Sensenbrenner: No New Laws Until Climate Data 'Scientific Fascism' Ends

Foxnews.com

A Republican lawmaker said Tuesday he is going to attend the Copenhagen conference on climate change to inform world leaders that despite any promises made by President Obama, no new laws will be passed in the United States until the "scientific fascism" ends.

A Republican lawmaker said Tuesday he is going to attend the Copenhagen conference on climate change to inform world leaders that despite any promises made by President Obama, no new laws will be passed in the United States until the "scientific fascism" ends.

Rep. James Sensenbrenner, R-Wis., also wrote to Dr. Rajendra Pachauri, head of the Intergovernmental Panel on Climate Change, on Monday to demand that researchers who authored e-mails and documents that demonstrate climate change data were manipulated should not be allowed to participate in the latest report written by the U.N. panel.

"I call it 'scientific fascism,'" Sensenbrenner said during a press conference with fellow climate change skeptics. "The U.N. should throw a red flag. .... They relied on these scientists unjustifiably in my opinion."

Sensenbrenner wrote that "these bad actors" limited peer-reviewed studies used by the IPCC, which is leading the Copenhagen conference on climate change.

"Their behavior has caused grave damage to the public trust in climate science in general, and to the IPCC, in particular," Sensenbrenner wrote. "They should not be allowed to do so in the future. I therefore request that you and the co-chairs of each of the three IPCC working groups ensure that none of the individuals involved in these nefarious e-mail exchanges participate as contributors, reviewers, or in any other capacity in the preparation of" the next IPCC report.

Sensenbrenner is just the latest lawmaker to jump into the fray over "Climategate," a growing scandal over the release of thousands of e-mails written by global-warming scientists that show an effort to manipulate data and prevent publication of opposition research. More than 1,000 e-mails and 2,000 other documents from the Climate Research Unit at the University of East Anglia in Great Britain were released just weeks ahead of the Copenhagen conference.

In his letter to Pachauri, Sensenbrenner noted an e-mail from Pennsylvania State University researcher Michael Mann that proposes warding other scientists off of "Climate Research" journal because it published scientific studies counter to the conclusions of the IPCC's contributors.

"The e-mails, however, demonstrate that a cabal of supposed 'cream-of-the-crop' climate scientists were indeed successful in getting editors of journals that had published contrarian views fired and that they conspired to boycott journals that did not bend to their wishes -- therefore ensuring that such views would not be adequately represented in IPCC Assessment Reports," Sensenbrenner wrote.

But supporters of putting curbs on fossil fuel emissions say that despite the questionable nature of the e-mails, they don't undermine the science, and point to the latest data from the very agencies wrapped up in the scandal.

"Global warming deniers are trying to say this is all a trick, but the truth of the matter is that our world is getting hotter, faster," said Rep. Edward J. Markey, D-Mass., chairman of the Select Committee on Energy Independence and Global Warming and a co-author of legislation to limit greenhouse gas emissions.

Markey cited data from the National Oceanic and Atmospheric Administration, which concluded that this decade had an average global surface temperature about 1 degree fahrenheit above the 20th century average.

Data from NOAA as well as NASA and the Climate Research Unit at the University of East Anglia are used by the World Meteorological Organization, the U.N.'s weather agency. Michel Jarraud, secretary-general of the WMO, announced at Copenhagen on Tuesday that 2000-2009 "is very likely to be the warmest on record, warmer than the 1990s, than the 1980s and so on."

"There is a mountain of evidence proving global warming is a fact, but the defenders of the fossil fuel status quo are using a molehill of a scandal to distract the world. The deniers will not win, because they are wrong," Markey said.

Obama is headed to Copenhagen next week for the end of the conference. After the Environmental Protection Agency on Monday issued a scientific finding on the danger of carbon dioxide, several Republicans say they fear Obama will make pledges at the conference that will try to bypass congressional approval.

**Adora Andy/DC/USEPA/US**  
07/22/2010 03:37 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Peter Silva, Stan Meiburg, Seth Oster, Allyn Brooks-LaSure, Stephanie Owens  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Alisha Johnson, Vicki Ekstrom, Dru Ealons  
bcc  
Subject HUFFPO: The Gov't wants to stop another TVA coal ash disaster but doesn't want to hear about it

[http://www.huffingtonpost.com/kevin-grandia/the-govt-wants-to-stop-an\\_b\\_656041.html](http://www.huffingtonpost.com/kevin-grandia/the-govt-wants-to-stop-an_b_656041.html)

## **HUFFINGTON POST**

### **The Gov't wants to stop another TVA coal ash disaster but doesn't want to hear about it**

Kevin Grandia  
Managing Editor of DeSmogBlog

Earlier this year the Environmental Protection Agency announced that it would put in place rules to ensure the safe disposal of coal ash which is basically the toxic waste leftover after coal is burned to produce electricity.

The announcement was prompted by the disaster that occurred a year and half earlier in Tennessee, when over 1 billion gallons of coal ash sludge breached its containment dam and rushed down the valley trashing homes and polluting the Tennessee river and its tributaries.

It was a nasty, devastating moment in history:

#### VIDEO

The EPA says that its new regulation on coal ash sludge will, "ensure stronger oversight of the structural integrity of impoundments in order to prevent accidents like the one at Kingston, Tennessee."

As part of the process in creating this new safety regulation, the EPA has proposed a series of public meetings for September to allow the public an opportunity to voice their opinions.

The EPA will not be holding a hearing in Tennessee. Instead they will visit Virginia, Denver, Dallas, North Carolina and Chicago.

I can only guess as to why. Most likely the EPA wants to avoid any bad PR.

But I have also heard that the new proposed coal ash regulations have been completely watered down by the Obama White House. More to come on this story for sure.

**Adora Andy/DC/USEPA/US**  
10/13/2010 11:42 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Sarah Pallone, Seth Oster, Stephanie Owens, Paul Anastas, Mathy Stanislaus, Dana Tulis, Al Armendariz, Gwendolyn KeyesFleming, Stan Meiburg, Janet Woodka  
cc Michael Moats, Brendan Gilfillan, Betsaida Alcantara, Alisha Johnson, Vicki Ekstrom, Dru Ealons  
bcc

Subject HEADS UP: DISPERSANT PETITION

**FYI: We have already gotten a call from the Times-Pic looking for a response.**

**From:** Kathleen Sutcliffe [ksutcliffe@earthjustice.org]

**Sent:** Wednesday, October 13, 2010 10:48 AM

**To:** Kathleen Sutcliffe

**Subject:** NEWS: On Heels of Lifted Drilling Moratorium, Groups Press EPA to Determine Dispersant Toxicity

FOR IMMEDIATE RELEASE

October 13, 2010

CONTACT:

Marianne Engelman Lado, Earthjustice, (212) 791-1881, ext. 228, (917) 608-2053 (cell)

Clint Guidry, Louisiana Shrimp Association, (504) 952-4368

Cynthia Sarthou, Gulf Restoration Network, (504) 525-1528 ext 202, [cyn@healthygulf.org](mailto:cyn@healthygulf.org)

Manley Fuller, Florida Wildlife Federation, (850) 567-7129 (cell), [wildfed@gmail.com](mailto:wildfed@gmail.com)

Bob Shavelson, Cook Inletkeeper, (907) 235-4068, ext. 22, 907.299.3277 (cell) [bob@inletkeeper.org](mailto:bob@inletkeeper.org)

Pamela K. Miller, Alaska Community Action on Toxics, [pkmiller@akaction.net](mailto:pkmiller@akaction.net)

Scott Edwards, Waterkeeper, (914) 674-0622, ext. 13, [sedwards@waterkeeper.org](mailto:sedwards@waterkeeper.org)

Kristina Johnson, Sierra Club (415) 977-5619 [kristina.johnson@sierraclub.org](mailto:kristina.johnson@sierraclub.org)

How Toxic are Oil Dispersants? Groups Press EPA to Find Out Before Next Spill  
*Shrimpers, community groups petition agency for info, clear rules before OK'ing future use*

Washington, D.C. — Gulf coast shrimpers and affected community groups from Alaska to Louisiana to Florida pressed the federal government today to better regulate dispersants -- the chemicals that oil companies routinely use to break up oil slicks on water – before these chemicals are used in future spill cleanups.

The non-profit environmental law firm Earthjustice filed a [petition \(PDF\)](#) on behalf of the Louisiana Shrimp Association, Florida Wildlife Federation, Gulf Restoration Network, the Alaska-based Cook Inletkeeper, Alaska Community Action on Toxics, Waterkeeper and Sierra Club asking the U.S. Environmental Protection Agency (EPA) to write rules that would set out exactly how and when dispersants could be used in the future.

The move comes just one day after the Obama administration announced it was lifting a moratorium on Gulf Coast oil drilling.

“Unprecedented use of toxic dispersants during the BP Deepwater Horizon Disaster without prior scientific study and evaluation on the effect to Gulf of Mexico marine ecosystems and human health was a horrific mistake that should *never* have been allowed to happen,” said Clint Guidry of the Louisiana Shrimp Association. “Potential ecosystem collapse caused by toxic dispersant use during this disaster will have immediate and long term effects on the Gulf’s traditional fishing communities’ ability to sustain our culture and heritage.”

The groups are also calling on the EPA to require dispersant makers both to disclose the ingredients of their products and to better test and report the toxicity of those products.

“Industry executives would like us to think that dispersants are some kind of fairy dust that magically removes oil from water,” said Earthjustice attorney Marianne Engelman Lado. “The fact is we have very little idea how toxic dispersants are, what quantities are safe to use or their long term effects on everything from people who work with the chemicals to coral in the water. We have little information about their long-term impact on life in the Gulf, or even whether the mix of oil and dispersants is more harmful than oil alone.”

EPA Administrator Lisa Jackson herself has raised concerns about this lack of information, calling for more data and better testing of dispersants so that officials don’t have to make “judgment calls on the spot.”

“We need to make sure that we understand the full effects of dispersants on the environment and human health,” said Florida Wildlife Federation President Manley Fuller. “And when dispersants are used, we need to be sure they are as safe as possible.”

The groups’ petition comes on the heels of draft [report](#) issued last week by the federal Oil Spill Commission that acknowledged that federal agencies were unprepared for the tough decisions they faced over whether to allow some 1.84 million gallons of chemical dispersants to be dumped in the Gulf of Mexico during the record-breaking BP Deepwater Horizon spill. The requested rules would ensure the agency never again be forced to make such decisions without sufficient information and guidelines.

“Never again should the oil industry be allowed to dump hundreds of thousands of gallons of dispersant into the sea as their preferred method of response to an oil spill,” said Cynthia Sarthou, of the Gulf Restoration Network. “Because so little is currently known by EPA -- or anyone else for that matter -- about the long-term impact to fish and wildlife, the use of dispersants is a dangerous and potentially devastating experiment.”

The summer’s catastrophe in the Gulf is not the first time the use of chemical dispersants has come under fire. Workers involved in the cleanup of Exxon Valdez spill in Alaska reported health problems -- including blood in their urine and kidney and liver disorders -- believed to have been linked to dispersant exposure.

“In Alaska, we have witnessed the long-term adverse health consequences of the use of dispersants on the health of cleanup workers,” said Pamela Miller, Executive Director of Alaska Community Action on Toxics. “The indiscriminate use of toxic dispersants also threatens the health of subsistence and commercial fisheries that are essential to the culture and economy of Alaska.”

“Oil corporations in Alaska now reach for dispersants as one of their first tools for oil spill response,” said Cook Inletkeeper Bob Shavelson. “Countless Alaskans rely on our wild, healthy fisheries, and we have a right to know about the toxic dispersants used in our waters.”

The group also filed a [60-day-notice of intent to file a lawsuit \(PDF\)](#) prodding the agency to provide information long required by the Clean Water Act identifying exactly where dispersants may be used and how much is safe.

“The largely unregulated use of dispersants is another example in the all-too-long list of ways that oil, coal and gas industries act with an open disdain for environmental and human health,” stated Scott Edwards, Director of Advocacy for Waterkeeper Alliance. “Coal companies dumping mine waste in our streams, gas extractors injecting harmful chemicals in our drinking water and the oil industry poisoning our coastal communities first with oil and now with untested dispersants all point to one thing – it’s time to end our irresponsible addiction to harmful fossil fuels and move onto cleaner, renewable energy sources.”

The Clean Water Act requirements have been in place for decades, but administration after administration has failed to comply with the law, and there was scant data available to EPA officials when they were confronted with the devastating Gulf Coast spill this summer.

“The BP oil disaster painfully showed just how little is known about these chemicals. We should not be gambling with the health of our coastal waters or the people who make their life from them. If dispersants are going to be part of the toolbox for responding to future emergencies, we need to be certain they’re not doing more harm than good. We call on EPA to pledge that never again will oil spill response turn into an uncontrolled experiment in our

nation's waters," said Sierra Club Louisiana Representative Jill Mastrototaro.

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Background Material:

To see the petition filed pressing EPA to establish new rules requiring dispersant manufacturers to reveal the toxicity and ingredients of their projects see:

<http://www.earthjustice.org/documents/legal-document/pdf/dispersant-petition>

To see the 60-day notice of intent to sue over long required Clean Water Act requirements, please visit:

<http://www.earthjustice.org/documents/legal-document/pdf/dispersant-notice>

To view the federal Oil Spill Commission report, please visit:

<http://www.oilspillcommission.gov/document/use-surface-and-subsea-dispersants-during-bp-deepwater-horizon-oil-spill>

Adora Andy/DC/USEPA/US

07/21/2010 07:29 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens, Allyn Brooks-LaSure, Seth Oster, Gina McCarthy  
cc Betsaida Alcantara, Brendan Gilfillan, Alisha Johnson, Michael Moats, Vicki Ekstrom, Dru Ealons, Shira Sternberg  
bcc

Subject ROLLING STONE: CLIMATE BILL, R.I.P.

<http://www.rollingstone.com/politics/news/17390/183346>

CLIMATE BILL, R.I.P.

*This article is from RS 1110, on newsstands July 23, 2010. This issue and the rest of the Rolling Stone archives are available via All Access, Rolling Stone's premium subscription plan. If you are already a subscriber, you can [click here for the archives](#) . Not a member? [Click here to learn more about All Access](#) .*

**A** comprehensive energy and climate bill – the centerpiece of President Obama's environmental agenda – is officially dead. Take it from the president's own climate czar, Carol Browner. "What is abundantly clear," she told *Rolling Stone* in an exclusive interview on July 8th, "is that an economy-wide program, which the president has talked about for years now, is not doable in the Senate."

[The Spill, The Scandal and the President: How Obama let BP get away with murder.](#)

But the failure to confront global warming – central not only to Obama's presidency but to the planet itself – is not the Senate's alone. Rather than press forward with a climate bill in the Senate last summer, after the House had passed landmark legislation to curb carbon pollution, the administration repeated many of the same mistakes it made in pushing for health care reform. It refused to lay out its own plan, allowing the Senate to bicker endlessly over the details. It pursued a "stealth strategy" of backroom negotiations, supporting huge new subsidies to win over big polluters. It allowed opponents to use scare phrases like "cap and tax" to hijack public debate. And most galling of all, it has failed to use the gravest environmental disaster in the nation's history to push through a climate bill – to argue that fossil-fuel polluters should pay for the damage they are doing to the atmosphere, just as BP will be forced to pay for the damage it has done to the Gulf.

[Tim Dickinson blogs about all the news that fits from the Beltway and beyond on the National Affairs blog.](#)

Top environmental groups, including Al Gore's Alliance for Climate Protection, are openly clashing with the administration, demanding that Obama provide more hands-on leadership to secure a meaningful climate bill. "We really need the president to take the lead and tell us what bill he's going to support," says Fred Krupp, president of Environmental Defense Fund. "If he doesn't do that, then everything he's done so far will lead to nothing."

[Get your dose of political muckraking from Matt Taibbi on the Taibblog.](#)

But Obama, so far, has shown no urgency on the issue, and little willingness to lead – despite a June poll showing that 76 percent of Americans believe the government should limit climate pollution. With hopes for an economy-wide approach to global warming dashed, Congress is now weighing a scaled-back proposal that would ratchet down carbon pollution from the nation's electric utilities. It has come to this: The best legislation we can hope for is the same climate policy that George W. Bush promoted during the 2000 campaign. Even worse, the "utilities first" approach could wind up stripping the EPA of its

newfound authority to regulate carbon emissions from power plants.

Although the president is receptive to the utilities-first approach, he has also made clear that he'll settle for much less, including a watered-down bill that would increase investments in clean energy without tackling carbon emissions directly. "He recognizes the challenge of 60 votes," says Browner. "If there's another way to get started to move forward, he's open to that." Sen. John Kerry, whose comprehensive climate bill with Joe Lieberman is now dead, emerged from a meeting at the White House on June 29th sounding an even stronger battle cry of capitulation. "We believe we have compromised significantly," Kerry declared, "and we're prepared to compromise further."

Indeed, the president has made no concrete demands of the Senate, preferring to let Majority Leader Harry Reid direct the bill – a hands-off approach that is unlikely to produce a measure of any substance. "You have two camps right now in the Senate," says a top congressional source. "One is the camp of 'Let's put something together, put it out there, whip it really hard and get to 60.' And then you have the Harry Reid model, which is 'Let's wait until we know we have 60 votes.'" Climate advocates are furious at the least-common-denominator approach, saying it takes victory off the table. "You can't run up the white flag," Sen. Jeff Merkley of Oregon said in June, "until you have the fight."

From the start, Obama has led from behind on climate change. Shortly after he took office, the White House seemed inconvenienced when House Speaker Nancy Pelosi made climate change a top priority, moving swiftly to push a cap on carbon pollution through the House. Rep. Henry Waxman, who played an instrumental role in the legislation, was frustrated by the White House's refusal to come up with specifics to guide the effort. "Browner tried to produce a detailed policy position," says Eric Pooley, author of the just-published *The Climate War*, a definitive account of the legislative fight. "But that effort was blocked." Obama's top political advisers, Rahm Emanuel and David Axelrod, pointedly avoided the legislative battle, viewing it as politically unwinnable.

So Waxman moved on his own. Working with Rep. Ed Markey, he caught the White House off guard by cutting the difficult political compromises that were necessary to gain the support of coal-state Democrats and bringing the bill to a vote. It took Al Gore sitting down with Emanuel and going over voting lists, name by name, to persuade the White House to throw its muscle behind the bill and pressure congressional holdouts to fall in line. On June 26th, the measure passed by the narrowest of margins, 219-212.

But despite having a climate bill in hand, the White House decided to put its muscle into passing health care reform. Emanuel promised climate advocates that the administration would return to global warming in early 2010. By then, however, the drawn-out fight for health care was on life support, and Democrats no longer held a 60-vote edge in the Senate. The momentum on climate legislation had been squandered. "It's a shame, because the window really was 2009," Pooley says. "It wasn't going to be easy, but if you don't even try, you're not going to get it done – and they didn't even try."

By waiting until after the health care fight, the Obama administration also allowed the energy industry and its conservative allies to mobilize their troops and hone their anti-climate rhetoric. Taking a page from the "death panel" lies, the U.S. Chamber of Commerce and energy-funded groups like Americans for Prosperity waged an all-out campaign against the climate bill, indelibly branding common-sense penalties on climate polluters as "taxes." With no one making an effective pitch for economy-wide carbon limits, "cap and trade" quickly became the bill that dare not speak its name.

The climate bill finally got back on the rails late last year, when the Senate trio of John Kerry, Joe Lieberman and Lindsey Graham – a Democrat, Independent and Republican – tried to pursue a "tripartisan" approach to global warming. There was plenty to like about their bill. It would have slashed climate-warming pollution by 80 percent by 2050, at a cost to consumers of less than 40 cents a day. In an age of soaring deficits, it would also have reduced the nation's red ink by \$19 billion over the next decade.



Although the president is receptive to the utilities-first approach, he has also made clear that he'll settle for much less, including a watered-down bill that would increase investments in clean energy without tackling carbon emissions directly. "He recognizes the challenge of 60 votes," says Browner. "If there's another way to get started to move forward, he's open to that." Sen. John Kerry, whose comprehensive climate bill with Joe Lieberman is now dead, emerged from a meeting at the White House on June 29th sounding an even stronger battle cry of capitulation. "We believe we have compromised significantly," Kerry declared, "and we're prepared to compromise further."

Indeed, the president has made no concrete demands of the Senate, preferring to let Majority Leader Harry Reid direct the bill – a hands-off approach that is unlikely to produce a measure of any substance. "You have two camps right now in the Senate," says a top congressional source. "One is the camp of 'Let's put something together, put it out there, whip it really hard and get to 60.' And then you have the Harry Reid model, which is 'Let's wait until we know we have 60 votes.'" Climate advocates are furious at the least-common-denominator approach, saying it takes victory off the table. "You can't run up the white flag," Sen. Jeff Merkeley of Oregon said in June, "until you have the fight."

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Once again, however, the administration applied the same backroom approach it took to health care reform. Instead of waging a public debate to pit the American people against the corporate polluters, Obama gave the polluters a seat at the negotiating table. In private, big energy firms were offered sweetheart deals to acquiesce to the climate bill, including expanded offshore drilling for oil giants like BP and taxpayer subsidies for coal and nuclear interests that outstripped those for clean energy.

"Kerry-Lieberman read like an industry wish list," says a top Senate environmental staffer. "The bill invests heavily in coal and nuclear, but doesn't do a heck of a lot for efficiency and renewables."

The White House was deeply engaged in the negotiations. "There have been almost 200 meetings or calls between Cabinet members, White House officials and senators on this issue," says Browner. "We've got everyone from [Energy Secretary] Steven Chu to [Interior Secretary] Ken Salazar to [EPA administrator] Lisa Jackson engaged. I've probably been up there in the Senate on this issue 50, 60, 70 times during this Congress, talking to both Republicans and Democrats."

At first, climate advocates were resigned to the backroom deals, figuring they were necessary to achieve a greater good. "It looked like the only way to pass a bill," says a Senate staffer familiar with the negotiations, "was to make all of these horrendous compromises." But then the strategy backfired. "What that bill did was essentially write nuclear and coal into U.S. energy production for the next 10 to 20 years, instead of phasing them out," says Erich Pica, president of Friends of the Earth. "And it didn't pick up any Republicans whatsoever." In fact, the tripartisan approach lost its only Republican supporter when Harry Reid tried to appease his home-state constituency in Nevada by placing immigration ahead of climate change in the Senate. Graham, who felt betrayed by the about-face, bowed out on April 24th, threatening to filibuster his own bill.

In one respect, the timing proved fortuitous. Graham, Kerry and Lieberman had been set to officially unveil the details of their climate bill – including its expansion of offshore drilling – at a press conference on April 26th. According to one insider, the senators would have been flanked at the event by BP and other big energy players. "The press conference was canceled at the last minute because Graham pulled out," says the insider. That same week, BP's oil rig in the Gulf had exploded, killing 11 workers and unleashing the biggest environmental catastrophe in U.S. history. The oil spill sealed the fate of the Kerry-Lieberman bill, making any push to expand offshore drilling untenable in the short term. "You had a major part of the legislation blow up, literally," says a House source close to climate negotiations. "And that somehow meant people said, 'Well, we should shut down the entire bill.' That's the logic of the Senate."

**B**y another logic, the disaster in the Gulf should have been a critical turning point for global warming. Handled correctly, the BP spill should have been to climate legislation what September 11th was to the Patriot Act, or the financial collapse was to the bank bailout. Disasters drive sweeping legislation, and precedent was on the side of a great leap forward in environmental progress. In 1969, an oil spill in Santa Barbara, California – of only 100,000 barrels, less than the two-day output of the BP gusher – prompted Richard Nixon to create the EPA and sign the Clean Air Act.

But the Obama administration let the opportunity slip away. On June 15th, the president – a communicator whom even top Republican operatives rank above Reagan – sat at his desk to deliver his first address to the nation from the Oval Office. It was a terrible, teachable moment, one in which he could have connected the dots between the oil spewing into the Gulf and the planet-killing CO<sub>2</sub> we spew every day into the atmosphere. But Obama never even mentioned the words "carbon" or "emissions" or "greenhouse" – not even the word "pollution." The president's sole mention of "climate" came in a glancing description of the "comprehensive energy and climate bill" that the House passed. In a moment that cried out for direction-setting from the nation's chief executive, Obama brought no concrete ideas to the table. Restating the need to break our addiction to fossil fuels, he stared at the camera and confessed that "we don't yet know precisely how we're going to get there." He didn't challenge Americans to examine their own energy habits. He didn't rally his fellow Democrats into a fight with the Republican Party of "Smokey" Joe Barton, the Texas Republican who later apologized to BP. Far from offering a clarion call

for action, Obama said, meekly, that he would listen to give senators from both parties a "fair hearing in the months ahead." Then he asked us to pray.

Climate advocates were stunned. "That speech wasn't anything different than Bush gave in an energy address," says Pica. "There was nothing new about climate and energy – it didn't move the debate forward. If he was going to recycle the same old talking points, maybe he should have just let Robert Gibbs give a little talk about it to the press corps."

In the aftermath of Obama's speech, environmental advocates seemed to wake up to the idea that the president doesn't have the spine for this fight. Al Gore tried to sound the call to action that Obama failed to deliver: "Placing a limit on global-warming pollution and accelerating the deployment of clean energy technologies is the only truly effective long-term solution to this crisis," Gore said. "Now it is time for the Senate to act. In the midst of the greatest environmental disaster in our history, there is no excuse to do otherwise."

But the president never picked up on the calls for action. Fed up, nine high-profile environmental groups – including Gore's Alliance for Climate Protection, the Environmental Defense Fund and the Union of Concerned Scientists – wrote a scathing open letter to the White House, pleading with Obama not to fumble away this opportunity. "A rapidly growing number of our millions of active members are deeply frustrated at the inability of the Senate and your administration to act in the face of an overwhelming disaster in the Gulf, and the danger to our nation and world," the letter warned. "The Senate needs your help to end this paralysis. With the window of opportunity quickly closing, nothing less than your direct personal involvement, and that of senior administration officials, can secure America's clean-energy future."

Obama's refusal to fight for meaningful climate legislation in Congress is all the more disappointing given the significant progress his administration has made on its own. Under Obama, the EPA had pushed forward with plans to regulate climate pollution under the Clean Air Act. The president's stimulus package included unprecedented investments in clean energy and green jobs, and on July 3rd the administration unveiled \$2 billion in new spending to support solar power. The administration used its leverage over the bankrupt auto industry to secure a historic increase in fuel efficiency. And top Cabinet officials from Browner to Chu to Jackson – even Salazar, who greenlighted the nation's first offshore wind farm – have walked their talk on global warming. The president himself has made six major speeches on the need for climate legislation, and last December he flew to Copenhagen to help salvage international climate talks from a complete crash-and-burn.

Browner is quick to point out that the administration still holds a trump card: the EPA's new power to crack down on carbon emissions, without the help of Congress. "Everyone understands that we've got an EPA with authority," she says. "They've been thinking very carefully, very thoughtfully, on how they would exercise that authority."

If the president doesn't have his heart in taking the lead on climate change, it's clear that he's still willing to play defense. In June, a bipartisan group of senators led by Lisa Murkowski, a Republican from Alaska, backed an amendment to prohibit the EPA from regulating climate pollution from utilities, manufacturers and other stationary sources. The measure would also have instructed the agency to ignore the Supreme Court decision last year that requires the EPA to regulate carbon as a pollutant under the Clean Air Act. The amendment ultimately failed by a vote of 53-47, despite support from six Democrats – Evan Bayh of Indiana, Mary Landrieu of Louisiana, Blanche Lincoln and Mark Pryor of Arkansas, Ben Nelson of Nebraska and Jay Rockefeller of West Virginia.

"We worked very hard to beat the Murkowski amendment back," Browner says, adding that this was one legislative battle Obama didn't duck.

The president," she says, "was engaged on that."

*This article is from RS 1110, on newsstands July 23, 2010. This issue and the rest of the Rolling Stone*

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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
07/22/2010 10:22 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens  
cc Brendan Gilfillan, Betsaida Alcantara, Alisha Johnson, Vicki Ekstrom, Michael Moats  
bcc  
Subject FYI: Moran clips

## New York Times

July 20, 2010

### House Approps Chairman Supports Funding for 'Civic Activism' on Climate

By GABRIEL NELSON of [Greenwire](#)

The leader of the House appropriations panel that oversees U.S. EPA's budget said he would support additional funding for efforts to spur "civic activism" on environmental issues, including climate change.

Rep. Jim Moran (D-Va.), chairman of the House Interior and Environment Appropriations Subcommittee, met with EPA Administrator Lisa Jackson and other agency leaders today to discuss the Gulf spill response, outreach programs and other agency initiatives. Moran also hosted a town hall session at EPA headquarters, where he said authoritative science and outreach efforts are key to environmental protection.

The Obama administration has recommended \$10 billion for EPA in fiscal 2011, a \$300 million cut. House and Senate appropriators have not moved on budgets for the agency, which received about \$2.7 billion more this year than it did at the end of President George W. Bush's presidency.

"We want to see that increase continue, and as long as EPA stands up and speaks out on behalf of the American public, it will increase," Moran said. "One of the things we were talking about with Administrator Jackson, who said she feels very strongly about this, is EPA needs to have the ability -- to be given the ability -- to outreach more to communities."

Moran said he does not expect a price on carbon to emerge from energy and climate legislation on Capitol Hill this year, making it more urgent that the public understand EPA's work on greenhouse gas regulations.

He referred in particular to the agency's "tailoring" rule, which would limit the number of stationary sources that would be subject to regulations on greenhouse gas emissions. Moran said the recently finalized rule, which would affect the "worst sources of pollution" rather than small businesses, would have wide public support if people knew about it.

"A lot of Congress doesn't even have any idea. They don't realize that it's a very substantial compromise," Moran said. "That kind of information needs to get out, and you have that information. You need to be empowered to get it out, and we have a receptive leadership now that hopefully will give you the means to do so. I don't think the American people wholly understand what's at stake."

Just as health-focused campaigns against smoking led to a steep decline in cigarette use, outreach efforts could produce a new generation of voters who care more about issues such as polluted water, toxic chemicals or climate change, Moran said.

As an example, he pointed to a Northern Virginia program that enables elementary schools to test for chemicals in nearby bodies of water, teaching students about pollution in the process.

"Even more than federal agencies committed to protecting and preserving our environment, what scares some of the big polluters and the big extraction industries, and so on, is civic activism," he said. "They'll pay millions to try to suppress that, but you can't suppress it, and there's no country in the world that has a

stronger capability for civic activism than the United States. We just need to inform them and mobilize them."

Moran's visit was part of an effort to learn about the agencies within the purview of his subcommittee, spokeswoman Emily Blout said. Chosen as head of the panel in March after previous Chairman Norm Dicks (D-Wash.) moved to the Defense subcommittee, Moran intends to hold similar meetings with officials from the Interior Department.

A major fight over EPA regulations would likely arise during the appropriations process one way or the other, meaning the agency's budget may end up being folded into an omnibus package. The subcommittee may not mark up an appropriations bill this year, Moran has said.

Rep. Mike Simpson (R-Idaho), the subcommittee's ranking member, said last month that he was "not real optimistic" about the prospect of a markup ([E&E Daily](#), June 10).

Outreach or 'propaganda'?

During the town hall meeting, Jackson pointed to several examples of outreach at EPA, referring in particular to the agency's "livability" and environmental justice initiatives. She said she also intends to expand outreach on the Emergency Planning and Community Right-to-Know Act, using the Internet and other technology to make more environmental information available at the local and neighborhood levels.

While those sorts of programs would face limited opposition, additional climate change outreach efforts would be a particularly hard sell. When the issue is a political minefield like climate change, political opponents often criticize outreach initiatives, claiming federal agencies should not spend taxpayer money on what are essentially advertising campaigns for the administration's chosen policy.

Marlo Lewis, a senior fellow at the Competitive Enterprise Institute, a free-market advocacy group, said education and outreach campaigns may be used to skirt restrictions on lobbying by federal agencies. On the issue of greenhouse gas regulations, EPA would be particularly prone to "scare tactics" and "propaganda," he said.

"There is some kind of line between simply explaining what you're doing so that the public you're trying to serve can see the benefit of what you're doing, and building a clientele and a constituency to put pressure on Congress," Lewis said. "Whatever opinion you may have on climate change, there is no shortage of information available to the public today. What is EPA going to say beyond what it's already said in its endangerment rule? I don't think you have to do things like scare kids in school so that they come home and lobby their parents."

At one point during the town hall meeting, Jackson interjected to remind officials in attendance about the Hatch Act, a 1939 statute that bars civil servants from taking part in partisan activity.

"As much as we care about those issues, because of the Hatch Act, you don't lobby on those issues," Jackson said.

"Oh yeah, the old Hatch Act. Oh yeah. I forgot to mention it," Moran replied.

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By Norah Swanson [nswanson@govexec.com](mailto:nswanson@govexec.com)

July 20, 2010

A Virginia lawmaker whose district is home to many federal employees said on Tuesday that he does not support a pay freeze for government workers.

Democratic Rep. Jim Moran, during a town hall meeting in Washington for employees of the [Environmental Protection Agency](#), also admitted he doesn't believe parity between civilian and military pay can be accomplished this year in Congress, alluding to partisanship. In fiscal 2010, service members received a 3.4 percent pay raise while the civilian workforce received a 2 percent boost.

While President Obama has frozen the pay of White House personnel, federal workers so far have been spared. Some lawmakers have tried recently to [push legislative proposals](#) to freeze federal workers' salaries to help reduce the deficit and pay for the ongoing wars.

With federal retirements on the rise, Moran said the government might not be able to maintain the same quality of employees without salary increases. Competition, he added, is essential to attract a high-caliber federal workforce, and pay freezes only will make this task more difficult. But Moran told EPA employees that, "freezes will be difficult to avoid if unemployment stays this high."

Moran, who was thanked by one employee for being "a consistent supporter of federal workers," also spent time on Tuesday touring EPA, including the agency's emergency operations room. He praised employees for their commitment and hard work in dealing with the BP oil spill in the Gulf of Mexico: "I have an intense appreciation for civil service," said the congressman. In March, Moran assumed chairmanship of the House Appropriations Subcommittee on the Interior and Environment, the panel that oversees EPA funding.

He noted EPA scientists and employees were devalued in years past and it was time to change false perceptions. He called for greater agency outreach to the American people and their communities. "Give them the facts and let them make up their minds. We have a responsibility to inform our democracy," he said.

The lawmaker credited the EPA Emergency Operations Room as a model for crisis response among other federal agencies. The agency uses technology such as teleconference and monitoring capabilities that allow EPA employees in Washington to stay connected to the epicenter of the crisis. Deputy Administrator Bob Perciasepe said EPA is working closely with the [Food and Drug Administration](#) and the Fish and Wildlife Service on cleanup efforts.

"You are absolutely indispensable," Moran told employees. "The health of the country is on your shoulders."

<http://www.govexec.com/dailyfed/0710/072010n1.htm>

###

## **WAMU Bringing Government And Public To Common Ground On The Environment**

July 21, 2010 - By Sara Sciammocco

As he settles into his new role as chairman of an appropriations subcommittee, Congressman Jim Moran of Virginia, is visiting with employees of different federal agencies to discuss their work and priorities.

He held a town hall-style meeting at the EPA with Administrator Lisa Jackson and several dozen of the agency's employees.

During the meeting, Congressman Moran encouraged EPA employees to put aside partisan politics and ignore interest groups and others who "reflect the corporate fear of 'the agency'."

"You don't have to be trying to persuade people to do anything, just give them the facts and let them make up their mind," says Moran.

Moran also toured the agency's high-tech emergency operations center. There, employees help manage disasters and communicate with field workers.

"I think what the most important things that the Obama Administration has done is to turn back to the scientists to try to get objective verification about what otherwise would be theory and hunch," he says.

Moran went on to say that civic activism is key to reducing air pollution and that he would like more school students involved in monitoring water quality.

###

### **Lipman Times**

#### **Rep. Jim Moran Wants to Use 'Civic Activism' to Help Environment**

By Joe Patterson

The New York Times Green Wire reported that the House Appropriations chairman who oversees the EPA budget has said that he would support the funding of "civic activism" for the agency in the interest of promoting conservation and reacting to climate change. Rep. Jim Moran (D-Va.) is the chairman of the House Interior and Environment Appropriations Subcommittee, and he met with various EPA officials on Tuesday to discuss recent environmental issues.

Moran discussed the Gulf Oil spill, outreach programs, and other initiatives by the agency, while also hosting a town hall at the EPA headquarters. Obama has proposed a \$300 million budget cut for the agency, even though its current funding has still been increased by \$2.5 billion from when President Bush last influenced a budget.

"We want to see that increase continue, and as long as EPA stands up and speaks out on behalf of the American public, it will increase," Moran said. "One of the things we were talking about with Administrator Jackson, who said she feels very strongly about this, is EPA needs to have the ability – to be given the ability – to outreach more to communities."

Moran said he does not expect a price on carbon to emerge from energy and climate legislation on Capitol Hill this year, making it more urgent that the public understand EPA's work on greenhouse gas regulations.

He referred in particular to the agency's "tailoring" rule, which would limit the number of stationary sources that would be subject to regulations on greenhouse gas emissions. Moran said the recently finalized rule, which would affect the "worst sources of pollution" rather than small businesses, would have wide public support if people knew about it.

Moran supports this "tailoring" rule because it is basically a compromise for a Congress that does not feel comfortable undercutting small businesses in the face of a large budget deficit and trying to get out of an economic recession. He is also a big proponent of a campaign similar to that against smoking that significantly decreased the amount of Americans who smoke cigarettes. He said "civic activism" such as this could help the EPA mobilize a citizenry and make environmental initiatives a necessary thing for



Congress to do every year.  
###

**Adora Andy/DC/USEPA/US**

11/09/2009 02:24 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Gina McCarthy, David McIntosh

cc Seth Oster, Allyn Brooks-LaSure, Arvin Ganesan

bcc

Subject Reuters: EPA sends C02 endangerment finding to White House

**INTERVIEW-EPA sends C02 endangerment finding to White House**

11.09.09, 1:27 PM ET

United States -

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency has sent its final proposal on whether carbon dioxide and other greenhouse gas emissions pose a danger to human health and welfare to the White House for review, EPA Administrator Lisa Jackson told Reuters Monday.

The EPA's final finding, if it follows the agency's earlier assessment and is approved by the Office of Management and Budget, would allow the EPA to issue rules later to regulate greenhouse gas emissions, even if Congress fails to pass legislation to cut U.S. emissions of the heat-trapping gases that contribute to global warming.

"We sent the final proposal over to OMB on Friday," Jackson said in an interview. She said the OMB has up to 90 days to review the proposal, but the EPA would like a quicker timetable. (Reporting by Tom Doggett; Editing by Marguerita Choy)

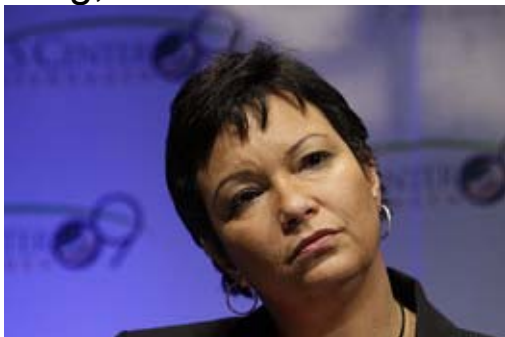
Adora Andy/DC/USEPA/US  
12/09/2009 03:30 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Gina McCarthy, Lisa Heinzerling, David McIntosh, Arvin Ganesan  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject WSJ: Action Jackson: U.S. EPA Boss Gets Warm Welcome in Copenhagen

# Action Jackson: U.S. EPA Boss Gets Warm Welcome in Copenhagen

Lisa Jackson, head of the U.S. Environmental Protection Agency, had her “veni, vidi, vici” moment in Copenhagen at the big climate summit today.

She got a rousing welcome just two days after the EPA finalized its ruling on greenhouse-gas emissions, a preview perhaps of the reception awaiting President Obama when he visits Copenhagen near the end of the summit. She also stressed that the U.N. summit was not the “impetus” for her agency’s big ruling, but a fortuitous coincidence.



Associated Press

EPA boss Jackson: “This is not an either/or moment.”

The EPA ruling gives the Obama administration more negotiating leverage at the summit—even though climate legislation is stalled in the Senate, it can point to concrete action to tackle emissions.

The EPA ruling by itself is widely seen either as a way to prod

Congress into passing climate legislation, or as a way to regulate emissions through executive action. Widely seen that way, perhaps—but not by Ms. Jackson.

“This is not an either/or moment,” Ms. Jackson said, referring to the endangerment ruling. “This is a both/and moment.” The WaPo’s Post Carbon [explains](#):

*Jackson said she has emphasized in her meetings that while the Obama administration will push Congress to enact legislation next year curbing greenhouse gas emissions, it will move ahead with plans to both finalize greenhouse gas rules for vehicles in March, and then curb the carbon output from large emitters like coal-fired power plants.*

Interestingly, the United Nations climate guru sees the choice for the U.S. in starker terms—painting the EPA ruling as a big stick to get the Senate fence-sitters off their perch. Greenwire [reports](#) Yvo de Boer:

*“If I were a businessman, I would say, ‘Please, please, please do a deal in Copenhagen, and please, please, please make it market-based.’ Because if we fail to get a market-based deal here, and if the U.S. Senate fails to pass cap-and-trade legislation, then the EPA will be obliged to regulate. And every businessman knows that taxes and regulations tend to be a lot more expensive and lot less efficient than*

*market-based approaches.”*

Or the EPA could provide those market-based approaches itself. Michael Livermore at the NYU Law School [notes](#) over at TNR's The Vine that the EPA has the authority to create its own cap-and-trade plan under the Clean Air Act. (Even under legislation, the EPA would have to run the thing anyway.) For all the goodwill that Ms. Jackson and the EPA ruling brought to Copenhagen, it isn't yet enough to bridge the gap still dividing developed countries from developing ones. Those differences—namely, who will cut emissions how much and who will pay for it—promise to drag on until the final hours of the conference next week.

Or maybe even later: The summit organizers said today that they've "[found](#)" [the host](#) for an upcoming round of global climate talks. South Africa will host the 17th big climate talks in 2011—after a stop next year in Mexico.

Maybe all the big soccer stadiums South Africa's preparing for the 2010 World Cup could be used to hold the overflow attendance left out in the Copenhagen cold this year.

Adora Andy/DC/USEPA/US  
01/11/2010 12:19 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob  
Sussman, Lisa Heinzerling, Gina McCarthy  
cc Allyn Brooks-LaSure  
bcc

Subject FYI: Center for American Progress: A Breath of Fresh Air

During President-Elect Barack Obama's transition, the Center for American Progress [proposed a 10-point clean-energy agenda for the president and Congress](#) that would speed the economic transformation to a clean energy economy. A review of these items today finds that all were adopted or are working their way through the process. This is a startling achievement amidst the [worst economy in 70 years](#), two wars, and an [opposition party disinterested in cooperation](#). President Obama did much of what he promised, and he can do more in 2010 by cajoling Congress to do its part.

These achievements will have real world impact. By 2011, the American Recovery and Reinvestment Act, P.L. 111-5, will [double the generation of renewable electricity from the wind, sun, and earth](#). ARRA will also lead to energy efficiency retrofits in 1 million homes by 2012. And President Obama's [new fuel economy standards](#) would save 1.8 billion barrels of oil. Additional benefits will accrue as the president and Congress finish some 2009 clean-energy initiatives and additional efforts are launched in 2010.

Here's a review of progress made by the president and Congress over the past year.

## 1. Wish they all could be California cars

The [Bush administration blocked efforts by California](#) and 16 other states to reduce greenhouse gas pollution from motor vehicles. On [May 19 of last year](#) President Obama announced an agreement with California, the auto companies, and the United Auto Workers to establish the first-ever greenhouse gas limits for motor vehicles. The [plan](#) would increase fuel economy standards by one-third by 2016, which would save 1.8 billion barrels of oil. It would also cut greenhouse gas pollution by nearly 1 billion metric tons, which is equivalent to removing 177 million cars from the road. The plan should be final in March 2010.

## 2. Global warming is a real and present danger

The [Supreme Court ruled in Massachusetts vs. EPA](#) that the Clean Air Act gives the Environmental Protection Agency the authority to require greenhouse gas reductions from power plants and other sources. But first the EPA has to make an "endangerment finding" that global warming poses a threat to Americans' health and safety. Despite a recommendation from EPA scientists to do so, the Bush administration refused. Under President Obama, EPA followed the science and the law by making the [endangerment finding](#) on December 7, 2009.

In March, EPA should finalize its big polluter rule to focus greenhouse gas reductions on large sources—those facilities that [emit 25,000 metric tons of GHG](#) pollution annually. The pollution limits will only apply to about 7,500 facilities, and they'll exclude farms, small businesses, and other relatively small emitters. Unfortunately, big oil and its allies [continue to lie](#) by claiming the EPA pollution reduction rules will apply to farmers and Mom and Pop stores.

### **3. Green stimulus and recovery**

As the economic hurricane gathered force last winter CAP recommended that any recovery plan include \$100 billion for clean-energy programs. The [American Recovery and Reinvestment Act](#), or ARRA, which became law on February 17, 2009, includes \$70 billion for clean-energy investments in the Weatherization Assistance Program, energy- efficiency in government buildings, states' efficiency and renewable energy programs, public transit, high-speed rail, advanced battery research, and other programs. ARRA also includes \$20 billion in clean-energy tax incentives for residential efficiency measures, wind and solar power, and super-efficient cars. *The New York Times* called this program "the largest energy bill ever passed."

The Department of Energy and other agencies adopted safeguards to ensure that these funds are well spent given the unprecedented size and scope of the programs. This took longer than anticipated, so a large portion of clean-energy funds have been allocated but not spent. [DOE received \\$33 billion, nearly half of the clean-energy funds](#), and it has awarded \$23 billion, or about two-thirds of these funds, to eligible states and other grantees. As of December 31, less than \$2 billion—or 6 percent—was spent.

The rate of spending, job creation, and energy savings will accelerate in 2010 after the awarded funds are spent. On January 8, for instance, [President Obama announced the award](#) of "\$2.3 billion in Advanced Energy Manufacturing Tax Credits," which should leverage another \$5 billion in private investments. These funds will go to "One hundred eighty three projects in 43 states [that] will create tens of thousands of high-quality, clean-energy jobs and the domestic manufacturing of advanced clean-energy technologies including solar, wind, and efficiency and energy management technologies."

[Vice President Joe Biden released an analysis](#) in December showing that just two ARRA programs—investments in renewable and smart manufacturing, and smart grid technologies—would create more than 800,000 jobs. And based on past experience the \$5 billion ARRA investment in low-income home weatherization projects could create another 160,000 jobs.

### **4. Mercury falling**

The Bush administration's proposal to delay reductions in mercury pollution from coal-fired power plants was [struck down by a federal court](#) because it was less protective of public health than required by the Clean Air Act. The Bush [EPA](#), according to *The New York Times*, "ignored its legal obligation to require the strictest possible controls on the toxic metal."

[EPA reached a settlement](#) in the lawsuit that led to the mercury rule's rejection, which would require it to propose mercury limits by March 16, 2011, and finalize the limits by November 16, 2011. Power plants would have to meet plant specific mercury reductions.

### **5. Curb the enthusiasm for greenhouse gases**

Scientists recommend developed countries reduce their greenhouse gas pollution 20 percent

below 1990 levels by 2020 to stave off the worst impacts of global warming. They should also reduce emissions 80 percent below 1990 levels by 2050. These reductions should prevent a temperature rise of 2 degrees centigrade.

In order to work more closely with Congress the Obama administration did not propose its own numeric pollution reductions. Instead, it [supported House passage of the American Clean Energy and Security Act](#), or ACES, H.R. 2454, which passed the House of Representatives on June 26, 2009. The [World Resources Institute, or WRI, estimates](#) that this bill would achieve an overall pollution reduction of 28 percent below 2005 levels and a 16 percent reduction below 1990 levels. By 2050 it would reduce pollution by 71 percent below 1990 levels.

The administration also supported the [Clean Energy Jobs and American Power Act, S. 1733](#), which the [Senate Environment Committee passed on November 5, 2009](#). WRI estimates this bill would reduce emissions by 17 percent and 68 percent below 1990 levels by 2020 and 2050, respectively. Senators John Kerry (D-MA), Lindsay Graham (R-SC), and Joe Lieberman (I-CT) are developing comprehensive compromise energy and global warming legislation that would reduce greenhouse gas pollution by 17 percent.

## **6. The answer is blowing in the wind (and shining in the sun)**

[Twenty-eight states—including the District of Columbia](#)—require utilities to produce a proportion of their electricity from the wind, the sun, the earth's core, and other renewable sources. In 2008 CAP recommended that President Obama support and Congress pass a nationwide renewable electricity standard of 25 percent by 2025.

ACES would require utilities to generate 15 percent of their electricity from renewable sources by 2020, with utilities allowed to meet 3 percent of the target via energy-efficiency measures. The bill also requires utilities to reduce demand by an additional 5 percent. On June 17, 2009, the Senate Energy and Natural Resources Committee passed the [American Clean Energy and Leadership Act, S. 1462](#). It would require a 15 percent renewable electricity standard by 2021, which allows utilities to meet 3 percent of this requirement via energy efficiency measures. The bill, however, has a weak enforcement mechanism that may ease noncompliance. An [analysis by the Union of Concerned Scientists](#) determined that “the amount of renewable energy required under the RES would be less than this level [15 percent], between 7.4 and 10.7 percent. This is worse—or at best—only marginally better than the amount of renewable energy generated without a national RES.” To significantly boost investments in wind, solar, and other renewable power, the Senate must include a more aggressive renewable electricity standard in its energy and global warming bill expected on the floor this spring.

## **7. Bridge loans to the 21st century**

General Motors and Chrysler sought federal assistance to prevent bankruptcy after the November 2008 general election. [President George W. Bush provided \\$17 billion](#) in loans before he left office, and [President Obama provided another \\$62 billion](#) to prevent the destruction of the domestic auto industry, which is responsible for 1 in 10 American jobs. During this process, CAP urged that the companies use this assistance to pursue the development, production, and



sale of more fuel-efficient automobiles.

The [Obama administration](#) provided loans to these two companies with the provision that they restructure their operations and manufacture “the fuel-efficient cars and trucks that will carry us towards an energy-independent future.”

[GM’s assistance and restructuring plan](#) requires it to “have a significant focus on developing high fuel-efficiency cars that have broad consumer appeal because they are cost-effective, have good performance and are reliable, durable and safe.” Chrysler’s merger with Fiat “could lead to Chrysler manufacturing fuel-efficient vehicles using Fiat’s technology.”

Last year the federal government also launched a “[cash for clunkers](#)” program to help speed the recovery of the auto industry, create jobs, and reduce oil use. It created an economic incentive to spur the trade in of old gas guzzlers for new, efficient models, and 700,000 clunkers were taken off the roads. The [Department of Transportation](#) determined that the average fuel economy of the new cars was 9 miles per gallon more—nearly a 60 percent improvement. The program also saved or created more than 40,000 jobs.

## **8. Pick the low-hanging energy fruit**

Energy efficiency is called the “[low-hanging fruit](#)” of clean energy since technology can be employed in myriad ways to reduce energy consumption and also save money. Efficiency would also reduce global warming emissions to boot. Last year CAP proposed several new efficiency programs including incentives for states to put energy efficiency on equal footing with new power plants; establishment of a federal “energy efficiency resource standard” that requires utilities to reduce energy consumption; and fully funding the Deployment of Combined Heat and Power Systems, District Energy Systems, Waste Energy Recovery Systems, and Efficient Industrial Equipment program to capture and reuse industrial waste heat. The Obama administration understands the economic and energy benefits of efficiency, and it demonstrated this by investing significant resources in it over the past year. ACES, which the administration supports, includes a 5 percent energy efficiency resource standard. [ARRA provided incentives for states](#) to “adopt certain utility regulatory policies to encourage utility-sponsored energy efficiency improvements.” It also included \$150 million for nine “combined heat and power” and other industrial waste energy recovery projects. There were 358 other applications for similar eligible shovel-ready projects that would cost \$9 billion and create 57,000 jobs. These projects would save the energy equivalent of 160 million barrels of oil annually.

[ARRA included a total of \\$25 billion](#) in spending for private efficiency measures and government programs. President Obama also issued [Executive Order 13423](#) to promote “federal leadership in environmental, energy, and economic performance.” It would [require federal agencies](#) to slash their greenhouse gas pollution, “increase energy efficiency, reduce fleet petroleum consumption,” and take other steps to promote efficiency and sustainability.

On December 8, 2009, [President Obama](#) proposed including residential and industrial efficiency programs as part of any job creation package considered by Congress to combat unemployment. The program would create economic incentives for owners to retrofit their homes or buildings to

become more energy efficient. On December 16, the House passed the Jobs for Main Street Act, H.R. 2847, which expands existing energy loan guarantee programs to include large-scale residential and commercial energy efficiency projects. The Senate should include a more vigorous version of the House measure with a "[Home Star](#)" or "[cash for caulkers](#)" program in its job creation package. The programs would provide economic incentives to homeowners to make their homes more energy efficient via improved air sealing and insulation, advanced building materials, and state-of-the-art appliances. This would quickly create hundreds of thousands of jobs in construction and manufacturing. It would slice participants' energy bills by 20 percent or more.

## **9. Green the wires**

The [lack of transmission capacity is a significant impediment to the broad expansion of renewable energy](#). Grid modernization must accompany increasing renewable energy generation, including the ability to incorporate intermittent renewable electricity generation. ARRA provided \$4.5 billion to DOE for smart grid deployment and transmission line enhancement, and [DOE just awarded \\$60 million](#) for "transmission planning for the country's three interconnection transmission networks." This is the first step to enhancing the U.S. electricity transmission network.

What's more, [the American Clean Energy and Leadership Act S. 1462](#), includes an "'interstate highway system' for electricity by creating a new bottoms-up planning system for a national transmission grid." The bill allows "states to take the initial lead in deciding where to build high-priority national transmission projects," but if this process

doesn't yield siting and construction of high-priority transmission projects then the federal government can step in. This proposal should significantly hasten the planning, siting, and building of new transmission capacity. It should be included in the energy and global warming bill the Senate plans to debate this spring.

## **10. Rise of the new machines**

Research, development, and deployment of new clean-energy technologies were [woefully underfunded by the Bush administration](#). An important element of the clean-energy agenda for the incoming Obama administration was to resume significant investments in the clean-energy technologies of the future. ARRA included nearly \$9 billion for the Advanced Research Project Agency for advanced energy technology research, carbon capture-and-storage technologies to remove and store carbon pollution from power plants, advanced batteries, and other projects.

## **The year ahead**

Overall, President Obama's first year included unprecedented successes and efforts to speed the transformation to a 21st century clean energy economy. In addition to launching the aforementioned investments, he overturned a number of energy decisions made by the Bush administration that ignored sound science while favoring big oil and other special interests.

His success was led by a clean energy all-star team, including Assistant to the President Carol

Browner, Agriculture Secretary Tom Vilsack, Energy Secretary Steven Chu, Environmental Protection Agency Administrator Lisa Jackson, Interior Secretary Ken Salazar, NOAA Administrator Jane Lubchenco, and Science Advisor John Holdren.

The unprecedented achievements in year one must continue in year two. The top priority is enactment of comprehensive clean-energy and global warming legislation that would create jobs, increase American energy independence, restore our economic competitiveness, and cut pollution.

To build on the outstanding first year, President Obama and Congress should accomplish the following goals:

- Congress should enact clean-energy jobs and global warming pollution reduction legislation, beginning with Senate passage of a bill.
- The final bill that lands on Obama's desk should include:
  - At least a 17 percent reduction in greenhouse gas pollution by 2020 and an 80 percent reduction by 2050.
  - A robust renewable electricity standard.
  - Significant investments in energy efficiency.
  - Clean-energy job creation programs.
  - Significant investments in clean-energy manufacturing competitiveness.
  - Jumpstarting electricity transmission siting and construction efforts.
  - An independent [Clean Energy Deployment Administration](#) (green bank).
  - Incentives to increase natural gas use for transportation and electricity with new safeguards for shale gas production.
  - Pollution reductions through strong participation in international efforts to cut deforestation in half by 2020.
  - Aggressive oil savings measures.
- Strengthen the Copenhagen Accord as a legally binding agreement that makes sure developed and developing nations commit to sufficient pollution reductions to keep global warming to 2 degrees centigrade by 2050.
- Launch a "[Home Star](#)" or "[cash for caulkers](#)" program as a center element of job creation legislation.
- Make sure EPA finalizes the clean car and major greenhouse gas polluters rules.
- Ensure EPA proposes greenhouse gas pollution limits for large industrial polluters.

Other items on Obama's energy to-do list should include investing in clean-energy research, implementing efficiency measures, boosting renewable energy production, and implementing clean-energy job training programs. The administration should continue to pursue clean-energy economic development strategies for inner cities and rural areas.

Obama and Congress' efforts on clean energy over the past year were an unprecedented about face from the Bush administration's big oil approach. They should continue to speed along the clean energy path this year.

**Adora Andy/DC/USEPA/US**

01/13/2010 02:16 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Lisa Heinzerling, Gina McCarthy, David McIntosh, Arvin Ganesan, Seth Oster, Allyn Brooks-LaSure, Stephanie Owens

cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats

bcc

Subject POLITICO: Lobbyists led meeting on Murkowski EPA amendment

**POLITICO**

**POSTED BY GLEN THRUSH**

**January 13, 2010**

**Categories:**

Energy

## **Lobbyists led meeting on Murkowski EPA amendment**

New details are emerging of just how involved a pair of energy industry lobbyists were in writing a controversial amendment by Alaska Republican Sen. Lisa Murkowski that would strip the EPA of its authority to regulate CO2 as a pollutant.

Murkowski's proposed amendment to the Clean Air Act has been attacked by Obama administration officials and environmental advocates as an industry-led attempt to hamstring efforts to regulate carbon -- the only option available in the absence of a viable Senate climate change bill.

Jeffrey Holmstead, head of the environmental strategies division at Bracewell & Guiliani and Roger Martella Jr., a partner at Sidley Austin LLP, walked Senate staffers through the details of the amendment, via speakerphone, during a meeting held at 8:45 a.m. in room 370 of the Hart Senate Office Building on Sept. 23, 2009, a person familiar with the meeting told POLITICO. The meeting, convened by aides to Murkowski and Sen. James Inhofe (R-Okla.), was called to gauge interest among staffers to four or five Democrats.

Murkowski has postponed introduction of the amendment.

Murkowski's energy committee staffer, Colin Hayes, was present at the September meeting, along with Mike Catanzaro, the Environment and Public Works Committee minority deputy staff director, the person said.

The Democratic staffers were allowed to take notes -- but reportedly GOP aides refused to allow them to take away handouts with draft language of the amendment.

On Monday, Greenpeace wrote a letter to the Senate Ethics Committee asking to investigate the role Holmstead and Martella played in drafting the amendment with Murkowski -- which environmentalists fear could wedge coal-state Democrats from party environmentalists if it comes to a vote.

A Murkowski spokesman called the letter, which came after Washington Post reporter Juliet Eilperin broke the news of the lobbyists' work on the amendment in a Jan. 11th "Post Carbon" blog entry, "**totally bogus.**"

Her office didn't immediately respond to questions about the Sept. 23rd meeting.

**Adora Andy**

**Press Secretary**

**U.S. Environmental Protection Agency**

**Office of Public Affairs**

**202-564-2715**

**andy.adora@epa.gov**

Adora Andy/DC/USEPA/US  
03/18/2010 04:52 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Peter Silva, David McIntosh, Arvin Ganesan, Seth Oster, Allyn Brooks-LaSure, Stephanie Owens  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Alisha Johnson  
bcc  
Subject NYT: Critics on Both Sides of Coal Mining Debate Assail EPA on Mountaintop Regulation

March 18, 2010

# Critics on Both Sides of Coal Mining Debate Assail EPA on Mountaintop Regulation

By PATRICK REIS of [Greenwire](#)

Critics on both sides of the heated debate over the regulation of mountaintop-removal coal mining lambasted U.S. EPA today for its handling of the issue.

Environmentalists this morning strung a banner saying, "EPA: pledge to end mountaintop removal in 2010," between 20-foot-tall purple tripods outside the agency's Washington headquarters. Six protesters then chained themselves to the tripods' bases and vowed not to leave until EPA Administrator Lisa Jackson agrees to fly over Appalachia to survey environmental damage done by mountaintop mining.

Kate Rooth of the Rainforest Action Network, which organized the protest, said EPA must exercise its full authority under the Clean Water Act to prevent mining companies from blowing apart mountaintops and dumping waste into waterways.

In the Senate, Environment and Public Works Committee Republicans are preparing a report that they say shows EPA is using scrutiny of mountaintop mining to sabotage all coal mining in the eastern United States.

At issue are Clean Water Act permits for mining that are being reviewed by EPA and the Army Corps of Engineers for their effects on Appalachian waters. The corps issues such permits, but EPA has final oversight authority and veto power.

Republicans and coal-state Democrats cried foul last fall when EPA asked the corps to delay issuing 79 permits for additional reviews for Clean Water Act compliance. A set of permits submitted last spring are also awaiting federal approval. EPA is preparing new guidelines for permit applicants but announced two weeks ago that they would be delayed.

Republicans on the EPW Committee say permitting delays threaten the loss of more than 17,000 jobs, imperil 81 small businesses and prevent the production of more than 2 billion tons of coal.

Citing interviews with permit applicants, the Republicans say about 1 in 10 delayed mining permits are for mountaintop projects. Most of the rest are for surface mines, but at least 20 are

for underground mines or coal processing facilities, a Republican staffer on the EPW Committee said.

"Although they're doing this in the name of mountaintop-removal mining, they're actually going after all coal mining, including underground permits," the staffer said. "If these permits are so bad for the environment, they should veto them, instead of just holding onto them indefinitely."

Adora Andy, spokeswoman for EPA, said both today's protest and the Senate report are based on a fundamental misunderstanding of EPA's role. The agency, she said, does not determine how much mining goes on in Appalachia, it is responsible for ensuring that projects comply with the Clean Water Act.

"First and most important, EPA has no problem with coal, nor do we regulate mining," Andy said. "EPA does have a big problem with coal pollution in our waters, and we intend to do our job under the law by protecting the water Americans drink, swim in and fish from."

Instead of "holding up" permits, Andy said, EPA is working with coal companies and the Army Corps to reduce the amount of waste dumped or the number of valleys filled.

The agencies are also hitting their deadlines in doing so, EPA said.

According to EPA: Of the 79 permits being held for advanced review, all but six are in the hands of the Army Corps. Of the six passed to EPA, three were approved within 60 days and the rest are still being scrutinized. Of 48 permit applications the Army Corps submitted for EPA review early in 2009, 42 were approved within 30 days.

The Army Corps did not respond to a call requesting comment.

But Senate Republicans maintain EPA is responsible for permitting delays. "The corps is a straightforward agency -- you put in A, you get B," the Republican staffer said. "They were ready to issue most of these permits. The EPA is more political. They're the ones with the agenda."

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For more news on energy and the environment, visit [www.greenwire.com](http://www.greenwire.com).

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**

07/21/2010 03:54 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Peter Silva, Mathy Stanislaus, David McIntosh, Arvin Ganesan, Sarah Pallone, Shawn Garvin, Stephanie Owens

cc Betsaida Alcantara, Brendan Gilfillan, Alisha Johnson, Michael Moats, Vicki Ekstrom, Shira Sternberg, Dru Ealons  
bcc

Subject AP: House panel approves tough mine safety bill

<http://www.google.com/hostednews/ap/article/ALeqM5jJRkeZiNLq6AMdIRgZIUHvChiPiAD9H3KE304>

House panel approves tough mine safety bill

By SAM HANANEL (AP) – 24 minutes ago

WASHINGTON — A House panel has approved sweeping mine and workplace safety reforms prompted by the deadly explosion in April that killed 29 miners in West Virginia.

The 30-17 vote came over the objections of the mine industry despite last-minute changes to exempt all mines except underground coal mines and other underground mines that produce flammable gases.

The bill would increase penalties for serious violations, make it easier for the government to shut down problem mines and offer more protection for whistle-blowers.

Mine owners complain that the legislation focuses too much on stiffer penalties. Republicans complained that it goes too far afield in overhauling other job safety laws affecting nearly every private business in the country.

**Adora Andy/DC/USEPA/US**  
07/23/2010 11:44 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Peter Silva, Shawn Garvin, Stephanie Owens, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan, Sarah Pallone

cc

bcc

Subject HEADS UP: PA Fracking Stories

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- **ASSOCIATED PRESS: Residents tell EPA Pa. gas drilling poisons water**
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- **WEST VIRGINIA PUBLIC RADIO: EPA conducts public meeting on hydraulic fracturing study**
- **WHEELING INTELLIGENCER: Opinions Differ On Safety of Fracking**
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### ASSOCIATED PRESS

#### Residents tell EPA Pa. gas drilling poisons water

By MARC LEVY (AP) – 8 hours ago

CANONSBURG, Pa. — People who make a living from a natural gas drilling technique that involves pumping chemical-laced water into the earth and others who believe it has poisoned them or their well water packed into a hotel ballroom in southwestern Pennsylvania on Thursday night to make an impression on federal researchers.

Residents of Hickory, about 15 miles southwest of Pittsburgh, called for intensive study of hydraulic fracturing, or fracking, and told a U.S. Environmental Protection Agency panel that their well water turned foul after drilling began nearby in the last few years.

Darrell Smitsky said five of his goats died mysteriously and, even though state regulators told him the water was safe, his own test showed sky-high levels of manganese and iron. When he blamed the drilling company, he said, it responded, "Can you prove it?"

Stephanie Hallowitch said her family's well water is no longer safe to even allow her children to run through the sprinklers.

"I urge the EPA to help my family and other families living near drilling to get answers to their questions," she said. The research, she continued, must be done "to protect other families before it is too late and they are in our situation."

In fracking, drilling crews pump millions of gallons of sand- and chemical-laced water deep into the earth to break up dense rock to free the natural gas. Some of that water returns as a briny, chemical- and metal-laden brew and is usually stored in open pits until it's trucked to treatment plants or underground injection wells.

The oil and gas industry steadfastly defends the fracking process as having been proven safe over many years and says it is a crucial tool if the country is going to be able to harvest its gas reserves. With many speakers calling for a moratorium on fracking or tough federal regulation, industry representatives



contended that states are already doing that job.

The EPA has begun a new look at fracking as gas drillers swarm to the lucrative Marcellus Shale region and blast into other shale reserves around the country. The process is currently exempt from federal regulation, and instead states apply their own rules to it.

Shale drilling is being viewed as so lucrative that international exploration companies are investing billions of dollars in the pursuit.

James Erb, of the American Petroleum Institute, which represents major oil and gas producers, told the EPA that the group is aware of substantial public concern over fracking and that it supports the EPA's review.

API, he said, is confident that the sound application of fracking causes no significant risk to human health, drinking water sources or the environment.

Lou D'Amico, president of the Pennsylvania Independent Oil & Gas Association, made up of hundreds of businesses, said that no example exists of fracking having polluted ground water and that the EPA study should include a review of complaints lodged to state-level agencies and how they were investigated.

"The controversy is one based on media-generated public hysteria and perception, not science, fact or evidence," he said.

Thursday's hearing lasted five hours, with scores of speakers each getting two minutes at a microphone.

Canonsburg is at the heart of hundreds of Marcellus Shale wells that began to be drilled in earnest in 2008. Some geologists say the vast Marcellus Shale region primarily beneath Pennsylvania, New York, West Virginia and Ohio could become the nation's largest natural gas field.

Already, about 1,500 Marcellus Shale wells have been drilled in Pennsylvania in barely two years, and thousands more are expected, transforming areas of the state. Numerous landowners are getting paid to lease their land for drilling or are receiving royalty checks from producing wells. Meanwhile, many industries such as steel pipe makers and haulers are seeing huge new demand from drilling companies.

But many landowners are coming forward to tell stories about spoiled well water.

The EPA's \$1.9 million study is expected to yield preliminary results by the end of 2012, Fred Hauchman, director of the EPA's Office of Science Policy, told attendees at the outset.

Hauchman promised to reach out to experts and study a wide variety of water sources, and he said an advisory board of scientists has told the agency to focus on the impact on water quality and quantity.

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## **THE NEW YORK TIMES**

### **Passions on Display at E.P.A. Meeting**

If the Environmental Protection Agency had hoped that the hundreds of landowners, students, community activists, environmentalists and oil and gas representatives invited to a hotel ballroom in southwestern Pennsylvania Thursday night would really stay on point, they were surely disappointed.

The aim of the meeting, which drew well over 1,000 attendees, was to solicit advice from stakeholders on how E.P.A. should focus and design a study of the impact of hydraulic fracturing on groundwater.

The agency's regional administrator instructed the crowd at the outset that the meeting was not to

become a debate on the merits of the practice, which involves injecting a high-pressure cocktail of water, sand and chemicals deep underground to crack the rock and release natural gas deposits.

Much advice was offered, and E.P.A. scientists and regulators took copious notes. Industry supporters, too, were on hand to urge that science trump emotion in any analysis, and to point out that hydraulic fracturing has never been definitively linked to groundwater contamination.

But the vast majority of the more than 100 speakers used their two-minute turns at the microphone to unleash furious recriminations at the gas industry, hydraulic fracturing and state and federal regulators for negligence in allowing it to continue. One resident called the E.P.A.'s pending analysis the equivalent of studying the flammability of Rome while the city was burning, while others offered a litany of personal experiences with ponds, streams and wells – all contaminated, they believe, by nearby natural gas fracking fluids.

"Corporations have no conscience," said Dencil Backus, a resident of Mount Pleasant Township in Pennsylvania. "E.P.A. must give them that conscience."

Hydraulic fracturing has been practiced in Pennsylvania and around the country for decades. The gas industry insists that no clear evidence has ever surfaced linking the fluids they use to crack open gas deposits to contamination of drinking water or any other systemic environmental problems.

The E.P.A.'s study – which is just getting started and is expected to be completed in early 2012 – aims to explore the connection further.

Pennsylvania is among several northeastern states where the natural gas industry is priming for a boom. An industry-sponsored and financed study released this week suggested that the gas play, known as the Marcellus Shale, could generate some \$6 billion in government revenues and create up to 280,000 jobs.

But with oil still washing up on the shores of the Gulf of Mexico, many residents were witheringly skeptical of drillers in general. "If you believe the industry line, it's all coincidental and it's not their fault," Mel Packer, a member of Pennsylvania's Green Party and a congressional hopeful, said of the dozens of personal stories from landowners complaining of water contamination from nearby gas wells. "I recognize a scam when I hear one."

Whether the opprobrium is justified or misplaced remains a matter of debate, particularly among those seeking to nudge the nation toward cleaner sources of energy. Many experts consider natural gas, which burns more cleanly than coal or oil, to be a crucial bridging fuel in that process.

"Natural gas has played and will continue to play an important role in our energy portfolio as we transition to a new energy future, and we are fortunate to have domestic resources to help meet our growing needs," Senator Bob Casey, a Pennsylvania Democrat, said in a prepared statement delivered to the assembly. "But I believe it is important to protect the health and safety of Pennsylvanians as we further develop the Marcellus Shale."

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## **WEST VIRGINIA PUBLIC RADIO**

### **EPA conducts public meeting on hydraulic fracturing study**

By Ben Adducchio

Audio Link: <http://www.wvpubcast.org/newsarticle.aspx?id=15777>

July 23, 2010 – The federal Environmental Protection Agency held a public meeting Thursday in western Pennsylvania to discuss its research on a popular gas and oil extracting process.

Under the earth in West Virginia and several other eastern states lies a vast amount of natural gas, trapped in rock.

Freeing that gas is done through a process called hydraulic fracturing.

Fracking, as it is nicknamed, uses millions of gallons of water, mixed with chemicals.

The water is pumped into rock creating fractures that allow the gas to be released and captured. The Environmental Protection Agency is interested in learning more about how this process affects drinking water in communities.

Pennsylvania's State Director for Clean Water Action, Myron Arnowitt, thinks that's good news. "There are things that need to be done to protect people from what's happening, that is very clear," Arnowitt said.

During the meeting in Canonsburg, Pa., EPA officials spoke with residents about the agency's study of fracking and its impact on drinking water.

Arnowitt and more than 1,000 others turned out to listen and to speak.

Bob Deiseroth lives in Washington County, Pa., near some gas wells.

"It's been a great experience; I haven't had any problems with any environmental concerns or anything," he said.

According to a recent report for the American Petroleum Institute, drilling into what is known as the Marcellus shale gas reserves is profitable in West Virginia and Pennsylvania.

The report says the Marcellus reserves are worth at least \$2 trillion to industry and billions in potential tax revenues to states.

Scott Courtney is vice president of Oil and Gas Exploration and Production Services with the SCE Environmental Group.

His job is to work with the oil and gas industry to provide support services like finding water for the fracking process.

He's also involved in soil and groundwater testing.

"I firmly believe that the rules and regulations that are in place are protective of human health and the environment," Courtney said.

"I like to fish in these rivers, I like to take my kids in the river, I like to drink clean water," he said, "I like to think that we're contributing to developing the energy resources this country deserves, while maintaining environmental integrity."

But Peter Wray doesn't think there are enough regulations.

He lives in Pittsburgh and is co-chair of the conservation committee of the Allegheny Group, Sierra Club.

"The possible contamination of drinking water is a major question. We cannot simply rely upon the assurances from the industry and state agencies that there is no possibility of contamination," he said.

"What the public needs is a comprehensive, scientific study."

The EPA's research will use collected data from previous work and information from new case studies.

The preliminary results are expected by late 2012.

In West Virginia, interest in gas well drilling has increased in recent years. Last month, an explosion at a gas well operation in Marshall County left seven workers injured.

The West Virginia Department of Environmental Protection ordered the company with the permit to operate there to stop all of its state operations.

The DEP reviewed the company's work and yesterday allowed AB Resources PA LLC of Ohio, to re-start its operations.

According to the West Virginia DEP, there are more than 500 wells in the state targeting the Marcellus shale formation.

Due to widespread interest in gas drilling, the DEP's Office of Oil and Gas is conducting a comprehensive review of its program.

That review is looking at staffing levels, funding, and agency policies.

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## **WHEELING INTELLIGENCER**

### **Opinions Differ On Safety of Fracking,**

EPA panel hears both sides on drilling process

By CASEY JUNKINS  
POSTED: July 23, 2010

CANONSBURG, Pa. - If you ask James Erb, Kathryn Klaber or Dave Spigelmyer, they will tell you that hydraulic fracturing into Marcellus Shale is relatively safe - and should remain exempt from federal oversight.

However, many of the roughly 1,200 people assembled at Canonsburg, Pa.'s Hilton Garden Inn on Thursday seemed to disagree. They expressed their views to representatives of the U.S. Environmental Protection Agency during a public meeting to collect comments about hydraulic fracturing. Many of the 120-plus speakers cited examples of water contamination, while urging EPA officials to find a way to regulate drilling.

Hydraulic fracturing, or fracking, - the action used to break the Marcellus Shale - calls for drills to blast millions of gallons of water, sand and chemicals into the ground. The process is currently exempt from the federal Safe Drinking Water Act, enforced by the EPA.

Erb, speaking on behalf of the American Petroleum Institute a day after that organization released a study showing that Marcellus activity boosted West Virginia's economy by \$1.3 billion last year, said, "Our members have extensive experience in performing this activity."

Klaber, president and executive director of the Marcellus Shale Coalition in Washington, D.C., said her industry is "working tirelessly to ensure that fracking is done effectively, prudently and in a way that continues to create thousands of good-paying jobs."

Speaking outside the actual meeting, Dave Spigelmyer, vice president of government relations for Chesapeake Energy, said state regulators - the West Virginia and Pennsylvania Departments of Environmental Protection - should manage fracking because they know the specific topography and hydrology of their states.

Stephanie Hallowich of Hickory, Pa., however, said her well water was contaminated in June 2009 because of nearby Marcellus drilling. She urged EPA officials to look deeper into the problems.

Pennsylvania resident Darrell Smitsky said his well water turned brown in 2008 after nearby drilling, adding that five of his goats soon died after drinking some of his water.

Paul Heckbert of the Steel Valley Trail Council, urged those just looking at the pots of money offered by drilling companies to consider the larger picture.

"It is hard to feel wealthy if your land gets fouled," he said.

Pennsylvania residents Robert Schmetzer and Ron Gulla said their state's environmental protection department has failed them.

"The (Pennsylvania) DEP has not done their job," Gulla stressed.

"I believe the DEP has been a failure in Pennsylvania," Schmetzer added.

Sporting an anti-drilling T-shirt outside the meeting area, Pittsburgh resident Ken Weir added of the gas companies, "They don't want regulations. ... If you want to drill, do it right."

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## **PITTSBURG POST GAZETTE**

### **1,200 hear Marcellus Shale debate: EPA hearing in Southpointe one of four nationwide**

Friday, July 23, 2010

By Don Hopey, Pittsburgh Post-Gazette

Concerns about the risk of water contamination and public health problems from Marcellus Shale drilling dominated a sometimes loud U.S. Environmental Protection Agency hearing in Southpointe attended by 1,200 people Thursday night.

Although EPA officials told those in attendance the meeting was not about drilling policy, most of the more than 100 speakers let it be known that they oppose Marcellus Shale drilling in the state, and many shared personal stories of contaminated wells, dead farm animals and damaged health. They attributed the problems to water contamination caused by the deep gas drilling operations that are increasing quickly through much of the state.

Several urged that a moratorium on Marcellus Shale drilling be enacted until the EPA finishes its study scheduled for the end of 2012.

Erica Staff, of PennEnvironment, a statewide environmental group, was joined by many speakers in requesting that the EPA broaden its study of the hydraulic fracturing process, known in the industry as "fracking."

"I urge EPA to expand the scope of the study to include the entire life cycle of gas extraction," Ms. Staff said.

Myron Arnowitt, state director for Clean Water Action, said the EPA needs to look at industry practices that have caused the state Department of Environmental Protection to issue 565 violations at 207 of the 1,458 wells drilled into the Marcellus Shale in Pennsylvania since 2005.

"Eighty of the violations are for illegal disposal of wastewater, and 115 of them were for frack pit violations, and those are serious and need to be investigated by the EPA," Mr. Arnowitt said.

The hearing was the third of four meetings scheduled around the country by the EPA to provide information and gather comments about its proposed \$1.9 million study of the risks to surface and ground water from fracking, a high-pressure, water intensive, procedure used in deep natural gas well drilling to free the gas from dense rock layers a mile or more underground. The EPA held hearings in Fort Worth, Texas, and Denver earlier this month, and next month will hold the last hearing in Binghamton, N.Y.

The drilling technique, used in deep shale and coal beds from Texas to Colorado to Pennsylvania, pumps up to 8 million gallons water and chemical additives -- some of them toxic -- mixed with sand or similar materials down a well under high pressure. The "fracking fluid" causes the shale or coal to crack and the sand props the rock layers apart, allowing the gas trapped there to escape up the well. Some of the contaminated water also returns to the surface and must be collected and disposed of or reused in other wells.

The drilling industry, which emphasizes the economic benefits of tapping into one of the largest unconventional gas fields in the world, says fracking has been used successfully and safely for more than 50 years in many shallow gas wells in Pennsylvania.

"Fracking is neither a new nor controversial process," said Lou D'Amico, president and executive director of the Pennsylvania Independent Oil and Gas Association. "Any controversy is based on hysteria, not facts. It's had no negative impact on groundwater anywhere it's been used."

James Erb, who spoke as a representative of the American Petroleum Institute, said his members know that fracking is a public concern and support the EPA's review of the technology.

"We intend to be active in the study plan developments and its implementation," Mr. Erb said. "We are confident it will show no risk to human health, water resources or the environment."

But environmentalists say the use of fracking in the Marcellus Shale bed that underlies three-fourths of Pennsylvania expands its impact on water supplies and quality.

Terry Greenwood, a Washington County farmer, said he lost 10 calves, eight of them stillborn and another born with a cleft palate, after Marcellus gas wells were drilled near his property.

"My water went bad, but the DEP said it was just farmers' bad luck," he said. "But since I fenced off my pond in 2009, I haven't had any problems. I think clean water is more important than gas."

In its announcement of public hearings for its study in June, the EPA noted that "serious concerns have been raised about hydraulic fracturing's potential impact on drinking water, human health and the environment."

In a statement released Wednesday, the EPA said that while natural gas "plays a key role in our nation's clean energy future and the process known as hydraulic fracturing is one way of accessing that vital resource ... there are serious questions about whether the process of hydraulic fracturing impacts drinking water, human health and the environment and further study is warranted."

The agency said the public hearings are part of the process of launching that study and promised to utilize the best available science and consider public input.

"We see an opportunity, too, for more case studies," said Robert Puls, of the EPA's National Risk Management Laboratory. "We'll also look at vulnerable water resources, both in terms of their distance from a drill site and the intensity of well development. Because of that, the risk could be greater both in terms of water quality and quantity."

As if to emphasize the high stakes of the gas drilling in the Marcellus Shale, industry and environmental groups staged competing news conferences immediately prior to Thursday evening's hearing.

A 2004 EPA review of earlier hydraulic fracturing studies identified health risks associated with some of the lubricating chemicals in the fracking fluid, and noted that the fracturing process could create pathways through which methane can contaminate drinking water wells, but concluded that it found no link between "fracking" and contamination of drinking water supplies. That review, which was used to exempt hydrologic fracturing from regulation by the EPA under the federal Safe Drinking Water Act, has been widely criticized by scientists and environmental organizations for failing to take into account case studies of existing contamination.

The new EPA fracking study proposal was prompted by last year's introduction of legislation -- H.B. 2766, also known as the "FRAC Act" -- that would remove the hydraulic fracturing exemptions that were granted in 2005. The industry is opposed to EPA regulation of the fracking process and has lobbied against passage of the bill.

Thursday night's hearing capped an active week on the Marcellus Shale issue. On Tuesday, Pittsburgh passed a resolution demanding that the state impose a one-year moratorium -- similar to that already in place in New York -- on drilling into the 450-million-year-old Devonian formation, the hottest natural gas "play," or deposit, in the nation. Wednesday evening a standing-room-only crowd of more than 200 attended an Allegheny County Council hearing that focused on Marcellus well drilling in Allegheny County and its potential impacts on the environment and the health of residents and also its economic benefits.

The Marcellus Shale Coalition issued a statement calling the city's moratorium resolution "unfortunate, unnecessary and, frankly, ill-advised" while citing industry job growth and downplaying environmental risks. PennEnvironment commended the city for recognizing that "the gas drilling industry's track record of spills and violations demonstrates a need for additional rules and laws that protect our rivers, drinking water, open spaces, clean air, and public health."

Also this week, the state Department of Environmental Protection ordered Cabot Oil & Gas Corp. within 60 days to fix permanently the water supplies in 14 homes in Dimock, Susquehanna County, that were contaminated by the company's gas well drilling operations. The DEP said it would lift a ban on reviewing new gas well applications by Cabot after the company permanently plugged three of the wells.

An industry study, released Wednesday and paid for by the American Petroleum Institute, said Marcellus Shale gas production could create 280,000 new jobs region-wide, and add \$6 billion in new tax revenue to local state and federal governments over the next decade. The study, authored by Timothy Considine of Natural Resource Economics, a Wyoming consulting firm that does work for the industry, said about 100,000 of those jobs could be created in Pennsylvania and West Virginia. When he worked for Penn State University, Mr. Considine was also the author of a 2009 report that predicted Marcellus Shale drilling would have a multi-billion dollar impact and create 175,000 jobs in Pennsylvania by 2020. The report was criticized because it did not disclose that it was funded by the Marcellus Shale Coalition, a pro-industry advocacy organization.

The state Environmental Quality Board also held a hearing Thursday night in Pittsburgh on proposed state regulatory changes to improve the safety of oil and gas wells and protect the Pennsylvania's water supplies from contamination. The tighter well construction standards are intended to prevent natural gas from migrating from a well to adjacent, shallow ground water where it contaminate the water supply and cause dangerous concentrations to accumulate in homes and structures.

Because of the conflict with the EPA hearing, the EQB will hold a repeat hearing at 7 p.m. Monday in the state Department of Environmental Protection's Waterfront Conference room A and B, 400 Waterfront Drive, Washington's Landing.

**Adora Andy/DC/USEPA/US**  
07/26/2010 01:51 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan, Gina McCarthy

cc

bcc

Subject FIREDOGLAKE: Obama Administration Threatens Veto on Any Bill Blocking EPA Carbon Regulations

<http://news.firedoglake.com/2010/07/26/obama-administration-threatens-veto-on-any-bill-blocking-epa-carbon-regulations/>

## **FIRE DOG LAKE**

### **Obama Administration Threatens Veto on Any Bill Blocking EPA Carbon Regulations**

By: David Dayen Monday July 26, 2010 10:22 am

This is pretty good news. It's important to note that the death of climate legislation does not mean the death of carbon regulation. It just moves it into a new phase, where the EPA takes the lead. And the Administration will protect that privilege:

President Barack Obama would veto legislation suspending the EPA's plans to write new climate change rules, a White House official said Friday.

Coal-state Democrats, led by Sen. Jay Rockefeller (W. Va.), Reps. Rick Boucher (Va.) and Nick Rahall (W. Va), are trying to limit the federal government's ability to control greenhouse gases from power plants.

The coal-state proposals, which would block the Environmental Protection Agency's authority for two years, would undercut what is widely seen as Obama's alternative climate policy, now that Congress has punted on cap-and-trade legislation for the year. The Obama aide said the proposals won't win the president's signature if they managed to pass on Capitol Hill. Rockefeller's bill is expected to reach the Senate floor at some point this year.

All those lawmakers who want Congress and not "unelected bureaucrats" to determine climate policy had their chance, and failed. So now, it's the EPA's turn. And I'll bet energy interests aren't going to like what they come up with as much as they like the opportunity to deal with a captured Congress.

While the courts will surely get involved in the EPA's rulemaking, the EPA is merely following a 2007 Supreme Court ruling mandating that they regulate greenhouse gas emissions. So industry, Republicans and coal-staters can stamp their little feet all they want, but the White House will follow the law.

Good for them. Dave Roberts said the day the climate bill died that the EPA is basically the last hope, and the necessary outcome of a process where coal-staters refused to budge.

Protecting the EPA is now job one for progressives: Murkowski already tried to block EPA on carbon. Rockefeller's going to try again shortly, and his bid is going to be even trickier to block than hers. The EPA's ability to act must be protected. It won't be as comprehensive, as economically efficient, or as socially cooperative as smart climate legislation would have been, but it will reduce carbon. And you know what? Senators from coal-heavy states have poorly served their constituents, so as far as I'm concerned, they deserve a big ol' EPA boot to the ass. They made this bed, they can sleep in it.

It's possible that industry will come back to the table with a new proposal. And while any Congressional legislation on carbon caps is dead, some demand-side measures like a renewable energy standard might get revived. While Senate Democrats wanted to block all amendments originally, that could be changing, and a few could sneak through. Tom Udall, Jeff Merkley and others in the Senate believe that they could



get Republican support for a decent RES, beyond the pitiful one in the Bingaman ACELA bill.

But on carbon regulation, the EPA is king. And it's entirely the fault of coal-state Democrats and Republicans who didn't believe the threat credible. Well, tough. EPA will now become your worst nightmare, and you caused it.

UPDATE: A case in point: the EPA has just issued a ruling incorporating environmental justice into their rulemaking considerations. From the release:

"Historically, the low-income and minority communities that carry the greatest environmental burdens haven't had a voice in our policy development or rulemaking. We want to expand the conversation to the places where EPA's work can make a real difference for health and the economy," said EPA Administrator Lisa P. Jackson. "This plan is part of my ongoing commitment to give all communities a seat at the decision-making table. Making environmental justice a consideration in our rulemaking changes both the perception and practice of how we work with overburdened communities, and opens this conversation up to new voices."

That's the new authority over GHG mitigation which Jay Rockefeller and Ben Nelson and the rest just empowered. Deal with it.

Adora Andy/DC/USEPA/US  
12/08/2009 10:23 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan, Gina McCarthy, Lisa Heinzerling  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
bcc

Subject NYT: THE ENDANGERMENT FINDING

NEW YORK TIMES  
December 8, 2009  
Editorial

## The Endangerment Finding

The Environmental Protection Agency formally declared on Monday that carbon dioxide and other greenhouse gases constitute a threat to human health and welfare. The move empowers the agency to regulate these emissions and gives President Obama an important tool if Congress fails to pass legislation to reduce global warming emissions.

Mr. Obama and the E.P.A. administrator, Lisa Jackson, have said repeatedly that they would much prefer a comprehensive legislative approach. But while the House has passed a broad climate change bill, the prospects in the Senate are uncertain. The threat of regulation gives Congress extra incentive to act; regulation would provide a strong backstop if it does not.

The E.P.A.'s declaration — known as an “endangerment finding” — is a necessary precondition under the Clean Air Act to regulatory action. Earlier this year, the administration proposed new rules limiting greenhouse gas emissions from cars and light trucks. Those rules, which have been broadly accepted by industry and will be accompanied by big increases in fuel-economy standards, will now be finalized.

The finding also allows the E.P.A. to regulate emissions from stationary sources including power plants, refineries and factories. So far, Ms. Jackson has offered no specific proposals — though she is working on them — beyond a “tailoring rule” that would limit any new regulations to big operations that produce 25,000 tons or more a year of carbon emissions.

Even so, the mere prospect of regulation has inspired something approaching panic, with industry groups like the Chamber of Commerce railing against “top-down, command-and-control” regulation. The House, in an otherwise admirable climate change bill, included a provision restricting the E.P.A.'s authority to control emissions.

This is utterly wrongheaded. The Supreme Court ruled two years ago that the E.P.A. has clear authority under the Clean Air Act to regulate greenhouse gases. It should be retained as both a goad and a backstop.

There is one obvious way to keep the E.P.A. from having to use this authority on a broad scale. And that is for Congress to pass a credible and comprehensive bill requiring economywide cuts in emissions.

No one would be cheering louder than Ms. Jackson, who has neither the resources nor the ambition to regulate what would amount to 70 percent of the American economy. If Congress fails to act, she will have no choice.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
07/21/2010 07:07 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan, Sarah Pallone, Mathy Stanislaus, Dana Tulis, Paul Anastas, Gina McCarthy, Cynthia Giles-AA, Stephanie Owens  
cc Dru Ealons, Shira Sternberg, Adora Andy  
bcc  
Subject ROLLING STONE: THE POISONING

#### Section on EPA/dispersant use:

The Obama administration has tried to rein in BP's use of dispersants, but its efforts barely made a dent in the company's all-out chemical warfare. In early May, the company asked the Environmental Protection Agency for permission to inject dispersants 5,000 feet underwater at the blowout site. "One of BP's main arguments was that you would be able to use much less dispersants if they were injected directly into the oil stream, rather than sprayed at the surface," says Lisa Jackson, the head of the EPA. The move would protect response workers from chemical exposure and reduce the tons of dispersant that BP was spraying on the surface of the Gulf each day. But it would also spread the oil and chemicals far deeper and wider, putting the entire food chain at much greater risk. After a few days of testing, Jackson reluctantly signed off on the operation. "It was the toughest decision I've ever made," she told her aides.

Then, as Jackson touched down at the New Orleans airport for a tour of the region on May 23rd, she checked her BlackBerry. The day before, her staff had discovered, BP had dumped an unprecedented amount of dispersants – 70,000 gallons – in a single day. Instead of reducing its surface injections, BP had moved into toxic overdrive. Jackson was livid. "She was not at all happy to get the news," says an EPA staffer.

Around the same time, Jackson was engaged in a concerted effort to get BP to use a less toxic brand of dispersant in the Gulf. Corexit was hardly the best option available: Of the 18 dispersants on the EPA's pre-authorized list, 12 are more effective on southern Louisiana crude than Corexit – and some are far less toxic. So why did BP go for a chemical that worked worse and did more harm? The company claims that the choice was driven by availability: Corexit was already stockpiled around the Gulf. But politics likely played a part: The board of the company that manufactures Corexit is made up of Big Oil veterans, including former ExxonMobil vice president Daniel Sanders and former BP executive Rodney Chase.

Initially, Jackson tried to hide behind bureaucratic camouflage. "If it's on the list and they want to use it," she declared on May 12th, "then they are pre-authorized to do so." But a few days later she changed her tune, telling a Senate panel that the EPA was "working with manufacturers, with BP and with others to get less toxic dispersants to the response site as quickly as possible." On May 19th, the EPA issued a directive to BP, telling the company that it had 24 hours to find a new, less toxic dispersant.

A day later, Doug Suttles, a top executive at BP, fired back a letter to the EPA, announcing that the company had every intention to keep using Corexit. Since then, the company has dumped more than 1.1 million gallons of Corexit in the Gulf.

The day she landed in New Orleans, Jackson traveled to BP's command center in Robert, Louisiana, and met with David Rainey, BP's vice president of exploration for the Gulf. She and Coast Guard Rear Adm. Mary Landry, who was the federal on-scene coordinator at the time, told Rainey that BP had to reduce its use of dispersants, especially on the surface of the Gulf. After all, reducing the air-bombing of chemicals was one of the central reasons that Jackson had approved subsurface injection in the first place. "I certainly made it very clear to BP that we were getting the worst of both worlds and that they were not being judicious enough in their use of that tool," Jackson says. One of her aides is more blunt: "It was a very heated meeting."

That night, Jackson and Landry worked out a three-point agreement with BP, which became the basis for a formal directive issued by the EPA and the Coast Guard on May 26th. The agency ordered the company to eliminate surface application of dispersant except "in rare cases" approved by the Coast Guard, to limit subsurface application to 15,000 gallons a day and to reduce overall dispersant use by 75 percent from its maximum daily levels.

If the purpose of the directive was to push BP to reduce the use of dispersants, it largely failed. The company – which applied for and received a waiver from the Coast Guard almost every day – continued to apply an average of 10,000 gallons a day to the water's surface. It exceeded the limit of 15,000 gallons for subsurface application at least four times, at one point injecting 33,000 gallons beneath the water on a single day. And by late June, it had cut its overall use of dispersants by roughly 2,000 gallons a day – a decrease of only nine percent.

Although BP has clearly flouted the spirit of the EPA order, Jackson insists that the company is doing nothing wrong, noting that its daily use of dispersants is now far lower than its peak of 70,000 gallons. "Personally and professionally, if I felt like BP weren't complying, I wouldn't hesitate to go to the president," she says. "The president has made clear that he sees it well within EPA's duties and authority to watch this process very closely. It would be unfair of me to characterize it as if somehow we are being dragged along. We are well aware of the trade-offs here."

I ask Jackson if she believes that BP is using dispersants to hide the oil and downplay public fears about the scale of the catastrophe. "I have no idea what BP is thinking," she tells me, her voice laced with exasperation. "In my view, they just don't understand why they can't just use dispersants all the time."

Full story:

## **The Poisoning**

## **Rolling Stone**

**By Jeff Goodell**

**Jul 21, 2010 8:00 AM EDT**

*Day 68.* That's all the sign says on the wall of the Starfish Restaurant in Grand Isle, Louisiana. Everyone knows what it means: 68 days since the blowout, 68 days of oil gushing out at the rate of 30,000, 40,000, 60,000 barrels a day. Who knows for sure? Nobody trusts BP's numbers. When it comes to the spill, Grand Isle is ground zero. Everyone here has seen the live pictures of the gushing wellhead, the hellish brown geyser a mile deep out in the Gulf. They have smelled the oil, touched it, walked in it, and they know more is out there, coming in with a shift of the wind and tides, killing the shrimp, coating the birds, scaring away tourists. The days tick by, the oil keeps coming. *Day 68.* On the Louisiana coast, the Deepwater Horizon blowout was the environmental equivalent of September 11th, an event so significant that it rearranges time itself.

[The Spill, The Scandal and the President: How Obama let BP get away with murder.](#)

Around here, the biggest fear is what happens now that hurricane season has arrived. In the restaurant, diners glance up at the TV, tuned to the Weather Channel, where tropical storms swirl. They have been through them all – Katrina, Gustav, Ike. Each time, they rebuilt. But this time is different. "If a hurricane gets us now," says Jeannine Braud, a waitress at the Starfish, "it will be all over. We will not recover. There will be oil and chemicals and a toxic mess everywhere. It will be the end of this place. It will be an apocalypse."

[Tim Dickinson blogs about all the news that fits from the Beltway and beyond on the National Affairs blog.](#)

It would be tempting to dismiss such sentiments as the unfounded fears of a local resident, one whose economic livelihood depends on the Gulf, if it weren't for all that we know about the nature of oil spills. Crude oil contains hundreds, perhaps thousands, of chemical compounds, many of which are lethal in high concentrations. As soon as oil began erupting out of BP's well and into the water, the compounds in the oil began to separate, some drifting up to the surface, others remaining near the bottom, where they will inevitably spread a toxic brew into the cellular structure of virtually every plant and animal in the Gulf, from microscopic plankton all the way up to sperm whales. Even worse, BP has responded to the disaster by pumping nearly 2 million gallons of toxic chemicals into the Gulf in an effort to break up the oil into smaller, camera-friendly slicks. The cleanup operation, in effect, has turned the Gulf into a vast science experiment, one whose consequences – untested and unforeseeable – are likely to haunt the planet for decades to come.

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After lunch at the Starfish, I drive a mile or so down the road. Grand Isle is a thin spit of land on the edge of the bayou. It's a place known for sport fishing – the annual tarpon festival draws thousands of people each year. The houses along the road all back up to the beach, and they are

built on 15-foot stilts so the water can rush under them. In the early days of the spill, the sand dunes here were jammed with reporters from the major networks, all of them strolling along, picking up oil-covered bottles and rocks in lame attempts to help viewers understand the enormity of the tragedy. President Obama visited Grand Isle in late May, and Louisiana governor Bobby Jindal has swung through here repeatedly. On the worst days, the oil flowed up on the beaches in ribbons, sticking to the sand like big black cobwebs. The smell was bad, too – a heavy, metallic, stomach-churning odor of volatilizing chemicals, of benzene and polycyclic aromatic hydrocarbons. It was the smell of cancer.

Today – Day 68 – the smell remains. A red fence has been erected along the beach, accompanied by a string of yellow crime-scene tape that reads no admittance. A few shrimp boats, their booms lowered to collect oil, bob out in the distance. The beach is paved with the heavy footprint of vehicle tracks. A few hundred yards away, there's a big white tent pitched on the sand. Workers are lifting plastic bags into a Dumpster – the last of the oil they have sopped up from the beach. Rumors around Grand Isle are that BP is using tents like these to cover up environmental horrors beyond anything that has been reported. One local resident tells me that he has it on good authority that BP is shredding sperm whales and bottlenose dolphins at sea, then bringing them to shore and disposing of their remains. Impossible to imagine, but who knows? "You should never put the murderer in charge of the crime scene," says Carl Safina, a noted ecologist who has spent a lot of time in the Gulf observing the cleanup. "Their impulse is always to hide the body."

I walk up to a security guard, who is stationed under a small tent on a sand dune. He is about 30, works for Talon Security, a BP subcontractor. He looks sour and angry. He won't reveal his name. But we start talking. He tells me he's from California and that he is only out here because he has a new wife and baby, and needs a few extra bucks. So he stands out on the beach all day – different beaches on different days – and makes sure tourists and sightseers and reporters don't get too close.

I ask him how long he's been here. "Since Day 12," he says. "It depresses the shit out of me. I never thought I'd see something like this happen in my lifetime."

"It doesn't look so bad today," I say.

"Have you touched the water?"

"Not here."

We walk down to the beach, put our hands in the surf. "Feel that?" he says.

I raise my hand. It's sticky, coated with a thin film of □.□.□.□ something.

"Oil," he says. "It's everywhere." The Deepwater Horizon Incident Command Post – the regional headquarters where BP, the Coast Guard and various state and federal agencies are running the cleanup operation – is a pretty spiffy place on the edge of the bayou in Houma, Louisiana. Until the blowout on April 20th, the building was used as a training center by BP –

it's bright and airy, the walls decorated with stylized images of pelicans and marsh grass. Some 1,000 people show up here to work every day, eating three meals a day in the cafeteria and monitoring the spill on giant screens, tracking ships and airplanes and skimmers, as well as the tides and the oncoming weather. "It's a little like the control room for Apollo 13 in here every day," says Mike Ziccardi, a wildlife veterinarian from California who is heading the efforts to rescue and rehabilitate sea turtles and marine mammals.

Each day, the command center reviews a single fact sheet called "Operations and Ongoing Response." The numbers are a kind of simple, one-sheet accounting of the spill. The first day I visit – Day 65 – the sheet boasts of a cleanup response of unprecedented proportions: 94 airplanes, 6,210 ships, more than 35,000 people, 2.6 million feet of boom. More people are involved in the cleanup than live in most small towns, and the fleet of vessels trying to cap and clean up the spill is more than 20 times larger than the U.S. Navy. "We are fighting the oil at every front," says James Black, deputy chief of operations at the command center. "At sea, on the beaches, in the bays. This is an all-out war."

But the command center's daily tally conveniently omits the most telling number of all: the monstrous size of the spill. Since it began, the BP blowout has flooded the Gulf with the equivalent of the *Exxon Valdez* spill every four days. A third of the fishing waters in the Gulf – more than 80,000 square miles – have already been closed. Estimates of the total amount of oil dumped into the Gulf so far range as high as 4 million barrels. Put into gallon jugs, the oil would line the entire 1,680 miles of the Gulf Coast – 19 times over. It is the largest oil spill ever in U.S. waters, and by the time it is sealed for good, it could turn out to be the largest offshore spill in history.

From an environmental standpoint, the BP blowout could not have occurred in a worse place. The warm currents of the Gulf make it one of the most productive ecosystems on the planet, home to 1,200 species of fish, five species of endangered sea turtles, scores of mammals like bottlenose dolphins and millions of migratory birds. Even worse, the spill took place in "biological spring," the moment when the entire Gulf comes to life – the migratory birds returning to nest, the sperm whales nudging along the edge of the continental shelf, the bluefin tuna laying their eggs, the pelican eggs cracking open in the rookeries. In the first three months alone, the spill has killed 1,978 birds, 463 sea turtles and 59 marine mammals – and that's just the official tally.

"No list can ever do justice to what's happening in the Gulf," says Doug Inkley, a senior scientist for the National Wildlife Federation. "The birds that get sick and die in the wetlands will never be found. And there are so many things we are not counting. Who is out there counting the mortality among deepwater squid, which are important to the survival of sperm whales? Who is out there counting the impact on plankton, which are key to the Gulf's food chain?"

The true scope of the catastrophe is best viewed from the air. Flying out to sea, just a few miles offshore from the mouth of the Mississippi River, it's easy to see how the oil and gas industries have systematically ravaged the Gulf Coast over the past 75 years. The wetlands and marshes are sliced by canals and pipelines, eroding the barrier islands and making the region more vulnerable to storms. Every 38 minutes, a patch of wetland the size of a football field vanishes under the



weight of energy development. All told, some 2,300 square miles of coastal land have been lost in Louisiana since the 1930s. Runoff from fossil-fuel-derived fertilizers has also had a devastating impact, creating an oxygen-starved dead zone in the Gulf the size of New Jersey.

But the damage done by decades of development is being rapidly accelerated by the catastrophic nature of the BP spill. Viewed from the sky, streaks of oil appear not far from the swampy coast – black stripes in the water, 50 or 100 feet wide, stretching out across the bays and inlets. Farther out, the streaks get wider and nastier – some of them brown, some of them gold, some of them caught in riptides, turned into a thick, orange goop floating on the surface. It is not one slick but many – great sheets of oil covering 35,000 acres of water at a time, according to the Coast Guard.

Here and there, bobbing about like tiny insects trapped in the oil slick, are boats pulling what look like loops of rope off each side – skimmers. The skimmers are supposed to operate as giant sponges, soaking up the oil. But from the air, it is obvious what a colossal failure the skimming operation has been. In its pre-spill response plan, BP claimed to have a skimming capacity of some 500,000 barrels a day – more than enough to soak up a worst-case spill like the one in the Gulf. But in fact, like almost everything else in BP's response plan, that claim proved to be hollow. By early July, BP had skimmed only 67,000 barrels out of the water – roughly the amount that is blowing out of the well each day. All the sophisticated technology in the company's command center, it turns out, means nothing against the vast tide of oil that is blasting out of the bottom of the sea.

"The technology and hardware that are deployed all look impressive at first glance," says Rick Steiner, a marine scientist who played a central role in the cleanup effort after the Exxon Valdez. "But none of it really works very well. In fact, it is all theater."

The Macondo Reservoir, which BP was tapping into when the blowout occurred, is estimated to hold up to 500 million barrels. The reservoir is not particularly large by industry standards: It contains about as much oil as Americans consume in a month. But because Macondo has a high permeability – a measure of how mobile the oil is within the rocks that contain it – the blowout was "like uncorking a volcano," says Doug Rader, chief ocean scientist for the Environmental Defense Fund.

According to BP's response plan, mandated by the Oil Pollution Act of 1990, a disaster of this magnitude was a virtual impossibility. The plan was a 582-page joke, filled with boilerplate instructions, bureaucratic forms and a total lack of preparation for anything like a blowout of this scale and complexity. More important, in the two decades since the Exxon Valdez, the oil industry has invested billions of dollars to develop new ways to access oil – multidirectional drilling, sophisticated imaging systems to locate reservoirs – but very little to improve the technology needed to clean it up. "The tools we have today aren't substantially different than the tools we had 20 years ago," concedes Thad Allen, the retired Coast Guard admiral who is commanding the cleanup operation.

When it comes to dealing with oil on the water, there are really only three options: skim it up,

burn it off or use a chemical agent to disperse it. "Each tool has trade-offs," says Allen. Skimming the oil off the surface of the water is by far the safest and least damaging option, but the technology is cumbersome and expensive. It takes time to get the equipment deployed, and you need good weather. Even under ideal conditions, a big skimmer soaks up only a few thousand barrels of oil a day; you would need a whole fleet in operation to capture the tens of thousands of barrels blowing out into the Gulf every day. But there was no fleet of skimmers in the Gulf – at least not one that could be launched quickly.

That left burning the oil or dispersing it. "*In situ* burning," as it is called by the industry, can be an effective way to get oil out of the water, but it's an environmental nightmare, polluting the air and sending a lot of heavy residue to the seafloor. It's also dangerous, especially in open water, where workers have few resources on hand should a fire burn out of control. "Until this spill, no one had ever done offshore burning of this magnitude in the history of this country," Allen says. Although BP initially planned for burning, it would be more than a week after the spill before the conditions were right for major burns. So the company, in a move that only served to worsen the environmental nightmare unfolding in the Gulf, decided to rely on dispersing.

Chemical dispersants work in a similar way to dishwashing detergent, causing the oil to break up into smaller droplets and moving it from the ocean surface down into the waters below. In theory, those droplets make it easier for bacteria and other natural processes to digest the oil. Many dispersants are made from petroleum byproducts: The dispersant that was stockpiled around the Gulf, which is sold under the trade name Corexit, was developed by Exxon in the 1970s. Dispersants, which can be sprayed from ships or planes, are quick and easy to apply – they are often used to break up small spills near land, where they can help keep oil from hitting fragile shorelines. But dispersants are full of chemical compounds, some of them toxic to humans and animals. One variety used heavily in the early days of the spill, Corexit 9527, contains an agent called 2-butoxyethanol, known to cause internal bleeding and kidney damage. For this reason, dispersants should never have been the primary tool to respond to an oil spill like the BP disaster. But with the Deepwater Horizon, they were. The day after the rig sank, BP sprayed 1,900 gallons of Corexit on the site. Within a week, it was dropping tens of thousands of gallons out of airplanes. Because the use of dispersants had been preapproved in BP's response plan, there was little oversight provided by federal health or safety agencies. As long as the chemicals were applied according to certain conditions – sprayed at least three miles off shore and in water at least 30 feet deep – there were no limits to how much could be used.

In the first weeks, BP discovered that dispersants did indeed help break up the oil slicks and drive the oil down into the water. But the chemicals also had another, more disturbing effect: They made the skimmers less effective. The best technology – known as an oleophilic, or oil-attracting, skimmer – uses mops or other absorbent materials to blot the oil out of the water. "Normally, the oleophilic skimmers should have been the backbone of our operation," says Mark Ploen, BP's offshore operations section chief at the command center. "But with all the dispersants being used, we found that less oil was sticking to the skimmers, and they were far less effective."

That meant the biggest skimmers in the Gulf, including a 174-foot-long, high-volume skimmer known as the HOSS barge, were of little use in the spill. It also meant that BP had to rely on a

technology known as weir skimmers, which are placed just below the surface of the water, drawing both oil and water into a sump. But weir skimmers work best in thick, heavy oil spills; in the Gulf, where the oil was rising up from the seafloor and spreading out into a thin sheen, weir skimmers often picked up far more water than oil, making them troublesome and ineffective. By early July, with the cleanup effort undercut by chemical dispersants, BP was skimming up less than 1,000 barrels of oil a day.

But instead of dialing back on dispersants and deploying more skimmers, BP decided to wage chemical warfare in the Gulf. Within three weeks of the blowout, the company had dumped 300,000 gallons of Corexit into the ocean. By mid-July, the total had surpassed 1.8 million gallons. BP argued that dispersing the spill reduced the number of brown pelicans and sea turtles coated in oil, and prevented it from reaching fragile shorelines, where it is difficult to clean and deadly to breeding grounds for shrimp and other sea life. But the chemicals also benefited the company by effectively covering up the spill, breaking it up into thousands of smaller slicks that don't look so bad on the nightly news. "It's about PR," says Steiner, the scientist whose expertise helped contain the *Valdez* disaster. "It's about keeping the oil out of sight, and out of the public mind, so fewer people really understand what is happening in the Gulf and get outraged by it." During the *Valdez* response, he adds, Corexit earned a telling nickname: "Hides-it."

Whatever its motives, BP was slow to provide respirators to workers in the Gulf, leaving them exposed to a dangerous combination of oil and chemicals. Many complained of illnesses, headaches, nausea, and BP's own tests have shown that more than 15 percent of the response workers in the Gulf have been exposed to 2-butoxyethanol. "When oil goes into the water, nothing good happens," concedes Allen, the retired Coast Guard admiral overseeing the cleanup. "It's always a trade-off to try to minimize consequences."

Those consequences would be disastrous for the Gulf even if BP had refrained from using dispersants. Crude oil is poison to most living things. To make matters worse, the nasty chemical compounds in crude oil – benzene, toluene and heavy metals – don't stick together very long. Once oil blows out of a well and begins its hours-long journey to the surface, it undergoes a process that geologists call "fractionation," the heavier compounds drifting to the bottom of the ocean, the lighter compounds rising toward the surface. Where all these compounds go, and how they interact with living organisms in a complex ecosystem like the Gulf, is one of the great unknowns of oceanography.

One of the central factors in determining how oil moves is the loop current, which swirls around in the center of the Gulf like an underwater conveyor belt, transporting water in and out of the basin in a giant circle. "My initial fear was that this oil was going to get caught up in the loop current and moved right to the pristine beaches of Cuba and the Florida Keys, then up the coast as far north as North Carolina," says Rader, the chief ocean scientist for the Environmental Defense Fund. But a few weeks after the blowout occurred, an unexpected and fortunate thing happened: A large eddy developed in the Gulf, cutting off the current from the Florida Straits and keeping the oil largely contained in the Gulf itself. "We got lucky," Rader says.

The cutoff eddy lasted until late June. Now, however, it has separated into two eddies – which

means the loop current could begin transporting the oil to more distant regions. But even if the oil remains in the Gulf, its effects on the environment could be felt thousands of miles away. Great migrations of fish visit the Gulf each spring and summer, using the waters as a spawning ground. "If they pass through the oil, billions of larvae and babies will be killed," says Rader. "It could have a large impact on populations outside the area."

The oil from the BP spill is not just swirling in the loop current. As it drifts up from the blowout site, it's also collecting in vast underwater plumes – some of them 10 miles long and three miles wide – composed of fractionated oil and methane. As bacteria begins to devour the oil in the plumes, they could leave behind huge swaths of water with little oxygen – massive dead zones that would suffocate any life within them. The plumes are also direct evidence that the oil is mixing at every level of the ocean, from the fragile coral reefs at the bottom of the Gulf to the shallower spawning grounds of the bluefin tuna. "The largest part of the Gulf ecosystem is out of sight beneath the surface," says Larry McKinney, executive director of the Harte Research Institute for Gulf of Mexico Studies at Texas A&M. "It's incredibly sensitive to the toxic effects of oil and dispersant."

As tragic as the images of dead seabirds are, scientists studying the environmental consequences of the Gulf spill are most concerned about the effects on the ecosystem that could take years to begin showing up. Scientists studying a spill off Cape Cod in 1969 are finding that 40 years later, fiddler crabs are still sluggish from the narcotic effects of oil. Studies after the Exxon Valdez spill in 1989 found that oil ingested by marine life accumulates in tissues, lowering reproductive rates and increasing disease and mortality rates. Oil continued to kill pink salmon eggs incubating in Alaskan streams for at least four years after the spill. As many as 700,000 seabirds died in the first few months, and sea otters and harlequin ducks suffered large, long-term losses. What's more, scientists found, the spill created a "cascade" of negative impacts up and down the food chain. The Pacific-herring population collapsed after the spill, and one pod of killer whales had its population cut by 40 percent. Two decades later, the whales are now doomed to extinction.

When you add dispersants to the mix, the environmental calculation gets even more complicated. Dispersants not only increase the amount of toxic chemicals in the Gulf, they spread the oil more widely – exposing far more plants and animals to a stew of hazardous compounds. "By breaking up oil slicks, you might reduce the number of acutely oiled pelicans and sea turtles," Rader points out. "But what about the rest of the food chain?" Observers in the Gulf have noticed what one environmentalist calls "drunk-dolphin syndrome" – pods of dolphins unusually close to shore, behaving in strange ways. "Is this a sign of environmental stress related to oil or dispersants?" says Ziccardi, the wildlife veterinarian. "We don't know." The same is true, he says, of the death of more than 450 endangered sea turtles: "It's a very high number that we can't explain yet."

The evidence of the disaster is most visible at the pelican rookeries of Barataria Bay. Cat Island, a tiny spit of land not far from Grand Isle, is teeming with birds – not just brown pelicans, but great egrets and roseate spoonbills. It is a Manhattan of birds, hundreds of them crowded together on a few hundred yards of mangroves, flapping, preening, basking in the sun. It's as if all the troubled birds in the bay have come here, seeking refuge, like animals fleeing a forest fire.

As it turns out, however, it was a foolish place to seek shelter. Baratavia Bay has been hard hit by the spill, with oil moving in and out with the tides and the wind. Cat Island is surrounded by two rings of containment booms – but the concerted effort has failed to keep the oil away. The crude is thick among the mangrove trees, where it coats roughly half of the birds on the island. The oil doesn't look all that thick on their feathers – but that doesn't mean it won't do serious damage.

"We're not sure what the impact of this is going to be," says Melanie Driscoll, a bird-conservation director with the National Audubon Society. "We're definitely seeing more lightly oiled birds, which are more capable of escaping rescue attempts than heavily oiled birds. We're also seeing birds that are wet to the skin, which is unusual. There is some thought that the dispersants might be having an impact on their feathers, but we're not sure. Are these birds better off in the long run than the heavily oiled birds? We don't know. We don't know yet about their survival rate weeks or months from now, or about their reproductive capacity in the future.

Frankly, there are just a huge number of unknowns here – and that's what concerns me." BP hasn't let the unknowns slow it down. Every morning, weather permitting, a group of small planes take off from private airports in Louisiana and Mississippi and fly over the Gulf, looking for oil slicks. The spotters are experts at seeing the rainbow ribbons of water and oil – the guys at the command center say they have "calibrated eyes," because they're able to make distinctions about the oil and determine whether it's best suited for skimming, burning or dispersing.

When they report their findings to the command center, the information is fielded by the operations section and directed to Nick Benson, a subcontractor with O'Brien's Response Management, a firm that specializes in helping oil companies respond to spills. Benson, who grew up nearby, bristles with clean-cut efficiency: He has five pens in his pocket, two BlackBerries and a look of permanent worry. His desk – little more than a laptop and a mess of papers – sits in the middle of the command-center operations room. Benson is in charge of deploying and tracking all of the cleanup equipment in the Louisiana region. "I've worked hundreds of spills," he says. "Small, big, anywhere – I've done it, I've been there."

You don't have to spend more than 10 minutes watching Benson work before you figure out one reason BP has favored the use of chemical dispersants in the Gulf: Skimmers are slow, dull and prone to breakdown. Dispersants, on the other hand, are fast, sexy and usually delivered by specially equipped planes like C-130s or DC-3s, as well as a newer BT-67 – which happens to be painted red, white and blue. ("I get so pumped up when we use it," Benson says.)

When Benson hears from the spotters, he reviews the conditions at slicks they have picked out – dispersants work best on fresh oil and when there are light waves to mix them in with the water. If conditions are good, he dispatches sprayer planes that carry as much as 2,000 gallons of dispersant. The planes approach the oil as if they were on a bombing run, swooping low over the water and spraying the dispersant out of nozzles on the wings. Benson calls it "dropping their payload." On some days, a plane will make as many as seven runs. By mid-May, BP was spraying an average of 24,000 gallons of dispersants on the Gulf each day.

And that's just the delivery from the air. To keep the oil blowing out of the well from reaching

the surface, BP is also using robots to pump dispersants 5,000 feet beneath the water and inject them into the plumes at the blowout site. This delivery method – unimpeded by bad weather – is taking place virtually 24 hours a day, seven days a week.

Benson is unabashed in his enthusiasm for dispersants. He calls them "the best tool in the toolbox." Says they are getting "more refined" in their targeting, as well as "more efficient." Bombing the oil with chemicals certainly fits well with the military mode of the cleanup operation. Dispersants are the oil-spill equivalent of pounding the Taliban with predator drones.

The Obama administration has tried to rein in BP's use of dispersants, but its efforts barely made a dent in the company's all-out chemical warfare. In early May, the company asked the Environmental Protection Agency for permission to inject dispersants 5,000 feet underwater at the blowout site. "One of BP's main arguments was that you would be able to use much less dispersants if they were injected directly into the oil stream, rather than sprayed at the surface," says Lisa Jackson, the head of the EPA. The move would protect response workers from chemical exposure and reduce the tons of dispersant that BP was spraying on the surface of the Gulf each day. But it would also spread the oil and chemicals far deeper and wider, putting the entire food chain at much greater risk. After a few days of testing, Jackson reluctantly signed off on the operation. "It was the toughest decision I've ever made," she told her aides.

Then, as Jackson touched down at the New Orleans airport for a tour of the region on May 23rd, she checked her BlackBerry. The day before, her staff had discovered, BP had dumped an unprecedented amount of dispersants – 70,000 gallons – in a single day. Instead of reducing its surface injections, BP had moved into toxic overdrive. Jackson was livid. "She was not at all happy to get the news," says an EPA staffer.

Around the same time, Jackson was engaged in a concerted effort to get BP to use a less toxic brand of dispersant in the Gulf. Corexit was hardly the best option available: Of the 18 dispersants on the EPA's pre-authorized list, 12 are more effective on southern Louisiana crude than Corexit – and some are far less toxic. So why did BP go for a chemical that worked worse and did more harm? The company claims that the choice was driven by availability: Corexit was already stockpiled around the Gulf. But politics likely played a part: The board of the company that manufactures Corexit is made up of Big Oil veterans, including former ExxonMobil vice president Daniel Sanders and former BP executive Rodney Chase.

Initially, Jackson tried to hide behind bureaucratic camouflage. "If it's on the list and they want to use it," she declared on May 12th, "then they are pre-authorized to do so." But a few days later she changed her tune, telling a Senate panel that the EPA was "working with manufacturers, with BP and with others to get less toxic dispersants to the response site as quickly as possible." On May 19th, the EPA issued a directive to BP, telling the company that it had 24 hours to find a new, less toxic dispersant.

A day later, Doug Suttles, a top executive at BP, fired back a letter to the EPA, announcing that the company had every intention to keep using Corexit. Since then, the company has dumped

more than 1.1 million gallons of Corexit in the Gulf.

The day she landed in New Orleans, Jackson traveled to BP's command center in Robert, Louisiana, and met with David Rainey, BP's vice president of exploration for the Gulf. She and Coast Guard Rear Adm. Mary Landry, who was the federal on-scene coordinator at the time, told Rainey that BP had to reduce its use of dispersants, especially on the surface of the Gulf. After all, reducing the air-bombing of chemicals was one of the central reasons that Jackson had approved subsurface injection in the first place. "I certainly made it very clear to BP that we were getting the worst of both worlds and that they were not being judicious enough in their use of that tool," Jackson says. One of her aides is more blunt: "It was a very heated meeting."

That night, Jackson and Landry worked out a three-point agreement with BP, which became the basis for a formal directive issued by the EPA and the Coast Guard on May 26th. The agency ordered the company to eliminate surface application of dispersant except "in rare cases" approved by the Coast Guard, to limit subsurface application to 15,000 gallons a day and to reduce overall dispersant use by 75 percent from its maximum daily levels.

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Although BP has clearly flouted the spirit of the EPA order, Jackson insists that the company is doing nothing wrong, noting that its daily use of dispersants is now far lower than its peak of 70,000 gallons. "Personally and professionally, if I felt like BP weren't complying, I wouldn't hesitate to go to the president," she says. "The president has made clear that he sees it well within EPA's duties and authority to watch this process very closely. It would be unfair of me to characterize it as if somehow we are being dragged along. We are well aware of the trade-offs here."

I ask Jackson if she believes that BP is using dispersants to hide the oil and downplay public fears about the scale of the catastrophe. "I have no idea what BP is thinking," she tells me, her voice laced with exasperation. "In my view, they just don't understand why they can't just use dispersants all the time."

By any measure, however, the administration has failed miserably in its attempt to reduce the amount and toxicity of chemicals that BP is dumping into the ocean. "The EPA is full of smart, competent, hardworking scientists who are trying to do the right thing," says Wilma Subra, former vice chair of the EPA's National Advisory Council for Environmental Policy, who has led the battle against dispersants in the Gulf. "But politically, they are no match for BP." On the way back from visiting the pelican rookery in Barataria Bay, our boat cuts through an inlet that is crowded with barges and supply ships headed out to the blowout site. The inlet is a vulnerable point in the barrier islands, the place where the Gulf meets the bay, the place where oil-laden

waters can gain access to fragile marshlands. To protect the inner bay, Gov. Jindal and other local leaders want to build rock barriers across inlets like this one. "It's a very bad idea," says Denise Reed, a coastal scientist at the University of New Orleans. Reed explains that barriers, which interrupt the natural currents that flush the bay, are likely to do far more harm than good. Not that Jindal really cares – he is out to score political points against the Obama administration for its mishandling of the Gulf spill. But the widespread frustration directed at Washington is not misplaced. For a president who has promised to "guarantee scientific integrity throughout the executive branch," there is not a lot of it on display in the Gulf. From the initial permitting of BP's well to the ongoing cleanup, the oil spill has been a story of federal ineptitude and corruption in the face of corporate greed and power.

As we cut across the bay, it's hard not to feel the overwhelming tragedy of the place – not just the acrid smell of oil in the air and the islands of weathered crude in the bay, but the fact that this entire region has been turned into a sacrifice zone for the oil and gas industry. It's the water-world equivalent of the Appalachian Mountains, where Big Coal reigns supreme. Still, the resiliency of nature is surprising. We cut the engine and drift through a pod of dolphins frolicking in the bay – mothers and calves surface beside the boat. I hear the dolphins exhaling as they surface. A few sound like they are coughing – scientists who study dolphins call it "chuffing," and it is not uncommon among dolphins reacting to environmental stress.

Once the blowout is capped for good, an accounting will begin. Steiner, the veteran of the *Valdez* response, estimates that when all is said and done, less than 10 percent of the oil spilled into the Gulf will be recovered. Lawyers will fight for years over exactly how much oil was spilled, how large the penalties should be, how much economic damage was done. It's easy enough to figure out the lost wages of a shrimper, the decline of tourism at a resort – but how do you put a price tag on hundreds of dead sea turtles or a pod of chuffing dolphins? How do you tally up a bill for the poisoning of an entire ecosystem? How do you track the future pain and suffering – human and animal – caused by exposure to cancer-causing chemicals? BP will spend millions of dollars on the best lawyers in the business, all in an effort to make sure that the answers to such questions, if they ever come, are as small and distant and insignificant as possible.

As for political reforms, every oil spill – like every coal-mine disaster and airline crash – provokes new laws and regulations designed to make sure that this kind of thing never happens again. There will undoubtedly be new laws enacted in the aftermath of BP's spill – raising the liability for oil companies responsible for such catastrophes, ensuring that more cleanup resources are on hand in the event of a blowout, perhaps even putting some of the most pristine and sensitive waters off-limits to drilling. But if that is where it ends, then this will turn out to be an ugly story indeed, just one more chapter in the larger narrative about America's stupid and self-destructive addiction to oil.

"This can be the pivotal moment," says ecologist Carl Safina. "We need to turn this catastrophe into something positive. We need policy changes to prevent this from happening again, and a national energy plan to truly phase us off fossil fuels. Otherwise, the disaster in the Gulf is just a nightmare, with no redeeming qualities."

###





Adora Andy/DC/USEPA/US  
01/12/2010 11:04 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan, Stephanie Owens  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject FORBES: PARODY OF LEADERSHIP

FORBES Commentary

## Parody Of Leadership

Henry I. Miller, 01.12.10, 9:00 AM ET

The government failures that led to a near catastrophe when a Nigerian terrorist tried to blow up a Northwest Amsterdam-to-Detroit flight Christmas Day should serve as a wake-up call, but not only the kind that pundits have mentioned. The incident--and the moronic comments of Secretary of Homeland Security Janet Napolitano thereafter--should draw attention to the alarming ineptitude of many of Obama's high-level political appointees, who are entrusted with the nation's health and safety.

Most important federal government business is conducted not by the handful of cabinet-level officials, but by those at the next rung, who occupy senior positions at the myriad departments and agencies and perform pivotal day-to-day decision- and policymaking. Few of these appointments require congressional confirmation or receive much public or media attention, but they are critical because personnel choices ultimately become policy choices. This is especially true at "gatekeeper" government agencies such as the FDA, EPA and USDA, which approve products such as genetically engineered plant varieties and pharmaceuticals before they can be marketed. These agencies are becoming increasingly unscientific, risk averse, politicized and easily prodded to excesses by congressional demagoguery.

Consider, for example, the inestimable damage to the industries that develop new pharmaceuticals--medical devices (such as pacemakers and artificial joints), vaccines and human and veterinary drugs--which used to be some of the nation's most innovative and successful. But excessive, erratic and highly risk-averse regulation has pushed development costs into the stratosphere, made approvals uncertain and slowed them to a trickle. As Fred Hassan, CEO of drug company Schering-Plough, said of the current regulatory climate: "What will it take to get new drugs approved? The point is, we don't know." Dr. Kenneth Kaitin, director of the Tufts Center for the Study of Drug Development, described the obstructionist culture at the FDA as having caused it to become viewed as "an agency that is supposed to keep unsafe drugs off the market, not to speed access to life-saving drugs."

The vast majority of FDA employees are civil servants; unlike at some other federal agencies, there are only a handful of political appointees, but most of Obama's choices have been radical and woefully inappropriate:

--Joshua Sharfstein, deputy FDA commissioner, who will, in effect, direct day-to-day operations of the agency, has a history of anti-drug-industry bias that dates from his days in medical school.

--Ralph S. Tyler, newly appointed general counsel, whose main qualification seems to be that he is a crony of Sharfstein's. This position demands an independent, smart lawyer who is highly knowledgeable about food and drug law, but Tyler's last job was insurance commissioner of Maryland. He lacks any experience with FDA-related legal issues, and he will surely be in the pocket of his buddy Sharfstein.

--Peter Lurie, senior policy advisor, who was previously at the rabidly antidrug, anti-industry, self-styled public-interest group Public Citizen. Someone with similarly strong pro-industry views would not be considered an acceptable appointment.

--Lynn Goldman, science advisor. This is a risible choice, because while a senior EPA official in the Clinton administration, Goldman never met a regulation she didn't like and oversaw extremely radical, unscientific decision- and policy-making, especially toward chemicals and biotechnology. She grossly misrepresented (or failed to understand) her agency's biotechnology policy in published statements. This is another illustration of the inside-the-Beltway adage that no bad deed goes unrewarded.

Many other Obama appointees who will be in a position to influence science- and technology-related issues are ideological, radical and poorly qualified to offer sound, unbiased advice on policy. They have a record of hostility to modern technology and the industries that use it: Kathleen Merrigan, the deputy secretary of agriculture; Lisa Jackson, EPA administrator; Steve Owens, who heads the critical EPA division that regulates pesticides and other chemicals; and Carol Browner, coordinator of environmental policy throughout the executive branch. Browner was responsible for gratuitous EPA regulations that have slowed the application of biotechnology to agriculture and environmental problems for more than a decade. Jackson worked in the EPA's notorious Superfund program for many years. Owens, a lawyer and global-warming zealot lacking any scientific expertise, was widely criticized as a fanatic and job-killer while he headed the Arizona Department of Environmental Quality.

Merrigan, meanwhile, relentlessly promoted the organic food industry: High costs of organic foods make them unaffordable for many Americans, discouraging the consumption of fresh fruits and vegetables; and, because of their low yields, they waste fuel, farmland and water. Perhaps because of her passion for organic farming, Merrigan, while a staffer for the Senate Agriculture Committee, was completely uneducated about the importance of genetically improved plant varieties to advances in agriculture.

Obama's choices for pivotal, second-echelon government positions are time bombs that--policy by policy, decision by decision--will damage the nation's competitiveness, ability to innovate, and capacity to create wealth. Exemplifying what *Newsweek* and the *Washington Post's* Robert Samuelson has called a "parody of leadership," they can inflict far more misery on the nation than a passel of terrorists.

*Henry I. Miller is a physician and a fellow at Stanford University's Hoover Institution. He is the author of To America's Health: A Proposal to Reform the FDA.*

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
10/14/2009 04:34 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, David  
McIntosh, Arvin Ganesan, Gina McCarthy, Bob Sussman  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject Dow Jones (Ian Talley): Congressional Budget Chief Says  
Climate Bill Would Cost Jobs

# Congressional Budget Chief Says Climate Bill Would Cost Jobs

By [IAN TALLEY](#)

WASHINGTON -- The head of the Congressional Budget Office on Wednesday countered Obama administration claims that a landmark climate bill would be a boost to the economy.

President Barack Obama and Senate Democrats championing the bill have said mandating greenhouse-gas caps, renewable energy and efficiency standards would be a boon to an ailing economy, creating new low-carbon industries. Millions of so-called green jobs would be created under the cap-and-trade legislation being considered in the Senate, Democrats say.

CBO Director Douglas Elmendorf warned a Senate energy panel that there would be "significant shifts" from emissions-intense sectors such as oil and refining firms to low-carbon businesses such as wind and solar power.

"The net effect of that we think would likely be some decline in employment during the transition because labor markets don't move that fluidly," Mr. Elmendorf said, testifying before the Senate Energy and Natural Resources Committee.

"The fact that jobs turn up somewhere else for some people does not mean there aren't substantial costs borne by people, communities, firms and affected industries," he said.

Sen. Sam Brownback (R., Kan.) expressed the fears of many lawmakers, both Democrat and Republican. "You're talking about a massive market manipulation here on a grand scale that has significant impacts on the Midwest and the South ... [including] the likelihood of us to lose a lot of jobs, a lot of businesses," he said.

The CBO director added that although the risks of climate-related impacts on the economy were very difficult to quantify, "many economists believe that the right response to that kind of uncertainty is to take out some insurance, if you will, against some of the worst outcomes."

The CBO estimates that the House-passed climate legislation, a template for the Senate version, would reduce gross domestic product by up to 0.75% by 2020 and 3.5% by 2050.

But Mr. Elmendorf and other senior government experts also said forecasts for economic impacts were riddled with ambiguity.

"The uncertainties are very large, even for 2020, and they get larger over time," the CBO director said.

Two major factors that contribute to that uncertainty are the potential growth of new nuclear power and potential use of international emission credits called offsets that allow companies to invest in low-emission projects overseas.

The Environmental Protection Agency's analysis of congressional climate legislation assumed almost 100 new nuclear power plants over the next two decades.

Sen. John McCain (R., Ariz.) questioned that assumption. "It's a bit presumptuous to take into your calculations a significant increase in nuclear power when there's nothing in the landscape that would indicate that that's the case," he told EPA senior economist Reid Harvey, who testified before the panel.

Without a solution to nuclear-waste storage, a continuing bottleneck in licensing and insufficient loan guarantees to encourage nuclear power financing, "we're just going to repeat what's happened in the last 20 years," Mr. McCain said. No new nuclear power plants have been commissioned in the past two decades, and although there are more than two dozen applications for plants at the Nuclear Regulatory Commission, the government only has loan guarantee authority for about three to four new stations.

Assuming only a small increase in nuclear generation would raise the EPA's estimates for the cost of emitting greenhouse gases by 15% alone.

Many industry officials also question the legitimacy of calculating international offsets, which will require a raft of complex international treaties and which can be very difficult to verify and prone to fraud. By eliminating the international offset assumption from their calculus, the EPA said carbon cost estimates nearly double.

The senior government experts also said the impact to the economy could easily impact different sections of the population disproportionately. The lowest-income quintile could see a positive benefit in their energy bills while the middle classes and industrial and commercial consumers would bear the burden of higher costs.

Adora Andy/DC/USEPA/US  
09/01/2010 11:57 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens, Dru Ealons

cc

bcc

Subject IN CASE YOU MISSED IT: Charleston Gazette re: judge order to install selenium treatment in WV

August 31, 2010

## Judge orders Patriot to clean up selenium discharges

By [Ken Ward Jr.](#)  
The Charleston Gazette

Advertiser

CHARLESTON, W.Va. -- A federal judge on Tuesday held Patriot Coal in contempt of court and ordered the company to install equipment to clean up selenium pollution at two of its operations in Southern West Virginia.

U.S. District Judge Robert C. Chambers gave Patriot's Apogee Coal subsidiary 2 1/2 years to install treatment systems at its Ruffer Mine in Logan County and at the Hobet 21 complex along the Boone-Lincoln county border.

Chambers also ordered Patriot to post a \$45 million letter of credit to ensure the treatment systems are installed and said he plans to appoint a special master to oversee the matter.

Ruling from the bench during an afternoon hearing in Huntington, Chambers sided with environmental groups who have been pushing for the coal industry to clean up selenium violations across the state's southern coalfields.

"This will be the first time selenium is treated in this state, and it should be a lesson to both the Department of Environmental Protection and the coal industry that it must be treated," said Margaret Janes, senior policy analyst for the Appalachian Center for the Economy and the Environment. "The results of this case clearly show that the cost of mining high-selenium coal seams exceeds the profits."

Joe Lovett and Derek Teaney, lawyers from the center, had sued Patriot on behalf of the Ohio Valley Environmental Coalition and the West Virginia Highlands Conservancy over repeated selenium violations at the St. Louis-based company's mines.

Officials from Patriot could not immediately be reached for comment Tuesday evening.

Selenium, a naturally occurring element found in many rocks and soils, is an antioxidant needed in very small amounts for good health. In slightly larger amounts, selenium can be toxic.

Selenium impacts the reproductive cycle of many aquatic species, can impair the development and survival of fish, and can damage gills or other organs of aquatic organisms subject to prolonged exposure. In humans it can cause deadly kidney and liver damage, as well as damage to

the nervous and circulatory systems.

In 2003, a broad federal government study of mountaintop-removal mining found repeated violations of water quality limits for selenium. The following year, a U.S. Fish and Wildlife Service report warned of more selenium problems downstream from major mining operations.

Since then, coal lobbyists have tried unsuccessfully to weaken the state's selenium limits, but have persuaded the DEP to repeatedly delay compliance deadlines. **The Obama administration's U.S. Environmental Protection Agency has begun to object to those delays, and is considering issuing an even tougher selenium standard.**

In the hearing, Chambers had combined two cases against Patriot over selenium discharges from its mines in Southern West Virginia. One case concerns continuing selenium violations at the Hobet 21 complex. In June, Chambers ruled against the company regarding Hobet 21, but did not immediately say what Patriot must do about the problem.

The other case concerns Patriot's Ruffner Mine. Environmentalists wanted the judge to hold the company in contempt for not meeting a court-approved April deadline to clean up that operation's selenium discharges.

Adora Andy/DC/USEPA/US

08/04/2010 04:05 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens, Gina McCarthy, Al Armendariz

cc Dru Ealons

bcc

Subject NYT: Texas Defies EPA on Regulation of Greenhouse Gases

<http://www.nytimes.com/gwire/2010/08/04/04greenwire-texas-defies-epa-on-regulation-of-greenhouse-g-31939.html>

## GREENWIRE

### Texas Defies EPA on Regulation of Greenhouse Gases

By ROBIN BRAVENDER of Greenwire

Published: August 4, 2010

Texas officials warned U.S. EPA this week they won't change or reinterpret their air pollution laws to comply with federal greenhouse gas regulations, arguing that the Obama administration's climate rules are illegal.

EPA plans to begin regulating stationary sources of greenhouse gases next January and asked states to inform the agency by this week whether they would need to change state laws or regulations to comply with federal policies.

But Texas Commission on Environmental Quality Chairman Bryan Shaw and Texas Attorney General Greg Abbott (R) blasted EPA for unlawfully attempting to force states to "pledge allegiance to its rules." The dispute marks the latest in a series of altercations between the Obama EPA and Texas as federal officials have moved to overhaul the state's air permitting program.

"In order to deter challenges to your plan for centralized control of industrial development through the issuance of permits for greenhouse gases, you have called upon each state to declare its allegiance to the Environmental Protection Agency's recently enacted greenhouse gas regulations -- regulations that are plainly contrary to United States law," the officials wrote in a letter (pdf) sent Monday to EPA Administrator Lisa Jackson and EPA's Dallas-based Region 6 Administrator Al Armendariz.

"On behalf of the state of Texas, we write to inform you that Texas has neither the authority nor the intention of interpreting, ignoring, or amending its laws in order to compel the permitting of greenhouse gas emissions," the Texas officials say.

Specifically, the officials are taking issue with EPA's "tailoring" rule for greenhouse gases. The tailoring rule seeks to substantially raise the Clean Air Act's permitting thresholds for greenhouse gases from the current limits of 100 or 250 tons per year. Without the rule, even small facilities would be required to obtain greenhouse gas permits when the agency officially begins to regulate tailpipes' greenhouse gas emissions in January.

"Instead of acknowledging that congressionally set emission limits preclude the regulation of greenhouse gases, you instead re-write those statutorily-established limits," the letter says.

EPA air chief Gina McCarthy told Greenwire in June that the final tailoring rule was written to allow states to avoid regulating except in the narrow way her agency intended (Greenwire, June 2).

"We wrote it after talking to the states and realizing that some of the rulemaking uses the same exact language, and if we interpreted that language at the federal level to mean that you don't need to regulate, except the way in which the tailoring rule has designed it, that you can simply decide when to use our interpretation and move forward," she said. "And we know that many of the states are perfectly



comfortable doing that."

For states that can't or won't immediately comply with the rules, EPA is planning to use its authority to bring them into compliance with federal rules. The agency sent a proposal to the White House regulatory review office last month that seeks to guarantee authority for federal implementation plans, or FIPs, that could replace state programs if the states do not comply with federal requirements by the deadlines (E&ENews PM, July 9).

"We'll work with the states to see what needs to be done both in regulation and in the law, so that we can make sure we're aligned on this," McCarthy said in June.

'Shootout at the O.K. Corral'

Bill Becker, the executive director of the National Association of Clean Air Agencies, said Texas is in the minority when it comes to compliance with EPA's climate rules.

"Texas is the only one I've heard who have said, 'Over my dead body,' but most others are trying to make this work," Becker said.

"The vast majority of states will be successful in having regulations ready to go by January 2, 2011," Becker said. "There will be some, maybe 20 percent or so, who won't make it, but not for lack of trying. They won't make it because either their legislature and/or regulatory bodies have processes in place that are protracted and difficult to achieve quick decisions, but they're working toward making this program operate."

For states that do not align with the federal program, EPA could issue FIPs to curb emissions or issue sanctions including the withholding of federal highway funding.

The battle between Texas and EPA "is going to be a shootout at the O.K. Corral," Becker said. But he said EPA won't give up without a fight.

"I think that EPA is very serious about taking this forward," he said.

[Click here \(pdf\) to read the Texas letter.](#)

Adora Andy/DC/USEPA/US  
08/04/2010 03:14 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Paul Anastas, Mathy Stanislaus, Dana Tulis, Al Armendariz, Stan Meiburg, Peter Silva  
cc Seth Oster, Allyn Brooks-LaSure, Stephanie Owens, Dru Ealons  
bcc

Subject NYTIMES (blog): The Politics of Dispersants

August 4, 2010, 2:58 pm  
**The Politics of Dispersants**  
By [MATTHEW L. WALD](#)



*Paul Anastas of the Environmental Protection Agency, left, and David Westerholm of the National Oceanic and Atmospheric Administration testifying on dispersants before a Senate committee.*

<http://green.blogs.nytimes.com/>

Republicans were ready to accept the use of dispersants in oil spills but Democrats were eager to get their doubts on record on Wednesday at a [Senate hearing](#) on the Deepwater Horizon spill in the gulf.

Government witnesses repeatedly described the use of dispersants as a trade-off but added that they believed they had made the correct decision by allowing it to be applied; they permitted the use of 1.8 million gallons of dispersant, an unprecedented quantity, on a spill of perhaps 200 million gallons, also a record.

“The dispersants are working to keep the oil off our precious shorelines,” said Paul Anastas, assistant administrator of the Environmental Protection Agency and the head of its Office of Research and Development. He said that laboratory tests by his agency had found the mixture of dispersant and the oil spilled, Louisiana sweet crude, to be **no more toxic** to two species tested, silverside fish and mysid shrimp, than the dispersant alone.

Senator Sheldon Whitehouse, a Rhode Island Democrat who is chairman of the oversight subcommittee of the Committee on Environment and Public Works, called the use of such volumes “something of a grand experiment.” But Senator John Barrasso, Republican of Wyoming, said, “Those people who criticize dispersants are the same people who cannot offer one alternative to the use of dispersants in the gulf.”

Mr. Whitehouse did expose two areas of uncertainty about dispersants in questioning Mr. Anastas and a second witness, David Westerholm, director of the Office of Response and Restoration at the National Oceanic and Atmospheric Administration. One is that when the dispersant is listed for use by the E.P.A., it is because it meets a criteria for effectiveness, not for toxicity. The manufacturer does submit data on toxicity, Mr. Whitehouse said, but "I can't think of another circumstance in which a regulatory agency approves something for use without actually coming to a formal decision that it is safe to be used."

The E.P.A.'s toxicity tests were not undertaken until after the spill began in April and BP began applying unparalleled quantities of the dispersant.

Mr. Whitehouse also pointed out that the test for toxicity is useless for evaluating another threat, the release of chemicals that could disrupt the endocrine systems of sea animals and, possibly, humans. The reason is that the toxicity is measured by putting shrimp and fish into higher and higher concentrations until they die; that does not allow for testing longer-term effects.

One scientist who testified at the hearing, Jacqueline Savitz, senior campaign director at the environmental group Oceana, put it this way: "If you zap somebody with a bunch of chemicals and they don't die, it doesn't mean they continue to develop normally."

She testified that using dispersants probably protected sea birds and marshes at the expense of corals and fish by helping to get the oil into deeper water rather than letting it reach the shore. The effects of the dispersant and the oil itself may not be evident for some time to come, scientists said. Dr. Ronald J. Kendall, chairman of the Department of Environmental Toxicology at Texas Tech University, said that hatchlings of the endangered Kemp's ridley turtle crawl off the Texas beaches this time of year and feed in the gulf. If the material they feed on has been rendered toxic by the spill and the hatchlings die, that may not be obvious until years from now, when as adults they would be returning to lay eggs, he said.

Similarly, he said, "we could take out age classes of portions of the blue fin tuna, and again we may not see this for years to come."

Edward B. Overton, a professor emeritus of environmental science at Louisiana State University, said that while silverside and shrimp were sensible species on which to run tests, they "have no relevance at all to the deep sea."

Adora Andy/DC/USEPA/US  
12/09/2009 10:48 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, David McIntosh, Arvin Ganesan, Lisa Heinzerling, Gina McCarthy  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject LA TIMES: Standing 'O' for EPA head in Copenhagen

Los Angeles Times

Greenspace  
Environmental news from California and beyond  
« Previous Post | Greenspace Home

## Standing 'O' for EPA head in Copenhagen

December 9, 2009 | 6:20 am

COPENHAGEN -- The Obama administration launches a high-level charm offensive today here at the international Environmental Protection Agency Administrator Lisa Jackson kicks off a series of daily events by Cabinet secretaries and other leaders that the United States is serious about tackling global warming.

Jackson is set to tout the EPA's Monday announcement that it was formally declaring greenhouse gases, which scientists say pose a danger to public health and thus subject to federal regulation under the Clean Air Act.

Even before Jackson takes the spotlight, her announcement already appears to have bought the Obama administration some support assembled here (along with barbs from congressional Republicans and critics who say a recent British e-mail scandal was a sign of global warming).

Most tangibly, sources report that Jackson received a standing ovation last night at a closed-door administration meeting with other nonprofit groups on the status of the climate talks so far.

A source said it was the first time in recent memory that those groups had given such applause to a U.S. bargaining partner. In the Bush administration, of course, relations between climate activists and the administration were icy, at best.

-- Jim Tankersley

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

07/13/2010 06:33 PM

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

bcc

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](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](http://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 what 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."

**Adora Andy/DC/USEPA/US**  
07/23/2010 11:42 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Allyn Brooks-LaSure, Stephanie Owens, Bob Sussman, David McIntosh, Arvin Ganesan, Gina McCarthy

cc

bcc

Subject NYTIMES: Efforts to Block EPA's Greenhouse Gas Regulations Back in Play

<http://www.nytimes.com/cwire/2010/07/23/23climatewire-efforts-to-block-epas-greenhouse-gas-regulat-50829.html>

## Efforts to Block EPA's Greenhouse Gas Regulations Back in Play

By ELANA SCHOR of ClimateWire  
Published: July 23, 2010

Over the past two years, cap-and-trade advocates used the threat of U.S. EPA climate regulations as a key driver in the push for climate legislation on Capitol Hill. Now, Democratic leaders face the challenge of renewed bipartisan interest in handcuffing EPA before it takes action.

President Obama and many Democrats reveled six weeks ago in the successful defeat of a Senate bid to neuter EPA's authority over emissions. But with the Senate climate bill dead, new momentum is building for legislation that would pre-empt the agency's power under the Clean Air Act to regulate stationary pollution sources.

"The time has come to prevent the EPA from going forward next year with regulations on stationary sources," said Rep. Rick Boucher (D-Va.), a co-sponsor of a bill forcing a two-year timeout on EPA emissions rules. "If Congress doesn't act by this time next year, the EPA will."

Rep. Gene Green (D-Texas) joined Boucher in voting for the House climate bill last year, but he also said pre-emption of EPA authority on emissions should be back on the table.

"I would hope EPA would recognize that this is a legislative function ... no matter what the federal courts said," Green said, referencing the Supreme Court 2007 decision in *Massachusetts v. EPA* that upheld EPA's power on the issue. "I would hope there is some vehicle we could put up ... to say, if it's not this year, then next Congress we can address carbon."

Senate Majority Leader Harry Reid (D-Nev.) plans to allow a vote this year on a corresponding two-year EPA postponement proposed by Boucher's fellow coal-state Democrat, Sen. Jay Rockefeller of West Virginia. That decision was made to help dissuade senators from backing last month's broader plan to revoke EPA's "endangerment finding" on carbon emissions, according to a Senate Democratic aide (Greenwire, June 10).

The more sweeping EPA pre-emption plan, offered by Sen. Lisa Murkowski (R-Alaska), fell short on a 47-53 vote last month (E&ENews PM, June 10). Murkowski spokesman Robert Dillon said the scaled-down energy package Reid aims to bring to the floor next week would present "a good opportunity" to vote on Rockefeller's two-year delay.

"There is a broad, bipartisan concern about the impact of EPA's actions on the economy," Dillon said, describing a fresh EPA timeout as "an amendment ripe for offering."

Rockefeller's bill has seven Democratic co-sponsors, with most Republicans expected to support it if a floor vote takes place. The House counterpart has 14 co-sponsors signed on. Still, both measures are considered long shots; House Democratic leaders are unlikely to give floor time to their version and Obama indicated that he would have vetoed Murkowski's resolution if it reached his desk. The White

House has not commented publicly on the two-year EPA delay.

A two-year EPA delay nearly squeaked through a House Appropriations subcommittee yesterday, however, with two Democrats joining every panel Republican in a 7-7 vote (E&ENews PM, July 22). One of those supportive Democrats, Rep. Allan Mollohan of West Virginia, said the Senate's inability to craft a viable climate bill speaks to the need for a slowdown in EPA emissions regulations.

"It's a reasonable approach to the concerns of those of us who would prefer to see this greenhouse gas issue decided through the legislative process," Mollohan said, describing himself as "disappointed" that pre-emption has not played a greater part in the Senate debate.

The climate bill introduced in May by Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.) would have permanently sidelined EPA from regulating greenhouse gases.

House Energy and Commerce Chairman Henry Waxman (D-Calif.) has not ruled out taking up the two-year delay in his panel. Asked last month if he would consider holding a markup on the bill, Waxman said: "I don't think so, but I don't want to say absolutely not."

Meanwhile, environmentalists are girding for a fight to keep EPA's authority in place.

"It is up to the Obama administration to promptly comply with the Supreme Court by using EPA's authority to reduce global warming pollution," said Daniel Weiss, director of climate strategy at the Center for American Progress Action Fund. "The White House must also launch a vigorous defense of that authority in the face of attacks from big oil, big coal and their congressional allies."

David Moulton, director of climate policy at the Wilderness Society, said his group "will be focused very heavily on defending EPA" against efforts to block climate rules.

"EPA is the backstop and the president is the backstop for EPA," Moulton said. "[Obama's] in a position to veto anything that Congress manages to pass in that area. I would be surprised if these Democratic Congresses in the end took such a drastic measure."

Nathan Willcox, Environment America's federal global warming program director, said he expects opponents of EPA climate rules to increase their efforts to "roll back" the Clean Air Act in the absence of a cap on greenhouse gas emissions.

"Obviously we're still watching the potential EPA rollbacks," Willcox said. "It's not clear where the Rockefeller amendment shakes out in all of this, but especially the less Congress does on energy and climate, the more important it will be that the Clean Air Act can be allowed to do its job and cut global warming pollution from the largest polluters."

Reporters Robin Bravender and Gabriel Nelson contributed.

**Adora Andy/DC/USEPA/US**  
11/10/2009 03:56 PM

To Richard Windsor, Bob Perciasepe, Peter Silva, Bob  
Sussman, Diane Thompson, Arvin Ganesan, David McIntosh  
cc Seth Oster, Allyn Brooks-LaSure  
bcc

Subject AP: EPA study finds toxic chemicals in fish widespread

EPA study finds toxic chemicals in fish widespread

By DINA CAPPIELLO – 22 minutes ago

WASHINGTON — Nearly half of lakes and reservoirs nationwide contain fish with potentially harmful levels of the toxic metal mercury, according to a federal study released Tuesday.

The Environmental Protection Agency found mercury — a pollutant primarily released from coal-fired power plants — and polychlorinated biphenyls in all fish samples it collected from 500 lakes and reservoirs from 2000-2003. At 49 percent of those lakes and reservoirs, mercury concentrations exceeded levels that the EPA says are safe for people eating average amounts of fish.

Mercury consumed by eating fish can damage the nervous system and cause learning disabilities in developing fetuses and young children.

Fewer lakes and reservoirs — 17 percent — had fish containing polychlorinated biphenyls, or PCBs, above recommended levels. PCBs were widely used as coolants and lubricants until they were banned in the late 1970s, but because they last in the environment for long periods of time, they can still be found in fish. PCBs have been linked to cancer and other health effects.

The study is the latest to highlight how widespread mercury pollution has become.

In August, the U.S. Geological Survey released a study of fish contamination based on a survey of 300 streams nationwide. That research found mercury in all fish sampled, but only about a quarter of the fish had mercury levels exceeding EPA levels.

The EPA said Tuesday its findings underscore the need to further reduce mercury pollution and make sure that fish consumption advisories are followed.

Earlier this year, the Obama administration said it would begin crafting a new regulations to control mercury emissions from power plants after a federal appeals court threw out plans drafted by the Bush administration and favored by industry. The EPA also has also proposed a new regulation to clamp down on emissions of mercury from cement plants.

Adora Andy/DC/USEPA/US  
09/25/2009 03:42 PM

To Richard Windsor, Bob Sussman, Allyn Brooks-LaSure, Seth Oster  
cc Arvin Ganesan, David McIntosh, Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc  
Subject HEADS UP: EPA PLANS MAJOR SCIENTIFIC REVIEW OF MTM

CHARLESTON GAZETTE BLOG

## EPA plans major scientific review of mountaintop removal

by Ken Ward Jr.



The Obama administration has quietly put together plans for a major scientific review of the environmental and public health impacts of mountaintop removal coal mining.

U.S. Environmental Protection Agency officials [published a notice](#) about the review, but so far I have not seen any press announcements or statements issued by EPA about it. According to the notice, EPA is seeking nominations to form an ad hoc panel, under the [Science Advisory Board](#), to provide expert advice to EPA “on a draft assessment of the environmental impacts associated with a surface coal mine technique known as mountaintop mining and valley floor removal where overburden is placed in adjacent valleys.”

The assessment, according to the notice, is being prepared by EPA’s [Office of Research and Development](#) at the request of the agency’s [Mid-Atlantic Regional Office](#) in Philadelphia.

The Federal Register notice includes this background statement:

*Recent published scientific information reveals that mountaintop mining and valley-fills in Southern Appalachia may be linked to degraded water quality and adverse impacts on aquatic biota. Discharges from surface coal mining operations are regulated under the Clean Water Act (CWA). CWA Section 402 provides authority to regulate discharges of pollutants from point sources, including valley-fills and associated operations. CWA Section 404 provides authority to regulate the discharge of dredged or fill material into waters of the United States, including the valley-fill itself to the extent rock and dirt are placed in waters of the United States, including streams and wetlands. Surface coal mining operations are regulated under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).*

It goes on:

*EPA's Region 3 Office has requested EPA's ORD to prepare a scientific assessment of the potential impacts related to mountaintop mining and valley-fill operations. The scope of the assessment includes: loss of headwater streams, downstream water quality and subsequent impacts on aquatic biota, and cumulative ecological impacts. In addition, the draft assessment will evaluate the effectiveness and recovery methods used by mining companies to address these ecological impacts. Cultural, aesthetic and human health impacts associated with this mining technique are not part of the scope of the assessment. ORD requested the SAB review and provide advice on the scientific adequacy and appropriateness of the draft assessment.*

EPA has previously promised to take “[unprecedented steps](#)” to reduce the impacts of mountaintop mining. A few weeks ago, EPA [announced it planned to take a closer look](#) at 79 mining permit applications for mountaintop mining operations across Appalachia. A 14-day public review of that list of 79 permits ends yesterday it was extending that deadline until Monday. A final announcement on whether to approve the review under the Obama administration’s “[Enhanced Coordination Procedures](#)” will be made on Monday, EPA said. That final list will be given to the Corps of Engineers and then n

Adora Andy/DC/USEPA/US  
11/12/2009 07:31 PM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, Allyn Brooks-LaSure, Seth Oster, David McIntosh, Arvin Ganesan, Gina McCarthy, Lisa Heinzerling  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject WSJ/KIM STRASSEL: THE EPA'S PARANOID STYLE

# The EPA's Paranoid Style

*Employee arguments against cap-and-trade legislation aren't welcome.*

By KIMBERLEY A. STRASSEL



**Give the Environmental Protection Agency credit: At least it practices equal opportunity censorship of its employees. Dr. Alan Carlin, a 37-year agency veteran, was muzzled earlier this spring. Dr. Carlin offered a report poking holes in the science underlying the theory of manmade global warming. His superior, Al McGartland, complained the paper did "not help the legal or policy case" for Team Obama's decision to regulate carbon, told him to "move on to other issues," and forbade him from discussing it outside the office. Now come Laurie Williams and Allan Zabel, married, and each with more than 20 years tenure at the EPA. They too are dismayed by Democrats' approach to climate, though for different reasons. Dedicated environmentalists, they created a 10-minute YouTube video arguing Congress's convoluted cap-and-trade bill was a "big lie" that is too weak. They instead propose imposing taxes, lots of them, on fossil fuels. Their views aren't new. Earlier this year the duo sent a letter to Congress making the same case. The video has been out for some time, and the pair got clearance from the EPA before**

they ran it. Mr. Zabel in the opening notes that "nothing in this video is intended to represent the views of EPA or the Obama Administration." It wasn't until the couple ran a high-profile op-ed in the Washington Post in October that the agency nerved out.

A few days after the op-ed, Ms. Williams and Mr. Zabel were contacted by an EPA ethics official telling them to remove the video or face "disciplinary action." EPA says the clearance was subject to "ethics guidelines," which it claims the couple violated. The agency said the video could go back up if it was altered to remove a picture of an EPA building, and to delete mentions of their EPA employment. In particular, Mr. Zabel was not to say that he'd worked on cap-and-trade issues. Meet the Obama EPA, and its new suppressing, paranoid style. It was the president who once ripped the Bush administration for silencing scientific critics, and it was EPA Administrator Lisa Jackson who began her tenure promising the agency would operate like a "fishbowl." But that was before EPA realized how vastly unpopular is its plan to usurp Congress and regulate the economy on its own, based on its bizarre finding that CO<sub>2</sub> is a danger to health.

Faced with unhappy members of Congress, dissenting employees, an opposition business community, and a backlash on the science, Mrs. Jackson is no longer a fan of open government. The goal now is to rush the agency regulations through as quickly as possible, squashing threatening dissent and deflecting troublesome questions. Reps. Jim Sensenbrenner and Darrell Issa recently put out a report documenting the EPA's slippery handling of its carbon rule, in which it truncated the process and dismissed contrary views. The Chamber of Commerce has been waiting all year for a response to its request for a hearing into the science underlying the regulation. Not a peep.



Alaska Sen. Lisa Murkowski in September requested a discussion with the agency about carbon regulation and legislation. That discussion has yet to happen. Louisiana Sen. David Vitter recently quizzed Mrs. Jackson about a provision in Congress's climate legislation that would give the president awesome power over energy regulation. Mrs. Jackson said it was a "premature" discussion. "The EPA is playing dirty to get green," says Rep. Sensenbrenner. "The agency can't be allowed to silence its scientists just because what they say threatens to delay its political agenda."

There is a legitimate debate over what right administrations have to clamp down on rebel staffers, yet the EPA's stomp on dissenting views appears unprecedented. Dr. Carlin says he's been treated "relatively well" since the blow-up. Yet he has been forbidden from working on climate or attending climate seminars. When asked how this compares to previous administrations, Mr. Carlin says that years ago he actually believed the science was "correct"—a position that put him at odds with the Bush administration.

Mr. Carlin knew one of his top supervisors back then disagreed with him. "At no time did he say don't work on it, don't express these views which are contrary to mine. And he in effect allowed me to work on climate change for five years. . . . I had no problems until March of this current year."

The problem for the EPA is that the Williams-Zabel dust-up is growing, and underlining the gap between the agency's transparency rhetoric and reality. The very media and activists who ran hit jobs on Mr. Carlin are, of course, now furious the agency is quieting card-carrying environmentalists. Public Employees for Environmental Responsibility, a left-leaning outfit that represents scientists has latched on to the Williams-Zabel video, is lamenting that "EPA is abusing ethics rules to gag two conscientious

**employees" and promising to assist with any litigation.  
If the EPA were so proud of this power grab, it ought to be  
eager to have a discussion, right?**

***Write to* [kim@wsj.com](mailto:kim@wsj.com)**

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
12/07/2009 11:50 AM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, David McIntosh, Arvin Ganesan, Gina McCarthy, Lisa Heinzerling, Seth Oster, Allyn Brooks-LaSure  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
bcc

Subject CQ: EPA Prepares to Classify Carbon Dioxide as Dangerous

## EPA Prepares to Classify Carbon Dioxide as Dangerous

By Coral Davenport, CQ Staff

The EPA is expected Monday to release a strategically timed announcement declaring carbon dioxide a dangerous pollutant, a move that would resonate internationally as the world begins talks on a climate change treaty at a U.N. summit in Copenhagen.

The so-called "endangerment finding" would put new pressure on Congress to act on climate change legislation, which has stalled for months behind the health care debate.

The White House has held the threat of the endangerment finding over the heads of Congress for months. The EPA finding would trigger a requirement that the federal government regulate fossil fuel emissions under the Clean Air Act (PL 101-549) — even without new legislation from Congress.

The blunt instrument of EPA regulation is a nightmare scenario for many lawmakers and major industries. Businesses that have a seat at the table in legislative negotiations would have little opportunity to influence regulations.

In Copenhagen, the move would signal to the world that the U.S. is serious about following through on promises to cut carbon emissions. That could have a profound impact on the outcome of the climate negotiations — which, in turn, could give momentum to prospects for a climate bill in the Senate.

"This is the price of admission," said Kevin Book, managing director of research at ClearView Energy Partners, a strategy and consulting firm. "We can't credibly negotiate with other countries unless we do something. Today, legally speaking, we will have done something. The final endangerment finding means that we will have committed irrevocably to action. And the first and most likely response is that Congress will pass a new law. This is a checkmate for Congress."

At the center of the negotiations is the question of whether major carbon emitting countries will commit to binding targets for carbon emissions cuts.

While President Obama has said he intends to commit the U.S. to slashing carbon emissions in the range of 17 percent by 2020, international negotiators are wary of the promise, questioning whether Congress will follow through on enacting legislation.

The House passed legislation in June (HR 2454) mandating a 17 percent emission reduction cut by 2020, but prospects for progress in the Senate have been murky, especially as moderate Democrats from coal, farm and rust belt states have raised myriad concerns about how a bill would affect their home-state industries.

A chief concern from many moderate Democrats has been the question of whether to commit the U.S. to cutting carbon emissions without similar commitments from the world's other major emitters, India and China.

In Copenhagen, the EPA announcement could signal to India and China that the U.S. will make the carbon cuts even without cooperation from an unwilling Congress. That could help ensure commitments from those countries — which could in turn go further to bring along the support from those critical swing vote moderates.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

11/09/2009 07:22 PM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, Gina McCarthy

cc Allyn Brooks-LaSure, Seth Oster

bcc

Subject Reuters UK: EPA head says "proud" of U.S. climate efforts

## EPA head says "proud" of U.S. climate efforts

Mon Nov 9, 2009 11:00pm GMT

By [Tom Doggett](#)

WASHINGTON (Reuters) - While the United States is still far away from implementing a final climate change plan, the head of the Environmental Protection Agency said on Monday that America can show up at international global warming talks next month proud of what it has accomplished so far.

"My belief is that there is no one who can look at what we're doing and not think that the United States is engaged here," EPA Administrator Lisa Jackson told Reuters in an interview.

Jackson pointed out that progress has been made in Congress advancing legislation to reduce U.S. greenhouse gas emissions.

The House of Representatives passed a climate bill in June to slash U.S. emissions 20 percent by 2020, but similar legislation has moved slowly in the Senate and last week cleared the Environment and Public Works Committee with no Republican support.

Five other Senate committees are reviewing the legislation and Senator John Kerry is spearheading an effort to craft a compromise bill that would expand domestic offshore oil and gas drilling and nuclear power generation to pickup support.

Lawmakers don't expect Congress to approve a final climate bill that President Barack Obama could sign into law until sometime next year.

At the same time, the Obama administration has acted on its own to fight climate change, by raising the fuel requirements for new cars and trucks that will result in fewer emissions and promoting more electricity generation by wind and solar energy.

The EPA has also taken steps that could allow it to regulate U.S. greenhouse gases.

Still, environmental groups were hoping the United States would be further along in finalizing a climate change plan by the time of international talks in Copenhagen, Denmark, next month to hammer out a new agreement to slow global warming.

Jackson said "we all wish we had a little bit more time" but the United States has made progress at the executive level and in Congress, especially when compared to the previous eight years during the Bush administration.

"I know that when the United States goes to Copenhagen we'll have lots to show," she said. "I am quite proud of all we've done."

Adora Andy/DC/USEPA/US  
10/26/2009 06:56 PM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, Gina McCarthy, Allyn Brooks-LaSure, Seth Oster, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc  
Subject WSJ: WHAT TO EXPECT AS THE SENATE TACKLES THE ENERGY BILL

Wall Street Journal/Blog:

# Climate Primer: What to Expect As Senate Tackles the Energy Bill

By Keith Johnson

So tomorrow a key Senate panel kicks off three days of marathon hearings on the skeleton of the [energy and climate bill](#).

The [first day](#) of hearings before the Senate Committee on Environment and Public Works include testimony from administration heavyweights, such as Energy Secretary Steven Chu, EPA head Lisa Jackson, and Interior Secretary Ken Salazar. [Other days](#) will feature testimony from military types, environmentalists, and representatives of think tanks—all of whom have passed, promises a big overhaul of the way America makes and uses energy. There will be plenty of time to get in the weeds later, but the broad shape of the bill in a few weeks will likely hinge on a couple of big issues.

First, how much is this going to cost? This has been the main bone of contention in congressional efforts at climate legislation and with the House legislation. There are three basic camps: Those that believe climate legislation will hurt the economy, those that figure it will have significant but manageable costs, and those that further burden a recession-challenged economy. Much of the opposition to the bill by Republicans and Democrats—centers on how big the final bill is and what it will cost. The cost question actually has three parts. There's the overall impact on the economy. The most recent [analysis](#) by the Congressional Budget Office estimates legislation will reduce 0.7% off GDP growth by 2020. Some university researchers figure the cost of energy efficiency will [actually boost](#) economic growth slightly. Others, such as the U.S. Commerce Department, argue that current legislation will lead to massive job losses and hurt competitiveness.

Then there's the impact on regular families. By putting a price on greenh

price of some forms of energy—such as coal-generated electricity—sho especially in the Midwest, worry that will mean higher electricity bills for much attention is paid to ways to insulate consumers from higher energy, the [latest EPA analysis](#) says both the House and the Senate legislation neighborhood of \$100 a year.

Then there's the impact on certain sectors. Refiners, for instance, are w Other industries, such as coal and energy-intensive manufacturing, have emissions permits to limit the economic fallout of the regulation. The CB in the short term at least, more jobs are likely to be lost in energy-intens in clean energy.

The fight over the cost of the bill includes two other areas that will likely debate over the next month: tariffs and offsets. Senators from manufact include carbon tariffs on imports from countries that don't tackle their em the competitiveness of American manufacturing.

And all kinds of industries are eager to use carbon offsets to meet some foreseen in the bill, because offsets are almost always a cheaper way to changing the way a business operates. Environmentalists, in contrast, w offsets, because they are hard to monitor and can be really dodgy.

Just what kind of energy future the energy bill is meant to create will like battleground. That battle reflects the ongoing confusion over just what th more—cleaning up the environment or promoting energy security.

Democrats favor more renewable energy. The revised version of the Se support for clean coal, but it's still a far cry from levels of support that int needed to make clean coal a reality.

Republicans want to see a bigger role for [nuclear power](#), since it is a do electricity. The problem: There are still all kinds of questions about the e and the question of what to do with nuclear waste hasn't gotten any eas decision to kill Yucca Mountain.

Many Republicans also want to see more domestic production of oil and drilling. That runs counter to the bill's environmental goals in some ways relatively clean fuel for power—but it would bolster energy security to a c These are the big issues that need to get resolved if the Senate is to ge means Senate leadership will have to court not just Republicans but ple the final version of the Senate energy and climate bill promises to be a v what's been unveiled so far.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
12/10/2009 04:16 PM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, Gina McCarthy, Lisa Heinzerling, David McIntosh, Arvin Ganesan  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject Statement by the Press Secretary on the Comprehensive Energy Framework Announced by Senators Kerry, Lieberman, and Graham

FYI...

THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE  
December 10, 2009

**Statement by the Press Secretary on the Comprehensive Energy Framework  
Announced by Senators Kerry, Lieberman, and Graham**

Today, Senators Kerry, Lieberman and Graham took another significant step in the effort to pass comprehensive energy reform with the release of their legislative framework. The President believes this is a positive development towards reaching a strong, unified and bipartisan agreement in the U.S. Senate.

Over the last 11 months, the Obama Administration has made historic strides in building a clean energy economy, creating new American jobs and reducing US dependence on foreign oil. From robust domestic actions including historic investments in clean energy to sustained international engagement to encourage countries around the world to reduce their carbon emissions, the President has established a new energy foundation. The passage of comprehensive energy legislation is essential to that effort.

In a demonstration of the growing consensus surrounding the need to reform our energy economy, the President heard from CEOs yesterday who told him that passing clean energy legislation and supporting an international accord to reduce emissions will strengthen our economy and enhance our competitiveness.

The President looks forward to working with the Senate and signing comprehensive energy and climate legislation as soon as possible.



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Adora Andy/DC/USEPA/US  
12/07/2009 04:45 PM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, Gina McCarthy, Lisa Heinzerling, David McIntosh, Arvin Ganesan  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject WSJ: Solar Energy Shares Jump On Upgrades,EPA Greenhouse Gas Ruling

DECEMBER 7, 2009, 3:24 P.M. ET

# Solar Energy Shares Jump On Upgrades,EPA Greenhouse Gas Ruling

NEW YORK (Dow Jones)--Shares of solar energy stocks climbed Monday after the Environmental Protection Agency declared greenhouse gases a danger to public health and the market was bullish on several solar names, saying he expects strong demand to continue. The so-called "endangerment finding" announced by EPA Administrator Lisa Jackson gave the administration to move ahead with new light-duty vehicle emission standards and to wide-ranging regulations on greenhouse gas emissions. The EPA said that many types of greenhouse gases would come under new regulations next spring to limit sales. The new regulations will require firms that are building or modifying power plants and industrial emitters to install the "best available" technology. The EPA will say that the technology will be required.

The Obama administration has said it will issue tens of billions of dollars in tax credits and funds for companies and homeowners who buy solar energy products as it promotes clean energy alternatives.

Meanwhile, Barclays Capital analyst Vishal Shah boosted his ratings on JA Solar Holdings (JA Solar) and SunPower Corp. (SPWR) and Suntech Power Holdings (STP) to overweight. Shah expects the companies to report improving demand trends in the near term. "Although concerns about German subsidy cuts could remain a potential overhang, we believe performance of solar stocks has recently lagged the broader market and we expect continued positive sector momentum in the near term," Shah said in a note. In recent trading, JA Solar jumped 11% to \$4.87, with shares having gained 43% since the beginning of the year. SunPower climbed 9% to \$24.31, and Suntech increased 8.5% to \$16.69. Suntech had dropped 34% since the beginning of the year, while Suntech has gained 43% since the beginning of the year.

Other solar stocks trading higher included ReneSola Ltd. (SOL), which is up 1.2% to \$15.91, Green Energy Holding Co. Ltd. (YGE), with a 3.9% gain to \$15.91. First Solar (FSLR) advanced 1.1% to \$134.18, and Trina Solar Ltd. (TSL) advanced 2.7% to \$48.74.

Shah said Germany, Italy, the U.S., China and Canada could drive positive demand growth, leading to better-than-expected pricing and volumes. He projected demand for 2010 versus prior expectations for 7.3 GW.

Gradual improvement in the financing environment, improvement in permitting, and the positive impact of stimulus on U.S. and China demand could provide additional support for 2010 fundamentals, driving 10.5 GW demand in a bull-case scenario, Shah said. Still, Shah said near-term negative catalysts include the risk of aggressive cuts in subsidies from China, which are expected in the first quarter of 2010.

Shah raised his rating on JA Solar shares based on the belief that the downward pressure on prices will stabilize. He also said there could be upside to Street estimates on shipments and cost reduction.

With Suntech, Shah said several catalysts could drive outperformance, including market-share gains.

As for SunPower, Shah believes shares don't fully reflect the near-term demand and longer-term prospects of the company's business model. Also, potential restructuring overhang could boost shares.

Adora Andy/DC/USEPA/US  
12/23/2009 04:57 PM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, Gina McCarthy, Lisa Heinzerling, David McIntosh, Arvin Ganesan, Seth Oster, Allyn Brooks-LaSure  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
bcc  
Subject DOW JONES: EPA CO2 Danger Decision Opens Door To Legal Petitions

# EPA CO2 Danger Decision Opens Door To Legal Petitions

By Ian Talley, Of DOW JONES NEWSWIRES

WASHINGTON -(Dow Jones)- By declaring greenhouse gases a public danger, the Obama Administration may have triggered regulatory obligations far beyond its desired goals.

While the head of the Environmental Protection Agency Lisa Jackson has said she's focused on regulating light-duty vehicle emissions and the largest stationary sources, petitions already filed with the EPA may force much more stringent action, experts say.

"The EPA will be locked into a path that ends in the regulation of most mobile sources," including airplanes, trucks and trains or the fuels that run them, says Jason Schwartz and Inimai Chettiar, Legal Fellows at the Institute for Policy Integrity at New York University School.

It was a similar petition--a case eventually decided by the Supreme Court-- that precipitated the EPA's current actions to make an endangerment finding and regulate emissions.

Adding to the regulatory burden is another petition filed by the Center for Biological Diversity asking the EPA to declare greenhouse gases a "criteria pollutant" and set stringent National Ambient Air Quality Standards, or NAAQS. Such a standard would require states to strictly regulate emissions and achieve the air standard or face stiff penalties.

Jackson said she didn't believe setting such a standard was "advisable."

But Bill Snape, a spokesman for the Center, said his group interpreted her remarks as "more political than legal."

"The law says what it says...and we have faith the agency will follow the law," he said, adding that he hasn't heard anyone at the agency refute the legal argument his group is making.

Specifically, by determining that greenhouse gas emissions are injurious to public welfare and health, the legal onus is on the agency to categorize greenhouse gases as criteria pollutants.

The Center--which says it generally supports the EPA's actions on emissions-- is asking the EPA to set that standard at 350 parts per million, 8% down from current levels of around 380 parts per million. While the old United Nations reports that the EPA relied on largely to make its endangerment finding say the level shouldn't reach more than 450 parts per million to prevent global warming, many of the authors of that report are now pointing to the lower level.

"If EPA must regulate greenhouse gases as criteria pollutants, the resulting regulatory regime may become fundamentally unworkable," Schwartz and Chettiar warned the agency in public comments on the endangerment finding.

The problem--and one indication that Congress didn't intend for carbon dioxide and other greenhouse gases to be regulated as a criteria pollutant under the Clean Air Act--is that while other gases such as sulfur dioxide are largely regionally bound, carbon dioxide is dispersed and spreads around the world.

Therefore, unless nations around the globe committed to that level, it would be nearly impossible for any region in the U.S. to attain the NAAQS standard.

"Every state in the U.S. would then have legal obligations that they could never meet, even if they prohibited the use of cars and trucks and shut down all their industrial facilities," said Jeff Holmstead, Head of Environment Policy at Bracewell & Giuliani LLP and a former EPA Air Administrator in the previous administration.

Snape says the EPA has discretion to set the standard at 350 parts per million, but then only require an attainment level in proportion to the U.S.'s emissions contribution.

-By Ian Talley, Dow Jones Newswires; (202) 862 9285; [ian.talley@dowjones.com](mailto:ian.talley@dowjones.com)

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
11/05/2009 11:53 AM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, Seth Oster, Allyn Brooks-LaSure, Gina McCarthy, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject WaPo: Climate legislation is running into a chilly reception

## Washington Post

# Climate legislation is running into a chilly reception

By David A. Fahrenthold  
Thursday, November 5, 2009 11:24 AM

MANHATTAN, Kan. -- A curious debate has broken out among American environmental groups, as the U.S. Senate finally, balkily starts to focus on the threat of climate change. Is this *really* the time to talk about the threat of climate change?

Now, some groups have actually muted their alarms about wildfires, shrinking glaciers, and rising seas. Not because they've stopped caring about them -- but because they're trying to win over people who might care more about a climate bill's non-environmental side benefits, like "green" jobs and reduced oil imports.

Smaller environmental groups, however, say this is the wrong moment to ease up on the scare, since that might send the signal that a weaker bill is acceptable.

At the heart of this intra-green disagreement is a behemoth of an unanswered question. Even after years of apocalyptic warnings about climate change, how much will Americans really sacrifice to fight it?

"It's a lack of faith in the American public," said Kieran Suckling of the Center for Biological Diversity, an Arizona nonprofit, talking about the light-on-climate ads used by bigger groups. "If the scientists, the environmentalists in our country do their jobs, and explain the test of climate change, the public will come along." "Instead of doing that job," Suckling said, "we're running away from it."

The debate about how best to sell climate legislation is flaring now because this could be the culminating moment of a years-long effort to cap U.S. greenhouse gases. And playing down the threat from a warming climate may come with a cost for environmental groups, if it appears to give Senators license to weaken measures aimed at helping the environment, like caps on greenhouse gases. Already, the push for energy "made in America" has given industry an opening to press for things some green groups don't want: more offshore drilling in U.S. waters, and more support for the U.S. coal business.

Lou Hayden, of the American Petroleum Institute, said that his group does not debate environmentalists about climate science. But he said they will fight environmentalists on the jobs

question, saying that the climate bill will kill more than it creates.

"Is it easier to respond to the jobs [argument] and to the kind of operational economic questions? Yes," Hayden said.

This summer, the House of Representatives passed a bill that would cap emissions by 2020, using a complex scheme called "cap and trade" that would allow companies to buy and sell allowances to pollute. But a similar bill has bogged down in the Senate, because most Republicans and many Democrats worry it would cause costly jumps in energy prices.

The Senate Environment and Public Works Committee passed its bill on Thursday despite a boycott from its seven Republicans. The bill passed 10 to 1, with [Sen. Max Baucus](#) (D-Mont.) voting no.

Washington Post-ABC polls this year have shown that a steady but thin majority of Americans, 52 percent, favor a "cap and trade" bill. But a different poll by the Pew Research Center for the People & the Press showed that, even after years of alarms about global warming, American opinions on the topic still seem to be shifting.

That poll found that a majority, 57 percent, of Americans think there is solid evidence of warming -- but that's down from the 71 percent who thought so in April 2008. Now, given the slow progress in the Senate, some green groups say they want to broaden their appeal beyond committed environmentalists, to the skeptical, the agnostic, and the distracted. That means downplaying doomsday predictions, and focusing on positives: a climate bill will create jobs in the renewable-energy industry, and keep money away from oil-state villains.

In 2006, for example, a well-known TV spot from the Environmental Defense Fund and the Ad Council showed a global warming as a speeding locomotive bearing down on a little girl.

This year, however, the train is gone. So is the word "warming." Instead, one spot from the Environmental Defense Fund shows solar panels and windmills, while an announcer talks about jobs and a reduced dependence on foreign oil.

"We need more renewable energy that's made in America and works *for* America, creating 1.7 million jobs," the narrator says. It doesn't mention the word "climate," but instead talks about cutting "carbon pollution," using a phrase common in recent ads by several groups.

"It's two words that are pretty easily understandable," said Daniel Lashof, of the Natural Resources Defense Council. "I mean, scientists like to talk about 'greenhouse gases.' Nobody knows what that means." On Tuesday night, climate activist Nancy Jackson was speaking to one of the most climate-skeptical audiences in the country: Kansans. She was speaking to college students here in Manhattan -- a town where one religious leader was only able to draw congregants to screenings of "An Inconvenient Truth" by passing out Nerf balls, so they could hurl them at the image of Al Gore.

"Take climate change off the table, OK?" Jackson said, after reciting evidence that the climate

really is changing. "You don't have to buy it for everything I'm about to say, because everything we do [to combat climate change] is a good idea for at least three other reasons."

She told the students that Kansas has an abundance of wind, sun and crops like corn and prairie grasses -- all potential sources of renewable power. The message worked, at least on 21 year-old student Matthew Brandt. He said he doesn't believe in climate change, but -- after hearing Jackson's talk -- he *was* interested in windmills.

"I plan to have a wind turbine on my property," after graduation, Brandt said. "I figure it's a good investment."

One of the groups critical of the good-news approach to climate advocacy, the World Wildlife Fund, is running its own ads underlining fears about what climate change will bring. In Montana, the ads talk about increased wildfires. In Indiana, it's floods. In Maine, stronger storms.

"The reality is, we need to save ourselves," said Carter Roberts, that group's president. "The connection between an intact planet and people's well-being . . . is the part of the equation that's missing."

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



Adora Andy/DC/USEPA/US  
11/05/2009 02:42 PM

To Richard Windsor, Bob Sussman, David McIntosh, Bob Perciasepe, Diane Thompson, Seth Oster, Allyn Brooks-LaSure, Arvin Ganesan, Gina McCarthy  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc  
Subject BLOOMBERG: Senate Democrats Pass Carbon Plan Over GOP Boycott (Update2)

Senate Democrats Pass Carbon Plan Over GOP Boycott (Update2)

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By Simon Lomax



Nov. 5 (Bloomberg) -- Senate Democrats won committee approval today of a "cap-and-trade" bill to reduce U.S. greenhouse gases over the objection of Republicans, who say the legislation is being rushed.

Eleven of the 12 Democrats on the Senate Environment and Public Works Committee backed the measure. Senator [Max Baucus](#), a Montana Democrat, voted against the bill. None of the seven Republicans on the committee were present for the vote.

"We're hearing the call to get moving on this," said Chairwoman [Barbara Boxer](#), a California Democrat and cosponsor of the [bill](#).

The legislation had been tied up in the committee for two days by the Republicans, led by Senator [James Inhofe](#) of Oklahoma, who said the bill's impact on the economy hadn't been adequately studied. They boycotted most of the panel's meetings this week to try to prevent a vote until the Environmental Protection Agency reviews the bill further.

Boxer said the Republican call for more study was a stalling tactic. The Senate cap-and-trade proposal draws heavily from legislation that passed the House in June, and the EPA's studies of that measure were good enough for the committee to vote, she said.

Deeper Cuts

While the House bill aims to cut emissions 17 percent below 2005 levels by 2020, the Senate measure calls for a deeper cut of 20 percent. The panel's Democrats, who outnumber the Republicans 12-7, said voting without any Republican present is allowed under the environment committee's rules.

Under cap and trade, the federal government would issue a limited number of pollution permits, each carrying the right to emit one metric ton of carbon dioxide.

Power plants, refineries and other regulated industrial companies would have to acquire enough permits to cover their emissions. Firms could buy and sell the permits before they are surrendered to the EPA to enforce emission targets.

Inhofe said Boxer's decision to move ahead over Republican objections was a "nuclear option" that breaks "the rules and long-standing precedent" of the environment committee.

Baucus said the Republican boycott had prevented the cap- and-trade bill from being amended and he couldn't support a plan to cut greenhouse gases 20 percent by 2020. The target should be changed to a 17 percent cut with a "trigger" to toughen the target to 20 percent "if other countries play by the same rules."

Baucus Plan

Baucus said he will work outside the committee to develop "meaningful, balanced climate change legislation" that can win the 60 votes that are typically required in the Senate to pass major legislation.

Senator **Tom Carper**, a Delaware Democrat who missed the vote, later said he supported the bill and committee Democrats changed the final tally to 11-1 from 10-1.

Committee action on the cap-and-trade bill without Republican participation was necessary because "the Senate can't be paralyzed," Boxer said. Republicans rejected the chance to publicly question an EPA official during this week's committee meetings about the predicted economic impacts of the Senate cap-and-trade proposal, she said.

The environment panel's legislation will later be combined with the work of at least five other committees into a comprehensive bill by Senate Majority Leader **Harry Reid**, a Nevada Democrat, she said. The EPA will complete a full study on the new bill before it is debated in the full Senate, Boxer said.

'Death Knell'

Today's vote is the "death knell" for the committee-approved cap-and-trade bill because Republicans outside the panel had also asked for a slower pace, Inhofe said in an e-mailed statement.

In letters to Boxer and EPA Administrator **Lisa Jackson** this week, Inhofe and nine Republicans said the environment committee vote should have been delayed until the agency provided more economic studies to the panel. Two of those Republicans, **Olympia Snowe** and **Susan Collins** of Maine, voted for a cap-and-trade bill in the Senate last year.

A third Republican who urged the committee to wait, **Lindsey Graham** of South Carolina, said yesterday he is willing to support "well-crafted" legislation that, among other things, boosts support for nuclear power, increases offshore oil and gas production and speeds the developing of carbon capture technology for coal-fired power plants.

Bipartisan Alternative

Graham joined yesterday with Senator **John Kerry**, a Massachusetts Democrat, and Senator **Joseph Lieberman**, an independent from Connecticut, in pledging to work toward climate-change legislation that can win broad support.

"If environmental policy is not good business policy, you'll never get 60 votes," Graham told reporters, referring to the number of votes typically required to pass major legislation in the Senate.

There are currently 58 Democrats in the Senate and two independents who caucus with them.

Republican votes may be needed to pass climate legislation because some Democrats, including **Ben Nelson** of Nebraska and **Byron Dorgan** of North Dakota, have said they are opposed to cap-and-trade.

Some other Democrats, like Baucus and Senator **Jay Rockefeller** of West Virginia, are concerned that cap-and-trade legislation will hurt coal-dependent states and won't support the measure in its current form.

Boxer said she was "not worried" that today's action could weaken the chances of Republican support for the new climate-change bill from Reid. The measure will include "the best" provisions from a number of other committees to broaden political support for the legislation, she said.

"I believe most senators want to get to the place where they can vote for a bill," Boxer said.

For Related News and Information:

To contact the reporter on this story: **Simon Lomax** in Washington at [slomax@bloomberg.net](mailto:slomax@bloomberg.net).

*Last Updated: November 5, 2009 14:17 EST*

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
10/27/2009 06:46 PM

To Richard Windsor, Bob Sussman, David McIntosh, Gina  
McCarthy, Bob Perciasepe, Diane Thompson, Seth Oster,  
Allyn Brooks-LaSure  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Arvin  
Ganesan  
bcc

Subject WSJ: BAUCUS IS TROUBLED BY SEN CLIMATE BILL

WALL STREET JOURNAL

BAUCUS IS TROUBLED BY SEN CLIMATE BILL

By [SIOBHAN HUGHES](#) and [IAN TALLEY](#)

WASHINGTON -- Sen. Max Baucus said Tuesday he has "serious reservations" about the climate legislation newly unveiled by his Democratic colleagues, signaling that lawmakers may have to back away from some ambitious goals in order to line up needed votes.

"I have some concerns about the overall direction of the bill," Mr. Baucus said during his opening remarks at Tuesday's hearings in the Senate Environment and Public Works Committee. "I have concerns about the depth of the mid-term reduction target in the bill and the lack of preemptions in the bill." Mr. Baucus -- who's also chairman of the Senate Finance Committee -- said the bill "risks moving legislators further away from that achievable consensus on climate change [legislation]."

The climate legislation written by Sen. Barbara Boxer (D., Calif.) and Sen. John Kerry (D., Mass.) calls for reducing greenhouse-gas emissions 20% below 2005 levels by 2020. That is a more ambitious goal than the House-passed version, which calls for a reduction of 17%. The Senate bill would give the U.S. Environmental Protection Agency to regulate greenhouse-gas emissions under the Clean Air Act, powers that were stripped by the House.

Mr. Baucus will be a key player in writing the bill as his panel has jurisdiction over all federal climate legislation. His views are also more likely to reflect the views of the conservative end of the spectrum, as the Senate's environment committee is dominated by Democrats and members of the environmental movement. Mr. Baucus said his panel would hold hearings on how to make tradable -- and valuable -- emission permits to affected industries.

The bill would require companies across the economy to hold government-issued permits to emit greenhouse gases, which are believed to contribute to global warming. The government would reduce the number of permits issued, bringing down emissions. Companies would be able to trade the permits among themselves.

Like the House measure, the Senate bill attempts to ease the costs to industry by providing for free permits to certain industries, such as electric utilities and makers of steel. While Mr. Baucus said his state and others couldn't afford the unmitigated

"we also cannot afford the unmitigated effects of climate change legislation. Other Democratic members of the committee also hinted they'd like to see. Although Sen. Arlen Specter (D., Pa.) said he hadn't made any policy judgment, he pointed to his concern that emission-intense industries such as refining or other sectors would be negatively impacted.

"When I hear comments about loss of jobs and higher cost for consumers, I'm very concerned," Mr. Specter said. "It would be very refreshing in America today to hear a bipartisan answer."

Mr. Baucus told reporters later on the sidelines of the hearing he is working to see if there's some kind of modification that could give a majority vote in the Senate.

"It may make it easier for me to support the bill," he added. If Ms. Boxer does not want to risk wasting another month of the year of the Congress without taking a step, she should write to

**Write to** Siobhan Hughes at [siobhan.hughes@dowjones.com](mailto:siobhan.hughes@dowjones.com) and Ian Talley at [ian.talley@dowjones.com](mailto:ian.talley@dowjones.com)

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
10/07/2009 12:20 PM

To Richard Windsor, Bob Sussman, David McIntosh, Seth Oster,  
Allyn Brooks-LaSure  
cc Betsaida Alcantara, Brendan Gilfillan, Arvin Ganesan,  
Michael Moats  
bcc  
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 administration and the 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 revoke the 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 has rejected "other practical alternatives that would have less impacts on the aquatic environment" and "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 and the health of the environment." After re-examining the proposed permit, Peterson said, the Corps has determined that "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 stay his order over 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 a permit, but can do so only after first issuing a public notice and providing opportunity for public comment. EPA determines that the proposed permit:

*... Will have an unacceptable adverse effect on municipal water supplies, stream fisheries, wetlands, sensitive areas (including spawning and breeding areas), wildlife, or recreational areas.*

Recall that in early September EPA officials urged the Corps to revoke, suspend or modify the permit, [citing a long list of problems with the current mining proposal](#). DOJ lawyers then asked Judge Chambers to stay from Judge Chambers on Arch Coal Inc.'s efforts to have the permit tossed from

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 permitting 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 used the following language:

*... I am mindful of your agency's concerns and appreciate the efforts you are making in the environmental review of pending applications for surface coal mining activities. Your staff is very helpful and they are providing excellent support to the Department. We hope to provide a more rigorous review of applications in the coalfields. I look forward to your collaboration as we work closely with your agency on all projects.*

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  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
10/27/2009 02:47 PM

To Richard Windsor, Bob Sussman, Gina McCarthy, Bob Perciasepe, Diane Thompson, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc  
Subject WAPO: EPA proposes tougher pollution controls, narrows target group

## Washington Post

# EPA proposes tougher pollution controls, narrows target group

By Juliet Eilperin  
Tuesday, October 27, 2009 1:32 PM

Even as the Senate Environment and Public Works Committee took up its climate bill for the first time Tuesday, the Environment Protection Agency proposed requiring thousands of greenhouse gas emitters to install stricter pollution control technology.

The so-called "tailoring rule," which was published in the Federal Register Thursday, would apply the Clean Air Act to power plants and other sources that emit at least 25,000 tons of greenhouse gas emissions each year. The proposal targets a narrower group than what the act originally envisioned, a measure applying to any facility emitting just 250 tons of pollution, EPA estimates under its narrower scenario, the rule could apply to more than 6 million facilities across the country.

Agency spokeswoman Adora Andy called the proposal, which is subject to public comment until Dec. 28, "a common-sense measure, strategically tailored to the largest facilities to ensure it does not place a burden on the small businesses that make up the better part of our economy."

As the EPA acted, Democrats and Republicans debated whether Congress should enact legislation that would cap the nation's greenhouse gas emissions.

Under the cap-and-trade system outlined in legislation authored by Senate Foreign Relations Committee Chairman [John F. Kerry](#) (D-Mass.) and Senate Environment and Public Works Committee Chairman [Barbara Boxer](#) (D-Calif.), industries would be allowed to buy and sell pollution allowances.

Referring to the EPA analysis that the bill would cost American households between 22 and 30 cents a day, Boxer told the packed committee room at the opening of the hearing, "For 30 cents a day, we will put America in control of our own energy future and take a stand for home-grown American energy rather than foreign oil from countries who don't like us. For 30 cents a day, we will protect our kids from dangerous pollution."

But Republicans rejected that argument, suggesting the Kerry-Boxer bill would damage the



nation's economy. The panel's top Republican, [Sen. James M. Inhofe](#) (Okla.), said the fact that the measure includes provisions to soften the transition to a low-carbon economy "is an implicit acknowledgement that the bill will destroy jobs . . . I'm sure the worker at a cement plant, when he loses his job, won't find much consolation in green welfare programs."

Even some Democrats suggested the bill would have to be modified in order pass the Senate. Senate Finance Committee [Max Baucus](#) (D-Mont.), whose panel also has some jurisdiction over the bill, said he has "some concerns about the overall direction of the bill before us today," including its goal to cut U.S. greenhouse gas emissions 20 percent compared to 2005 levels by 2020.

"We cannot afford a first step that takes us further away from an achievable consensus on common sense climate legislation," Baucus said.

[Sen. George V. Voinovich](#) (R-Ohio) questioned whether Democratic leaders were rushing to pass a bill through committee before international negotiators meet in Copenhagen in December to try to forge a global climate pact.

"Why are we trying to jam down this legislation now?" he asked. "Wouldn't it be smarter to take our time and do it right?"

Some lawmakers are worried about the prospect of EPA regulating greenhouse gases on its own, however. In an interview Monday [Sen. Lindsey O. Graham](#) (S.C.), one of the few Republicans negotiating with Democrats on climate legislation, said, "If we do nothing, EPA's going to step in and regulate. Congress ought to lead, not the EPA."

Voinovich raised the same point during Tuesday's hearing, questioning why the administration would press ahead with a measure on greenhouse gases while legislation was pending. Businesses that will be affected by a national cap-and-trade bill, he said, "ought to know, this is it."

EPA administrator Lisa P. Jackson defended the proposal, however, telling Voinovich, The agency can still pursue "common sense measures that can be taken under the Clean Air Act."

There is a question of whether EPA's move to narrow the impact of its greenhouse gas rule will withstand a legal challenge, since it alters the Clean Air Act's 250-ton threshold for major sources of pollution. Several legal experts say that if the agency loses in court, most small businesses and even some individual residences will be subject to the new requirements.

Jeff Holmstead, who heads the Environmental Strategies Group at Bracewell & Giuliani and represents some facilities affected by the proposed rule, said EPA is going ahead "with a rule that is on pretty questionable legal footing. The administration is trying to use the act in a way that Congress never intended."

But Vickie Patton, deputy general counsel of the Environmental Defense Fund, an advocacy group, wrote in an e-mail, "EPA has made a compelling case, based on law and policy, for



excluding small greenhouse gas emitters from the Clean Air Act's permitting programs. The U.S. Court of Appeals in Washington, D.C. has in similar situations recognized that federal agencies can craft the scope of a program's coverage reasonably in light of the sheer administrative necessity for stepwise progress."

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

10/27/2009 05:31 PM

To Richard Windsor, Bob Sussman, Gina McCarthy, David  
McIntosh, Bob Perciasepe, Diane Thompson, Arvin Ganesan  
cc Seth Oster, Allyn Brooks-LaSure

bcc

Subject AP: Obama team: US needs bill to lead in clean energy  
4:33 pm

<http://www.google.com/hostednews/ap/article/ALeqM5h5iS14YOIUrpdmPuNylwKcVpSnmAD9BJLDI83>

Obama team: US needs bill to lead in clean energy

By H. JOSEF HEBERT and DINA CAPPIELLO - 1 hour ago

WASHINGTON – The Obama administration warned Tuesday that the U.S. could slip further behind China and other countries in energy development if Congress fails to pass climate legislation, even as the bill's chief author acknowledged that reducing heat-trapping pollution will increase energy costs.

Energy Secretary Steven Chu told a Senate panel that the U.S. has stumbled in the clean energy race and to catch up Congress must enact comprehensive energy legislation that puts the first-ever limits on the gases blamed for global warming.

"The United States ... has fallen behind," said Chu. "But I remain confident that we can make up the ground."

He said enactment of climate legislation is the "critical step (that) will drive investment decisions toward clean energy."

Chu was one of five administration officials, including three Cabinet secretaries, to push for legislation before the Senate Environment and Public Works committee as it opened debate on a 925-page bill that would reduce greenhouse gases by about 80 percent by mid-century.

His comments were echoed by Democrats, including the bill's chief author Sen. John Kerry, D-Mass., who told the panel that the administration's leadership is on the line.

But in a replay of what happened in the House, which passed its version of the bill in June, Republicans and some moderate Democrats scoffed at the cost, which would put in place a cap-and-trade system that would put a price on heat-trapping pollution and require companies to buy and sell permits to meet emissions targets.

Sen. James Inhofe of Oklahoma, the panel's top Republican, and a skeptic of the science behind global warming, said Americans would not stomach the expense.

"This is something the American people can't tolerate and I don't think they will," Inhofe said.

An Environmental Protection Agency analysis released late Friday said the average household would pay an additional \$80 a year to power their homes and fuel their cars if the bill becomes law and businesses pass on the cost of reducing pollution to consumers.

Kerry acknowledged that the bill would raise energy prices, but said the savings from reducing energy and the money to be invested in new technologies were far greater.

"Are there some costs? Yes, sir, there are some costs," Kerry said. He added that while an array of studies show restricting greenhouse gases will lead to higher energy prices, "none of them factor in the cost of doing nothing."

Kerry got some much-needed backup from President Barack Obama, who made a stop at a solar energy site in Florida Tuesday.

The president warned that opponents, whom he did not identify, would work against the climate bill.

"They're going to argue that we should do nothing, stand pat, do less or delay action yet again," said Obama. "It's a debate between looking backward and looking forward, between those who are ready to seize the future and those who are afraid of the future."

With weeks remaining before 192 nations gather in Copenhagen, Denmark to negotiate a new global treaty to slow climate change,

time is running out for the Senate to pass a climate bill this year.

While the legislation is likely to clear the environment panel, where Democrats hold a five-vote majority, as many as five other committees have jurisdiction over the bill before it goes to the floor.

And the leader of one of those panels – Sen. Max Baucus, D-Mont. – said Tuesday he had "serious reservations" with the effort to cut emissions over the next decade. The bill calls for greenhouse gases to be cut by 20 percent by 2020, a target that was scaled back to 17 percent in the House after opposition from coal-state Democrats.

"Montana can't afford the unmitigated impacts of climate change," Baucus acknowledged. "But we also cannot afford the unintended effects of climate change legislation." While the state is a producer and user of coal, it also has seen early effects of a warming climate, including melting glaciers and pine trees damaged from beetle infestations.

Republicans complained that Sen. Barbara Boxer, D-Calif., who hopes to have the bill out of committee in early November, is trying to rush the bill through without adequate study into its cost.

"Why are we trying to jam down this legislation now?" asked Sen. George Voinovich, R-Ohio. "Wouldn't it be smarter to take the time to study it and do it right?"

*The bill is S. 1733.*

On the Net:

- Senate Environmental and Public Works Committee: <http://www.epw.senate.gov>

Adora Andy/DC/USEPA/US

10/27/2009 06:40 PM

To Richard Windsor, Bob Sussman, Gina McCarthy, David McIntosh, Diane Thompson, Bob Perciasepe, Allyn Brooks-LaSure, Seth Oster

cc Arvin Ganesan, Betsaida Alcantara, Brendan Gilfillan, Michael Moats

bcc

Subject POLITICO: IS EPA JUMPING THE GUN ON CLIMATE BILL?

POLITICO

IS EPA JUMPING THE GUN ON CLIMATE BILL?

LISA LERER

October 27, 2009 6:16pm

The Environmental Protection Agency is taking steps to regulate greenhouse gases, even though the issue remains far from settled in Congress, where a key Senate committee is debating a major climate change bill.

In hearings before the Senate Environment and Public Works committee Tuesday, several moderate Democrats expressed concerns that the EPA is jumping the gun in mandating new curbs on greenhouse gas emissions across a slew of industries.

"There is a great deal to be gained by certainty so people can make plans," said Pennsylvania Democratic Sen. Arlen Specter. "If the EPA continues to have flexibility we don't know where we are."

The EPA proposed new regulations on greenhouse gas emissions from large industrial sources in a rule published by the Federal Registry late last week.

The so-called "tailoring" rule would force power plants, waste landfills, and other plants emitting over 25,000 tons of greenhouse gases a year to obtain permits demonstrating that they are using the best technology to minimize their emissions.

EPA estimates that 14,000 major polluters would need to get the permits. Small business, farms, restaurants and other small businesses would be exempt from the regulations.

Several Democrats said in Tuesday's hearings that they would like to include language in the legislation that would stop the EPA from implementing a 2007 Supreme Court opinion that would mandate new regulations on greenhouse gas emissions for a slew of industries.

EPA Administrator Lisa Jackson told the committee that the administration would rather cut emissions through legislation than executive rule-making.

“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,” said Jackson. “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.”

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
01/05/2010 04:41 PM

To Richard Windsor, Bob Sussman, Gregory Peck, Peter Silva,  
Bob Perciasepe, Diane Thompson, Arvin Ganesan, David  
McIntosh  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject WSJ: EPA Backs Permit for Mountaintop-Mining Operation

# EPA Backs Permit for Mountaintop- Operation

By [SIOBHAN HUGHES](#)

WASHINGTON -- Two big coal companies got a boost on Tuesday after federal support of a permit for one West Virginia mountaintop-mining operation and the EPA said it would be willing to endorse another permit for the largest mountaintop-mining operation. The announcement by the Environmental Protection Agency sent shares in [Coal](#) Inc. higher. Patriot shares rose 5.7% to close at \$18.29 after the EPA said it would support an operation planned for Logan County. Arch shares rose almost 4.6% to close at \$18.29. The EPA said it wanted to talk further with the company about a big permit.

The EPA said it decided to support a permit sought by Patriot's Hobet Mining Co., a company "resulted in additional significant protections against environmental damage," said EPA Executive Richard Whiting said he was "hopeful" that the company could be approved in the very near future." The U.S. Army Corps of Engineers still must issue the permit. The EPA separately said that a court has agreed to extend a deadline for the U.S. Army Corps of Engineers to issue a permit to Logan Mining Co. about an already-issued permit, which the EPA halted last year. The decision to hold up the permit was the first time in 37 years that the agency had held up a previously issued mountaintop-mining permit.

"We remain hopeful that a resolution can be reached," said Kim Link, a spokesman for the EPA, in an email.

The EPA's decision came after pressure from West Virginia politicians. West Virginia Gov. Earl Ray Tomblin, who last year said he was so upset with the EPA that "to say I am mad would be an understatement," on Tuesday said he was "pleased" with the EPA's decision to clear the way for the Patriot permit directly affected about 500 workers.

The announcements continue the Obama administration's up-and-down stance on mountaintop-mining, which involves blasting off mountaintops to get at the coal underneath.

that the practice is safer and cheaper than traditional underground mining. E the practice since it shaves off mountaintop forests and sends rock and other streams.

"Sadly, the coal industry's undue influence over decision makers has traded communities, and water for profit," said Janet Keating, executive director of Environmental Coalition, in a statement. "We're shooting ourselves in the fu been mined, what kind of economic development can happen when the wat people have been driven away?"

The EPA in September put 79 proposed projects on hold, citing evidence th damage water quality. The permit sought by Patriot appeared to be the seco EPA. An EPA spokeswoman said that the agency has already cleared anot Buckingham Coal Co. and planned for southeastern Ohio.

The U.S. Army Corps of Engineers grants permits necessary for mountainto administration's EPA has recently been using its power to block or influence For a list of the 79 permits put on hold by the EPA, go to:

[http://www.epa.gov/owow/wetlands/pdf/ECP\\_Initial\\_List\\_09-11-09.pdf](http://www.epa.gov/owow/wetlands/pdf/ECP_Initial_List_09-11-09.pdf)

Adora Andy/DC/USEPA/US  
10/05/2009 06:12 PM

To Richard Windsor, Bob Sussman, Lisa Heinzerling, David  
McIntosh, Arvin Ganesan, Seth Oster, Allyn Brooks-LaSure  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc  
Subject US News & World Report: Senators, EPA Push to Regulate  
Emissions

## **Senators, EPA Push to Regulate Emissions**

### **Sens. Boxer and Kerry released their climate change bill the same day the EPA announced a new rule**

By [Kent Garber](#)

Posted October 5, 2009

Last week, Democratic Sens. John Kerry of Massachusetts and Barbara Boxer of California released a climate change bill, designed to limit greenhouse gas pollution over the next few decades. It was a significant announcement, the culmination of months of behind-the-scenes work. But they weren't alone. The same day, the Environmental Protection Agency proposed a rule to do basically the same thing, but on its own terms.

The EPA's proposal, which would curb emissions from the country's biggest industrial polluters, is just a draft, nothing final, so it still has to go through a public review that could take more than a year to complete. But the move underscores a major source of tension over how to limit domestic greenhouse gas emissions. That the United States will regulate these emissions at some point now seems likely. The uncertainty is over who will control how it's done: Congress or the EPA.

Most politicians prefer that Congress lead, since that approach would give them a chance to craft [legislation](#) to protect their state's interests. But because the EPA declared greenhouse gases a health hazard last spring, it's required to regulate them under the Clean Air Act, unless [Congress](#) passes a climate bill to override the EPA's authority. The House, in a tight vote, did that this summer when it passed its big climate and energy bill. Now the [Senate](#), thanks to the Boxer-Kerry effort, has something tangible to work on. But the Senate is also busy wrestling with healthcare and financial regulatory reforms.

In some respects, the Senate climate bill is more ambitious, and more politically fraught, than the House one. It calls for emissions cuts of 20 percent below 2005 levels by 2020, compared with the 17 percent cut in the House. But it also leaves many questions unanswered, including how to structure a cap-and-trade scheme. (In fact, the bill deliberately avoids the phrase "cap-and-trade," using the vague "pollution reduction" instead.) That topic will be handled by the Senate Finance Committee, which has been consumed by health reform.

Over the next month, insiders say, small groups of senators will continue talking with colleagues and industry representatives to tweak the bill to address concerns. At the moment, the bill is short of support to pass the Senate, with at least a dozen Democrats and several Republicans on



the fence. "Do we have to work hard to win 60 votes? Sure," says Phyllis Cuttino, director of the Pew [Environment](#) Group's global warming campaign. "But part of the way to get those votes is to try to negotiate with members around what they need to protect their citizens."

Case in point: Sen. Sherrod Brown, an Ohio Democrat, warned last Thursday that industry jobs could be threatened if the Senate passed a climate bill that lacked protections against foreign competitors that do business more cheaply without emissions limits. Democratic leaders say they will try to accommodate those requests.

But the clock is ticking with the EPA moving forward. "We are not going to continue with business as usual," EPA chief Lisa Jackson said last week. Meanwhile, Carol Browner, President Obama's top climate adviser, indicated last week that she does not expect a cap-and-trade bill to reach the president's desk by December.

The EPA's rule, if it takes effect, would regulate facilities that emit more than 25,000 tons of carbon dioxide a year. That's about 70 percent of the country's emissions.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
10/05/2009 05:08 PM

To Richard Windsor, Bob Sussman, Lisa Heinzerling, David  
McIntosh, Arvin Ganesan, Seth Oster, Allyn Brooks-LaSure  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc  
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

**Adora Andy/DC/USEPA/US**  
09/30/2009 05:39 PM

To Richard Windsor, Bob Sussman, Lisa Heinzerling, David  
McIntosh, Arvin Ganesan  
cc Seth Oster, Allyn Brooks-LaSure, Brendan Gilfillan, Betsaida  
Alcantara, Michael Moats  
bcc

Subject AP: EPA moves to regulate smokestack greenhouse gases

EPA moves to regulate smokestack greenhouse gases

By DINA CAPPIELLO, Associated Press Writer Dina Cappiello, Associated Press Writer 1 hr 48 mins ago

WASHINGTON - The Environmental Protection Agency is taking its first steps to control climate-changing carbon dioxide emissions from power plants, factories and refineries.

The EPA proposed a rule Wednesday that would require polluters to install the best available technology to capture greenhouse gases whenever a facility is significantly changed or newly constructed. The rule applies to any industrial plant that emits at least 25,000 tons of greenhouse gases a year.

When the rule is final, the EPA said operators of as many 14,000 sources of pollution would have to get additional permits. The EPA action, announced the same day as a climate bill was introduced in the Senate, could put new pressure on Congress to pass legislation to avoid the federal rules.

Adora Andy/DC/USEPA/US  
10/01/2009 11:55 AM

To Richard Windsor, Bob Sussman, Lisa Heinzerling, David  
McIntosh, Seth Oster, Allyn Brooks-LaSure, Arvin Ganesan  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
bcc

Subject NYT: U.S. Prepares More Regs in Case Climate Bills Stall

FYI: This story was flanked on two sides with an animated Shell Oil ad for it's "new energy future" website: [www.shell.com/newenergyfuture](http://www.shell.com/newenergyfuture)

NEW YORK TIMES

October 1, 2009

## U.S. Prepares More Regulatory Moves in Case Climate Bills Stall

By PETER BEHR of [ClimateWire](#)

The Obama administration holds several potential trump cards if Congress ultimately deadlocks over climate legislation, current and former officials said yesterday. They cited existing powers of the federal government to push forward parts of the climate and clean energy agendas on its own.

A large and obvious stick in the closet is U.S. EPA's ability to regulate greenhouse gas emissions under the Clean Air Act. EPA is completing an "endangerment finding" that serves as a basis for new regulation.

The electric power grid can also be expanded to handle a surge of new renewable energy, even if Congress does not act, by the Interior Department and the Federal Energy Regulatory Commission, leaders of those two agencies said yesterday.

Whether this message spurs supporters of climate policy in Congress or stiffens opposition remains to be seen.

Speaking at a conference on transmission planning yesterday, Interior Secretary Ken Salazar noted that his department is mapping new transmission corridors through public lands and tribal areas, working with the Western governors and Native American tribal leaders. The Bureau of Land Management is processing 30 applications for transmission rights-of-way and will fast-track seven of these projects in California, Idaho and Nevada, spanning 1,000 miles. Construction permits should be ready by the end of next year, and that will be in time for the projects to qualify for federal economic stimulus funding, he said.

Transmission projects have faced harder opposition in the thickly populated Eastern states than in the West. The process in Eastern states is so tangled in regulation and politics that major projects may not be ready to go before federal stimulus grant authority expires in 2011, said Edward Krapels, CEO of Anbaric Holding, a private transmission developer that participated in yesterday's conference.

## A Cabinet-level panel works on a 'unified' strategy

Salazar said that a Cabinet-level committee is developing recommendations for President Obama for overcoming barriers to transmission expansion in both Eastern and Western grid interconnections. "We are assembling a unified, forward-looking strategy for siting [transmission lines], cost allocation and coordination of permitting for proposed projects," Salazar said.

The panel includes the heads of the Interior, Energy and Agriculture departments and the Council on Environmental Quality and FERC Chairman Jon Wellinghoff. "It is probably the first time we have had FERC sitting at the same table with Cabinet secretaries," Salazar said.

Wellinghoff, who followed Salazar at the conference, called attention to two FERC initiatives on transmission planning and expansion. The commission staff has concluded public hearings in Phoenix, Atlanta and Philadelphia on industry and regulatory barriers to renewable energy transmission.

FERC has also asked the Lawrence Berkeley National Laboratory to study how best to integrate large amounts of variable wind and solar power into the existing grid, and what grid investments will be needed if renewable electricity grows to supply 20 percent or more of the country's power needs. That study is expected out in March or April, he said.

## Working out who pays for long-distance transmission

The House climate legislation that passed in June and legislation approved in August by the Senate Energy and Natural Resources Committee move in different ways to clarify FERC's authority to order transmission line construction if states don't act.

Wellinghoff said the Senate bill is "on the right path, generally," except for an amendment to the bill by Sen. Bob Corker (R-Tenn.). It would prevent FERC from spreading the costs of major new transmission broadly across multi-state regions unless the commission could justify it by showing specific economic and grid reliability benefits. Corker's amendment has support from state officials who fear their customers would have to help pay for long-distance transmission lines carrying renewable power that they would never use.

The broad societal benefits that could come from using cleaner renewable energy may be hard to quantify precisely, Wellinghoff said, and thus the Corker amendment could "tie us up in courts forever."

Wellinghoff's predecessor, former FERC Chairman Joseph Kelliher, told the conference yesterday that FERC already has considerable power to allocate costs widely for regional transmission projects. The commission has been "very deferential" to regional transmission organizations on this issue in the past; it should defer no longer if regional organizations are frustrating grid expansion, Kelliher said.

Both Salazar and Wellinghoff played down the need for a heavy federal hand in resolving

regional transmission disputes, saying the states should continue to take the lead in transmission planning. But Salazar said FERC needs clear backup siting authority if states don't act. "It is also my fervent hope that can be avoided, as we are doing in the West [by] working with stakeholders on the ground" to draw new transmission corridors for renewable energy, he said.

#### A need for multiple plans

The Energy Department is offering \$80 million to fund regional transmission planning studies designed to deal with a rapid growth of renewable power.

Wellinghoff said the current debate over "top down" transmission planning directed by DOE and FERC or "bottom up" planning from the regions is a "false choice."

"It is indisputable that local subregional planning and coordination must continue" to handle normal grid upgrades, he said. Moving renewable power across regions, however, requires a multi-state planning approach, he argued.

"We need multiple plans. We're not going to be doing away with the state and regional plans. Those are going to continue, because you need those for economic and reliability purposes. But you do also need an overarching plan across the interconnection" to deal with national climate policies, he said. "States should continue to have first opportunity to site transmission facilities. Nevertheless, I believe that under very limited and appropriate circumstances, transmission developers should have recourse to federal siting authority at the commission" if projects are stalled at the state level, he said.

FERC's authority to order transmission projects under the 2005 Energy Policy Act has been substantially negated by a 4th U.S. Circuit Court of Appeals decision in the Piedmont Environmental Council's challenge of a transmission line into Virginia. If that stands, FERC's role in transmission siting is "a dead letter," said Kelliher, calling the decision "screamingly incorrect."

If Congress does not enact new energy legislation clarifying FERC's authority, the agency could still be an effective force in assuring grid expansion -- provided the 4th Circuit decision is reversed by the U.S. Supreme Court, Kelliher said.

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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
10/01/2009 02:21 PM

To Richard Windsor, Bob Sussman, Lisa Heinzerling, Seth  
Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject NYT: EPA Reconsiders Johnson Memo

NEW YORK TIMES  
October 1, 2009

# EPA Reconsiders 'Johnson Memo' on Carbon Emissions

By ROBIN BRAVENDER of [Greenwire](#)

U.S. EPA yesterday launched a formal reconsideration of a Bush-era memorandum detailing when the government should regulate carbon dioxide emissions from industrial facilities.

The agency is reconsidering a document from former EPA Administrator Stephen Johnson detailing when the government must regulate carbon dioxide emissions from new and modified stationary sources, including coal-fired power plants. The Obama EPA is considering several interpretations of when a pollutant must be accounted for in clean air permits but said it would prefer to uphold the George W. Bush administration's policy.

The "[Johnson memo](#)" says that facilities should be required to obtain Prevention of Significant Deterioration (PSD) permits only for pollutants that are controlled under the Clean Air Act. In its [reconsideration \(pdf\) \(pdf\)](#), EPA said it continued to favor that interpretation.

"The actual control interpretation best reflects our past policy and practice, is in keeping with the structure and language of the statute and regulations, and best allows for the necessary coordination of approaches to controlling emissions of newly identified pollutants," EPA said.

EPA is also taking comment on several other interpretations of when pollutants are covered by the permitting program, including an approach that would identify pollutants as subject to regulation if EPA requires monitoring and reporting of those emissions.

"Now that EPA has opened the door to reconsideration, it probably feels bound to initiate a public process that invites a myriad of views into the discussion before finalizing its position," said Roger Martella, former EPA general counsel during the George W. Bush administration. At this time, he said, "EPA appears to be sticking with Administrator Johnson's position, which also happens to be the legally correct interpretation."

EPA Administrator Lisa Jackson announced in February that the agency would reconsider the memo after environmental groups asked a federal appeals court to overturn the document. The environmental groups argued that the memo unlawfully tried to establish a new and binding interpretation of the Clean Air Act in violation of EPA's Environmental Appeals Board ruling that the agency must consider global warming emissions when issuing permits for new coal-fired



power plants ([Greenwire](#) , Feb. 17).

But because EPA is poised to issue a rule to control greenhouse gas emissions from automobiles by March 2010, experts say the reconsideration is largely moot at this point.

"It is really not very consequential, because it's been overtaken by events," said Jeff Holmstead, an attorney at Bracewell & Giuliani who served as EPA air chief during the George W. Bush administration.

Vickie Patton, a senior attorney with the Environmental Defense Fund, said that although EPA is exploring a number of options to interpret the Johnson memo, "The fact that the agency will complete work on the national emission standards for passenger vehicles by March means that the differences between the legal interpretations have much less of a practical effect."

David Bookbinder, the Sierra Club's chief climate counsel, said that EPA's position was understandable, given that its preferred alternative would put the trigger for PSD permitting in the agency's hands. However, he said, "I'm not sure it's correct under the Clean Air Act." The Sierra Club, which petitioned EPA to reconsider the memo earlier this year, will be advocating for one of the other triggers, Bookbinder said.

EPA will accept comments on its proposal for 60 days after publication in the *Federal Register* .

[Click here](#) (pdf) to read the Johnson memo.

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

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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
10/05/2009 03:00 PM

To Richard Windsor, Bob Sussman, Lisa Heinzerling, Seth  
Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject WSJ: The 'Absurd Results' Doctrine

## **The 'Absurd Results' Doctrine**

### **Turning the carbon screws on businesses so they lobby Congress for cap and trade.**

"In recent years, many Americans have had cause to wonder whether decisions made at EPA were guided by science and the law, or whether those principles had been trumped by politics," declared Lisa Jackson in San Francisco last week. The Environmental Protection Agency chief can't stop kicking the Bush Administration, but the irony is that the Obama EPA is far more "political" than the Bush team ever was.

How else to explain the coordinated release on Wednesday of the EPA's new rules that make carbon a dangerous pollutant and John Kerry's cap-and-trade bill? Ms. Jackson is issuing a political ultimatum to business, as well as to Midwestern and rural Democrats: Support the Kerry-Obama climate tax agenda—or we'll punish your utilities and consumers without your vote.

The EPA has now formally made an "endangerment finding" on CO<sub>2</sub>, which will impose the command-and-control regulations of the Clean Air Act across the entire economy. Because this law was never written to apply to carbon, the costs will far exceed those of a straight carbon tax or even cap and trade—though judging by the bills Democrats are stitching together, perhaps not by much. In any case, the point of this reckless "endangerment" is to force industry and politicians wary of raising taxes to concede, lest companies have to endure even worse economic and bureaucratic destruction from the EPA.

Ms. Jackson made a show of saying her new rules would only apply to some 10,000 facilities that emit more than 25,000 tons of carbon dioxide each year, as if that were a concession. These are the businesses—utilities, refineries, heavy manufacturers and so forth—that have the most to lose and are therefore most sensitive to political coercion.

The idea is to get Exelon and other utilities to lobby Congress to pass a cap-and-trade bill that gives them compensating emissions allowances that they can sell to offset the cost of the new regulations. White House green czar Carol Browner was explicit on the coercion point last week, telling a forum hosted by the Atlantic Monthly that the EPA move would "obviously encourage the business community to raise their voices in Congress." In Sicily and parts of New Jersey, they call that an offer you can't refuse.

Yet one not-so-minor legal problem is that the Clean Air Act's statutory language states unequivocally that the EPA must regulate any "major source" that emits more than 250 tons of a pollutant annually, not 25,000. The EPA's Ms. Jackson made up the higher number out of whole cloth because the lower legal threshold—which was intended to cover traditional pollutants, not ubiquitous carbon—would sweep up farms, restaurants, hospitals, schools, churches and other businesses. Sources that would be required to install pricey "best available control technology" would increase to 41,000 per year, up from 300 today, while those subject to the EPA's construction permitting would jump to 6.1 million from 14,000.

That's not our calculation. It comes from the EPA itself, which also calls it "an unprecedented increase" that would harm "an extraordinarily large number of sources." The agency goes on to predict years of delay and bureaucratic backlog that "would impede economic growth by precluding any type of source—whether it emits GHGs or not—from constructing or modifying for years after its business plan contemplates." We pointed this out earlier this year, only to have Ms. Jackson and the anticarbon lobby deny it.

Usually it takes an act of Congress to change an act of Congress, but Team Obama isn't about to let

democratic—or even Democratic—consent interfere with its carbon extortion racket. To avoid the political firestorm of regulating the neighborhood coffee shop, the EPA is justifying its invented rule on the basis of what it calls the "absurd results" doctrine. That's not a bad moniker for this whole exercise.

The EPA admits that it is "departing from the literal application of statutory provisions." But it says the courts will accept its revision because literal application will produce results that are "so illogical or contrary to sensible policy as to be beyond anything that Congress could reasonably have intended."

Well, well. Shouldn't the same "absurd results" theory pertain to shoehorning carbon into rules that were written in the 1970s and whose primary drafter—Michigan Democrat John Dingell—says were never intended to apply? Just asking. Either way, this will be a feeble legal excuse when the greens sue to claim that the EPA's limits are inadequate, in order to punish whatever carbon-heavy business they're campaigning against that week.

Obviously President Obama is hellbent on punishing carbon use—no matter how costly or illogical. And of course, there's no politics involved, none at all.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
10/07/2009 02:41 PM

To Richard Windsor, Bob Sussman, Peter Silva, David McIntosh,  
Arvin Ganesan, Seth Oster, Allyn Brooks-LaSure  
cc Michael Moats, Betsaida Alcantara, Brendan Gilfillan  
bcc  
Subject WBOY: Capito Tells EPA That Coal Miners Deserve Clarity

WBOY- NBC, Clarksburg, WV

## Capito Tells EPA That Coal Miners Deserve Clarity

Posted Wednesday, October 7, 2009 ; 01:05 PM | [View Comments](#) | [Post Comment](#)

### Congresswoman asks agency administrator to explain holding up of mining permits

Rep. Shelley MooreCapito, R-W.Va., called today on U.S. Environmental Protection Agency Administrator Lisa Jackson to clarify her agency's actions regarding delays in the coal mine permitting process.

Capito sent her concerns in a letter to Jackson about uncertainty in the Appalachian coalfields, saying continued ambiguity and delays in the permitting process will cost West Virginia miners jobs and slow economic investment in the state.

"Further delay of mining permits creates enormous uncertainty that's forcing mines to delay investment, halt production and lay off workers across the region," she wrote. "It is imperative that the EPA clarify the process for approving or rejecting permits – hardworking West Virginians depend on it"

Capito also asked the EPA to reconcile its stated commitment to an expedient resolution to the 79 outstanding permit applications in Appalachia.

"While we were promised that permits would be reviewed deliberately, but expeditiously, what we have is a process with no apparent end in sight," Capito said.

Capito's office said the EPA has pointed to a 60-day clock for approving permits, but the clock begins only when the Corps is able to officially "pick up" the application. It is unclear whether any of the permits have even been released by the EPA, her office said.

"It's certainly appropriate to have legitimate oversight and review of all proposed permits, but the EPA's most recent statement is only the latest in a series which have created uncertainty and ambiguity for mines across our state and region," Capito wrote.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
10/26/2009 04:16 PM

To Richard Windsor, Bob Sussman, Peter Silva, Diane Thompson, Bob Perciasepe, Seth Oster, Allyn Brooks-LaSure, Arvin Ganesan, David McIntosh  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Stephanie Owens  
bcc  
Subject CHARLESTON GAZETTE: EPA CHIEF CREATES BACKLASH

CHARLESTON GAZETTE/OPINION PAGE  
October 26, 2009

## Robert Rupp: EPA chief creates backlash

While not yet a household name, Lisa Jackson, head of the EPA, has ignited a firestorm of controversy in West Virginia.

In Jackson's first few months as director, she has transformed the EPA by overturning approval for a coal power plant and placing a series of West Virginia surface mining permits on hold.

Jackson's actions have not only put the mining industry on notice that the EPA is no longer sitting on the sidelines, but also put the administrator herself in the middle political crossfire not seen since Rich Rodriguez left the state.

The debate over how to mine in the Mountain State has implications that go beyond the geological. The EPA actions have placed the director at odds with a coalition that crosses ideological, occupational and partisan lines.

Ironically Rep. Nick Rahall was slow to join the state chorus of concerns. A member of the House leadership, Rahall initially defended the agency's actions, even though his district includes the counties most impacted by the EPA actions.

Rahall has since clarified his position saying that he now "gets it" in terms of voters' concerns about jobs. But Rahall's inconsistency underscores a problem for all state Democrats. President Obama and the EPA are perceived as being unfavorable to coal.

Embarrassed state Democratic leaders hope that President Obama will "get it" and pull "a Babbitt" - by reining in his agency director in the face of a political firestorm.

This is what President Bill Clinton did when Bruce Babbitt, his Secretary of Interior, proposed tougher regulations and grazing fees on federal lands. Faced with a political revolt of ranchers, Clinton did not endorse his secretary's actions. Babbitt had to compromise on this and other initiatives in his ambitious agenda.

Clinton's actions reflected in part concerns about the re-election of several Democratic senators in the West in 1994 and his own re-election in 1996. Clinton "understood that a strong environmental position - if it cost jobs - would also cost him (in 1996) states such as California and Montana" notes Richard Pious in his textbook on the presidency.

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But unlike President Clinton, Obama seems unlikely to change course.

President Obama in 2009 is a stronger environmentalist than Clinton in 1993. And the coal mining states, which did not support Obama in 2008, are not part of the President's re-election strategy for 2012.

In fact, while EPA actions may alienate West Virginia, they could appeal to a nation. Clean water and surface mining control are attractive issues in nationwide polls.

In West Virginia, the EPA's actions are notable because they play on the ongoing concern about the future of the coal industry. Although the number of miners has dramatically decreased over the past decades, West Virginia still remains a state where the coal miner is on the flag and the coal industry is on the minds of its citizens.

And uncertainty about the industry has increased in the past year. Both of last year's presidential nominees signaled strong reservations about coal. Earlier this year, the House of Representatives passed a cap-and-trade bill that was opposed by all three members of congressional delegation and criticized by both West Virginia senators.

That bill will not pass this year, but its proposal signifies the growing national concern over carbon based energy.

It is not surprising that Gov. Joe Manchin wants a meeting with the president. The EPA's recent actions on coal permits signals a new chapter of uncertainty in a battle that will impact the political as well as the physical landscape of the Mountain State.

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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
11/10/2009 06:28 PM

To Richard Windsor, Bob Sussman, Peter Silva, Gina McCarthy,  
Allyn Brooks-LaSure, Seth Oster, David McIntosh, Arvin  
Ganesan, Bob Perciasepe, Diane Thompson  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
bcc

Subject STAR-LEDGER: Mercury levels in fish found in two N.J.  
lakes exceeds federal recommendations

Star-Ledger

**Mercury levels in fish found in two N.J. lakes exceeds federal recommendations**

**By [Brian T. Murray/The Star-Ledger](#)**

**November 10, 2009, 5:47PM**

Jennifer Hulshizer/FOR THE STAR-LEDGER Verona Lake Park in Essex County in a May photo. ESSEX/CAMDEN COUNTIES -- Mercury levels in 500 freshwater lakes and reservoirs tested across the nation, including two lakes in New Jersey, according to a four-year federal study. In New Jersey, fish were studied at two sites: Verona Lake in Essex County, which was sampled in 2002, and an unnamed lake in Camden County. Both lakes are in heavily urbanized areas.

The study compiled more data on contamination levels in fish tissue than any previous study, according to the Environmental Protection Agency. The study also warns the state Department of Environmental Protection issues each year about limiting consumption of certain fish caught in freshwater bodies. According to the EPA report, which focused on the lower 48 states, polychlorinated biphenyls or PCBs in what are known as freshwater "fish consumption concern" in 17 percent of the waterways examined. Game fish are species targeted by recreational anglers.

The EPA tested for 268 toxins and other contaminants, each of which has a different level for causing illnesses in humans. For mercury, the level is 0.1 parts per billion.

The recommended levels of "These results reinforce Administrator (Lisa) Jackson's strong call for revitalized protection of our nation's water resources for the American people," Peter Silva, assistant administrator for EPA's Office of Water, said in a statement. "EPA is aggressively tackling mercury pollution. As the results were even finalized, the agency initiated efforts to further reduce toxic mercury pollution and strengthen enforcement of the Clean Water Act to protect the nation's health and environment."

Jackson is former commissioner of the state DEP.

But whether fish swim in urban or rural settings, they still contain toxins, according to state biologists who issue an annual list of recommended consumption of mercury and PCB levels, as well as other toxins.

Burning fossil fuels, primarily coal, gets most of the blame for contaminating the waterways with mercury, according to the EPA.

The federal study may be found on the EPA website at <http://www.epa.gov/waterscience/fish/study>.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)



Adora Andy/DC/USEPA/US  
11/10/2009 03:51 PM

To Richard Windsor, Bob Sussman, Seth Oster, Allyn  
Brooks-LaSure, Bob Perciasepe, Diane Thompson  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject NJ POLITICKER: Obama's Climate Change Dilemma

# 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](mailto:Asteinberg613@comcast.net) .

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
09/30/2009 04:00 PM

To Richard Windsor, Bob Sussman, Seth Oster, Allyn  
Brooks-LaSure, Gina McCarthy, Lisa Heinzerling, David  
McIntosh  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
bcc

Subject WSJ: EPA Wants GHG Limits for Big Emitters

# EPA Wants Greenhouse-Gas Limits Emitters

By [SIOBHAN HUGHES](#)

WASHINGTON -- U.S. Environmental Protection Agency Administrator Lisa P. Jackson announced Wednesday that the agency will propose requiring power plants, factories, and other large industrial facilities to obtain permits covering greenhouse-gas emissions, but the agency wants to limit the rule to the largest emitters.

The EPA's announcement, to be made later Wednesday, injects a sharp new twist into the climate-change debate that is just beginning in the Senate. The message: The agency has the power to regulate greenhouse-gas emissions if Congress fails to do so. "By using the power and authority of the Clean Air Act, we can begin reducing emissions from the nation's largest greenhouse gas emitting facilities without placing an undue burden on the rest of the economy that make up the vast majority of our economy," Ms. Jackson said in a new plan.

The EPA would finalize the rule after a comment period. The proposal calls for requiring industrial facilities that emit at least 25,000 tons of greenhouse gases a year to obtain operating permits covering such emissions. That would be a reversal from a 2005 decision by EPA, the administrator of which decided that the EPA didn't have to worry about regulating greenhouse-gas emissions from power plants.

The EPA has already proposed regulating greenhouse-gas emissions from cars and trucks. It believes regulating vehicle greenhouse-gas emissions paves the way for regulating emissions from power plants, factories, and oil refineries.

**Write to** Siobhan Hughes at [siobhan.hughes@dowjones.com](mailto:siobhan.hughes@dowjones.com)

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
10/14/2009 01:16 PM

To Richard Windsor, Bob Sussman, Seth Oster, Allyn Brooks-LaSure, Lisa Heinzerling, David McIntosh, Gina McCarthy, Diane Thompson, Bob Perciasepe  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Stephanie Owens, Arvin Ganesan  
bcc  
Subject NYT: Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

NEW YORK TIMES  
October 14, 2009

## Scientists Return Fire at Climate Skeptics in 'Destroyed Data' Dispute

By ROBIN BRAVENDER of [Greenwire](#)

Climate scientists are refuting claims that raw data used in critical climate change reports has been destroyed, rendering the reports and policies based on those reports unreliable.

The Competitive Enterprise Institute, a free-market advocacy group, is arguing that U.S. EPA's climate policies rely on raw data that have been destroyed and are therefore unreliable. The nonprofit group -- a staunch critic of U.S. EPA's efforts to regulate greenhouse gases -- [petitioned](#) (pdf) the agency last week to reopen the public comment period on its proposed "endangerment finding" because the data set had been lost ([E&ENews PM](#), Oct. 9).

But climate scientists familiar with the data insist that the reports are based on sound science and that the data in question was altered as part of standard operating procedure to ensure consistency across reporting stations.

At issue is raw data from the Climatic Research Unit at the University of East Anglia in Norwich, England, including surface temperature averages from weather stations around the world. The data was used in assessments by the Intergovernmental Panel on Climate Change, reports that EPA has used in turn to formulate its climate policies.

Citing a statement on the research unit's Web site, CEI blasted the research unit for the "suspicious destruction of its original data." According to CRU's Web site, "Data storage availability in the 1980s meant that we were not able to keep the multiple sources for some sites, only the station series after adjustment for homogeneity issues. We, therefore, do not hold the original raw data but only the value-added (i.e. quality controlled and homogenized) data."

Phil Jones, director of the Climatic Research Unit, said that the vast majority of the station data was not altered at all, and the small amount that was changed was adjusted for consistency.

The research unit has deleted less than 5 percent of its original station data from its database because the stations had several discontinuities or were affected by urbanization trends, Jones said.

"When you're looking at climate data, you don't want stations that are showing urban warming trends," Jones said, "so we've taken them out." Most of the stations for which data was removed are located in areas where there were already dense monitoring networks, he added. "We rarely removed a station in a data-sparse region of the world."

Refuting CEI's claims of data-destruction, Jones said, "We haven't destroyed anything. The data is still there -- you can still get these stations from the [NOAA] National Climatic Data Center."

Tom Karl, director of the National Oceanic and Atmospheric Administration's National Climatic Data Center in Asheville, N.C., noted that the conclusions of the IPCC reports are based on several data sets in addition to the CRU, including data from NOAA, NASA and the United Kingdom Met Office. Each of those data sets basically show identical multi-decadal trends, Karl said.

Still, CEI's general counsel Sam Kazman remains skeptical of the IPCC's conclusions. The fact that the report relies on several data sets "doesn't really answer the issue," he said.

CEI and Cato Institute senior fellow Patrick Michaels argued that the "destruction of [CRU's] raw data violates basic scientific norms regarding reproducibility, which are especially important in climatology."

Ben Santer, a climate scientist at Lawrence Livermore National Laboratory, dismissed that argument. "Raw data were not secretly destroyed to avoid efforts by other scientists to replicate the CRU and Hadley Centre-based estimates of global-scale changes in near-surface temperature," he wrote in comments to the advocacy group Climate Science Watch.

Santer said CRU's major findings were replicated by other groups, including the NOAA climatic data center, the NASA Goddard Institute for Space Studies, and also in Russia.

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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
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To Richard Windsor, Bob Sussman, Steve Owens, David  
McIntosh, Arvin Ganesan, Allyn Brooks-LaSure, Seth Oster  
cc Michael Moats, Brendan Gilfillan, Betsaida Alcantara  
bcc  
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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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



biofuels production” and will “carefully quantify and consider these uncertainties. In light of these assurances, outlined in a [letter dated Sept. 23](#), the senator’s amendment today,” his spokesman added.

“All the withdrawal of the amendment means is that the EPA can do what it is to make sure that biofuels won’t do harm to the climate,” says Franz A. Hurn, director of the Natural Resources Defense Council.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
01/15/2010 06:07 PM

To Richard Windsor, David McIntosh, Arvin Ganesan, Bob Sussman, Bob Perciasepe, Diane Thompson, Gina McCarthy, Lisa Heinzerling  
cc Allyn Brooks-LaSure, Seth Oster  
bcc  
Subject Politico: Lobbyist clients gave heavily to Murkowski campaigns

POLITICO:

By: [Lisa Lerer](#)  
January 15, 2010 05:34 PM EST

## Lobbyist clients gave heavily to Murkowski campaigns

Alaska Republican Sen. Lisa Murkowski has received more than \$124,500 in donations from clients of an energy lobbyist involved with drafting a controversial environmental amendment.

Several months ago, Murkowski's staff reached out to two lobbyists — Bracewell & Giuliani's Jeffrey Holmstead and Sidley Austin's Roger Martella Jr., — for technical assistance on how to craft the amendment, which would bar the Environmental Protection Agency from regulating carbon dioxide as a pollutant.

Murkowski has come under fierce fire from liberals and environmentalists for letting lobbyists help her on the proposal. The amendment to the Clean Air Act is opposed by the Obama administration and Democratic leadership - and has been attacked by environmentalists as part of an industry-led effort to kill attempts to regulate greenhouse gases.

The Alaska senator insists that the lobbyists did not influence the text of the document — but their clients certainly had a financial interest in its outcome.

Holstead's clients include Duke Energy, CSX, Progress Energy, Southern Co. and other top utility and energy companies that would be deeply impacted financially by climate regulations.

Several of those companies rank amid Murkowski's top donors. Over the course of her career, the Senator has received \$38,000 from Southern Co. and \$22,550 from Duke Energy, according to research by ethics watchdog Citizens for Responsibility and Ethics in Washington. In total, Murkowski has received more than \$126,500 from Holmstead's firm, clients, and employees, since 2004. Neither Holmstead or Martella made any personal donations to Murkowski.

Holmstead said he had no knowledge of the donations.

"I don't know anything about my client's campaign contributions," he said. "I don't even know about any campaign contributions my firm may have done."

Murkowski staff denied any connection between the donations and her work on the amendment.

"Sen. Murkowski and her staff sought feedback from a wide range of stakeholders, starting with the EPA and her Senate colleagues, both Democrats and Republicans, regarding her EPA amendment," said spokesman Robert Dillon.

Murkowski staffers called Holmstead and Martella on a speakerphone during a September meeting attended by aides to moderate Democrats and Sen. Jim Inhofe (R-Okla.). The two lobbyists walked staffers through the amendment and answered questions. Both lobbyists, considered experts in the Clean Air Act, worked as high-level Environmental Protection Agency officials during the Bush administration.

Murkowski staffers say the senator reached out to the lobbyists for technical assistance after the Environmental Protection Agency refused to review the language. The senator wanted to insure that the proposal would not interfere with other regulations or the Supreme Court ruling but got no response.

"While Senator Murkowski was stonewalled by the EPA, some of the nation's leading Clean Air Act experts provided information that helped ensure that the amendment would achieve its objective and avoid any unintended consequences," said Dillon.

But even if it passes the Senate, Murkowski's amendment is unlikely to become law because it would have to pass the House - where Democrats hold a far bigger majority - and be approved by the White House.

Democrats strongly oppose the amendment.

"It's a highly political move, and a highly hazardous one to our health and the environment," said Senate Majority Leader Harry Reid on Thursday. "If this Senator succeeds, it could keep Congress from working constructively in a bipartisan manner to pass clean energy legislation this year. That's why I will work hard to defeat this misguided amendment."

It's not the first time environmentalists and industry groups have played a key role in drafting climate proposals.

Democratic Reps. Henry Waxman and Edward Markey relayed on a proposal compiled by the US Climate Action Partnership - an advocacy group of utility companies and environmental groups - to craft their legislation. And last month, Sen. John Kerry (D-Mass), Joe Lieberman (I-Conn.) and Lindsey Graham (R-S.C.) touted their work on a climate bill alongside top CEOs from the climate group's member companies.



Adora Andy/DC/USEPA/US  
06/07/2010 02:38 PM

To Richard Windsor, David McIntosh, Bob Perciasepe, Diane  
Thompson, Arvin Ganesan, Gina McCarthy  
cc Seth Oster, Allyn Brooks-LaSure  
bcc

Subject Climate Progress Blog: Clean air Lisa VS Dirty air Lisa

## **Clean air Lisa vs. dirty air Lisa**

**<http://climateprogress.org/2010/06/07/clean-air-lisa-jackson-dirty-air-lisa-murkowski/>**

EPA's Jackson says Sen. Murkowski's Amendment would "allow big oil companies, big refineries and others to continue to pollute without any oversight or consequence" and "increase our dependence on oil ... by billions of barrels."

June 7, 2010

It looks like the Senate is going to vote this week on the pro-pollution amendment of the 'dirty air' Lisa — see Polluters work with Lisa Murkowski (R-AK) on amendment to thwart EPA GHG regulations that might help save her state.

The dirty air Lisa most certainly knows that unrestricted greenhouse gas emissions could devastate Alaska (see "Lisa Murkowski proposes to fiddle while Nome burns"). As she said in a 2006 speech:

Warmer, drier air, has allowed the voracious spruce bark beetle to migrate north, moving through our forests in the south-central part of the state. At last count, over three million acres of forest land has been devastated by the beetle, providing dry fuel for outbreaks of enormous wild fires. To give you some perspective, that is almost the size of Connecticut.

But the fact she has been working closely with lobbyists for polluters suggest that her Arctic policy is to do nothing and let the whole damn thing melt and burn (see "M.I.T. doubles its 2095 warming projection to 10°F — with 866 ppm and Arctic warming of 20°F").

EPA Administrator Jackson, aka 'clean air' Lisa, has a response in HuffPost:

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



Adora Andy/DC/USEPA/US  
10/06/2009 06:27 PM

To Richard Windsor, David McIntosh, Bob Sussman, Lisa  
Heinzerling  
cc Brendan Gilfillan, Betsaida Alcantara, Allyn Brooks-LaSure,  
Arvin Ganesan, Seth Oster, Michael Moats  
bcc  
Subject CEI: GOV-FUNDED RESEARCH UNIT DESTROYED  
CLIMATE DATA

I'm sending you this stuff because Greenwire/NYT is asking for comment by tomorrow morning. Working on that now, but just a heads up:

Competitive Enterprise Institute:

## **Govt-Funded Research Unit Destroyed Original Climate Data**

### **CEI Petitions EPA to Reopen Global Warming Rulemaking**

Washington, D.C., October 6, 2009—In the wake of a revelation by a key research institution that it destroyed its original climate data, the Competitive Enterprise Institute petitioned EPA to reopen a major global warming proceeding.

In mid-August the University of East Anglia's Climate Research Unit (CRU) disclosed that it had destroyed the raw data for its global surface temperature data set because of an alleged lack of storage space. The CRU data have been the basis for several of the major international studies that claim we face a global warming crisis. CRU's destruction of data, however, severely undercuts the credibility of those studies.

In a declaration filed with CEI's petition, Cato Institute scholar and climate scientist Patrick Michaels calls CRU's revelation "a totally new element" that "violates basic scientific principles, and "throws even more doubt" on the claims of global warming alarmists.

CEI's petition, filed late Monday with EPA, argues that CRU's disclosure casts a new cloud of doubt on the science behind EPA's proposal to regulate carbon dioxide. EPA stopped accepting public comments in late June but has not yet issued its final decision. As CEI's petition argues, court rulings make it clear that agencies must consider new facts when those facts change the underlying issues.

CEI general counsel Sam Kazman stated, "EPA is resting its case on international studies that in turn relied on CRU data. But CRU's suspicious destruction of its original data, disclosed at this late date, makes that information totally unreliable. If EPA doesn't reexamine the implications of this, it's stumbling blindly into the most important regulatory issue we face."

Among CRU's funders are the EPA and the U.S. Department of Energy – U.S. taxpayers.

> Read the [CEI petition to the EPA](#).

> Read more about the data dump: [The Dog Ate Global Warming](#) , by Patrick J. Michaels.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
10/06/2009 06:21 PM

To Richard Windsor, David McIntosh, Bob Sussman, Lisa  
Heinzerling, Seth Oster, Allyn Brooks-LaSure  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Arvin  
Ganesan  
bcc  
Subject EPW RELEASE: EPA ENDANGERMENT FINDING RELIED  
ON FLAWED DATA

From Inhofe and Barrasso:

## **NEW PETITION SHOWS EPA ENDANGERMENT FINDING RELIED ON FLAWED DATA**

Tuesday, October 6, 2009

Contact:

Matt Dempsey [Matt\\_Dempsey@epw.senate.gov](mailto:Matt_Dempsey@epw.senate.gov) (202)224-9797

David Lungren [David\\_Lungren@epw.senate.gov](mailto:David_Lungren@epw.senate.gov) (202)224-5642

# **NEW PETITION SHOWS EPA ENDANGERMENT FINDING RELIED ON FLAWED DATA**

*Inhofe, Barrasso Urge Jackson to Reopen Public Comment Process*

[Link to Press Release](#)

Washington, D.C.-Senator James Inhofe (R-Okla.), Ranking Member of the Senate Environment and Public Works Committee, and Senator John Barrasso (R-Wyo.), Ranking Member of EPW's Oversight Subcommittee, called on EPA to reopen the public process for the agency's endangerment finding for greenhouse gases in light of the finding that a crucial scientific data set was destroyed. In a petition filed by a non-profit organization, the evidence is clear that EPA is relying on scientific information for its endangerment finding that could very well be seriously flawed.

Inhofe and Barrasso [recently asked EPA Administrator Lisa Jackson](#) to respond to requests about transparency and openness in the scientific process used to develop the endangerment finding. Thus far, the agency has ignored their request. The following is the reaction from the senators to today's development:

Sen. Inhofe: **"It's astonishing that EPA, so confident in the scientific integrity of its work, refuses to be transparent with the public about the most consequential rulemaking our time. Now the**

**evidence shows that scientists interested in testing some of EPA's assertions can't engage in basic scientific work, such as assuring reproducibility and objectivity, because the data they seek have been destroyed. In order to conform to federal law and basic standards of scientific integrity, EPA must reopen the record so the public can judge whether EPA's claims are based on the best available scientific information."**

**Sen. Barrasso: "It's disturbing to learn that the data used for the EPA's finding no longer exists. If true, the agency needs to reopen the comment period or withdraw the rule and start over."**

**Related:**

**[WATCH: Inhofe on Kudlow Speaks About Obama Backdoor Energy Tax](#)**

**[Inhofe, Barrasso Urge EPA to Provide Answers Before Finalizing EPA Endangerment Finding](#)**

**[Carlin Investigation Continues: Inhofe, Barrasso Send Letter to EPA On Possible Manipulation of Endangerment Finding](#)**

**[Inhofe, Barrasso Question EPA Commitment to Transparency](#)**

**FOXNEWS: Republicans are raising questions about why the EPA apparently dismissed an analyst's report questioning the science behind global warming**

###

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
05/10/2011 06:07 PM

To Richard Windsor, David McIntosh, Brendan Gilfillan, Betsaida Alcantara  
cc  
bcc

Subject Re: all the more reason for us to be hard-hitting

We didn't get any calls on this letter... However, it's a great thing that all of these independent groups are out there beating this back for us. Strong.

Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 05/10/2011 05:54 PM EDT  
**To:** David McIntosh; Adora Andy; Brendan Gilfillan; Betsaida Alcantara  
**Subject:** Re: all the more reason for us to be hard-hitting

Oh yes!

David McIntosh

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

**From:** David McIntosh  
**Sent:** 05/10/2011 05:37 PM EDT  
**To:** Richard Windsor; Adora Andy; Brendan Gilfillan; Betsaida Alcantara  
**Subject:** all the more reason for us to be hard-hitting

## **AIR POLLUTION: Health groups 'shocked' by Barton's mercury claim**

*(Tuesday, May 10, 2011)*

### **Gabriel Nelson, E&E reporter**

Several public health groups are going after former House Energy and Commerce Chairman Joe Barton (R-Texas) for claiming that pollution from coal-fired power plants does not hurt anybody. During a recent hearing on U.S. EPA's toxic pollution standards for the power sector, Barton said mercury and other chemicals released into the air by coal plants do not present a "medical negative." Doctors from groups such as the American Academy of Pediatrics, American Lung Association and American Public Health Association were "shocked" by the claim because there is clear evidence that the emissions kill people and cause health problems, they say in a [letter](#) sent to Barton today. They included a list of studies to back up their point.

"We strongly urge you and your staff to read through the volumes of work that have been published over the decades on this topic," the letter says. "Once you do, we trust that you will agree that the EPA is on strong footing when it assesses and states the health benefits of measures to reduce air pollution."

Mercury, a trace ingredient in coal that can cause developmental problems in children, is released into the air when the fuel is burned. When it falls into oceans, lakes and streams, it undergoes a chemical transformation that allows the toxic metal to accumulate in fish and other types of wildlife.

Scientists say that eating mercury-tainted fish presents a risk to pregnant women and children, though they have continued to argue about how much of the problem is caused by U.S. coal plants.

While conceding he is "not a medical doctor," Barton said he is skeptical about the federal rules because the average power plant releases just a few pounds of mercury per year.

"You're not going to get enough mercury exposure, or [sulfur dioxide] exposure, or even particulate matter exposure. I think the EPA numbers are pulled out of the thin air," Barton said at an Energy and Commerce hearing. "If their benefits are not real and the costs are real, we're absolutely wrong to force these standards," he added.

The emissions standards that EPA proposed earlier this year would require coal plants without pollution controls to release about 91 percent less mercury. They would also require controls for acid gases and fine particles, which would reduce the amount of sulfur dioxide (SO<sub>2</sub>) and soot that power plants release into the air.

### **Utilities see problems**

Meeting the proposed mercury limits would require coal plants to add pollution controls or find coal with a lower mercury content. It can cost hundreds of millions of dollars to add the controls needed to trap mercury, but the same filtering equipment captures fine particles, which EPA says are responsible for tens of thousands of early deaths each year.

The toxic pollution rules are being resisted by coal-dependent power companies, which say the requirements are too stringent and would take effect too quickly. Among them is American Electric Power Co. Inc., which is circulating draft legislation on Capitol Hill that would delay and scale back the toxics rules, along with other new EPA regulations (*Greenwire*, April 29).

New and proposed EPA rules would raise electricity rates by about 25 percent, the heads of Atlanta-based Southern Co. and Detroit-based DTE Energy Co. predicted last month during the Energy and Commerce Committee hearing. Juggling the various shutdowns and upgrades will make the rules more expensive and could hurt the reliability of the electric grid, they said.

The mercury rules in particular contain "egregious errors" that justify taking the proposal back to the drawing board, says the Utility Air Regulatory Group, a coalition of power companies represented by attorneys at Hunton & Williams LLP.

In a [letter](#) sent to EPA late last week, the group claims that at least half of the 40 coal-fired boilers that the agency pegged as the best performers have actual mercury emissions that are 1,000 times higher than the agency estimated. That means the emissions standards in the proposed rule are "obviously wrong," the letter says.

Environmental groups say power companies are trying to stall rules that were due under the Clean Air Act more than a decade ago. EPA predicts that the toxic pollution rules would cost \$10.9 billion per year and would yield annual health benefits of \$59 billion to \$140 billion, mainly by preventing about 17,000 premature deaths each year.

"How many lives does AEP believe it is worth risking?" wrote Frances Beinecke, president of the Natural Resources Defense Council, in a blog post today.

[Click here](#) to read the health groups' letter.

[Click here](#) to read the utilities' letter.

Adora Andy/DC/USEPA/US  
10/27/2009 05:22 PM

To Richard Windsor, David McIntosh, Gina McCarthy, Bob  
Sussman, Bob Perciasepe, Diane Thompson  
cc Arvin Ganesan, Seth Oster, Allyn Brooks-LaSure  
bcc

Subject NY Times and CNN on EPW hearing

# Administration Steps Up Efforts on Climate Bill

By [DAVID STOUT](#)  
[NY Times](#)

WASHINGTON — The White House and its allies in the Senate intensified their campaign Tuesday, in the face of some determined opposition, to advance a bill that its supporters say will reduce [global warming](#) while making the United States more secure.

“When the starting gun sounded on the clean energy race, the United States stumbled,” Energy Secretary [Steven Chu](#) said on Capitol Hill. “But I remain confident that we can make up the ground. When we gear up our research and production of clean energy technologies, we can still surpass any other country.”

While Mr. Chu and other high-ranking administration officials were appearing before the Senate Environment and Public Works Committee, [President Obama](#) appeared at a solar-energy center in Arcadia, Fla., offering billions of federal dollars for investments in cleaner electricity and calling for “nothing less than the sustained effort of an entire nation” to achieve a new energy system.

At the same time, Vice President [Joseph R. Biden Jr.](#) was in his home state of Delaware to [promote the transformation](#) of an old [General Motors](#) plant in Wilmington into a factory that will turn out plug-in hybrid cars.

But while the bill’s supporters were extolling the virtues of the energy legislation as a commonsense package that would make virtually everyone a winner in the long run, skeptics on the committee were starting to pick apart the 900-plus page proposal as too expensive, too cumbersome, ill-considered and perhaps even unnecessary.

The schism was apparent from the start of three days of hearings on Tuesday before the environment and public works panel, headed by Senator [Barbara Boxer](#), Democrat of California who is sponsoring the measure with her Democratic colleague, Senator [John Kerry](#) of Massachusetts.

“Our bill is straightforward,” Ms. Boxer said. In addition, she said, it would not cost Americans nearly as much as its critics say — a mere 22 to 30 cents a day per family, according to analyses by the [Environmental Protection Agency](#).

For just pennies a day, Ms. Boxer said, Americans of today and tomorrow can have “home-grown American energy rather than foreign oil from countries who don’t like us,” breathe cleaner air and reap the economic benefits of new sources of power.

But the environment panel’s senior Republican, Senator [James M. Inhofe](#) of Oklahoma, who has long been skeptical about the dangers of global warming, had a different view, as did several other lawmakers.

“The bill is no doubt ambitious, but it’s also extremely costly,” he said at the outset, adding that he doubted Senator Boxer’s 30-cents-a-day vision. Mr. Inhofe, who has promised to bring a “truth squad” to an international climate conference in Copenhagen in December, said the bill in its present form “will mean more economic pain and suffering and fewer jobs.”

The bill working its way through the Senate is similar to a climate-and-energy bill approved by the House in June. Both versions aim to cut air pollution and global warming by creating a limited marketplace for emission permits and encouraging business and industry, through subsidies and financing for research, to switch from the use of carbon fuels to wind-and-[solar power](#) and other clean technologies.

Scientists agree that “we have a narrow window of time in which to avert the ravages of global warming,” Ms. Boxer said.

“The time to act is now,” Transportation Secretary [Ray LaHood](#) told Ms. Boxer’s panel. Also appearing before the committee were Interior Secretary [Ken Salazar](#) and the E.P.A. administrator, [Lisa P. Jackson](#).

But several senators signaled serious doubts about the legislation. Senator [Max Baucus](#), Democrat of Montana, joined Republicans in criticizing the bill, as it became clear that regional differences can be as important as party labels on environment-and-energy issues.

“Montana, with our resource-based agriculture and tourism economies, cannot afford the unmitigated impacts of climate change,” Mr. Baucus said. “But we also cannot afford the unmitigated effects of climate-change legislation.”

He called for “common sense climate legislation that reduces greenhouse gas emissions while protecting our economy.”

Another Westerner was more blunt. “This energy tax bill will be an American job killer,” said Senator John Barrasso, Republican of Wyoming. “It’s the next attempt by the administration to promise jobs for all, create some for a few, and let the rest of us fend for ourselves.”

But a senator from the far West disagreed. “This bill can be reduced to a series of fairly clear choices,” said [Jeff Merkley](#), Democrat of Oregon. “It is a choice between clean air or dirty air; it is a choice between investing a billion dollars a day in red, white and blue American-made energy or sending that billion dollars a day overseas to countries like Venezuela and Saudi



Arabia and other countries that don't always share our national interests.”

Perhaps inevitably, the voluminous bill has inspired some words that are less than riveting. “A key mechanism by which D.O.T. can have an impact on climate change is through our role in financing infrastructure and promoting effective transportation planning across the United States, including highways, airports, transit systems, and multi-modal facilities,” Mr. LaHood said at one point.

And Mr. Chu cited spending on green energy programs of \$80 billion in the continuing economic [stimulus package](#), including \$3.4 billion being announced on Tuesday by [President Obama](#) for initial investment in a more flexible and robust power transmission grid meant to support the development of solar, wind and other alternative sources of electricity.

But he said that the kind of spending that is needed to make green energy a reality will only be sparked if Congress passes legislation to cap emissions of carbon dioxide and other pollutants blamed for global climate change, along with a system of trading allowances to spur investment in the cheapest available technologies to conserve energy, produce it from renewable resources, and trap the carbon emissions from burning coal.

That kind of transformation was also the theme in Wilmington, where Vice President Biden, Delaware state officials and Fisker Automotive, whose headquarters are in Irvine, Calif., announced that the company had chosen an old auto plant as its site for making a new variety of plug-in hybrid cars.

The Department of Energy has lent the company more than \$500 million to retool the plant, which was built by General Motors in 1947. It was closed this summer when G.M. announced that the company was discontinuing the [Saturn](#) and Pontiac models as part of its bankruptcy restructuring.

## Democrats push green energy agenda

October 27, 2009 3:22 p.m. EDT

CNN

**Washington (CNN)** -- Top Democrats put the issue of climate change back in the spotlight Tuesday, debating legislation to cut greenhouse gas emissions while announcing \$3.4 billion in new clean energy funds.

A key congressional committee began hearings on a "cap-and-trade" bill requiring emissions to be cut by more than 80 percent over the next four decades.

Questions related to global warming have been among the most politically contentious in recent years. Democrats are generally more receptive to proposals designed to curb energy consumption in order to slow climate change; leading Republicans continue to express concern about the necessity and economic impact of such measures.

President Obama has made the push for greater investment in a [clean energy](#) agenda one of his top domestic priorities.

Attempting to move that agenda forward, the Senate Environment and Public Works Committee kicked off hearings on the Clean Energy Jobs and American Power Act. Supporters say the bill would reduce nationwide greenhouse gas emissions 20 percent by 2020 and 83 percent by 2050 through a cap-and-trade program under which companies would buy and sell emissions credits.

Almost one-third of the credits would be given away to the electric power sector through 2026 in an effort to diminish negative economic effects. Leading Democrats have expressed optimism that the bill would help stimulate the creation of new "green energy" jobs.

The measure is similar to a climate change bill narrowly passed by the House of Representatives in June.

Scientists "tell us that we have a narrow window of time in which to avert the ravages of [global warming](#)," said Sen. Barbara Boxer, D-California.

Boxer, who chairs the environment committee, called the legislation "our best insurance against a dangerous future." It is "a responsible approach that sets attainable goals for gradual reductions in carbon emissions, and it protects consumers, businesses and workers as we move toward clean energy," she said.

Committee Republicans tore into the measure. It is "a tax, and it will mean more economic pain and suffering and fewer jobs," warned Sen. James Inhofe, R-Oklahoma.

"The victims of cap-and-trade can't just move on and get new, green jobs. The transition will mean leaving high-paying jobs, moving away from hometowns and significant reductions in lifetime earnings," he said.

Administration officials testified on behalf of the bill, including Energy Secretary Steven Chu, Transportation Secretary Ray LaHood, Interior Secretary Ken Salazar and EPA Administrator Lisa Jackson.

In all, 54 witnesses are scheduled to testify on the bill over the next three days.

Obama, meanwhile, unveiled what the White House called the largest energy grid modernization investment in American history.

At a Florida solar energy center, the president announced \$3.4 billion in Smart Grid Investment Grant awards.

"By facilitating the creation of a clean energy economy, building this 21st century energy infrastructure will help us lay a foundation for lasting growth and prosperity," Obama said.

The White House said the awards, which are being funded through the \$787 billion stimulus act, will fund "a broad range of technologies that will spur the nation's transition to a smarter, stronger, more efficient and reliable electric system."

Among other things, the awards will help support the installation of "smart meters" designed to help consumers monitor and control their [energy](#) consumption.

The awards, going to 100 private companies, utilities and cities, will be divided into grants ranging from \$400,000 to \$200 million. They will be matched by \$4.7 billion in private sector funds.

Vice President Joe Biden also highlighted the issue of global warming Tuesday, visiting a former General Motors plant in Delaware that is being converted to allow for the production of plug-in hybrid electric vehicles.

The plant is being purchased by California-based Fisker Automotive for an estimated \$18 million.

The new climate change push is being made against a backdrop of broad public support for federal action to slow global warming.

Six in 10 Americans support a cap-and-trade proposal to cut pollution, according to a new CNN/Opinion Research Corp. survey. Thirty-seven percent are opposed to such a plan.

The survey indicates a generational divide, with 68 percent of Americans under age 50 supporting cap-and-trade, but those 50 and older split on the issue.

"This is one more example of the growing generation gap that is shaping politics and policy in this country," said Keating Holland, CNN polling director.

"Younger Americans voted for Obama and tend to welcome change. Older Americans were less enamored of change in the 2008 election, and senior citizens were the only age group that voted for John McCain."

The poll also suggests a partisan divide, with three in four Democrats backing the proposal and nearly six in 10 independents on board as well, but only four in 10 Republicans supporting "cap and trade."

"Independents believe in global warming and believe that the government can take steps to curtail the problem," Holland said. "But the environment is not a big priority for independents, as it is with Democrats."

The CNN/Opinion Research Corp. poll was conducted October 16-18, with 1,038 adult Americans questioned by telephone. The survey's sampling error is plus or minus 3 percentage points.

Adora Andy/DC/USEPA/US  
10/06/2010 10:13 AM

To Richard Windsor, David McIntosh, Seth Oster, Arvin Ganesan, Brendan Gilfillan, Betsaida Alcantara, Alisha Johnson, Michael Moats

cc

bcc

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

**Adora Andy/DC/USEPA/US**  
03/14/2011 01:53 PM

To Richard Windsor, David McIntosh, Seth Oster, Arvin Ganesan, Diane Thompson, Bob Perciasepe, Laura Vaught, Brendan Gilfillan

cc

bcc

Subject Re: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

FYI: We are amplifying on twitter and facebook as well as with friendlies.  
Richard Windsor

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

**From:** Richard Windsor  
**Sent:** 03/14/2011 01:41 PM EDT  
**To:** David McIntosh; Seth Oster; Arvin Ganesan; Diane Thompson; Bob Perciasepe; Laura Vaught; Adora Andy; Brendan Gilfillan  
**Subject:** Re: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE  
Facts Matter

David McIntosh

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

**From:** David McIntosh  
**Sent:** 03/14/2011 12:32 PM EDT  
**To:** Richard Windsor; Seth Oster; Arvin Ganesan; Diane Thompson; Bob Perciasepe; Laura Vaught; Adora Andy; Brendan Gilfillan  
**Subject:** Fw: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

----- Forwarded by David McIntosh/DC/USEPA/US on 03/14/2011 12:32 PM -----

From: Dan Weiss <dweiss@americanprogress.org>  
To: undisclosed-recipients;;  
Date: 03/14/2011 12:30 PM  
Subject: Politifact: Upton Claim That Halting EPA Regs Would "Stop Rising Gas Prices" FALSE

---

Daniel J. Weiss  
Senior Fellow and Director of Climate Strategy  
Center for American Progress  
Center for American Progress Action Fund  
202-481-8123 O  
202-390-1807 M  
[dweiss@americanprogress.org](mailto:dweiss@americanprogress.org)

<http://www.politifact.com/truth-o-meter/statements/2011/mar/14/fred-upton/fred-upton-say-s-pending-bill-block-epa-curbs-green/>

## A bill that would halt the EPA from regulating greenhouse gases would help "stop rising gas prices."

[Fred Upton](#) on Tuesday, March 8th, 2011 in a letter to fellow Members of Congress

### Fred Upton says pending bill to block EPA curbs of greenhouse gases will 'stop rising gas prices'



#### Share this story:

To hear Reps. Fred Upton and Ed Whitfield talk about their new energy bill, you'd think it will prevent gas prices from increasing before your next fill-up.

Upton, the Michigan Republican who chairs the influential Energy and Commerce Committee, and Ed Whitfield, the Kentucky Republican who heads the Energy and Power subcommittee, recently argued in a letter to fellow lawmakers that one way to stop rising gas prices would be to pass the Energy Tax Prevention Act of 2011 (H.R. 910).

The bill grows out of longstanding frustration by industry groups and lawmakers who believe that Environmental Protection Agency regulations unnecessarily burden many companies.

The [measure](#) -- [which Whitfield's subcommittee approved on March 10, 2011](#), and which now heads to the full committee -- would prevent the EPA from regulating greenhouse gases for the purpose of addressing climate change.

Here's a portion of what Upton and Whitfield wrote to their colleagues in the [March 8, 2011, letter](#), which is headlined, "Concerned About High Gas Prices? Cosponsor H.R. 910 and Make a Difference Today!"

"Whether through greenhouse gas regulation, permit delays, or permanent moratoriums, the White House takes every opportunity to decrease access to safe and secure sources of oil and natural gas," the lawmakers wrote. "Gasoline prices have climbed dramatically over the past three months. American consumers deal with this hardship every day, and as this poll indicates, the majority of respondents do not see the pain subsiding anytime soon. Americans also understand the realities of supply and demand as it relates to oil prices. Unfortunately the White House does not. ...

"H.R. 910, the Energy Tax Prevention Act of 2011, is the first in this legislative series to stop rising gas prices by halting EPA's Clean Air Act greenhouse gas regulations. As one small refiner testifying before the Committee on Energy and Commerce put it: 'EPA's proposed [greenhouse gas] regulations for both refinery expansions and existing facilities will likely have a devastating effect on ... all of our nation's fuels producers.... If small refiners are forced out of business, competition will suffer and American motorists, truckers and farmers will be increasingly reliant on foreign refiners to supply our nation's gasoline and diesel fuel.'

"We ... have taken the first steps in attempting to restrain this regulatory overreach that will restrict oil supplies and cause gasoline prices to rise."

But can the bill really stop gas prices from going up, as the letter says?

We'll look at two key questions. Could the proposed EPA regulations on oil refineries actually increase prices at the pump? And when would the impact of the regulations be felt?

As to the first question, experts had different opinions.

The oil industry argues that regulations imposing new costs on refiners could force U.S. refineries to charge more. (The proposed regulations are supposed to shield smaller operations from regulatory impacts, but experts said that a significant proportion of

U.S. refineries would indeed be affected.)

"It's Economics 101," said John Felmy, chief economist at the American Petroleum Institute. "The refinery business is a very low-margin business. They have no margin for error and face tough competition internationally."

Others argue the refining industry could adapt to new regulations.

"Looking at past public claims when the Clean Air Act was passed would show that U.S. refining capacity still managed to increase over time, despite the high expense refiners had to put out to comply with the Clean Air act," said Amy Myers Jaffe, a fellow in energy studies at Rice University.

"So one might imagine, depending on the details on how carbon regulation would be implemented, U.S. industry could likely similarly adjust," Jaffe said. "It depends on the specifics of how a policy is implemented. There are no doubt some small refineries in the United States that might be really inefficient, so maybe some of them would close if they had to increase their costs substantially, but tiny, uncompetitive, regional refineries are not the main thing that makes the US refining and marketing industry 'competitive.'"

Indeed, while a shift to overseas refiners could have negative consequences for the nation -- it could weaken the United States' industrial base, threaten U.S. jobs and pose problems for national security -- it's not a foregone conclusion that prices at the pump would rise. If U.S. refiners become less competitive and more oil is instead imported from overseas refiners, it will be because the cost of refining overseas becomes more competitive. That's the essence of a free market.

And even if the cost of refining did go up, the cost of gasoline is volatile and affected by many factors such as global demand and supply disruptions. So there's no certainty that a bump in refining costs would necessarily translate into higher prices at the pump.

As for the second question -- when any impact might be felt -- the rules wouldn't take affect for months or years.

The EPA won't even propose the first-ever greenhouse-gas standards for refineries until December 2011 and doesn't plan to issue final standards until November 2012. Those standards would govern emissions for new and significantly overhauled refineries. Rules for existing refineries are expected to be unveiled in July 2011.

Based on the past history of EPA regulations, the new rules aren't likely to take effect until a few years after that, experts said.

So, if the bill were to pass, it would prevent EPA regulations that would otherwise take effect in 2013, 2014 or 2015. That's a long way away.

Another factor: the regulations targeted by the House bill are new ones. So if the House bill passes, it would essentially protect the status quo -- not take any explicit action to stop price hikes.

So where does this leave us?

While Upton and Whitfield's letter is carefully worded, it frames the argument for the bill in the context of today's trend of rising gasoline prices. Yet the impact of the bill -- if there is an one -- would be years away. And there's no proof that the law would actually stop gas prices from rising. The added regulations now being planned may hamper U.S. refiners, but the international free market could just as easily end up keeping refining costs low. And it's hardly assured that any changes in refining costs -- up or down -- will influence gasoline prices, which are subject to a wide array of influenes. We find their claim False.

--

Matt Trojan  
(c) 202.494.9246



Adora Andy/DC/USEPA/US  
09/23/2009 08:12 PM

To Richard Windsor, David McIntosh, Seth Oster, Bob Sussman,  
Allyn Brooks-LaSure, Lisa Heinzerling  
cc Betsaida Alcantara, Brendan Gilfillan  
bcc

Subject BLOOMBERG: GOP ATTEMPTS TO BLOCK CO2 RULES

BLOOMBERG:

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Republicans Attempt to Block U.S. Agency's CO2 Rules (Update3)

By Simon Lomax and Daniel Whitten

Sept. 23 (Bloomberg) -- Republicans are trying to block the Obama administration for a year from issuing regulations on power plants, oil refineries and factories.

The threat of the [Environmental Protection Agency](#) regulating so-called greenhouse gases is being used as a "hamper cap-and-trade" program to restrict emissions, Senator [Lisa Murkowski](#), an Alaska Republican on the [Senate Energy and Natural Resources Committee](#), said in an interview.

The Supreme Court said in 2007 that the agency doesn't have to wait for Congress to pass greenhouse gas laws and has to act under the Clean Air Act. The agency has proposed rules for new cars and trucks and is considering regulations for industrial sources. "I'd like to let Congress settle the issue," Murkowski said.

"The default to the EPA is one that I have great concerns about and would like to avoid," Murkowski said.

The Alaska lawmaker filed an amendment today to the legislation governing the EPA's budget, which is being debated in the House. "One-Year Delay"

Murkowski's amendment would block the agency from issuing greenhouse gas rules for industrial sources during the next fiscal year, Sept. 30, 2010. The amendment would allow the EPA to proceed with rules for new cars and trucks that cut emissions from existing sources, Murkowski said.

"Very clearly, stationary sources must reduce emissions in order to bring our nation to its climate goal," Murkowski said. "Requiring them to do so through the Clean Air Act would be one of the least efficient and most damaging ways to pursue that goal." Murkowski's amendment would be a "death knell" to the higher fuel economy standards President [Barack Obama](#) negotiated with EPA Administrator [Lisa Jackson](#) said in an e-mailed statement.

The EPA under President [George W. Bush](#) declined to regulate greenhouse gases, and blocking the agency from imposing fines, penalties, and extending the eight years of inaction that have us playing catch-up in the global race for clean energy, "Jackie Goldberg" 'Not Fourth Branch'

To pass, the Murkowski amendment would need the support of some of the Senate's 57 Democrats and two independent senators. [Nelson](#), a Nebraska Democrat who opposes cap-and-trade, said the EPA shouldn't decide to regulate greenhouse gases.

"The alphabet agencies are not the fourth branch of government and they ought to take judicial notice of what's happened," Nelson said in an interview before Murkowski released the details of her amendment.

Senator [Claire McCaskill](#), a Missouri Democrat, said she hasn't decided whether to support the amendment. There are 100 lawmakers would find it hard not to intervene "if EPA went too far, too fast," McCaskill said in an interview.

"Ultimately, EPA's power is controlled by Congress and if they abuse that power, Congress would control it."

The 2007 Supreme Court case was brought by a group of states that petitioned the EPA to issue an "endangerment finding" that would pose a threat to the public health, and set standards for new cars and trucks.

'Blunt Instrument'

Even if the EPA wants to regulate only large polluters, the Clean Air Act is a "blunt instrument" and the agency may be overburdened by sources, Murkowski said in a speech in Washington today.

"I'm concerned whether or not that withstands legal challenge," she said. "It's a tough way to go."

The Clean Air Act requires the regulation of sources that emit more than 250 tons a year of an air pollutant, which would include one quarter of the nation's office buildings, to EPA regulation, [William Kovacs](#), vice president of environment, technology and energy at the [U.S. Chamber of Commerce](#), said in a phone interview.

'Regulatory Cascade'

Even if the EPA doesn't enforce regulations on the smaller sources, "the radical environmental groups are going to start targeting sources that emit less than 250 tons," Kovacs said. The result would be "a huge regulatory cascade where all of our projects need CO2 permits."

The Murkowski amendment must be defeated because a one-year delay on regulating power plants, oil refineries and factories "is a year after year," said [Frank O'Donnell](#), president of environmental group [Clean Air Watch](#).

Industry groups are "trying to scare people" with predictions of the EPA being forced to regulate malls, hotels and office buildings. "If environmental groups tried to sue the EPA, the larger green groups would "tell them to stand down."

"You're not going to see anybody file litigation to apply that to smaller sources," O'Donnell said.

---

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
11/04/2009 04:07 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Bob Sussman, David McIntosh, Arvin Ganesan, Seth Oster, Allyn Brooks-LaSure  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject WV METRO NEWS: CAPITO & JACKSON

West Virginia Metro News  
<http://www.wvmetronews.com/print.cfm?func=displayfullstory&storyid=33363>

11/04/2009

## **Capito & Jackson**

58-WCHS Radio News  
Charleston, Kanawha County

West Virginia's Second District Congresswoman will have a face to face meeting with Environmental Protection Administrator Lisa Jackson on Thursday.

"I am going to keep my voice loud and clear in her ear is what I'm going to do."

Congresswoman Shelley Moore Capito says she's going into the meeting with a message. "Set the boundaries and then let us adjust to them, but they will not set the boundaries."

The meeting comes as the EPA continues its extended reviews of more than 20 pending surface mine permits.

Also, it comes after an EPA decision from earlier when steps to reject an already issued permit for Arch Coal's Spruce Number One Mine in Logan County, one of the largest such projects in the state. Officials with the U.S. Army Corps said the permit should stand. It's now being argued in court.

"Timelines are very free flowing. You can't tell where they are," Congresswoman Capito says of the current permit process.

"If you come in and reach back and take back a permit that was permitted under the law two years ago and come back and say 'No, you can't do that anymore.' They keep moving the guidelines and it's very frustrating for us here."

Congresswoman Capito says more government involvement in the coal industry is *not* the answer.

"Government is supposed to be the protector of the national defense and those who can't help themselves and all of the other things. But we're not supposed to be the king of compensation, king of the banking system, king of the permitting of coal mines," she said.

As of late Wednesday afternoon, the meeting between Congresswoman Capito and Administrator Jackson was set to start at 9:30 a.m. on Thursday.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
10/13/2009 04:38 PM

To Richard Windsor, Diane Thompson  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
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.

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.

Adora Andy, a spokeswoman for EPA administrator Lisa Jackson, said Tuesday that 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.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
10/13/2009 05:22 PM

To Richard Windsor, Diane Thompson, Seth Oster, Allyn  
Brooks-LaSure  
cc  
bcc  
Subject EE NEWS: EPA RELEASES BUSH-ERA ENDANGERMENT  
DOCUMENT

## **CLIMATE: EPA releases Bush-era endangerment document (10/13/2009)**

**Darren Samuelsohn and Robin Bravender, E&E reporters**

U.S. EPA released a long-sequestered document on global warming today showing the George W. Bush administration had concluded in December 2007 that greenhouse gas emissions from motor vehicles were endangering public welfare and needed to be regulated under the Clean Air Act.

The [29-page EPA analysis](#) -- labeled "Deliberative, Do Not Distribute" -- ticked through the climate-changing effects that heat-trapping gases have on air pollution, precipitation patterns, sea-level rise, glacial melting and wildlife patterns. The 2007 EPA document was prepared as part of the Bush administration's response to the Supreme Court's April 2007 decision in *Massachusetts v. EPA* .

Until now, only House and Senate investigators had seen the Bush-era EPA's "endangerment finding" on climate change -- though under strict rules that would not allow them to make complete copies of the document. Sen. Barbara Boxer (D-Calif.) last summer released [excerpts](#) and Rep. Ed Markey (D-Mass.) produced a detailed [report](#) on the issue based on interviews with agency staff.

Bush's White House Office of Management and Budget denied E&E's request to publicly unseal the climate change materials through the Freedom of Information Act. E&E later resubmitted its request to the Obama administration, and EPA officials said today they agreed to release the document because the agency earlier this spring issued its own proposal that said automobile emissions are a threat to both public health and welfare.

"This draft finding demonstrates that in 2007 the science was as clear as it is today," EPA spokeswoman Adora Andy said. "The conclusions reached then by EPA scientists should have been made public and should have been considered."

The Obama administration EPA's [proposed endangerment finding](#) differs in two significant ways from the Bush-era effort. First, Obama linked greenhouse gas emission threats to both public health and welfare, a broader link that allows for a more sweeping set of regulations. The Obama EPA also proposed lumping the six primary greenhouse gases together for possible regulation, while the Bush approach suggested taking comment on regulating either all six gases or each individual gas.

Jason Burnett, at the time a top adviser to EPA Administrator Stephen Johnson, wrote the original endangerment finding document and sent it to the White House for a final review. But congressional investigators last year determined that Bush ultimately backed down after hearing counterarguments from the office of Vice President Dick Cheney, the Office of Management and Budget, the Transportation Department, Exxon Mobil Corp. and others in the oil industry ([E&E Daily](#), July 18, 2008).

"There was a lot of political pressure during the Bush administration to suppress it after they decided to change course," Burnett said today. "It didn't support their new position."

Burnett welcomed the release of the original materials, saying they demonstrate that both a Republican and a Democratic administration agreed on the science linking emissions to climate change.

"Generally, it's useful to show," Burnett said. "This is not a partisan matter. It's not that the science of climate change depends on the administration in power. Under the Bush administration, it was clearly the case that greenhouse gases endanger the public, and during this administration, it's also clearly the case. And it's also clearly the case going forward."

Bush's top environmental adviser, Jim Connaughton, said he, too, thinks the 2007 EPA document belongs in the public domain, though he questioned the timing of its release before the Obama administration has gone final on its own endangerment finding.

"It's pretty useful information," Connaughton said today.

Connaughton, now a senior vice president for Baltimore-based Constellation Energy Inc., explained that the Bush administration had planned to use EPA regulations to regulate climate change, but changed course and instead opted to work on legislation with Congress.

"We were headed toward regulation, hoping to apply a market-based approach, but quickly came to the conclusion that using the current Clean Air Act was not likely to work well in regulating greenhouse gases," he said. Connaughton cited Bush's April 2008 speech at the White House spelling out principles on a climate bill, a widely criticized move among Democrats, given the previous administration's long-standing opposition to the issue.

## **Reactions**

Several others welcomed the EPA document's release.

"Apparently, even the Bush administration's EPA could find their way off the island of climate denial," Markey, the chairman of the Select Committee on Energy Independence and Global Warming, said through a spokesman. "Hopefully, this revelation will help the last remaining Republican climate castaways to accept the same alarming conclusions reached by the Obama administration's EPA, the Intergovernmental Panel on Climate Change, and by the billions of people who are already being impacted by global warming."



Joe Mendelson, global warming policy director at the National Wildlife Federation, said the Bush-era document offers further justification for the Obama administration's endangerment finding.

"There's no question that even under an administration that was hostile to doing anything about regulating greenhouse gases under the Clean Air Act ... the science and the law are so compelling that even the Bush administration couldn't ignore a conclusion of endangerment," he said. Mendelson was the lead author on the original 1999 petition to EPA seeking regulations for greenhouse gases.

"They tried to wiggle out as much as they could, but they still couldn't wiggle out of a finding of endangerment," Mendelson added.

David Bookbinder, the Sierra Club's chief climate counsel, said that the Bush-era document would have little significance as the climate debate proceeds.

"It's of historical interest but will have no impact on the current debate," Bookbinder said.

"It's like saying the sky is blue," Bookbinder added. "It says more about the Bush administration than it does about global warming at this point. The scientific debate is over, and that's so yesterday's news."

Jeff Holmstead, an attorney at Bracewell & Giuliani who served as EPA air chief during the George W. Bush administration, said he was surprised at how aggressive the Obama administration was with its proposed endangerment finding.

By finding that greenhouse gases endanger public health in addition to public welfare, Holmstead said, "I just think they've gone out on a limb here, even though the science is far from settled on these things."

He added, "If you want to regulate CO<sub>2</sub>, you don't have to say that it endangers public health and the environment; all you have to do is say it endangers one or the other."

Holmstead said that the Bush administration skirted the public health issue because there were too many scientific questions surrounding a public health endangerment finding. The Obama administration likely decided to make the finding in order to show that it was really concerned about climate change, as opposed to sticking to the science that was much more widely accepted, he said.

"The environmental community is an important constituency for the Obama administration," he said, "and their constituents would have been disappointed had they stopped at the environmental concerns."

[Click here](#) for the Bush-era EPA endangerment finding.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
02/26/2010 12:05 PM

To Richard Windsor, Gina McCarthy, Lisa Garcia, Peter Silva,  
Gina McCarthy, Cynthia Giles-AA, Mathy Stanislaus, Paul  
Anastas, Bob Perciasepe, Diane Thompson, David McIntosh,  
Arvin Ganesan, Bob Sussman  
cc Seth Oster, Allyn Brooks-LaSure, Brendan Gilfillan, Betsaida  
Alcantara, Michael Moats, Stephanie Owens  
bcc  
Subject CNN.COM: MOSSVILLE STORY

<http://www.cnn.com/2010/HEALTH/02/26/toxic.town.mossville.epa/>

## **Toxic towns: People of Mossville 'are like an experiment'**

By **David S. Martin**, CNN Medical Senior Producer

February 26, 2010 8:49 a.m. EST

**Westlake, Louisiana (CNN)** -- Gather current and former Mossville, Louisiana, residents in a room and you're likely to hear a litany of health problems and a list of friends and relatives who died young.

"I got cancer. My dad had cancer. In fact, he died of cancer. It's a lot of people in this area who died of cancer," says Herman Singleton Jr., 51, who also lost two uncles and an aunt to cancer. Singleton and many others in this predominantly African-American community in southwest Louisiana suspect the 14 chemical plants nearby have played a role in the cancer and other diseases they say have ravaged the area.

For decades, Mossville residents have complained about their health problems to industry, and to state and federal agencies. Now with a new Environmental Protection Agency administrator outspoken about her commitment to environmental justice, expectations are growing.



Herman Singleton Jr. has cancer, so does his father, and he lost two uncles and an aunt to cancer.



Debra Ramirez said her sister died of sarcoidosis, an inflammatory disease.



Dorothy Felix belongs to a local environmental group asking the government to intervene for health reasons.

"I'm pretty hopeful now," say Debra Ramirez, 55, who grew up in Mossville and who lost a sister at 45 of sarcoidosis, an inflammatory disease. "I do see her trying to do the right thing." Lisa Jackson, a native of New Orleans, Louisiana, and the first African-American administrator of the EPA, this year listed environmental justice as one of her seven priorities. And the EPA held a meeting in Mossville last month formally kicking off a study designed to see if the community qualifies as a Superfund site, reserved for the most polluted places in the United States. Superfund site designation would bring federal funding for cleaning up Mossville.

Mossville Environmental Action Now (MEAN), the local environmental group, has asked government and industry to relocate residents who want to leave, offer a free health clinic and lower emissions from the plants. Superfund relocates residents only as a last resort.

"There are people that are getting sick; there are people who are dying because of what is happening in our community. These chemicals are killing us. They will destroy Mossville if nothing happens," says Dorothy Felix of MEAN.

Thousands of pounds of carcinogens such as benzene and vinyl chloride are released from the facilities near Mossville each year, according to the EPA's Toxic Release Inventory.

### **Chemical boom**

The industrial boom began in and around Mossville during World War II. Vinyl chloride makers, refineries, a coal-fired energy plant and chemical plants now operate in what was once rural country, rich in agriculture, fishing and hunting.

Robert Bullard, author of "Dumping in Dixie," says it's no surprise industry chose Mossville, an unincorporated community founded by African Americans in the 1790s.

"What happens is zoning becomes very political, and what happens is people with power, with lawyers and elected officials who can fight for them and make decisions for them, oftentimes will get things placed away from them and placed in locations where other people live" Bullard says.

Without the power, Bullard says, African-Americans have borne the brunt of living near industry, landfills and hazardous facilities.

"African Americans are more than 79 percent more likely to live in communities where there are dangerous facilities that pose health threats," says Bullard, director of the Environmental Justice Resource Center at Clark Atlanta University.

Bullard says Jackson has breathed new life into environmental justice since she took office last year. During the previous eight years, he says, "environmental justice was non-existent or

invisible."

### **Mossville fears**

Over time, Mossville residents became worried emissions from the plants were affecting their health.

Those fears heightened in 1998 when the federal Agency for Toxic Substances and Disease Registry tested the blood of 28 Mossville residents and found dioxin levels three times the national average.

Dioxins are carcinogens. Volcanoes and forest fires create dioxins naturally. They are also released during vinyl chloride production, at waste incinerators and by wood processing facilities. Residents were retested for dioxins in 2001, with similar results, but in 2006 the agency concluded that residents did not face a health risk, an assessment echoed by local industry.

"The emissions from the plants are within the standards set by the various agencies, and they are of a level that they have no ill effects on the local community," says Larry DeRoussel, executive director of the Lake Area Industry Alliance.

DeRoussel speaks for local industry. CNN invited all 14 companies to speak on camera. None of them accepted; some said interviewing DeRoussel would suffice.

DeRoussel points to statistics showing the cancer rate in Calcasieu Parish, the local county, is not significantly higher than the state average.

But Wilma Subra, a chemist from New Iberia, Louisiana, who has worked with Mossville residents, says the statistics are misleading because the parish covers such a large area, more than 1,000 square miles, and more than 180,000 residents. Mossville is a tiny fraction of that, with about 375 homes adjacent to the chemical plants.

"The people of Mossville are like an experiment. They know that they have high levels of dioxin in their blood, and they're allowed to continue to live there and be exposed," says Subra, recipient of the MacArthur genius grant in 1999 for her environmental work with communities.

After the EPA announced its Superfund investigation, Felix says she's hopeful for the first time in years Mossville will be saved.

"This is the first time I've had a little hope in EPA," Felix says.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

12/08/2009 04:27 PM

To Richard Windsor, Seth Oster

cc

bcc

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.

Adora Andy/DC/USEPA/US  
09/08/2009 08:55 AM

To Richard Windsor  
cc Seth Oster  
bcc  
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

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov





Adora Andy/DC/USEPA/US

04/02/2010 01:04 PM

To Richard Windsor

cc Seth Oster, Allyn Brooks-LaSure

bcc

Subject NYTIMES: E.P.A. to Limit Water Pollution From Mining

April 1, 2010

# E.P.A. to Limit Water Pollution From Mining

By [TOM ZELLER Jr.](#)

The [Environmental Protection Agency](#) issued tough new water quality guidelines on Thursday that could curtail some of the most contentious [coal](#) mining techniques used across Appalachia.

In announcing the guidelines, [Lisa P. Jackson](#), the agency's administrator, cited evolving science on the effects of mountaintop removal mining, an aggressive form of coal extraction that uses explosives and vast machinery to tear off hilltops to expose coal seams, dumping the resulting rubble into streams and valleys below. The goal of the new rules, Ms. Jackson said, is to prevent "significant and irreversible damage" to Appalachian watersheds.

"Let me be clear," Ms. Jackson said during a phone call with reporters. "This is not about ending coal mining. This is about ending coal mining pollution."

The most substantial effect of the new guidelines — which the agency will promulgate to regional offices that issue permits — will be to benchmark the permissible levels of mining runoff likely to be introduced into the waterways surrounding a proposed project. Operations that would result in levels roughly five times above normal would be considered too damaging.

Ms. Jackson suggested that one practical result of the guidelines would be to make it far more difficult for so-called valley fill operations, where layers of soil and rock are removed from mountaintops and piled in nearby valleys and streams, to receive permits.

Also on Thursday, the E.P.A. published a pair of scientific reports that supported the new guidelines and announced plans for a new Web-based clearinghouse that will track mining permits under review.

Environmental groups hailed the guidelines as long overdue and an important step in bringing science to bear on environmental policy.

"I think it's a very good day for people in Appalachia," said Jon Devine, a senior attorney with the [Natural Resources Defense Council](#). "E.P.A. is making clear that it is intending to follow the science when it issues permits."

Mining industry representatives, however, said the guidelines threatened jobs in the region.

“America’s coal mining communities are deeply concerned by the impact of policy announced today by E.P.A. on coal mining permits, employment and economic activity throughout Appalachia,” Bruce Watzman, senior vice president for regulatory affairs at the [National Mining Association](#), said in an e-mailed statement.

“The policy was announced without the required transparency and opportunity for public comment that is afforded to policies of this magnitude,” Mr. Watzman added.

Adora Andy/DC/USEPA/US  
09/15/2009 09:15 AM

To Richard Windsor  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject FYI: GOING OUT @ 10am: Wastewater Discharges release

**FOR IMMEDIATE RELEASE**  
September 15, 2009

## **EPA Expects to Revise Rules for Wastewater Discharges from Power Plants**

*Discharges from power plants can have major adverse effects on water quality and wildlife*

**WASHINGTON** – The U.S. Environmental Protection Agency plans to revise the existing standards for water discharges from coal-fired power plants to reduce pollution and better protect America's water. Wastewater discharged from coal ash ponds, air pollution control equipment, and other equipment at power plants can contaminate drinking water sources, cause fish and other wildlife to die and create other detrimental environmental effects.

Earlier this year, EPA completed a multi-year study of power plant wastewater discharges and concluded that current regulations, which were issued in 1982, have not kept pace with changes that have occurred in the electric power industry over the last three decades. Air pollution controls installed to remove pollution from smokestacks have made great strides in cleaning the air people breathe, saving lives and reducing respiratory and other illnesses. However, some of the equipment used to clean air emissions does so by "scrubbing" the boiler exhaust with water, and when the water is not properly managed it sends the pollution to rivers and other waterbodies. Treatment technologies are available to remove these pollutants before they are discharged to waterways, but these systems have been installed at only a fraction of the power plants.

As part of the multi-year study, EPA measured the pollutants present in the wastewater and reviewed treatment technologies, focusing mostly on coal-fired power plants. Many of the toxic pollutants discharged from these power plants come from coal ash ponds and the flue gas desulfurization systems used to scrub sulfur dioxide from air emissions.

Once the new rule for electric power plants is finalized, EPA and states would incorporate the new standards into wastewater discharge permits.

More information about EPA's study is provided in an interim report published in August 2008. A final study will be published later this year.

More information on wastewater discharges from power plants:

###

Adora Andy/DC/USEPA/US

09/22/2009 02:25 PM

To Richard Windsor

cc Seth Oster, Allyn Brooks-LaSure

bcc

Subject NYT: Inhofe Pans Obama Climate Speech

NYT BLOG: Green.Inc

September 22, 2009, 1:13 pm

## Inhofe Pans Obama Climate Speech

By [Kate Galbraith](#)

Reaction to [President Obama's speech on climate change](#) this morning in New York is pouring in from across the political spectrum.

On the right, [Sen. James Inhofe](#), the Oklahoma Republican, plans to deliver his own speech in Congress this afternoon arguing that the President's speech "fell short of expectations, offering only talk of rising sea levels and climate refugees, with no constructive solutions for the challenges ahead."

Mr. Inhofe — who has called the threat of global warming the "[greatest hoax ever perpetrated on the American people](#)" — will argue that the talks to develop a climate treaty in Copenhagen have been "marred by failure." A draft of his speech says:

I was surprised that President Obama failed to define what success will mean in Copenhagen. So I suppose I will have to do it for him. From the standpoint of the United States Senate, success will not mean a vague, open-ended commitment on emissions from India or China, the world's leading emitter. Success can only mean that China and other developing countries agree to mandatory emissions cuts comparable to those required of America — and that any treaty or agreement avoid causing harm to our economy. Unless those conditions are met, no such treaty or agreement can be approved by the Senate.

On the left, [Congressman Edward Markey](#), a Massachusetts Democrat and a co-sponsor of the climate bill passed by the House in June, praised Mr. Obama's speech:

"Today, President Obama delivered a forceful argument for swift and bold international action to fight the catastrophic effects of global climate change," Mr. Markey said. "To combat this grave threat, we must negotiate globally and act locally. Congress must pass comprehensive clean energy legislation as soon as possible to show the world we are committed to a clean energy future and help make the Copenhagen climate negotiations a success this December."

Keya Chatterjee, the acting director of [World Wildlife Fund](#)'s climate program, criticized the speech for its lack of specifics, and urged action on a greenhouse gas reduction commitment in the Senate.

She said in a statement:

The speech as a whole represents a missed opportunity for the U.S. to take a leadership role and signal to the rest of the world that it is serious about tackling the threat of climate change. While other countries announced specific targets and timetables, including China, Japan and the Maldives, President Obama did not address these critical elements. It was also disappointing that he did not reaffirm his previous call for action on climate financing at the upcoming G-20 Summit.

Myron Ebell of the Competitive Enterprise Institute, meanwhile, blasted the speech's reference to rising temperatures, rising sea levels and other weather-related implications of climate change as "[based on fantasy](#)."

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
09/22/2009 02:30 PM

To Richard Windsor  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject NYT: VITTER AMENDMENTS WOULD LIMIT EPA POWER

September 22, 2009

## Vitter Amendments for Approps Bill Would Limit EPA Regulatory Power

By ROBIN BRAVENDER, NOELLE STRAUB AND BEN GEMAN of [Greenwire](#)

Sen. David Vitter (R-La.) has introduced two amendments to U.S. EPA's annual spending bill aimed at limiting the agency's authority to regulate carbon dioxide emissions.

The measures are among at least 50 amendments on a wide range of contentious issues being offered to the Interior-EPA spending bill currently on the Senate floor. Majority Leader Harry Reid (D-Nev.) said senators must introduce amendments today because he wants the chamber to wrap up work on the bill quickly and turn to the defense appropriations bill this week. It remains unclear which, if any, of the amendments will be brought to the floor for a vote.

Vitter has filed an [amendment \(pdf\)](#) that would prohibit any funding from the Interior-EPA spending bill from being used to regulate carbon dioxide emissions until both China and India have signed international agreements that require a percentage of carbon dioxide emission reductions similar to that required in the United States.

The senator filed a separate [amendment \(pdf\)](#) to prohibit EPA from finalizing or implementing the agency's proposed "endangerment finding" until the agency conducts an evaluation of the potential loss or shifts of employment that may result from finalizing the proposed rule. The agency released its draft finding in April, which would establish greenhouse gases as pollutants under the Clean Air Act and pave the way for future regulations ([Greenwire](#), April 17).

The Louisiana Republican introduced another [amendment \(pdf\)](#) that would prevent EPA funding from being used to terminate or reduce programs at EPA's National Center for Environmental Economics. The office has become the focal point of a GOP probe questioning the transparency of the Obama administration's efforts to develop carbon dioxide regulations ([E&ENews PM](#), Sept. 15).

Vitter's amendments come as EPA plows forward on rules that answer the Supreme Court's 2007 *Massachusetts v. EPA* decision that ordered EPA to reconsider whether greenhouse gases are pollutants subject to regulation under the Clean Air Act, as well as a nationwide standard to control greenhouse gas emissions from automobiles ([Greenwire](#), Sept. 10).

Another Vitter [amendment \(pdf\)](#) would require EPA to spend \$1 million in an arrangement with the National Academy of Sciences in which the academy would conduct a study of the

cancer and noncancer health effects of formaldehyde.

## Biofuels

Sen. Tom Harkin (D-Iowa) has prepared an [amendment \(pdf\)](#) that would bar EPA from using the bill's funds to consider emissions from "international indirect land-use changes" when implementing the national biofuels mandate.

A 2007 law that expanded the biofuels mandate requires that ethanol and other renewable fuels have, by varying degrees, lower lifecycle greenhouse gas emissions than petroleum-based fuels. The ethanol industry and its allies say EPA's weighing of emissions from indirect land-use changes -- such as forest clearing in other countries for cropland due to increased use of U.S. crops for fuel -- is based on faulty science.

Environmentalists say these emissions must be weighed, or else national biofuels policy could support ventures that worsen greenhouse gas emissions. They argue that there is ample science to show that biofuels production can lead to land-use changes -- such as deforestation -- that release of stored carbon. "The EPA should be allowed to move forward using the best available science without interference from Congress," said Brendan Bell, an analyst with the Union of Concerned Scientists, in a statement.

But Harkin's plan drew cheers from the ethanol trade group Growth Energy, which said EPA's draft rule would penalize domestic biofuels production. "Senator Harkin's legislation is rooted in logic and fact -- two things that are lacking from the EPA's proposed rule," said Tom Buis, CEO of Growth Energy, in a statement.

## Offshore drilling, land management

Vitter also introduced an amendment that would immediately approve a 2010-2015 outer continental shelf oil and gas leasing program proposed in the waning days of the Bush administration, which would greatly expand outer continental shelf development, including opening areas off the Atlantic and Pacific coasts. A similar Vitter amendment would approve the program and also require one lease sale in each of the Atlantic, Pacific and Alaska planning areas and three lease sales in the Gulf of Mexico region within 180 days of the bill being signed into law.

Vitter, Sen. Jim DeMint (D-S.C.) and Sen. John Barrasso (R-Wyo.) also offered an amendment to try to force Interior to implement the Bush-era offshore leasing program by prohibiting money in the spending bill from being used to delay it ([E&E Daily](#) , Sept. 22).

Vitter also introduced an amendment that would prevent any funds in the appropriations bill from being used to develop regional climate change offices within the Interior Department. Interior Secretary Ken Salazar last week signed a secretarial order to create eight Regional Climate Change Response Centers that would address climate change impacts on Interior resources ([E&ENews PM](#) , Sept. 14).



Sen. Tom Coburn (R-Okla.) offered a series of amendments aimed at federal land management policies. They would:

- Require that any report submitted by a federal agency to the House or Senate Appropriations panels be posted on the committees' Web sites.
- Cancel \$1 million directed to the Sewall-Belmont House in Washington, D.C., and instead give the money to the National Park Service for its maintenance backlog.
- Prevent money in the bill from being used to impede or restrict activities of the Department of Homeland Security to achieve "operational control" of U.S. international borders.
- Prevent funding for the implementation of any regulation that would delay or restrict the development of renewable energy on public lands and transmission lines necessary for delivering the electricity produced.
- Divert money from the Land and Water Conservation Fund for land acquisition to instead be used by federal agencies to reduce their maintenance backlogs.
- Require the president within 120 days of submitting the 2011 budget request to submit a report describing the annual cost of maintaining all federal land holdings for the previous three years.
- Modify an amendment from Sen. Byron Dorgan (D-N.D.) on requirements for adding or removing property in a national heritage area, requiring that no private property be included unless the owner makes a written request.

Dorgan introduced an amendment to require all agencies funded by the bill to include a separate category for administrative expenses when they submit their 2011 appropriation requests.

An amendment by Sen. Charles Schumer (D-N.Y.) would require states to direct at least 30 percent of federal clean water grants to disadvantaged communities in the form of negative-interest loans, principal forgiveness or grants. The federal government provides the money to the states through the Clean Water State Revolving Fund and Drinking Water State Revolving Fund, which are slated to receive a combined \$3.5 billion in the spending bill.

Sen. James Inhofe (R-Okla.) introduced an amendment aimed at speeding the cleanup of the Tar Creek Superfund Site in Oklahoma. The provision would allow purchases of "chat" -- the gravel-like waste created from lead and zinc mining -- to be counted at twice their purchase price and to be eligible to be counted toward meeting the federally required disadvantaged business enterprise set-aside on federally funded projects.

*Reporter Taryn Luntz contributed.*

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For more news on energy and the environment, visit [www.greenwire.com](http://www.greenwire.com).

Adora Andy  
Press Secretary

U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
09/21/2009 04:00 PM

To Richard Windsor  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject PLEASE REVIEW (LPJ): Tomorrow's GHG Release

**FOR IMMEDIATE RELEASE:**  
September XX, 2009

## **EPA Finalizes the Nation's First Greenhouse Gas Reporting System**

### *Reporting to Begin in 2010*

**WASHINGTON** – On January 1, 2010, the U.S. Environmental Protection Agency will, for the first time, require large emitters of heat-trapping emissions to begin collecting greenhouse gas (GHG) data under a new reporting system. This new program will cover approximately 85 percent of the nation's GHG emissions and apply to nearly 10,000 facilities.

“For the first time, we will begin collecting data about just how much greenhouse gas pollution is being emitted throughout the country,” said EPA Administrator Lisa P. Jackson. “With this information, we’ll continue to work cooperatively with businesses, labor and academia to tailor common-sense actions that affect only the nation’s largest polluters, the ones responsible for nearly 70% of the non-vehicle carbon pollution released into our skies.”

EPA’s new reporting system will provide a better understanding of where GHGs are coming from and will guide development of the best possible policies and programs to reduce emissions. The data will also allow businesses to track their own emissions, compare them to similar facilities, and provide assistance in identifying cost effective ways to reduce emissions in the future. This comprehensive, nationwide emissions data will help in the fight against climate change.

Greenhouse gases, like carbon dioxide, are produced by burning fossil fuels and through industrial and biological processes. Fossil fuel and industrial GHG suppliers, motor vehicle and engine manufacturers, and facilities that emit 25,000 metric tons or more of CO<sub>2</sub> equivalent per year will be required to report GHG emissions data to EPA annually. This threshold is equivalent to about the annual GHG emissions from 4,600 passenger vehicles.

The first annual reports for the largest emitting facilities, covering calendar year 2010, will be submitted to EPA in 2011. Vehicle and engine manufacturers outside of the light-duty sector will begin phasing in GHG reporting with model year 2011. Some source categories included in the proposed rule are still under review.

More information on the new reporting system and reporting requirements:  
<http://www.epa.gov/climatechange/emissions/ghgrulemaking.html>

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
06/24/2009 08:25 PM

To Richard Windsor  
cc Seth Oster, Allyn Brooks-LaSure  
bcc  
Subject Re: CEI - Dow Jones

(Updates with lawmaker comment)

- .
- . By Ian Talley
- . Of DOW JONES NEWSWIRES
- .

¶ WASHINGTON (Dow Jones)--A free market advocacy group said the Environmental Protection Agency rejected the work of a senior EPA economist who warned about the economic costs of regulating greenhouse gases.

¶ The Competitive Enterprise Institute, or CEI, accused EPA management of suppressing the work of senior EPA economist Alan Carlin "for political reasons."

¶ The group submitted several internal emails from Carlin in a petition that urges the EPA to include the economist's study into a rulemaking on how greenhouse gases endanger the public health.

¶ Carlin told Dow Jones Newswires he can't discuss the matter.

¶ "I'm not allowed to talk to anyone about that," said Carlin, assigned to the EPA's National Center for Environmental Economics.

¶ EPA Press Secretary Adora Andy countered that Carlin's "general views on the subject of climate change" were "heard and considered inside and outside the EPA and presented at conferences and at an agency seminar."

¶ "The claims that his opinions were not considered or studied are entirely false," Andy said in a statement.

¶ Republican lawmakers Wednesday requested the EPA Administrator Lisa Jackson re-open the public comment period and include Carlin's study.

¶ "This is an Administration that promised an 'unprecedented' level of transparency and accountability, yet, it is actively seeking to withhold new data in order to justify a political conclusion," Rep. Darrell Issa, R-Calif., the ranking Republican on the House Oversight and Investigations Committee, said in a press release. "The American people deserve to know all the facts, not have their information filtered or censored based on what is politically convenient for the Administration," he said.

¶ CEI, which calls itself a "public interest group dedicated to free enterprise and limited government," opposes the Obama administration's efforts to regulate greenhouse gases.

¶ The group says the emails reveal a political agenda.

¶ "The administrator and the administration has decided to move

forward on endangerment and your comments do not help the legal or policy case for this decision," Al McGartland, director of the National Center for Environmental Economics, told Carlin in a March 17 email released by CEI. McGartland said another reason not to include Carlin's study is because "this is not a criteria document for climate change and greenhouse gases."

¶ Carlin's comments, he said, would cause a "very negative impact on our office." Carlin said he didn't provide his emails to the CEI.

¶ Referring to Carlin, EPA spokeswoman Andy said "certain opinions were expressed by an individual who is not a scientist and was not part of the working group dealing with this issue."

¶ Still, Carlin was allowed to make general presentations on climate change "inside and outside the EPA and presented at conferences and at an agency seminar," Andy said.

¶ Further, Carlin was allowed to join a committee that organizes an ongoing climate seminar series.

¶ Earlier this year, the EPA proposed that greenhouse gases were a danger to public health and welfare because of the potential consequences of global warming. The "endangerment" proposal is the precursor for regulation.

¶ Carlin has been with the agency since its inaugural years in the early 1970s and holds a doctorate in economics from Massachusetts Institute of Technology and a bachelor's degree in physics from California Institute of Technology, Pasadena, Calif.

¶ He has published a raft of papers in recent years examining climate change regulatory systems in journals such as the Environmental Law and Policy Review.

¶ According a March 16 email, two-thirds of Carlin's 80-page study referenced peer-review publications. The remainder referenced "significant new research" since the publishing of the United Nation's Intergovernmental Panel on Climate Change last report, a seminal document that the U.S. government is using as a foundation for its climate policies.

¶ The references to the new studies, he says, "are significant because they present information critical to the justification (or lack thereof) for the proposed endangerment finding," Carlin said in the email.

¶ EPA spokeswoman Andy said the agency would consider releasing a copy of the Carlin study but didn't say when.

¶ After repeatedly trying to circulate the comments to the Office of Air and Radiation, the primary division responsible for drafting the endangerment proposal, Carlin was told his study would not be included, according to the emails.

¶ The Competitive Enterprise Institute said the EPA's handling of the issue raises several major issues. They include an

**incomplete rulemaking record, prejudgment of the outcome of the endangerment proceeding and "violations of the EPA's commitment to transparency and scientific honesty."**

•  
¶ - By Ian Talley, Dow Jones Newswires, 202-862-9285;  
ian.talley@dowjones.com

•  
Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy      [Here's who's covering: Dow Jones, Ian...](#)      06/24/2009 07:19:36 PM

From: Adora Andy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 06/24/2009 07:19 PM  
Subject: CEI

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Here's who's covering:  
Dow Jones, Ian Talley  
Washington Post, David Fahrenthold  
Forbes, Brian Wingfield  
BNA, Steve Cook  
Grist.com, Jonathan Hiskes  
Greenwire/New York Times, Robin Bravender  
The Examiner.com, Thomas Fuller

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**

10/05/2009 11:35 AM

To Richard Windsor

cc Seth Oster, Allyn Brooks-LaSure

bcc

Subject WH: Statement on Energy bill

Here's the guidance on energy bill timing:

“Let me be clear -- the Obama Administration is committed to passing comprehensive energy and climate legislation on the most aggressive timeline possible. The House has already passed historic energy legislation and the Senate is making good progress in meeting the President's call for a bill. We are working hard to ensure that Copenhagen will mark a very important step in confronting the climate challenge and we believe that the progress the United States has made this year in promoting clean energy investments and developing aggressive efficiency standards for autos and appliances will ensure that America's leadership on this issue is clear.” – Carol Browner, Assistant to the President for Energy and Climate Change



Adora Andy/DC/USEPA/US  
12/29/2009 02:54 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Perciasepe, Bob Sussman, Diane Thompson, Gina McCarthy, Lisa Heinzerling, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc  
Subject THE HILL BLOG: EPA greenhouse gas emissions rules face new legal and political attacks

## **EPA greenhouse gas emissions rules face new legal and political attacks**

By Ben Geman - 12/29/09 01:57 PM ET

The Environmental Protection Agency's (EPA) plans to regulate greenhouse gas emissions under its existing authority are facing new attacks -- both legally and politically.

Louisiana Gov. Bobby Jindal (R), in a letter to EPA Administrator Lisa Jackson, [urges the agency to back off](#) a proposal that would require large emissions sources like power plants and refineries to eventually minimize their greenhouse gas output.

Louisiana is home to many refineries and is also a major oil- and gas-producing state. "Implementation of the proposed rules will have a dramatic chilling effect on the refining and production capability of our state," Jindal writes.

Obama administration officials say they want Congress to create a new system for controlling heat-trapping gases, but that EPA will impose limits under its Clean Air Act authority if lawmakers do not act.

EPA is moving ahead based on its recent "endangerment finding" that [greenhouse gases threaten human health and welfare](#). A 2007 Supreme Court decision found that EPA could regulate greenhouse gases if it reached such a conclusion.

But an industry coalition that includes cattle producers and mining companies challenged the endangerment finding in federal court last week.

The Dec. 23 petition for review does not lay out specific claims, but an attorney representing the groups said the lawsuit will attack the scientific underpinnings of EPA's finding.

Paul Phillips, a partner with the firm Holland and Hart LLP, said EPA cherry-picked scientific findings. "EPA pre-selected the outcome it wanted and shaped the science to fit that result," he said.

But EPA and other advocates of emissions cuts say there is overwhelming scientific evidence that emissions from burning fossil fuels and other activities are causing dangerous climatic changes.

The coalition that filed the lawsuit includes the National Cattlemen's Beef Association and Massey Energy, a major coal mining company. The challenge was filed in the U.S. Court of Appeals for the D.C. Circuit.

Source:

<http://thehill.com/blogs/e2-wire/677-e2-wire/73857-epa-emissions-rules-face-legal-political-attacks>

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

12/09/2009 10:25 AM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Perciasepe, Bob Sussman, Diane Thompson, Gina McCarthy, Lisa Heinzerling, David McIntosh, Arvin Ganesan  
cc Michael Moats, Betsaida Alcantara, Brendan Gilfillan

bcc

Subject AP: EPA chief: US will regulate CO2 with common sense

EPA chief: US will regulate CO2 with common sense

(AP) – 2 hours ago

COPENHAGEN — The head of the U.S. Environmental Protection Agency says she will take common steps to regulate carbon emissions to protect the health of Americans.

EPA Administrator Lisa Jackson said her newly declared power to regulate greenhouse gases will be complement legislation pending in Congress, not replace it.

She said "this is not an either-or moment. It's a both-and moment."

EPA declared Monday that carbon emission could endanger human health and would be subject to federal regulation.

Jackson spoke Wednesday at the 192-nation climate conference in Copenhagen, which is trying to form an international treaty to control the gases causing the Earth's temperature to rise.

THIS IS A BREAKING NEWS UPDATE. Check back soon for further information. AP's earlier story is here.

COPENHAGEN (AP) — Negotiators on Wednesday worked to bridge the chasm between rich and poor countries over how to share the burden of fighting climate change, and a top U.S. envoy was to highlight the Obama administration's efforts to curb greenhouse emissions.

Lumumba Di-Aping of Sudan, the head of the 135-nation bloc of developing countries, said the \$10 billion that has been proposed to help poor nations fight climate change paled in comparison to the more than \$100 billion already spent to rescue financial institutions.

"If this is the greatest risk that humanity faces, then how do you explain \$10 billion?" he said. "Ten billion dollars to buy developing countries' citizens enough coffins."

U.S. Environmental Protection Agency head Lisa Jackson, whose agency just gave President Barack Obama a new way to cut back on greenhouse gas emissions, takes to the podium at the U.N. climate conference Wednesday, headlining a U.S.-sponsored meeting entitled "Taking Action at Home."

The EPA determined Monday that scientific evidence clearly shows greenhouse gases are endangering Americans' health and must be regulated. That gave Obama a new way to regulate those gases without the approval of the U.S. Congress.

Obama will join more than 100 national leaders converging on Copenhagen for the final days of bargaining next week.

China, which has recently overtaken the United States as the world's top greenhouse gas emitter, strongly protested Wednesday a blunder that prevented a top diplomat from entering the vast Bella Center where the 192-nation U.N. climate conference is being held.

Su Wei, the director general of China's climate change negotiation team, told the meeting he was "extremely unhappy" that a Chinese minister was barred from entry three days in a row.

Su called the incident "unacceptable" and expressed anger that U.N. climate chief Yvo de Boer was not informed. De Boer pledged to investigate and "make sure it doesn't happen again."

Meanwhile, small island nations, poor countries and those seeking money from the developed world to protect their tropical forests were among those upset over competing draft texts attributed to Denmark and China outlining proposed outcomes for the historic Dec. 7-18 summit.

Some of the poorest nations feared too much of the burden to curb greenhouse gases is being hoisted on their shoulders. They are seeking billions of dollars in aid from the wealthy countries to deal with climate change, which melts glaciers that raise sea levels worldwide, turns some regions drier and threatens food production. Diplomats from developing countries and climate activists complained the Danish hosts pre-empted the negotiations with their draft proposal, which would allow rich countries to cut fewer emissions while poorer nations would face tougher limits on greenhouse gases and more conditions on getting funds.

"When a process is flawed then the outcome is flawed," Raman Mehta, ActionAid's program manager, said of the Danish proposal. "If developing countries don't have a concrete indication of the scale of financing, then you don't get a deal — and even if you do, it's a bad deal."

It focuses "on pleasing the rich and powerful countries rather than serving the majority of states who are demanding a fair and ambitious solution," said Kim Carstensen of the environmental group WWF.

A sketchy counterproposal attributed to China would extend the 1997 Kyoto Protocol, which required 37 industrial nations to reduce emissions of carbon dioxide and other gases blamed for global warming by an average 5 percent by 2012, compared with 1990 levels.

The Chinese text would incorporate specific new, deeper targets for the industrialized world for a further eight years. However, developing countries including China would be covered by a separate agreement that encourages taking action to control emissions but not in the same legally binding way.

Poorer nations believe the two-track approach would best preserve the principle of "common but differentiated responsibilities" recognized by the Kyoto treaty.

In Rome, Greenpeace activists climbed halfway up the Colosseum at dawn Wednesday to press for a climate deal at the Copenhagen conference.

The U.N.'s weather agency unveiled data Tuesday showing that this decade is on track to become the warmest since records began in 1850, with 2009 the fifth-warmest year ever. The second warmest decade was the 1990s. Only the United States and Canada experienced cooler conditions than average, the World Meteorological Organization said, though Alaska had the second-warmest July on record.

*EDITOR'S NOTE \_ Find behind-the-scenes information, blog posts and discussion about the Copenhagen climate conference at <http://www.facebook.com/theclimatepool> , a Facebook page run by AP and an array of international news agencies. Follow coverage and blogging of the event on Twitter at: [http://www.twitter.com/AP\\_ClimatePool](http://www.twitter.com/AP_ClimatePool) .*

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
01/15/2010 04:49 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Lisa Heinzerling, Gina McCarthy  
cc  
bcc

Subject HUFF PO: Stopping the Murkowski Amendment

## [Bruce Nilles](#)

Director of Sierra Club's Beyond Coal Campaign

Posted: January 15, 2010 02:45 PM

## [Stopping the Murkowski Amendment](#)

I suppose it might be sad to say that we were and were not surprised to hear this week that two dirty energy lobbyists helped craft the effort to neuter the Clean Air Act, which could next appear as an amendment to the Senate's debt ceiling vote next week.

If you missed it, the [Washington Post confirmed](#) on Tuesday that lobbyists from Bracewell Giuliani and Sidley Austin helped write an amendment from Senator Lisa Murkowski that will strip Clean Air Act and Environmental Protection Agency (EPA) authority to regulate global warming pollution. Check out the Washington Post follow-up on it [here](#), [here](#) and [here](#).

Who are Bracewell Giuliani and Sidley Austin? Oh, only lobbying firms that represent Southern Company, Duke Energy, Progress Energy, and other major coal supporters. And the specific lobbyists who ghost-wrote this amendment, Jeffrey Holmstead and Roger Martella, held EPA positions during the Bush Administration.

If you recall, last month EPA declared that global warming pollution endangers human health and welfare and announced plans to limit emissions from big polluters. The decision is a long-time coming and is crucial in controlling the global warming pollution from the coal industry - which contributes 30% of total U.S. global warming emissions.

This amendment may come up for a vote on January 20th, and its passage would mean that big polluters will be bailed out by blocking [President Obama and EPA from taking action to limit emissions](#).

After years of research, scientific debate, court cases, public hearings and comments, Senator Murkowski is suggesting that we simply choose to "un-learn" that global warming is happening and that it will be dangerous to human health and welfare.

But EPA is merely doing what the Clean Air Act already requires--and what it was ordered to do almost three years ago by the Supreme Court. And last month, more than 400,000 Americans submitted comments in favor of EPA's proposal to limit pollution from the biggest global

warming polluters - among the highest number of comments ever submitted in favor of any proposal.

These big polluters - including the coal industry - are using the same tired old arguments, too. Suggestions that this EPA action means the agency plans to regulate farms, schools, hospitals, cows, and Dunkin' Donuts are simply false - EPA Administrator Lisa Jackson has said as much on numerous occasions. In reality, EPA plans to limit the new common sense, economically feasible regulations to only the largest polluters. Those statements attempting to scare small businesses are merely misleading smears designed to derail any limits on polluters.

We cannot continue to let Big Coal push for loopholes and weakened pollution rules so they can keep making money.

Instead of looking for ways to delay action, senators need to finalize comprehensive clean energy and climate legislation as soon as soon possible - and more important in the short-term, they must say no to this amendment or any other attempt to weaken the Clean Air Act.

[You can urge your senators to do as much](#) - tell them to vote no on any amendment blocking EPA action on global warming emissions from the largest polluters.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
12/07/2009 04:34 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Perciasepe, Diane Thompson, Bob Sussman, Gina McCarthy, Lisa Heinzerling, Stephanie Owens  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats, Shira Sternberg  
bcc

Subject ENDANGERMENT ANNOUNCEMENT TALLIES

**REPORTERS ON TELEPHONE:**

58

**NUMBER OF PEOPLE STREAMING ON EPA.GOV:**

2445

**REPORTERS AT THE PRESS CONFERENCE:**

Over 30 media outlets, including 13 TV cameras

**COMMENTS ON FACEBOOK:**

33 so far

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**

06/18/2010 04:25 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Perciasepe, Diane Thompson, Bob Sussman, Mathy Stanislaus, Dana Tulis, Gina McCarthy, Peter Silva, Paul Anastas, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens

cc

bcc

Subject WAPO- Planet Panel: Whatever Works, Just Do It

[http://views.washingtonpost.com/climate-change/panelists/reid\\_detchon/2010/06/whatever\\_works\\_just\\_do\\_it.html](http://views.washingtonpost.com/climate-change/panelists/reid_detchon/2010/06/whatever_works_just_do_it.html)

Washington Post - Planet Panel  
Reid Detchon

Whatever works, just do it

Q: Should EPA keep pressing ahead with new greenhouse gas rules, or should it accept Congress will shape the future of any mandatory limits on carbon dioxide?"

The conventional wisdom around Washington is that it is better for Congress to legislate on climate change than for EPA to regulate. That is correct only if Congress can and does act effectively.

Certainly Congress has more ability than EPA to create a flexible, targeted program of action integrated with national energy policy. However, EPA regulation is preferable to a bill that coddles the coal industry and allows electric utilities to keep using their old, energy-wasting, pollution-spewing antiquities. The Post reported last week that 71 percent of the people it surveyed support federal regulation of greenhouse gas emissions.

In 2007, the Supreme Court found that "greenhouse gases fit well within the Clean Air Act's capacious definition of air pollutant." In response, EPA Administrator Lisa Jackson last year made an "endangerment finding" - that the current and projected concentrations of greenhouse gases in the atmosphere "threaten the public health and welfare of current and future generations." She has laid out a cautious, step-by-step approach to regulate large-scale sources of carbon pollution. That can work just as well in the utility sector as the acid rain cap did in the 1990s. Taking away EPA's authority would set a dangerous precedent for environmental protection in the United States.

Nor is the importance of EPA's authority limited to greenhouse gases. Over the next three years, EPA will issue several new regulations dealing with conventional pollutants under the Clean Air Act. Those could shift a very substantial part of our generating capacity from coal to lower-carbon natural gas in conjunction with direct regulation of greenhouse gases.

The globe just recorded the warmest March, the warmest April, and the warmest May since record keeping began in 1880, according to NOAA. The period from January to May was the warmest on record. Hello! Whether Congress or EPA, the only path that is unacceptable is inaction.

Reid Detchon is vice president for energy and climate at the United Nations Foundation. He also serves as executive director of the Energy Future Coalition, a broad-based non-partisan public policy initiative focused on oil dependence, climate change, and global energy poverty



Adora Andy/DC/USEPA/US  
06/15/2010 02:42 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Perciasepe, Diane Thompson, Bob Sussman, Mathy Stanislaus, Dana Tulis, Gina McCarthy, Peter Silva, Paul Anastas, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens  
cc Betsaida Alcantara, Brendan Gilfillan, Alisha Johnson, Michael Moats, Vicki Ekstrom  
bcc  
Subject HUFF PO: EMERGENCY URGENCY

[http://www.huffingtonpost.com/mark-gold/emergency-urgency\\_b\\_612853.html?view=print](http://www.huffingtonpost.com/mark-gold/emergency-urgency_b_612853.html?view=print)

NOTE: Please see underlined text about 5th graph down.

## Mark Gold

President, Heal the Bay

Posted: June 15, 2010 12:47 PM

## Emergency Urgency

The Gulf oil crisis continues to grow with no end in sight. The numbers are staggering: more than 1,000 dead birds, another 300 or so dead sea turtles, more than 85,000 square miles of Gulf closed to fishing, 150 miles of coast and wetland soiled with oil, 40 million to 80 million gallons of oil wreaking havoc on the Gulf ecosystem and well over \$5 billion in liability for BP and the gang.

Inexplicably, blame for the ongoing blowout has stuck to President Obama like crude on a pelican's wings. It isn't fair, but the consequence is still potentially devastating.

A few words of advice for the administration from a member of the environmental peanut gallery:

**Declare an emergency in the Gulf so President Obama can use magnified executive powers.** The Gulf is a disaster and needs to be treated like one. The damage may not have been as sudden as that caused by the earthquake in Haiti or Hurricane Katrina, but the long-term impacts will be no less devastating.

**Force all of Big Oil to pitch in.** Right after the disaster declaration, President Obama should call in all of the CEOs of the big oil companies and make it damn clear that they are expected to volunteer their spill response resources, expertise and equipment to the cause of cleaning up and stopping the spill. There should be as many Exxon, Shell and Chevron staff out there as BP execs doing their part to save the Gulf economy and ecosystem. If Valero has the time and money to get California's climate change law suspended via a proposition this November, it surely has tens of millions in resources to volunteer towards spill cleanup. We want to see hazmat trained professionals cleaning up the spill, not unemployed fishermen and hotel workers.

**Change the face of the federal response.** Lisa Jackson is telegenic, bright, articulate, a Princeton graduate in chemical engineering, a specialist in toxics, and a Louisiana native! What more can you possibly ask for? Oh yeah. She runs the agency with the most oil spill and pollution response expertise: the EPA. A Hollywood casting call wouldn't give you a better candidate to lead the cleanup effort. The buddy team for 2010 should be Lisa J. and Coast Guard Admiral Thad Allen. The public doesn't want to see anyone from the MMS. Jane Lubchenko and the NOAA folks are mainly needed to trot out the latest scientific findings. And the other secretaries and special assistants just aren't as reassuring to the public as Jackson. Stick a Saints hat on her head, give her some real authority beyond regulating dispersants, and let her lead. She will not disappoint.

**The Gulf coast locals need to be compensated because their livelihoods have been stolen from them.** They shouldn't have to suffer while waiting for years for a court settlement with BP. Just as the administration and the entertainment community teamed to raise money for earthquake, tsunami and hurricane victims, there needs to be a major effort to raise money for the fishermen and tourism workers that lost their jobs or got sickened by oil exposures. The workers that are toiling round the clock to save oiled wildlife also need our support. Get the Saints, Chris Paul, Emeril, Brad Pitt and Nicolas Cage out there raising money for poverty relief and wildlife rescue. The American public is peerless in its generosity during a disaster. We just need a place to give with the knowledge that our donations will be used wisely.

Although none of these common-sense actions will stop the BP blowout, all of them will result in reduced human and ecological impacts. They also will put government squarely in front of the public as the resource that can deliver at our greatest time of need.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
12/07/2009 06:10 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Perciasepe, Diane Thompson, David McIntosh, Bob Sussman, Gina McCarthy, Lisa Heinzerling  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Shira Sternberg, Stephanie Owens  
bcc

Subject NPR: EPA's Jackson: We've Done More On Climate In 11 Mos Than Bush In 8 Yrs

## EPA's Jackson: We've Done More On Climate In 11 Mos Than Bush In 8 Yrs

**By Frank James**

While some critics have accused the Obama Administration of being an extension of its Republican predecessor, especially on foreign policy or the treatment of detainees, it's a harder argument to make in terms of environmental policy.

And in case anyone had any doubts, Lisa Jackson, the Environmental Protection Agency administrator, underscored that difference in her announcement Monday of the administration's decision to declare greenhouse gases a hazard to the population.

She didn't mention the Bush Administration by name. She didn't have to.

An excerpt from her statement Monday afternoon:

In 2007, the U.S. Supreme Court handed down perhaps the most significant decision ever reached in environmental law. The Court ruled that the Clean Air Act, the landmark 1970 law aimed at protecting our air, is written to include greenhouse gas pollution. That verdict echoed what many scientists, policymakers, and concerned citizens have said for years: there are no more excuses for delay.

Regrettably, there was continued delay. But this administration will not ignore science or the law any longer, nor will we avoid the responsibility we owe to our children and grandchildrer. Today, I'm proud to announce that EPA has finalized its endangerment finding on greenhouse gas pollution, and is now authorized and obligated to take reasonable efforts to reduce greenhouse pollutants under the Clean Air Act. his long-overdue finding cements 2009's place in history as the year when the United States Government began seriously addressing the challenge of greenhouse gas pollution and seizing the opportunity of clean-energy reform. In less than 11 months, we have done more to promote clean energy and prevent climate change than happened in the last eight years.

Earlier this year, EPA established this country's first -- and what I believe will be a world-leading -- nationwide greenhouse gas emissions reporting system. Next month, large emitters in the U.S. will begin working with EPA to monitor their emissions. Beginning in 2011, large emitters will -- for the first time -- submit publicly available information that will allow us to meaningfully track greenhouse gas emissions over time. This reporting will also bring to light opportunities to jump-start private investment in energy efficiency and new technologies and products -- saving money, improving bottom lines and growing the economy. And it does all this in a common-sense way -- without putting a burden on small businesses or other critical sectors of our economy.

The EPA's decision that carbon dioxide and other greenhouse gases endanger public health allows the agency under the Clean Air Act to impose new rules to govern the emission of greenhouse gases.

Jackson also took a shot at the climate change naysayers:

We know that skeptics have and will continue to try to sow doubts about the science. 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. Those tactics have only served to delay and distract from the real work ahead, namely, growing our clean energy economy and freeing ourselves from foreign oil that endangers our security and our economy.

It's time that we let the science speak for itself. In making this finding, we relied on decades of sound, peer-reviewed, extensively evaluated scientific data. That data came from around the world and from our own U.S. scientists.

Today's action is a step towards enduring, pragmatic solutions to the enormous challenge of climate change. It is a step towards innovation, investment and implementation of technologies that reduce harmful emissions. And it's a step towards green jobs, reduced dependence on foreign oil, and a better future for our children.

House Minority Leader Rep. John Boehner saw Monday's EPA announcement as a misguided preamble to what he believes is ahead:

"Today's EPA announcement paves the way for Washington Democrats' 'cap-and-trade' national energy tax, a bureaucratic nightmare that would make households, small businesses and family farms pay higher prices for electricity, gasoline, food and virtually every product made in America. One independent analysis determined that this national energy tax would cost our economy millions of jobs each year for the foreseeable future.

"What's more, the timing of this announcement is yet another indication President Obama is preparing to unilaterally commit the United States to mandatory emissions cuts at the UN Climate Change Conference in Copenhagen. If the President truly believes these job-killing mandates are in the nation's best interests, he should slow down and first seek the advice and consent of the people's elected representatives.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**

10/05/2009 11:39 AM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob  
Sussman

cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats

bcc

Subject 60 minutes coal ash story

<http://www.cbsnews.com/video/watch/?id=5362297n&tag=contentMain;cbsCarousel>

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
03/09/2010 05:16 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Bob Perciasepe, Diane Thompson, David McIntosh, Arvin Ganesan, Gina McCarthy

cc

bcc

Subject THE ATLANTIC.COM: Will EPA Try to Save Cap-and-Trade?

# Will EPA Try to Save Cap-and-Trade?

If Congress can't pass cap-and-trade, will the regulatory agency step up to the plate?

By *Nicole Allan*

Of Washington's innumerable agencies, EPA has a bit of a killjoy reputation. Businesses dread its regulatory grip, legislators decry its plodding, bureaucratic approach, and environmental advocates prefer well-crafted legislation to many its clumsy regulations. But with a climate bill, much less a well-crafted one, far from the horizon, EPA is taking seriously its role as a last line of defense against emissions and climate change.

The agency is releasing [a new raft](#) of greenhouse gas emission regulations this month, and some observers are wondering whether administrators have plans to exercise a last-ditch option: using the Clean Air Act to skirt Congress and institute an EPA cap-and-trade program for carbon dioxide.

One of the most versatile environmental laws in the U.S., the [Clean Air Act](#) has been amended and revised throughout the years to adjust to shifting environmental threats. In the 1990s, regulators used the act to set up a pollutant trading system to combat acid rain, a strategy that was considered quite successful. When EPA asked for \$7.5 million to look into "market-oriented" greenhouse gas reduction mechanisms in its 2011 budget request, the agency prompted [speculation](#) that it was planning on implementing its own cap-and-trade system if a Congressional version fell through.

Such an approach could face political difficulties, since Congress must approve EPA's budget, and [would surely be challenged](#) in court. Georgetown Law professor Lisa Heinzerling predicts that justifying a cap-and-trade system under the Clean Air Act as it currently stands would require "a good bit of interpretive creativity." EPA administrators have attempted to downplay speculation, [claiming](#) that the request was intended to investigate regulation of "specific industries" rather than "economy-wide approaches or systems." At a National Press Club lunch yesterday, EPA chief Lisa Jackson [denied plans](#) for a "cap-and-trade regime" all together.

Don't assume that the option is officially off the table, however. "Market-oriented mechanisms" could mean many things, and EPA is well aware of the power of market incentives to curb emissions. The agency does not want to attract undue attention while it battles [high-profile senatorial challenges](#) to its new regulations, but Jackson's EPA has established itself as a regulatory force to be reckoned with. If there's a way to wrangle cap-and-trade out of the Clean Air Act, rest assured she's considering doing it.

**This article available online at:**

**<http://www.theatlantic.com/business/archive/2010/03/will-epa-try-to-save-cap-and-trade/37236/>**

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Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
02/04/2010 03:24 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Bob Perciasepe, Diane Thompson, David McIntosh, Arvin Ganesan, Peter Silva  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Stephanie Owens  
bcc  
Subject NYT/GREENWIRE: Sen. Rockefeller Criticizes Obama Over Coal Policy

February 4, 2010

# Sen. Rockefeller Criticizes Obama Over Coal Policy

By DARREN SAMUELSON of [Greenwire](#)

West Virginia Sen. Jay Rockefeller (D) lashed out at President Obama today for sending inconsistent messages about the future of coal.

Speaking at a Senate Finance Committee hearing on Obama's fiscal 2011 budget request, Rockefeller took umbrage first with the administration's decision to eliminate four tax breaks for the industry.

"It's going to be partly psychological," Rockefeller told White House budget chief Peter Orszag. "People are going to reduce their production because they feel, 'Uh oh, here comes the Obama administration,' and they are going to cut out coal."

But Rockefeller said his concerns snowballed when he considered recent U.S. EPA decisions on mountaintop-removal coal mining and work on regulations to control greenhouse gas emissions across the economy. Given that, he said, he isn't sure he trusts the president's commitments to coal, even as Obama promotes the fossil fuel through a series of other administration actions.

"He says it in his speeches, but he doesn't say it in here," Rockefeller said, referring to the budget proposal. "He doesn't say it in the actions of [EPA Administrator] Lisa Jackson. And he doesn't say it in the minds of my own people. And he's beginning to not be believable to me. So I want you to put me at rest or put me away."

Orszag, the director of the Office of Management and Budget, cited the new Cabinet-level task force Obama formed yesterday that aims to start five to 10 carbon capture and storage commercial demonstration projects around the country by 2016. He also cited the budget request of more than \$500 million for research and development for carbon storage.

And the OMB chief explained that the president wants Congress to pass a comprehensive climate bill capping greenhouse gas emissions, a program that would generate billions more for carbon storage.

Rockefeller pushed back at the Obama budget request, saying it fell well short of what was



necessary to prompt widespread deployment of the "clean coal" technologies. And he said the new task force had some of the same goals as already existing federal programs.

In an interview as he left the hearing, Rockefeller said his complaints didn't rest with the budget.

"It's not a question of money, it's a question of the overall approach," he said. "I just wonder whether they really do understand the importance of coal, the fact the nation can't exist without it."

Rockefeller maintained that he, too, supports a comprehensive climate change bill, though he was doubtful the Senate could reach agreement on a bill capable of winning 60 votes by the Democratic leaders' timetable of this spring.

"I've got to be satisfied," he said. "There's some coal-state senators like myself that have to be satisfied, forget all the Republicans who vote 'no' on everything."

Obama's commitment to fossil fuels also came under fire from Sen. John Cornyn (R-Texas), the head of the party's 2010 campaign operations.

Cornyn repeatedly questioned whether the administration's climate change policies entailed raising domestic energy prices in order to make other energy alternatives more commercially competitive. "I don't think that's the intention," Orszag replied. "The goal is to move toward alternative sources of energy as rapidly as possible."

The Texas Republican countered that Obama's energy policies would increase oil and gas prices, driving up imports at a time when more than three-quarters of the nation's energy needs are projected to come from fossil fuels in 2035.

But Orszag rejected the premise of the question. "What we're trying to move toward is a future where that projection is not realized," he said.

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For more news on energy and the environment, visit [www.greenwire.com](http://www.greenwire.com).

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
01/15/2010 06:56 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Bob Perciasepe, Diane Thompson, David McIntosh, Arvin Ganesan, Peter Silva, Gregory Peck, Stephanie Owens  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc  
Subject KEN WARD BLOG: Inhofe: One-man 'truth squad' on mountaintop removal?

## Inhofe: One-man 'truth squad' on mountaintop removal?

by Ken Ward Jr.

Well, Sen. James Inhofe's crusade to be a one-man truth squad at the international conference [went so well for him](#) (a reporter from *Der Spiegel* told him "[You're ridiculous](#)" when he said that global warming science is a hoax), that the Oklahoma Republican is now going to focus on mountaintop removal coal mining.

Inhofe, the ranking Republican on the [Senate Environment and Public Works Committee](#), released a [report](#) that purports to show, according to [a press release](#), that the Obama administration's mountaintop removal permits is "killing jobs, threatening energy security." According to Inhofe:

*Since President Obama took office, the Obama administration has taken steps to delay and ultimately halt surface coal mining operations in Appalachia. Under the Obama administration will destroy jobs in the Appalachian region and threaten energy security.*

The report focuses on EPA's review — and threatened veto — of the Clean Water Act permit issued by the Army Corps of Engineers for the Spruce No. 1 Mine, the largest mountaintop removal project in the country's history.

But the report ignores some major developments in the last few weeks. Perhaps that's part on [a response from West Virginia Department of Environmental Protection](#) Secretary G. Wayne Brodeur's [questions posed by Inhofe several months ago](#). It's also interesting to note that the [In](#) [Arch Coal Inc. has made](#) a lawsuit against EPA's efforts to force the company to reduce the in-stream sediment proposal.

Among the significant developments — all pointing the coal industry toward "[embracing](#)" mountaintop removal, Inhofe's report:

– The [bombshell paper in the respected journal Science](#), which found that mountaintop removal is "pervasive and irreversible," that current reclamation techniques simply don't work,

be halted until improved mitigation is shown to fix the damage.

- EPA’s deal with Patriot Coal and the Corps [to allow issuance of the Hobet 45 mou](#) settlement that allows Patriot to get at 91 percent of the coal it wanted to produce, but mining in half — all a result of EPA stepping in and doing what WVDEP and the Co company to find alternatives to burying streams and minimize its environmental dan
- WVDEP’s announcement that it was stopping review of new surface mining perm [come up with better guidance to force companies to reduce downstream water quality](#) the state’s recognition that impacts need to be reduced and that mining permits are “
- Kentucky’s announcement that it would also be [getting tough on valley fills](#), with state, industry and environmental groups.

So what does the report say? Well, be sure to read it yourself [here](#) (including the part Virginia Gov. **Jon** Manchin III) But in short, its conclusions are that EPA, in review

- *Failed to make its decision in a transparent manner;*
- *Moved forward without input or consultation from state officials; and*
- *Presented no new information or analysis to justify its change in position*

While it’s true that the Spruce Mine has been undergoing regulatory review for more [studied more than any other surface mine ever](#), it’s also worth recalling what the imp would still be, [as outlined by EPA just last week](#):

*The Spruce No. 1 mine is one of the largest mountaintop removal mines ever Appalachian coalfields and would clear more than 2,200 acres of forestlands miles of headwater streams, and further contaminate downstream waters already previous mining activities. EPA is concerned that the Spruce No. 1 mine may*

- *Bury 7.5 miles of healthy headwater streams under 6 valley fills;*
- *Contaminate downstream surface waters with pollutants from the mine including conductivity, iron, and aluminum – pollutants that would continue to drain into mine is closed;*
- *Cause additional harm to the Little Coal River watershed already significant mining activities – 73 percent of streams are already impaired by mining;*
- *Deforest 2,200 acres of mature, productive forestlands; and*
- Impact human health by contributing to water quality degradation and contami*

If you read [Randy Huffman’s letter to Inhofe closely](#), there’s a troubling internal inc On the one hand, everybody wants to argue that EPA isn’t bringing any new analysis Referring to [EPA’s Oct. 16, 2009, letter to the Corps](#) (the one in which EPA indicate

Huffman wrote:

*... This letter does not raise any issue which has not been thoroughly considered. This permit has been under consideration.*

At the same time, there's this argument that EPA's move against the Spruce permit is a *direction*, "that EPA has suddenly started raising questions about this mine and its permit. Which is it? Is this something new, or is EPA raising the same old issues?"

As a matter of fact, [as I've written before](#), EPA consistently raised concerns about the permit at various stages in the late 1990s, [before it was blocked by then-U.S. District Judge Charles H. Smith](#) in 2000, and recently, before the Corps approved the mine in January 2007. To quote from my post: *During the comment period on the current Spruce Mine permit, in June 2007, the EPA ranked the proposal as "EC-2," or "Environmental Concerns and Insufficient Information." The EPA praised the company and the corps for reducing the mine's impact on water quality, but it did not contain adequate mitigation for water-quality damage, sufficient studies, or a detailed review of potential environmental justice effects of the operation. "We have remaining environmental concerns based on the uncertainty of the mine's impact, as yet incomplete cumulative impact assessment and management plans for the watershed," wrote then-EPA regional administrator Donald Welsh.*

There's a lot of bluster in Sen. Inhofe's report and press release, with quotes like this: *The case of the Mingo Logan Spruce No. 1 Mine in West Virginia exemplifies the opposition to coal mining and demonstrates their failure to appreciate the economic policies bring to Appalachia.*

But the report doesn't talk at all about the [very real environmental impacts](#) of mountaintop removal, ways that [some mining can continue without destroying the state's economy](#). And, what about a source of these sorts of things, given the stuff he's said about global warming? (Progress posts "[Inhofe recycles long-debunked denier talking points](#)" and "[Inhofe on the real: 'God's still up there.'](#)") And don't miss Inhofe saying that he [should have been on the Stone's list of the planet's "worst enemies."](#)

And really, Inhofe and his report seem to be a bit behind on developments here in Appalachia. Manchin administration (Joe, not Jon) is coming around to the idea that mining impacts are not nothing, but will the coal industry blast Inhofe as an out-of-stater who doesn't know anything? At the time I checked, [there was one surface coal mine in Oklahoma](#).

Sure, Randy Huffman has tried to emphasize that his new procedures on valley fill permit are [resource issues within WVDEP](#). But the real story is in what WVDEP has announced is no longer simply poo-pooing the idea that mountaintop removal has damaging consequences. As Inhofe said in his Senate testimony last June:

*Without evidence of any significant impact on the rest of the ecosystem beyond of certain genus of mayflies, the State cannot say that there has been a violation of the standard.*

to what he said to me last week:

*Our opposition [to EPA's permit reviews] has been more about the process than the science. **There is a lot of validity to the concerns about the downstream***

I talked to Randy Huffman a little while ago, and asked him about his letter to Inhofe that has changed since then. He said he's still unhappy with the process EPA is using — applying [water quality criteria](#) (prohibiting significant adverse impact to the chemical, physical, and biological components of aquatic ecosystems) on a permit-by-permit basis, without any concrete measures to reduce downstream impacts from fills. Here's part of what he said:

*The big recognition to me is that I'm sitting around waiting for EPA to do something that I've been doing myself. I still think their process stinks, but I recognize it was their process, not having the kind of guidance that we need.*

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**

12/29/2009 11:15 AM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Bob Perciasepe, Diane Thompson, Gina McCarthy, Lisa Heinzerling, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject CLEAN SKIES: JINDAL SPEAKS OUT AGAINST  
ENDANGERMENT FINDING

Clean Skies TV: In an effort to fight what he says will be severe economic dislocation associated with the Environmental Protection Agency's endangerment finding, Louisiana Governor Bobby Jindal and several state offices have joined the campaign against the EPA's endangerment finding.

LINK TO VIDEO: <http://www.cleanskies.com/videos/jindal-speaks-out-against-epa-endangerment-finding>

###

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
01/20/2010 05:20 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Bob Perciasepe, Diane Thompson, Mathy Stanislaus, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Stephanie Owens  
bcc  
Subject Huff Po: Coal Ash Tests Obama's Commitment to Health and Safety Regulation

## [Rena Steinzor](#)

President, Center for Progressive Reform

Posted: January 20, 2010 04:51 PM

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# [Coal Ash Tests Obama's Commitment to Health and Safety Regulation](#)

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Print

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A critical test of the Obama Administration's commitment to reviving the Environmental Protection Agency (EPA) is teeing up behind closed doors at the White House. Once again, the Office of Management and Budget (OMB) is cast in the role of regulation killer, supported by a slew of state and other federal agencies that are polluters in this scenario. Other players include a nearly hysterical segment of the electric utility industry, which argues that labeling coal ash as a hazardous waste will prove prohibitively expensive, as well as a coalition of public interest activists that includes [Robert Bullard](#), the father of the environmental justice movement.

The story has ample drama: a provable case of racial discrimination, companies as haughty as any on Wall Street, and an appealing heroine, Lisa Jackson, the embattled EPA Administrator, who is the public face of this Administration on the environment but, in a discordant replay of history, could be forced to fall on her sword by anonymous White House economists. (Remember Bush II's Christine Todd Whitman, former governor of New Jersey, pushed to resign by the machinations of Vice President Dick Cheney? Jackson has less prominent opponents, but just as much on the line.)

An industry victory on the issue would suggest that presidential appointees, confirmed by the Senate and presented to the American people as accountable for everything from food and drug safety to toxic chemical exposures in the workplace, are not really in charge of their agencies but instead could be compelled to become puppets for a White House staff any time a powerful industry screams loudly enough.



The most recent chapter in this saga begins in Kingston, Tennessee three days before Christmas, 2008. A six-story-high earthen dam used to contain a coal ash waste pond at a power plant operated by the Tennessee Valley Authority (TVA) collapsed, releasing more than 1 billion gallons of jet black sludge laced with arsenic, cadmium, chromium, lead, mercury, selenium, and thallium. By volume, the spill was more than 100 times larger than the Exxon Valdez disaster, covering more than 400 acres of homes, farms, businesses, roads, rivers, and irreplaceable wetlands. (See table at end of this post listing the chemicals commonly found in coal ash and their negative health effects.)

According to [EPA data](#), nearly 600 similar earthen coal ash dams are spread across 35 states, including 50 so-called "high hazard" dams holding back tens of millions of tons of coal ash waste. In 2009 alone, U.S. coal-fired power plants produced more than 136 million tons of coal ash waste -- [more than enough to fill the boxcars of a train stretching from Washington, D.C., to Melbourne, Australia](#). By 2015, industry will produce [175 million tons per year](#). And the kicker is that [if you live within one mile of a coal ash disposal site](#), you are twice as likely to live below the poverty line as the average U.S. citizen and 30 percent more likely to be a person of color.

EPA has fiddled with the coal ash problem for a quarter of a century. In 1980, Congress enacted an exception to the tough federal statute directing EPA to regulate hazardous waste. So-called "Bevill wastes" were exempt from regulation until EPA studied their characteristics comprehensively. EPA was instructed to report back on coal ash by 1982. Throughout the 1980s and 1990s EPA extemporized, studying the problem, venturing the opinion that no strict regulation was needed, reversing itself and promising to regulate coal ash as a "contingent" hazardous waste, and ultimately shelving these efforts during the Bush II Administration. Years of work and millions of dollars later, we have amassed rock solid evidence that when coal ash waste is collected in unlined pits in the ground, it is extraordinarily dangerous to people, livestock, and wildlife, not to mention water quality. The record includes [EPA studies](#) and a [report](#) by a blue ribbon panel of scientific experts at the National Research Council. For an excellent summary of the issues, see [congressional testimony](#) by Earthjustice attorney Lisa Evans.

EPA Administrator Jackson, who has embraced environmental justice as one of her top priorities, promised to break this gridlock and propose a rule controlling the disposal of coal ash by the end of 2009. She sent the draft over to Cass Sunstein's Office of Information and Regulatory Affairs (OIRA) at OMB. The draft was never released to any member of the public, although I suspect that industry lobbyists have a copy because they have already invented multiple toothless counter-proposals. As we have reported before in these pages, Sunstein's staff commenced a marathon of meetings with coal industry executives, their paid experts and lobbyists, state highway administrators who want to spread the stuff in road beds, and other opponents of the EPA rule -- [21 meetings](#) at last count, more than on any other subject that has engaged OIRA's attention for many years.

Obviously and sensibly embarrassed by how all this looks from the outside, the OMB issued a statement last week [asserting](#) something as silly as it is untrue: "By executive order," the official fantasized, "if a stakeholder on a proposal asks to meet with OMB (OIRA), they are required to



take the meeting." Pressed on the point, OMB asserted that the executive order in question was [EO 12866](#), which says nothing of the sort.

In fact, the order, issued by Bill Clinton in 1993 and continued through the Bush II Administration, is scrupulous about demanding that the lead agency in charge of a regulatory proposal (that would be EPA in this instance) afford the public an opportunity for "notice" (by publishing the proposal in the *Federal Register* ) and "comment" (by receiving and reviewing all the written comments anyone may care to submit during a 30 to 90 comment period). Sometimes, lead agencies even hold public hearings on particularly controversial proposed rules. But this rule has not yet been proposed. If it had been, EPA would be obligated to hear from all the stakeholders in the debate, but not OIRA economists, until it had decided what it wanted to do. Not even the Bush Administration's OIRA offered such a novel and absurd interpretation of its obligations. If it had, it would have been a green light to industry to schedule meetings 24/7 for the rest of the Administration's term, thus delaying action forever.

I wish Jackson the best of luck in this grueling battle, as should anyone who hopes that the nation's environmental policy will be crafted with a minimum of special interest politics, by experts who have spent a lifetime studying the science and law of these issues. She does not deserve to get sandbagged by OIRA, and if she does, the American people, especially those living near coal ash catastrophes-in-waiting, will have much to lament. If OIRA establishes its primacy over EPA, we can look forward to many more such intrusions in the future - a very discouraging omen, indeed.

### **Human Health Effects of Coal Combustion Waste Pollutants**

Aluminum	Lung disease, developmental problems
Antimony	Eye irritation, heart damage, lung problems
Arsenic	Multiple types of cancer, darkening of skin, hand warts
Barium	Gastrointestinal problems, muscle weakness, heart problems
Beryllium	Lung cancer, pneumonia, respiratory problems
Boron	Reproductive problems, gastrointestinal illness
Cadmium	Lung disease, kidney disease, cancer
Chromium	Cancer, ulcers and other stomach problems
Chlorine	Respiratory distress
Cobalt	Lung/heart/liver/kidney problems, dermatitis
Lead	Decreases in IQ, nervous system, developmental and behavioral problems
Manganese	Nervous system, muscle problems, mental problems
Mercury	Cognitive deficits, developmental delays, behavioral problems
Molybdenum	Mineral imbalance, anemia, developmental problems
Nickel	Cancer, lung problems, allergic reactions
Selenium	Birth defects, impaired bone growth in children
Thallium	Birth defects, nervous system/reproductive problems
Vanadium	Birth defects, lung/throat/eye problems
Zinc	Gastrointestinal effects, reproductive problems

Adora Andy  
 Press Secretary  
 U.S. Environmental Protection Agency  
 Office of Public Affairs

202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
10/08/2009 05:01 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob  
Sussman, David McIntosh, Lisa Heinzerling

cc

bcc

Subject HEADS UP: TALLEY STORY POSTED

Posted earlier on the wires, I expect in in WSJ tomorrow morning.  
I'm calling him to make some clarifications on background,  
anything you want me to include?

By Ian Talley

Of DOW JONES NEWSWIRES



WASHINGTON (Dow Jones)--The U.S. Environmental Protection Agency warned Royal Dutch Shell PLC (RDSA) last month that air permits, such as ones required for its major Alaskan oil project, were at risk under a Republican lawmaker's plan to curb the agency's powers.

The issue involves an amendment to an agency funding bill sponsored by Sen. Lisa Murkowski, R-Alaska. The proposal is intended to block the EPA from crafting new greenhouse gases regulations for power plants and refineries, running counter to Obama administration policies.

Murkowski, the ranking member of the Senate Energy and Natural Resources Committee, has now requested EPA Administrator Lisa Jackson to probe the affair.



Soon after the first draft of Murkowski's amendment was inked, a senior EPA official for congressional affairs called Shell. The oil giant is awaiting EPA approval of air permits to proceed with a multi-billion dollar exploration project in the senator's home state. It was the sole oil company called.

David McIntosh, an EPA Associate Administrator for congressional relations, said EPA believed approval of Murkowski's amendment might result in "unintended consequences" for Royal Dutch Shell's air permit applications.

For Shell, the stakes would be significant. The firm is awaiting EPA approval of air permits to drill in the Chukchi and Beaufort Seas regions. The international oil company paid more than \$2 billion to the U.S. government for the leases. Any delay in the permit process could force the firm to cancel its expensive drilling program, stalling potential development.

McIntosh also shared EPA's concerns with the Auto Alliance, an industry trade association.

"Senator Murkowski's amendment, both in draft and final form, would have had serious and, in our view, negative consequences for U.S. business and the economy," EPA spokeswoman Adora Andy said in an emailed statement.

"As a matter of due diligence, before sharing EPA's analysis with members of Congress, Mr. McIntosh reached out to representatives in the affected business community and asked them to let the agency know if they found any flaws in EPA's conclusions, which they did not," Andy said.

Murkowski's amendment to the EPA's annual spending bill failed last month after Democrats blocked it from a floor vote. But Murkowski has vowed to try again.

The Senator Thursday penned a hand-delivered letter to Administrator Jackson, asking for a complete list of all individuals and businesses contacted by EPA staff. EPA's Andy told Dow Jones Newswires the congressional relations office only contacted Shell and the Auto Alliance.



"These unsolicited contacts with entities regulated by the EPA are particularly concerning, not only because your staff failed to reply to my explicit request for a discussion of the amendment itself, but also because I strongly disagree with your agency's assessment of the impact that amendment would have had," Murkowski said in the letter.

Shane Karr, the Auto Alliance's head of government affairs, said his group saw no errors in the EPA's concerns about the Murkowski amendment. If the EPA doesn't issue new emissions rules, more than a dozen states will be able to establish their own strict rules, creating a regulatory headache for the auto industry.

Shell said it originally expected the air permits to be approved in September, but the EPA has extended its public comment period for another month. Based on the lease costs and government resource estimates, Shell's programs could yield a major boom for the Alaskan economy.

"EPA called to explain their interpretation of the Murkowski amendment, which we shared with Senator Murkowski's staff," said Bill Tanner, Shell's senior press officer.

Tanner characterized EPA's warning as routine: "It's part of the day-to-day activities that occur as we analyze legislation."

The Murkowski amendment underwent changes following MacIntosh's call to Shell, which the EPA said fixed the potential air permit problem. However, it created a new problem for the auto industry.

The EPA said the revised Murkowski amendment would prevent the agency from issuing any new regulations for greenhouse gases, stationary or mobile. That would have given states such as California the ability to write their own new emissions laws, a problem for automakers who want a single national standard.

Concerned that Congress won't draft climate legislation to regulate and cut greenhouse gases on EPA's schedule, the Obama Administration has committed to using its executive authority under the Clean Air Act to control such emissions.

Many fear use of the act for greenhouse gases - which the authors say was not intended - would be a regulatory bludgeon compared to more finely crafted Congressional legislation, and could have a negative impact on the economy. Lawmakers say the EPA is threatening to use its authority to pressure Congress into action.

The day after Sen. Murkowski failed to get her amendment attached to the EPA appropriations bill, the agency proposed new rules to regulate major stationary emitters such as power plants, refineries and metal smelters.

By Ian Talley, Dow Jones Newswires; (202) 862 9285; [ian.talley@dowjones.com](mailto:ian.talley@dowjones.com);  
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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency

Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
11/09/2009 07:24 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Gina McCarthy, Bob Perciasepe, David McIntosh, Diane Thompson  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject WAPO: EPA sends ghg finding to WH

Washington Post

## **EPA sends greenhouse gases finding to White House**

By Juliet Eilperin

The Environmental Protection Agency has sent its final scientific finding on greenhouse gases to the White House, agency officials said Monday, a step that will allow the agency to regulate other greenhouse gases as pollutants under the Clean Air Act.

Sources said the document concludes the emissions pose a threat to the public's health and welfare. The agency did not release its finding, which was issued as part of a budget agreement that gives the administration and Budget now has 90 days to sign off on it.

Environmentalists embraced the move as a sign that the Obama Administration is moving ahead on global warming policy less than a month before U.N. climate talks in Copenhagen. "As Copenhagen approaches, this step just enforces that -- one way or another -- a significant portion of U.S. emissions will be regulated very, very soon," said David Doniger, executive director of the Center for Global Works, an advocacy group.

Keith McCoy, vice president for energy and resources policy at the National Association of Manufacturers, said his members are worried that the Obama administration is moving forward with regulating greenhouse gases before Congress had a chance to pass climate legislation. While the House has passed a climate bill, the Senate is unlikely to take up legislation until after the election. "We're concerned that EPA is moving forward before Congress," McCoy said. "We believe Congress should take the lead on an issue that has such a huge impact on manufacturing."

The endangerment finding was prompted by a 2007 Supreme Court ruling which ordered the EPA to determine whether greenhouse gases constituted a threat to public health. EPA released a statement Monday saying it has submitted the endangerment finding "for interagency review. This is the next step in the regulatory process. The April 2009 proposed findings are still just that -- proposed and being reviewed through the regulatory process."

But Frank O'Donnell, who heads the advocacy group Clean Air Watch, said the administration's move suggests the administration is trying to finalize the proposal before the election starting Dec. 7.

"They don't want to go to Copenhagen empty-handed," he said.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
09/30/2009 04:54 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob  
Sussman, Lisa Heinzerling, David McIntosh  
cc Arvin Ganesan, Betsaida Alcantara, Brendan Gilfillan,  
Michael Moats  
bcc

Subject NYT: EPA Moves to Curtail GHG Emissions

New York Times  
October 1, 2009

# E.P.A. Moves to Curtail Greenhouse Gas Emissions

By [JOHN M. BRODER](#)

WASHINGTON — The [Environmental Protection Agency](#) announced a proposed rule Wednesday to begin regulating greenhouse gas emissions from thousands of power plants and large industrial facilities.

The proposal, long anticipated and highly controversial, marks the first government move toward controlling the emissions blamed for the warming of the planet from stationary sources. The E.P.A. has already proposed an ambitious program to regulate greenhouse gas emissions from cars and trucks, expected to take effect early next year.

[Lisa P. Jackson](#), the E.P.A. administrator, announced the proposal on the same day that Senators [John F. Kerry](#) and [Barbara Boxer](#) introduced sweeping [climate change](#) and energy legislation. While that bill faces a highly uncertain fate in the Senate, the Obama administration signaled its intention to move forward on global warming with or without a Congressional mandate.

Ms. Jackson, citing her authority under the [Clean Air Act](#), said the new rule would apply only to facilities emitting 25,000 tons of carbon dioxide a year or more. That would exempt virtually all small businesses and farms and cover only the largest power plants, refineries and large-scale factories.

“By using the power and authority of the Clean Air Act,” Ms. Jackson said in a statement Wednesday afternoon, “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. 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.”

Republicans in the Senate last week tried to block the E.P.A. from implementing this rule and some industry groups have indicated they are likely to file suit to challenge the agency’s authority to regulate carbon emissions under the Clean Air Act, which until now has been applied only to traditional industrial pollutants, like sulfur dioxide and nitrogen oxide.

Adora Andy

Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
12/07/2009 10:06 AM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Lisa Heinzerling, Gina McCarthy, Bob Perciasepe, Diane Thompson, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats  
bcc

Subject WAPO: Obama administration will formally declare danger of carbon emissions

## Obama administration will formally declare danger of carbon emissions

By Juliet Eilperin  
Washington Post Staff Writer  
Monday, December 7, 2009 9:48 AM

The Obama administration will formally declare Monday that carbon dioxide and other greenhouse gas emissions pose a danger to the public's health and welfare, a move that lays the groundwork for an economy-wide carbon cap even if Congress fails to enact climate legislation, sources familiar with the process said.

The move, which Environmental Protection Agency administrator Lisa P. Jackson will announce at an afternoon press conference, comes as the largest climate change conference in history gets underway in Copenhagen. It will finalize an initial "endangerment finding" by the government in April.

While an EPA spokeswoman declined to comment on the matter, the agency sent out a press advisory that Jackson will make "a significant climate announcement at a press briefing" at 1:15 p.m. at EPA headquarters. Jackson will also speak at the U.N.-sponsored climate conference Wednesday; her address is titled "Taking Action at Home." Obama, who will attend the end of the U.N. talks Dec. 18, has sent a series of recent signals to the international community that the United States will curb its carbon output as part of a new global climate deal.

The endangerment finding stems from a 2007 Supreme Court decision in which the court ordered the EPA to determine whether greenhouse gases qualify as a pollutant under the Clean Air Act. It could trigger a series of federal regulations affecting polluters, from vehicles to coal-fired power plants.

Businesses argue that such a finding would mean even emitters as small as a mom-and-pop grocery store would be forced to comply with onerous greenhouse gas regulations. The administration has crafted rules that would exempt facilities that emit less than 25,000 tons of carbon dioxide or its equivalent annually. But it remains unclear if that exemption would hold up in court.

"An endangerment finding from the EPA could result in a top-down command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project," Thomas Donohue, president and CEO of the U.S. Chamber of

Commerce, said in a statement. "The devil will be in the details, and we look forward to working with the government to ensure we don't stifle our economic recovery."

Facilities that produce at least 250,000 tons of carbon dioxide or its equivalent yearly account for in excess of 70 percent of the nation's greenhouse gas emissions.

Environmentalists said the scientific finding will spur Congress, which has yet to enact a final climate bill, to take action. The House passed a bill in June, but the Senate will not take up its version until 2010.

Bill Becker, executive director of the National Association of Clean Air Agencies, said officials on the state and local level "are extraordinarily pleased that President Obama is making this endangerment finding. It will trigger subsequent measures to continue on the road toward making significant progress to address the global warming problem." Adora Andy

Press Secretary

U.S. Environmental Protection Agency

Office of Public Affairs

202-564-2715

andy.adora@epa.gov



Adora Andy/DC/USEPA/US  
05/04/2010 02:05 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Mathy Stanislaus, Lisa Feldt, Stephanie Owens, Diane Thompson, Bob Perciasepe  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Alisha Johnson, Michael Moats, Vicki Ekstrom, Dru Ealons  
bcc  
Subject DETRIOT FREE PRESS: EPA to regulate coal ash disposal

## DETRIOT FREE PRESS

### EPA to regulate coal ash disposal

Tuesday, May 4, 2010

By: [Dave Flessner](#) ([Contact](#))

Coal ash will come under federal regulation for the first time under new rules proposed today by the U.S. Environmental Protection Agency.

EPA Administrator Lisa Jackson said the agency is proposing two possible federal rules for controlling coal ash, which previously has only been regulated by state authorities.

In one proposal, utilities and other producers of coal ash would have to phase out wet storage of coal combustion products by 2016. The other proposal unveiled today by Ms. Jackson would require that coal ash and other combustion products be put only into ponds that are lined to prevent any seepage into nearby waters.

The proposed rules, which will be open for public comment by EPA over the next three months, were announced today in response to the December 2008 coal ash spill at TVA's Kingston coal plant.

"The time has come for a common sense solutions," Ms. Jackson said in announcing the first-ever federal regulation of coal ash. "We believe that this is the best way to avoid a repeat of the devastating spill in Kingston, Tenn."

Ms. Jackson had pledged to come up with proposed rules by the end of 2009 following the Kingston spill of more than 1 billion gallons of coal ash over nearly 300 acres in Roane County. Because of the complexity and amount of debate over the rules, EPA didn't unveil its plans until today.

"EPA believes it is very important to get on with this regulatory decision," Ms. Jackson said. "I'd like to hear from public citizens about what is they most want."

EPA stopped short of labeling coal ash as a hazardous material. Ms. Jackson said coal combustion products will be listed as a special waste to continue to encourage that coal ash be recycled in the right type of products.

Details in tomorrow's Times Free Press

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
05/04/2010 02:03 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Bob Sussman, Mathy Stanislaus, Lisa Feldt, Stephanie Owens, Diane Thompson, Bob Perciasepe  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Alisha Johnson, Michael Moats, Vicki Ekstrom, Dru Ealons  
bcc  
Subject KEN WARD BLOG: Obama EPA punts on coal ash regulations

## Obama EPA punts on coal ash regulation

May 4, 2010 by Ken Ward Jr.

U.S. Environmental Protection Agency officials just finished their phone-in press conference to announce their [proposal for new rules to regulate coal ash from coal-fired power plants](#).

In its [press release](#), EPA describes its action this way:

*The U.S. Environmental Protection Agency today is proposing the first-ever national rules to ensure the safe disposal of coal ash from coal-fired power plants.*

And it quotes EPA Administrator Lisa P. Jackson saying:

*The time has come for common-sense national protections to ensure the safe disposal of coal ash. We're proposing new rules to reduce the risk of groundwater contamination and threats to drinking water and we're also putting in place stronger safeguards for coal ash impoundments. The health and the environment of all communities must be protected.*

But after listening to the press conference, and as I read the [563-page document EPA just posted on its Web site](#), this is more than the Obama administration punting on making a decision.

As [Coal Tattoo](#) and many others in the media have reported, perhaps the most basic and important call for EPA is to use the Conservation and Recovery Act the agency is going to use to regulate coal ash.

RCRA Subtitle D leaves many decisions to the states, while Subtitle C sets up a nationwide regulatory program. [Here's a breakdown of the differences available online here.](#)

We're now more than 16 months since [the failure of a coal-ash impoundment at a TVA power plant in East Tennessee](#), and thrust coal-ash regulation back into the public eye. And we're five months into 2010, after EPA [announced its proposal by the end of 2009](#).

And in today's announcement EPA has put forth not an actual proposal ... they've put forth two proposals — one that would use Subtitle C.

Jackson told reporters that the two proposals involve “varying approaches to enforcement and oversight,” but that “the national level.” EPA is going to accept public comment on the two approaches for 90 days, and then

On the one hand, Jackson told reporters today's announcement is the start of "a national dialogue" on which on the other hand, she acknowledged there "has been lots of discussion already" and said, "EPA believes it is very important to go through this process."

It will be interesting to see how environmental groups react now to this ... here's an initial comment from Lisa Jackson (who prefers the tougher approach of Subtitle C):

*EPA's coal ash proposal is certainly a step forward. While EPA has published two options, the science and the fact that hazardous and only hazardous waste regulations can protect communities and safeguard our drinking water. EPA should be commended for this action.*

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
03/19/2010 03:13 PM

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  
bcc

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 CO<sub>2</sub> 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](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
05/06/2010 02:31 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan, Bob Perciasepe, Diane Thompson, Bob Sussman, Peter Silva, Stephanie Owens  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Vicki Ekstrom, Alisha Johnson, Dru Ealons  
bcc  
Subject CHARLESTON DAILY MAIL: CONGRESSMEN ASK EPA TO RETHINK WATER QUALITY RULE

<http://www.dailymail.com/News/201005060419>

Thursday May 6, 2010

## **Congressmen ask EPA to rethink water quality rule**

by The Associated Press

CHARLESTON, W.Va. (AP) -- Three coal-state congressmen are asking the Environmental Protection Agency to rethink tight new water quality standards for Appalachian surface coal mining permits.

West Virginia Democrats Nick Rahall and Alan Mollohan and Virginia Democrat Rick Boucher made the request Thursday in a letter to EPA Administrator Lisa Jackson.

EPA set strict limits on salt levels in waterways downstream from surface mines April 1. The agency argues that burying streams with mine wastes increases salt levels in waterways downstream, hurting fish and other aquatic life.

The congressmen say the EPA acted without considering the policy's implications and treats Appalachia differently under federal law than other parts of the country.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
04/02/2010 12:09 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan, Bob Sussman, Bob Perciasepe, Diane Thompson, Stephanie Owens, Peter Silva  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Alisha Johnson  
bcc  
Subject KEN WARD BLOG: New EPA standards: Is this only about coal?

<http://blogs.wvgazette.com/coalatattoo/2010/04/02/new-epa-standards-is-this-only-about-coal/#more-2863>

## New EPA standards: Is this only about coal?

April 2, 2010 by Ken Ward Jr.

Even when he's out in Indianapolis following my West Virginia Mountaineers in the Final Four, my buddy Hoppy is always in the middle of mountaintop removal news.

Hoppy was tweeting away this morning with comments from Gov. Joe Manchin about yesterday's big EPA announcement on new water quality guidelines. Here's [the one that caught my eye](#):

*Manchin on EPA decision: "Don't treat me (WV) different."*

West Virginia Metro News [has audio of the governor's remarks](#), including this:

*The last time I looked, I thought we were part of this great union called the United States of America ... How can it be that 44 states are not?*

So, is EPA treating coal or Appalachian coal differently? Well, yes and no.

Is EPA putting resources into examining the environmental problems associated with coal mining — especially in West Virginia? Absolutely. But perhaps that's because there is [so much scientific evidence about the magnitude of the problem](#) and the evidence that we in Appalachia aren't doing a [very good job of addressing those problems on our own](#).

But one thing that the governor didn't mention is that EPA's new guidelines for conductivity are intended to apply to [all watersheds](#) and [not just surface waters](#). EPA's [guidance](#) says:

*Permits for discharges associated with activities other than surface coal mining should also be evaluated to determine if they will cause or contribute to in-stream conductivity levels above 500 ...*

*... EPA should coordinate with the permitting authority to consider relevant information when conducting a reach assessment for activities on a case by case basis.*

But if the focus is on coal mining in West Virginia, why might that be?

*We believe that circumstances unique to surface coal mining, however, are principally responsible for the increase in conductivity in surface waters downstream of mining practices. Surface coal mining involves disturbing large volumes of rock and soil and disposal activities at a scale not typically associated with activities such as development practices or forestry.*

*We do not have studies of other non-mining activities demonstrating a likelihood that they will have a reasonable exceedance of water quality standards.*

Don't believe that surface coal mining is such a big deal? Well, you need to read EPA's new report, [The Effects of Surface Mining on Aquatic Ecosystems of the Central Appalachian Coalfields](#), which further documents the clear science about t

Among other things, the report includes this interesting figure:

What is that? It's from a study called "[Spatial distribution of human geomorphic activity in the United States: Case Study of the Central Appalachian Coalfields, 1999](#)" by Roger Hooke, a University of Minnesota geologist. The figure itself shows, by variations in peak height, the amount of earth moved by rivers in gigatonnes per year in a grid cell measuring 1 degree of latitude and longitude. The top map shows earth moved by rivers.

Take a look at the earth movement there in Appalachia ... as EPA said, this study "identified [mountaintop removal] as a major contributor to earth-moving activity in the United States."

Complaining that West Virginia and its coal industry are being picked on seems to only divert attention away from the EPA guidance and finding ways to live with it and, of course, preparing for the [inevitable decline in Central Appalachian coal](#) market forces and [trying to make carbon capture and storage work](#) to blunt some of that decline.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



**Adora Andy/DC/USEPA/US**

01/19/2010 10:21 AM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, David McIntosh, Arvin Ganesan, Bob Sussman, Diane Thompson, Bob Perciasepe, Peter Silva, Gregory Peck

cc

bcc

Subject COLBERT REPORT CLIP: MTM AND THE EPA

<http://www.colbertnation.com/the-colbert-report-videos/261997/january-18-2010/coal-comfort---margaret-palmer>

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
10/08/2009 04:37 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, David  
McIntosh, Bob Sussman, Lisa Heinzerling, Gina McCarthy  
cc Brendan Gilfillan, Betsaida Alcantara, Michael Moats  
bcc

Subject AP: WHITE HOUSE AMPS UP PUSH ON CLIMATE

## AP Interview: White House amps up push on climate

By DINA CAPPIELLO – 40 minutes ago

WASHINGTON — President Barack Obama's so-called green team has undergone a growth spurt. The group of Cabinet secretaries and White House advisers who meet regularly to craft the president's and environmental agenda now numbers 13, double what it was during the administration's early days. It's just one of the signs that the administration is stepping up its push to pass energy and climate legislation this year, as the Senate continues to wrangle with Obama's other top domestic priority, health care reform. The House has already passed a bill.

Since the summer, when everyone else's attention was focused on the heated town hall meetings over health care, Obama administration officials have been meeting with more than half the Senate, made calls to state mayors in 17 states, and met with numerous governors, according to White House records. Their goal is to get the bill moving. "It's to get the bill moving and moving."

"It's really engaging a wide array of people across the administration to make sure that we're answering the questions that the Senate needs answered and working with individual members as they think about how they can support comprehensive energy legislation," Browner said Thursday in an interview with The Associated Press. "It's just grown and grown and grown, with more and more Cabinet agencies and secretaries who will be involved."

In the days and hours before the House vote in June, White House officials and the president himself pressured reluctant lawmakers to vote for the legislation. The bill passed narrowly, 219-212. The climb to 60 votes in the Senate is expected to be even more steep, and it comes as the administration is under pressure to make progress on climate change before international negotiations in Copenhagen in December. The Senate bill would cut greenhouse gases 80 percent by 2050.

The White House effort started earlier this year. The first big meeting between Sen. John Kerry, D-Mass., and administration officials took place over dinner in March at his Georgetown home. Browner, Energy Secretary Steven Chu, EPA Administrator Lisa Jackson, White House science adviser John Holdren and State Department climate negotiators Todd Stern and Jonathan Pershing attended. There has also been a permanent White House representative at a weekly meeting of nearly 20 senators working to advance the legislation, Kerry said.

"Now there will be a more unified meeting process between senators and the administration in order to get things in," said Kerry. "We are getting into the stage of negotiations where people need to close."

Browner was scheduled to meet later Thursday with a group of five Democratic senators concerned about how the cost curbing greenhouse gases will have on their home-state industries. Their votes are crucial for the bill to pass.

"It's important for us to get right from the senators their thinking," Browner said. "As the bill starts to move, we want to make sure that we in the administration know what members are most focused on and what's the key to ensuring their support for comprehensive energy legislation."

How much support the administration is getting is unclear. Kerry on Thursday acknowledged that the bill is a long way to go. His co-sponsor Sen. Barbara Boxer, D-Calif., said Sunday during an interview on C-SPAN that the bill is a long way to go.

she did not have the 60 votes. Hearings on the measure may also be pushed back to later in October  
an EPA analysis of the legislation.

Browner would not handicap the bill Thursday, saying only that she wanted the legislation "to be as far  
we possibly can be."

In a sign of how important a domestic bill is to the White House's efforts, Browner has no plans yet to  
U.N. conference in Copenhagen — and she says she won't be going if the bill is still working its way th  
Congress.

"Obviously, we'd love to sign the bill" into law before then, Browner said. "I don't think that is going to h

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Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
02/04/2010 05:13 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Gina McCarthy, Bob Perciasepe, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Stephanie Owens  
bcc

Subject BLAKE MORRISON WINS ENVIRO REPORTING AWARD:  
DUHIGG GETS 2ND PLACE

## Columbia Awards *USA TODAY* Reporters Environmental Journalism Award

By Amanda Ernst on Feb 04, 2010 03:30 PM

An investigative piece into toxic air around America's schools has garnered a 2009 [John B. Oakes Award](#) for two [USA TODAY](#) reporters.

The Columbia Graduate School of Journalism announced today that [Blake Morrison](#) and [Brad Heath](#) will be the recipients of this year's Oakes Award, which honors excellence in environmental journalism. The award recognizes the reporters' work on the investigative series "The Smokestack Effect: Toxic Air and America's Schools" and [it's companion Web site](#), which allows readers to search for their schools and discover the level of toxic air in its area. The series resulted in the Environmental Protection Agency launching a \$2.25 million program to monitor the air quality around schools.

"By yoking the locations of private and public schools around the country with an EPA model for tracking toxic chemicals, the reporters identified hundreds of schools where children seemed to be at risk," the Oakes Award judges' said. "As a result, the EPA and local environmental agencies began to do what they should have been doing for years: paying attention to the environment in which our children live and learn."

Second prize has been awarded to [The New York Times](#) series "Toxic Waters" written by [Charles Duhigg](#).

The winners will receive their awards and speak on a panel about their work at the Oakes Award luncheon on March 30 at Columbia.

Full release after the jump

USA Today Wins the 2009 Oakes Award for Environmental Reporting

New York, N.Y. (February 4, 2010) -- The Columbia Graduate School of Journalism announced today that a USA Today investigation into the smokestack effects of toxic air around America's schools has won the 2009 John B. Oakes Award for excellence in environment journalism.

The Oakes Award judges cited USA Today reporters Blake Morrison and Brad Heath for their "commitment to the public good, that even government agencies entrusted with protecting the health of children—the most vulnerable among us—had failed to demonstrate." Their ambitious series, "The Smokestack Effect: Toxic Air and America's Schools," and companion website (<http://smokestack.usatoday.com>) focused the nation's attention on the quality of the air that children breathe eight hours a day. As a result, the Environmental Protection Agency (EPA) has launched a \$2.25 million program to monitor air quality outside schools, and a campaign is underway before Congress for tighter rules on where schools can be built.

"By yoking the locations of private and public schools around the country with an EPA model for tracking toxic chemicals, the reporters identified hundreds of schools where children seemed to be at risk," said the judges' citation. "As a result, the EPA and local environmental agencies began to do what they should have been doing for years: paying attention to the environment in which our

children live and learn."

Second place goes to the New York Times for its series "Toxic Waters," an investigation that probed the effectiveness of the Clean Water Act and the Safe Drinking Water Act.

The series, written by Charles Duhigg, an investigative business reporter, detailed how the Environmental Protection Agency and local regulators failed to use environmental laws to stop illegal pollution.

Duhigg's "Toxic Waters" series (<http://www.nytimes.com/toxic-waters/>) chronicles in print, videos and photos "the failures of the Clean Water Act and the Safe Drinking Water Act, that federal and state agencies had been ignoring," the Oakes judges said. Duhigg, who interviewed more than 350 sources and filed 500 Freedom of Information Act requests, received more than 20 million electronic records, with which he built a database describing a compelling "pattern of pollution and lack of enforcement that jeopardizes the nation's water and health." The series catalyzed an effort to overhaul the Clean Water Act.

In a rare move, the Oakes Award judges have also named two recipients of certificates of merit to reporters Kristin Lombardi of the Center for Public Integrity and Kelly Kennedy of Military Times for the work they undertook in the small-to-medium size category, which included a Web-only project, to uncover systemic neglect in protecting people from environmental hazards.

Lombardi was recognized for her Web publication "The Hidden Cost of 'Clean Coal,'" (<http://www.publicintegrity.org/investigations/longwall>) which detailed how longwall mining, which yielded 176 million tons of coal in 2007, can have brutal social and environmental consequences. Kennedy was recognized for courage in breaking news and for following up with a compelling series of more than two dozen stories about the health threats to troops who are exposed to war-zone burn pits.

"We are quite excited that we have four superb projects this year to demonstrate how important and relevant reporting on the environment is to someone's health and well being," said Arlene Morgan, the school's associate dean for prizes and programs. A panel of journalists and scientists, under the direction of Lisa Redd, director of the Oakes Award, selected the finalists from among the approximately 80 newspaper, magazine and Web sites submitted for the prize. This year marks the first time, according to Redd, that an online entry receives recognition.

The Oakes award honors the career of the late John B. Oakes, a New York Times editor who was a pioneer in environmental journalism and creator of the Times Op-Ed page. The first place prize comes with a \$5,000 honorarium; the second with a \$1000 award. Certificates of merit each carry a \$500 honorarium. The winners will accept their awards and serve on a panel discussing their work at the Oakes Award luncheon on March 30 at the Journalism School.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
09/25/2009 02:32 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Lisa  
Heinzerling, David McIntosh, Arvin Ganesan, Bob Sussman  
cc  
bcc  
Subject NYT: Another Utility Leaves Chamber Over Climate Policy

NEW YORK TIMES  
September 25, 2009

# Another Utility Leaves U.S. Chamber Over Climate Policy

By MICHAEL BURNHAM of [Greenwire](#)

A New Mexico electric utility will leave the U.S. Chamber of Commerce because of the business group's position on climate change.

"We see climate change as the most pressing environmental and economic issue of our time," PNM Resources Inc. spokesman Don Brown said in an e-mail. "Given that view, and a natural limit on both company time and resources, we have decided that we can be most productive by working with organizations that share our view on the need for thoughtful, reasonable climate change legislation and want to push that agenda forward in Congress."

The Albuquerque-based company (**NYSE: PNM**), which is a member of the U.S. Climate Action Partnership, is the second major electric utility this week to say it will not renew its chamber membership next year. Fellow U.S. CAP member PG&E Corp. sent the chamber a [letter](#) (pdf) Tuesday, criticizing the business association for taking an "extreme position" on climate change.

PG&E Chairman and CEO Peter Darbee pointed to the chamber's recent request that U.S. EPA host an on-the-record "trial" in which environmental and business groups could engage in weighing the scientific evidence that global warming endangers human health ([E&ENews PM](#), Aug. 25).

The chamber's petition comes as EPA prepares to declare emissions of carbon dioxide and other heat-trapping greenhouse gases from new automobiles and their engines as dangers to public health and welfare. The agency's proposal, which does not include any regulations, comes in response to the Supreme Court's 2007 *Massachusetts v. EPA* ruling.

"We find it dismaying that the chamber neglects the indisputable fact that a decisive majority of experts have said the data on global warming are compelling and point to a threat that cannot be ignored," PG&E's Darbee wrote. "In our view, an intellectually honest argument over the best policy response to the challenges of our time is one thing; disingenuous attempts to diminish and distort the reality of these challenges are quite another."

EPA has not yet responded to the request for an endangerment trial, said J.P. Fielder, a chamber

spokesman. The influential business lobby plans to file a lawsuit regardless of whether EPA denies the endangerment trial petition or moves ahead with its final endangerment finding, Bill Kovacs, the chamber's vice president for environment, regulatory and government affairs, said in a recent interview.

"It is a certainty that there will be litigation," Kovacs said. "I don't think that's a secret."

The chamber and the National Automobile Dealers Association have already filed a [lawsuit](#) (pdf) to block California from implementing its greenhouse gas emissions limits for cars and trucks. The groups are asking the U.S. Circuit Court of Appeals for the District of Columbia to review an EPA ruling issued in July that granted California a waiver under the Clean Air Act to regulate greenhouse gas emissions from automobiles starting in the current model year.

Nike Inc. is also among chamber members that have grown wary of the business group's tactics.

"Nike believes that climate change is an urgent issue affecting the world today and that businesses and their representative associations need to take an active role to invest in sustainable business practices and innovative solutions to address the issue," the sports-apparel giant noted in a statement this week. "It is not a time for debate but instead a time for action, and we believe the chamber's recent petition sets back important work currently being undertaken by EPA on this issue."

Asked whether Nike plans to not renew its chamber membership, company spokeswoman Erin Dobson declined to comment. The Beaverton, Ore.-based company is a member of the Business for Innovative Climate & Energy Policy coalition (BICEP), which was organized earlier this year by the investor network Ceres and includes the likes of Levi Strauss & Co., Starbucks Corp. and Sun Microsystems Inc.

The chamber's Fielder declined to comment on the comings and goings of members. He underscored that his business association is committed to helping Congress pass a "good climate bill" that entails either a carbon tax or a cap-and-trade system.

Such legislation must preserve the competitiveness of U.S. industry, accelerate the development of clean energy technologies and spur other countries to reduce their emissions of heat-trapping gases. "We are actively supporting steps to address climate change, but these steps have to create and keep jobs," Fielder explained.

#### Eyes on Senate

BICEP wants a bill to create an emissions cap-and-trade system, a renewable electricity portfolio standard, and a moratorium on new coal-fired power plants that do not capture and sequester their emissions of carbon dioxide.

Legislation passed by the House in late June, [H.R. 2454](#) (pdf), would cap U.S. greenhouse gas emissions at 17 percent below 2005 levels by 2020 and 83 percent by 2050. The bill, sponsored by Reps. Henry Waxman (D-Calif.) and Edward Markey (D-Mass.), also would set a 20 percent

renewable energy and energy-efficiency standard by 2020.

Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) is using the House bill as a starting point for companion legislation. The chamber opposed the Waxman-Markey bill, calling it "fundamentally flawed," because it would impose tariffs on products produced by other countries that do not impose similar curbs on greenhouse gas emissions.

So are this week's letters admonishing the chamber for its policy position part of an organized, tactical response by businesses?

That is not the case, promised Peyton Fleming, a spokesman for Ceres.

"Companies are acting on their own," Fleming contended.

The chamber may have 3 million members and deep pockets, but the Senate is where the action on climate change policy will place in the coming months.

"It's a good thing companies are taking the chamber to task on its climate change stance, which isn't forward-thinking," Fleming added. "But most engagement should now be focused on senators, because they are the ones who vote."

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For more news on energy and the environment, visit [www.greenwire.com](http://www.greenwire.com).

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov



**Adora Andy/DC/USEPA/US**  
05/04/2010 02:07 PM

To Richard Windsor, Seth Oster, Allyn Brooks-LaSure, Stephanie Owens, Mathy Stanislaus, Bob Sussman, Lisa Feldt, Bob Perciasepe, Diane Thompson, David McIntosh, Arvin Ganesan  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Alisha Johnson, Michael Moats, Vicki Ekstrom, Dru Ealons  
bcc

Subject AP: EPA proposes coal ash rule, sets time for comment

## **AP: EPA proposes coal ash rule, sets time for comment**

By BILL POOVEY  
The Associated Press  
Tuesday, May 4, 2010; 1:53 PM

CHATTANOOGA, Tenn. -- The Environmental Protection Agency is proposing to regulate coal ash and its disposal, possibly as a hazardous waste.

EPA Administrator Lisa Jackson said Tuesday that one option would regulate the ash under the hazardous waste section of the federal Resource Recovery and Conservation Act. The other is regulating it in the non-hazardous waste section of the law.

She said EPA will seek public comment for 90 days before deciding on which method to use.

The announcement came 16 months after a huge coal ash spill at the Tennessee Valley Authority's Kingston Plant west of Knoxville. The power plant ash contains substances defined by the Superfund Law as hazardous, such as arsenic, cadmium, chromium, lead, mercury, selenium and zinc.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
11/17/2009 04:07 PM

To Richard Windsor, Seth Oster, Bob Perciasepe, Allyn  
Brooks-LaSure, Diane Thompson, Bob Sussman, Peter Silva  
cc Brendan Gilfillan, Michael Moats  
bcc  
Subject HUFF PO: Where's the Love? Will Lisa Jackson and Nancy  
Sutley Ever Visit a MTM Site?

HUFFINGTON POST

[Where's the Love? Will Lisa Jackson and Nancy Sutley Ever Visit a Mountaintop Removal Site?](#)

By Jeff Biggers

*I think at the Obama administration we all believe that everybody has the right to live in a clean, healthy environment and a prosperous economy. And we're working towards that. We need to reach out to communities whose voices have been ignored and where there are disproportional impacts, whether it's environmental protection or promoting [a] clean energy economy. --Nancy Sutley [interview](#), July 31, 2009*

Question of the week: Given all of their agencies' beautiful rhetoric about "reaching out to communities whose voices have been ignored and where there are disproportional impacts," why haven't EPA chief Lisa Jackson and CEQ administrator Nancy Sutley found three hours in the schedules to visit a mountaintop removal site--the most egregious environmental tragedy in their administration?

Will they ever visit [Coal River Mountain](#) in West Virginia--the mountaintop removal battleground for clean energy and a healthy environment?

**UPDATE: 12noon EST:** The EPA [announced](#) "environmental justice showcases" today in ten areas of the country to "highlight the disproportionate environmental burdens placed on low-income and minority communities all across the nation." Not a single community in the entire Appalachian region was included.

On June 11, in responding to the national outcry over the tragedy of mountaintop removal mining, the Obama administration promised it would, "engage the public through outreach events in the Appalachian region to help inform the development of Federal policy."

And the EPA, the Council on Environmental Quality and the Department of Interior jointly [announced](#) their intent to "work in coordination with appropriate regional, state, and local entities to help diversify and strengthen the Appalachian regional economy and promote the health and welfare of Appalachian communities."

Five months later, where is the Obama administration and its promises to visit the besieged coalfields of Appalachia?

EPA chief Lisa Jackson flew 1,687 miles to the Rocky Mountains of Colorado this week to

speak to a high school in Denver, but she--or any top level of her staff--has yet to visit a nearby mountaintop removal mine in Appalachia. (In May, Jackson flew 2,001 miles to visit the less controversial Black Thunder Coal Mine in the Powder River Basin of Wyoming.)

In the meantime: An estimated 1.6 billion pounds of ammonium nitrate fuel explosives have ripped across the lush Appalachia mountains, as part of mountaintop removal operations, since the Obama administration took power in January.

1.6 billion pounds of explosives.

Since Jackson began her career with the EPA in the mid-1980s, over 500 mountains have been blown up, 1.2 million acres of hardwood forests have been clear cut, an estimated 2,000 miles of waterways have been jammed with mining waste, and untold numbers of American citizens have been forced to relocate, through mountaintop removal operations.

Horrific violations of the Clean Water Act have reached a state of emergency in the coalfields--and the [front page](#) of the New York Times.

And while affected Appalachian coalfield residents have made numerous [visits](#) to Washington, DC to plead for environmental justice and their lives in a virtual war zone, and while over [20,000 petitions](#) were hand delivered to the EPA headquarters last month calling for a SINGLE visit to the region, there is still no word, no announcement, no plans for a visit by Lisa Jackson and Nancy Sutley.

Where's the love?

Nancy Sutley believes environmental justice is a civil rights issue, and she traveled over a 1,000 miles to [New Orleans](#) last month, to assure American citizens concerned about coastal restoration and levee safety issues that: "We've heard before and we've heard here again today the need for urgency and we certainly understand the need for urgency."

But Nancy Sutley--or any top level of her staff--has never visited a mountaintop removal site in Appalachia where American citizens are literally dying from [coal slurry-contaminated](#) drinking water, and have been forced out of their homes from reckless blasting, fly rock, and coal dust.

While the EPA made an important step to actually apply the law with greater scrutiny of mountaintop removal permits in [September](#), only one federal agency has made any attempt to keep the Obama administration's promise to reach out to Appalachia, in Appalachia: The Army Corps of Engineers, and they held quite possibly the most disorganized, chaotic and violation-ridden hearing in West Virginia in the recent history of the coalfields; residents are still [calling](#) for an investigation by the Department of Justice.

And where are those green jobs "to help diversify and strengthen the Appalachian regional economy"?

While small efforts have been made for some reforestation projects, the coal barons and the

pitiful WV politicians all know that mountaintop removal has [plundered](#) the Appalachian economy, [beleaguered](#) the region in eternal costs, and [wiped out](#) any diversified economic development and even stopped a tiny tiny initiative for [green jobs in West Virginia](#) from passing through the state legislature.

Faced with a declining domestic and world coal demand, the out-of-state global warming-denying union-busting coal barons (CEOs from Virginia, Texas and St. Louis) held a [bizarre seance](#) with faltering West Virginia politicians last week and whipped them into an [unfounded frenzy about job losses](#) from environmental regulations.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

**Adora Andy/DC/USEPA/US**  
09/01/2010 03:37 PM

To Richard Windsor, Seth Oster, Bob Perciasepe, David McIntosh, Arvin Ganesan, Diane Thompson, Gina McCarthy, Stephanie Owens  
cc Alisha Johnson, Brendan Gilfillan, Dru Ealons  
bcc

Subject UPDATE: THANK YOU'S POURING IN

It appears Move On sent different emails to different regions. Says members should call and thank EPA because coal industry lobbyists, conservative Dems and GOP is pressuring EPA to back off. Here's one to Brooklyn, NY:

Pollution is making the air in the Brooklyn area unhealthy to breathe. Can you call EPA Administrator Lisa Jackson and thank her for her efforts to enforce the Clean Air Act and urge her to keep fighting? Here's were to call:

EPA Headquarters  
(202) 272-0167

I called Lisa Jackson <<http://pol.moveon.org/call/oneoffs/epacalls.html?id=&t=2>>

Dear MoveOn member,

Today in the Brooklyn area, the air pollution is so bad that health experts say it's dangerous to go outside and breathe.1

The good news is that the Environmental Protection Agency, led by clean energy champion Lisa Jackson, has been fighting to enforce the Clean Air Act so we can finally clean up the air.

But lobbyists for the coal industry—joined by conservative Democrats in Congress—have been putting enormous pressure on her to back off.2

Since it's a code orange day in Washington, DC, the media and politicians are definitely aware of the problem. That gives us a brief window of opportunity to speak while we've got their attention.

Can you call EPA Administrator Lisa Jackson today and thank her for her efforts to enforce the Clean Air Act and urge her to keep fighting back against coal industry lobbyists who want her to back down? Here's where to call:

Environmental Protection Agency  
(202) 272-0167

Then, please report your call by clicking here:  
<http://pol.moveon.org/call/oneoffs/epacalls.html?id=&t=3>

For years, the coal industry has fought tooth-and-nail to block any enforcement of the Clean Air Act. But right now one key provision in the law in particular is under attack: limits on global warming pollution from coal plants.

New cars and trucks already have to meet global warming pollution standards.<sup>3</sup> But the coal industry wants a special exemption that will allow them to keep operating ancient, filthy power plants—some built in the 1940s and 1950s.

To be clear, global warming pollution is different from the smog and soot that's polluting the air today. But without global warming pollution limits on coal plants, we're likely to remain hooked on dirty coal for decades. And more coal means more air pollution across the board.<sup>4</sup>

Administrator Jackson's plan would solve this problem by speeding up the transition to clean energy and creating millions of new jobs in the process. But Republicans and conservative Democrats in bed with the coal industry have been attacking her efforts every step of the way.<sup>5</sup>

You can help make bad air days a thing of the past by calling EPA Administrator Lisa Jackson today. Thank her for her efforts to enforce the Clean Air Act and urge her not to back down under pressure from the coal industry. Here's where to call:

Environmental Protection Agency  
(202) 272-0167

Then, please report your call by clicking here:

<http://pol.moveon.org/calls/oneoffs/epacalls?id=&t=4>

Thanks for all you do.—Steven, Kat, Joan, Anna, and the rest of the team

P.S. In addition to making this call, please be safe today! Kids and seniors should stay inside in areas with code orange alerts, and even healthy adults should avoid outside exercise. To keep up with air quality in your area, bookmark this website <<http://www.airnow.gov/>> for the latest health advisories.

Adora Andy

Yvonne with the EPA hotline office just...

09/01/2010 02:42:48 PM

From: Adora Andy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Cc: Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA  
Date: 09/01/2010 02:42 PM  
Subject: FYI: THANK YOU'S POURING IN

Yvonne with the EPA hotline office just contacted me to say that "hundreds of calls" are pouring into our hotline with callers thanking Lisa Jackson for her work on the Clean Air Act. As Yvonne attempted to tell me this, her phone continued to ring, forcing her to answer it. "Hello, EPA Hotline. Well, thank you! We thank you very much. Yes, we'll let them know. Thank you for

calling. Bye now!"

This is apparently sparked by MoveOn.Org. Efforting more information now...

Adora Andy/DC/USEPA/US  
06/08/2011 12:32 PM

To Richard Windsor, Seth Oster, Bob Sussman, Diane Thompson, Daniel Kanninen, Bob Perciasepe, David McIntosh, Arvin Ganesan, Laura Vaught, Gina McCarthy  
cc Brendan Gilfillan, Betsaida Alcantara, Vicki Ekstrom, Stephanie Owens, Dru Ealons  
bcc

Subject HUFF PO: Opponents of EPA Dominate TV News

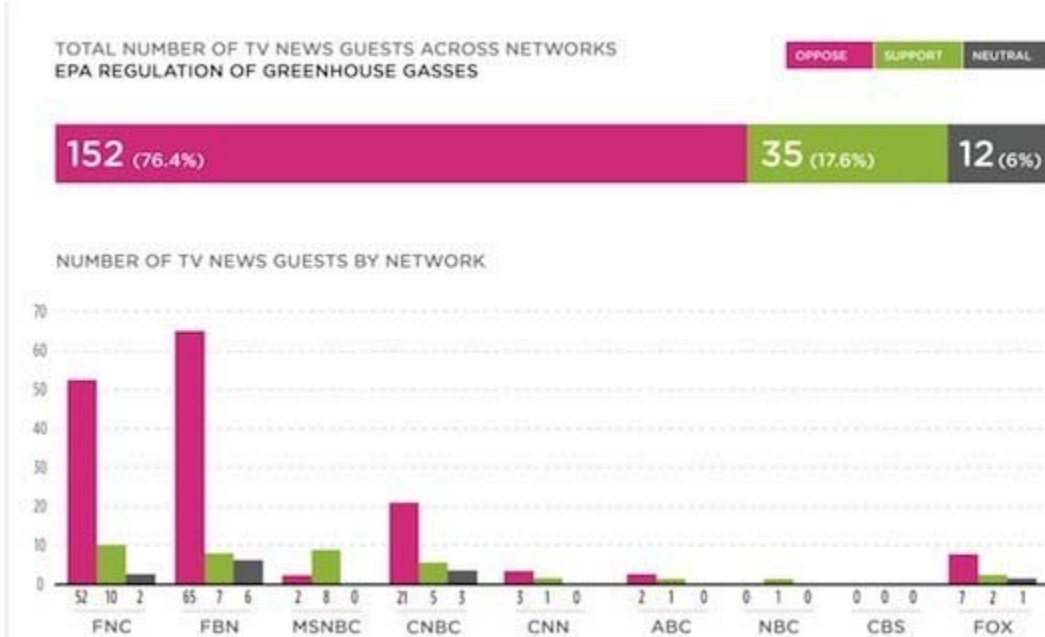
HUFFINGTON POST:  
OPPONENTS OF EPA GREENHOUSE GAS REGULATION DOMINATE TV NEWS COVERAGE  
[http://www.huffingtonpost.com/2011/06/07/epa-greenhouse-gas-opponents\\_n\\_872815.html](http://www.huffingtonpost.com/2011/06/07/epa-greenhouse-gas-opponents_n_872815.html)

More than three-quarters of U.S. television news guests discussing Environmental Protection Agency regulation of greenhouse gases between December 2009 and April 2011 opposed such regulation, according to a analysis by [Media Matters](#).

Guests included lawmakers, members of advocacy groups, business leaders, pundits and others. Only one of the featured guests, the Cato Institute's Patrick Michaels, had a background in climate science -- and, as Media Matters notes, Michaels also estimated that about 40 percent of his funding comes from the petroleum industry.

The breakdown of TV analyst perspectives is starkly at odds with public opinion polls, which have shown 71 percent of respondents said they support continued funding of the EPA to "enforce regulation on greenhouse gases and other environmental issues."

Per Media Matters:



- For some useful perspective on government oversight of Wall Street, JPMorgan Chase's



litigation reserves of \$4 billion -- the money the bank is saving so it can fight or settle lawsuits -- is four times the size of what the Securities and Exchange Commission has to regulate the entire securities industry. Bank of America's marketing expenses in the last three months of 2010 were about half the SEC's budget. ([Forbes](#))

- A grassroots movement built by the nation's biggest business lobby would seem to be the definition of astroturfing, a term used to describe a political or corporate agenda disguised as an independent, bottom-up movement.

But that didn't stop U.S. Chamber of Commerce president Tom Donohue from sending out a seven-page memo announcing the latest chapter in its mission to create a grassroots movement for reform and relief of government regulation -- he's enlisted former Democratic Sen. Evan Bayh (Ind.) and ex-White House chief of staff Andy Card for a "road show" to "promote a bipartisan blitz against what it deems excessive and costly government regulations," reports the Center for Public Integrity.

Story continues below

- The revolving door between the federal government and Wall Street is highlighted by the Project on Government Oversight. The most recent example: SEC nominee Daniel Gallagher, who currently works at law firm WilmerHale, and worked for the SEC before he held that job.

WATCH HERE:

[embedded video]

Despite the fact that for two decades the Internet has allowed federal agencies to provide reams of non-classified information to the public -- bypassing the costly and cumbersome Freedom of Information Act process -- not every agency has taken advantage of the opportunity. The U.S. Department of Agriculture recently jumped aboard when its Animal and Plant Health Inspection Service made the service's data on people and companies it licenses available in a free online searchable database.

In light of all the recent concern over food safety issues, it's [worth checking out](#).

Adora Andy  
Deputy Associate Administrator  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
03/05/2010 06:11 PM

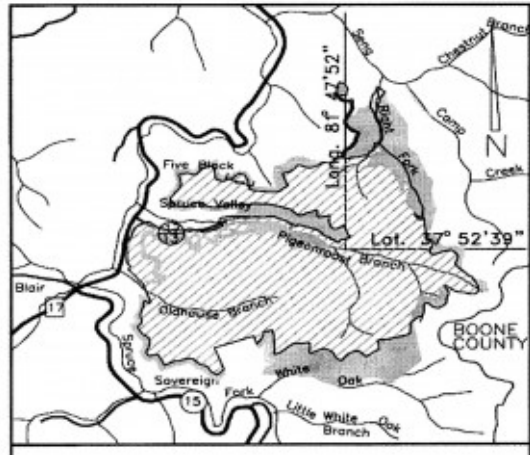
To Richard Windsor, Seth Oster, Bob Sussman, Peter Silva  
cc Alisha Johnson, Betsaida Alcantara, Brendan Gilfillan,  
Michael Moats, Stephanie Owens  
bcc

Subject KEN WARD: EPA again punting on Spruce Mine decision

This is from his blog:

## EPA again punting on Spruce Mine decision

March 5, 2010 by Ken Ward Jr.



U.S. Environmental Protection Agency officials just can't seem to make a decision about the largest mountaintop removal mine in the world's history.

On behalf of the EPA, Department of Justice lawyers just asked U.S. District Judge Robert C. Chambers for yet another stay of the nearly 2,300-acre permit along Pigeonroost Hollow in Logan County, W.Va.

I've posted a copy of their legal filing [here](#).

Since first threatening in early September to block the Clean Water Act permit for the Arch Coal Inc. operation, the EPA has engaged in a series of delay tactics, including litigation and then to further delay any action while it thought some more about the matter and met with coal industry officials to reach a compromise to be had.

To be clear, the litigation arises from environmental groups challenging the Spruce Mine permit issued by the EPA after 10 years of study and completion of a lengthy environmental impact statement on the mine. Throughout the process, EPA officials have continually questioned the size and scope of the mine, and said it appeared to propose a permit that the law allows.

Arch Coal lawyers have strenuously objected to EPA's attempted veto, and have asked Judge Chambers to throw out the permit challenge. West Virginia political leaders, including Sen. Jay Rockefeller and Gov. Joe Manchin, have also expressed support for the mine.

Judge Chambers had suspended the litigation until today, but now EPA wants another stay.

DOJ lawyers told Judge Chambers that EPA and the company “have been unable to reach an agreement that would not have unacceptable adverse effects.”

EPA, the court filing said, “must now determine if it will proceed to the next step in the CWA Section 404(c) administrative determination, proposing that the discharge of dredged or fill material to waters of the United States for the purpose of the Mine as currently authorized ... be prohibited or restricted.”

DOJ said that environmental groups do not oppose the request, while Arch Coal does oppose it. Chambers ordered

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
12/14/2010 07:11 PM

To Richard Windsor, Seth Oster, Brendan Gilfillan, Bob Perciasepe, Diane Thompson, Bob Sussman, Lisa Garcia, Mathy Stanislaus, Michelle DePass  
cc Alisha Johnson, Andra Belknap, Betsaida Alcantara  
bcc  
Subject BALTIMORE SUN: Got Questions about Environmental Justice?

## Got questions about environmental justice?



Ever wonder where's the justice in how environmental protections are applied? Here's your chance to ask. Obama administration officials will host the first-ever White House forum on environmental justice Wednesday, and the public is invited to tune in and participate online. "Green" jobs, "clean" energy and adaptation to climate change will be among the topics covered at the day-long session, which will generate ideas for a more sustainable environment for all, including poor communities. Top administration officials slated to speak include Environmental Protection Agency Administrator General Eric Holder.

The proceedings will be streamed online live at <http://www.whitehouse.gov/live> And there'll be a live question-and-answer session and you can pose queries via the White House Facebook page, <http://apps.facebook.com/whitehouselive> For more on environmental justice, in Maryland and elsewhere, go [here](#).

*(EPA Administrator Lisa Jackson announcing her agency's finding that climate-altering greenhouse gases are a threat to human health, Dec. 14, 2010)*

Adora Andy  
Deputy Associate Administrator  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)

Adora Andy/DC/USEPA/US  
06/10/2011 03:20 PM

To Richard Windsor, Seth Oster, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Bob Perciasepe, Diane Thompson, Daniel Kanninen, Bob Sussman

cc

bcc

Subject POLITICO: Afternoon Energy, presented by America's Natural Gas Alliance: Issa calls Jaczko a bully - Jackson has fun plans - Salazar asks Congress to work together on wilderness - New Hampshire ad targets ethanol

PLEASE SEE THE FIRST BULLET. "JACKSON HAS FUN PLANS"

----- Forwarded by Adora Andy/DC/USEPA/US on 06/10/2011 03:19 PM -----

From: POLITICO Pro Energy <afternoonenergy@politicopro.com>  
To: Adora Andy/DC/USEPA/US@EPA  
Date: 06/10/2011 03:07 PM  
Subject: Afternoon Energy, presented by America's Natural Gas Alliance: Issa calls Jaczko a bully - Jackson has fun plans - Salazar asks Congress to work together on wilderness - New Hampshire ad targets ethanol

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By Dan Berman | 6/10/11 3:03 PM EDT

Good afternoon and welcome to the TGIF edition of Afternoon Energy. In today's edition, Ken Salazar tries again, Jeff Bingaman has some questions and Lisa Jackson goes out of town. I'm your tour guide, Dan Berman ([dberman@politico.com](mailto:dberman@politico.com); Twitter [@DHBerman](https://twitter.com/DHBerman)).

**JACKSON HAS FUN PLANS:** Sunday, the EPA chief will deliver the commencement address at the University of California at Santa Cruz's College Ten. She will talk about EPA's environmental justice efforts. Monday, she'll join Sacto Mayor Kevin Johnson (yes, the former Phoenix Suns guard) at a meeting of the Greenwise Sacramento initiative.

**JACZKO-GATE CONTINUES:** House Republicans are jumping on the NRG IG report that shows Gregory Jaczko not to always be that nice a guy.

Darrell Issa called Jaczko a bully: "The NRC Inspector General's report paints an embarrassing picture of a bully whose use of deceit and manipulation is ruining the integrity of a respected independent regulatory agency."

John Shimkus said the report "reveals a calculating and political NRC chairman."

The report includes complaints by unnamed current and former employees that Jaczko created an "intimidating work environment" and quotes a former NRC chairman as saying that Jaczko "often yelled at people" and rules "by intimidation." Jaczko acknowledged losing his temper at times but said that he is trying to control it and that he "mainly loses his temper with the commissioners," it says. <http://politico.pro/iRICCQ>

**SALAZAR TO CONGRESS: LET'S WORK TOGETHER ON THIS WILDERNESS**

**THING:** After getting his 'wildlands' policy kicked to the curb, Ken Salazar wants to work with Congress on wilderness. In a letter to the Hill, Salazar says Interior will by Oct. 15 submit a list of "crown jewel" areas ready for "ready for immediate Wilderness designation."

**\*\* ARE YOU GETTING THE MOST OUT OF PRO?** Our Energy Whiteboard alerts give you short blasts of breaking energy news throughout the day — but you don't get them if you don't sign up. Go to your Manage Alerts page (<http://politico.pro/lvfnLQ>) and click the box for Whiteboards. And while you're there, check out our other alert options — including custom alerts that get you the news you need most, the minute we publish it. **\*\***

**BINGAMAN TO CFTC: TELL ME MORE ABOUT WHAT YOU DO:** ENR Chairman Jeff Bingaman wrote CFTC today asking about price formation in the oil market and how the commission interprets recent oil price movement. "[O]il price volatility has increased, rather than decreased, as the situation in Libya has become clearer, and the imminent threat to world oil demand has abated," Bingaman wrote.

**AL AND TIPPER AT A PARTY:** Click has the details of Al and Tipper Gore together at a party for Kristin Gore's new book, "Sweet Jimmy." <http://politi.co/ISLxxy>

**NEW HAMPSHIRE AD TARGETS ETHANOL:** Friends of the Earth and Taxpayers for Common Sense are teaming up on a TV ad in New Hampshire before Monday's GOP presidential debate opposing the ethanol blender subsidies. Watch the ad here: <http://bit.ly/lrnt5U>

**RGGI AUCTION RESULTS:** Power plant owners bid between \$1.89 and \$7.40 for a carbon dioxide allowance in this week's RGGI auction, officials from the 10-state climate compact reported Friday. It was RGGI's 12th auction since the cap-and-trade program launched in 2008 and first since New Jersey Gov. Chris Christie announced plans last month to leave the cap-and-trade program. New Jersey joined in Wednesday's auction for current allowances but did not participate as bidders sought future CO2 credits.

**LET'S SEE THE DOCS!** AE's going to spend the rest of the day looking at the Sarah Palin documents. Let's be honest: You want to see them too. <http://politi.co/IWaBue>

**\*\* A message from America's Natural Gas Alliance:** One solution for more abundant domestic energy is staring us in the face. Natural gas is the natural choice — now and in the future. We know we need to use cleaner, American energy. And, we have it. Today, the U.S. has more natural gas than Saudi Arabia has oil, giving us generations of this clean, domestic energy source. Natural gas supports 2.8 million American jobs, most states are now home to more than 10,000 natural gas jobs. As Congress and the Administration look for ways toward a cleaner tomorrow, the answer is right here: natural gas. Learn more at [www.anga.us](http://www.anga.us). And, follow us on Twitter @angaus. **\*\***

## Stories from POLITICO Pro

[Report fuels accusations Jaczko bent rules](#)

## Report fuels accusations Jaczko bent rules [back](#)

By Darius Dixon | 6/10/11 1:30 PM EDT

Gregory Jaczko's Yucca Mountain victory lap didn't last long.

Two days after the Nuclear Regulatory Commission chairman claimed to have been vindicated by an inspector general report, the public release of the same document now paints him as a hot-tempered manipulator, alleging he "strategically" withheld information from his fellow commissioners while pushing to shut down the radioactive waste storage project.

The IG ultimately cleared Jaczko of violating any laws, but almost everything else detailed in the report throws a cloud of suspicion over the process and his management style. And it offers plenty of fodder for House Republicans who have charged that Jaczko bent the rules in his quest to help the White House and Senate Majority Leader Harry Reid kill Yucca Mountain.

Darrell Issa, chairman of the House Oversight and Government Reform Committee, was among the first to seize the opening.

"The NRC Inspector General's report paints an embarrassing picture of a bully whose use of deceit and manipulation is ruining the integrity of a respected independent regulatory agency," the California Republican said in a statement Friday. "It's quite clear that closer congressional scrutiny of the NRC and the role the Obama administration's agenda has played in Chairman Jaczko's unilateral actions is warranted and necessary."

John Shimkus, chairman of the House Energy and Commerce Committee's environment subcommittee, said in a statement to POLITICO that the report "reveals a calculating and political NRC Chairman who has abused his authority, who sought to suppress scientific reports and withhold information from fellow commissioners — strategically working to rig the system in a no-holds-barred effort to derail the Yucca Mountain repository."

The E&C Committee has scheduled a Tuesday hearing on the issue with NRC Inspector General Hubert Bell. The panel also released an [online copy of the report](#), which Jaczko had refused to release this week even as he trumpeted the fact that it doesn't accuse him of breaking any laws.

It doesn't, but it does include complaints by unnamed current and former employees that Jaczko created an "intimidating work environment" and quotes a former NRC chairman as saying that Jaczko "often yelled at people" and rules "by intimidation."

Jaczko acknowledged losing his temper at times but said that he is trying to control it and that he "mainly loses his temper with the commissioners," the report says.

The report also includes statements by Jaczko and the agency's general counsel defending the chairman's conduct. Jaczko told investigators that several members of Congress supported his handling of the issue and that "the commentary and correspondence he received reflecting congressional dismay against his actions were solely political in nature," according to the report.

Among other allegations, the IG's report says Jaczko "strategically provided" three of his four fellow commissioners with varying amounts of information about his intentions to close out Yucca Mountain.

It also says he gave selective information to commissioners and staff about a budget guidance memo that Jaczko was using to angle the agency toward closing out the project. He told the staff that the other commissioners had agreed to the document, but in fact only one commissioner agreed with it, one commissioner hadn't seen it, and two had seen it but didn't recognize the impact it would have.

In addition, the report says Jaczko confronted Commissioner Kristine Svinicki angrily after she proposed making changes to a document that cited a lack of congressional funding as a reason for ending work on reviewing the Energy Department's license application for Yucca Mountain.

Jaczko, a former science adviser to Reid, interpreted her proposed changes as implying "a belief on her part that he was at the NRC for the purpose of dismantling and terminating the Yucca Mountain program at the bidding of Sen. Reid," the IG reports says. Svinicki told investigators that Jaczko was "very animated" and "objected to the perceived accusation."

The report also details commissioners' objections to Jaczko's decision to stop work on a safety evaluation report for the project. Jaczko told the staff not to hasten publication of the safety report, even after finding out they were ahead of schedule, and ultimately had them stop work on it. Jaczko also had the agency refuse to publish the final version of the safety report.

Commissioner William Ostendorff told the IG investigators that he had challenged Jaczko on the decision to delay and then terminate the safety report, calling it a "big mistake" that would look like interference in the staff's handling of an outstanding legal decision. He "cautioned the chairman that he would likely have to deal with any accusations of tampering with the proceedings if word got out that he had provided such direction," the IG wrote.

Jaczko told the inspector that publishing the safety evaluation ahead of schedule would make it appear that the agency "was trying to rush information out before it was actually complete."

A majority of commissioners did not think the conditions for suspending or ending the Yucca project had been met, the report says.

Ultimately, the NRC's general counsel told investigators that Jaczko's approach was "consistent" with "existing commission budget guidance," despite some "ambiguities," the report says.

The NRC has never held a final vote to allow DOE to end the project, a fact that has infuriated lawmakers on both sides of the aisle because a 1987 law designated Yucca Mountain as the nation's first nuclear waste repository. The NRC's own independent internal licensing board rejected DOE's efforts to pull out of the project.

Observers suspect that the commission's position on Yucca is a 2-2 standoff because one



commissioner is abstaining on the matter because of a conflict.

If a 2-2 deadlock were made official — with a final vote — the decision by the NRC's internal licensing board would stand — rejecting DOE's attempt to end the Yucca project.[back](#)

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=====  
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Adora Andy/DC/USEPA/US  
09/02/2010 01:08 PM

To Richard Windsor, Seth Oster, Stephanie Owens  
cc  
bcc

Subject BUSINESS WEEK: Lisa Jackson Walks 'Knife's Edge' on  
EPA's Carbon Controls

- This is the first wire version
- Pretty balanced, though could stress that you're compelled by SCOTUS more
- Ends with a good quote from LPJ
- The issue on stands Monday

Lisa Jackson Walks 'Knife's Edge' on EPA's Carbon Controls  
2010-09-02 16:27:16.269 GMT

By Kim Chipman

Sept. 2 (Bloomberg) -- Early in his presidency, Barack Obama made it clear that if Congress failed to limit carbon emissions, he would use his authority under the Clean Air Act to control greenhouse gases. Now that Congress has pulled the plug on legislation, that task has fallen to Lisa Jackson, Obama's Environmental Protection Agency chief.

Caught between business groups, Republicans and even some Senate Democrats who want to stop her, and environmental organizations that say she's not going far enough, Jackson may have one of the toughest jobs in Washington, Bloomberg Businessweek reports in its Sept. 6 edition.

Even Jackson agrees that regulation is inferior to legislation.

"I have always said legislation would be better," Jackson, 48, said in an interview. "There is only so much this agency can do under the Clean Air Act. That being said, you can get started, and we need to get started."

It took a 2007 Supreme Court ruling to clarify that the 1970 law gave the agency the power to regulate carbon at all. One of Jackson's first moves as EPA administrator was to take up the court's invitation and declare carbon an environmental threat. Within weeks, she followed that with rules requiring automakers to boost fuel economy 5 percent a year and average 35.5 miles per gallon by 2016.

Those rules, effective Jan. 2, will mark the U.S.'s first nationwide limits on greenhouse-gas pollution in the effort to curb global warming. Having taken that step, Jackson by law must clamp down on other carbon sources.

#### Cleaners, Pizza Shops

In an economic downturn, Jackson has said she hopes to avoid writing detailed diktats for small businesses, schools, hospitals, and apartment buildings, many of which emit enough carbon that broad-based rules could force them to install expensive equipment. That could be politically explosive in a midterm election year, letting Republicans say that Obama is strangling the economy.

Instead, Jackson has moved cautiously by offering what she calls a "tailored" approach that exempts mom-and-pop dry cleaners and pizza parlors and initially regulates only power plants and oil refineries. Among those, only new or expanding

plants need comply.

Even so, business groups, led by the U.S. Chamber of Commerce, are taking Jackson to court saying she has no authority to regulate greenhouse gases under the Clean Air Act. Keith McCoy, vice-president for energy and resources policy at the National Association of Manufacturers, calls the greenhouse-gas rules "one of the greatest bureaucratic power grabs in the history of the United States."

#### All or Nothing

Some industry groups are arguing that Jackson's not going far enough. It's all or nothing, they say, knowing that all-out regulation would be untenable.

If the EPA wishes to regulate carbon, "then it ought to have to regulate facilities large and small and suffer all the consequences, warts and all," said Scott Segal, a Washington lawyer at Bracewell & Giuliani LLP who lobbies for coal-fired utilities Southern Co. and Duke Energy Corp., among others.

Lobbyists such as Segal are on guard for Jackson's next move in coming months, when the EPA will issue guidance to refiners and power plants on the "best available control technology" to limit the largest amount of emissions, taking into account cost and availability. If the guidance is severe, it could delay new construction and expansion by manufacturers -- and harm job creation, Segal said.

#### Two-Year Delay

Some Democrats from coal-producing states want to stop or postpone the EPA's efforts. Senator Jay Rockefeller, a West Virginia Democrat, has readied a measure that would delay any rule for two years. To succeed, he would need 18 other Democrats to join 41 Republicans, which isn't impossible, considering that half the states mine coal or burn it for most of their electricity.

"The president and the White House have been clear that they would veto any attempt to take away authority here," Jackson said.

An environmental group, the Center for Biological Diversity, sued the EPA in early August, claiming the tailored regulations leave out too many large polluters. Republican Governor Rick Perry of Texas has filed a lawsuit against the agency for singling out refineries and power plants.

"It's a knife's edge the EPA is walking right now," said Robert Stavins, director of Harvard University's Environmental Economics Program in Cambridge, Massachusetts. He calls the EPA approach "inappropriate and unfortunate" if it ends up playing "into the hands of the far right and others who don't want any action on climate change."

Jackson, the agency's first black administrator, has made a priority of "environmental justice," the effort to ensure that poor and minority groups don't bear the brunt of environmental risks such as waste dumps.

#### Chemical Engineer

Born in Pennsylvania, Jackson grew up in the Ninth Ward of New Orleans, the daughter of a mailman and a secretary who also worked as a substitute teacher. She was a high-school

valedictorian and graduated with honors from Tulane University. She earned a master's degree in chemical engineering from Princeton University in New Jersey before starting her career at the EPA, working in Washington and New York.

After 16 years at the EPA, Jackson joined New Jersey's environmental protection department, where she helped push for cuts in greenhouse gases. From 2006 to 2008, she was head of the agency under Democratic Governor Jon Corzine.

In a prelude to the dispute she faces today, Jackson was criticized by business groups for policies they found too aggressive, and by environmentalists who didn't think she was going far enough. "She found a good balance," said Corzine, for whom she also served as chief of staff.

#### Inhofe's Praise

Even Senator James Inhofe, an Oklahoma Republican and a leading skeptic of man-made global warming, likes Jackson's style.

"She's established her integrity and openness to Democrats and Republicans," said Inhofe, the senior Republican on the Senate Environment and Public Works Committee. Inhofe was so impressed after meeting Jackson that he gave her a holiday card with a photo of his family, which now sits, framed, on her office shelf.

"I'm a firm believer in the value of talking to people, of working together no matter what the politics," Jackson said.

While Representative John Dingell, a Michigan Democrat, has called attempts to regulate carbon through existing law a "glorious mess," Jackson is forging ahead.

"The regulations we put in place will be a start and I'm committed to them being a good start," Jackson said. "Part of my belief is that there is absolutely no reason for the economy and the environment to be at opposite ends of a spectrum."

Adora Andy  
Deputy Associate Administrator  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
01/25/2011 12:06 PM

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  
bcc  
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 1217 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.*

Adora Andy  
Deputy Associate Administrator  
U.S. Environmental Protection Agency  
Office of External Affairs and Environmental Education  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US

12/08/2009 10:24 AM

To Richard Windsor

cc "Allyn Brooks-Lasure", "David McIntosh", "Seth Oster"

bcc

Subject Re: Boston Globe: Finally, US leads on environment

amen!

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Richard Windsor

Coo-oooh! ----- Original Message -----

12/08/2009 10:22:34 AM

From: Richard Windsor/DC/USEPA/US  
To: Adora Andy/DC/USEPA/US@EPA  
Cc: "Seth Oster" <oster.seth@epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>  
Date: 12/08/2009 10:22 AM  
Subject: Re: Boston Globe: Finally, US leads on environment

Coo-oooh!

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

Adora Andy/DC/USEPA/US

10/27/2009 06:41 PM

To Richard Windsor

cc "Seth Oster"

bcc

Subject Re: Fw: Google Alert - lisa jackson epa

HA!!! I am reading the politco story now just sent around. Can't get full text of Dow Jones story yet but working on it.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Richard Windsor

[Are these stories as completely contra...](#)

10/27/2009 06:38:40 PM

From: Richard Windsor/DC/USEPA/US  
To: "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>  
Date: 10/27/2009 06:38 PM  
Subject: Fw: Google Alert - lisa jackson epa

Are these stories as completely contradictory as the headlines indicate?

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 10/27/2009 10:35 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

## Google News Alert for: **lisa jackson epa**

### [EPA: May Want CO2 Clean Air Act Power With Climate Bill](#)

Wall Street Journal

But Administrator **Lisa Jackson** told the Environment and Public Works Committee that the agency may still need powers to regulate emissions such as carbon ...

[See all stories on this topic](#)

### [Is EPA jumping gun on climate bill?](#)

Politico

EPA Administrator **Lisa Jackson** told the committee that the administration would rather cut emissions through legislation than executive rule-making. ...

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**Adora Andy/DC/USEPA/US**  
09/16/2009 11:32 AM

To Richard Windsor, "Seth Oster", "Allyn Brooks-LaSure"  
cc  
bcc  
Subject Re: Google Alert - lisa jackson epa

Maybe ours should be "Life in the HOV lane?"

---

**From:** Richard Windsor  
**Sent:** 09/15/2009 08:00 PM EDT  
**To:** "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>; Adora Andy  
**Subject:** Fw: Google Alert - lisa jackson epa

Lahood's blog - called welcome to the fast lane. :)

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 09/15/2009 11:48 PM GMT  
**To:** Richard Windsor  
**Subject:** Google Alert - lisa jackson epa

## Google Blogs Alert for: **lisa jackson epa**

### [Matthew Yglesias » About that \*\*EPA\*\* Regulatory Authority](#)

By myglesias

About that **EPA** Regulatory Authority. **Lisa Jackson**. Ted suggests that I might want to start taking my cues from Katherine Weymouth and offer some cheerier stories: Also, Matt, I think \*your\* readers might appreciate some cheerier stories ...

[Matthew Yglesias - http://yglesias.thinkprogress.org/](http://yglesias.thinkprogress.org/)

### [ECO-BUSINESSWIRE.COM » Everything you always wanted to know about ...](#)

By rafael

**Lisa Jackson's EPA** has been hashing through the issues quickly. The final endangerment finding is coming soon, the mobile-source proposal is already on paper, and the stationary-source regulations ... well, they're another matter. ...

[ECO-BUSINESSWIRE.COM - http://news.eco-businesswire.com/](http://news.eco-businesswire.com/)

### [Welcome to the Fast Lane: The Official Blog of the U.S. Secretary ...](#)

By Ray LaHood

This is one of those days when I am so clearly reminded of why I joined this Administration. Today, **EPA** Administrator **Lisa Jackson** and I announced a proposed rule that would bring our nation a step closer to a future...

[Welcome to the Fast Lane: The... - http://fastlane.dot.gov/](http://fastlane.dot.gov/)

---

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**Adora Andy/DC/USEPA/US**  
10/01/2009 03:51 PM

To Seth Oster, Allyn Brooks-LaSure, Betsaida Alcantara,  
Richard Windsor, Bob Sussman  
cc Brendan Gilfillan  
bcc  
Subject HEADS UP: 60 Min Preview/clip

A taste of what's to come Sunday... Link below. Brendan made the transcript for those in the field:

<http://www.cbsnews.com/video/watch/?id=5356259n&tag=related;photovideo>

(VOICE OVER VIDEO of coal ash being poured and spread on the ground)

Stahl: Coal ash is recycled in dozens of ways. As cement substitute for instance. It's also placed under roads, and in deserted mines. It's added to products from carpets to bowling balls to bathroom sinks. While the industry says the uses have been studied, I asked Lisa Jackson if the EPA knows whether some of the recycled products are safe.

(BACK ON CAMERA)

Stahl: School room carpeting?

LPJ: I don't know. I have no data that says that is safe at this point.

Stahl: Kitchen counters?

LPJ: The same.

Stahl: 50,000 tons of coal ash, the byproduct, have been used in agriculture. Now what's being done, through EPA, to look at the use of coal ash in agricultural products. Anything? Is there a study?

LPJ: I'm not sure that there's any study out there right now.

Stahl: How did we get to a place where coal ash is in products without anybody knowing?

LPJ: We're here now because coal ash right at this time isn't regulated material by the federal government.

###

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
andy.adora@epa.gov

Adora Andy/DC/USEPA/US  
11/04/2009 11:23 AM

To Seth Oster, Allyn Brooks-LaSure, Richard Windsor, Bob Sussman, Mathy Stanislaus, Diane Thompson, Bob Perciasepe, David McIntosh  
cc Betsaida Alcantara, Brendan Gilfillan, Michael Moats, Arvin Ganesan  
bcc  
Subject PEER: EPA IG TO PROBE EPA MARKETING OF COAL ASH



**FOR IMMEDIATE  
RELEASE**  
November 4, 2009  
8:32 AM

**CONTACT: PEER**  
Kirsten Stade (202)  
265-7337

## **Inspector General to Probe EPA Marketing of Coal Ash Agency Promotes Coal Waste "Beneficial Use" Without Completing Risk Assessment**

WASHINGTON - November 4 - The Office of Inspector General for the U.S. Environmental Protection Agency has opened an investigation into the agency's "partnership" with the coal industry to market coal ash and other combustion wastes to residential, consumer, agricultural and industrial products, according to a report issued this week. The action underlines concerns raised by Public Employees for Environmental Responsibility (PEER) that EPA has been promoting the massive re-use of toxic coal ash without understanding the long-term public health or environmental consequences.

The EPA Office of Inspector General (OIG) report, released on November 2, 2009, addresses why the agency did not release a 2002 analysis on the cancer risk from exposure to coal ash until this March. The agency still has not released a 2005 "sensitivity analysis" on the same topic. While the report concluded that the OIG could find no "evidence of an effort to improperly suppress the release of scientific information during the rulemaking process" it did recommend a new probe of why EPA was promoting coal ash prior to determining whether these commercial applications were prudent or safe:

"We identified a potential issue related to EPA's promotion of beneficial use through its Coal Combustion Product Partnership and have referred the question how EPA established a reasonable determination for these endorsements to the appropriate office for evaluation."

This OIG investigation arose from an October 4th piece by CBS's "60 Minutes" in which EPA Administrator Lisa Jackson admitted that her agency had no studies indicating coal ash re-use was safe: "I don't know. I have no data that says that's safe at this point." The OIG also found that EPA began its formal partnership with the coal industry and American Coal Ash Association to push commercial re-use of coal ash during a period (2003-6) in which the agency's scientific reviews of potential health and environmental effects had been suspended.

EPA Administrator Jackson has pledged to determine whether coal ash should be classified as a hazardous waste by the end of this year but agency insiders report efforts to exempt any re-use of coal ash on the grounds that it is a product and not a waste.

"I fear that EPA will say that coal ash is hazardous in a sludge pond but is perfectly safe on your living room carpet, nursery wallboard or kitchen counter," stated PEER Executive Director Jeff Ruch. "EPA is supposed to be a regulatory agency and, as such, should not be in a 'product partnership' with the very industries that it purports to regulate."

EPA claims credit for "beneficial" re-use of nearly half of all the coal combustion waste created - some 125 million tons - each year in the U.S. In turn, this marketing effort generates between \$11 and \$13 billion each year for the industry, but industry derives an immensely greater economic benefit by avoiding costs it would face if coal ash and other combustion by-products were treated as hazardous waste.

###

[Read the IG report](#)

[Look at the EPA-Coal Ash promotion partnership](#)

[See growing use of coal ash on farmlands](#)

[Watch the 60 Minutes segment on coal ash](#)

###

[Public Employees for Environmental Responsibility \(PEER\)](#) is a national alliance of state and federal resource professionals. PEER's environmental work is solely directed to the needs of its members. As a consequence, we have the distinct honor of serving resource professionals who daily cast profiles in courage in cubicles across the country.

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs  
202-564-2715  
[andy.adora@epa.gov](mailto:andy.adora@epa.gov)



**Adora Andy/DC/USEPA/US**  
02/28/2011 11:27 AM

To Stephanie Owens, Dru Ealons, Arvin Ganesan, David McIntosh, Bob Sussman, Bob Perciasepe, Richard Windsor, Diane Thompson, Daniel Kanninen

cc

bcc

Subject The Hill: Environmentalists targeting Upton in new advertisements

The Hill  
Environmentalists targeting Upton in new advertisements  
By Andrew Restuccia  
02/28/11 10:40 AM

Environmental groups are running a series of radio and television advertisements targeting House Energy and Commerce Committee Chairman Fred Upton (R-Mich.) for voting to block funding for Environmental Protection Agency regulations in a spending bill approved by the House earlier this month.

The advertisements are part of a broad effort by environmental groups to build opposition against lawmakers for their votes on the House spending bill, which would fund the government through the end of the fiscal year.

The bill slashed EPA's budget by \$3 billion and included a series of amendments that blocked funding for EPA's climate rules, among other regulations.

Upton, who became chairman of the House energy panel in January, has become a central figure in GOP efforts to stop the EPA from issuing climate regulations, a move that Republicans say would impose major burdens on the economic recovery.

While Upton voted to temporarily block funding for EPA climate rules in the spending bill, he is also working to pass legislation in the coming months that would permanently block the agency from regulating greenhouse gas emissions.

The Sierra Club is running broadcast and cable television ads in Michigan that slam Upton for voting to block funding for EPA climate rules in the House spending bill, while also supporting billions of dollars in oil industry tax breaks.

"Congressman Fred Upton puts oil companies first and Michigan families last," the ad says.

President Obama called for eliminating oil industry tax breaks in his fiscal year 2012 budget, but Republicans, including Upton, have said such a move could harm the economy.

Upton "used to be a moderate," Melinda Pierce, a lobbyist at the Sierra Club, said Monday. "But now is leasing a charge of stripping EPA of its authority to regulate greenhouse gases."

Meanwhile, the League of Conservation Voters is also targeting Upton in a radio advertisement criticizing Republicans for voting to defund EPA air pollution rules for cement plants through the end of September.

"We don't like politicians interfering in decisions that should be made by experts, scientists whose job it is to protect the water our kids drink and the air they breathe," the ad says. "But Fred Upton thinks he knows better."

The League of Conservation voters is running similar ads targeting Reps. Lou Barletta (R-Pa.), Jason Altmire (D-Pa.), Tim Walberg (R-Mich.), and Denny Rehberg (R-Mich.) for their votes on the House spending bill. The ads will be accompanied by calls to constituents in the lawmakers' districts.

The League of Conservation Voters is also planning to release updated environmental rankings Tuesday based on lawmakers' votes on the House spending bill.

The advertisements come on the heels of a slew of polls commissioned by the Sierra Club and the Natural Resources Defense Council that show there is significant opposition in key districts to measures that would limit EPA's authority and block funding for key environmental regulations.

**Adora Andy/DC/USEPA/US**

01/16/2010 08:18 PM

To "Allyn Brooks-LaSure", "Richard Windsor", "David McIntosh"

cc "Brendan Gilfillan", "Betsaida Alcantara"

bcc

Subject WaPo Update

Juliet's climate bill story will likely run Monday or Tuesday.

**Adora Andy/DC/USEPA/US**  
09/24/2009 11:49 PM

To "Allyn Brooks-LaSure", "Richard Windsor", "Seth Oster",  
"David McIntosh"  
cc  
bcc  
Subject MUST READ: NYT on Carlin

I'm trying to get the text sent but try to access the link. Story debunks I all.

---

**From:** Google Alerts [googlealerts-noreply@google.com]  
**Sent:** 09/25/2009 02:48 AM GMT  
**To:** Adora Andy  
**Subject:** Google Alert - McGartland

## Google News Alert for: **McGartland**

### [Behind the Furor Over a Climate Change Skeptic](#)

New York Times - New York, NY, USA

Further, his supervisor, Al **McGartland**, also a career employee of the agency, ... Dr. **McGartland**, also an economist, declined to comment on the matter. ...

---

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**Adora Andy/DC/USEPA/US**  
09/09/2009 03:05 PM

To "Arvin Ganesan", "Bob Sussman", "Richard Windsor"  
cc "Seth Oster"  
bcc  
Subject MetroNews: Manchin: EPA On 'Ill Advised Mission'

See below  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 09/09/2009 03:04 PM EDT  
**To:** Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Michael Moats  
**Subject:** MetroNews: Manchin: EPA On 'Ill Advised Mission'

Manchin: EPA On 'Ill Advised Mission'  
Staff

### **State Capitol**

Governor Joe Manchin says he could see the EPA action on Arch Coal's Spruce Number 1 mine coming soon after Secretary Lisa Jackson took over as head of the federal agency.

"They're on a mission and I think it's an ill-advised mission," said an agitated Manchin. "It's not only not good for West Virginia, it's not good for this country."

Last week, the EPA penned a letter to the US Army Corps of Engineers calling for revocation of the Arch Coal permit for the Logan County surface mine, the largest surface mine permit in West Virginia. The Corps wants a review of a number of matters regarding the potential impact on valley fill operations to downstream areas.

All of the matters raised in the letter were heavily vetted in the permitting process before it was issued in 2007. Manchin believes the EPA is deliberately throwing up hurdles to any and all coal mining activities.

"Why do you have the Corps doing the review process? Why do we have the state doing the initial permitting process," said Manchin rhetorically. "If there's just going to usurp everything that's being done, that is so wrong."

Manchin told MetroNews Wednesday he intends to gain an audience with top brass at EPA and believes the state's Congressional Delegation will join him in raising the displeasure of the activities.

"I am going to be very boisterous about this I think it's wrong," said Manchin. "The approach they're taking, they're not using good procedures or good scientific data and they're definitely not using good land-use

management."

The land use program is a stiff set of requirements at the state level with reasonable plans for post-mine land use.

"If they don't have any of that in their planning, they shouldn't disturb the land at all," said Manchin. "But when they do meet all requirements we put in front of them and the feds say, 'We still don't like it and we're not going to let you do it.' That's wrong. I wish they'd just follow the rules that we have."

**Adora Andy/DC/USEPA/US**  
02/23/2010 03:35 PM

To "Arvin Ganesan", "Richard Windsor", "Bob Perciasepe",  
"Diane Thompson"  
cc "Seth Oster"  
bcc

Subject Politico: Sanders: Skeptics like Nazi deniers

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 02/23/2010 03:23 PM EST  
**To:** Brendan Gilfillan  
**Cc:** Adora Andy; Allyn Brooks-LaSure; Betsaida Alcantara; Michael Moats;  
Seth Oster <oster.seth@epa.gov>  
**Subject:** Politico: Sanders: Skeptics like Nazi deniers

## **Sanders: Skeptics like Nazi deniers**

By: [Marin Cogan](#)

February 23, 2010 02:20 PM EST

Vermont Senator Bernie Sanders is comparing climate change skeptics to those who disregarded the Nazi threat in America in the 1930s, adding a strident rhetorical shot to the already volatile debate over climate change.

"It reminds me of an event that took place in this country and around the world in the late 1930s," said Sanders, perhaps the most liberal member of the Senate, during a Senate hearing Tuesday. "During that period of Nazism and fascism's growth—a real danger to this country and democratic countries around the world—there were people in this country and in the British parliament who said 'don't worry! Hitler's not real! It'll disappear!'"

Sanders' Nazi comparison is sure to enrage Republicans who are already skeptical of the science behind climate change. But Sanders wasn't the only one throwing bombs at a hearing that was ostensibly about the EPA's fiscal 2011 budget. Sen. Jim Inhofe (R-Okla.), who has called global warming a "hoax," is asking for an investigation into the science used in the latest Intergovernmental Panel on Climate Change (IPCC), the governing body on climate science.

Earlier in the hearing, Inhofe had chided Sanders: "I know the senator from Vermont wants so badly to believe that the science on climate change is settled but it's not."

The heated exchanges came as EPA administrator Lisa Jackson sparred with lawmakers over her agency's decision to regulate greenhouse gases, something that Senate Republicans — and some Democrats — have

opposed.

"How can you justify doing something administratively that was overwhelmingly rejected by the United States Senate and say defiantly 'we don't care what you say, Congress, we're going to go ahead and do it under the clean air act,'" Inhofe asked.

Jackson said her agency was in its right to regulate carbon.

"The supreme court said the EPA must make the determination whether or not greenhouse gases are harmful to the public welfare. Rather than ignore that obligation I chose as a public administrator to make the order," Jackson replied.

On Monday, Jackson told lawmakers that the EPA would delay regulation of most greenhouse gas producers until 2016. Her announcement came in the wake of a letter from eight coal state Democrats, who, like Republicans, fear the effect of the regulations will have on the economy.

That was little comfort for Republicans.

"Some would say it's merely a cynical ploy to delay job killing," said Senator Kit Bond.

As the rhetoric escalates, a handful of senators are actually negotiating on a climate bill.

Committee Chairwoman Barbara Boxer announced that Senators John Kerry (D-Mass.), Lindsey Graham (D-S.C.) and Joe Lieberman (I-Conn.) were "getting close to getting the 60 votes we need" for bipartisan energy legislation.

But Inhofe countered that they were nowhere near close enough for cap and trade legislation.

Brendan Gilfillan [CLIMATE: EPA chief goes toe-to-toe...](#) 02/23/2010 02:59:06 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, Betsaida Alcantara/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA  
Date: 02/23/2010 02:59 PM  
Subject: Greenwire: EPA chief goes toe-to-toe with Senate GOP over warming science

## **CLIMATE: EPA chief goes toe-to-toe with Senate GOP over warming science (02/23/2010)**

**Robin Bravender, E&E reporter**



U.S. EPA Administrator Lisa Jackson today defended the science underpinning pending climate regulations despite Senate Republicans' claims that global warming data has been thrown into doubt.

"The science behind climate change is settled, and human activity is responsible for global warming," Jackson told the Senate Environment and Public Works Committee. "That conclusion is not a partisan one."

Jackson's comments came as the Senate panel scrutinized President Obama's \$10 billion budget request for EPA. The administration's fiscal 2011 proposal would cut the agency's total funding by about \$300 million from 2010 levels while allotting \$56 million -- including \$43 million in new funding -- for regulatory programs to curb greenhouse gas emissions.

Senate Republicans used the hearing as a platform to blast EPA over its plans to begin rolling out greenhouse gas regulations next month after it determined last year that the heat-trapping emissions endanger human health and welfare.

Sen. James Inhofe (R-Okla.), the panel's ranking member, called on EPA to reconsider that determination after recent reports have revealed errors in the reports from the Intergovernmental Panel on Climate Change (IPCC) that were used to underpin EPA's finding and a recent controversy surrounding e-mails stolen from climate scientists that some have dubbed "Climategate."

"We've been told that the science still stands," Inhofe said. "We've been told that the IPCC's mistakes are trivial. We've been told that Climategate is just gossipy e-mails between a few scientists.

"But now we know there's no objective basis for these claims," he added. "Furthermore, Climategate shows there's no 'consensus;' the science is far from settled."

Committee Republicans released a [report](#) today detailing concerns over the content of the e-mails that were lifted last year from computers at the Climatic Research Unit of the University of East Anglia, a research institute whose studies help form the basis of the IPCC reports.

Some of the e-mails reveal frustration with attacks from global warming skeptics, and opponents of greenhouse gas regulations have pointed to several of the exchanges as proof that scientists intentionally withheld climate data.

The Obama administration, as well as the majority of climate scientists and Democratic lawmakers, have maintained that nothing in the e-mails upends the scientific consensus that man-made emissions are contributing to climate change.

Jackson said that although science "can be a bit messy, the dust will settle" and that she has not seen anything at this point to show that the endangerment finding is not on solid ground.

"I do not agree that the IPCC has been totally discredited in any way," Jackson said, adding that it is important to understand that the IPCC is a body that follows open and impartial practices.

"Let me be very clear," said Sen. Barbara Boxer (D-Calif.) the committee chairwoman. "The majority of this committee believes in strong numbers that we must act," on global warming, she added.

Sen. Bernie Sanders (I-Vt.) angrily blasted his Republican colleagues for their implications that global warming science had not been settled. "This country faces many many problems, not the least of which, we have national leaders rejecting basic science," Sanders said. "I find it incredible, I really do, that in the year 2010 on this committee, there are people who are saying there is a doubt about global warming. There is no doubt about global warming."

Adora Andy/DC/USEPA/US

04/05/2010 11:43 PM

To "Betsaida Alcantara", "Brendan Gilfillan", "Alisha Johnson", "Michael Moats", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"

cc

bcc

Subject WaPo: Scientists' use of computer models to predict climate change is under attack

Scientists' use of computer models to predict climate change is under attack

By David A. Fahrenthold  
Washington Post Staff Writer  
Tuesday, April 6, 2010; HE01

The Washington Nationals will win 74 games this year. The Democrats will lose five Senate seats in November. The high Tuesday will be 86 degrees, but it will feel like 84.

And, depending on how much greenhouse gas emissions increase, the world's average temperature will rise between 2 and 11.5 degrees by 2100.

The computer models used to predict climate change are far more sophisticated than the ones that forecast the weather, elections or sporting results. They are multilayered programs in which scientists try to replicate the physics behind things such as rainfall, ocean currents and the melting of sea ice. Then, they try to estimate how emissions from smokestacks and auto tailpipes might alter those patterns in the future, as the effects of warmer temperatures echo through these complex and interrelated systems.

To check these programs' accuracy, scientists plug in data from previous years to see if the model's predictions match what really happened.

But these models still have the same caveat as other computer-generated futures. They are man-made, so their results are shaped by human judgment.

This year, critics have harped on that fact, attacking models of climate change that have been used to illustrate what will happen if the United States and other countries do nothing to limit greenhouse gas emissions. Climate scientists have responded that their models are imperfect, but still provide invaluable glimpses of change to come.

They have found themselves trying to persuade the public -- now surrounded by computerized predictions of the future -- to believe in these.

If policymakers don't heed the models, "you're throwing away information. And if you throw away information, then you know less about the future than we actually do," said Gavin Schmidt, a climate scientist at NASA's Goddard Institute for Space Studies.

"You can say, 'You know what, I don't trust the climate models, so I'm going to walk into the middle of the road with a blindfold on,'" Schmidt said. "But you know what, that's not smart."

Climate scientists admit that some models overestimated how much the Earth would warm in the past decade. But they say this might just be natural variation in weather, not a disproof of their methods.

As computers have become faster and cheaper, models both simple and sophisticated have proliferated across government, business and sports, appearing to offer precise answers to questions that used to be

rhetorical.

How many games will the Redskins win next season?

The Web site Footballoutsiders.com, which uses computers to show fans hidden dimensions of pro football, uses a model with about 80 variables. It looks at a team's third-down conversions, the experience of its coaches, even the age of its defensive backs.

No crystal balls

How much cleaner would the Chesapeake Bay be if it had twice as many oysters?

The Environmental Protection Agency uses a model that divides the bay into 55,000 slices, and maps how pollution progresses through them, from upstream tributaries into the deeper waters of the Chesapeake. It could imagine thousands more oysters -- which filter water as they feed -- and watch cleaner water spread out via currents and tides.

But, some of the time, these electronic futures haven't come true.

The Footballoutsiders site predicted the Redskins would win 7.8 games in 2009. The real-world team won four. The EPA's Chesapeake Bay model has been criticized repeatedly for over-optimism, for creating a virtual bay that looked cleaner than the real one. Last month, another model's prediction was busted: a Georgia Tech professor's computer said Kansas would win the NCAA men's basketball tournament. The Jayhawks lost in the second round.

These and other models are only as smart as the scientists who build them -- they rely on data that scientists have gathered about the real world, and the accuracy of estimates about how all the factors fit together (Is an experienced coach more or less important than young defensive backs?).

They also depend on the computers running them. To accurately depict how individual clouds form and disappear, for instance, the computers that model climate change would need to be a million times faster. For now, the effects of clouds have to be estimated.

But scientists say complexity doesn't guarantee accuracy. The best test of a model is to check it against reality.

"We're never going to perfectly model reality. We would need a system as complicated as the world around us," said Ken Fleischmann, a professor of information studies at the University of Maryland. He said scientists needed to make the uncertainties inherent in models clear: "You let people know: It's a model. It's not reality. We haven't invented a crystal ball."

Scientists say they don't need models to know that the world is warming: There is plenty of real-world evidence, gathered since the mid-1800s, to suggest that. "There's no climate model in that conclusion," said Christopher Field, of the Carnegie Institution for Science in California.

There are more than a dozen such models running around the world: mega-computers whose job is creating a virtual Earth.

These usually combine a weather simulation with other programs that mimic effects of rain and sun on the land, currents in the ocean, and emissions of greenhouse gases. First, these models imagine all the factors interacting within a "grid box" -- an imaginary cube of land, water and sky that might be 60 miles long and 60 miles wide.

Then, the computer imagines effects in one box spilling into the next, and so on.

As the model runs, imaginary cold fronts sweep over virtual oceans, simulating weather at rates such as

five years per day. In some cases, the models are re-run with different weather conditions, until a pattern emerges in global temperatures.

The pattern is the point. It is man's signature, a guide to what could happen in the real world. All the major climate models seem to show that greenhouse gases are causing warming, climate scientists say, although they don't agree about how much. A 2007 United Nations report cited a range of estimates from 2 to 11.5 degrees over the next century.

"It's an educated, scientifically based guess," said Michael Winton, an oceanographer at the National Oceanic and Atmospheric Administration. "But it's a guess nonetheless."

Raining on their parade

But Warren Meyer, a mechanical and aerospace engineer by training who blogs at [www.climate-skeptic.com](http://www.climate-skeptic.com), said that climate models are highly flawed. He said the scientists who build them don't know enough about solar cycles, ocean temperatures and other things that can nudge the earth's temperature up or down. He said that because models produce results that sound impressively exact, they can give off an air of infallibility.

But, Meyer said -- if the model isn't built correctly -- its results can be both precise-sounding and wrong.

"The hubris that can be associated with a model is amazing, because suddenly you take this sketchy understanding of a process, and you embody it in a model," and it appears more trustworthy, Meyer said. "It's almost like money laundering."

Last month, a Gallup poll provided the latest evidence of a public U-turn on climate change. Asked if the threat of global warming was "generally exaggerated," 48 percent said yes. That was up 13 points from 2008, the highest level of skepticism since Gallup started asking the question in 1997.

But scientists say that, during this time, they have only become more certain that their models work.

Put in the conditions on Earth more than 20,000 years ago: they produce an Ice Age, NASA's Schmidt said. Put in the conditions from 1991, when a volcanic eruption filled the earth's atmosphere with a sun-shade of dust. The models produce cooling temperatures and shifts in wind patterns, Schmidt said, just like the real world did.

If the models are as flawed as critics say, Schmidt said, "You have to ask yourself, 'How come they work?'"

Adora Andy/DC/USEPA/US

12/08/2009 10:17 AM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc

bcc

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.

**Adora Andy/DC/USEPA/US**

12/24/2009 10:52 AM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc

bcc

Subject DOW JONES: Senate Agrees to Vote on Proposal to Halt EPA's CO2 Action

## Senate Agrees to Vote on Proposal to Halt EPA's CO2 Action

By Ian Talley

The Obama administration may be forced to delay new greenhouse-gas regulations for a year under a Senate Republican proposal that the Democratic leadership has agreed to allow a vote on in early 2010.

As part of a deal on a bill to increase the nation's debt limit, Majority Leader Harry Reid (D., Nev.) will allow the GOP to submit a controversial amendment to temporarily suspend new emissions regulation. The agreement was reached late Tuesday.

While it's unclear whether the proposal will become law, it could be an early show of how many Democrats support the administration's decision to regulate greenhouse gases under the Clean Air Act.

A similar amendment wasn't allowed to come up for a vote earlier this year. Capitol Hill pundits say the majority leader likely feared Republicans might win the vote, with many Democrats also expressing concern about proposed greenhouse-gas regulations.

The Obama administration's Environmental Protection Agency has triggered the process of regulating greenhouse gases across industries through the Clean Air Act by declaring such emissions a public danger. Business groups, lawyers, legislators and industry analysts say regulating such emissions as carbon dioxide under the law could cripple the economy.

EPA spokeswoman Adora Andy said the agency is "highly respectful of Congress" role and will continue to work with members of both Houses as they approach this issue."

While the EPA hadn't seen the amendment, Ms. Andy said, "as this process moves forward it is important not to lose sight of what led to where we are today." In particular, she noted the EPA's actions follow a Supreme Court order to determine whether greenhouse gases are a public danger and are within the mandate of Congressionally-prescribed statutes.

The EPA's action under the tenure of Administrator Lisa Jackson and Obama's climate czar, Carol Browner, is meant to pressure Congress into crafting a more economically efficient way to curb emissions, analysts say. Both Ms. Jackson and Ms. Browner, recognizing the consequences of regulating under the Act, have said they prefer congressional legislation.

Senator Lisa Murkowski (R., Alaska), the ranking member of the Energy and Natural Resources Committee and chief sponsor of the amendment, has said a number of colleagues across the aisle have already expressed support for her proposal.

If the amendment passed, it may also be a relief to the EPA, now that Congress is increasingly unlikely to pass a climate bill next year and the agency is forced to play out its regulatory hand.

Even if the amendment is approved in the Senate, it would still need to be passed in the House, where its fate is also certain.

Republican leadership said earlier this month they were prepared to try to block any administrative action

on greenhouse gas regulations, including by prevention of any funding for such work or by voting on a "disapproval resolution."

An aide with a ranking Republican said that by allowing a vote on the Murkowski amendment, Democrats may have avoided the confrontation that such strategies would likely precipitate. Politically, debate on EPA regulation of greenhouse gases might have proved harmful for the majority and the administration, especially for those lawmakers preparing to fight tough re-election campaigns next year.

Write to Ian Talley at [ian.talley@dowjones.com](mailto:ian.talley@dowjones.com)



Adora Andy/DC/USEPA/US

12/14/2009 02:09 AM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc

bcc

Subject THE HILL: Inhofe, Markey spar over White House agenda at Copenhagen summit

THE HILL: Inhofe, Markey spar over White House agenda at Copenhagen summit

by Ben Geman  
12/13/09

page 1 of 2 next »

Lawmakers at opposite poles of the congressional climate fight on Sunday offered diverging views of President Barack Obama's right to pledge U.S. emissions cuts at the Copenhagen talks, and whether EPA regulation is inevitable if Congress doesn't approve climate legislation.

Sen. James Inhofe (R-Okla.) said Obama should not proceed with his plan to offer a provisional U.S. emissions reduction target at the international talks. U.S. officials are floating a domestic cut of 17 percent by 2020 from 2005 levels, mirroring leading Democratic plans on Capitol Hill.

"The president can't do that," Inhofe said on "Fox News Sunday." "The emissions reductions he has talked about are what you would find in Markey's bill, and that isn't going to happen. Of course that bill is dead, it will never even be brought up again."

Inhofe, who calls global warming a "hoax," debated Rep. Ed Markey (D-Mass.), who helms the Select Committee on Energy Independence and Global Warming. Markey co-sponsored the sweeping energy and climate bill the House narrowly approved in June.

Markey defended the White House right to offer a provisional U.S. emissions target at the talks, which are aimed at crafting a broad - though preliminary - international accord on climate change.

He cited both EPA plans to regulate under its own authority - enabled by the EPA's "endangerment finding" earlier this month that greenhouse gases threaten human welfare - along with what he called strong prospects for final congressional action.

"Without question the president does have the authority to make a commitment. Based upon the endangerment finding combined with higher fuel economy standards and other efficiency gains we are going to make including in ... renewable electricity generation," Markey said.

He cited the collaboration on a cap-and-trade and energy plan between Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.). He also mentioned Sen. Susan Collins (R-Maine), who co-sponsored a separate climate bill with Sen. Maria Cantwell (D-Wash.) on Friday.

"There is real momentum for a bipartisan bill to pass through the Senate," Markey said.

Democrats in the Senate, where climate legislation is moving slowly, face a struggle to reach the needed 60 votes. Senate Majority Leader Harry Reid (D-Nev.) hopes to bring a bill to the floor in the spring.

Inhofe, the top Republican on the Senate Environment and Public Works Committee, countered that climate legislation is "dead on arrival" in the Senate.

Advocates of climate legislation, including Graham and Kerry, say Congress should approve legislation because it can include measures to cushion the effects of emissions cuts on American industries -- tools the EPA does not have at its disposal.

But Inhofe attacked the idea that the EPA's endangerment finding should prod lawmakers to approve a climate plan.

"What they are trying to do is intimidate Congress into passing something," Inhofe said.

He said the recent controversy over the state of climate-change science, stemming from now infamous e-mails among scientists hacked from a British research institute, will undercut the EPA's ability to move ahead.

"This endangerment finding, as soon as it hits the Federal Register, there are going to be people that will be filing lawsuits," Inhofe said.

But Markey disagreed that the EPA would be blocked from moving ahead.

"It is not a question of legislation or no legislation. It is now a question of legislation or regulation. The EPA can act," Markey said.

"This is now something which is going to happen, and the only question now is whether or not, as you say, command-and-control of the EPA is going to be the way in which we solve the problem, or legislation that allows us to protect trade-intensive, energy-intensive industries, to protect consumers, is put in place," Markey said.

The two lawmakers also sparred over the climate science e-mails.

Inhofe and other climate skeptics claim that emails hacked from the Climatic Research Unit at the University of East Anglia have undermined evidence of human-induced global warming.

Markey said they do nothing to erode what are very widely shared conclusions among climate scientists - he cited the "overwhelming conclusion of scientists in the world that there is dangerous global warming."

Inhofe, in contrast, said the messages highlight what he calls "cooked science" underlying the conclusions of the United Nations' Intergovernmental Panel on Climate Change.

**Adora Andy/DC/USEPA/US**

12/05/2009 03:22 PM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc

bcc

Subject WSJ: EPA Poised to Declare CO2 a Public Danger

EPA Poised to Declare CO2 a Public Danger

By IAN TALLEY

WASHINGTON--The U.S. Environmental Protection Agency will early next week, possibly as soon as Monday, officially declare carbon dioxide a public danger, a trigger that could mean regulation for emitters across the economy, according to several people close to the matter. Such an "endangerment" decision is necessary for the EPA to move ahead early next year with new emission standards for cars. EPA Administrator Lisa Jackson has said it could also mean large emitters such as power stations, cement kilns, crude-oil refineries and chemical plants would have to curb their greenhouse gas output. The announcement would also give President Barack Obama and his climate envoy negotiating leverage at a global climate summit starting next week in Copenhagen, Denmark and increase pressure on Congress to pass a climate bill that would modify the price of polluting. While environmentalists celebrate EPA's authority to regulate greenhouse gases, it has caused many large emitters to cringe at the potential costs of compliance. According to a preliminary endangerment finding published in April, EPA scientists fear that man-made carbon dioxide and other greenhouse gases are contributing to a warming of the global climate. Senior EPA officials said in November the agency would likely make a final decision in December around the time of the summit. Joe Mendelson, Global Warming Policy Director for National Wildlife Federation, said the endangerment decision, would happen at "absolutely the right time." "With House legislation passed, a bipartisan Senate bill in the works, and strong EPA action a virtual certainty, the president goes to Copenhagen with a very strong hand to play," Mr. Mendelson said. The EPA declaration would also ratchet up the pressure on U.S. lawmakers to pass legislation that analysts say would cut emissions in a more economically efficient way. Although the House has passed a climate bill, movement of similar legislation in the Senate has faced much more resistance and passage becomes more difficult in an election year. The EPA's Ms. Jackson and President Obama's energy and climate czar Carol Browner have said they would prefer Congress to take action but are prepared to move ahead in the absence of lawmakers crafting their own law. Industry experts say the Clean Air Act--under which the EPA is making its endangerment finding--was designed to regulate more regional and localized air pollution, and would be a much more blunt tool than Congress could craft. Critics, such as the U.S. Chamber of Commerce, say the endangerment declaration could spark a cascade of litigation and regulation that could harm the economy. The EPA, meanwhile, says it would regulate in a sensible way. The agency has already moved forward on two rules that would guide regulation of greenhouse-gas emissions, primarily through a proposal to set the threshold level at 25,000 tons a year and requiring such large emitters to report their emissions. If the EPA decided to move ahead with emission regulations for stationary sources such as utilities, new rules would likely be in place by 2012 and could set stringent emission standards to require firms to install the best available technology. Two people close to the matter who met with White House officials earlier this week said one change between the proposed endangerment finding issued earlier this year and the final announcement expected next week is the inclusion of the potential cost to society of no emission regulations.

**Adora Andy/DC/USEPA/US**

12/09/2009 05:57 PM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats"

bcc

Subject AP: EPA chief: Obama to work with Congress on climate

EPA chief: Obama to work with Congress on climate

By JOHN HEILPRIN (AP) - 6 hours ago

COPENHAGEN – The top U.S. environmental official told a divided U.N. climate conference Wednesday that the Obama administration's moves to "make up for lost time" and cut greenhouse gases would complement congressional action and wasn't intended to bypass recalcitrant lawmakers.

The comments by U.S. Environmental Protection Agency chief Lisa Jackson came on the same day that the tiny Pacific island nation of Tuvalu – which would be among the first victims of rising seas – was rebuffed by the conference in an attempt to demand strong action against major polluting countries.

Jackson suggested the EPA's decision Monday that greenhouse gases should be regulated would be a dual path of action by the Obama administration and Congress.

"This is not an either/or moment. This is a both/and moment," she told more than 100 people who packed a U.S. meeting room in the conference center.

The EPA determined Monday that scientific evidence clearly shows they are endangering the health of Americans, and that the pollutants – mainly carbon dioxide from burning fossil fuels – should be regulated under the Clean Air Act. That means the EPA could regulate those gases without the approval of Congress.

The EPA decision was welcomed by other nations in Copenhagen that have called on the U.S. to boost its efforts to cut greenhouse gas emissions, because it seemed President Barack Obama could act more quickly and bypass legislation slowly working through Congress.

The full Senate has yet to take up legislation that cleared its environment committee and calls for greenhouse gases to be cut by 20 percent by 2020, a target that was scaled back to 17 percent in the House after opposition from coal-state Democrats.

"We have been fighting to make up for lost time," Jackson said, referring to the Bush administration's rejection of the 1997 Kyoto Protocol, which limited the greenhouse emissions of industrial countries.

Jackson said "we need legislation" to remove any uncertainty that businesses might have.

"The reason for legislation is to take that question out of their minds," she said. "We will work closely with our Congress to pass legislation to lower our greenhouse gases more than 80 percent by 2050."

The U.S. intends to make "reasonable efforts" and also "meaningful, common-sense steps" to cut emissions, Jackson said, without giving specifics.

U.S. business groups have strongly argued against tackling global warming through the Clean Air Act, saying it is less flexible and more costly than the cap-and-trade legislation being considered by Congress. Any regulations from the EPA are certain to spawn lawsuits and a lengthy legal fights.

Negotiators at the 192-nation U.N. conference in Copenhagen are working to bridge the chasm between

rich and poor countries over how to share the burden of fighting climate change.

Tuvalu proposed amending the U.N. climate treaty to require the world's nations to keep the rise in temperatures to below 1.5 degrees Celsius (2.7 degrees Fahrenheit) above pre-industrial levels. Rich countries have set 2 degrees C (3.6 degrees F) as a target.

The Danish conference president, Connie Hedegaard, declined to advance Tuvalu's proposal, after objections from other nations, including oil producers, who would be hurt by the required strict limits on burning fossil fuels. Consensus is needed for taking such actions.

Tuvalu and other low-lying oceanic nations will be the first victims of rising seas, as warmer temperatures make oceans expand, melt glaciers and create more extreme weather.

"Our future rests on the outcome of this meeting," said Tuvalu delegate Ian Fry.

Getting an agreement that satisfies both rich and poor nations would not be easy, said Todd Stern, the top U.S. climate envoy. "But I think an agreement is there to be had if we do this right," he added.

Lumumba Di-Aping of Sudan, the head of the 135-nation bloc of developing countries, said the \$10 billion a year that has been proposed to help poor nations fight climate change paled in comparison to the more than \$1 trillion already spent to rescue financial institutions.

"If this is the greatest risk that humanity faces, then how do you explain \$10 billion?" he said. "Ten billion will not buy developing countries' citizens enough coffins."

Small island nations, poor countries and those seeking money from the developed world to preserve their tropical forests were among those upset over competing draft texts attributed to Denmark and China outlining proposed outcomes for the historic summit, which runs through Dec. 18. China has recently overtaken the U.S. as the world's top greenhouse gas emitter.

Some of the poorest nations feared they would bear too much of the burden to curb greenhouse gases. They are seeking billions of dollars in aid from the wealthy countries to deal with climate change, which melts glaciers that raise sea levels worldwide, turns some regions drier and threatens food production.

Diplomats from developing countries and climate activists complained the Danish hosts pre-empted the negotiations with their draft proposal, which would allow rich countries to cut fewer emissions while poorer nations would face tougher limits on greenhouse gases and more conditions on getting funds.

"When a process is flawed, then the outcome is flawed," Raman Mehta, ActionAid's program manager in India, said of the Danish proposal. "If developing countries don't have a concrete indication of the scale of finances, then you don't get a deal – and even if you do, it's a bad deal."

A sketchy counterproposal attributed to China would extend the Kyoto Protocol, which required 37 industrial nations to reduce emissions of carbon dioxide and other gases blamed for global warming by an average 5 percent by 2012, compared with 1990 levels.

The Chinese text would incorporate specific new, deeper targets for the industrialized world for a further five to eight years. However, developing countries including China would be covered by a separate agreement that encourages taking action to control emissions but not in the same legally binding way.

Poorer nations believe the two-track approach would best preserve the principle of "common but differentiated responsibilities" recognized under Kyoto.

Also on Wednesday, China strongly protested a blunder that prevented a top diplomat from entering the vast Bella Center where the U.N. conference is being held.

Su Wei, the director general of China's climate change negotiation team, told the meeting he was

"extremely unhappy" that a Chinese minister was barred from entry three days in a row.

Su called the incident "unacceptable" and expressed anger that U.N. climate chief Yvo de Boer was not informed. De Boer pledged to investigate and "make sure it doesn't happen again."

Adora Andy/DC/USEPA/US

12/08/2009 07:49 AM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats"

bcc

Subject WSJ OPINION: An Inconvenient Democracy

DECEMBER 8, 2009

An Inconvenient Democracy

The EPA aims to bully Congress and business with its carbon ruling.

EPA Administrator Lisa Jackson said yesterday that her ruling that greenhouses gases are dangerous pollutants would "cement 2009's place in history" as the moment when the U.S. began "seizing the opportunity of clean-energy reform." She's right that this is an historic decision, though not to her or the White House's credit, and "seizing" is the right term. President Obama isn't about to let a trifle like democratic consent impede his climate agenda.

With cap and trade blown apart in the Senate, the White House has chosen to impose taxes and regulation across the entire economy under clean-air laws that were written decades ago and were never meant to apply to carbon. With this doomsday machine activated, Mr. Obama hopes to accomplish what persuasion and debate among his own party manifestly cannot.

This reckless "endangerment finding" is a political ultimatum: The many Democrats wary of levelling huge new costs on their constituents must surrender, or else the EPA's carbon police will inflict even worse consequences.

The gambit is also meant to coerce businesses, on the theory that they'll beg for cap and trade once the command-and-control regulatory pain grows too acute—not to mention the extra bribes in the form of valuable carbon permits that Democrats, since you ask, are happy to dispense. Ms. Jackson appealed to "the science" and waved off any political implications, yet the formal finding was not coincidentally announced at the start of the U.N.'s Copenhagen climate conference (see above).

This ruling has been inevitable since at least April and we warned about it during Mr. Obama's campaign, but its cynicism and willfulness still astonish. The political threat is so potent precisely because invoking a faulty interpretation of the 1970 Clean Air Act will expose hundreds of thousands of "major" sources of emissions that produce more than 250 tons of an air pollutant in a year to the EPA's costly and onerous review process. This threshold might be reasonable for traditional "dirty" pollutants (such as NOX) but it makes no sense for ubiquitous carbon, which is the byproduct of almost all types of economic production.

The White House knows this, which is why earlier this fall Ms. Jackson announced a "tailoring rule" that limits this regulation to sources that emit more than 25,000 or more tons a year like coal-fired power plants and heavy manufacturing. Ms. Jackson claims this unilateral rewrite of a statute is a concession, but its real purpose is to dodge a political backlash while still preserving the EPA's ability to threaten business and recalcitrant Democrats.

For now, this decision moves into the courts, and years if not decades of litigation. Yet the decision really is historic: The White House has opened a Pandora's box that will be difficult to close, that is breathtakingly undemocratic, and that the country, if not liberal politicians, will come to regret.

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**Adora Andy/DC/USEPA/US**

01/11/2010 04:19 PM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats", "Stephanie Owens"

bcc

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 & Giuliani, 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."

Adora Andy/DC/USEPA/US

12/09/2009 07:51 AM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats"

bcc

Subject AP: Climate documents spark rich vs. poor clash

Climate documents spark rich vs. poor clash

By JOHN HEILPRIN (AP) - 2 hours ago

COPENHAGEN – Developing nations who face huge climate change burdens are demanding that wealthy nations shoulder more of the costs, as a leaked Danish document and fresh evidence of a hotter planet raised temperatures at the U.N. climate conference.

Negotiators on Wednesday were trying to bridge the difficult gaps among 192 nations and stem a growing chasm between rich and poor on the third day of the U.N. climate conference.

A key speaker will be U.S. Environmental Protection Agency head Lisa Jackson, whose agency just gave President Barack Obama a new way to cut back on greenhouse gas emissions. Obama will join more than 100 national leaders converging on Copenhagen for the final days of bargaining late next week.

Jackson headlines a U.S.-sponsored meeting entitled "Taking Action at Home." The EPA determined Monday that scientific evidence clearly shows greenhouse gases are endangering Americans' health and must be regulated, either by Congress or by itself, the agency responsible for air pollution. That gave Obama a new way to regulate those gases without needing the approval of the U.S. Congress.

Meanwhile, small island nations, poor countries and those seeking money from the developed world to preserve their tropical forests were among those upset over competing draft texts attributed to Denmark and China outlining proposed outcomes for the historic Dec. 7-18 summit.

Some of the poorest nations feared too much of the burden to curb greenhouse gases is being hoisted onto their shoulders. They are seeking billions of dollars in aid from the wealthy countries to deal with climate change, which melts glaciers that raise sea levels worldwide, turns some regions drier and threatens food production.

Diplomats from developing countries and climate activists complained the Danish hosts pre-empted the negotiations with their draft proposal.

Lumumba Di-Aping of Sudan, the head of the 135-nation bloc of developing countries, said the \$10 billion fast-track pledge from the U.S., European Union, Japan and other wealthy nations paled compared to the more than \$1 trillion spent to rescue financial institutions.

"If this is the greatest risk that humanity faces, then how do you explain \$10 billion – unless it is an inducement for some countries to accept the western-backed proposal?" he said. "Ten billion will not buy developing countries' citizens enough coffins."

The Danish draft proposal would allow rich countries to cut fewer emissions while poorer nations would face tougher limits on greenhouse gases and more conditions on money available to adapt.

"(It focuses) on pleasing the rich and powerful countries rather than serving the majority of states who are demanding a fair and ambitious solution," said Kim Carstensen of the environmental group WWF.

A sketchy counterproposal attributed to China would extend the 1997 Kyoto Protocol, which required 37

industrial nations to reduce emissions of carbon dioxide and other gases blamed for global warming by an average 5 percent by 2012, compared with 1990 levels.

The Chinese text would incorporate specific new, deeper targets for the industrialized world for a further five to eight years. Developing countries, on the other hand, including China, would be covered by a separate agreement that envisions their taking actions to control emissions, but not in the same legally binding way. No targets would be specified for them.

Poorer nations believe the two-track approach would best preserve the principle of "common but differentiated responsibilities" recognized by the Kyoto treaty.

Such draft ideas are the usual grist early in such long, difficult international talks. These two proposals were not yet even recorded as official conference documents.

"It has no validity," key European Union negotiator Artur Runge-Metzger said, speaking of the Danish proposal. "It's only a piece of paper. The only texts that have validity here are those which people negotiated."

Earlier Tuesday, the U.N.'s weather agency unveiled data showing that this decade is on track to become the hottest since records began in 1850, with 2009 the fifth-warmest year ever. The second warmest decade was the 1990s.

Only the United States and Canada experienced cooler conditions than average, the World Meteorological Organization said, though Alaska had the second-warmest July on record. In central Africa and southern Asia, this will probably be the warmest year, it said

**Adora Andy/DC/USEPA/US**

12/07/2009 09:53 AM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats"

bcc

Subject NYT: E.P.A. Sets Carbon Crackdown

New York Times

E.P.A. Sets Carbon Crackdown

By JOHN M. BRODER

The Environmental Protection Agency on Monday will finalize its determination that greenhouse gases pose a danger to human health and the environment, paving the way for regulation of carbon dioxide emissions from vehicles, power plants, factories refineries and other major sources. The move gives President Obama a significant tool to combat the gases blamed for the heating of the planet even while Congress remains stalled on economy-wide global warming legislation. The E.P.A. finding also will allow Mr. Obama to tell delegates at the United Nations climate change conference that began today in Copenhagen that the United States is moving aggressively to address the problem. E.P.A. Administrator Lisa P. Jackson is expected to announce the step at a news conference this afternoon in Washington. The Obama administration has signaled its intent to issue a so-called endangerment finding for carbon dioxide and five other greenhouse gases since taking office in January. Ms. Jackson announced a proposed finding in April and has taken steps to implement the rules that would be needed to back it up. The administration has wielded the finding as a prod to Congress to act on legislation, saying in effect that if lawmakers do not act to control greenhouse gas pollution they will use their rule-making power to do so. At the same time, the president and his top environmental aides have frequently said that they prefer such a major step be taken through the give-and-take of the legislative process. The administration struck a deal with automakers in the spring to set stricter tailpipe emissions and higher fuel economy standards as part of the greenhouse gas regulation efforts. The E.P.A. has also announced rules requiring all major emitters to report an annual inventory of emissions. In late September, the agency announced a proposed "tailoring rule," that limits regulation of climate-altering gases to large stationary sources such as coal-burning power plants and cements kilns that produce 25,000 or more tons a year of carbon emissions. Industry groups and the United States Chamber of Commerce have objected to the proposed regulations, saying they would damage the economy and drive jobs overseas. Some groups are likely to file lawsuits challenging the new regulations, which could delay their effective date for some years. Thomas J. Donohue, the president of the Chamber of Commerce, said that the endangerment finding "could result in a top-down command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project." He said that his group supports "rational" federal legislation and an international agreement to control global carbon emissions. "The devil will be in the details, and we look forward to working with the government to ensure we don't stifle our economic recovery," Mr. Donohue said

**Adora Andy/DC/USEPA/US**

12/19/2009 03:06 PM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats"

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Subject TIMES-PIC: Louisiana tells EPA that it should let Congress handle greenhouse gas regulation

NOLA.COM

Louisiana tells EPA that it should let Congress handle greenhouse gas regulation

By Mark Schleifstein, The Times-Picayune

December 18, 2009, 7:36PM

The state Department of Environmental Quality has demanded that the federal Environmental Protection Agency rescind its recent finding that greenhouse gases endanger present and future generations, and take no action to require industries and small businesses to reduce greenhouse gas emissions.

**OBJECT**

Instead, Congress should be allowed to address any need for new regulations, said DEQ Secretary Harold Leggett in a Tuesday letter to EPA administrator Lisa Jackson.

"The issue of global climate change resulting from the emissions of GHGs should be addressed through comprehensive federal legislation, full public debate, and American political consensus rather than through unilateral agency policy under the auspices of EPA," Leggett said in the letter.

The state is concerned that EPA already is acting unilaterally to order drastic reductions in emissions without going through its traditional rulemaking process, which could damage both the state's huge petrochemical industry and hundreds of smaller mom-and-pop businesses, said DEQ Assistant Administrator Beau Brock.

That could result in the state being tied up for years in legal challenges to the rules, he said, and a lack of certainty in what rules industry and business will be required to follow.

South Carolina's environmental agency and the governor of Texas have sent similar letters to EPA.

The Louisiana letter was announced even as President Obama was in Copenhagen, Denmark, closing the deal on an international treaty that would take the first steps to limit greenhouse gas emissions worldwide.

The U.S. Senate already is considering legislation that would create a limit or cap on the amount of greenhouse gases emitted nationally. Companies would then buy or sell permits to emit a share of the allowed emissions, mostly carbon dioxide, with the cap reduced over time.

A similar bill already has won approval in the House. Both are aimed at reducing average temperatures worldwide, which scientists say have been rising because of the man-made gases, which trap heat in the atmosphere.

Both versions have been opposed by most Republicans and most of the state's congressional delegation.

EPA issued its endangerment finding on Dec. 7 in response to a 2007 U.S. Supreme Court ruling that threw out a Bush administration finding that greenhouse gases did not pose a threat to public health, and thus did not have to be regulated.

In September, EPA also proposed new thresholds for greenhouse gas emissions from large industrial facilities that would kick in when existing permits expire or when new equipment is installed. In announcing the proposed rules, the agency said they would cover nearly 70 percent of the nation's largest stationary source greenhouse gas emitters, including power plants, refineries and cement production facilities, while shielding small businesses and farms from permitting requirements.

The Supreme Court ruling resulted from a challenge of the Bush administration's health finding by Massachusetts and other states and local governments and environmental groups. In a 5-4 decision, the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act.

The court found that "The government's own objective assessment of the relevant science and a strong consensus among qualified experts indicate that global warming threatens, inter alia, a precipitate rise in sea levels, severe and irreversible changes to natural ecosystems, a significant reduction in winter snowpack with direct and important economic consequences, and increases in the spread of disease and the ferocity of weather events."

Louisiana's own coastal restoration master plan cites 2007 Intergovernmental Panel on Climate Change findings, including its prediction that future sea level rise might be 2 to 6 millimeters a year higher than present rise rates as a result of greenhouse gases -- the equivalent of a 1 1/2-foot to 3-foot rise in sea level over 100 years -- in explaining the need for a comprehensive state restoration program.

"Coastal Louisiana will be among the first places in North America to feel the effects of global warming," according to the master plan. "Its low-lying coast will be directly impacted by rising sea level and more frequent hurricanes."

Brock said DEQ sees no conflict between that language and the state's request that EPA go slow on issuing rules to reduce the emissions causing global warming, though.

"What we're doing is asking EPA to proceed through the proper legislative channels of government," he said. "Regardless of the cause, the departments of this state are trying to combat (coastal erosion) and preserve Louisiana in multifaceted ways."

In his letter to Jackson, a New Orleans native, Leggett said there's a national security interest in assuring the financial health of the state's oil and gas industry.

"The fuel crises which nearly paralyzed the country with the Louisiana landfalls of Hurricanes Katrina, Rita, Gustav and Ike in the recent years clearly illustrated the significance of this base in Louisiana and its impact on the energy lifeline upon which America depends," Leggett wrote.

"Any environmental policy initiated without regard for its economic consequences will most certainly impact every American,"

Harold Leggett is secretary of the Louisiana Department of Environmental Quality.

He said that EPA should explain how much any new rule will cost federal, state and local governments, the regulated community and the public before it is implemented.

"Costs associated with some of EPA's recent actions on greenhouse gases, potentially place Louisiana and American jobs at grave risk and pose a detrimental effect to our state's economy during a time of recession and historic unemployment nationwide," he said.

Mark Schleifstein can be reached at [mschleifstein@timespicayune.com](mailto:mschleifstein@timespicayune.com) or 504.826.3327.

Adora Andy/DC/USEPA/US

12/10/2009 10:20 PM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats"

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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 Copehagen 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](mailto:kim@wsj.com)

**Adora Andy/DC/USEPA/US**

12/06/2009 11:22 PM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats"

bcc

Subject WSJ: Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

DECEMBER 7, 2009

Business Fumes Over EPA Rule Carbon-Dioxide Emissions to Face Curbs

By JEFFREY BALL and CHARLES FORELLE

Officials gather in Copenhagen this week for an international climate summit, but business leaders are focusing even more on Washington, where the Obama administration is expected as early as Monday to formally declare carbon dioxide a dangerous pollutant.

An "endangerment" finding by the Environmental Protection Agency could pave the way for the government to require businesses that emit carbon dioxide and five other greenhouse gases to make costly changes in machinery to reduce emissions -- even if Congress doesn't pass pending climate-change legislation. EPA action to regulate emissions could affect the U.S. economy more directly, and more quickly, than any global deal inked in the Danish capital, where no binding agreement is expected.

Many business groups are opposed to EPA efforts to curb a gas as ubiquitous as carbon dioxide.

An EPA endangerment finding "could result in a top-down command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project," U.S. Chamber of Commerce President Thomas Donohue said in a statement. "The devil will be in the details, and we look forward to working with the government to ensure we don't stifle our economic recovery," he said, noting that the group supports federal legislation.

Track the rise of carbon dioxide emissions.

Countdown to Copenhagen

Take a look at events leading up to the climate conference.

EPA action won't do much to combat climate change, and "is certain to come at a huge cost to the economy," said the National Association of Manufacturers, a trade group that stands as a proxy for U.S. industry.

Dan Riedinger, spokesman for the Edison Electric Institute, a power-industry trade group, said the EPA would be less likely than Congress to come up with an "economywide approach" to regulating emissions. The power industry prefers such an approach because it would spread the burden of emission cuts to other industries as well.

Electricity generation, transportation and industry represent the three largest sources of U.S. greenhouse-gas emissions.

An EPA spokeswoman declined to comment Sunday on when the agency might finalize its proposed endangerment finding. Congressional Republicans have called on the EPA to withdraw it, saying recently disclosed emails written by scientists at the Climatic Research Unit of the U.K.'s University of East Anglia and their peers call into question the scientific rationale for regulation.

The spokeswoman said that the EPA is confident the basis for its decision will be "very strong," and that when it is published, "we invite the public to review the extensive scientific analysis informing" the decision.

EPA action would give President Barack Obama something to show leaders from other nations when he attends the Copenhagen conference on Dec. 18 and tries to persuade them that the U.S. is serious about cutting its contribution to global greenhouse-gas emissions.

The vast majority of increased greenhouse-gas emissions is expected to come from developing countries such as China and India, not from rich countries like the U.S. But developing countries have made it clear that their willingness to reduce growth in emissions will depend on what rich countries do first. That puts a geopolitical spotlight on the U.S.

At the heart of the fight over whether U.S. emission constraints should come from the EPA or Congress is a high-stakes issue: which industries will have to foot the bill for a climate cleanup. A similar theme will play out in Copenhagen as rich countries wrangle over how much they should have to pay to help the developing world shift to cleaner technologies.

"There is no agreement without money," says Rosário Bento Pais, a top climate negotiator for the European Commission, the European Union's executive arm. "That is clear."

An endangerment finding would allow the EPA to use the federal Clean Air Act to regulate carbon-dioxide emissions, which are produced whenever fossil fuel is burned. Under that law, the EPA could require emitters of as little as 250 tons of carbon dioxide per year to install new technology to curb their emissions starting as soon as 2012.

The EPA has said it will only require permits from big emitters -- facilities that put out 25,000 tons of carbon dioxide a year. But that effort to tailor the regulations to avoid slamming small businesses with new costs is expected to be challenged in court.

Legislators are aware that polls show the public appetite for action that would raise energy prices to protect the environment has fallen precipitously amid the recession.

Congressional legislation also faces plenty of U.S. industry opposition. Under the legislation, which has been passed by the House but is now stuck in the Senate, the federal government would set a cap on the amount of greenhouse gas the economy could emit every year. The government would distribute a set number of emission permits to various industries. Companies that wanted to be able to emit more than their quota could buy extra permits from those that had figured out how to emit less.

Proponents of the cap-and-trade approach say emission-permit trading will encourage industries to find the least-expensive ways to curb greenhouse-gas output. But opponents say it will saddle key industries with high costs not borne by rivals in China or India, and potentially cost the U.S. jobs.

The oil industry has warned that climate legislation could force some U.S. refineries to shut down, because importing gasoline from countries without emission caps could be cheaper than making the gasoline on domestic soil.

Legislators "have decided that coal and electric users don't bear the burden" of emissions constraints for many years, said John Felmy, chief economist for the American Petroleum Institute, an industry group. "Early in the program, oil users are the ones who are hammered."

The Iron and Steel Institute, which represents more than 75% of steel made in the U.S., said that successful climate policy -- whether through the EPA or Congress -- must "reduce emissions without altering the competitiveness of American steelmakers."

The issue of how curbing emissions would affect jobs in developed countries is likely to erupt in

Copenhagen in the battle over how much rich countries should pony up for cleaner technologies in developing nations.

Estimates of the cost for reducing emissions in developing countries vary widely, but the European Commission said in September that the bill could reach \$150 billion annually by 2020. Leaders of the EU's 27 nations have said only that the EU would pay its "fair share" of the total, without committing to an amount.

Yet EU industry lobbies are weighing in against that proposal. It is "not realistic," said Axel Eggert, spokesman for Eurofer, the trade group for European steelmakers. Steelmakers want to "make sure that the financing is not a subsidy for our competitors," he said.

-- Ian Talley and Stephen Power contributed

to this article.

Adora Andy/DC/USEPA/US

12/07/2009 09:41 PM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats"

bcc

Subject WSJ: EPA Declares Greenhouse Gases a Danger

DECEMBER 7, 2009, 9:01 P.M. ET

EPA Declares Greenhouse Gases a Danger

Controversial Formal Label Opens Door to New Emissions Regulations for Power Plants, Refiners, Smelters and Others

By IAN TALLEY

The U.S. Environmental Protection Agency, as expected, on Monday declared greenhouse gases a danger to public health, a decision that could soon lead to new emissions regulations for businesses across the economy.

The "endangerment finding" announced by EPA Administrator Lisa Jackson is necessary to move ahead on new emissions standards for cars due out in March 2010. Made under the Clean Air Act, it also opens up large emitters such as power plants, oil refineries, chemical plants and metal smelters to regulations that limit their output of carbon dioxide and other gases.

"These long overdue findings cement 2009's place in history as the year when the U.S. government began addressing the challenge of greenhouse-gas pollution and seizing the opportunity of clean-energy reform," Ms. Jackson said.

The controversial decision, proposed by the administration earlier this year, comes as a global climate summit opens in Copenhagen. It gives the administration leverage in its negotiations and puts pressure on Congress to pass a bill that cuts greenhouse gases in a more economically efficient way.

Though the House has passed such a bill, the Senate has faced a number of political hurdles.

Environmentalists celebrated the announcement. "This is the most significant step the federal government has taken on global warming," said Emily Figdor, director for Environment America's federal global-warming program. "The stage is now set for [the] EPA to hold the biggest global-warming polluters accountable."

Some lawmakers and groups such as the U.S. Chamber of Commerce and the National Association of Manufacturers warned the decision could bring the entire economy to a halt, not only regulating large emitters within months, but also opening other mobile sources and smaller emitters to regulation.

"With double-digit unemployment and over 3.5 million jobs already lost this year, the administration inexplicably continues to push for a job-killing national energy tax—either through legislation or regulation," Senate Minority Leader Mitch McConnell (R., Ky.) said.

However, Ms. Jackson maintains "there are ways to sensibly move forward on regulations," and she said the agency has insured that small and medium-sized businesses "will not be regulated."

Without any cost analyses of new greenhouse-gas regulations, it is difficult to estimate what the actual impact could be on the economy. Dan Riedinger, a spokesman for the utility industry group Edison

Electric Institute, pointed to cost predictions for federal legislation as a guide to the cost. Estimates for legislation vary between \$100 a year to \$1,000 a year extra for families, and such legislation is specially designed to moderate costs.

"The only certainty is that EPA regulation would be far more expensive than congressional-designed legislation," Mr. Riedinger contends.

Although industry officials say no economic study of the impacts of greenhouse-gas regulations under the Clean Air Act has been published, the EPA strongly challenges dire economic assertions.

Ms. Jackson indicated the agency would soon finalize a new "tailoring rule" that will set a greenhouse-gas-emissions threshold for regulators at 25,000 tons a year. This is designed to target the largest emitters in the country.

The EPA says that would mean around 13,600 coal-burning power stations, crude refineries, metal smelters and other industrial facilities would come under existing regulations.

Specifically, for any new construction or modification that would affect greenhouse-gas emissions, companies would be required to apply for permits that include the "best available technology." The EPA is seen finalizing what is considered the best available technology in 2011.

Asked when the agency would draft new regulations for existing large emitting facilities, Ms. Jackson declined to give a timeline.

Industry lawyers say if the EPA finalizes its auto-emissions rule by March 31, as expected, regulation of greenhouse gases such as carbon dioxide would automatically start 60 days later.

Jeff Holmstead, a former EPA air administrator under the George W. Bush administration and now head of the Bracewell & Giuliani Environmental Strategies Group, said this is the first time the agency has ever made a standalone endangerment finding. He thinks it was a political decision.

"It's clearly designed to set the stage for the Copenhagen conference," Mr. Holmstead said.

Previously, the EPA had synchronized endangerment determinations with its rule-makings.

But provisions in the EPA's tailoring rule may mean the 25,000-tons-a-year threshold won't apply in many states.

Peter Glaser, a lawyer representing utilities at the firm Troutman Sanders LLP in Washington, said the EPA tailoring proposal explicitly says that federal law doesn't preempt state laws on the major pollutants regulated under the Clean Air Act. According to the EPA, many states have a 100-ton-threshold level for operating permits and 250-ton level for construction permits. If those levels apply, they would affect one million to four million facilities across the country, the EPA said.

"This is certainly not an ending," Ms. Jackson said. "We will continue to work under the Clean Air Act."

Write to Ian Talley at [ian.talley@dowjones.com](mailto:ian.talley@dowjones.com)

**Adora Andy/DC/USEPA/US**

03/13/2010 10:55 AM

To "Gina McCarthy", Lisa Heinzerling, "Richard Windsor", "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 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.

Adora Andy/DC/USEPA/US

10/07/2010 11:13 PM

To "Gina McCarthy", "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 WSJ: Environment Chief Caught in the Campaign Crossfire

October 7, 2010

## Environment Chief Caught in the Campaign Crossfire

Environmental Protection Agency Administrator Lisa Jackson isn't on any ballots this November. But in some parts of the country, she might as well be.


By Stephen Power

Environmental Protection Agency Administrator Lisa Jackson isn't on any ballots this November. But in some parts of the country, she might as well be.

Ms. Jackson's agency is becoming a foil for congressional candidates across the country. In South Dakota, Republican Kristi Noem has called for Ms. Jackson's resignation, citing the EPA's inaction on a request from ethanol producers to allow more ethanol in gasoline.

In Arkansas, embattled Democratic Sen. Blanche Lincoln is blasting Ms. Jackson's agency for promulgating "overreaching, burdensome" regulations on pesticides used by farmers.

In these states and others, Ms. Jackson's EPA has become a focal point of the argument about the role of federal regulation in the economy. Environmental and public-health groups that form an important part of the Democratic Party's constituency say a vigorous EPA is vital when Congress is deadlocked on environmental policy issues such as climate change.

 Reuters EPA Administrator Lisa Jackson testifies before a panel on the Deepwater Horizon oil spill in September.

But for Republicans and for some Democrats, the EPA is a symbol of a government that does too much and discourages job-creating investments. "It represents government out of control," said Rep. Sanford Bishop, (D., Ga.) when asked to describe his constituents' view of the agency.

Ms. Jackson has emerged as one of the Obama administration's most energetic regulators. During the past 18 months, the agency has proposed 42 "significant" regulations, according to OMB Watch, a left-leaning watchdog group. That compares with 16 in the first 18 months of the EPA during the George W. Bush administration. The government defines regulations as "significant" if they have an annual impact on the economy of \$100 million or more or meet certain other criteria, such as raising new legal issues or interfering with other agencies' actions.

The new rules seek to reduce ozone pollution from factories and cars; coal ash waste from power plants; storm-water runoff from construction sites; greenhouse-gas emissions from cars; and mercury emissions from industrial boilers.

Ms. Jackson has noted that past warnings about the economic toll of environmental regulation have often overestimated the costs. When Congress debated legislation in 1990 to curb acid rain, EPA studies estimated the legislation's annual costs at between \$2.7 and \$4 billion a year. A decade later, an EPA



analysis determined that the 1990 law cost \$1 billion to \$2 billion.

"We want an EPA that is working to protect our families and the places where we live, work and play—not protecting big polluters and the status quo," a spokesman for Ms. Jackson said.

The agency's critics say they are also looking out for ordinary Americans. In West Virginia and Virginia, Democratic Reps. Nick Rahall and Rick Boucher, respectively, are playing up their efforts to stop EPA rules that they say will kill mining jobs.

Mr. Rahall's district is the focus of a particularly controversial EPA decision. In March, the agency proposed quashing a water permit needed for a coal-mining project there that the Bush administration approved three years ago. It's the first time in the EPA's 40-year history that the agency has proposed vetoing a water permit after it was issued.

An EPA spokesman said the project "involves harmful impacts on the environment, wildlife and water quality on an enormous scale."

Not all political candidates are attacking the EPA. In California's 44th district, Democrat Bill Hedrick has criticized incumbent Republican Rep. Ken Calvert for supporting legislation to block the EPA from regulating greenhouse-gas emissions. Mr. Calvert said he voted for the legislation "to give Congress, regulators and stakeholders two years to develop a workable solution that protects American jobs."

Ms. Jackson, meanwhile, is trying to soothe some of her critics. She met last month with ethanol producers, assuring them she was still considering their request to allow more ethanol in gasoline.

Adora Andy/DC/USEPA/US  
06/08/2011 03:35 PM

To "Laura Vaught", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Arvin Ganesan", "Stephanie Owens", Sarah Pallone, "Dru Ealons"  
cc  
bcc  
Subject BLOOMBERG: Dingell to Ask EPA to Extend Comment Time on Clean-Air Rule

Rachael Schultz

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

**From:** Rachael Schultz  
**Sent:** 06/08/2011 03:28 PM EDT  
**To:** Betsaida Alcantara; Brendan Gilfillan; Alisha Johnson; Seth Oster; Adora Andy; Andra Belknap; Mary Robbins; Shira Sternberg; Alexandria Carter  
**Subject:** BLOOMBERG: Dingell to Ask EPA to Extend Comment Time on Clean-Air Rule

**Dingell to Ask EPA to Extend Comment Time on Clean-Air Rule**

Bloomberg

By Jim Snyder - Jun 8, 2011

U.S. Representative John Dingell, a [Michigan](#) Democrat, will ask the [Environmental Protection Agency](#) to extend the comment period for a clean-air rule designed to cut mercury and other toxic emissions.

Dingell, a former chairman of the House Energy Committee, is circulating a letter among lawmakers that asks EPA to give utilities, manufacturers, environmental groups and other interests 120 days to comment, double the current schedule.

Coal-dependent utilities such as American Electric Power Co. have said the proposed rule would raise electricity prices and cost jobs. Dingell plans to send the letter to EPA Administrator Lisa Jackson next week. It doesn't ask to delay the rule, which a court has said must be released in November.

The clean-air rule may have "wide-reaching impacts on the way our country generates and consumes electricity," according to the letter. "Such a dense and wide-ranging rulemaking requires thorough analysis and evaluation by stakeholders."

The rule would require cuts to emissions of mercury, which can hinder the neurological development of children, and other toxins. The agency has said its rule will prevent as many as 17,000 premature deaths and 11,000 heart attacks at an annual cost to industry of about \$10.9 billion. The EPA estimates the rules will yield up to \$140 billion in health benefits.

While reducing emissions will improve public health and the environment, "we also must be mindful of the economic impact new regulations could have, especially with the complexity and breadth of applicability for this proposed rule being so significant," Dingell wrote in the letter.

### 'Economic Implications'

Dingell will join Republican Representatives Fred Upton of Michigan and Ed Whitfield of [Kentucky](#) and Senator James Inhofe of [Oklahoma](#) in seeking to extend the time for comments.

The rule has "major electric reliability and economic implications for the nation," Upton, chairman of the Energy and Commerce Committee, and the Republicans wrote in a May 17 letter. They are seeking a comment period of at least 120 days.

The EPA estimates less than 1 percent of coal-fired [power plants](#) production capacity would close as a result of its rule.

The American Coalition for Clean Coal Electricity, an Alexandria, Virginia-based group that backs policies promoting coal, released a report that found as much as 47.8 gigawatts of electricity, about 15 percent of coal's U.S. production capacity, may close prematurely because of the mercury rule and a separate regulation designed to cut emissions of sulfur dioxide and nitrogen oxides, which cause smog and acid rain.

### 'Common-Senate' Rules

In response to the coalition's report, [Brendan Gilfillan](#), an EPA spokesman, said the agency was working with utilities and other interested groups to ensure its clean-air rules were "reasonable, common-sense and achievable."

"More than half of all coal-fired power plants already deploy the widely available pollution control technologies that allow them to meet these important standards," Gilfillan said in an e-mail.

Daniel Weiss, senior fellow at the [Center for American Progress](#), a Washington-based group that says it supports progressive public policies, said the EPA should reject calls to extend its comment period.

"There has been ample time to review and analyze this proposal," Weiss said. EPA first said it would regulate mercury emissions in 2000. The delay was sought by "big utilities and big coal companies" to organize opposition to the rule, Weiss said.

Adora Andy/DC/USEPA/US

03/13/2010 11:27 AM

To "Lawrence Elworth", "Peter Silva", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"

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

bcc

Subject Seattle Times: Manure is piling up as a new-age pollution issue

Manure is piling up as a new-age pollution issue

By David A. Fahrenthold

The Washington Post

Nearly 40 years after the first Earth Day, this is irony: The United States has reduced the man-made pollutants that left its waterways dead, discolored and occasionally flammable.

But now, it has managed to smother the same waters with the most natural stuff in the world.

Animal manure, a byproduct as old as agriculture, has become an unlikely modern pollution problem, scientists and environmentalists say. The country simply has more dung than it can handle: Crowded together at the new breed of megafarms, livestock produce more waste than can be recycled as fertilizer for nearby fields.

That excess manure gives off air pollutants, and it is the country's fastest-growing large source of methane, a greenhouse gas.

And it washes down with the rain, helping to cause the 230 oxygen-deprived "dead zones" that have proliferated along the U.S. coast. In Chesapeake Bay, about one-fourth of the pollution that leads to dead zones can be traced to the back ends of cows, pigs, chickens and turkeys.

Despite its impact, manure has not been as strictly regulated as more familiar pollution problems, such as human sewage, acid rain or industrial waste. The Obama administration has made moves to change that but already has found itself facing off with farm interests, entangled in the contentious politics of poop.

In recent months, Oklahoma has battled poultry companies from Arkansas in court, blaming their birds' waste for slimy and deadened rivers downstream. In Florida, the U.S. Environmental Protection Agency proposed first-of-their-kind limits on pollutants found in manure.

In the Senate, Ben Cardin, D-Md., has proposed a bill that would allow farmers in the Chesapeake watershed to cut pollution more than required and sell the extra "credits" to other polluters. The EPA, in the middle of an overhaul for the failed Chesapeake cleanup, also has threatened to tighten rules on large farms.

"We now know that we have more nutrient pollution from animals in the Chesapeake Bay watershed" than from human sewage, said Charles Fox, the EPA's new Chesapeake czar. "Nutrients" is the scientific word for the main pollutants found in manure, treated sewage, and runoff from fertilized lawns. They are the bay's chief evil, feeding unnatural algae blooms that cause dead zones.

Around the country, agricultural interests have fought against moves like these, saying that new rules on manure could mean crushing new costs for farmers.

Manure's rise

The story of manure is already a gloomy counterpoint to the triumphs in fighting pollution since the first Earth Day, April 22, 1970. An air pollutant that causes acid rain has been cut by 56 percent. By one measure, the output from sewage plants got 45 percent cleaner.

But, according to Cornell University researchers, the amount of one key pollutant — nitrogen — entering the environment in manure has increased by at least 60 percent since the 1970s.

"We've dealt with the kind of conventional pollutants" that helped spark the first Earth Day, said Donald Boesch, president of the University of Maryland Center for Environmental Science. "Now, we see the things that are eating our lunch, if you will, are natural products ... that are just overloading the system."

The reasons for manure's rise as a pollutant have to do, environmentalists say, with a shift in agriculture and a soft spot in the law.

In recent decades, livestock raising has shifted to a smaller number of large farms. At these places, with thousands of hogs or hundreds of thousands of chickens, the old self-contained cycle of farming — manure feeds the crops, then the crops feed the animals — is overwhelmed by the large amount of waste.

The result in farming-heavy places has been too much manure and too little to do with it. In the air, that extra manure can dry into dust, forming a "brown fog." It can emit substances that contribute to climate change.

And it can give off a smell like a punch to the stomach.

"You have to cover your face just to go from the house to the car," said Lynn Henning, 52, a farmer in rural Clayton, Mich., who said she became an environmental activist after fumes from huge new dairies gave her family headaches and burning sinuses. The way that modern megafarms produce it, Henning said, "Manure is no longer manure. Manure is a toxic waste now."

In the water, the chemicals in manure don't poison life, like pesticides or spilled oil. Instead, they create too much life, and the wrong kinds.

"You get Miracle-Gro for your water," said David Guest, a lawyer for the group Earthjustice who has fought for tougher limits on pollution in Florida.

A feast for algae

The chemicals in manure serve as fertilizer for unnatural algae blooms. They drain away oxygen as they decompose. Scientists say the number of suffocating dead zones — oxygen-depleted areas where even worms and clams climb out of the mud, desperate to respire — has grown from 16 in the 1950s to at least 230 today. The Chesapeake's is usually the country's third largest, after the Gulf of Mexico and Lake Erie.

The law, however, has treated manure and other agricultural pollutants differently from pollutants from smokestacks and sewer pipes.

The EPA does not set a hard cap on how much manure can wash off farms, instead issuing guidelines that apply only to the largest operations. There, the rules might limit how much manure farmers can spread on individual fields, for instance, or order them to plant grassy strips along riverbanks to filter manure-laden runoff. Even that level of regulation has only been in place since the 1990s.

But now, the EPA has signaled an intent to tighten its grip.

The agency has announced that reducing manure-laden runoff was one of its six "national enforcement initiatives." New rules went into effect in December that will impose even tighter restrictions on large farms.

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**Adora Andy/DC/USEPA/US**  
04/01/2010 01:38 PM

To "Lisa Garcia", "Cynthia Giles-AA", "Paul Anastas", "Peter Silva", "Nancy Stoner", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"  
cc  
bcc  
Subject Ken Ward, Jr: Breaking news on EPA Mountaintop removal Mining

Suzanne Ackerman

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

**From:** Suzanne Ackerman  
**Sent:** 04/01/2010 01:34 PM EDT  
**To:** Seth Oster; Allyn Brooks-LaSure; Adora Andy; Roxanne Smith; Jeffrey Levy; Lina Younes; Amy Dewey; Brendan Gilfillan; Dave Ryan; Cathy Milbourn; Deb Berlin  
**Subject:** Ken Ward, Jr: Breaking news on EPA Mountaintop removal Mining

**Breaking news (NOT an April Fool's joke): EPA actually does take "unprecedented steps" to reduce damage from mountaintop removal**  
April 1, 2010 by Ken Ward Jr.

The U.S. Environmental Protection Agency [is releasing a bombshell](#): A major new guidance document that provides the "clarity" regarding the permitting of mountaintop removal coal mining.

The biggest step included? EPA is warning that water pollution from these mining operations dangerously increases the [electrical conductivity](#) of streams. EPA is now setting up a much more rigorous mandate that coal operators and state mining regulators face up to [this looming and long-ignored problem](#). The new guidance document also addresses a host of other issues, from water quality monitoring to environmental justice, that are important to folks who are concerned about the impacts of mountaintop removal.

As the new guidance document says:

*It has been a high priority of this Administration – and EPA Administrator Lisa P. Jackson – to reduce the substantial environmental impacts of surface coal mining in Appalachia, and minimize further impairment of already compromised watersheds.*

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

Regarding the key issue of conductivity (a key measure of the presence of many harmful pollutants, such as chlorides, sulfates, and nitrates), EPA is building on [previous work of agency scientists](#) who found that streams with conductivity of more than 500 [microsiemens per centimeter](#) are likely to be impaired.

But, EPA has also completed a draft of a new study by the agency's Office of Research and Development that warns of impairment to streams with conductivity of 300 microsiemens per centimeter.

Based on that study, EPA now says that it believes any mining proposals with predicted conductivity levels of 300 are generally [not](#) considered by EPA "to be associated with impacts that may rise to the level of exceedances of narrative state water quality standards."

What's that mean for mountaintop removal permitting?

Well, the short version is that EPA may block new permits or demand significant changes in mining plans where mining operations are likely to result in stream conductivity downstream to exceed 500.

The slightly more complicated version goes like this:

If water quality modeling for a proposed permit indicates conductivity greater than 500 will result, EPA will assume a violation. If the state has an alternative interpretation of their water quality standards that is supported by site-specific data, EPA will consider it. For example, if the state has an alternative interpretation of their water quality standards that is supported by site-specific data, EPA will consider it.

And if modeling suggests conductivity will end up between 300 and 500, then EPA "should work with the permitting authority on conditions that protect against conductivity levels exceeding 500."

Further, if a new mine is proposed in an area where streams already exceed 500 – which could include many parts of West Virginia that have been significant mining – EPA "will coordinate with the permitting authority on a site-specific basis to ensure these new discharges do not result in a violation of water quality standards."

And to be clear, EPA indicates these are issues that – as WVDEP Secretary Randy Huffman has argued to federal officials – are not Clean Water Act water pollution permits, as opposed to Clean Water Act "dredge-and-fill" permits handled by the Corps of Engineers. EPA is not going to take what it expects out of the states:

*At a minimum, should the record indicate that a reasonable potential exist, based on site- or receiving-water-specific information, to demonstrate in the administrative record, based on site- or receiving-water-specific information, how the permit implementation is consistent with the CWA, and Regions are encouraged to review such a record carefully.*



Adora Andy/DC/USEPA/US

12/22/2009 01:26 AM

To "Mathy Stanislaus", "Richard Windsor", "Bob Perciasepe",  
"Diane Thompson", "Bob Sussman", "David McIntosh", "Seth  
Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats"

bcc

Subject WAPO: Still unresolved, Tennessee coal-ash spill only one  
EPA hurdle

Still unresolved, Tennessee coal-ash spill only one EPA hurdle

By David A. Fahrenthold  
Washington Post Staff Writer  
Tuesday, December 22, 2009; A03

When the dam broke -- a year ago Tuesday, a little after midnight -- Sandy Gupton thought she was hearing two trains colliding. It wasn't until morning that she saw what had really happened near Kingston, Tenn. It looked, Gupton said, "like a volcano had erupted." An earth-and-ash dam holding back 1 billion gallons of waterlogged ash from a nearby power plant had failed, and the slurry flowed out to choke the Emery River and cover 85 acres of land. One year later, most of the ash on the land is still there. And the problem of similar coal-ash ponds still sits on the long and fast-expanding to-do list of President Obama's Environmental Protection Agency. Now -- after a year in which a climate-change summit in Copenhagen fell short of most expectations, and with a climate bill stalled in the U.S. Senate -- the EPA might shoulder more of the burden for an administration with historic environmental ambitions. It has already laid plans to tackle greenhouse gases, smog, "mountaintop" coal mining, and the long-running fight to save the Chesapeake Bay. But the difficulties of dealing with coal ash illustrate why such problems can linger unsolved. In the case of the Kingston spill, the agency first announced that it would rewrite the rules for handling coal ash. Industry groups protested, saying that if the EPA began defining coal ash as hazardous waste, that decision could backfire -- choking off a trade that recycles the material into concrete, and creating even more unwanted ash. On Thursday, the agency announced that it would not meet its own year-end deadline for issuing a new rule to govern the handling of coal-ash storage. The decision would be delayed, the EPA said, "for a short period due to the complexity of the analysis the agency is currently finishing." The agency said it remains committed to staying the course on its broader agenda. "EPA under the Obama Administration has promised change and is working to deliver it through a rededication to science, transparency and the rule of law," EPA spokeswoman Adora Andy said in a statement Monday. Many environmental groups have applauded the scope of the EPA's efforts in the past year, saying they were necessary to overcome what they characterized as years of inaction under President George W. Bush. Some industry groups, however, have said the agency is overreaching, and that its new efforts will cost businesses and consumers. "I don't think I've ever seen this many major proposals coming out this quickly," said Jeffrey R. Holmstead, who headed the EPA's air-pollution efforts under Bush, and works for the law firm Bracewell & Giuliani. Under Administrator Lisa P. Jackson, the EPA has inserted itself more deeply into the debate over mountaintop mines in Appalachia, even threatening a rare veto for a mine permit. It has also made an unprecedented threat to states in the Chesapeake Bay watershed, warning that they could be punished if they lag behind pollution-cutting targets. And, most prominently, the agency has threatened to crack down on greenhouse-gas emissions if Congress doesn't do it first. The EPA issued a finding this month that the emissions pose a danger to public health, which would trigger a responsibility to regulate the gases in the same way as the ones that create smog. That would be a key test for an agency that has sometimes struggled with a reputation as an environmental "nanny." Delegates gathered in Copenhagen and bickering senators have struggled to find a politically palatable way of imposing emissions cuts. Doing it by bureaucratic fiat won't be popular. "They're going to need lots of staff. They're going to need an enormous effort, the likes of which I think they've never seen, in such a short period," said Eileen Claussen of the Pew Center on Global Climate Change and a former EPA staffer. Even Jackson has said she would prefer that Congress approved another method for regulating emissions. The story of the Kingston coal-ash spill underscores the difficulties facing the agency. The spill was caused by a failure at a dam holding coal ash from a Tennessee Valley Authority power plant. No one died, but 26 homes were damaged, and residents

complained of health problems afterward. In response, the EPA conducted a survey of similar coal-ash storage facilities, finding 431 of them nationwide and 49 classified as "high hazard," where a failure could endanger human life. The EPA's delay in issuing a new rule governing the handling of coal ash has environmentalists and business leaders worried. Among industry groups, the concern is that the EPA will decide to treat coal ash as hazardous waste. That, they say, would curtail reusing it in cement and concrete. And, wouldn't they be sued for knowingly using hazardous waste?"Defending something like that just scares the industry to death," said Thomas Adams of the American Coal Ash Association. But Jeff Stant of the Environmental Integrity Project said it was crucial for the EPA to treat the waste as hazardous, which would require new protections to keep it from spreading into rivers and groundwater. He said he was concerned that the delay meant the administration was bending under industry pressure. While the fight goes on, the EPA, the Tennessee Valley Authority and state officials have not figured out how to remove the ash that covers parts of Gupton's farm. Although the ash is topped with a protective barrier and kept moist to hold down dust, she and her husband each recently received a diagnosis of asthma. "I don't think they will ever get it cleaned up," she said Monday.

**Adora Andy/DC/USEPA/US**

04/14/2010 03:26 PM

To "Michael Moats", "Brendan Gilfillan", "Betsaida Alcantara", "Alisha Johnson", "Peter Silva", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"

cc

bcc

Subject Ken Ward: Rep. Capito turns focus back on attacking EPA

Rep. Capito turns focus back on attacking EPA

April 14, 2010

by Ken Ward Jr.

This statement just came in from the office of Rep. Shelley Moore Capito, R-W.Va.: WASHINGTON—Rep. Shelley Moore Capito, R-W.Va., made the following opening statement at today's Select Committee on Energy Independence and Global Warming's hearing titled, "The Role of Coal in the New Energy Age": "Mr. Chairman, thank you for hosting today's important hearing. Even though today's hearing focuses on the role of the coal industry in the new age, I think it is important for us to recognize the sacrifice miners make to provide the energy and power so many of us take for granted. Last week's mine disaster at Montcoal, WV that killed 29 miners was the worst in the U.S. coal industry in 40 years. Just four years ago, 12 people were killed at the Sago Mine disaster in my district. With the investigation underway and as further details are available on the cause of the accident, we must continue our commitment to keep our miners safe. The Upper Big Branch Mine disaster only furthers people's poor image of mining and has led many to discuss the future of coal. Coal is a prime energy source throughout the world. Fast-growing countries such as China and India rely on the low-cost fuel to meet their electricity demand. Here in the United States, coal is our nation's most abundant domestic energy resource with recoverable reserves sufficient to last 250 years. Coal currently fuels more than 50% of all electricity generation in the United States. In my home state of West Virginia, 98% of our electricity comes from coal. It provides 125,000 direct high-paying jobs for U.S. coal miners and supports hundreds of thousands of additional jobs throughout the supply chain. When considering the future of coal in the global warming debate, the first thing that we need to remember is that climate change and energy policies are inextricably connected with economic, environmental and social issues. Last year, the House passed the American Clean Energy and Security Act. I did not support the legislation because I believe it stood to push energy prices upward and threaten an economy that is already in trouble. A tax increase on carbon dioxide emissions will come directly out of customers' pockets in the form of higher electric rates. Manufacturing output would also fall considerably. Manufacturing firms who have traditionally relied on low and stable electric rates in our states will be subject to massive cost increases, likely forcing them out-of-business or to relocate their operations overseas. Instead, we need to do much more to accelerate the development of advanced clean coal technologies, including and most importantly, carbon capture and storage technologies (CCS). Carbon capture is important to West Virginians and ensuring our national energy independence. Without it, we deprive ourselves of the most effective tool for addressing CO2 emissions from coal. We need to provide sufficient funding and incentives to accelerate the development, demonstration and broad commercial deployment of CCS technologies. The American Electric Power Mountaineer Plant located in New Haven, WV represents an important milestone in our efforts to bring CCS online. The facility began operations last fall and captures and stores approximately 100,000 metric tons of carbon dioxide per year. The Mountaineer Plant is the first demonstration of CCS from an existing coal-fueled power plant. The implementation of CCS technology will not only benefit a state like mine with jobs and revenue, it will also benefit our nation by making clean coal a reality. In addition to climate change, coal has been the subject of continued federal scrutiny for its impact on water quality. Recent action by the Obama Administration and the EPA to further scrutinize mining permits only confirms their anti-coal agenda. The Minority Staff of the Senate Committee on Environment and Public Works initiated an investigation into EPA's handling of Clean Water Act Section 404 permits for coal mining in Appalachia and found that in 2009, EPA froze 235 coal mining 404 Permits, claiming that additional time was needed to assess the environmental impacts of mining operations. Since the initiation of the investigation, EPA issued 45 of the 235 permits. To date, there are 190 permits that EPA continues

to hold for operations including surface, underground and refuse operations. "Furthermore, decisions being made by federal environmental regulators are not focused enough on the importance of coal to the economy. In my conversations with Lisa Jackson, the head of the U.S. Environmental Protection Agency, she said that she explicitly omits economic considerations from her decision-making process. "I find this particularly troubling. The EPA's delays in handling these permits will jeopardize jobs in Appalachia and weaken energy security for the nation." Even more disturbing, on March 26, the EPA announced their intent to veto the existing Spruce Mine permit. The Spruce permit is the most scrutinized and fully considered permit in West Virginia's history. The 13-year permitting process included the preparation of a full environmental impact statement. "In the course of the permit's review, EPA had ample opportunity to review and comment on the mine's decision. The EPA also had the chance to use its veto authority at the time the permit was issued instead of waiting until production had started." The decision by the EPA to veto the Spruce permit brings into question the reliability of the entire permitting process and shows their complete disregard for the impacts it will have on West Virginia's economy.

**Adora Andy/DC/USEPA/US**

07/11/2010 01:16 AM

To "Paul Anastas", "Mathy Stanislaus", "Dana Tulis", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"  
cc "Brendan Gilfillan", "Betsaida Alcantara", "Alisha Johnson", "Vicki Ekstrom", "Michael Moats", Sarah Pallone

bcc

Subject LAT: Obama not living up to promise to protect scientific integrity, some scientists say

Obama not living up to promise to protect scientific integrity, some scientists say

By TOM HAMBURGER AND KIM GEIGER  
Tribune Washington Bureau

When he ran for president, Barack Obama attacked the George W. Bush administration for putting political concerns ahead of science on such issues as climate change and public health. And during his first weeks in the White House, Obama ordered his advisers to develop rules to "guarantee scientific integrity throughout the executive branch."

Many government scientists hailed the president's pronouncement. But a year and a half later, no such rules have been issued. Now scientists charge that the Obama administration is not doing enough to reverse a culture that they contend allowed officials to interfere with their work and limit their ability to speak out.

"We are getting complaints from government scientists now at the same rate we were during the Bush administration," said Jeffrey Ruch, an activist lawyer who heads an organization representing scientific whistle-blowers.

White House officials, however, said they remained committed to protecting science from interference and that proposed guidelines would be forwarded to Obama in the near future.

But interviews with several scientists - most of whom requested anonymity because they fear retaliation in their jobs - as well as reviews of e-mails provided by Ruch and others show a wide range of complaints during the Obama presidency:

-In Florida, water-quality experts reported government interference with efforts to assess damage to the Everglades stemming from development projects.

-In the Pacific Northwest, federal scientists said they were pressured to minimize the effects they had documented of dams on struggling salmon populations.

-In several Western states, biologists reported being pushed to ignore the effects of overgrazing on federal lands.

-In Alaska, some oil and gas exploration decisions given preliminary approval under Bush moved forward under Obama, critics said, despite previously presented evidence of environmental harm.

The most immediate case of politics allegedly trumping science is what some government and outside environmental experts said was the decision to fight the Gulf of Mexico oil spill with huge quantities of potentially toxic chemical dispersants despite advice to examine the dangers more thoroughly.

And the Union of Concerned Scientists, a Washington-based organization, said it has received complaints from scientists in key agencies about the difficulty of speaking out publicly.

"Many of the frustrations scientists had with the last administration continue currently," said Francesca Grifo, the organization's director of scientific integrity.

For example, Grifo said, one biologist with a federal agency in Maryland complained that his study of public health data was purposefully disregarded by a manager who is not a scientist. The biologist, Grifo said, feared expressing his concerns inside and outside the agency.

Most of the examples provided by Ruch, Grifo and others come from scientists who insist on anonymity, making it difficult for agencies to respond specifically to the complaints. Officials at those agencies maintain that scientists are allowed and encouraged to speak out if they believe a policy is at odds with their findings.

The director of the White House Office of Science and Technology Policy, John P. Holdren, said in a statement last month that the president effectively set policy in his March 2009 memorandum calling for administration-wide scientific integrity standards.

"There should not be any doubt that these principles have been in effect - that is, binding on all executive departments and agencies," Holdren said, and that "augmentation of these principles" will be coming soon.

Still, Grifo said, the volume of complaints indicates a real problem and makes it "vital" that the Obama administration issue additional instructions. While overall respect for science may have improved under Obama, several scientists said in interviews that they were still subject to interference.

Ruch, referring to reports from government scientists in Alaska, said that under Bush, the agency that issues oil and gas drilling leases "routinely prevented scientists from raising ecological concerns about the effects of oil spills, introduction of invasive species and any other issue that might trigger the need for fuller environmental review."

In keeping the Bush Interior Department managers and policies in place, Ruch said, Obama appointees have "turned a blind eye toward federal court rulings that said Bush-era lease reviews were environmentally deficient, as well as a GAO report documenting how agency scientists were routinely stifled and ignored."

Kendra Barkoff, a spokeswoman at Interior, disagreed with Ruch's assertion, saying that Interior Secretary Ken Salazar "has made it very clear that decisions will be made based on a cautious, science-based approach."

Ruch's organization, Public Employees for Environmental Responsibility, said it had also been contacted by an EPA toxicologist who said a request for review of the toxicity of oil dispersants in the Gulf of Mexico was rebuffed.

The 39-year EPA veteran, Hugh B. Kaufman, said he has heard similar complaints from colleagues. Kaufman believes that his agency "gave the green light to using dispersants without doing the necessary studies."

A past EPA administrator, William Reilly, said in an interview with CBS last month that he refused to allow the toxic chemicals' use after the 1989 Exxon Valdez disaster off the coast of Alaska because of the potential effect on salmon.

Democratic Rep. Jerry Nadler of New York, who has proposed legislation to prohibit dispersant use until further scientific studies are completed, said the EPA "has been entirely irresponsible," in its review of dispersants.

In May, EPA Administrator Lisa Jackson acknowledged that dispersants could be problematic, but that "they are used to move us toward the lesser of two difficult environmental outcomes."

EPA press secretary Adora Andy said, "The data we have seen to date indicate that dispersant is less toxic than oil."

"If the science indicates dispersant are causing more damage than they're preventing, (Jackson) will be

the first to sound the alarm," Andy said.

Despite the complaints from scientists at EPA and elsewhere, White House officials say the administration's commitment to science has not wavered.

"It is important to appreciate that this administration has made scientific integrity a priority from Day 1 - in the people we've appointed, the policies we've adopted, the budgets we've proposed, and the processes we follow," says Rick Weiss, an analyst and spokesman for the Office of Science and Technology Policy.

White House science adviser Holdren told the House Science and Technology Committee in February that his office had been delayed in releasing its guidelines on scientific integrity due to "the difficulties of constructing a set of guidelines that would be applicable to all agencies and accepted by all concerned."

Scientists and environmental groups have lauded Obama for appointing highly regarded scientists to top posts within the administration. But so far, critics said, those appointments have not eliminated the problems faced by lower-level government scientists.

For example, Ruch said, he has been contacted by two federal scientists who charged that their efforts to implement stricter water quality rules had been suppressed.

In the Pacific Northwest, Ruch said, his organization has heard in the past 16 months from multiple federal fisheries biologists who report that they are under pressure not to overstate the impact of dams on wild salmon.

And in Western states, federal biologists report that they are under pressure not to disclose the full impact of cattle grazing on federal lands, according to Ruch's and other groups.

Katie Fite of the Western Watersheds Project, a group that monitors grazing, backs those allegations. Fite said that scientists had complained to her that "all of the incentives are geared to support grazing and energy development," which could adversely affect plants and other animals.

"Basically, science is still being scuttled," Fite said. "We are heartbroken."

Most critics said they were disappointed that protection of science and scientists did not become more of a priority after the election.



Eric Glitzenstein, a Washington attorney who has filed suit to block projects approved by the Army Corps of Engineers, the Fish and Wildlife Service and other agencies, said he had expected the culture to change under Obama.

"The administration's been in long enough that if that was going to happen, we should have seen it by now," he said. "We simply haven't."

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Adora Andy/DC/USEPA/US

01/04/2010 01:51 AM

To "Peter Silva", "Gregory Peck", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats"

bcc

Subject WV: Rahall hopes Hobet permit helps break 'logjam'

Beckley Register-Herald

Rahall hopes Hobet permit helps break 'logjam'

By Mannix Porterfield  
Register-Herald Reporter

New Year's Eve talks led the U.S. Environmental Protection Agency to give its assent to a Patriot Coal Corp. permit in Logan and Lincoln counties, where some 500 jobs are at stake, Rep. Nick Rahall disclosed Saturday.

From the EPA, the delayed permit – one of 23 in West Virginia on hold over water quality concerns, prompting intense debate – goes to the U.S. Army Corps of Engineers, where final approval is expected, Rahall, D-W.Va., said.

"This is certainly progress," he said. "This is tremendous progress."

Rahall acknowledged each permit is different, a fact not lost on EPA Administrator Lisa Jackson, with whom he has been in contact the past few days.

"But if we provide some basics here, maybe this will serve as a model for the other permits and break the logjam loose," he added.

Jackson agreed to release the permit for the Hobet 21 Mine, entailing roughly 500 union jobs, Rahall said. A portion of the mine, known as Hobet 45 in Lincoln County, was one of 23 West Virginia surface mine permit applications the EPA said in September it was holding for "enhanced review." A 60-day review began Nov. 2.

"Patriot has been very good about this," Rahall said. "They did the work, of course. And she (Jackson) had high words of praise for the company and their willingness to ensure the water quality and take the steps that were necessary."

Rahall said he discussed the overall issue of delayed permits that has sparked an ongoing feud between the coal industry and the Obama administration.

"And she certainly agreed with me that clarity and certainty are needed in this process," the congressman said.

"That's what they are working very hard on – an expeditious manner to provide our coal miners and our coal providers."

Negotiations remain in progress on another permit which the EPA plans to revoke, the Spruce No. 1 Mine of Arch Coal in Logan County. That one has going back and forth like a pingpong match between a federal judge and the appeals court.

"That may continue to be litigated," Rahall said. "EPA will proceed to revoke that permit. That's not to stop the negotiations completely."

"I know they've (Arch Coal) given up a lot. They made a great deal of concessions."

Perhaps, he suggested, some portions of the permit might be allowed by EPA.

The 23 permits in West Virginia were among 79 in Appalachian held in limbo while the EPA attempts to ascertain if they comply with the Clean Water Act.

"We'll continue talking," Rahall said.

A meeting is being planned soon with Jackson, her staff, Gov. Joe Manchin and Rahall and his staff, the congressman said.

Less than two weeks ago, Sen. Robert C. Byrd, also D-W.Va., met with Jackson in an effort to produce clarity and certainty in the permitting process. Afterward, Byrd termed it "a very positive" discussion.

– E-mail: [mannix@register-herald.com](mailto:mannix@register-herald.com)

**Adora Andy/DC/USEPA/US**

12/21/2009 09:15 PM

To "Peter Silva", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara", "Michael Moats"

bcc

Subject AP: Byrd meets with EPA to discuss mining

Byrd meets with EPA to discuss mining

December 21, 2009

By The Associated Press

CHARLESTON, W.Va. -- U.S. Sen. Robert C. Byrd urged the federal government's lead environmental regulator on Monday to work with the mining industry and others to clarify how coal mines get permits.

The West Virginia Democrat asked that EPA work "in conjunction with other regulatory agencies, the coal industry, and unions to develop a clear set of parameters for issuing mining permits," Byrd's office said. EPA Administrator Lisa Jackson said her agency would provide clarity in the near future.

It's the second time the two have talked in Byrd's office. Jackson asked for the meeting, and Byrd's office described the conversation as "friendly and candid."

Also, Gov. Joe Manchin and Rep. Nick Rahall, D-W.Va., traveled to a CONSOL Energy mine where nearly 500 workers have been told they will be laid off on Feb. 7.

A federal judge ruled earlier this month in favor of groups who challenged the mine's Clean Water Act permit, because the U.S. Army Corps of Engineers didn't allow the public to comment on the permit.

Manchin says he went to CONSOL's Fola Coal operation on Monday to show support for the miners and to be assured that CONSOL wanted to continue operating the mine along the Nicholas-Clay county line.

"What we're going through is a process," Rahall said in a telephone interview with The Associated Press. "It's much like laws and sausage, it's pretty ugly."

He said a process needs to be developed so "we don't have the continued litigation and court decisions that have been guiding permitting these many, many years."

The EPA has been taking a closer look at mining permits that use valley fills to dispose of excess rock and dirt from the surface mine. EPA contends the fills may violate the federal Clean Water Act. The fills are used in mountaintop removal mining, where ridges are blown apart to expose coal seams.

In September, EPA said it wanted to hold up 79 permits in West Virginia, Kentucky, Ohio and Tennessee for additional scrutiny. The combination of increased regulatory review and recent court rulings have increased tensions in West Virginia's coalfields.

Earlier this month, Byrd issued a statement saying the coal industry wasn't helping its cause by attacking opponents and sowing fear in the Appalachian coalfields.

Both Byrd and Jackson said ongoing talks to resolve the issues must be civil if a solution is to be reached.

News

Adora Andy/DC/USEPA/US  
10/13/2010 07:12 PM

To "Peter Silva", "Shawn Garvin", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Arvin Ganesan", "Stephanie Owens", Sarah Pallone, "Dru Ealons"  
cc "Brendan Gilfillan"  
bcc  
Subject The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

Pls see below  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 10/13/2010 07:07 PM EDT  
**To:** Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Alisha Johnson; Michael Moats; Vicki Ekstrom  
**Cc:** Bob Sussman; Arvin Ganesan  
**Subject:** The Hill: 50 Dems urge EPA to continue fight against mountaintop removal mining

## 50 Dems urge EPA to continue fight against mountaintop removal mining

By Mike Lillis - 10/13/10 06:07 PM ET

Fifty House Democrats are encouraging the Environmental Protection Agency (EPA) to continue its efforts to rein in [mountaintop removal coal mining](#).

In a letter sent Friday to EPA Administrator Lisa Jackson, the lawmakers said [new mining rules](#) designed to protect the health of neighboring residents "represent significant progress for communities struggling in the shadow of mining."

"When scientific research shows that surface mining routinely violates downstream water quality standards," the Democrats wrote, "it is critical for EPA to ensure that states and mining companies are aware of the pollution levels that cause harm, that discharge permits incorporate adequate safeguards, and that the permits are enforced."

Among those endorsing the letter were Reps. Frank Pallone (N.J.), Earl Blumenauer (Ore.), Henry Waxman (Calif.), Pete Stark (Calif.) and Debbie Wasserman Schultz (Fla.).

The letter arrived just two days after West Virginia Gov. Joe Manchin — the Democrat in a surprisingly tough race to replace the late-Sen. Robert Byrd (D-W.Va.) — [sued the EPA](#) over the new rules. The House Democrats didn't mention Manchin or the suit, but the timing of their letter is likely not a coincidence.

Mountaintop removal mining — in which companies blast away Appalachian peaks and push the debris into adjacent valleys — has been a boon to the industry, cutting labor costs and eliminating the need to truck the waste to more distant dumping grounds. But many scientists say

the dollar savings for companies comes at the expense of human health.

[A study](#) published in the journal *Science* in January, for instance, noted that "adult hospitalizations for chronic pulmonary disorders and hypertension are elevated as a function of county-level coal production, as are rates of mortality; lung cancer; and chronic heart, lung, and kidney disease.

"Health problems are for women and men, so effects are not simply a result of direct occupational exposure of predominantly male coal miners," the researchers wrote.

Commenting on the study, lead author Margaret Palmer, a scientist at the University of Maryland, said "the scientific evidence of the severe environmental and human impacts from mountaintop mining is strong and irrefutable."

"Its impacts are pervasive and long lasting and there is no evidence that any mitigation practices successfully reverse the damage it causes."

More recently, researchers at Virginia Tech and West Virginia University [found](#) that people living near streams poisoned by mines are at higher risk of getting cancer.

Responding to concerns raised by health advocates, environmentalists and community activists, the EPA in April said it won't approve permits for mountaintop removal mines projected to raise stream toxicity above a certain level.

The [new guidelines](#) gauge the health of streams based on their conductivity, which is a good indicator of water's purity. The runoff from Appalachian mines tends to contain toxins like magnesium, sulfate, bicarbonate, and potassium — all ions that raise conductivity levels. The higher the conductivity, the more harmful the water is to living things.

EPA says it will reject mining projects expected to raise stream conductivity more than five times the normal level. Effectively, the agency attached hard numerical standards to environmental protections more vaguely outlined in the Clean Water Act.

Jackson in April said there are "no or very few valley fills that will meet standards like this."

The guidelines came under immediate attack from the mining industry and many coal country lawmakers, who argued that the restrictions will hobble an industry that's vital for creating Appalachian jobs. Arguing that same point last week, Manchin, a former coal broker, sued the EPA over the new rules.

"We are asking the court to reverse EPA's actions before West Virginia's economy and our mining community face further hardship and uncertainty and weaken the strength of this country," Manchin told reporters.

Two days later, the 50 House Democrats penned their letter offering full support of the EPA rules.

"Surface mining in the steep slopes of Appalachia has disrupted the biological integrity of an area about the size of Delaware, buried approximately 2,000 miles of streams with mining waste, and contaminated downstream areas with toxic and bio-accumulative selenium," the lawmakers wrote.

"The ultimate success of the new guidance depends upon effective implementation by EPA and its regional offices. Mining companies and some state agencies may reject this guidance, but we strongly urge the EPA to carry it out aggressively."

The Democrats also vowed to continue their support for [legislation](#) — sponsored by Pallone and GOP Rep. Dave Reichert (Wash.) — that would prohibit mine companies from dumping debris in streams altogether. Similar legislation has been introduced by Sens. Ben Cardin (D-Md.) and Lamar Alexander (R-Tenn.).

The idea is to eliminate mountaintop removal by making the process economically unfeasible to companies that would be forced to truck the waste off-site.

"Nothing less," the Democrats wrote to Jackson, "will protect Appalachia from the devastation of mountaintop removal mining."

Adora Andy/DC/USEPA/US

10/05/2010 08:06 PM

To "Peter Silva", "Shawn Garvin", "Stephanie Owens", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", Sarah Pallone  
cc "Betsaida Alcantara", "Brendan Gilfillan", "Alisha Johnson", "Dru Ealons"

bcc

Subject UPDATE: Manchin to sue EPA

Adding others. Longer version below

[REDACTED]

October 5, 2010

Manchin expected to sue EPA over mining permits

By Ken Ward Jr.

CHARLESTON, W.Va. -- Gov. Joe Manchin has scheduled a press conference Wednesday morning where he is expected to announce that the state is filing suit against the federal government over the Obama administration's crackdown on mountaintop removal coal mining.

Advertiser

[REDACTED]

Late Tuesday, the governor's office announced the 9 a.m. press conference where Manchin would "discuss the coal mine permitting process in West Virginia." The release said "various representatives from the coal-mining community" would join Manchin at the event.

Sources said the governor was expected to announce a long-anticipated lawsuit against the U.S. Environmental Protection Agency, but administration officials declined to confirm those details until Manchin makes his announcement.

"The governor is having a press conference," said Randy Huffman, secretary of the state Department of Environmental Protection. "It's his announcement -- whatever it is he's announcing."

Earlier this year, Huffman's agency hired the Charleston firm Bailey & Glasser to represent DEP in anticipation of such a lawsuit over tougher EPA permit reviews and new federal water quality guidance meant to reduce the damaging impacts of mountaintop removal.

Bailey & Glasser was previously hired a decade ago by Republican Gov. Cecil Underwood and helped the state win an appeal of a ruling by the late U.S. District Judge Charles H. Haden that would have limited mountaintop removal.

While the coal industry favors mountaintop removal's efficiency, and local political leaders praise the jobs provided, there is a growing scientific consensus that the practice is causing widespread and irreversible damage to the region's forests, water quality and communities. Last week, the EPA's independent Science Advisory Board issued a draft report that backed the agency's scientific findings about the impacts and needed reforms in regulatory standards.

Manchin, the DEP and other state elected officials have blasted EPA's actions, and industry officials have tried to make the permit crackdown a major issue in coalfield political races, including Republican Spike Maynard's effort to unseat longtime Rep. Nick J. Rahall, D-W.Va.

Republican John Raese, who is running against Manchin for the U.S. Senate seat held for decades by



Robert C. Byrd, has alleged that Manchin has not shown enough support for the mining industry and would not stand up to President Obama on coal-related issues.

The National Mining Association has already filed a federal court lawsuit to try to challenge EPA's more rigorous review of Clean Water Act permits issued by the federal Army Corps of Engineers and to block new EPA guidance meant to limit pollution scientists say increases the electrical conductivity of streams to dangerous levels.

EPA's permit review process has led to the issuance of two major mining projects that allowed coal to be mined, but greatly reduced the environmental impacts by

Adora Andy

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

**From:** Adora Andy

**Sent:** 10/05/2010 08:01 PM EDT

**To:** Peter Silva; Shawn Garvin; Stephanie Owens; "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>; Alisha Johnson; Dru Ealons

**Subject:** Manchin to sue EPA

WV Gazette

Gov. Manchin expected to sue EPA over efforts by Obama to reduce mountaintop removal damage  
By Ken Ward Jr.

We've just posted this breaking news item on the Gazette's Website:

Gov. Joe Manchin has scheduled a press conference for Wednesday morning where he is expected to announce that the state is filing suit against the federal government over the Obama administration's crackdown on mountaintop removal coal mining.

Read more here.

Coal Tattoo readers will recall that WVDEP Secretary Randy Huffman already hired the Charleston law firm Bailey and Glasser to work on ways to challenge the U.S. Environmental Protection Agency's tougher permit reviews and new water pollution guidance. And, the National Mining Association has previously filed suit to try to block EPA's actions.

Three weeks ago, at a coal industry rally, Gov. Manchin had warned:

Coal mining is the heart and soul of West Virginia. And today we are taking our message and fight to the United States Capitol. I believe the President's stance on Cap and Trade is wrong, and I also believe that EPA Director, Lisa Jackson, is overreaching the powers within the agency. West Virginia intends to fight back.

**Adora Andy/DC/USEPA/US**

10/05/2010 08:01 PM

To "Peter Silva", "Shawn Garvin", "Stephanie Owens", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

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

bcc

Subject Manchin to sue EPA

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Adora Andy/DC/USEPA/US

08/18/2010 09:15 AM

To "Richard Windsor"

cc

bcc

Subject Politico: Hot button: GOP candidates knock global warming

Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 08/18/2010 09:13 AM EDT

**To:** Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara; Michael Moats; Alisha Johnson; Vicki Ekstrom

**Subject:** Politico: Hot button: GOP candidates knock global warming

## Hot button: GOP candidates knock global warming

By: [Darren Samuelsohn](#)

August 18, 2010 04:31 AM EDT

Fueled by anti-Obama rhetoric and news articles purportedly showing scientists manipulating their own data, Republicans running for the House, Senate and governor's mansions have gotten bolder in stating their doubts over the well-established link between man-made greenhouse gas emissions and global warming.

GOP climate skeptics have held powerful positions on [Capitol Hill](#) recent years, including the chairmanship of the House Energy and Senate Environment panels. But they've typically been among the minority. Now, they could form a key voting bloc, adding insult to injury for climate advocates who failed to pass an energy bill this year.

[Environmental groups](#) fear that adding more voices to the skeptic camp could further polarize the debate and make it more difficult at all levels of government to pass legislation curbing carbon dioxide emissions, especially if coupled with the defeat of standard-bearers such as Sen. Barbara Boxer (D-Calif.).

[Ron Johnson](#), running against Wisconsin Sen. Russ Feingold (D), is the latest in a line of Republicans to take a shot at the validity of global warming.

"I absolutely do not believe in the science of man-caused climate change," Johnson told the [Milwaukee Journal Sentinel](#) on Monday. "It's not proven by any stretch of the imagination."

Johnson told the newspaper that the climate change theory was "lunacy" and blamed changes in the Earth's temperature to "sunspot activity or just

something in the geologic eons of time."

Similar remarks have been heard from GOP candidates in all parts of the country even as mainstream climate scientists defend their work from a steady line of attack.

Four independent reviews have concluded that the so-called "[Climategate](#)" e-mails stolen last fall from a United Kingdom research unit showed nothing more than a frank discussion among scientists working through large and complicated sets of data. And while the Intergovernmental Panel on Climate Change has admitted it erred in its 2007 report by citing a report concluding Himalayan glaciers could disappear by 2035, the Nobel Prize-winning U.N. organization said the mistake didn't undermine its larger body of work.

Former Republican Rep. [Steve Pearce](#), running for his old seat in southern New Mexico, told POLITICO that climate scientists should be questioned more thoroughly because of the stolen e-mails.

"I think we ought to take a look at whatever the group is that measures all this, the IPCC, they don't even believe the crap," Pearce said in Artesia, N.M. "They're the ones who say in the e-mails we've got to worry about this, keep these voices quiet. If they don't believe it, why should the rest of be penalized in our standard of living for something that can't be validated?"

Sharron Angle, the GOP opponent for Senate Majority Leader Harry Reid in Nevada, said on her website in June that she thought legislation to curb greenhouse gases "is based on an unscientific hysteria over the man-caused global warming hoax."

Angle's site – revamped after her primary victory – no longer includes the statement about climate change science. But her spokesman, Jarrod Agen, said Tuesday that she's still not sold on the issue.

"Science is best left to the experts, and currently there is lively debate on the impact of humanity's impact on global warming and climate change," Agen said via e-mail.

"When politicians act on impulse, they come to the conclusion that taxing carbon emissions will solve any perceived problems," he added. "In reality, states like Nevada are facing over 14 percent unemployment and an increased taxation on business, such as the proposed cap-and-trade legislation, will force business to spend more money easing the consciences of politicians than solving the proven unemployment problem."

In California, Republican Senate nominee Carly Fiorina used a [recent ad](#) to mock Environment and Public Works Committee Chairwoman Boxer for her description of climate change as a national security issue. "Terrorism kills -- and Barbara Boxer's worried about the weather," the Fiorina says in the ad.

Ken Buck, Colorado's Republican Senate nominee, is also on record saying he's not a believer in man-made global warming. "I'll tell you, I have looked at global warming, now climate change from both sides," he said in March on the Aaron Harber Show, a weekly Denver interview program. "And, and I don't believe, while I think the Earth is warming, I don't think that causes are the primary factor for global warming. And, and I am one of those people that Al Gore refers to as a skeptic."

"I think he calls them a denier," Harber said.

"Deniers?" Buck replied. "Okay, okay, I'm one of those folks."

Local media have quoted several other top-tier Senate GOP nominees questioning climate science.

"There is some question as to the validity of the science," Rand Paul told the Lexington Herald Leader in March.

Connecticut's Linda McMahon is quoted in the [Hartford Courant](#) last December saying, "I think there's evidence to the positive and to the contrary about global warming."

And the [Tampa Tribune](#) recorded Florida's Marco Rubio in February saying, "I don't think there's the scientific evidence to justify it."

The Democratic Senatorial Campaign Committee also produced news reports of Pennsylvania's Pat Toomey and Washington's [Dino Rossi](#) questioning climate science.

"Denying global warming is just the tip of the iceberg for the new crop of extremist Republican Senate candidates," said DSCC spokeswoman Deirdre Murphy, citing comments from Republicans on Social Security, Medicare and unemployment benefits.

Several Republican gubernatorial candidates are also on record with doubts about climate change science.

New Mexico GOP nominee Susana Martinez told POLITICO in Albuquerque on Saturday that she had her doubts about the role human activity plays in

global warming. "I'm not sure the science completely supports that," she said.

In Florida, conservative Rick Scott – locked in a tight primary battle with Bill McCollum – told the [St. Petersburg Times](#) he's not sold either. "I have not been convinced," he said last month. Asked what he'd need to convince him, Scott replied, "Something more convincing than what I've read."

Charlie Baker, the front-runner for the Massachusetts GOP governor's nomination, has taken a more nuanced stance. "I'm not saying I believe in it, I'm not saying I don't," he told the [Boston Globe](#) in February. "You're asking me to take a position on something I don't know enough about. I absolutely am not smart enough to believe that I know the answer to that question."

Baker later told reporters he does think humans were contributing but disagrees with the economics of a cap-and-trade policy that his opponent supports for curbing emissions. Baker's website now states, "I'm concerned about the effects of climate change on our environment."

Eric Ueland, who served as chief of staff to former Senate Majority Leader Bill Frist (R-Tenn.), said Republicans candidates are voicing their skepticism about climate science as part of a much broader message concerned about expanded government.

"Look, the science is incredibly complicated," Ueland said. "They can't deny that. There's a lot of interaction between a lot of different factors. They can't deny that. There's a lot of confusion in the historical record. They can't deny that. So to emphatically and didactically declare there's only one cause and one guilty party vastly overly simplifies the current state of understanding of what's going on."

Paul Lindsay, a spokesman at the National Republican Congressional Committee, acknowledged the wide range of views among the GOP office seekers.

"This isn't the only issue where Republican candidates have varied opinions," Lindsay said. "But one thing we can all agree on is that the Obama-Pelosi agenda is capping job growth and trading it away for big-government expansion at the expense of middle-class families."

Gene Karpinski, president of the League of Conservation Voters, suggested an alternative motive. "Republicans running for Senate, House and governor who question the sound and settled science of climate change are following

in the footsteps of a Republican leadership team that is heavily financed by and strongly influenced by Big Oil," he said.

Adora Andy/DC/USEPA/US

02/01/2011 11:55 PM

To "Richard Windsor"

cc

bcc

Subject Breaking News AP: House GOP readies restrictions on EPA WEDNESDAY

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 02/01/2011 11:33 PM EST

**To:** Seth Oster; Adora Andy; Brendan Gilfillan; Arvin Ganesan; David McIntosh

**Subject:** Breaking News AP: House GOP readies restrictions on EPA WEDNESDAY  
AP sources: House GOP readies restrictions on EPA

WASHINGTON – In a sharp challenge to the Obama administration, House Republicans intend to unveil legislation Wednesday to ban the Environmental Protection Agency from regulating greenhouse gases under the Clean Air Act and expect to advance the bill quickly, officials disclosed Tuesday night.

In addition, it seeks to strip the agency of its authority to use the law in any future attempts to crack down on the emissions from factories, utilities and other stationary sources.

Many scientists say that carbon dioxide and other heat-trapping pollution contribute to global warming, and attempts at regulating them is a major priority for President Barack Obama as well as environmentalists. Critics argue the evidence is thin and that new rules will drive up the cost of business and cause the loss of jobs.

The officials who described the GOP plans did so on condition of anonymity, saying they were not authorized to pre-empt the release of a draft measure prepared by the Energy and Commerce Committee, chaired by Rep. Fred Upton of Michigan.

The legislation marks yet another arena in which newly empowered House Republicans are moving quickly to challenge the administration.

Sworn into office less than a month ago, the House has already voted to repeal last year's health care law and is advancing toward a series of expected confrontations with Obama over Republican demands for deep spending cuts. In addition, Speaker John Boehner, R-Ohio, recently announced support for legislation to restrict abortions.

A vote on the greenhouse gases bill would occur first in the Energy and Commerce Committee, and is expected later this winter. The measure would then go to the House floor, where Republicans express confidence they have a strong enough majority to overcome objections by Democrats, many of whom are expected to oppose it on environmental grounds.

Republicans are attempting similar restrictions in the Senate, where the Democrats are in a majority and the political situation is more complicated. Sen. John Barrasso of Wyoming has introduced a more sweeping measure than the one House Republicans are drafting. At the same time, Sen. Jay Rockefeller, D-W.Va., has proposed a two-year moratorium on EPA attempts to regulate greenhouse gases under the Clean Air Act, a plan that already has attracted a handful of Democratic supporters.

The Supreme Court ruled in 2007 that the EPA has authority to regulate greenhouse gases under the Clean Air Act, but it wasn't until the Obama administration took office that the effort began.



Initially, the administration's principal focus in the area was on passage of legislation to impose restrictions, but that attempt failed when the Senate balked at a bill Democrats pushed through the House in 2009.

Since the Republican election gains of last fall, Obama has made several moves to accommodate the concerns of business, including an executive order to weed out proposed new regulations that would hurt job growth. Despite the order, there has been no indication to date that the White House intends to stop plans to regulate greenhouse gases through the Clean Air Act.

In a statement posted on its website late last year, the EPA announced it is moving unilaterally to clamp down on power plant and oil refinery greenhouse emissions, announcing plans for developing new standards over the next year.

EPA administrator Lisa Jackson said the aim was to better cope with pollution contributing to climate change.

"We are following through on our commitment to proceed in a measured and careful way to reduce GHG pollution that threatens the health and welfare of Americans," Jackson said in a statement. She said emissions from power plants and oil refineries constitute about 40 percent of the greenhouse gas pollution in this country.

Adora Andy/DC/USEPA/US

08/10/2009 04:09 PM

To "Richard Windsor"

cc

bcc

Subject Earthjustice Perspective on Coal Ash Regulation

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 08/10/2009 03:39 PM EDT

**To:** Adora Andy

**Subject:** Earhtjustice Perspective on Coal Ash Regulation

Earhtjustice Perspective on Coal Ash Regulation

It is pretty safe to say that EarthJustice is not a fan of coal-fired combustion units. They seem to support any set of regulations that would make it more costly to the utility industry, probably hoping that "cleaner" technologies might become more cost effective relative to coal-based power and electricity.

EarthJustice also believes that EPA made a mistake on each of the Bevill determinations relative to coal-fired utility combustion residuals. It has been EarthJustice's position that coal combustion residuals should be regulated as hazardous wastes.

All of the correspondence that we get from EarthJustice encourages EPA to overturn the previous Bevill Regulatory Determinations of 1993 and 2000 and, rather than regulate coal ash residuals under non-hazardous authorities, regulations should be issued under hazardous waste authorities so that there is direct enforcement authority at the federal level.

EarthJustice has a low opinion of State environmental programs and believes that most State solid waste programs are inadequate to protect human health and the environment.

EarthJustice tends to pick and choose data to support its position, but there is plenty of data that would support a hazardous waste determination for coal combustion residuals and EarthJustices views that (some) State programs are lacking.

EarthJustice seems to support beneficial use, but so far have "endorsed" only those technologies that "encapsulate" the coal combustion residuals such that heavy metals contained in the

residuals do not leach out at harmful levels, as in the use of coal ash in concrete, for example. They are not in favor of such things as use as fill, use for snow and ice control, or use in agriculture.

**Adora Andy/DC/USEPA/US**

01/07/2010 06:25 PM

To "Richard Windsor"

cc

bcc

Subject FYI: Compiled Smog Stories

Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 01/07/2010 06:07 PM EST

**To:** Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara; Michael Moats

**Subject:** FYI: Compiled Smog Stories

### **Stricter new smog limit would hit rural areas, too**

AP

Hundreds of communities far from congested highways and belching smokestacks could soon join big cities and industrial corridors in violation of stricter limits on lung-damaging smog proposed Thursday by the Obama administration.

Costs of compliance could be in the tens of billions of dollars, but the government said the rules would save other billions — as well as lives — in the long run.

More than 300 counties — mainly in southern California, the Northeast and Gulf Coast — already violate the current, looser requirements adopted two years ago by the Bush administration and will find it even harder to reduce smog-forming pollution enough to comply with the law.

The new limits being considered by the Environmental Protection Agency could more than double the number of counties in violation and reach places like California's wine country in Napa Valley and rural Trego County, Kan., and its 3,000 residents.

For the first time, counties in Idaho, Nevada, Oregon, the Dakotas, Kansas, Minnesota and Iowa might be forced to find ways to clamp down on smog-forming emissions from industry and automobiles, or face government sanctions, most likely the loss of federal highway dollars.

The tighter standards, though costly to implement, will ultimately save billions in avoided emergency room visits, premature deaths, and missed work and school days, the EPA said.

"EPA is stepping up to protect Americans from one of the most persistent and widespread pollutants we face," said agency administrator Lisa Jackson. "Using the best science to strengthen these standards is long overdue action that will help millions of Americans breathe easier and live healthier."

The proposal presents a range for the allowable concentration of ground-level ozone, the main ingredient in smog, from 60 parts per billion to 70 parts, as recommended by scientists during the Bush administration. That's equivalent to a single tennis ball in an Olympic-sized swimming pool full of tennis balls.

EPA plans to select a specific figure within that range by August. Counties and states will then have up to 20 years to meet the new limits, depending on how severely they are out of compliance. They will have to submit plans for meeting the new limits by end of 2013 or early 2014.

Former President George W. Bush personally intervened in the issue after hearing complaints from electric utilities and other affected industries. His EPA set a standard of 75 parts per billion, stricter than one adopted in 1997 but not as strict as what scientist said was needed to protect public health.

Some of those same industries reiterated their opposition Thursday to a stronger smog standard.

"We probably won't know for a couple of years just what utilities and other emissions sources will be required to do in response to a tighter ozone standard," said John Kinsman, a senior director at the Edison Electric Institute, an industry trade group. "Utilities already have made substantial reductions in ozone-related emissions."

Parts of the country that have already spent decades and millions of dollars fighting smog and are still struggling to meet existing thresholds questioned what more they could do. They've already cut pollution from the easier sources, by increasing monitoring and enforcement and requiring car emissions tests.

"This EPA decision provides the illusion of greater protectiveness, but with no regard for cost, in terms of dollars or in terms of the freedoms that Americans are accustomed to," said Bryan W. Shaw, chairman of the Texas Commission on Environmental Quality. Texas, with its heavy industry, is home to Houston, one of the smoggiest cities in the nation.

Environmentalists endorsed the new plan. "If EPA follows through, it will mean significantly cleaner air and better health protection," said Frank O'Donnell, president of the advocacy group Clean Air Watch.

EPA estimates meeting the new requirements will cost industry and motorists from \$19 billion to as much as \$90 billion a year by 2020. The Bush administration had put the cost of meeting its threshold at \$7.6 billion to \$8.5 billion a year.

The new regulations would mean more controls on large industrial facilities, plus regulating smaller facilities and sources. New federal regulations in the works to improve car and truck fuel economy and curb global warming pollution at large factories will also help communities meet any new standards, the EPA said.

Smog is a respiratory irritant that has been linked to asthma attacks and other illnesses. Global warming is expected to make it worse, since smog is created when emissions from cars, power and chemical plants, refineries and other factories mix in sunlight and heat.

But some parts of the country that could be found in violation of the proposed standards have very few cars and little industry. In places like these, smog-forming pollution is being blown in from hundreds of miles away.

Charlene Neish, director of Trego County Economic Development, moved to the rural county in western Kansas a decade ago from Phoenix to escape big city problems like traffic and air pollution. Neish was shocked that her county, which has about nine people per square mile

and virtually no industry, made the list.

"There is absolutely nothing in Trego County," Neish said. "We have wide open spaces and fresh air."

In Utah, six more counties would join the three in violation of the Bush standard.

Cheryl Heying, director of Utah's Division of Air Quality, said the change will not only require additional reductions in vehicle and industrial emissions, but a regional focus on other contributors such as wildfire smoke and offshore shipping.

"That doesn't mean we're just going to point our finger at everyone else, but if we don't cooperate, we're never going to get it done," Heying said.

### **EPA seeks stricter limits on smog pollutants**

By Juliet Eilperin  
Washington Post Staff Writer  
Thursday, January 7, 2010; 12:39 PM

The Environmental Protection Agency on Thursday proposed limiting the allowable amount of pollution-forming ozone in the air from 75 to between 60 and 70 parts per billion for any eight-hour period, significantly tightening rules the Bush administration had set for the nation's most widespread air pollutant.

The [smog proposal](#), which must undergo 60 days of public comment before becoming final, would help determine the quality of the air Americans will breathe for at least a decade. Under the Clean Air Act, the federal government must reexamine every five years whether its ozone standards are adequate, but it traditionally takes more than 10 years to enact new rules.

The final target that the Obama administration adopts will have huge implications for the regulations state and local officials will have to set in the coming months to meet the new federal requirements. Power plants and motor vehicles are significant emitters of pollutants such as nitrogen oxides and other chemical compounds, which form ozone when exposed to sunlight, but sources as small as gas lawnmowers could face restrictions depending on what EPA chooses as its ultimate goal.

Smog exposure is linked to an array of heart and respiratory illnesses. It causes burning and inflammation in sensitive tissues, and can harm wilderness areas and farm crops by stunting the growth of trees and plants.

"Smog in the air we breathe poses a very serious health threat, especially to children and individuals suffering from asthma and lung disease," EPA Administrator [Lisa P. Jackson](#) said in a statement. "Using the best science to strengthen these standards is a long overdue action that will help millions of Americans breathe easier and live healthier."

Depending on the level of the final standard, EPA estimates the proposal will cost between \$19 billion and \$90 billion to implement and will yield health benefits of between \$13 billion and \$100 billion. The proposal would translate into thousands of avoided premature deaths by 2020, though the exact number depends on what exact limit the agency adopts.

Clean Air Watch President Frank O'Donnell called ozone "one of the most dangerous"

pollutants in the country. "Smog can, and does, kill. This action will literally save lives and mean better health protection from coast to coast."

But the administration's plan could spark resistance among industries that will face new regulatory requirements.

Edison Electric Institute spokesman Dan Riedinger, whose group represents the majority of electricity generators in the United States, said "there's huge uncertainty about what this and other regulatory requirements will entail for utilities and other sectors."

Ozone standards have been the center of a political and legal battle since the spring of 2008, when the EPA set a looser limit than what its own scientific advisers had suggested and President Bush himself intervened to scale back the agency's proposal at the last minute. The new proposal mirrors what EPA's Clean Air Scientific Advisory Committee unanimously recommended in 2007.

Under Bush, EPA set the allowable amount of ozone in the air at 75 parts per billion (ppb) for any eight-hour period.

Children and the elderly are particularly vulnerable to smog: Studies show that children who grow up in areas with high ozone concentrations never develop the same lung capacity as ones who live in less polluted areas, and are more likely to develop asthma and other respiratory illnesses.

Under Bush, EPA officials had initially tried to set a lower seasonal limit on ozone to protect wildlife, parks and farmland, as required under the law, but Bush forced the agency to abandon that proposal just before it announced the new standards.

The American Lung Association challenged the Bush ozone rules in federal court, and as a result EPA agreed in September to go back and review more than 1,700 scientific studies and a raft of other materials which served as the basis for the agency's 2008 decision. EPA also announced that as part of its smog proposal it will also set a secondary, seasonal limit to protect plants and trees from prolonged exposure to ozone.

## **E.P.A. Announces Strict New Health Standard for Smog**

By [JOHN M. BRODER](#)

NY Times

WASHINGTON — The [Environmental Protection Agency](#) proposed a stricter new standard for smog-causing pollutants on Thursday that, if adopted, will impose large costs on industry and local governments but will also bring substantial health benefits to millions of Americans.

The proposed standard would replace one set by the Bush administration in March 2008, which has been challenged in court by environmental advocates as too weak to adequately protect human health and the environment.

The Obama administration's proposal sets a primary standard for ground-level ozone of no more than 0.06 to 0.07 parts per million, to be phased in over two decades. The new rule would replace the standard of 0.075 parts per million imposed by the Bush administration. The agency is also proposing a secondary standard that will vary with the seasons to protect plants and trees from repeated exposure.

The agency estimated that complying with the new standard will cost \$19 billion to \$90 billion a year by 2020, to be largely borne by manufacturers, [oil](#) refiners and utilities. But the agency said that those costs would be offset by the benefits to human health, which it valued at \$13 billion to \$100 billion a year in the same period.

If the stricter standard of 0.06 parts per million is adopted, agency analysts project that as many as 12,000 premature deaths from heart or lung diseases could be avoided, along with thousands of cases of bronchitis, asthma and non-fatal heart attacks.

"E.P.A. is stepping up to protect Americans from one of the most persistent and widespread pollutants we face," [Lisa P. Jackson](#), the agency's administrator, said in a statement. "Smog in the air we breathe poses a very serious health threat, especially to children and individuals suffering from asthma and lung disease. It dirties our air, clouds our cities and drives up our health care costs across the country."

Smog or ground-level ozone is not emitted by a single source, but is formed by a reaction of nitrogen oxides, volatile organic compounds, carbon monoxide and methane in the presence of sunlight. The main sources of these pollutants are power plants and factories, fumes from volatile solvents, vehicles emissions and gasoline vapors. Smog is worse in the summer because of heat and sunlight, and can travel hundreds of miles from its source to pollute wilderness areas.

The new standard would force dozens of counties that meet the current law to take costly steps to get back into compliance. Still, the leader of an association of government air quality enforcement agencies welcomed the proposal.

"This is exactly what states and localities have advocated for 30 years," said S. William Becker, executive director of the National Association of Clean Air Agencies. "This will not be easy to achieve, whichever number the E.P.A. ultimately chooses, but it's a decision that will ensure that public health is protected with an adequate margin of safety."

He also said that the projected costs of compliance are likely to be lower than the agency's estimate. "And the benefits will likely trump the costs many times over," he said.

The [American Petroleum Institute](#), the oil companies' chief lobby, criticized the proposal as costly and likely to be ineffective. The group said that there was no new scientific basis for changing the standard set at the end of the Bush administration.

"To do so is an obvious politicization of the air quality standard setting process that could mean unnecessary energy cost increases, job losses and less domestic oil and natural gas development and energy security," the group said in a statement issued minutes after the



agency's announcement.

### **EPA proposes nation's strictest smog limits ever**

#### **LA Times**

The Environmental Protection Agency proposed the nation's strictest-ever smog limits this morning, a move that could put large parts of the country in violation of federal air quality regulations.

The EPA proposed allowing a ground-level ozone concentration of between 60 and 70 parts per billion, down from the 75-ppb standard adopted under President George W. Bush in 2008.

That means cracking down even further on the emissions from power plants, factories, landfills and motor vehicles which bake in sunlight and form smog.

Obama administration officials and environmental groups say the new standards align with the levels scientists say are needed to safeguard against increased respiratory diseases, particularly in children, and that they could save \$100 billion in health costs over time. The EPA also said compliance costs could total up to \$90 billion nationwide.

A 65-ppb standard -- the middle of the proposed range -- would avert between 1,700 and 5,100 premature deaths nationwide in 2020, compared to the 75-ppb standard, the EPA estimates. The agency projects the stricter standard would also prevent an additional 26,000 cases of aggravated asthma, compared to the Bush-era standard, and more than a million days when people miss work or school.

The EPA also proposed setting a "secondary standard" to protect plants and trees from repeated smog exposure during growing season, a move environmentalists said would boost national parks, forests and sensitive ecosystems.

Announcing the proposals, EPA Administrator Lisa Jackson said the agency was "stepping up to protect Americans from one of the most persistent and widespread pollutants we face. . . . Using the best science to strengthen these standards is a long overdue action that will help millions of Americans breathe easier and live healthier."

Environmentalists praised the agency for proposing regulations that match the unanimous recommendations of an EPA science advisory committee.

"We applaud EPA for listening to health professionals and scientists, and proposing a rule that provides real protection for millions of people," said Bruce Nilles, Director of the Sierra Club's Beyond Coal Campaign, adding, "This rule will help ensure that all major sources of pollution get cleaned up; it is another indication that the Obama administration sees the big picture and is working hard to put safeguards in place to build the clean energy future."

Industry groups warned the regulations would increase business costs.

The American Petroleum Institute said in a press release that the proposal "lacks scientific justification" and that "there is absolutely no basis for EPA to propose changing the ozone standards promulgated by the EPA Administrator in 2008. To do so is an obvious politicization of the air quality standard setting process that could mean unnecessary energy cost increases, job losses and less domestic oil and natural gas development and energy security."

The proposal now enters a public comment process, which will include open hearings next month in Arlington, Va.; Houston and Sacramento before the EPA makes its final decision.

**Tighter smog rules could put Portland, Salem, Eugene and Medford in violation**

By [Scott Learn, The Oregonian](#)

The U.S. Environmental Protection Agency is proposing to set [tighter health standards](#) for smog that could push the Portland, Salem, Eugene and Medford areas into violations of federal clean air law.

The Bush Administration set a stricter standard in 2008, but critics, including Oregon air regulators, said it didn't go far enough.

The new "primary" standard would reduce allowable levels of ground-level ozone, the main ingredient of smog, from 75 parts per billion of ozone over an eight-hour period to between 60 to 70 parts per billion, the EPA said today.

All four areas [monitored in Oregon](#) -- the Portland, Salem, Eugene and Medford areas -- had eight-hour averages exceeding 60 ppb in 2007. All four came in just below 70 ppb in 2007, but exceeded that level in previous years. All were below the Bush Administration's standard.

In 2008, independent panels of scientists advising EPA unanimously recommended the tighter limits, citing new health research and strong concerns about smog's effects on hundreds of thousands of children with asthma. Recent studies found reduced lung function in healthy adults when ozone in the air reached levels of 60 ppb over an eight-hour period.

But the agency said then that the new health research was too uncertain. Industry and utilities also opposed tighter standards.

Oregon regulators [asked the EPA](#) in 2008 to go with the tougher limits, noting that Oregon's asthma rates are well above the national average, and had been considering whether to set tighter standards for the state below federal levels before today's announcement.

Ground-level ozone is the main ingredient of smog. It results when car exhaust, chemical solvents, power plant pollution and industrial emissions react to sunlight. It's worst on hot days with stagnant air, and can irritate lungs, damage crops and cause headaches, burning eyes, coughing and reduced lung function. Children with asthma are particularly susceptible, with lowered lung function spurring asthma attacks.

Nationally, the new rules could lead to tighter limits on emissions from cars, industry and power plants. Additional steps might include summer programs to reduce power lawn mowing emissions and paint fumes. Oregon regulators are also pursuing plans to reduce the state's greenhouse gas emissions and to reduce toxic emissions in the Portland region, both likely to reduce ozone as well.

Depending on the level of the final standard, the proposal would yield health benefits between \$13 billion and \$100 billion, EPA estimates, reducing premature deaths, asthma and bronchitis. Estimated costs of implementing this proposal range from \$19 billion to \$90 billion.

EPA will take public comment for 60 days after the proposed rule is published in the Federal Register. The agency will hold three public hearings on the proposal: Feb. 2, 2010 in Arlington, Va. and in Houston; and Feb. 4, 2010 in Sacramento.

The agency plans to finalize new ozone standards by August, with states required to meet

the new primary standard by 2014.

### **US environmental agency gets tough on smog**

Agence France-Presse

WASHINGTON (AFP) – The Environmental Protection Agency on Thursday proposed tougher standards for how much smog can be in the air, a move the US agency said would save money and protect health, especially in children.

"EPA is stepping up to protect Americans from one of the most persistent and widespread pollutants we face. Smog in the air we breathe poses a very serious health threat, especially to children and individuals suffering from asthma and lung disease," EPA Administrator Lisa Jackson said in a statement.

"It dirties our air, clouds our cities, and drives up our health care costs across the country," she said.

The new standards would replace those set by the previous administration, "which many believe were not protective enough of human health," the EPA said.

Under the proposals, the "primary" standard for smog -- the standard to protect public health -- would be tightened up to the strictest level ever in the United States -- between 0.060 and 0.070 parts per million (ppm) measured over eight hours.

The administration of former president George W. Bush in 2008 set the primary standard for smog at 0.075 ppm for eight hours.

The EPA also proposed setting a separate "secondary" standard designed to protect plants and trees from damage from repeated ozone exposure, which can reduce tree growth, damage leaves and increase susceptibility to disease.

Smog, which is also known as ground-level ozone, forms when emissions from industrial facilities, power plants, landfills and motor vehicles react in the sun.

Three public hearings will be held on the proposals, starting early next month.

If the new rules are adopted, they would result in health care savings of up to 100 billion dollars; fewer premature deaths, visits to the emergency room and days off work; and a drop in aggravated asthma and bronchitis cases, the EPA said.

**Adora Andy/DC/USEPA/US**

08/10/2009 05:05 PM

To "Richard Windsor"

cc

bcc

Subject Tampabay.com: Q&A with EPA Administrator Lisa Jackson

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 08/10/2009 05:04 PM EDT

**To:** Adora Andy

**Cc:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>

**Subject:** Re: Tampabay.com: Q&A with EPA Administrator Lisa Jackson

**Change tops her agenda**

By Craig Pittman, Times staff writer

Published Friday, August 7, 2009

When she was first married, chemical engineer Lisa Jackson and her husband enjoyed vacationing on the beaches of Treasure Island. Now the head of the U.S. Environmental Protection Agency, Jackson came back to the Tampa Bay area this week for three days of work. Jackson unveiled a \$95 million grant to build a factory in Jacksonville that would make batteries for electric cars. She met with area clean energy and green business executives for 90 minutes to talk about climate change. On Friday the New Orleans native, the first African-American to head up the EPA, spoke to the National Association of Black Journalists. Jackson – a mother of two who owns a Prius and a minivan – also sat down with the St. Petersburg Times to answer questions about wetlands destruction, global warming and how her husband reacted to the "Cash for Clunkers" program. Craig Pittman, Times staff writer

The U.S. Army Corps of Engineers issues more permits for wetlands destruction in Florida than any other state. The EPA has the power under the Clean Water Act to veto those permits, but hasn't blocked a single permit in Florida since 1988. It has used its veto power nationwide only 12 times since 1972. Now that you're in charge, will the EPA become more aggressive about using its veto power to protect wetlands – not just in Florida but in places like West Virginia, where the Corps is allowing coal companies to slice the tops off mountains?

That whole process had become a bit toothless. I asked my staff what they did, and they said, "We made our concerns known to the Corps and we didn't hear back."

(The corps and the public should know that, instead of just expressing objections, the EPA will once again use its veto power.) We're likely going to get to the point where we don't agree and we have to veto. ... The Corps of Engineers understands when the EPA has concerns, it's going to raise them. We're going to do our jobs.

What do you think about the Clean Water Restoration Act, the legislation intended to overturn recent Supreme Court decisions that have made it harder for the Corps and EPA to figure out what wetlands are protected by the Clean Water Act?

We estimate that EPA staffers spend 50 percent of their time trying to determine if we have jurisdiction. Can we actually protect this water? ... It's being wrongly portrayed as an attempt to regulate tiny potholes. I certainly understand people's concerns that we not overreach, but we're just trying to restore the original meaning of the act.

This week the Obama Administration pushed to extend the popular "Cash for Clunkers" program as well as providing lots of grant money for building batteries for plug-in electric cars. Chevrolet and Nissan say they're going to build electric vehicles. Meanwhile, you're in the process of raising fuel efficiency standards for American cars. What's the goal here?

We're accelerating the move to plug-in electric hybrid vehicles. (When "Cash for Clunkers" was first unveiled) the first thing my husband said was, "Can we get rid of that minivan?" (Laughs.) We need for there to be a breakthrough on (battery) storage so electric cars can go more than 30 miles before needing a recharge. ... There's a race on for the leadership of the global clean energy economy (in manufacturing batteries, solar panels, etc.). Right now we're not winning it. We're not even in it. The leader is probably Germany or Japan, maybe even China.

In 1999 the Clinton Administration's EPA sued Tampa Electric Co. over air pollution from its coal-burning power plants, forcing it to switch to cleaner-burning natural gas. Now your agency is trying to steer utilities away from fossil fuels entirely.

Burning natural gas for baseload power is like burning your antique furniture in the fireplace. There are so many other things you can use it for that are more constructive (including paints, fertilizer, plastics, antifreeze, dyes and medicines). The problem with moving the industry to renewable resources, though, is that renewables aren't cost-effective yet. But if we grow the industry right, then we can make sure we dominate the manufacture of renewable energy components.

Progress Energy and Florida Power & Light want to build new nuclear plants in Florida. Does your vision of the nation's clean energy future include nuclear power?

I believe nuclear power does have a role in our future energy mix, but like most Americans I want to know where any nuclear waste is going to go before approving any new plants.

Adora Andy

[Can't pull this story up either. Can anyo...](#)

08/10/2009 05:01:58 PM

From: Adora Andy/DC/USEPA/US  
To: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>  
Date: 08/10/2009 05:01 PM  
Subject: Re: Tampabay.com: Q&A with EPA Administrator Lisa Jackson

Can't pull this story up either. Can anyone cut and paste? Please?

**From:** Craig Pittman [craig@sptimes.com]  
**Sent:** 08/10/2009 04:44 PM AST  
**To:** Adora Andy  
**Subject:** Tampabay.com: Q&A with EPA Administrator Lisa Jackson

**tampabay.com**

This article was sent to you by: [craig@sptimes.com](mailto:craig@sptimes.com)

Message from sender: Here ya go. --Craig

**Q&A with EPA Administrator Lisa Jackson**

By [Craig Pittman](#), Times Staff Writer  
Aug. 07, 2009

1. [Five years after Hurricane Charley, Punta Gorda has emerged better than before](#)
2. [St. Pete mother and coach presumed dead after diving in Florida Keys](#)
3. [Injured fawn finds home at Brooksville center](#)
4. [Snake bites 87-year-old, who kills it with her cane](#)
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**Adora Andy/DC/USEPA/US**

04/20/2010 06:20 PM

To "Richard Windsor"

cc "Alisha Johnson"

bcc

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>



**Adora Andy/DC/USEPA/US**

01/14/2010 01:54 PM

To "Richard Windsor"

cc "Allyn Brooks-LaSure"

bcc

Subject HEADS UP: WaPo

Please advise...

WHO: Juliet Eilperin, Washington Post WHAT: Story on "the assault on EPA's authority to regulate GHGs."

WHEN: Will run this weekend.

DEADLINE: Tomorrow, 10am

BACKGROUND: Story will say the stage was set with the Wax-Mark concessions. Story will talk about the implications for EPA's ability to regulate without the bill.

KEY INTERVIEW with former Administrator Russ Train who said he was at a dinner with LPJ last month and that she told him she was concerned that EPA's authority may be stripped. That she was worried about the efforts of Murk and others. He says LPJ also said EPA has explored how it could do C&T on its own for the "short term." Train told Juliet it would be a huge loss if EPA's power was taken. He called it "outrageous." He went on to say if it comes to it, POTUS should veto. REQUEST: Interview with LPJ (of course) RECOMMENDATION: Standard statement. If we want it to come from LPJ, we can have Moats spruce it up but say essentially the same thing below."EPA is highly respectful of Congress' role and will continue to work with members of both Houses as they approach this issue. EPA has not yet seen this amendment, but as this process moves forward it is important not to lose sight of what led to where we are today. More than two years ago, the U.S. Supreme Court ruled that EPA must answer a fundamental question: whether greenhouse gases endanger public health and welfare. Based on overwhelming scientific data and the facts before our own eyes, EPA answered that question affirmatively, as would follow any reasonable analysis of the evidence. Since then, Administrator Jackson has reiterated the path she plans to take, mandated by the laws that Congress has passed already. The path includes the national cars program agreed to with automakers this past spring, as well as a nationwide reporting system that allows us to design a comprehensive and reasonable approach to curbing greenhouse gas emissions."

###

**Adora Andy/DC/USEPA/US**

01/18/2010 05:16 PM

To "Richard Windsor", "Allyn Brooks-LaSure", "David McIntosh"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Seth Oster"

bcc

Subject UPDATE: WaPo story

Juliet's climate bill story will not run tomorrow. It will run Wed or Thurs "no matter what." There is a chance it will be A1. They are still making that determination.

**Adora Andy/DC/USEPA/US**

08/24/2009 10:03 PM

To "Richard Windsor"

cc "Allyn Brooks-LaSure", "Seth Oster"

bcc

Subject LA TIMES: Chamber v EPA

U.S. Chamber of Commerce seeks trial on global warming

Tue 25 Aug 2009

By Jim Tankersley

[Multiple Page View](#)

Reporting from Washington-- The nation's largest business lobby wants to put the science of global warming on trial.

The U.S. Chamber of Commerce, trying to ward off potentially sweeping federal emissions regulations, is pushing the Environmental Protection Agency to hold a rare public hearing on the scientific evidence for man-made climate change.

Chamber officials say it would be "the Scopes monkey trial of the 21st century" -- complete with witnesses, cross-examinations and a judge who would rule, essentially, on whether humans are warming the planet to dangerous effect.

"It would be evolution versus creationism," said William Kovacs, the chamber's senior vice president for environment, technology and regulatory affairs. "It would be the science of climate change on trial."

The goal of the chamber, which represents 3 million large and small businesses, is to fend off potential emissions regulations by undercutting the scientific consensus over climate change. If the EPA denies the request, as expected, the chamber plans to take the fight to federal court.

The EPA is having none of it, calling a hearing a "waste of time" and saying that a threatened lawsuit by the chamber would be "frivolous."

EPA spokesman Brendan Gilfillan said the agency based its proposed finding that global warming is a danger to public health "on the soundest peer-reviewed science available, which overwhelmingly indicates that climate change presents a threat to human health and welfare."

Environmentalists say the chamber's strategy is an attempt to sow political discord by challenging settled science -- and note that in the famed 1925 Scopes trial, which pitted lawyers Clarence Darrow and William Jennings Bryan in a courtroom battle over a Tennessee science teacher accused of teaching evolution illegally, the scientists won.

The chamber proposal "brings to mind for me the Salem witch trials, based on myth," said Brenda Ekwurzel, a climate scientist for the environmental group Union of Concerned Scientists. "In this case, it would be ignoring decades of publicly accessible evidence."

In the coming weeks, the EPA is set to formally declare that the heat-trapping gases scientists blame for climate change endanger human health, and are thus subject to regulation under the Clean Air Act. The so-called endangerment finding will be a cornerstone of the Obama administration's plan to set strict new emissions standards on cars and trucks.

The proposed finding has drawn more than 300,000 public comments. Many of them question scientists' projections that rising temperatures will lead to increased mortality rates, harmful pollution and extreme

weather events such as hurricanes.

In light of those comments, the chamber will tell the EPA in a filing today that a trial-style public hearing, which is allowed under the law but nearly unprecedented on this scale, is the only way to "make a fully informed, transparent decision with scientific integrity based on the actual record of the science."

Most climate scientists agree that greenhouse gas emissions, caused by the burning of fossil fuels and other human activities, are warming the planet. Using computer models and historical temperature data, those scientists predict the warming will accelerate unless greenhouse gas emissions are dramatically reduced.

"The need for urgent action to address climate change is now indisputable," said a recent letter to world leaders by the heads of the top science agencies in 13 of the world's largest countries, including the head of the U.S. National Academy of Sciences.

The EPA's endangerment finding for greenhouse gases, as proposed in April, warned that warmer temperatures would lead to "the increased likelihood of more frequent and intense heat waves, more wildfires, degraded air quality, more heavy downpours and flooding, increased drought, greater sea level rise, more intense storms, harm to water resources, harm to agriculture, and harm to wildlife and ecosystems."

Critics of the finding say it's far from certain that warming will cause any harm at all. The Chamber of Commerce cites studies that predict higher temperatures will reduce mortality rates in the United States.

[jtankersley@latimes.com](mailto:jtankersley@latimes.com)

**Adora Andy/DC/USEPA/US**

02/17/2010 11:31 PM

To "Richard Windsor"

cc "Allyn Brooks-LaSure", "Seth Oster"

bcc

Subject The Root.com : Green Is the New Black

The items on your shelves get tons of coverage these days! See below.

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 02/17/2010 10:28 PM EST

**To:** Seth Oster; Allyn Brooks-LaSure; Adora Andy; Brendan Gilfillan; Michael Moats

**Subject:** The Root.com : Green Is the New Black

(From our roundtable with af am media today...)

Green Is the New Black

EPA Administrator Lisa Jackson ties environmentalism to minority concerns.

The Root.com

The office of Environmental Protection Agency Administrator Lisa Jackson lies halfway between Congress and the White House. The placement is appropriate; the 48-year-old New Orleans native—the first African American to run the agency tasked with protecting the air, water and health of Americans—walks a line between action and negotiation every day. She keeps a copy of Dr. Seuss's *The Lorax*—the mythical creature who "speaks for the trees"—in her office, alongside photos of herself grinning with Gen. Colin Powell; her former boss, New Jersey Gov. Jon Corzine; and President Barack Obama.

Alongside these power shots sits a framed political cartoon of a man representing the town of New Bedford, N.J., dripping with pollution and waste. His hand is outstretched, toward a shovel marked "federal stimulus"—which he will use to dig himself out of the surrounding environmental hell. His words for President Obama, seen at the edge of the cartoon, are simple: "Thanks, brother."

The sketch epitomizes the radical changes that have accrued at the EPA since the Obama administration hired Jackson, a Princeton-trained chemical engineer and experienced political hand. Once a bastion of resistance to environmental action, the character of the EPA has been drastically altered in the last 12 months. On the first anniversary of the American Reinvestment and Recovery Act, which provided \$80 billion of investment in alternative energy and environmental cleanup, Jackson touted the EPA's impact on communities like New Bedford—hit hard by twin forces of social inequality and environmental pollution. "We're here to help," Jackson told reporters gathered in her office. "We have protection in our name. We're not the Department of Defense, but part of our job is protecting human health."

Jackson visited a long-suffering area of Mississippi this month, the first stop on a tour, organized with members of the Congressional Black Caucus, of sites across the country promoting the message of health, non-pollution, economic opportunity and environmental justice. Closest to her heart is the goal of awareness—"putting this agency in the minds of the American people, and not just those who consider themselves environmentalists," she said. "I grew up in the city; I wasn't a girl scout; I didn't camp; I wasn't a skier; I wasn't an avid hiker—but the environmentalism I came to know was more about the effects of pollution in society."

Jackson was born in Philadelphia, raised in New Orleans and most recently worked as chief of staff to Corzine in New Jersey. In addition to her 16 prior years of experience at the EPA, she has a son with

asthma—a big concern for black Americans living in areas with above average pollution. Her nontraditional profile made her one of Obama’s most audacious cabinet picks—but she’s ideally suited to the job of overhauling the image of a green crusader in the 21st century.

“When you’re in charge of protecting human health and safety, it’s easy to try and do everything,” says Jackson. The EPA has multiple priorities under her leadership—improving air quality, ensuring chemical safety and transparency in labeling, cleaning up communities and protecting waters. First and foremost, she notes, is “taking action on climate change,” which she says Obama “absolutely” supports—despite his failure to sign major cap-and-trade legislation since taking office.

But even these statements present a major change from the George W. Bush years. Whereas one of Bush’s top advisers on energy, James Connaughton, asked “what’s that?” when asked about green jobs, Jackson keeps a copy of *The Green Collar Economy*, a manifesto on environmental opportunity written by former White House green jobs adviser Van Jones, at hand. And she is keenly interested in building economic bridges to communities typically disinterested in going green. Because the modern environmental movement gained momentum around the same time as the civil rights movement, ethnic minorities felt they had to choose, she explains. But today, “environmental rights [are] a natural extension of civil rights.” And tree-hugging activists, including herself, have adapted the message. “If I can’t make you understand based on the environment, then I’d talk to you about jobs; and if you don’t want to talk to me about jobs, I’d like to talk to you about national security.”

Green jobs—in areas like home weatherization, home energy auditing, operating pollution controlling devices or cleaning up brownfields—do seem to provide a win-win situation. But are these jobs reaching the communities where environmental justice lacks? While the Recovery Act cash in these areas was expected to create or save up to 700,000 jobs, a recent study from the Kirwan Institute for the study of Race and Ethnicity suggested that it did not act swiftly enough and in targeted fashion to promote green jobs for communities of color. Jackson aims to make these jobs attractive and available for a new generation of workers. “Careers of the future [are] in water,” she says, giving one of many examples. “Because the climate is going to change, and we’re going to have problems with too much or too little water, all across the country. If we can train our students early on, we’ll have a steady stream of talent.”

In making this cultural and political change, Jackson has powerful allies in the federal government, including White House domestic policy adviser Melody Barnes, Labor Secretary Hilda Solis and the first couple themselves. Michelle Obama’s White House Kitchen Garden is a prime example of rehabilitating the connection between communities of color and the earth. When Obama announced construction of two new nuclear facilities this week, he tied energy action to economic development. “The argument has been we can’t do this now because we have to do jobs,” Jackson says—referring to conservative and business opposition to clean energy incentives. But “he is rightfully reemphasizing and strengthening the connection between his clean agenda and his jobs agenda.”

And while Jackson is not Secretary of State Hillary Clinton or Attorney General Eric Holder, she is emerging as one of the most powerful agency heads in the new Obama era.

Jackson was with the president and his entourage at the much-ballyhooed United Nations climate negotiations in Copenhagen, Denmark, the nonbinding outcome of which she called “the best we could get.” Likewise, she was there when “energy czar” and former EPA head Carol Browner unveiled her spring auto-industry coup, requiring a steep increase in tailpipe emissions standards for new cars. And it was she alone who made the historic pronouncement that the Bush administration and a host of corporate interests had tried to avoid: Greenhouse gases are hazardous to your health.

This important move began with the Supreme Court, which ruled in late 2007 that greenhouse gases counted as pollutants that could be regulated under the terms of the 1970 Clean Air Act. This meant that the federal government (specifically the EPA) could restrict emission of these pollutants if it determined that they endanger human health. The Bush administration, which had proven hostile to environmental causes, and particularly the mandate of the EPA, simply ignored the big news. Enter Jackson. Within weeks of taking office, she “dusted off the old studies” and soon issued a finding “returning science to its rightful place,” she says—and giving herself unprecedented authority to intervene in emissions production

in the United States.

On both sides of Jackson's office, the fight over such regulations is a heated one. The White House has signaled its support for the pro-regulatory position held by diverse senators such as Barbara Boxer, D-Calif., John Kerry, D-Mass., Lindsey Graham, R-S.C., and Joseph Lieberman, I-Conn. But many Republicans are of another mind on cap-and-trade legislation, which would put a price on the carbon emissions that cause climate change. Oil and coal companies and other major emitters are afraid that tough new standards for reducing pollution will cut into their profit margins (for oil companies, at near-record highs), and the U.S. Chamber of Commerce fears that any "tax" on energy consumption will reduce global competitiveness with countries that don't cap emissions. But still, other conservatives, notably James Inhofe, R-Okla., deny the very scientific framework for needing to cap emissions.

Some environmentalists have talked about Jackson's decision being used as a "nuclear option" to force passage of cap-and-trade legislation. Specifically, they suggest that if the Senate won't pass a bill that matches the ambitious restrictions passed in June by the House of Representatives, then Jackson will take the lead. "We have no reason to threaten," she says, of the rumors—adding that the president would prefer bipartisan legislation. "But I've been around Washington long enough to know that you don't sell wolf tickets." And whether or not cap-and-trade passes the Senate, Jackson feels that market pressure to go green must be increased. "What you need is a price on carbon, so that entrepreneurs and banks have incentives to do the right thing."

Dayo Olopade is Washington reporter of The Root. Follow her on Twitter.

**Adora Andy/DC/USEPA/US**  
09/24/2009 04:17 PM

To "Richard Windsor", "Allyn Brooks-LaSure", "Seth Oster",  
"David McIntosh"  
cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats"  
bcc  
Subject Farm Forum: "Cow Tax" Prohibition is a Victory for South  
Dakota Producers

Farm Forum  
Thune: "Cow Tax" Prohibition is a Victory for South Dakota Producers

Published: Sep 24, 2009 12:00 am - 0

WASHINGTON, DC –Senator John Thune today hailed a provision in the Fiscal Year 2010 Interior and Environment Appropriations Bill that prohibits the Environmental Protection Agency (EPA) from taxing producers for naturally occurring livestock emissions. Senator Thune has worked in a bipartisan manner to prevent the imposition of a so-called "cow tax."

"This is a great victory for South Dakota's livestock producers and our rural economy. In recent months the EPA has taken steps that would open the door to strict regulation of emissions from multiple sources without Congressional approval," said Thune. "Both the Senate and the House Interior Appropriations bills would prevent the EPA from regulating livestock emissions, which is a victory for South Dakota livestock producers as well as all American consumers. The Clean Air Act is an essential tool in regulating smokestack industry emissions, but it was not designed to target South Dakota farmers and ranchers."

Earlier this year, Senator Thune introduced a bill (S. 527) with Senator Charles Schumer (D-NY) that would amend the Clean Air Act to prevent the EPA from creating an emissions permit system for naturally occurring livestock emissions. Senator Thune's concerns about the cow tax issue result from rules proposed by the EPA after the Supreme Court ordered it to decide whether to regulate greenhouse gases, including methane and carbon dioxide, as pollutants under the Clean Air Act. Earlier this year, the Obama administration made the decision to move forward with an Endangerment Finding that would pave the way for the regulation of these greenhouse gases.

Senator Thune has closely monitored the EPA's rule writing process on this issue and has frequently spoken out about steps taken that could lead to a cow tax. Late last year, the EPA discussed regulating greenhouse gases in its Advanced Notice of Proposed Rulemaking under the 1990 amendments to the Clean Air Act, which could include requiring farmers to purchase expensive permits. The "cow tax" would cost South Dakota farmers an estimated \$367 million -- or \$175 per dairy cow, \$87.50 per beef cow, and \$20 per hog -- fees that would be extremely detrimental to the livestock industry and family farmers.

Although Senator Thune strongly supports the provision prohibiting the EPA from creating a livestock emissions permit system, he expressed disappointment at the overall cost of the Interior and Environment Appropriations Bill.

"This year's Interior and Environment appropriations bill is roughly 15 percent more costly than last year's, not counting the billions more in stimulus funding. The Democrat-led Congress continues to disregard our growing national debt with out-of-control spending. While I am very supportive of the cow tax ban, I cannot support spending that irresponsibly adds to our exploding national debt and deficits."

P



Adora Andy/DC/USEPA/US

11/20/2009 08:59 PM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman",  
"Diane Thompson", "David McIntosh", "Arvin Ganesan",  
"Seth Oster", "Allyn Brooks-LaSure", "Gina McCarthy"  
cc "Brendan Gilfillan", "Michael Moats"

bcc

Subject Sensenbrenner: EPA in a rush on gases

WASHINGTON TIMES  
EPA in a rush on gases

Rep. Jim Sensenbrenner

During his Inauguration speech, President Obama famously said, "We will restore science to its rightful place." Unfortunately, Mr. Obama's "change" memo must not have reached the Environmental Protection Agency.

News recently broke of EPA's efforts to effectively censor two agency attorneys who used a YouTube video to lay out some of the flaws with the cap-and-tax energy regulations that are working their way through Congress. This must have been just a bit too transparent for the EPA officials who threatened them with disciplinary actions.

This is not the first time Mr. Obama's EPA has tried to silence critics. A joint investigation by Republican staff with the House Select Committee on Energy Independence and Global Warming and the House Committee on Oversight and Government Reform recently found that the EPA suppressed sound science to avoid delaying a finding that will allow for sweeping climate-change regulations.

The question before the EPA was not whether climate change exists, but rather how the EPA should treat the science of climate change under the Clean Air Act.

When Alan Carlin, a 37-year EPA veteran, offered a scientific report that attempted to update the agency's nearly 2-year-old record, his office director responded, "Your comments do not help the legal or policy case for this decision."

It wasn't that Mr. Carlin's report broke new scientific ground - it was mostly a summary of previously published scientific studies - but addressing the new evidence Mr. Carlin presented would have prevented EPA from issuing its scientific finding in time to influence congressional debate.

The EPA under the Obama administration held its first working-group meeting to consider the science behind its regulatory decision on March 3, 2009. Internal EPA documents show that the agency planned to conclude this review by March 18. The EPA gave itself just over two weeks to develop the scientific background for what was perhaps the largest regulatory finding in history.

Longtime EPA employees interviewed by congressional staff said they had never seen the EPA pursue a major regulatory finding on such an aggressive timeline.

Politically, the timing of EPA's finding was perfect. The EPA laid the foundation for the most expensive regulatory scheme in the country's history just as congressional debate on climate-change legislation was reaching its peak. This allowed proponents of the legislation to argue that Congress had to act quickly to prevent EPA from issuing economically disastrous regulations.

Even Mr. Obama and EPA Administrator Lisa P. Jackson argued that Congress should pre-empt EPA.

In more than 30 years in Congress, I had never seen this. The head of an executive agency was arguing that the solution she was proposing was so bad that Congress had to act quickly to stop her.

The EPA's rush to further its political agenda had consequences. The congressional report found that the accelerated timeline forced EPA to rely almost exclusively on the nearly two-year-old scientific findings from the Bush administration.

As Mr. Carlin argued, ample new evidence had developed that the EPA willfully ignored. The EPA's science was "at best, three years out of date in a rapidly changing field," Mr. Carlin wrote in his report. "There have been important developments in areas that deserve careful attention."

Administration officials and Democrats in Congress have, of course, dismissed the report's finding, but their reasoning was curious. They pointed to the Bush administration's 2007 finding as proof that the science behind EPA's current finding is not in dispute. The report, however, found that EPA ignored new scientific evidence in order to meet a politically calculated deadline. The fact that the Bush administration reached the same conclusion just reinforces the point.

The environmental and economic impacts of our response to climate change are too important to leave to politics. Further, a regulatory finding that ignored at least two years of relevant data will be vulnerable to the inevitable legal challenges. The EPA needs to step back and allow science, not politics, to dictate its agenda.

Mr. Obama stated he would put science in its "rightful place." It is now clear that, in this case, the "rightful place" was March 18 - just in time to provide talking points for the congressional debate.

Rep. Jim Sensenbrenner of Wisconsin is ranking Republican on the House Select Committee on Energy Independence and Global Warming.

[OBJ]

**Adora Andy/DC/USEPA/US**  
12/13/2010 01:42 PM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman",  
"Diane Thompson", "Peter Silva", "Arvin Ganesan", Sarah  
Pallone

cc

bcc

Subject Oped and Editorial on FL nutrient stds

The one by Carl Hiaasen is first.  
Alisha Johnson

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

**From:** Alisha Johnson

**Sent:** 12/13/2010 01:06 PM EST

**To:** Adora Andy; Seth Oster; Betsaida Alcantara; Brendan Gilfillan; Andra  
Belknap; Michael Moats; Vicki Ekstrom; Stephanie Owens; Dru Ealons

**Subject:** Oped and Editorial on FL nutrient stds

**Miami Herald**

## **Florida fights for rights of polluters**

By Carl Hiaasen

11 December 2010

Farms, mills and municipalities that use Florida waterways as a latrine got more good news last week from their stooges in Tallahassee. The latest battle to stop the enforcement of federal pollution laws will be paid for by state taxpayers.

Outgoing Agriculture Commissioner Charles Bronson — backed by Attorney General Bill McCollum — has sued to prevent the Environmental Protection Agency from imposing revised clean-water standards for Florida's rivers, creeks and lakes.

Standing stoically in support of the polluters, McCollum and Bronson say the new water rules are too costly, and based on flawed science (interestingly, data provided by the state itself). Endorsing that lame position are their successors, Attorney General-elect Pam Bondi and Agriculture Commissioner-elect Adam Putnam.

To hear all this whining, you'd think the EPA had ambushed Florida businesses with the new water regulations. Not even close.

Back in 1998, the EPA ordered all states to cut back pollution of so-called surface waters with damaging nutrients from farms, ranches, septic tanks and sewage-treatment facilities. The agency set a deadline of 2004 and then

— in the anti-regulatory spirit of the Bush era — basically did nothing to follow up.

In 2008, environmental groups finally sued the EPA in order to compel enforcement of the federal Clean Water Act.

It's not some new piece of radical legislation. It was born in 1948 as the Federal Water Pollution Control Act, and expanded significantly under Richard Nixon in 1972, and again in 1977.

Floridians who aren't familiar with Clean Water Act can be forgiven, because it has never been taken seriously here by companies that dump massive volumes of waste into public waters, or by the politicians who are supposed to care about such crimes.

The Everglades wouldn't be in its current dire condition if authorities at all levels hadn't skirted and even ignored the law, permitting ranchers, sugar farmers and developing cities to flush billions of dirty gallons of runoff into the state's most important watershed.

With good reason, after decades of getting their way, polluters became cocky and complacent. But they're not stupid, and the writing has been on the wall for some time. The EPA has worked with the administrations of both Jeb Bush and Charlie Crist to come up with new water rules, often bowing to industry concerns.

Under fire in court, the EPA in 2009 finally agreed to set pollution standards for lakes and streams this year, with regulations for saltwater bays and estuaries to take effect in 2011. The agency estimates only about 10 percent of Florida's farms and less than half the waste-treatment plants would be affected.

Still, the outcry from heavy industry and agricultural interests was instant and predictable, as was the agency's response: another delay.

Both of Florida's U.S. senators, Democrat Bill Nelson and Republican George LeMieux, pushed for the EPA to back off, and polluters won a 15-month reprieve.

Heck, it's only water.

Try not to think of the crud in it as fertilizers, pesticides and human waste. Embrace more benign terms, like phosphorus and nitrogen. That's what the

industry lobbyists prefer.

And while they haggle with scientists over how many numeric parts-per-billion is a tolerable stream of pollution, try not to worry about its impact on the public waters that your children and grandchildren will inherit, and rely on.

It's not easy if you live along the St. Johns River, the St. Lucie waterway, the Caloosahatchee, or any number of Florida rivers and streams that for generations have been used to transport manmade waste. Nutrient pollutants spawn algae blooms, kill wildlife, choke out native vegetation and cause nasty health problems for humans.

Because of toxic freshwater runoff, the state's southwest coast has experienced caustic red tides that littered the beaches with dead fish and sent coughing tourists scurrying back to their hotel rooms -- and then to the airport.

Among the many harsh lessons of the BP oil spill was that pollution — not regulation — is a more devastating job-killer. Florida's upper Gulf Coast received a relatively small bombardment of tar balls, but it was enough to cripple tourism and the commercial fishing trade for months. It didn't help property values, either.

The argument that it's morally indefensible to foul natural waters is futile against the outsized political clout of the polluters. Whether it's a phosphate mine, pulp mill or cane field, Florida's leaders — Democrats and Republicans — have traditionally been happy to offer our rivers and wetlands as free sewers.

However, the blowback — that dirty water is endangering the economy — is increasingly difficult to brush aside.

That didn't stop Bronson and McCollum from suing the EPA. They're not doing it for the citizens of Florida; they're doing it for the polluters.

And they're paying for it with your tax dollars, at a time when the state budget is strapped for revenue.

Try not to think of this as pure crud. Just try.

<http://www.miamiherald.com/2010/12/11/v-fullstory/1968178/florida-fights-for-rights-of-polluters.html>

## **Palm Beach Post**

### **Another political lawsuit: State fighting EPA for insisting on standards like ones Florida developed**

By The Palm Beach Post

10 December 2010

When it comes to pollution of Florida waters, many of the state's leading politicians would rather fight than clean.

This week, the outgoing and incoming attorneys general and agriculture commissioners gathered to announce Attorney General Bill McCollum's lawsuit against the U.S. Environmental Protection Agency. The complaint runs almost 300 pages and has such eye-glazing terms as "instream criteria." Summed up, however, Florida doesn't like what the federal government told the state to do about the state's rivers, lakes and streams.

In fact, this lawsuit looks political. It looks like Mr. McCollum's lawsuit challenging the federal health care law. He filed that one during his run for governor. Again, Mr. McCollum filed not at the federal courthouse in Tallahassee but the one in Pensacola. He claimed that the caseload in Pensacola is smaller, and the lawsuit needs quick attention. In fact, he believes that his odds are better when claiming government overreach with the more conservative judges in Pensacola.

For years, Florida has used "narrative standards" to reduce water pollution. The problem is that narrative standards basically are descriptions of the problem and a stated willingness to fix it. In 2008, environmental groups announced their intention to sue the EPA and force the agency to issue "numeric standards," actual limits on how much pollution can go into state waters without harming them. Last year, under a consent decree, the EPA agreed to set this standards by this year. A similar court ruling set pollution standards for the Everglades.

Last month, the EPA announced those standards. Given all the controversy, the agency gave the state a 15-month extension to implement them. But many of the state's most powerful interests oppose the standards, even though the standards are pretty much what the Florida Department of Environmental Protection recommended last year.

Mr. McCollum and the others accuse the EPA of not using sound science to develop the standards. We don't see much merit in that argument. They claim that the standards will be so expensive as to cost the state lots of jobs. History shows that such regulations often cost much less than critics forecast. This lawsuit will waste a lot of time when this state could be working out the best ways to clean up Florida waters and make this state the "paradise" we brag about.

- Randy Schultz,

for The Palm Beach Post Editorial Board

<http://www.palmbeachpost.com/opinion/editorials/another-political-lawsuit-state-fighting-epa-for-insisting-1112665.html?printArticle=y>

**Adora Andy/DC/USEPA/US**

11/01/2009 02:09 PM

To "Richard Windsor", "Bob Perciasepe", "Bob Sussman", "Gina McCarthy", "Seth Oster", "Allyn Brooks-LaSure", "Diane Thompson", "David McIntosh"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats", "Stephanie Owens", "Arvin Ganesan"

bcc

Subject WSJ: Republicans Plan To Block US Climate Vote This Week

Wall Street Journal  
NOVEMBER 1, 2009, 10:30 A.M. ET

Republicans Plan To Block US Climate Vote This Week

By Siobhan Hughes

WASHINGTON (Dow Jones)--Republicans plan to block a vote this week on climate legislation, saying they need a complete economic analysis of a measure that would reshape the U.S. economy.

Senate Environment and Public Works Committee Chairman Barbara Boxer, D-Calif., has scheduled a Tuesday meeting to consider the measure, which would impose mandatory reductions in greenhouse-gas emissions. Republicans say that they won't show up, denying Democrats the quorum they need to proceed.

"We are not opposed to a markup, only on holding one before we have a full economic analysis," said Matt Dempsey, a spokesman for the Republicans on the panel, in an email late Saturday. While hopeful of working with Democrats on a complete Environmental Protection Agency analysis, "if they decide to move forward, the Republicans will not attend."

Under the measure, companies would have to hold government-issued permits allowing them to release carbon dioxide and other greenhouse gases into the atmosphere. The number of available permits would shrink each year, causing prices to rise and imposing new costs on companies that failed to find ways to reduce pollution. The goal is to slash to more than 80% below 2005 levels by 2050 the emissions that scientists link to climate change.

Last week, EPA Administrator Lisa Jackson testified that the costs of the legislation would be modest compared with the benefits. But she also said that the EPA hadn't completed a full economic analysis, a process that she said would take several more weeks.

-By Siobhan Hughes, Dow Jones Newswires; 202-862-6654; Siobhan.Hughes@dowjones.com



**Adora Andy/DC/USEPA/US**

06/09/2011 06:54 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Arvin Ganesan", Sarah Pallone

cc "Stephanie Owens", "Shira Sternberg", "Alisha Johnson", "Dru Ealons", "Brendan Gilfillan", "Betsaida Alcantara", "Andra Belknap", "Michael Moats", "Vicki Ekstrom", "Seth Oster"

bcc

Subject TIMES UNION:W.Va. politicians angry over power plant shutdowns

TIMES UNION

W.Va. politicians angry over power plant shutdowns

Updated 04:45 p.m., Thursday, June 9, 2011

CHARLESTON, W.Va. (AP) – West Virginia's political leaders united Thursday in a bipartisan attack on the U.S. Environmental Protection Agency after learning that American Electric Power Co. would close three of the state's coal-fired power plants.

The shutdown of plants in Moundsville, Glasgow and New Haven by 2014 will cost the state 242 jobs and, according to Public Service Commission records, reduce coal consumption by at least 1.5 million tons.

AEP announced it's also shutting two plants in Ohio and Virginia because EPA's deadline to comply with strict new air pollution standards is "unrealistic." Operations at six other plants will be scaled back.

Acting Gov. Earl Ray Tomblin accused the EPA of being out of touch with economic reality.

"We all want a clean and healthy environment," Tomblin said in a prepared statement. "But the EPA's inflexible approach that is driving our nation's energy policy is wrong, and it will permanently damage industries, businesses, and cause significant negative impacts on consumers and workers. It needs to stop."

Republican gubernatorial candidate Bill Maloney, who's challenging Tomblin for the seat held by former Gov. Joe Manchin, vowed to fight what he called President Barack Obama's "job-killing agenda."

"Obama and federal bureaucrats are trying to shut down the energy industry in West Virginia," Maloney said in a prepared statement. "They are trying to close surface mines. They are looking at cracking down on our Marcellus shale opportunities. Now, they are running power plants out of business."

Manchin, now a Democratic U.S. senator, said EPA must be reined in and prevented from "overstepping their bounds and imposing regulations that not only cost us good American jobs, but hurt our economy."

Republican Rep. Shelley Moore Capito, meanwhile, complained that EPA too often fails to consider the economic impact of its rules and regulations.

Capito said she's demanding EPA Administrator Lisa Jackson produce documentation that cumulative economic impact and jobs were considered when rules for power plants were being written.

Republican Rep. David McKinley also weighed in, inviting Jackson and President Barack Obama to meet with affected West Virginia families.

He said they should "see firsthand the faces of the folks that no longer have jobs because of their extreme regulatory policies."

**Adora Andy/DC/USEPA/US**

02/06/2011 11:00 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",  
"Bob Sussman", "David McIntosh", "Arvin Ganesan",  
"Stephanie Owens", Sarah Pallone, "Dru Ealons"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats",  
"Seth Oster", "Alisha Johnson", "Vicki Ekstrom", "Andra  
Belknap"

bcc

Subject FOXNews.com: If Obama Wants to Get Tough on  
Regulation, He Must Examine the EPA

FOXNews.com:

If Obama Wants to Get Tough on Regulation, He Must Examine the EPA

Published February 07, 2011

It seems as if President Obama has at last gotten the message: regulations kill jobs. The question is, will he do anything about it? The president recently released a new executive order calling for a review of existing regulations as well as establishing new procedures to ensure that regulations do not impose undue costs on the economy.

At the same time, however, the Obama administration is expanding the regulatory burden exponentially. Along with the regulations required to implement the new health care laws and the financial services reforms, environmental issues continue to pose a substantial regulatory threat, particularly the Environmental Protection Agency's efforts to regulate greenhouse gases. And, in a recent hearing, EPA Administrator Lisa Jackson stated that the administration is still opposed to any congressional efforts to limit the EPA's greenhouse gas regulations.

In the wake of November's historic elections, the regulatory threat becomes even more important. With cap-and-trade legislation all but dead in the new Congress, the EPA will become the primary vehicle for implementing the president's climate change agenda. The EPA's greenhouse gas mandates are part of an aggressive regulatory agenda that has the potential to impose billions of dollars in costs and substantial burdens on the economy.

In addition to proposing greenhouse gas regulations under the Clean Air Act, the EPA also has a regulatory agenda that includes more than 40 significant rulemakings. Many of these are controversial and have raised concerns of cost, science, and agency discretion.

The EPA's tactic of expanding the Clean Air Act to cover greenhouse gases is both unwieldy and costly. The Clean Air Act was designed to regulate pollutants specified and defined by the Act: particulate matter, ground-level ozone, carbon monoxide, sulfur oxides, nitrogen oxides, and lead.

Carbon dioxide, which is ubiquitous, would be extremely difficult to regulate with the tools designed to regulate these criteria pollutants. The cost for consumers and businesses would be exorbitant, something that the EPA implicitly acknowledged by issuing a "tailoring rule" to limit the impact of greenhouse gas regulations. In and of itself, the tailoring rule raises important questions about the EPA's power grab and its arbitrary authority to pick and choose who will be covered by the Clean Air Act.

Fortunately, some in the new Congress have taken note. In both the House and Senate, legislation has been introduced to limit the EPA's ability to regulate greenhouse gases under the Clean Air Act. Sen. Jay Rockefeller, D-W.Va., has reintroduced his two-year moratorium on any EPA greenhouse gas regulations. More recently, Sen. John Barrasso, (R-Wyo.), introduced "Defending America's Affordable Energy and Jobs Act," (S. 228), a bill that would prohibit any regulatory agency from implementing greenhouse gas regulations without explicit authorization from Congress.

On the House side, Fred Upton, (R-Mich.), new chair of the Energy and Commerce Committee, is working on a bill that would prohibit the EPA from using the Clean Air Act to regulate greenhouse gases. Sen. Jim

Inhofe, (R-Okla.), is planning to introduce a companion bill on the Senate side.

Elsewhere in the House, a companion bill to the Rockefeller moratorium has been introduced, as well as a bill barring any EPA funding for implementing greenhouse gas regulations.

Rather than respond to congressional concerns, however, the White House has said it would veto any legislation limiting the administration's ability to regulate greenhouse gases. If the president is serious about regulatory reform, the administration should take a long hard look at the EPA's greenhouse gas initiatives. The agency is moving forward with a significant regulatory agenda that would impose billions of dollars in costs on the U.S. economy while doing virtually nothing to alter the temperature of the earth's atmosphere.

Careful economic analysis and sound science are critical to avoiding unnecessary regulatory burdens. The EPA, and all other federal agencies, must be held to the highest standards when evaluating regulations. Costly regulations founded on poor science can be a significant burden on consumers and producers alike. In an economic slowdown, these are costs we can ill-afford and easily avoid.

Dick Armey, the former majority leader of the House of Representatives, is the chairman of FreedomWorks, and co-author of "Give Us Liberty: A Tea Party Manifesto."

**Adora Andy/DC/USEPA/US**

02/06/2011 08:42 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",  
"Bob Sussman", "David McIntosh", "Arvin Ganesan",  
"Stephanie Owens", Sarah Pallone, "Dru Ealons"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats",  
"Seth Oster", "Alisha Johnson", "Vicki Ekstrom", "Andra  
Belknap"

bcc

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.

Adora Andy/DC/USEPA/US

12/02/2009 09:43 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",  
"Bob Sussman", "David McIntosh", "Seth Oster", "Allyn  
Brooks-LaSure", "Arvin Ganesan"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats"

bcc

Subject The Hill: GOP links climate emails to EPA policy, but White  
House defends warming data

GOP links climate emails to EPA policy, but White House defends warming data

by Ben Geman

12/03/09

-- Several House and Senate Republicans are pressing the Obama administration to pull back on its climate policies in light of the emails, which were lifted from the Climatic Research Unit at the University of East Anglia.

In a letter to EPA today, they call for a "thorough and transparent investigation into questions raised" by the messages.

The letter calls on EPA to withdraw several regulatory initiatives until it can show the science underlying them has not been compromised. They want the agency to pull back its proposed endangerment finding that greenhouse gas emissions threaten human health and welfare, a precursor to regulatory emissions limits. They also want to halt planned rules on emissions from cars and light trucks.

The letter was sent by Reps. Darrell Issa (R-Calif.) and James Sensenbrenner (R-Wis.), and Sens. David Vitter (R-La.) and John Barrasso (R-Wyo.). Issa is the ranking Republican on the Oversight and Government Reform Committee, while Sensenbrenner holds that spot on the Select Committee on Energy Independence and Global Warming.

Separately, two senior Republicans on the House Energy and Commerce Committee - Reps. Joe Barton (R-Texas) and Greg Walden (R-Ore.) - wrote letters to Energy Secretary Steven Chu and Commerce Secretary Gary Locke on the issue.

The letters say some of the messages raise questions about the agencies' compliance with freedom of information laws, and the integrity of federally-funded research.

-- Obama administration officials strongly defended the science behind global warming today, calling evidence of dangerous, human-induced climate changes powerful.

At a House hearing, top White House scientist John Holdren said there is a "very strong scientific consensus on the key characteristics of the problem."

"The current state of knowledge about it, even though incomplete, as science always is, and even though controversial in some details, as science almost always is, is sufficient to make clear that failure to act promptly to reduce global emissions . . . is overwhelmingly likely to lead to changes in climate too extreme and damaging to be adequately addressed by any adaptation measures that can be foreseen," said Holdren, who heads the Office of Science and Technology Policy.

He spoke at a hearing on climate science convened by the Select Committee on Energy Independence and Global Warming.

Holdren pointed to National Oceanic and Atmospheric Administration data on temperature records going back to 1880 showing that nine of the 10 warmest years have occurred since 1998, and all 15 of the warmest have been since 1990. The lack of warming in recent years does not alter what has been a

consistently upward trend, he said, comments echoed by NOAA head Jane Lubchenco. "The overall record is an upward trajectory," she said.

But Holdren also acknowledged that questions remain about what some of the emails mean. "If there was manipulation of data that was not scientifically legitimate, I regard that as a problem and I would denounce it," he said. Nonetheless, the whole affair does not reveal any game-changing information, he argued.

"However this particular controversy comes out, the result will not call into question the bulk of our understanding of how the climate works," he said.

But Republicans at the hearing disagreed.

"At worst it's junk science and part of a massive international scientific fraud," said Sensenbrenner, later adding that "there is increasing evidence of scientific fascism that is going on." Rep. John Sullivan (R-Okla.) said "there seems to be a culture of corruption in the scientific community."

**Adora Andy/DC/USEPA/US**  
12/03/2009 06:44 AM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",  
"Bob Sussman", "David McIntosh", "Seth Oster", "Allyn  
Brooks-LaSure", "Arvin Ganesan"  
cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats"  
bcc

Subject Tulsa World:EPA rejects Inhofe's call for delay on finding

EPA rejects Inhofe's call for delay on finding

By JIM MYERS World Washington Bureau - 12/3/2009

WASHINGTON – U.S. Sen. Jim Inhofe called for a delay Wednesday on a greenhouse gas endangerment finding in light of allegedly stolen e-mails the Oklahoma Republican says show leading scientists apparently manipulated climate change data.

Environmental Protection Agency head Lisa Jackson declined Inhofe's request.

"At this point, I have seen nothing that indicates the scientists out there have said that they've changed their consensus," Jackson said.

"These e-mails certainly may show some poor manners, maybe more. I am not a lawyer, and it is not my job to judge that. But what we have to constantly be looking at is the science, and whether there is any information in the e-mails, or anywhere else, that changes the science."

When pressed, Jackson said her agency's work on the endangerment finding will continue. She said the EPA is obligated to continue.

Inhofe called that approach irresponsible, referring to EPA's reliance on the work of the scientists whose e-mails are at the center of the international controversy.

That exchange occurred during and after a hearing on an unrelated topic by the Senate Environment and Public Works Committee whose chairman, Sen. Barbara Boxer, D-Calif., said she remains open to looking into the e-mail controversy.

Boxer made it clear, however, she is interested in examining the possible criminal activity that led to disclosure of the e-mails.

On Tuesday, Inhofe, the panel's top Republican and the Senate's most vocal global warming skeptic, requested a hearing on what he calls "climategate."

"The e-mails reveal possible deceitful manipulation of important data and research used by the US Global Research Program and the IPCC (Intergovernmental Panel on Climate Change)," Inhofe stated in a letter to Boxer.

"For instance, one scientist wrote of a 'trick' he employed to 'hide the decline' in global temperature trends, as well as discussed attempts to 'redefine what the peer-review literature is' to prevent papers raising questions about anthropogenic global warming from appearing in IPCC reports."

Officials familiar with the e-mails, which reportedly came from the University of East Anglia in Great Britain, insist their wording has been taken out of context and does not represent deception.

Concerning the word "trick," they explained it referred to way recent data were added to temperature reconstructions based on proxy data.



Still, Phil Jones announced earlier this week he will stand aside as director of the Climatic Research Unit pending an investigation.

Release of the e-mails came prior to a much-anticipated international climate meeting in Copenhagen.

Rep. John Sullivan, R-Okla., a member of the House Select Committee on Energy Independence and Global Warming, said the "scandal" looms on the eve of that meeting.

Sullivan also called for the House panel to investigate the e-mails.

He said the U.S. needs to have all the facts as an international climate treaty is under consideration.

Inhofe said he believes an investigation by the Senate committee depends on how much heat can be generated on the topic.

"The kitchen is getting pretty hot right now," he said.

Jim Myers (202) 484-1424  
jim.myers@tulsaworld.com

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**Adora Andy/DC/USEPA/US**

04/15/2010 06:47 AM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",  
"Bob Sussman", "David McIntosh", "Seth Oster", "Allyn  
Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"  
cc "Betsaida Alcantara", "Brendan Gilfillan", "Alisha Johnson",  
"Michael Moats"

bcc

Subject POLITICO: Climate bill would curb EPA

POLITICO:

Climate bill would curb EPA

By: Lisa Lerer

April 14, 2010 05:16 AM EDT

Efforts to limit the authority of the Environmental Protection Agency to regulate greenhouse gases has emerged as a major battleground in the climate debate, as three key senators move toward releasing the first draft of their revamped climate bill.

Recent drafts of the legislation would hobble the EPA by limiting the agency's regulatory powers under the Clean Air Act, according to lawmakers and lobbyists familiar with the bill.

Sen. Lindsey Graham (R-S.C.), who's crafting the climate bill with Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.), says the provision is necessary to win business backing for the bill.

"I wouldn't support EPA regulation on top of congressional action, and I couldn't support 50 states coming up with their own standards," he said. "That's one thing business legitimately needs."

Language pre-empting the EPA and state laws in the bill is also needed to win the votes of key Senate moderates on both sides of the aisle.

"I think it's going to help to get a lot of people's votes," Sen. Mary Landrieu (D-La.) said of the provision. "I also think it's the right thing to do. If you have a national goal, you can't also have 50 goals."

But while many environmentally minded Democrats are open to compromising on controversial offshore drilling and nuclear proposals, several said they could not support a bill that would pre-empt EPA authority.

Last month, 13 Democratic senators sent a letter to Majority Leader Harry Reid – pushing him to preserve the Clean Air Act.

"As strong supporters of clean energy, we urge you to ensure that energy and climate legislation builds on the existing Clean Air Act and does not create loopholes for old, inefficient and polluting coal-fired power plants," they wrote.

Sen. Michael Bennet (D-Colo.) told E&E, an energy trade publication, that he would "strongly oppose efforts to gut the Clean Air Act."

Environmental activists are pushing hard to protect EPA power, warning that limiting the agency could cost support among progressive Democrats.

"There's a lot of room to lose support on the progressive side," said Alex Posorske, field manager of the environmental coalition 1Sky. "A lot of the base is very interested in making sure that the Clean Air Act is left intact to take on the oldest, dirtiest coal plants."

1Sky held rallies in support of the Clean Air Act in front of the regional offices of 14 moderate senators and eight House members during the past few weeks. They plan to visit 12 more offices before Earth Day

on April 22. The Sierra Club and MoveOn.org are also targeting lawmakers with phone calls and office visits, urging them to keep EPA's powers intact.

Michael Brune, the newly appointed executive director of the Sierra Club, told the Los Angeles Times last month that the grass-roots environmental group would oppose a climate bill that "took power" from the EPA.

Utilities, oil refiners and other business interests have lobbied hard to hobble the EPA's rule-making authority, fearing a blizzard of climate laws on top of the new national standard that would be created by congressional legislation. Industry argues that the overlapping rules would make it difficult for companies to estimate the total costs of the new climate rules.

More than 20 states currently participate in regional initiatives that aim to reduce carbon dioxide emissions from power plants while increasing renewable energy. At the same time, EPA is moving forward with plans to regulate greenhouse gas emissions if Congress fails to act on legislation.

The restrictions could block the EPA from setting national emissions limits and regulating greenhouse gases as toxins and pre-empt state and regional cap-and-trade programs, according to lobbyists familiar with the bill.

EPA's efforts have sparked an outcry from moderate Democrats and Republicans in Congress, who've introduced multiple measures to stop the agency.

Sen. John Rockefeller (D-W.Va.) has introduced legislation barring the agency from instituting rules regulating greenhouse gas emissions from power plants and other industrial sources for the next two years.

Rep. Nick Rahall (D-W.Va.) introduced companion legislation in the House, with coal-state Democratic Reps. Alan Mollohan of West Virginia and Rick Boucher of Virginia as co-sponsors.

A disapproval resolution, sponsored by Sen. Lisa Murkowski (R-Alaska), that would veto EPA's endangerment finding has picked up more than 40 co-sponsors, including three Democrats.

In response to concerns voiced by moderate Democrats, EPA Administrator Lisa Jackson announced that she expects the agency to weaken its proposed pollution standards and delay implementation of the new rules until 2011.

But Jackson also urged lawmakers to focus on passing a climate bill instead of on stopping the agency.

"We are not going to be regulating this calendar year, and I really think it would be wonderful if the energy of the Senate on this issue would be put to new legislation to do something," she said.

Adora Andy/DC/USEPA/US

04/18/2010 08:13 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",  
"Bob Sussman", "David McIntosh", "Seth Oster", "Allyn  
Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"  
cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats",  
"Vicki Ekstrom", "Alisha Johnson"

bcc

Subject WSJ: Why the Clean Air Act May Be Past Its Prime

April 17, 2010

## Why the Clean Air Act May Be Past Its Prime

Challenges such as global warming are beyond the scope of the law, they argue—and even some experts who think the law is beneficial complain that the Environmental Protection Agency could implement it more effectively.

By Stephen Power

Is the venerable Clean Air Act of 1970 up to addressing the pollution problems of the 21st century?

Since it was implemented some 40 years ago, the law, which required the government to identify and set standards for pollutants identified as harmful to human health and the environment, has drastically curbed pollution from industry and automobiles. But as regulators use it to address a more ambitious agenda—dealing with greenhouse-gas emissions that many scientists say contribute to global warming—longstanding problems with the law are being put into focus.

Some critics argue that an old complaint about the law—regulators don't have to consider costs when setting pollution standards—is all the more urgent when facing a problem as broad as global warming. Even some experts who think the law is beneficial say its implementation has been overly expensive: Because the law is so rigid, they argue, innovative pollution-fighting ideas are sometimes stifled, driving up costs.

"The Clean Air Act has been very effective, but it's not been cost-effective," says Dallas Burtraw, an economist with Resources for the Future, a nonpartisan Washington think tank.

Other critics say the law has a big blind spot: It gives the Environmental Protection Agency too little authority to combat pollution from one state that drifts into another—even though studies show that air quality in a given area can be affected by pollutants from a different region, nation or continent.

### A Global Challenge

Over the years, the Clean Air Act has been credited by its supporters with reducing emissions of toxic lead, sulfur dioxide and carbon monoxide, and raising consciousness among ordinary Americans about the importance of pollution control. The question of whether 1970s-era environmental laws are suited to today's problems is gaining urgency as the Obama administration moves to tackle climate change through its powers under the act.

Business groups and critics in Congress say that the measure wasn't designed to address global warming, and that the law's provisions will lead to regulations that wind up stifling growth and killing jobs.

The Obama administration says the effects of greenhouse gases compel action, as does a 2007 Supreme Court decision. The court found that the Clean Air Act authorizes the EPA to regulate greenhouse-gas emissions if the agency determines they cause or contribute to air pollution that may reasonably be

anticipated to endanger public health or welfare. Moreover, administration officials say, the EPA has the authority to tweak the thresholds, so as to regulate only big emitters, such as power plants and refineries, and minimize the economic costs.

The EPA hasn't said how much it expects new controls on greenhouse-gas emissions would cost the economy. But in a recent speech, the EPA's administrator, Lisa Jackson, noted that dire predictions about the Clean Air Act's implementation have often been wrong. Auto makers and the U.S. Chamber of Commerce howled when the EPA mandated unleaded gasoline and catalytic converters 30 years ago, Ms. Jackson said. "Yet the auto industry survived," and later studies estimated the rule produced health benefits of \$17 billion per year, she added.

For another measure, a 2004 study by the National Research Council of the National Academies—the nation's top scientific-advisory group—concluded that the act's implementation "has had and will probably continue to have substantial net economic benefits."

#### Hard to Meet

At the same time, though, the report criticized the EPA's implementation of the act, saying it has been overly bureaucratic, with a focus on process rather than results. While the law's benefits outweigh its costs, the report argued, the costs have been higher than necessary.

Under the law, the EPA sets air-quality standards and requires states to submit plans laying out how they'll meet those standards. States that don't submit plans risk losing federal highway dollars. But because the law calls for separate standards for different pollutants, the EPA tends to approach pollution problems in piecemeal fashion, even though some, such as ozone and particulate matter, are caused by the same sources and could be controlled with related technologies.

According to the National Research Council report, states and cities spend "extensive amounts" of time and money on "a legalistic, and often frustrating, proposal and review process" that "discourages innovation and experimentation," overtaxes budgets, and diverts time and money from "the more germane issues" of actually meeting air-quality standards.

Mr. Burtraw, who served on the NRC panel, cites efforts to improve air quality by reducing emissions of ammonia and methane from animal feedlots. Technology exists that could allow feedlot operators to enclose manure piles and capture the ammonia and methane they generate, while providing biogas to allow the feedlots to produce their own electricity. Capturing the ammonia would reduce fine particulates that cause respiratory problems, and reduce odor.

But doing so also would release small amounts of nitrogen oxide that contribute to ozone. Clean Air Act-directed controls on ozone tend to discourage permitting of electricity generation at animal feedlots. As a result, Mr. Burtraw says, the conversion and cleanup of animal-feedlot operations is undermined and made more expensive.

EPA officials say they are working with states and cities to reduce some of the burdens associated with implementing the law while still improving air quality. "We're continually looking for innovative approaches that will help states and EPA to minimize procedural issues and maximize health and environmental protections," the agency said in a written statement.

#### The Wrong Emphasis?

Many state and local governments, meanwhile, grumble about another aspect of the law: Even when they ratchet down emissions in their backyard, they say, they still wind up violating federal standards, because of pollution that blows from other jurisdictions. Michael Morris, director of transportation for the North Central Texas Council of Governments, estimates that roughly half the air pollution responsible for ozone in his region actually comes from power plants, refineries and other facilities located in jurisdictions beyond his members' control.

The EPA has moved to address such criticisms. In 2004, the agency announced a new regulation that attempted to control power-plant pollution that drifts across state lines. In 2008, however, a federal appeals court struck down the rule. The EPA is at work on a new rule, expected to be unveiled in the coming weeks. But it's not clear whether the new regulation will satisfy the court. The Senate is considering a measure that would give the EPA broader authority to crack down on interstate pollution. But the bill's fate is highly uncertain, partly because of lawmakers' preoccupation with other issues—including whether to pass separate legislation aimed at controlling greenhouse-gas emissions.

Mr. Power is a staff reporter in The Wall Street Journal's Washington bureau. He can be reached at [stephen.power@wsj.com](mailto:stephen.power@wsj.com).

Adora Andy/DC/USEPA/US

10/06/2010 08:18 AM

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

cc

bcc

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."



Adora Andy/DC/USEPA/US  
02/23/2010 03:36 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",  
"Gina McCarthy"  
cc "Arvin Ganesan", "Seth Oster"  
bcc  
Subject Greenwire: EPA chief goes toe-to-toe with Senate GOP over  
warming science

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 02/23/2010 02:59 PM EST  
**To:** Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy;  
Betsaida Alcantara; Michael Moats  
**Subject:** Greenwire: EPA chief goes toe-to-toe with Senate GOP over warming  
science

## **CLIMATE: EPA chief goes toe-to-toe with Senate GOP over warming science (02/23/2010)**

**Robin Bravender, E&E reporter**

U.S. EPA Administrator Lisa Jackson today defended the science underpinning pending climate regulations despite Senate Republicans' claims that global warming data has been thrown into doubt.

"The science behind climate change is settled, and human activity is responsible for global warming," Jackson told the Senate Environment and Public Works Committee. "That conclusion is not a partisan one."

Jackson's comments came as the Senate panel scrutinized President Obama's \$10 billion budget request for EPA. The administration's fiscal 2011 proposal would cut the agency's total funding by about \$300 million from 2010 levels while allotting \$56 million -- including \$43 million in new funding -- for regulatory programs to curb greenhouse gas emissions.

Senate Republicans used the hearing as a platform to blast EPA over its plans to begin rolling out greenhouse gas regulations next month after it determined last year that the heat-trapping emissions endanger human health and welfare.

Sen. James Inhofe (R-Okla.), the panel's ranking member, called on EPA to reconsider that determination after recent reports have revealed errors in the reports from the Intergovernmental Panel on Climate Change (IPCC) that were used to underpin EPA's finding and a recent controversy surrounding e-mails stolen from climate scientists that some have dubbed "Climategate."

"We've been told that the science still stands," Inhofe said. "We've been told that the IPCC's mistakes are trivial. We've been told that Climategate is just gossipy e-mails between a few scientists."

"But now we know there's no objective basis for these claims," he added. "Furthermore, Climategate shows there's no 'consensus;' the science is far from settled."

Committee Republicans released a [report](#) today detailing concerns over the content of the e-mails that were lifted last year from computers at the Climatic Research Unit of the University of East Anglia, a research institute whose studies help form the basis of the IPCC reports.

Some of the e-mails reveal frustration with attacks from global warming skeptics, and opponents of greenhouse gas regulations have pointed to several of the exchanges as proof that scientists intentionally withheld climate data.

The Obama administration, as well as the majority of climate scientists and Democratic lawmakers, have maintained that nothing in the e-mails upends the scientific consensus that man-made emissions are contributing to climate change.

Jackson said that although science "can be a bit messy, the dust will settle" and that she has not seen anything at this point to show that the endangerment finding is not on solid ground.

"I do not agree that the IPCC has been totally discredited in any way," Jackson said, adding that it is important to understand that the IPCC is a body that follows open and impartial practices.

"Let me be very clear," said Sen. Barbara Boxer (D-Calif.) the committee chairwoman. "The majority of this committee believes in strong numbers that we must act," on global warming, she added.

Sen. Bernie Sanders (I-Vt.) angrily blasted his Republican colleagues for their implications that global warming science had not been settled. "This country faces many many problems, not the least of which, we have national leaders rejecting basic science," Sanders said. "I find it incredible, I really do, that in the year 2010 on this committee, there are people who are saying there is a doubt about global warming. There is no doubt about global warming."

Adora Andy/DC/USEPA/US

10/22/2009 11:05 PM

To "Richard Windsor", "Bob Sussman", Lisa Heinzerling, "Bob Perciasepe", "Diane Thompson", "David McIntosh", "Gina McCarthy"

cc "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan"

bcc

Subject WaPo:EPA proposal to cut Great Lakes ship emissions stirs the waters

EPA proposal to cut Great Lakes ship emissions stirs the waters

By Kari Lydersen and Juliet Eilperin Washington Post Staff Writer

Friday, October 23, 2009

DULUTH, MINN. -- A horn blasts, seagulls screech and tourists clap as the longest ship in the Great Lakes, the 308-meter Paul R. Tregurtha, glides through Duluth's canal and heads into Lake Superior, loaded down with coal bound for Midwestern power plants. Piles of crushed limestone, salt, iron ore and coal line the shores of the Great Lakes' busiest port, destined to forge steel, de-ice roads and build skyscrapers throughout the heartland. The towering grain elevators along the harbor's shores are stuffed with wheat and soy waiting for the trip out the St. Lawrence Seaway to the Atlantic Ocean, then on to Europe, North Africa or South America. Underlying this show of commercial strength is a maritime industry many see as fragile, threatened not only by a weak economy but also by broader environmental initiatives. The emissions from these ships -- the only mode of transportation not under new federal air pollution regulations -- have been linked to increased levels of heart and lung disease. Now, an Environmental Protection Agency proposal that would compel the vessels to burn cleaner fuel and upgrade their engines has sparked a furious behind-the-scenes lobbying campaign that has come to a head this week, pitting congressional Democrats against a Democratic administration as lawmakers allied with Midwestern and Alaskan shippers pressure the EPA to back down and protect jobs. High stakes. The outcome of the battle -- which has delayed consideration of the EPA's budget -- has implications for a region battered by unemployment and one of the Obama's administration's key environmental strategies. Large vessels rank second only to power plants as to the health risk their air pollution poses, and the EPA estimates the proposal will produce more health benefits than those it has applied to off-road vehicles, diesel trucks and other sources. Without further regulation by 2030, the agency projects that smog-forming nitrogen oxide emissions from the ships will more than double, to 2.1 million tons a year. Environmental and health groups say the new standards, proposed in July and set to be finalized by Dec. 17, would prevent up to 33,000 premature deaths a year from problems such as heart disease, respiratory illness and cancer. Although coastal areas would reap the biggest clean air benefits, air quality would also improve for states hundreds of miles inland, including Nevada, Tennessee and Pennsylvania, and parks such as the Grand Canyon and the Great Smoky Mountains. The proposal would limit air emissions from ships in the United States' exclusive economic zone, which extends 200 nautical miles from its coasts. This includes the 133 American and Canadian "Lakers" that spend their whole lives in the Great Lakes or St. Lawrence Seaway and the smaller "Salties" that go between foreign and Great Lakes ports. The agency wants to require vessels to switch by 2015 from viscous bunker fuel, which contains about 30,000 parts per million sulfur, to fuel that contains no more than 1,000 parts per million. Trucks are required to use fuel with no more than 15 ppm sulfur, and by 2015 locomotives, bulldozers and barges will have similar limits. Great Lakes shipping industry officials say the cost of the new fuel and the engine overhauls needed to burn it would undermine their competitive edge and shift commodity transport to rail and truck. Lake Carriers' Association President James H.I. Weakley said the rule would cost U.S. and Canadian ships an extra \$210 million a year for fuel. Out of a U.S. fleet of 65, he predicted that 13 steamships with 429 mariners would be scrapped and that 13 ships with old diesel engines might face premature retirement. Great Lakes shippers said the process is incomplete. The EPA analysis that the policy's health benefits would outweigh its compliance costs by at least 30 to 1, they said, fails to grasp the impact the rule would have on a region experiencing double-digit unemployment -- a problem that could spread to iron ore miners, farmers, salt miners and others if exports decrease. Iron ore shipments from Great Lakes ports are nearly half of last year's, with coal shipments falling by a third. "We asked them to pause, go back, study the economic impact, work with industry," said Steven Fisher, executive director of the American Great Lakes Ports Association. "We applaud their goal of clean air, but how do we get there without wrecking this economy and wrecking this industry?" The government has required

businesses as small as bakeries, dry cleaners and auto body refinishing plants to curb emissions, said S. William Becker, executive director for the National Association of Clean Air Agencies. "How can all of these other industries be expected to clean up," asked Becker, "while this one, spewing all this stuff, be exempted?" Lawmakers' doubtsIn an economic downturn, however, many lawmakers appear to have little patience for such arguments. Led by House Appropriations Committee Chairman David R. Obey (D-Wis.) and House Transportation and Infrastructure Committee Chairman James L. Oberstar (D-Minn.), they are trying to soften the rule for Great Lakes shippers. Neither Oberstar nor Obey would comment. But Rep. Candice S. Miller (R-Mich.) said she and others have asked the "EPA to really rethink what they're talking about. You can't imagine how bad it is in a state like Michigan. We're looking at this, and we could lose 50 percent of our shipping capacity -- that's what the shippers are telling us." On Oct. 8, Oberstar arranged for EPA officials to meet with him, Miller, Obey and Reps. Kathy Dahlkemper (D-Pa.), Marcy Kaptur (D-Ohio), Dale E. Kildee (D-Mich.) and Don Young (R-Alaska). They raised the prospect of attaching language to the annual Interior and Environmental Appropriations Bill that could halt implementation of the rule, Kaptur and Miller said, and have delayed moving the bill as they seek to resolve the matter. Kaptur said the lawmakers want "a realistic effort to assist our industry transition." Miller said the EPA could explore options such as exempting Great Lakes shippers temporarily as it studies the issue or permanently. EPA spokesman Brendan Gilfillan said the agency is aware of the industry's concerns and its international obligations to curb emissions. The EPA, he said, listens to public comments and prides itself on "taking them into account."

Adora Andy/DC/USEPA/US

03/04/2010 09:39 PM

To "Richard Windsor", "Bob Sussman", "Bob Perciasepe",  
"Diane Thompson", "David McIntosh", "Arvin Ganesan",  
"Gina McCarthy", "Seth Oster", "Allyn Brooks-LaSure"  
cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats",  
"Alisha Johnson", "Stephanie Owens"  
bcc

Subject NYT: Lawmakers From Coal States Seek to Delay Emission  
Limits

Lawmakers From Coal States Seek to Delay Emission Limits

By JOHN M. BRODER

Published: March 05, 2010

WASHINGTON - Coal-country lawmakers moved Thursday to impose a two-year moratorium on potential federal regulation of carbon dioxide and other climate-altering gases.

Senator John D. Rockefeller IV, Democrat of West Virginia, said the Environmental Protection Agency should refrain from issuing any new rules on greenhouse gas emissions from power plants and other major stationary sources for two years to allow Congress to pass comprehensive legislation on energy and climate change.

Representatives Alan B. Mollohan and Nick J. Rahall II of West Virginia and Rick Boucher of Virginia, also Democrats, introduced a similar bill in the House.

The moves are the latest effort by members of both parties in Congress to slow or halt carbon regulation by the administration. Separate bills are before both houses that would essentially prevent the E.P.A. from issuing any greenhouse gas regulations.

Lisa P. Jackson, the agency's administrator, wrote Mr. Rockefeller and seven other Democratic senators last week outlining her timetable for such regulation. She said that limits on carbon dioxide pollution from vehicles would be issued this year under an agreement negotiated last year with major automakers.

Limits for large coal-burning power plants and industrial facilities would be phased in beginning in 2011, with no restrictions on smaller sources until 2016.

But that timetable is apparently too fast for Mr. Rockefeller and other representatives of coal-producing regions.

"This is a positive change and good progress," Mr. Rockefeller said, referring to Ms. Jackson's timetable, "but I am concerned it may not be enough time. We must set this delay in stone and give Congress enough time to consider a comprehensive energy bill to develop the clean coal technologies we need."

He added that decisions with such a broad impact on the nation's economy and energy future should be made by elected representatives, not bureaucrats.

The E.P.A. said it was studying the Rockefeller proposal but that it was not as dismaying as the measure introduced by Senator Lisa Murkowski, Republican of Alaska, and several others that would ban any regulation of carbon dioxide, including emissions from vehicles.

"It is important to note that Senator Rockefeller's bill, unlike Senator Murkowski's resolution, does not attempt to overturn or deny the scientific fact that unchecked greenhouse gas pollution threatens the well-being of the American people," said Adora Andy, an E.P.A. spokeswoman, "nor would it threaten the historic clean cars program announced by the Obama administration last year."

The agency's proposed regulations are opposed not only by coal companies and their customers but also

by a wide range of American industries that fear that new rules will impose huge costs and make it difficult for American manufacturers to compete with goods from countries without carbon dioxide limits.

Environmental groups generally support the prospect of E.P.A. regulation as a prod to Congress to impose carbon restrictions across the economy. Several issued statements opposing Mr. Rockefeller's measure.

Adora Andy/DC/USEPA/US

11/20/2009 09:39 PM

To "Richard Windsor", "Bob Sussman", "Bob Perciasepe",  
"Diane Thompson", "Gina McCarthy", "Seth Oster", "Allyn  
Brooks-LaSure"

cc "Brendan Gilfillan", "Michael Moats", "Arvin Ganesan", "David  
McIntosh"

bcc

Subject WSJ: EPA Tangles With Texas in Battle Over Air Quality

Wall Street Journal

EPA Tangles With Texas in Battle Over Air Quality

Agency Takes Activist Stance on Pollution, Calling Local Rules Lax; State Officials Complain of  
'Bureaucratic Meddling'

By ANA CAMPOY

A more assertive Environmental Protection Agency is demanding that Texas tighten its pollution rules, drawing the ire of companies and some of the state's political leaders.

At the heart of the dispute is an EPA threat to void some of the state's air-quality regulations, which it says break federal law. The agency also is studying whether oil refineries -- of which Texas has many -- emit dangerous amounts of toxins.

Texas is the top carbon-dioxide-emitting state in the nation. State regulators say they have built a system that simplifies the permitting process, for example by regulating emissions from entire facilities, rather than smokestack by smokestack.

Environmental activists and city officials call the system too lax. But state officials say it has produced a cleaner environment, including a 22% drop between 2000 and 2008 in the level of ozone, which is blamed for respiratory problems. The state says its plan encourages industry to adopt greener technology.

"Our results speak louder than bureaucratic meddling," said Katherine Cesinger, a spokeswoman for Gov. Rick Perry, a Republican.

The EPA has emerged as one of the most aggressive regulatory agencies in the Obama administration. It has moved to regulate carbon-dioxide emissions, announced plans to set tougher limits on mercury emissions from coal- or oil-burning power plants and held up dozens of permit applications for coal-mining projects in Central Appalachia, citing concerns about water quality.

EPA Administrator Lisa Jackson has said the agency eventually will boost the U.S. economy with tens of billions of dollars in government spending to subsidize electric vehicles and a modernized electric grid.

But business groups, including the U.S. Chamber of Commerce and the National Mining Association, say the agency also is saddling companies with costly mandates and could drive jobs outside the U.S.

The EPA this month appointed Alfredo Armendariz to head the office that oversees Texas and four other states. While all states must follow the same federal rules, they are allowed to develop their own implementation strategies, which are subject to federal approval. Mr. Armendariz had previously called the state's regulations inadequate.

Air-quality fights are especially heated in Texas. Officials in the big cities complain the Texas Commission on Environmental Quality, which enforces federal regulations, isn't strict enough. Dallas and Houston

have been in violation of federal air-quality standards for years.

"The whole thing is wrong from start to finish," said state Rep. Lon Burnam, a Democrat who represents Fort Worth and serves on the environmental regulation committee at the Texas House of Representatives. "They permit almost anything."

Houston has been petitioning the federal government to toughen its standard for refinery emissions. In response, the EPA said last month it was withdrawing a rule signed at the end of the Bush administration that found the emissions posed no risk.

Environmentalists welcome the changes in EPA policies. "I've been waiting 15 years for this to happen," said Neil Carman, an air-quality specialist at the Sierra Club in Texas.

But companies are unhappy. Texas Industries Inc., a cement maker, recently cited changing EPA rules when it withdrew its request for a state permit to burn tires at one of its kilns, which it says would have reduced emissions.

Texas Industries is committed to clean air, said spokesman David Perkins. "The difficulties happen when the requirements go beyond that and get to a point when they cause problems for companies that ultimately don't result in any net benefit to the environment."

But others disagree with the company's assessment, said EPA spokesman David Gray, and there is no room for neighbors and community members to give feedback under current rules. "The Texas air permitting process needs to be transparent to the public," he said.

The energy industry hasn't spoken publicly on the appointment of Mr. Armendariz, an environmental engineer and an associate professor at Southern Methodist University in Dallas. He is the author of several scathing studies and memos on emissions from the cement and natural-gas industries, and has been a consultant to environmental groups fighting the companies.

He declined to comment on EPA policy issues until he completed the transition into his new job.

The Barnett Shale Energy Education Council, a group representing energy companies, has attacked Mr. Armendariz's past reports. Recently, executives at natural-gas producer Chesapeake Energy Corp. criticized Mr. Armendariz for producing what they said was misleading research.

Mr. Armendariz has said his work is based on government-issued data and his calculations are consistent with those of regional regulators.

Earlier this year, the EPA said it was seeking to invalidate the state's permitting system, contending that it allows companies to skirt federal rules under the Clean Air Act. The agency is expected to announce a decision on certain parts of the program by the end of this month.

"Our system is not broken," said Bryan Shaw, chairman of the Texas environmental commission. "It's just misunderstood."

Write to Ana Campoy at [ana.campoy@dowjones.com](mailto:ana.campoy@dowjones.com)



Adora Andy/DC/USEPA/US

03/07/2010 10:13 AM

To "Richard Windsor", "Bob Sussman", "Bob Perciasepe",  
"Diane Thompson", "Peter Silva", "Seth Oster", "Allyn  
Brooks-LaSure", "Arvin Ganesan", "David McIntosh"  
cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats",  
"Stephanie Owens", "Alisha Johnson"  
bcc

Subject Gazette: EPA delays action on mountaintop removal plan

Charleston Gazette:  
EPA delays action on mountaintop removal plan

March 6, 2010

By Ken Ward Jr.

Staff writer

The Obama administration has delayed action on a set of broad-ranging and specific measures to reduce the environmental impacts of mountaintop removal, after details of the plan were leaked to coal-state mining regulators.

U.S. Environmental Protection Agency officials are also facing a cool reception from other government agencies, including the federal Office of Surface Mining Reclamation and Enforcement.

"EPA is under significant pressure from the coal industry and its friends," said Joe Lovett, director of the Appalachian Center for the Economy and the Environment. "But the science has now become clear that mountaintop removal is harming the state's water resources in real and measurable ways, and EPA has no choice but to do this."

Details of the EPA proposals are being circulated among state regulators in coal-producing states after EPA southeastern regional officials leaked the information to those regulators.

EPA has for months been close to finalizing a plan the agency hopes would provide coal companies with clearer guidelines for obtaining new permits, but also mandate tougher protections to limit damage to water quality.

Agency officials are pushing for more stringent water pollution standards, tougher permit requirements and more extensive monitoring downstream from mining operations.

Among the initiatives are initial steps toward tighter mining discharge limits on the toxic pollutant selenium and on electrical conductivity, which serves as a measure of harmful salts and metals and has been identified by scientists as an indicator of coal-mining water damage. An announcement had been planned for Wednesday, but has been delayed for at least several weeks.

Adora Andy, press secretary for EPA Administrator Lisa P. Jackson, said late Friday that Jackson had previously assured West Virginia Sen. Robert C. Byrd that EPA "will release additional guidance about how it reviews water quality impacts.

"We will keep that commitment and we will issue that guidance soon," Andy said.

OSM Director Joe Pizarchik refused an interview request for this story, and agency spokesman Peter Mali said OSM would have no comment.

Carol Raulston, a spokeswoman for the National Mining Association, said her organization is familiar with some of the EPA proposals but is not yet prepared to offer specific comments on them.

"I think we're still gathering information," Raulston said Friday. "Right now, we're in the process of reviewing it with our membership."

A year ago, the Obama administration announced a crackdown on mountaintop removal. The administration has said it is taking "unprecedented steps" to reduce mining's environmental impacts, with a focus on cutting the downstream water quality effects.

So far those steps have focused on EPA's taking a closer look at Clean Water Act permits being issued by the Army Corps of Engineers and state regulators. In one instance, the Hobet 45 permit along the Boone-Lincoln county line, EPA's review forced Patriot Coal to cut its stream impacts in half while still mining nearly all of the coal it originally sought.

Administration officials have refused to support a complete ban on the practice, or to propose new rules to outlaw the burial of streams by valley fills.

EPA has not announced specific new limits on mining pollution, opening itself up to criticism from industry and coalfield politicians that the industry needs "clarity" about what is required for permit approval.

The delay in EPA's announcement of more detailed permit guidelines came last week, as the agency also asked U.S. District Judge Robert C. Chambers for more time to decide if it will veto the largest mountaintop removal mining permit in West Virginia history, the nearly 2,300-acre Spruce No. 1 Mine in Logan County.

In mid-February, EPA southeastern regional officials leaked to Alabama regulators details of the federal agency's plans to toughen coal mine regulations. The Interstate Mining Compact Commission, the lobby group for coal-state regulatory agencies, quickly spread word of those details to its members.

Greg Conrad, the commission's executive director, told group members in an e-mail message that EPA planned to announce initiatives including:

Requiring states to include in all coal-related water pollution permits a detailed analysis of whether the proposed mining would be expected to violate narrative water quality standards, which prohibit adverse impacts to aquatic life.

Forcing states to include discharge limits in permits that will ensure such violations of narrative water quality standards don't occur.

Imposing on mine operators tougher new discharge limits for selenium runoff from mining sites. Selenium can be toxic to fish in very tiny amounts, and has been tied to fish deformities downstream from at least one major mining operation in West Virginia, Patriot Coal's Hobet 21 Mine along the Boone-Lincoln County line.

EPA is also seeking to force states to require mine operators to perform water sampling called whole effluent toxicity, or WET, testing. This method better accounts for the impacts on aquatic life from a mix of

various pollutants, such as that discharged by strip mines.

But perhaps the biggest changes being planned by EPA involve conductivity, which is a measure of the electrical charge of water and is a key indicator of the presence of many harmful pollutants, include chlorides, sulfides and dissolved solids.

One widely cited EPA study, published in 2008, found that streams with high conductivity -- above 500 on a scale measured in micro-siemens per centimeter -- were biologically impaired.

According to Conrad's e-mail, EPA planned to require additional monitoring of any permits where conductivity was measured above 400 micro-siemens per centimeter, and a reduction in mine size or a stop of mining above 500 micro-siemens per centimeter.

Already, EPA Region III officials have been seeking to impose such standards on water pollution permits for coal mines in West Virginia, according to comment letters submitted by EPA to the state Department of Environmental Protection.

At the same time, though, an EPA scientific report due out soon is expected to conclude that conductivity above 300 micro-siemens per centimeter should be avoided to protect water quality.

DEP Secretary Randy Huffman said his agency would want to take a very close look if EPA proposed the 300 number.

"If we decide that is where impairment occurs, we better be right," Huffman said. "Because the impact to the state economy is pretty severe."

But in at least one watershed cleanup plan issued for the Coal River, DEP experts pinpointed 300 micro-siemens per centimeter as the level at which conductivity can impair aquatic life.

DEP officials have identified high levels of conductivity as part of the cause of the Dunkard Creek fish kill in Monongalia County, and have listed conductivity as the cause of biological impairment in other heavily mined watersheds, including the Upper Kanawha and the Gauley.

In each instance, though, state officials said, "Because available information is insufficient to address biological impairment attributed to ionic toxicity," the DEP would propose no action on the problem.

Last week, EPA's Jackson said her agency is analyzing pending U.S. Senate legislation to ban valley fills and is increasingly concerned about the water quality impacts it sees from mountaintop removal. EPA has not supported that legislation.

"Certainly it is my belief as we learn more and more from outside scientists and inside scientists, we know that there are clear water quality impacts that come from filling in streams," Jackson told a Senate Appropriations subcommittee. "That's pretty intuitive."

Reach Ken Ward Jr. at [kw...@wvgazette.com](mailto:kw...@wvgazette.com) or 304-348-1702.

Adora Andy/DC/USEPA/US

10/27/2009 09:48 PM

To "Richard Windsor", "Bob Sussman", "Bob Perciasepe", "Peter Silva", "Diane Thompson"

cc "David McIntosh", "Allyn Brooks-LaSure", "Seth Oster"

bcc

Subject AP: Deal Struck on Midwest Shipping

AP: Deal Struck on Midwest Shipping

TRAVERSE CITY, Mich. – Congressional negotiators reached a deal Tuesday that would effectively exempt 13 shipping companies that haul iron ore, coal and other freight on the Great Lakes from a proposed federal rule meant to reduce air pollution. The Lake Carriers' Association, which represents the 55 U.S.-flagged vessels that operate on the lakes, had asked for at least a partial exemption from rules proposed by the Environmental Protection Agency that would require large vessels operating within 200 miles of a U.S. coast to use cleaner – and costlier – fuel and improve engine technology. Negotiators in Washington approved the exemption as part of a natural resources spending bill. The compromise measure could be voted on in the House as early as Wednesday. The rules are designed to reduce emissions of airborne contaminants blamed for smog, acid rain, respiratory ailments and possibly cancer. Large ships are leading producers of nitrogen and sulfur oxides and tiny contaminated particles that foul the air near ports and coastlines and hundreds of miles inland, EPA says. "This is one of the most significant public health protection standards that the EPA has set in recent years," said Frank O'Donnell, president of Clean Air Watch, a Washington-based advocacy group. "We hope it won't be torpedoed by special interest politics." But the industry group said the regulations would ground 13 aging steamships while forcing 13 others to use fuel 70 percent more expensive than the present blend. The added cost to Great Lakes shippers – about \$210 million – would be passed to their customers, said Jim Weakley, president of the shipping association. "It would be catastrophic," he said. "If 50 percent of our carrying capacity is either taken out or at risk, we can't do our job." The rules would damage not only shippers, but Great Lakes industries that rely on them – including steel and auto manufacturers already battered by the economic downturn and foreign competition, said Rep. Candice Miller, a Michigan Republican. "I don't think there's such a critical air problem in the Great Lakes region that we should risk jobs and putting ships out of business," she said. Some officials in Alaska say the rules could deter visits to their ports by cruise ships, which are important to the state economy. As written, they would require ships by 2012 to burn fuel with sulfur content not exceeding 1 percent, or 10,000 parts per million. In 2015, the limit would drop to 1,000 parts per million. Great Lakes steamships are powered by a type of marine fuel that carries about 30,000 parts per million of sulfur. "It's among the filthiest fuel known to mankind – literally the sludge at the bottom of the barrel after the refining process," O'Donnell said. The 13 steamships that would be grounded were mostly built in the 1950s and can't be switched to low-sulfur fuel without risking explosions, Weakley said. Mothballing them would be self-defeating because much of the cargo would be switched to trucks or trains, which emit more pollution than ships, said Phil Linsalata, spokesman for Warner Petroleum, a marine fuel company in Clare, Mich. The EPA rule would apply within 200 miles of a U.S. coast. Weakley said that unfairly singles out Great Lakes vessels because they're always within that zone, unlike ocean freighters. Clean-air and health advocates have urged the EPA to stand by its proposed rules, scheduled for final approval in December. "Air pollution is not confined to state boundaries," Arthur Marin, director of a group representing northeastern state air quality agencies, said in a letter to Congress. "Through long-range transport in the atmosphere, pollutants emitted in domestic waters, such as the Great Lakes, affect air quality in the Northeast." EPA estimates the regulations would prevent up to 33,000 premature deaths over the next two decades and hundreds of billions in medical costs. "EPA prides itself on listening to public comments and taking them into account before issuing final regulations," the agency said in a statement.

Adora Andy/DC/USEPA/US  
11/10/2009 04:32 PM

To "Richard Windsor", "Bob Sussman", "Bob Perciasepe", "Scott  
Fulton", "Diane Thompson"  
cc "Allyn Brooks-LaSure", "Seth Oster"  
bcc  
Subject EPA lawyers told to edit YouTube video critical of climate  
legislation

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 11/10/2009 04:31 PM EST  
**To:** Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy;  
Betsaida Alcantara; Michael Moats  
**Subject:** EPA lawyers told to edit YouTube video critical of climate  
legislation

## EPA lawyers told to edit YouTube video critical of climate legislation

By David A. Fahrenthold  
Washington Post Staff Writer  
Tuesday, November 10, 2009 4:08 PM

Two attorneys for the Environmental Protection Agency, who made a YouTube [video](#) calling current climate legislation a "huge mistake," were told by the agency to remove the clip and edit out some references to their employer, one of the attorneys said.

Allan Zabel and Laurie Williams, a husband and wife who have both worked in the EPA's San Francisco office for more than 20 years, have been outspoken in their opposition to a "cap and trade" system for reducing greenhouse gas emissions.

That system -- in which companies may buy and sell the right to pollute -- is at the heart of a climate bill passed by the House this summer, and another under consideration in the Senate.

On Oct. 31, the two made their case in an opinion piece in the Washington Post, saying the bill was fatally flawed by the inclusion of unreliable "carbon offsets," and would "lock in climate degradation" instead of solving it.

A few days later, Williams said, they were approached by EPA ethics officials. She said the officials demanded they take down a YouTube video they had posted in September that made many of the same points.

In the video, Zabel says none of their statements should be construed as an official position of the EPA or the Obama Administration. But Williams said the EPA wanted them to play down their federal connections further. The officials said they could re-post the video, she said, if they removed a mention of the length of their experience at EPA.

Another comment, in which Zabel said he oversees a "cap-and-trade" for smog-causing pollutants in California, also had to go, she said. In addition, the agency said they had to take out a photo of the EPA's San Francisco office building.

The EPA cited a federal regulation that says government employees may note their official position when making statements on their own time -- as long as their title is "given no more prominence than other significant biographical details."

Williams said the pair have taken down their video, although it was re-posted by an environmental group.

She said they intend to make the required edits over Thanksgiving -- when the 19 year-old who helped them make the video is home from college.

Adora Andy/DC/USEPA/US  
10/30/2009 10:42 AM

To "Richard Windsor", "Bob Sussman", "Gina McCarthy", Lisa  
Heinzerling  
cc "Seth Oster", "Allyn Brooks-LaSure"  
bcc  
Subject Greenwire: Senate Climate Markup Set for Tuesday but Will  
Any Republicans Show?

Fyi

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 10/30/2009 10:11 AM EDT  
**To:** Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy;  
Betsaida Alcantara; Michael Moats; David McIntosh; Arvin Ganesan  
**Subject:** Greenwire: Senate Climate Markup Set for Tuesday but Will Any  
Republicans Show?

October 30, 2009

## Senate Climate Markup Set for Tuesday but Will Any Republicans Show?

By DARREN SAMUELSOHN of [ClimateWire](#)

The Senate global warming debate appears headed for a partisan standoff early next week with Republicans threatening to boycott a key committee vote and Democrats weighing their options on an alternative route to advance the bill to the floor.

Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) said yesterday that she is planning to hold a markup Tuesday on [S. 1733](#) (pdf), a bill that seeks to curb domestic greenhouse gas emissions across much of the U.S. economy.

But Boxer cannot hold the markup unless at least two Republicans show up, and EPW ranking member James Inhofe (R-Okla.) signaled that he has unanimous support among the panel's minority members to boycott the session until they get more data on the legislation from U.S. EPA and the Congressional Budget Office.

Inhofe said he will wait for Boxer to file an official notice of the markup -- expected today -- before responding with his own declaration of the GOP's markup strategy.

"As soon as we find out what her announcement is and what she wants to do, we'll have our response," Inhofe told E&E last night. "We'll have our unanimous expression ready."

For her part, Boxer insisted that she would not back down from the markup, and she even opened the door to alternative approaches for moving the bill, including the use of Senate Rule 14 that allows the majority to discharge legislation out of a committee and bring it directly to the floor.

"We're going forward," Boxer said. "We're going to do our job. We're going to use every tool at

our disposal to get this done."

Partisan tension on the EPW Committee stretches back more than a decade, but recent battles between the two parties have been especially tense when it comes to debate over climate policy ([E&E Daily](#) , Sept. 29).

Lawmakers repeatedly raised their voice at each other during three days of hearings this week on the climate bill, with Sen. George Voinovich (R-Ohio) complaining yesterday that Boxer had been unfairly chiming in after any remarks that did not square with her point of view.

"You're editorializing on my comments, as you do everyone else's comments," Voinovich said just moments after seizing on testimony earlier this week from U.S. EPA Administrator Lisa Jackson where the Obama official acknowledged the agency did not do a specific set of modeling runs on the Senate bill. Jackson said it would take four to five more weeks to do such a review.

Boxer replied that she is satisfied with the [EPA analysis](#) Jackson released last Friday. "This is the longest study there is," she said, noting that it included a two-week review of the Senate proposal, as well as the findings from a five-week review that the agency took this spring to analyze [H.R. 2454](#) (pdf), the House-passed climate bill.

Combined, Boxer said the two bills are 90 percent similar, leaving little reason to dive deeper before the markup. "We're not going to waste taxpayer money because someone drew a line in the sand," she said.

Sen. Sheldon Whitehouse (D-R.I.) called the threat of a GOP boycott "theatrics."

As for the merits of the Republicans' request, Whitehouse argued, "I think the notion that absolute exactitude before the bill goes in, when the EPA has come so close to figuring out its economic effects, doesn't make any sense in light of the fact the amendment process is going to move the results around more than the level of uncertainty that exists right now."

But Voinovich said that he wanted to have the EPA analysis, as well as a CBO review, to help him prepare for the markup. "The fact of the matter is, the complete analysis gives you a much better idea of what kind of amendments you ought to be working on," he said.

To make their case, Republicans went back into the history books to find other examples of the Senate committee delaying its work to get more information from EPA.

Inhofe cited the two-year buildup that led to a tie 9-9 vote on former President George W. Bush's "Clear Skies" initiative, which would have overhauled the Clean Air Act without setting limits on greenhouse gas emissions. The GOP held a narrow Senate majority during the Clear Skies debate, but Inhofe as EPW Committee chairman could not convince then-Sen. Lincoln Chafee (R-R.I.) or any Democrats to vote for the bill, including then-Sen. Barack Obama of Illinois ([E&E Daily](#) , March 10, 2003).



The Bush-led EPA produced more than 10,000 pages of analysis on the air pollution bill, but Inhofe insisted that he still postponed the March 2005 markup several times as Democrats pushed for more information.

Senate Democrats did boycott for two weeks the 2003 confirmation of Michael Leavitt, who was nominated -- and eventually confirmed -- to be the U.S. EPA administrator ([Greenwire](#) , Oct. 1, 2003).

Across Capitol Hill, House Republicans earlier this year considered a number of different approaches to stall consideration of that climate bill, including forcing the clerk of the Energy and Commerce Committee to read the entire bill aloud.

Anticipating such a move, Democrats hired a speed reader. But Republicans instead opted for a more political campaign that forced moderate and conservative Democrats to take votes on dozens of amendments that attempted to link the proposal to higher unemployment and more expensive energy bills. GOP campaign operatives sent out press releases to reporters in the Democrats' districts immediately after each vote.

Voinovich yesterday shrugged off the prospect of political red meat. "You should have the best intelligence in front of you," he said.

Sen. Tom Carper (D-Del.) said he hoped the GOP lawmakers would ultimately back down from their boycott threat if they were promised a more complete study before the floor debate, which is widely expected to come early next year.

"Certainly by the time all these bills are merged, and by the time we get to the floor, I think there's ample time for EPA to finish the work they've already begun," Carper said. "Hopefully, whatever our Republican friends feel like they need in terms of modeling, they'll have it by the time the bill has come to the floor."

**Adora Andy/DC/USEPA/US**

10/31/2009 01:50 PM

To "Richard Windsor", "Gina McCarthy", "Seth Oster", "Allyn Brooks-LaSure", "Bob Sussman", "Diane Thompson", "Bob Perciasepe"

cc

bcc

Subject WaPo: Cap-and-trade mirage

Laurie Williams and Allan Zabel: Cap-and-trade mirage

By Laurie Williams and Allan Zabel  
Saturday, Oct 31, 2009

Supporters of the climate bill passed by the House and the similar bill under consideration in the Senate -- including President Obama and Democratic congressional leaders -- say that the cap-and-trade approach would guarantee greenhouse-gas reductions. But this claim ignores the flaws inherent in both bills that would undermine even their weak emissions-reduction targets and would lock in climate degradation.

We are speaking out as parents, citizens and attorneys, but our analysis is informed by more than 20 years each at the Environmental Protection Agency's San Francisco Regional Office, including Allan's extensive experience overseeing California's cap-and-trade and offsets programs for the EPA.

Cap-and-trade means a declining "cap" on total emissions, while allowing trading of pollution permits. Confidence in the certainty of declining caps is based on the mistaken assumption that cap-and trade was proven in the EPA's acid rain program. In fact, addressing acid rain required relatively minor modifications to coal-fired power plants. Reductions were accomplished primarily by a fuel switch to readily available, affordable, low-sulfur coal, along with some additional scrubbing. In contrast, the issues presented by climate change cannot be solved by tweaks to facilities; it requires an energy revolution through investments in building clean-energy facilities.

The biggest obstacle to this revolution is that uncontrolled fossil fuel energy remains much cheaper than clean energy. Cap-and-trade alone will not create confidence that clean energy will become profitable within a known time frame and so will not ignite the huge shift in investment needed to begin the clean-energy revolution. In recent interviews, even the economists who thought up cap-and-trade have said they don't believe it's an appropriate tool for climate change.

What guarantees failure of the proposed climate bills, however, are their provisions for carbon offsets, a concept not used in the acid rain program. Both bills allow all required greenhouse-gas reductions for almost 20 years to be met with carbon offsets rather than actual reductions in use of the capped sources. Offsets -- considered indispensable to keeping cap-and-trade affordable -- are supposed to be "additional" reductions beyond what is legally required. But experience with offsets in Europe and California has shown that ensuring real "additionality" is not an achievable goal.

Suppose, for example, that a landowner is paid not to cut his forest so that it can continue capturing carbon dioxide from the atmosphere. Purchasing this offset allows owners of a coal-fired power plant to burn extra coal, above the cap.

But if the landowner wasn't planning to cut his forest, he just received a bonus for doing what he would have done anyway. Even if he was planning to cut his forest and doesn't, demand for wood isn't reduced. A different forest will be cut. Either way, there is no net reduction in production of greenhouse gases. The result of this carbon "offset" is not a decrease but an increase -- coal burning above the cap at the power plant.

Or consider the refrigerant HCFC-22, the manufacture of which creates an extremely powerful greenhouse gas as a byproduct. This byproduct is relatively easy and cheap to destroy, and governments could require refrigerant manufacturers to do just that. But offset investors have persuaded regulators to

approve destruction of the byproduct as a carbon offset, making it twice as profitable to sell byproduct destruction as it was to sell the refrigerant.

Some have even fought to keep release of this byproduct legal because, otherwise, destruction of the byproduct would no longer produce offsets as it would no longer be "additional." The situation also creates incentive for some to make unneeded refrigerant to profit from byproduct offsets.

Carbon offsets create the illusion of "additional" greenhouse-gas reductions, but we are just getting business as usual. Untrackable shifting of economic activity and perverse incentives such as these are inherent problems for carbon offsets and cannot be solved by certification or verification processes. Since the most flawed offsets will be the cheapest, they will also be the most popular.

The House and Senate climate bills are not a first step in the right direction. They would give away valuable rights in cap-and-trade permits and create a trillion-dollar carbon-offsets market that will not lead to needed reductions. Together, the illusion of greenhouse-gas reductions and the creation of powerful lobbies seeking to protect newly created profits in permits and offsets would lock in climate degradation for a decade or more. The near-term opportunity to create an effective international framework would also be lost.

Laurie Williams and Allan Zabel are lawyers with the Environmental Protection Agency. The views expressed here are their own and not those of the EPA. Their discussion paper and video on climate change solutions are online at [www.carbonfees.org](http://www.carbonfees.org).

Adora Andy/DC/USEPA/US  
10/29/2009 08:41 PM

To "Richard Windsor"  
cc "Seth Oster", "Allyn Brooks-LaSure"  
bcc  
Subject Charleston Gazette blog: EPA issues warning about W.Va. coal-ash impoundment

Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 10/29/2009 07:29 PM EDT  
**To:** Brendan Gilfillan  
**Cc:** Adora Andy; Allyn Brooks-LaSure; Betsaida Alcantara; Bob Sussman; Mathy Stanislaus; Michael Moats; Seth Oster <oster.seth@epa.gov>  
**Subject:** Charleston Gazette blog: EPA issues warning about W.Va. coal-ash impoundment

## EPA issues warning about W.Va. coal-ash impoundment

by Ken Ward Jr.

Charleston Gazette blog

If you to to this [Web site](#), you'll find EPA reports about many of the nation's coal-ash impoundments ... but EPA just told me that they will not release to the public a copy of the report that prompted the action discussed in the press release below ...

This just in from the U.S. Environmental Protection Agency:

*As part of an ongoing comprehensive review of dam integrity of coal ash impoundment sites nationwide, EPA has alerted West Virginia public officials and first responders that an impoundment at American Electric Power's (AEP) Philip Sporn facility requires additional safety testing. While EPA does not believe the impoundment's dam is at immediate risk of failure given the information we currently have, out of an abundance of caution the agency has notified W.Va. and Ohio officials of the need for further testing to fully determine the impoundment's integrity. AEP has committed to submitting a plan to carry out the safety tests. That plan will be provided to EPA on Monday, November 2. EPA will oversee the testing and use all necessary authority to assure the safety of the facility.*

*Following the failure of an impoundment at the TVA facility in Kingston, Tenn., in December 2008, EPA has been conducting on-site evaluations at electric utilities nationwide to determine the impoundments' structural integrity.*

*As part of that effort, EPA contractors identified factors at the AEP Philip Sporn facility that are similar to the Kingston facility – specifically, both facilities piled coal ash and*

*bottom ash around the impoundment to raise the impoundment's walls. To ensure the impoundment's stability, EPA is requiring AEP to conduct two tests: a liquefaction test to determine if the foundation will become unstable under certain pressures, and a slope stability test to determine if the impoundment's embankment will fail under certain pressures.*

*The assessment of AEP's Philip Sporn facility was conducted as part of the agency's nationwide assessment of surface impoundments at electric utilities following the coal ash release at Tennessee Valley Authority's Kingston, Tenn. facility. To date, EPA has completed reports on assessments of 22 facilities.*

Brendan Gilfillan EPA requires AEP to test W.Va. coal a... 10/29/2009 05:30:20 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, Betsaida Alcantara/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA  
Date: 10/29/2009 05:30 PM  
Subject: AP: EPA requires AEP to test W.Va. coal ash site

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EPA requires AEP to test W.Va. coal ash site  
by [The Associated Press](#)

CHARLESTON, W.Va. -- The U.S. Environmental Protection Agency is requiring American Electric Power to conduct additional safety tests at a West Virginia coal ash impoundment.

EPA issued a statement Thursday saying agency contractors noted that the construction of the impoundments at AEP's Philip Sporn power plant is similar that used at a Tennessee coal ash impoundment that gave way last year, releasing about 5.4 million cubic yards of coal ash.

The federal agency wants AEP to conduct foundation and stability tests at the Mason County impoundments.

EPA says the utility must submit a testing plan by Monday.

Utility spokeswoman Jeri Matheney said the impoundments have been inspected at least three times this year, but AEP will comply with EPA's request.

Adora Andy/DC/USEPA/US

04/02/2010 10:56 PM

To "Richard Windsor"

cc "Seth Oster", "Allyn Brooks-LaSure"

bcc

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.



Adora Andy/DC/USEPA/US

01/07/2010 02:20 PM

To "Richard Windsor"

cc "Seth Oster", "Allyn Brooks-LaSure"

bcc

Subject WaPo: Scientists decry impacts of mountaintop coal mining

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 01/07/2010 02:19 PM EST

**To:** Seth Oster; Allyn Brooks-LaSure; Adora Andy; Brendan Gilfillan; Bob Sussman; Gregory Peck; Michael Moats

**Subject:** WaPo: Scientists decry impacts of mountaintop coal mining

## Scientists decry impacts of mountaintop coal mining

By David A. Fahrenthold  
Washington Post Staff Writer  
Thursday, January 7, 2010; 2:00 PM

Mountaintop coal mining -- in which Appalachian peaks are blasted off and stream valleys buried under tons of rubble -- is so destructive that the government should stop giving out new permits to do it, a group of scientists said in a paper released Thursday.

The group, headed by a University of Maryland researcher, did one of the most comprehensive studies to date of the controversial practice, also known as "mountaintop removal."

Afterward, they did something that scientists usually don't: step beyond data-gathering to take a political stand.

"Until somebody can show that the water [that runs off mine sites] can be cleaned up . . . this has got to be stopped," said Margaret Palmer, a professor at the University of Maryland Center for Environmental Science, and the study's lead author.

For now, Palmer said, "there is no evidence that things like this can be fixed."

The group's paper, published in the journal *Science*, was released in the same week that the U.S. Environmental Protection Agency -- which has been closely scrutinizing these mines -- angered environmentalists by supporting a new mine permit. The EPA [said](#) the Hobet 45 mine, in West Virginia, had made changes that would eliminate nearly 50 percent of the environmental impacts, and protect 460 union mining jobs.

Palmer, in a telephone interview, said the group's work did not echo the idea implicit in this EPA decision, that there could be a "good" mountaintop mine, whose environmental consequences were acceptable.

"The science is clearly against that," she said.

Mountaintop mining occurs mainly in West Virginia and Kentucky, though there also are mines in far-Southwest Virginia and in Tennessee. The industry has [said](#) these sites are key to the economy of a coal-dependent region, because they allow miners to get at coal seams that are too thin, or too close to the surface, to be reached by tunneling.

Instead, mountains are literally moved to get at the coal.

Their tops are sheared off with heavy machinery and explosives, exposing the coal inside. At some mines, the mountain is rebuilt with rubble after the mining is finished; at others, it is left flat. At most sites, there is still excess rock and dirt, which is typically used in "valley fills," burying a stream valley to its brim.

In Thursday's report, scientists found that environmental damage extends far beyond the boundaries of the mine. They said that when rainwater falls on a filled valley it filters not through the usual tree roots and topsoil, but through a jumbled mass of rocks from far below the surface.

It emerges, the scientists found, imbued with pollutants it should not have: traces of metals and chemicals called sulfates, which can be toxic to the insects and fish that live in small Appalachian streams. They found no instances in which streams running off mined sites have recovered their old biodiversity -- a blow to the coal industry's contention that these sites, when left alone, will become vibrant again.

"To us, it's like smoking and cancer. It's just so clear-cut" that streams below mine sites are left damaged, Palmer said. She said the study indicated that water quality and life in streams began to suffer when 5 to 10 percent of a watershed was affected by mining. Several watersheds in West Virginia already exceed that number, Palmer said.

The study also found evidence of effects on human health, including water wells contaminated with chemicals from mines and elevated levels of hazardous dust in the air.

**Adora Andy/DC/USEPA/US**

10/14/2009 03:45 PM

To "Richard Windsor", "Seth Oster", "Allyn Brooks-LaSure", Lisa  
Heinzerling, "David McIntosh", "Bob Sussman", "Diane  
Thompson", "Bob Perciasepe"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats",  
"Arvin Ganesan"

bcc

Subject Baltimore Sun: Tomorrow's Climate Editorial

Baltimore Sun

Tomorrow's editorials: Climate change progress and city pensions

Here are previews of some editorials we're working on. Let us know what you think. The best comments will appear alongside them in the print edition.

--Efforts to pass climate change legislation through Congress in time for the international summit in Copenhagen received an unexpected boost from Republican sources this week. The first, and perhaps most important, was South Carolina Republican Sen. Lindsey Graham's decision to join Massachusetts Democratic Sen. John Kerry in a bipartisan climate bill that includes – gasp! – the cap-and-trade provision so often derided by conservatives. But for those frustrated by the pseudo-science and quackery of climate change opponents who continue to bury their heads in the warming sand, the second was just as satisfying: Turns out the U.S. Environmental Protection Agency under President George W. Bush was just as alarmed by climate change as the rest of the mainstream scientific community. The infamous e-mail from the EPA that the White House refused to even open in 2007 was released this week under a Freedom of Information Act request filed by Greenwire, the environmental news service. As expected, the e-mail shows that the agency, under Republican leadership, expressed the same concerns about the impact of greenhouse gases that the EPA under President Obama does today. The "U.S. and the rest of the world are experiencing the effects of climate change now," the Bush-era memo concludes. It also warns of rising sea levels, drought, violent weather, outbreaks of disease and greater numbers of heat-related deaths. Any similarities between the language of that dire forecast and the one EPA provided earlier this year is strictly common-sensical. The agency's choice to move forward with an endangerment finding under the Clean Air Act that could soon lead to strict regulations imposed on major carbon producers was, if anything, overdue. The Graham-Kerry bill won't please everyone in the green community. It would open up more off-shore sites to oil and natural gas exploration, for instance, and would promote nuclear and clean coal technologies that have significant environmental drawbacks.

Adora Andy/DC/USEPA/US  
09/24/2009 11:58 PM

To "Richard Windsor", "Seth Oster", "Allyn Brooks-LaSure",  
"Arvin Ganesan", "David McIntosh"

cc

bcc

Subject Behind the Furor Over a Climate Change Skeptic

September 25, 2009

Behind the Furor Over a Climate Change Skeptic

By JOHN M. BRODER

WASHINGTON – Alan Carlin, a 72-year-old analyst and economist, had labored in obscurity in a little-known office at the Environmental Protection Agency since the Nixon administration. In June, however, he became a sudden celebrity with the surfacing of a few e-mail messages that seemed to show that his contrarian views on global warming had been suppressed by his superiors because they were inconvenient to the Obama administration's climate change policy. Conservative commentators and Congressional Republicans said he had been muzzled because he did not toe the liberal line. But a closer look at his case and a broader set of internal E.P.A. documents obtained by The New York Times under the Freedom of Information Act paint a more complicated picture. It is true that Dr. Carlin's supervisor refused to accept his comments on a proposed E.P.A. finding, since adopted, that greenhouse gases endangered health and the environment, and that he did so in a dismissive way. But the newly obtained documents show that Dr. Carlin's highly skeptical views on global warming, which have been known for more than a decade within the small unit where he works, have been repeatedly challenged by scientists inside and outside the E.P.A.; that he holds a doctorate in economics, not in atmospheric science or climatology; that he has never been assigned to work on climate change; and that his comments on the endangerment finding were a product of rushed and at times shoddy scholarship, as he acknowledged Thursday in an interview. Dr. Carlin remains on the job and free to talk to the news media, and since the furor his comments on the finding have been posted on the E.P.A.'s Web site. Further, his supervisor, Al McGartland, also a career employee of the agency, received a reprimand in July for the way he had handled Dr. Carlin. Dr. McGartland, also an economist, declined to comment on the matter. But top officials of the agency said his decision not to forward Dr. Carlin's comments to the E.P.A. office that would be writing the final report had been his own and not directed by anyone higher up in the agency. Adora Andy, the agency's chief spokeswoman, called the accusation that Dr. Carlin had been muzzled for political reasons "ridiculous." "There was no predetermined position on endangerment, and Dr. Carlin's work was not suppressed," Ms. Andy said in an e-mail response to questions. "This administration has always welcomed varying scientific points of view, and we received much of it over this process." Dr. Carlin said he was concerned less about how he had been treated than about what he described as the agency's unwillingness to hear the arguments of climate change skeptics. He said there was an obvious "imbalance" between the billions of dollars the government had spent building a case for dangerous climate change and the lack of attention to a handful of skeptics like him. The affair began in March as the E.P.A. was rushing to document the scientific justification for its proposed finding that emissions of carbon dioxide and five other greenhouse gases endangered public health and the environment. The finding was largely an updated version of a similar report, prepared last year under the Bush administration, that came to the same conclusion. But the Bush administration never acted on the research or issued an actual finding. The agency's officials were acting in March under severe time constraints to prepare the finding for the E.P.A. administrator, Lisa P. Jackson, who was planning to issue it in mid-April, fulfilling a presidential campaign pledge by Barack Obama. The finding set the stage for the government to regulate greenhouse gases for the first time, an initiative that will resonate through the economy for decades. Dr. Carlin, long known as a skeptic on global warming, was not invited to submit comments on the document. But he was determined that his views be heard. He rushed out a 93-page report that cited a variety of sources in raising questions about global warming and the usefulness of government action to combat it. In an accompanying e-mail message to superiors, he said the belief in global warming was "more religion than science" and warned that regulating carbon dioxide would be "the worst mistake that E.P.A. has ever made." Agency officials and outside experts who reviewed his report as a result of the outcry over the episode have said they found it wanting in a number of ways. It included unverified information from blog posts, they found, quoted selectively from journal articles, failed to

acknowledge contradictory information and may have borrowed passages verbatim from the blog of a well-known climate change doubter. In the interview Thursday, Dr. Carlin admitted that his report had been poorly sourced and written. He blamed the tight deadline. "There are numerous problems with it," he said. "I wouldn't dream of sending it to a journal in its current form. It is totally unacceptable for that type of thing. But it was either do it in four and a half days or don't do it. I had to take some shortcuts." According to e-mail messages that were among the documents obtained this week under the Freedom of Information Act, Dr. McGartland had earlier tried to discourage Dr. Carlin from filing comments on the proposed finding and told him that whatever he submitted was not likely to affect the final report, implying that the decision had already been made. After receiving Dr. Carlin's comments, Dr. McGartland told him that he would not forward them to the office preparing the final report. "The time for such discussion of fundamental issues has passed for this round," he wrote on March 17. "The administrator and the administration has decided to move forward on endangerment, and your comments do not help the legal or policy case for this decision." A few minutes later, he instructed Dr. Carlin to "move on to other issues and subjects." He also told Dr. Carlin not to discuss climate change with anyone outside his immediate office. The e-mail messages most embarrassing to the E.P.A. came to light in late June, when someone sympathetic to Dr. Carlin leaked them to the Competitive Enterprise Institute, a conservative group that regularly produces studies critical of research that advances a case for climate change and government actions to address it. The institute distributed the material widely, and a number of conservative commentators and Republican lawmakers seized on it as an example of what they called Democratic suppression of science. Dr. McGartland was "counseled" by his superior "to assure that professional differences are expressed in appropriate and considered ways," according to one of the newly released documents. Dr. Carlin said he and Dr. McGartland had not spoken to each other since June.

Adora Andy/DC/USEPA/US

12/02/2009 06:45 PM

To "Richard Windsor", "Seth Oster", "Allyn Brooks-LaSure",  
"Arvin Ganesan", "David McIntosh", "Bob Sussman", "Gina  
McCarthy", "Bob Perciasepe", "Diane Thompson", Lisa  
Heinzerling

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats"

bcc

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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Adora Andy/DC/USEPA/US

11/21/2009 09:47 AM

To "Richard Windsor", "Seth Oster", "Allyn Brooks-LaSure", "Bob Perciasepe", "Diane Thompson", "Bob Sussman"  
cc "Brendan Gilfillan", "Michael Moats"

bcc

Subject Canada Free Press: E.P.A and Gore seek to block passage of Senate Health Care Bill

\*SATIRE\*

Canada Free Press

E.P.A and Gore seek to block passage of Senate Health Care Bill

By William Kevin Stoos Saturday, November 21, 2009

~~Obj~~-Satire-

In a surprising move aimed at blocking the passage of the Mother of All Bills—a fifteen pound, 2,000 page, tree-killing, polar bear orphaning, ice melting, greenhouse gas producing monstrosity called the Senate Health Care Bill (aka "Obama Universal Coverage for Health, or, O.U.C.H)—EPA Administrator Lisa Jackson and Al (The Earth's Core is Hotter than the Sun) Gore joined as Plaintiffs in a last minute attempt to block action on the bill this weekend. And, in order to publicize their attempt to block the legislation, they enlisted the help of the most trusted name in journalism and the man who has dined with Princes, Kings and Presidents, world traveler, and Head of the Environmental News Desk of Stoos Views' media conglomerate, Hugh Betcha.

In a hastily convened news conference at 2:30 a.m. on November 21, 2009—with only the Stoos Views reporter in attendance—the two announced that they were filing for an injunction in the United States District Court in Washington, DC seeking to not only prevent the United States Senate, led by Harry (The Jokerster) Reid, from taking any further action to pass Obama Care but, specifically, to enjoin the Senate and the House, from printing any further copies of the gargantuan bill.

"Our reasons are simple," declared Lisa Jackson, Head of the EPA, who as recently as April of 2009 announced that the EPA concluded carbon dioxide emissions 'posed a grave threat to public health and welfare.' "Between the House version of the bill and the Senate version of the bill, and the TARP legislation earlier this year, my agency has concluded—based on a scientific study conducted during the past three months—that nearly 16 million trees have been sacrificed in order to print the various drafts, re-writes and addenda necessary to pass these bills. Between the working copies, the semi-final copies, the final copies that each legislator, each member of their bloated staffs, and each member of the public wants, our calculations are that, by the end of Obama's first (and last) term in 2012, this Congress will have—given its present pace, legislating and spending money like drunken sailors—killed enough trees to cover a land mass the size of Oregon."

"If I may..." interrupted Mr. Gore, "I am, as you know, Al Gore—almost President of the United States, heh-heh, winner of the Nobel Prize and Chief Environmentalist of the World. My studies have also shown, as Ms. Jackson indicated, that Congress ranks second only to the pine beetle in its destruction of the forestlands in the western United States. Of course, it would be impractical to eliminate Congress; however, if we can stop them from wasting so much paper, and thereby save our forests, we can save the planet."

"How serious a situation is this really," inquired the ace reporter.

"Well," responded Gore, with furrowed brow, "when Congress passes so much legislation, it causes the destruction of millions of acres of trees; the trees must be cut down by the tens of millions not only to create the paper to print the monstrous bills which no one reads, but each bill necessitates the creation of billions of paper dollars necessary to fund the rampant spending that Congress engages in. My studies



show that when Congress kills enough trees to deforest Oregon, this robs the planet of these trees, which formerly filtered massive quantities of carbon dioxide from the air. This in turn results in far greater quantities of CO<sub>2</sub> in the atmosphere, which in turn heats up the air surrounding the earth. When the air heats up, it increases global warming around our planet, the oceans rise, the ice caps melt, and polar bears are set adrift in the ocean, separated from their cubs, until they eventually drown and the cubs die, crying for their mothers, because they cannot fend for themselves. Additionally, because the ozone layer of the earth is destroyed in the process, human beings are more susceptible to skin cancer. In fact, my projections are that 5% more cases of skin cancer will occur over the next three years because of this.”

“So, what is the bottom line here, Mr. Gore?” asked the reporter.

“To put it bluntly,” Gore replied, “at the present rate of legislative activity, through the end of Obama’s first and only term—2012—Congress will have consumed one third of our forests, killed 2,078 polar bears, caused 5 million additional skin cancer deaths, heated the atmosphere by an average of 5 degrees Fahrenheit and flooded Los Angeles, New York City and New Orleans. This must end. Therefore, we are asking the Court to enjoin the passage of any further health care legislation and thereby spare this country and the planet from an environmental disaster.”

“Do you have anything to add, Ma’am?” Hugh inquired of Ms. Jackson.

“Yes. Pursuant to my authority as Head of the Environmental Protection Agency, I have added one more species to the Endangered Species List.”

“Which is?”

“Americanus Taxusmaximus. The American taxpayer.”

**Adora Andy/DC/USEPA/US**

11/16/2009 11:00 PM

To "Richard Windsor", "Seth Oster", "Allyn Brooks-LaSure", "Bob Sussman", Lisa Heinzerling, "Diane Thompson", "Bob Perciasepe", "Gina McCarthy"

cc "Brendan Gilfillan", "Michael Moats"

bcc

Subject Boston Globe: Changing the climate on Capitol Hill

## Changing the climate on Capitol Hill

THE OBAMA administration announced over the weekend the official death of a binding global climate change agreement it hoped to achieve next month in Copenhagen. During Obama's meetings with leaders from Europe and the Asia-Pacific region, administration officials made it clear that it was "unrealistic" to expect any legally binding agreement to be negotiated in the next three weeks.

It is "unrealistic" because Obama remains hamstrung on climate change at home.

The very forces who scream that the Environmental Protection Agency should not regulate the activities of big business are the same ones still successfully applying a chokehold on Congress and the ability of Obama to be effective on the global stage. In a twisted version of "Think Globally, Act Locally," Big Oil, Big Coal, and the biggest representative of American industries, the US Chamber of Commerce, continue to buy paralysis.

As a result, Obama sounded defensive in remarks he made in Japan. Although he said that the United States "has taken more steps to combat climate change in 10 months than we have in our recent history by embracing the latest science, by investing in new energy, by raising efficiency standards, forging new partnerships and engaging in international climate negotiations," he tailed off in a way that was hauntingly reminiscent of the Bushspeak that earned the United States its retrograde image on global warming.

"America knows there is more work to do, but we are meeting our responsibility, and will continue to do so," Obama said. "All nations must accept their responsibility. Those nations, like my own, who have been the leading emitters, must have clear reduction targets. Developing countries will need to take substantial actions to curb their emissions . . . Each of us must do what we can to grow our economies without endangering our planet and we must do it together."

There is still reason to believe that Obama does not ultimately intend, as President Bush did, to use the emissions of emerging industrial giants China and India and the fossil fuel burning of developing nations as an excuse not to take leadership in a climate change pact. The most optimistic example is the way that Obama has turned loose EPA Administrator Lisa Jackson to reverse many Bush-era rulings, enforce laws that had been ignored, and pursue regulation of greenhouse gas emissions.

But energy and natural resources companies have lobbied Washington to the tune of \$300 million in the first nine months of this year, above the pace of last year's \$387 million. Oil and gas companies and electric utilities accounted for more than two-thirds of the spending. Their lobbying to keep fossil fuels burning without any care for the planet swamped the lobbying by alternative energy concerns, which so far this year amount to \$23 million, according to the Center for Responsive Politics. The Chamber of Commerce, America's single-biggest lobbyist, spent \$35 million in the third quarter alone and \$65 million for the year, fighting meaningful climate change and health care legislation.

Senate minority leader Mitch McConnell and Oklahoma Senator James Inhofe were among the top six recipients of energy campaign contributions in 2008.

While energy companies are balancing their campaign contributions much more than during the Bush years, when as much as 75 percent of their contributions went to Republicans, they are still giving the majority of their cash to that party. Such cash allows the likes of Senator David Vitter of Louisiana to spout off, "I am a cynic about the so-called science of global warming and man's impact on it."

Until Obama shuts down business as usual against climate change at home, he will never be able to change the climate abroad.

Derrick Z. Jackson can be reached at [jackson@globe.com](mailto:jackson@globe.com) .

Adora Andy/DC/USEPA/US

11/22/2009 11:24 PM

To "Richard Windsor", "Seth Oster", "Allyn Brooks-LaSure", "Bob Sussman", "Peter Silva", "Bob Perciasepe", "Diane Thompson", "David McIntosh", "Arvin Ganesan", "Cynthia Giles-AA"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats"

bcc

Subject NYT: Sewers at Capacity, Pollution Spills Into Waterways

New York Times

Sewers at Capacity, Pollution Spills Into Waterways

By CHARLES DUHIGG

Published: November 23, 2009

It was drizzling lightly in late October when the midnight shift started at the Owls Head Water Pollution Control Plant, where much of Brooklyn's sewage is treated.

A few miles away, people were walking home without umbrellas from late dinners. But at Owls Head, a swimming pool's worth of sewage and wastewater was soon rushing in every second. Warning horns began to blare. A little after 1 a.m., with a harder rain falling, Owls Head reached its capacity and workers started shutting the intake gates.

That caused a rising tide throughout Brooklyn's sewers, and untreated feces and industrial waste started spilling from emergency relief valves into the Upper New York Bay and Gowanus Canal.

"It happens anytime you get a hard rainfall," said Bob Connaughton, one the plant's engineers. "Sometimes all it takes is 20 minutes of rain, and you've got overflows across Brooklyn."

One goal of the Clean Water Act of 1972 was to upgrade the nation's sewer systems, many of them built more than a century ago, to handle growing populations and increasing runoff of rainwater and waste. During the 1970s and 1980s, Congress distributed more than \$60 billion to cities to make sure that what goes into toilets, industrial drains and street grates would not endanger human health.

But despite those upgrades, many sewer systems are still frequently overwhelmed, according to a New York Times analysis of environmental data. As a result, sewage is spilling into waterways.

In the last three years alone, more than 9,400 of the nation's 25,000 sewage systems - including those in major cities - have reported violating the law by dumping untreated or partly treated human waste, chemicals and other hazardous materials into rivers and lakes and elsewhere, according to data from state environmental agencies and the Environmental Protection Agency.

But fewer than one in five sewage systems that broke the law were ever fined or otherwise sanctioned by state or federal regulators, the Times analysis shows.

It is not clear whether the sewage systems that have not reported such dumping are doing any better, because data on overflows and spillage are often incomplete.

As cities have grown rapidly across the nation, many have neglected infrastructure projects and paved over green spaces that once absorbed rainwater. That has contributed to sewage backups into more than 400,000 basements and spills into thousands of streets, according to data collected by state and federal officials. Sometimes, waste has overflowed just upstream from drinking water intake points or near public beaches.

There is no national record-keeping of how many illnesses are caused by sewage spills. But academic research suggests that as many as 20 million people each year become ill from drinking water containing

bacteria and other pathogens that are often spread by untreated waste.

A 2007 study published in the journal *Pediatrics*, focusing on one Milwaukee hospital, indicated that the number of children suffering from serious diarrhea rose whenever local sewers overflowed. Another study, published in 2008 in the *Archives of Environmental and Occupational Health*, estimated that as many as four million people become sick each year in California from swimming in waters containing the kind of pollution often linked to untreated sewage.

Around New York City, samples collected at dozens of beaches or piers have detected the types of bacteria and other pollutants tied to sewage overflows. Though the city's drinking water comes from upstate reservoirs, environmentalists say untreated excrement and other waste in the city's waterways pose serious health risks.

#### A Deluge of Sewage

"After the storm, the sewage flowed down the street faster than we could move out of the way and filled my house with over a foot of muck," said Laura Serrano, whose Bay Shore, N.Y., home was damaged in 2005 by a sewer overflow.

Ms. Serrano, who says she contracted viral meningitis because of exposure to the sewage, has filed suit against Suffolk County, which operates the sewer system. The county's lawyer disputes responsibility for the damage and injuries.

"I had to move out, and no one will buy my house because the sewage was absorbed into the walls," Ms. Serrano said. "I can still smell it sometimes."

When a sewage system overflows or a treatment plant dumps untreated waste, it is often breaking the law. Today, sewage systems are the nation's most frequent violators of the Clean Water Act. More than a third of all sewer systems - including those in San Diego, Houston, Phoenix, San Antonio, Philadelphia, San Jose and San Francisco - have violated environmental laws since 2006, according to a Times analysis of E.P.A. data.

Thousands of other sewage systems operated by smaller cities, colleges, mobile home parks and companies have also broken the law. But few of the violators are ever punished.

The E.P.A., in a statement, said that officials agreed that overflows posed a "significant environmental and human health problem, and significantly reducing or eliminating such overflows has been a priority for E.P.A. enforcement since the mid-1990s."

In the last year, E.P.A. settlements with sewer systems in Hampton Roads, Va., and the east San Francisco Bay have led to more than \$200 million spent on new systems to reduce pollution, the agency said. In October, the E.P.A. administrator, Lisa P. Jackson, said she was overhauling how the Clean Water Act is enforced.

But widespread problems still remain.

"The E.P.A. would rather look the other way than crack down on cities, since punishing municipalities can cause political problems," said Craig Michaels of Riverkeeper, an environmental advocacy group. "But without enforcement and fines, this problem will never end."

Plant operators and regulators, for their part, say that fines would simply divert money from stretched budgets and that they are doing the best they can with aging systems and overwhelmed pipes.

New York, for example, was one of the first major cities to build a large sewer system, starting construction in 1849. Many of those pipes - constructed of hand-laid brick and ceramic tiles - are still used. Today, the city's 7,400 miles of sewer pipes operate almost entirely by gravity, unlike in other cities that use large pumps.

New York City's 14 wastewater treatment plants, which handle 1.3 billion gallons of wastewater a day, have been flooded with thousands of pickles (after a factory dumped its stock), vast flows of discarded chicken heads and large pieces of lumber.

When a toilet flushes in the West Village in Manhattan, the waste runs north six miles through gradually descending pipes to a plant at 137th Street, where it is mixed with so-called biological digesters that consume dangerous pathogens. The wastewater is then mixed with chlorine and sent into the Hudson River.

### Fragile System

But New York's system - like those in hundreds of other cities - combines rainwater runoff with sewage. Over the last three decades, as thousands of acres of trees, bushes and other vegetation in New York have been paved over, the land's ability to absorb rain has declined significantly. When treatment plants are swamped, the excess spills from 490 overflow pipes throughout the city's five boroughs.

When the sky is clear, Owls Head can handle the sewage from more than 750,000 people. But the balance is so delicate that Mr. Connaughton and his colleagues must be constantly ready for rain.

They choose cable television packages for their homes based on which company offers the best local weather forecasts. They know meteorologists by the sound of their voices. When the leaves begin to fall each autumn, clogging sewer grates and pipes, Mr. Connaughton sometimes has trouble sleeping.

"I went to Hawaii with my wife, and the whole time I was flipping to the Weather Channel, seeing if it was raining in New York," he said.

New York's sewage system overflows essentially every other time it rains.

Reducing such overflows is a priority, city officials say. But eradicating the problem would cost billions.

Officials have spent approximately \$35 billion over three decades improving the quality of the waters surrounding the city and have improved systems to capture and store rainwater and sewage, bringing down the frequency and volume of overflows, the city's Department of Environmental Protection wrote in a statement.

"Water quality in New York City has improved dramatically in the last century, and particularly in the last two decades," officials wrote.

Several years ago, city officials estimated that it would cost at least \$58 billion to prevent all overflows. "Even an expenditure of that magnitude would not result in every part of a river or bay surrounding the city achieving water quality that is suitable for swimming," the department wrote. "It would, however, increase the average N.Y.C. water and sewer bill by 80 percent."

The E.P.A., concerned about the risks of overflowing sewers, issued a national framework in 1994 to control overflows, including making sure that pipes are designed so they do not easily become plugged by debris and warning the public when overflows occur. In 2000, Congress amended the Clean Water Act to crack down on overflows.

But in hundreds of places, sewer systems remain out of compliance with that framework or the Clean Water Act, which regulates most pollution discharges to waterways. And the burdens on sewer systems are growing as cities become larger and, in some areas, rainstorms become more frequent and fierce.

New York's system, for instance, was designed to accommodate a so-called five-year storm - a rainfall so extreme that it is expected to occur, on average, only twice a decade. But in 2007 alone, the city experienced three 25-year storms, according to city officials - storms so strong they would be expected only four times each century.

"When you get five inches of rain in 30 minutes, it's like Thanksgiving Day traffic on a two-lane bridge in the sewer pipes," said James Roberts, deputy commissioner of the city's Department of Environmental Protection.

#### Government's Response

To combat these shifts, some cities are encouraging sewer-friendly development. New York, for instance, has instituted zoning laws requiring new parking lots to include landscaped areas to absorb rainwater, established a tax credit for roofs with absorbent vegetation and begun to use millions of dollars for environmentally friendly infrastructure projects.

Philadelphia has announced it will spend \$1.6 billion over 20 years to build rain gardens and sidewalks of porous pavement and to plant thousands of trees.

But unless cities require private developers to build in ways that minimize runoff, the volume of rain flowing into sewers is likely to grow, environmentalists say.

The only real solution, say many lawmakers and water advocates, is extensive new spending on sewer systems largely ignored for decades. As much as \$400 billion in extra spending is needed over the next decade to fix the nation's sewer infrastructure, according to estimates by the E.P.A. and the Government Accountability Office.

Legislation under consideration on Capitol Hill contains millions in water infrastructure grants, and the stimulus bill passed this year set aside \$6 billion to improve sewers and other water systems.

But that money is only a small fraction of what is needed, officials say. And over the last two decades, federal money for such programs has fallen by 70 percent, according to the New York State Department of Environmental Conservation, which estimates that a quarter of the state's sewage and wastewater treatment plants are "using outmoded, inadequate technology."

"The public has no clue how important these sewage plants are," said Mr. Connaughton of the Brooklyn site. "Waterborne disease was the scourge of mankind for centuries. These plants stopped that. We're doing everything we can to clean as much sewage as possible, but sometimes, that isn't enough."

**Adora Andy/DC/USEPA/US**

10/13/2009 08:09 PM

To "Richard Windsor", "Seth Oster", "Allyn Brooks-LaSure",  
"Diane Thompson", "Bob Sussman", Lisa Heinzerling, "David  
McIntosh"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats"

bcc

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



**Adora Andy/DC/USEPA/US**

12/02/2009 04:04 PM

To "Richard Windsor", "Seth Oster", "Allyn Brooks-LaSure", "Diane Thompson", "Bob Sussman", "Bob Perciasepe", "Gina McCarthy", Lisa Heinzerling, "David McIntosh", "Arvin Ganesan"

cc "Brendan Gilfillan", "Betsaida Alcantara"

bcc

Subject WSJ: Obama Science Adviser Urges Climate Action Amid Uproar

DECEMBER 2, 2009, 3:20 P.M. ET

Obama Science Adviser Urges Climate Action Amid Uproar

By STEPHEN POWER

WASHINGTON - President Barack Obama's top science adviser urged lawmakers to act to curb emissions of greenhouse gases, despite the uproar over emails in which some prominent climate scientists appeared to advocate squelching the views of researchers skeptical that human activity is driving a dangerous rise in global temperatures.

The adviser, John Holdren, said scientists generally are capable of defensiveness, bias and "misbehavior." But he said the meaning of some of the statements in the emails isn't clear, and that the significance of others has been exaggerated.

Human activity is "beyond any reasonable doubt" the primary cause of warming temperatures, Mr. Holdren said.

Mr. Holdren's comments drew a unanimously supportive response from Democrats and unanimous skepticism from Republicans, some of whom called for a congressional inquiry into the dispute over the integrity of climate science.

Proposed legislation that would impose caps on U.S. emissions of carbon dioxide and other gases linked to climate change is stalled in the Senate, where Democratic leaders have said they don't plan to act on the measure until next spring. The proposal would require businesses to buy pollution permits and set up a system to trade those emissions rights.

The bill's future is uncertain because of strong opposition from Republicans and many Democrats. Mr. Obama has said he will offer to commit the U.S. to cutting overall greenhouse-gas emissions when he stops at the United Nations climate summit in Copenhagen next week. But Mr. Obama can't deliver on that promise without congressional approval.

The hearing by the House Select Committee on Energy Independence and Global Warming at times resembled a science lecture, with an administration official pouring frozen carbon dioxide into a glass of water to demonstrate how carbon dioxide acidifies the world's oceans.

Supporters of emissions caps said the controversy over the behavior of prominent climate researchers doesn't undercut the scientific rationale for action. Meanwhile, opponents of such caps said the foundations of the case for man-made global warming are in question because of the disclosures from thousands of emails from the University of East Anglia's Climate Research Unit. The emails suggest that prominent climate researchers sought to disguise certain discrepancies in their data showing a trend of rising global temperatures and attack those who disagreed with their views.

"However this controversy comes out, the result will not call into question the bulk of our understanding of how the climate works or how humans affect it," said Mr. Holdren, director of the Office of Science and Technology Policy. He agreed it is important to "get to the bottom of" the emails' meaning, but emphasized that the vast majority of scientists who have studied climate change agree that failure to act

promptly to curb emissions of heat-trapping gases is "overwhelmingly likely" to lead to extreme and damaging impacts on the planet.

His comments were challenged by Rep. James Sensenbrenner, a Wisconsin Republican who said the emails "at worst" suggest "a massive scientific international fraud."

"We're being asked as a Congress to make major changes in American society in energy use," he said. "The scientists may be able to change their story and do more research, but once Congress passes a law, it will be as difficult to undo the consequences of that law as putting milk back in the cow."

Lawmakers supportive of capping emissions suggested that Republicans were latching onto the emails as a way of deflecting attention from evidence that human activity is damaging the planet.

The panel's chairman, Rep. Edward Markey (D., Mass.), cited a 2001 report by the National Academy of Sciences - a study requested by then-President George W. Bush - that said "global warming could well have serious adverse societal and ecological impacts by the end of the century."

The hearing at times focused on data showing that the Earth has cooled in recent years.

Mr. Holdren and Jane Lubchenco, administrator of the National Oceanic and Atmospheric Administration, said such temperature dips were natural fluctuations. The 10 warmest years recorded since 1880 have all occurred within the past 12 years, they said. They added that the U.S. average temperature has risen more than two degrees Fahrenheit over the past 50 years and is projected to rise more.

Rep. Candice Miller (R., Mich.) said she was persuaded that temperatures are rising, but expressed uncertainty over whether such changes can be blamed primarily on human activity. She said the emails from the British lab showed that "anyone who questions the ideology...that man is creating all this" is immediately derided as someone indifferent to the fate of the world.

"These emails are an embarrassment on the brink of Copenhagen," she said.

Wednesday's hearing came a day after Phil Jones, a British scientist at the heart of the email controversy, temporarily stepped down as director of the Climate Research Unit amid an internal probe.

In a joint letter Wednesday, four Republican lawmakers urged the Environmental Protection Agency to withdraw its proposed finding that greenhouse-gas emissions from vehicles endanger human health, saying that the hacked emails raise questions about the science behind the Intergovernmental Panel on Climate Change reports that form the basis for the EPA ruling.

The four lawmakers, two congressmen and two senators, urged the EPA to withdraw the proposed endangerment finding "until the agency can demonstrate the science underlying these regulatory decisions has not been compromised." The EPA didn't immediately respond to a request for comment.

Write to Stephen Power at [stephen.power@wsj.com](mailto:stephen.power@wsj.com)

**Adora Andy/DC/USEPA/US**

07/11/2011 07:20 AM

To "Scott Fulton", "Daniel Kanninen", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Arvin Ganesan", Sarah Pallone

cc "Stephanie Owens", "Shira Sternberg", "Alisha Johnson", "Dru Ealons", "Brendan Gilfillan", "Betsaida Alcantara", "Andra Belknap", "Michael Moats", "Vicki Ekstrom", "Seth Oster"

bcc

Subject St. Pete Times: Republicans take dead aim on EPA

[REDACTED]

Appeared in: St. Petersburg Times and Pocono Record

Republicans take dead aim on EPA

By Robyn Blumner

July 11, 2011 12:00 AM

The best way to appreciate the benefits of environmental regulation is to travel internationally. I don't mean to First World cities like Toronto or Paris but to places where government is unable or unwilling to rein in polluters.

When I was in Beijing about 10 years ago, travelers could expect days of thick smog and locals sporting facemasks to protect their lungs. What I saw in Lagos, Nigeria, were waterways piled high with garbage, while children played nearby. And the tap water? Don't even brush your teeth with it. In my experience, anywhere pollution was allowed to exist, it did, ruining the outdoors, not to mention the health of human beings.

But in America we have the Environmental Protection Agency.

Yes, the EPA, the great "Job-Killing Organization of America" as Republican presidential candidate Michele Bachmann dubbed it. She'd repeal it if she could. So would former House Speaker Newt Gingrich, another GOP presidential hopeful, who would replace it with the "Environmental Solutions Agency," that would work cooperatively with industry. Because that's worked so well in the past.

The EPA is under assault right now by Republicans on the campaign trail as well as in Congress. Last week, House Republicans outlined new cuts they will seek, representing an 18 percent reduction from current spending. EPA administrator Lisa Jackson has been called before a congressional energy subcommittee to be pilloried by its chairman Rep. Edward Whitfield, R-Ky. She's a Republican punching bag.

There is a fever pitch of hysteria coming from conservatives against a host of regulations that would tighten rules on harmful emissions from coal-burning power plants, mining operations and vehicles. The new rules are needed in light of the latest scientific data on the dangers posed to human health by various pollutants. Even former Republican EPA administrators, William Ruckelshaus and Christine Todd Whitman, have been publicly defending the Obama administration's efforts, including on the regulation of greenhouse gas emissions.

But current congressional Republicans, representing their industry donors and climate-change deniers, are in full-attack mode. As always, the science is irrelevant, and when profits are at risk, so is human health.

What a far cry from the bipartisanship that surrounded the EPA's beginnings in 1970, when Republican President Richard Nixon established it. That year, a Democratic controlled Congress passed the Clean Air Act by a vote of 73-to-0 in the Senate, and 374-to-1 in the House. Everyone understood that the time

had come to put the Earth first.

America desperately needed heavy-handed, top-down environmental regulation. As Ruckelshaus and Whitman noted in a Washington Post op-ed, air in major cities was so smog-filled that Bob Hope joked, "I don't trust air I can't see." The Cuyahoga River in Cleveland, Ohio, caught fire in 1969, and Lake Erie was declared dead a year later.

Obviously, the concept of leaving industry to police itself was an unmitigated failure. Even free market proponents realized that, without government-imposed pollution controls, businesses won't invest in clean technologies since they'd be at a competitive disadvantage. The state-by-state approach didn't work either. Powerful industries simply co-opted local politicians.

Last year marked the EPA's 40th anniversary. A report card issued by the nonpartisan Aspen Institute highlighted 10 ways the agency has strengthened America. These include removing lead from gasoline, as well as from the air, controlling car emissions, managing toxic chemicals such as DDT and asbestos, and cleaning the water. We all live stunningly better lives due to the agency's work.

But there are signs that the Obama EPA is bowing to the constant haranguing. In Florida, the agency just dropped its years-long effort to establish clean water standards for the state's waterways, leaving it to the state to police nutrient runoff from farms and industrial plants. The backward lesson is, create enough of a ruckus over cost, and polluters win.

And around the world, when polluters win, life is miserable. In China, thousands of villagers and their children suffer from exposure to lead released from nearby factories. Without a robust government regulator, it can happen here, too. Again.

You can respond to Robyn's column at [blumner@sptimes.com](mailto:blumner@sptimes.com)

Adora Andy/DC/USEPA/US

07/28/2010 06:05 PM

To "Scott Fulton", "Gina McCarthy", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"

cc

bcc

Subject The Raw Story: White House hailed for ending climate gag order

<http://rawstory.com/rs/2010/0728/epa-agreement-whistleblower-victory/>

The Raw Story: White House hailed for ending climate gag order

By Muriel Kane

July 28, 2010

An agreement by the Environmental Protection Agency that it will drop a policy under which it had sought to prevent two of its attorneys from speaking out against cap-and-trade legislation is being hailed as a victory for free speech and the rights of whistleblowers.

The dispute began as the result of an effort by two EPA attorneys, Laurie Williams and Allan Zabel, to argue that cap-and-trade is not only inadequate as a solution to climate change but potentially counterproductive.

The EPA ordered Williams and Zabel last fall to take down a YouTube video in which they made their case and to receive prior approval for any future written publications. They appealed to the Obama administration for support, and the staff of the White House Ethics Counsel worked out new guidelines which guarantee the right of free speech for government agency employees.

William and Zabel had begun arguing against cap-and-trade as early as 2008, when they sent an open letter to members of Congress stating that "attempting to address climate change through a cap-and-trade approach alone ... is an inefficient and ineffective strategy to address the most pressing problem of our time."

The husband-and-wife couple suggested that the only workable alternative was "escalating carbon fees on all fossil fuels at the point of importation or extraction," along with "a ban on new coal-fired power plants without effective carbon sequestration."

Last October, after the House of Representatives had passed a climate change bill -- the counterpart to which has since stalled in the Senate -- Williams and Zabel posted a video on YouTube titled "The Huge Mistake," which described the problems they saw in the legislation.

On October 31, they followed this up with an op-ed for the Washington Post charging that both bills were fatally flawed by their reliance on a combination of cap-and-trade and carbon offsets, which meant they "would undermine even their weak emissions-reduction targets and would lock in climate degradation."

At that point, the EPA took action against the two employees, whom it saw as violating conflict of interest rules by exploiting their official positions for personal advantage. Even though they had received advance clearance to post the video and had made it clear they were expressing only their own opinions, they were ordered to take it down or face "disciplinary action." They were also told to edit out all references to their experience as EPA attorneys and obtain prior approval of any "outside writing activity" in the future.

The apparent censorship raised a firestorm in environmental circles. One environmental law blog suggested that Williams and Zabel must be "wondering if their message is cutting through the smoke of whether they are being 'silenced' by the EPA and showing how the Obama Administration is no different from any other administration in muzzling differing opinions about policy issues."

Rather than filing a lawsuit, however, the two appealed to the Obama administration for support, and the staff of White House Ethics Counsel Norm Eisen began discussions with EPA officials. This led to the Office of Government Ethics issuing a guideline for all government agencies stating that employees have a First Amendment right to speak freely, as long as they make it clear they are expressing their own views and not those of the government.

The Government Accountability Project, which had represented the two attorneys, sent a letter (pdf) of thanks this week to President Obama, saying that the new interpretation "will make a real difference for employees throughout government. ... For decades, manipulation of ethics rules has been a highly effective tactic to silence or punish whistleblowers."

"Equally significantly," the letter continues, "the Special Counsel also convinced the EPA to implement the anti-gag statute, which requires agencies explicitly to qualify free speech restrictions by disclosing that they do not apply to the Whistleblower Protection Act or communications with Congress. EPA has refused to implement this basic transparency law for 22 years."

William and Zabel have now celebrated their new-found freedom by issuing a paper (pdf) titled "Disclosure of Unfixable Flaws of Greenhouse Gas Offsets in Proposed U.S. Climate Legislation" that calls for a Congressional investigation of the financial hazards of carbon offsets.

As summarized by SourceWatch, the paper argues that "the complexity and subjectivity of carbon offsets renders them impossible to certify, regulate or enforce," meaning that they are likely to become "a new 'creative financial instrument' which carries the same deceptive potential to bankrupt markets as did the creative instruments peddled on Wall Street."

This video was posted to YouTube by Laurie Williams and Allan Zabel on November 13, 2009  
(INCLUDES LINK TO VIDEO)

**Adora Andy/DC/USEPA/US**

02/23/2010 11:02 AM

To "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", "David McIntosh", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "Richard Windsor"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Michael Moats", "Stephanie Owens"

bcc

Subject Inhofe to EPA Administrator: I really do like you

NewsOK.com (blog)

Inhofe to EPA Administrator: I really do like you

Sen. Jim Inhofe, R-Tulsa, Congress' leading skeptic of man-made global warming, kicked off his statement today about the Environmental Protection Agency's budget by telling EPA administrator Lisa Jackson, "I really do like you."

He also praised her for focusing attention on the huge pollution site in northeastern Oklahoma called Tar Creek.

Then, however, he proceeded to criticize the science of global warming, saying it had been cooked and shouldn't have been used by the EPA to formulate a rule on reducing greenhouse gas emissions.

Inhofe's comments came at a hearing of the Environment and Public Works Committee. Inhofe is the top Republican on the panel.

Inhofe, famous for using the word "hoax" in relation to global warming, used it again today.

Sen. Barbara Boxer, D-Calif., the chairman of the committee, mentioned in her opening statement the igloo built by Inhofe's family members in Washington during the snow storm of two weeks ago. At the same time the igloo was being built \_ and tagged by Inhofe's grandchildren as Al Gore's new home \_ Brazil was suffering from record heat and Olympics organizers in Vancouver were trucking in snow, Boxer said.

"I don't claim that any of these events proves or disproves climate change," Boxer said. She said the proof is in longer range statistics, such as this: the last decade was the hottest on record since records began being kept 130 years ago.

The hearing on the EPA's budget, which should be a routine annual exercise, is this year a fight over climate change and the agency's efforts on that front.

**Adora Andy/DC/USEPA/US**  
10/30/2009 05:39 PM

To "Seth Oster", "Allyn Brooks-LaSure", "Richard Windsor",  
"Peter Silva"  
cc "Bob Sussman"  
bcc

Subject Associated Press of mining protestors at EPA today

Bonnie Piper

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

**From:** Bonnie Piper  
**Sent:** 10/30/2009 05:25 PM EDT  
**To:** Michael Thiem; Roxanne Smith; Betsaida Alcantara; Brendan Gilfillan;  
Adora Andy; Stephanie Owens  
**Cc:** Gregory Peck; Bob Sussman  
**Subject:** Associated Press of mining protestors at EPA today

## **Mining protestors sit 4 hours in EPA headquarters**

Published online on Friday, Oct. 30, 2009

By **VICKI SMITH**

- Associated Press Writer

MORGANTOWN, W.Va. Thirteen activists demanding the end of mountaintop removal mining in Appalachia staged a nearly four-hour sit-in at Environmental Protection Agency headquarters in Washington, D.C., but left the building without incident Friday.

Some 75 activists with Mountain Justice, Rainforest Action Network and other groups rallied outside that building while others held protests across the country, from California to Maine. Their targets included regional EPA offices and JPMorgan & Chase Co., a bank environmentalists say is the biggest financier of the destructive form of strip mining.

The Washington sit-in began about 11:30 a.m. and ended after police indicated they were prepared to make arrests.

"We didn't want them to spend the weekend in jail, so we sent people in and they agreed that they proved their point, and they left voluntarily," said Chuck Nelson, a disabled underground coal miner from Glen Daniel who said the protests had generated media coverage of the cause. "We accomplished what we came here for."

The protesters were disappointed they could not hand-deliver a letter to EPA Administrator Lisa Jackson, who was not in the building. Nelson said they ultimately delivered it to a staff member.

EPA spokeswoman Betsaida Alcantara issued a statement saying the agency respects the concerns and understands "the high emotions felt by many Americans."



Under Jackson's leadership, she said, EPA has worked with other federal agencies to take "unprecedented actions within the scope of the law ... to ensure the safety and health of mining communities."

"We welcome and seek the voices of all Americans, and look to them to guide our efforts to protect health and the environment," she said.

It was the environmentalists' third attempt at a national protest since June, and evidence they believe the tide is turning in their favor under the Obama administration.

"The end of mountaintop removal is almost here," declares the Rainforest Action Network on its Web site. "Political and financial decision-makers in New York, Washington D.C. and across the country continue to hear our message."

Chris Hamilton, vice president of the West Virginia Coal Association, was out of the office Friday and did not immediately return a telephone message. Nor did Bill Caylor, president of the Kentucky Coal Association. Officials at JPMorgan & Chase Co. did not comment on being a planned target of the protests.

Mountaintop removal is a form of strip mining that blasts apart ridge tops to expose multiple coal seams. Operators level off the peaks, then dump rock and debris into valleys, often covering intermittent streams and changing the contour of the land.

Coal operators say it's often the most efficient and sometimes the only way to get to reserves, but many people who live near the mines say they suffer unacceptable damage to the environment and their homes.

Federal regulators are "starting to look at scientific evidence showing what filling in the streams and valleys does to our headwaters, to the whole ecosystem," Nelson said. "But we need to stress to the EPA that they need to make a decision soon because the longer this goes on, the more danger they're putting us in."

The EPA recently revoked a permit for what could have been West Virginia's largest mountaintop removal operation, citing "very serious concerns" about possible Clean Water Act violations. It was the first time since 1972 the agency had used its authority to review a previously permitted project.

Two weeks ago, unruly pro-coal crowds took over what were intended to be public hearings in Kentucky and West Virginia on an Army Corps of Engineers proposal to suspend or end a streamlined permitting process for mountaintop removal mines. They shouted down and intimidated the few environmentalists who showed up to support individual reviews of operations.

"The threats are becoming more intense because they're uncertain what the future holds for them," Nelson said. EPA administrators "need to make a quick decision about what is and what is not going to be allowed."

Bonnie Piper  
Liaison to Environmental Organizations  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460  
Office: 202 564-7836  
Email: [piper.bonnie@epa.gov](mailto:piper.bonnie@epa.gov)

**Adora Andy/DC/USEPA/US**

06/02/2011 12:01 AM

To "Seth Oster", "Richard Windsor"

cc "Brendan Gilfillan", "Betsaida Alcantara"

bcc

Subject Re: Colbert

Kennedy says mtm is illegal. He called Massey Coal a criminal enterprise.

Colbert said, "if these poor people don't want their mountains blown up, why don't these poor people just hire lobbyists."

Kennedy: "...they've corrupted the legal system, they've corrupted the judges.."

No talk of EPA

Adora Andy

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

**From:** Adora Andy

**Sent:** 06/01/2011 11:56 PM EDT

**To:** "Seth Oster" <oster.seth@epa.gov>; "Richard Windsor" <windsor.richard@epa.gov>

**Cc:** "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>

**Subject:** Colbert

Has Bobby Kennedy on talking about the mtm documentary The Last Mountain.

**Adora Andy/DC/USEPA/US**

04/05/2010 09:28 PM

To "Vicki Ekstrom", "Betsaida Alcantara", "Brendan Gilfillan", "Alisha Johnson", "Michael Moats", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Allyn Brooks-LaSure", "Arvin Ganesan", "Stephanie Owens"

cc

bcc

Subject UPDATE: BREAKING NEWS: WV Mining Accident

From Ken Ward's blog:

7 dead, 19 still missing in W.Va. mine disaster

April 5, 2010 by Ken Ward Jr.

Emergency vehicles leave the entrance to Massey Energy's Upper Big Branch Coal Mine Monday, April 5, 2010 in Montcoal, W.Va. after an explosion at the underground coal mine. (AP Photo/Jeff Gentner)

Here's the terrible news from Massey Energy CEO Don Blankenship:

"It is with a heavy heart that Massey Energy confirms at this hour 7 dead and 19 miners unaccounted for. However, until we are able to notify next-of-kin, we will not release their names.

"Our top priority is the safety of our miners and the well-being of their families. We are working diligently on rescue efforts and continue to partner with all of the appropriate agencies.

"Our prayers go out to the families of the miners. We want to assure the families of all the miners we are taking every action possible to locate and rescue those still missing," said Blankenship.

We'll be updating this story on the Gazette's Web site, and I'll be blogging as time allows.

Adora Andy

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

**From:** Adora Andy

**Sent:** 04/05/2010 09:20 PM EDT

**To:** Vicki Ekstrom; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Alisha Johnson; Michael Moats; "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

**Subject:** BREAKING NEWS: WV Mining Accident

-Massey underground mine

-Several miners trapped

-Some dead

-Will update soon

Al Armendariz/R6/USEPA/US

07/07/2011 06:41 PM

To windsor.richard, Oster.Seth

cc gray.david

bcc

Subject AP article about impact to Texas

<http://finance.yahoo.com/news/EPA-requires-Texas-power-apf-1056721003.html?x=0>

## EPA requires Texas power plants to lower pollution

Ramit Plushnick-Masti, Associated Press, On Thursday July 7, 2011, 5:05 pm EDT

HOUSTON (AP) -- Texas power plants will have to significantly reduce ozone- and acid-rain causing pollution under new federal rules, a move that could further increase tensions between the state and the U.S. Environmental Protection Agency just as Republican Gov. Rick Perry considers a presidential run.

The long-running battle between Texas and the EPA evolved from one over environmental regulation into a tiff over states' rights. During his recent gubernatorial campaign, Perry often used the federal agency's rule-making as an example of the Obama administration meddling in state affairs.

The rules announced Thursday will require Texas plants to significantly reduce smog and acid-rain causing pollutants beginning next year. Texas had already opposed an initial, weaker proposal, so the more stringent rules angered local regulators, lawmakers and the Perry administration.

Texas argues that the new rules would require massive improvements to old power plants, changes that would end up costing consumers more money. The Texas Commission on Environmental Quality, the state's regulatory agency, also questions the science upon which the EPA has built its rules.

"Today's EPA announcement is another example of heavy-handed and misguided action from Washington, D.C., that threatens Texas jobs and families and puts at risk the reliable and affordable electricity our state needs to succeed," Perry said in a statement.

Perry, who has kept up a busy travel schedule and attacks on Washington as he considers a run for the White House, said the Obama administration seems intent on increasing energy costs for consumers and making Americans more dependent on foreign energy.

"Texas will keep standing up to this destructive federal overreach, and working to enhance environmental protection and domestic energy exploration and production," he added.

The idea behind the rule is to reduce airborne pollution that crosses state lines and combines with locally produced pollution, making it difficult -- and even impossible sometimes -- for states to comply with federal regulations. Texas is one of 27 states that will have to reduce both smog and acid-rain causing pollutants, namely sulfur dioxide and nitrogen oxide.

Texas has 19 coal-fired power plants, more than any other state. Faced with a looming population boom that could double the number of state residents in the next 20 years, Texas plans to build nine more such plants.

Al Armendariz, the EPA administrator who oversees Texas, says Texas pollution is harming Illinois, Michigan and Louisiana. At the same time, pollution transported from Louisiana, Arkansas, Oklahoma and Missouri harms residents in the Lone Star State. Armendariz said the rule is aimed at helping all residents, and the EPA believes it will prevent between 670 and 1,700 premature deaths in Texas alone. Nationally, the EPA believes the rules will reduce sulfur dioxide emissions by 73 percent by 2014 compared to 2005 levels, and bring down nitrogen oxide pollution by 54 percent.

The EPA also said its cost analysis found even the oldest plants have a variety of options available that would not result in significant cost increases to consumers. Armendariz said the power plants can look at using lower-sulfur coals or installing "scrubbers," emission-reducing equipment.

"There are cost-effective compliance options for the power plants that are achievable without reductions in reliability and without significant costs to consumers," Armendariz said.

The Texas Commission on Environmental Quality, though, believes the rules "will result in significant increases in the cost of power as well as curtailment or shutdowns of existing coal-fired plants in Texas." It said other sources of electricity will not compensate for that, especially given the January compliance date. The agency also insisted pollution from power plants in Texas do not harm other downwind states.

Neil Carman, a chemist with the Sierra Club's Lone Star chapter, believes the new rules could be an opportunity for Texas to move away from "old" energy and replace the heavy polluters with wind and solar energy.

"They're just like old cars, you can't run them forever," Carman said of the older coal-fired plants. "They're very expensive ... so you need to look at other options."

Already, one plant in Texas -- Deely -- announced in June that it would shut down a coal-fired facility that has been supplying electricity to San Antonio since the 1970s. The operators of the plant said it was not cost-efficient to install \$550 million scrubbers, and found it would be wiser to invest in alternative energy sources.

The Lower Colorado River Authority, however, which serves the Austin area, said it has already invested millions in its natural gas and coal-fired plants in an attempt to reduce pollution, including installing scrubbers that will reduce by 95 percent sulfur dioxide emissions from a coal-fired power plant. Clara Tuma, a spokeswoman with the LCRA, said in an email that the company believes it will be in compliance with the new EPA rules.

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Al Armendariz  
Regional Administrator  
Environmental Protection Agency  
Region 6  
Dallas, Texas  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

Al Armendariz/R6/USEPA/US  
04/14/2012 11:49 AM

To "Elworth, Larry", "McCarthy, Gina", "Windsor, Richard", Bob Perciasepe, "Sussman, Bob", "Brooks, Karl"  
cc  
bcc  
Subject Very thoughtful piece about climate change and ag: -- American Corn Growers Association - June bugs in March give this farmer pause:

Fyi.  
Al

Recent reports urge adaptation to a new environment

Tilden, Neb., April 6, 2012.

Keith Dittrich is a corn and soybean farmer in Tilden, Neb. He is a co-chairman of the board of the American Corn Growers Institute for Public Policy.

On the last day of March, I sat on our patio after another spectacularly warm day, enjoying all the flowering trees. Towards evening, I heard the buzz, and a cat scrambled to catch the June bug that crash landed on the floor. June bugs in March in Nebraska? Next day, on a trail ride across the scenic--though dry--grasslands near Ashfall Fossil Beds north of our farm, I saw grasshoppers flying on the first of April (my birthday). Was this April fool baby just seeing things?

The ride was in remembrance of my twin sister, Denise Dittrich, taken almost a year ago by a cruel cancer. She worked in our nation's capital, where she pressed for regulatory changes to avert the impending banking crisis years before it happened. She was very wise, able to think clearly about the long-term effects of short-term actions, and to accurately predict when short-term gain or unwillingness to face facts resulted in longterm pain.

From a farmer's perspective, what causes me anxiety is that we have been fooled into complacency about risks to our economy and environment. What happens if the climate change naysayers are wrong, and even those who warn of risks have underestimated the seriousness of the situation?

The old timers say they have never seen a winter and spring like they have this year. I am no scientist, and neither are the old-timers with whom I have spoken. But I do have an open mind and I do read what the experts say about our earth's climate. In my business, I use experts all the time to assist me in making good choices about what to plant, how to fertilize and when to market. Why not use the experts for longer term weather risks? Typically farmers laugh at weather forecasters since we live the weather and know the forecasts certainly don't always come true. And how can forecasters predict accurately if historic patterns are mutating?

But recent news on climate change comes from unimpeachable sources such as the International Energy Agency and the United Nations. The IEA says that our earth could warm by 3.5 degrees Celsius/6.3 degrees Fahrenheit by 2035. The UN is encouraging countries to prepare to adapt to rapidly changing weather patterns--an expected increase in heat waves, more intense rains and floods, and a probable rise in the intensity of droughts. According to a recent article, reports that current weather is highly likely caused by increased CO2 levels in the atmosphere [accessed March 30, 2012 <http://readersupportednews.org/news-section2/312-16/10620-earth-sends-climate-warning-by-busting-world-heat-records>].

On this farm we have moved from asking why this is happening, why doesn't everyone agree, and why the weathermen can't get it right. Today we're asking how. How are we going to deal with the effects of a changing climate on our farm, how early do we plant, how do we manage our risks and market our

crops? How are we going to help the rest of our world survive in a changing environment and mitigate the changes that are taking place long-term? Cumulatively, how are we going to protect our farms, our livestock, our productive capacity, and our families in the decades to come?

Farmers' endless optimism sometimes gets in the way. Years of struggle, ups and downs, and we start to believe that things have a way of working out. But ask the folks near the Missouri or Mississippi Rivers, who dealt with the 300 year floods last year, their thoughts now. Ask the rhinos buried at Ashfall Fossil Beds under 11 feet of ash eons ago how it worked out for them.

Keith Dittrich is a corn and soybean farmer in Tilden, Neb. He is a co-chairman of the board of the American Corn Growers Institute for Public Policy.

[http://www.acga.org/index.php?option=com\\_content&task=view&id=175&Itemid=42](http://www.acga.org/index.php?option=com_content&task=view&id=175&Itemid=42)

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Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz



**Al Armendariz/R6/USEPA/US**

03/17/2011 11:03 PM

To "Gina McCarthy", "Seth Oster", "Richard Windsor"

cc

bcc

Subject Mact rule story in Houston Chronicle

There is a nice story in the Houston Chronicle with a Texas perspective on the mact rule.

[http://mobile.chron.com/chron/db\\_40001\\_index.htm](http://mobile.chron.com/chron/db_40001_index.htm)

---

Al Armendariz  
Regional Administrator  
U.S. EPA  
Region 6  
armendariz.al@epa.gov  
office: 214-665-2100  
twitter: @al\_armendariz

Al Armendariz/R6/USEPA/US

07/10/2011 11:53 PM

To "McCarthy, Gina", "Anastas, Paul", "Oster, Seth", Brendan Gilfillan, "Windsor, Richard", "Sussman, Bob", "Perciasepe, Bob"

cc

bcc

Subject Houston Chronicle Op-Ed: "Texas is vulnerable to warming climate"

<http://www.chron.com/disp/story.mpl/editorial/outlook/7646498.html>

As you sit by the pool and sweat this summer, one book you should be reading is *The Impact of Global Warming on Texas* (University of Texas Press, June 2011, second edition). This book, written by a group of Texas academics, is a sober analysis of our state's vulnerability to climate change – and the things we can do about it.

It is a particularly appropriate read as we suffer through the hellish summer of 2011. While it is unknown exactly how much human activities are contributing to this summer's unpleasant weather, one lesson from the book is clear: Get used to it. The weather of the 21st century will be very much like the hot and dry weather of 2011. Giving extra credibility to this forecast is the fact that the weather extremes that we are presently experiencing were predicted in the first edition in 1995.

The changes in temperature and precipitation, along with rising sea levels, will leave no part of Texas unchanged. This includes both the natural landscape and the cities, the wildlife and important economic sectors, like agriculture. While climate change may be good for some parts of the globe (e.g., Siberia, northern Canada), Texas is most definitely not one of them. Rather, the vulnerability of Texas is more akin to that of the low-lying island states of the Pacific that are going to be inundated by sea-level rise over the coming century.

This makes the refusal of our leaders in Austin to take action on climate change that much more unfortunate.

There are few qualified atmospheric scientists who would argue with the assessment in the book. And there are none in Texas. Attempts over the last few years to stage a debate in Texas about the science of climate change have required flying a skeptic in from out of state.

In one case, they had to import one from Canada.

Yet despite the overwhelming agreement by scientific experts on these points, rancorous debate over policy remains. People are worried that policies to address climate change will hurt their standards of living.

But unchecked climate change will also cost them money. This summer, for example, Texans with air conditioning are paying quite a bit more for electricity to cool their houses than they have in the past. And while it has not hit yet, the impact of the summer weather will eventually lead to higher agricultural commodity prices.

Thus, there is no free lunch: Either we pay to reduce emissions of greenhouse gases or we pay for the impacts of a changing climate.

Economists have looked at this problem repeatedly over the last two decades and virtually every mainstream economist has concluded that the costs of reducing emissions are less than the costs of unchecked climate change - the only disagreement is on the optimal level of emissions reductions.

Given the uniformity of expert opinion that reductions of emissions make sense, why is the debate so polarized? Psychologists and other cognitive experts have found that disagreements over climate change are rooted not in disagreements over science or economics, but are instead rooted in views of the merits

of government action. Climate skeptics are almost uniformly distrustful of government action in society and are frightened that climate change will be used as a pretext to take away our individual liberties or interfere with the free market. This explains why every staunch climate skeptic I've ever met is also rabidly opposed to Obama's health care reform (a conclusion also backed by polling data).

The good news is that this points to a way to break the deadlock in the climate debate. First, we need to stop arguing about science.

The primary conclusions of mainstream climate science - that the Earth is presently warming, humans are very likely the cause of it, and future warmings may be significant - are all well established.

Rather, we need to focus on negotiating policies that both sides can agree with - policies that reduce emissions of greenhouse gases, but without unacceptable government intervention in the markets or control over our lives.

One idea recently floated by a former Republican congressman is that of a revenue-neutral carbon tax swap. The idea would be to put a tax on carbon, while at the same time reducing income taxes so that total revenue raised by taxes does not change.

Such a policy would cost the average family zero: Prices of carbon-intensive goods and services (i.e., electricity) would go up, but decreases in income taxes would offset that. At the same time, it provides a clear signal in the economy for people and companies to take actions to reduce their emissions.

Obviously, the devil is in the wonky details, and care must be exercised to ensure that any such policy is fair - e.g., accommodating those at the bottom of the economic ladder who pay no income tax.

Whatever policy we adopt, it should be soon. As this book points out, the longer we wait to begin reducing emissions, the more climate change Texas will experience. In this way, climate policy is like steering a supertanker - if we wait to start turning until we see the rocks, then we cannot avoid them. Rather, we need to realize that the rocks are out there - and start turning the ship now.

Andrew Dessler is a professor of atmospheric sciences at Texas A&M University in College Station.

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Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

Al Armendariz/R6/USEPA/US

03/29/2012 07:09 AM

To "McCarthy, Gina", "McCabe, Janet", "Sussman, Bob", Bob Perciasepe, Brendan Gilfillan, "Windsor, Richard"

cc

bcc

Subject Editorial Board: Proposed EPA caps make sense - Houston Chronicle

Nice. Al

Editorial: Proposed EPA caps make sense  
Copyright 2012: Houston Chronicle  
Updated 08:14 p.m., Wednesday, March 28, 2012

On Tuesday, the Environmental Protection Agency proposed its first-ever limits on greenhouse gas emissions from new power plants ("EPA pushes historic rules on new power plants," Page A6, Wednesday). As Chronicle reporter Puneet Kollipara wrote, while environmental groups are saying it's about time, industry groups have vowed a fight. With an economy fueled by the energy industry, Houston is especially sensitive to EPA rules, and we're wary of any overbearing regulation. But this new rule is anything but overbearing. It strikes a healthy balance, preventing future construction of the dirtiest coal plants while leaving room for natural gas and carbon-capture coal plants.

Opponents of this rule say that coal plants are necessary for cheap electricity. But the EPA rule doesn't ban coal entirely, nor does it affect already existing coal plants. Rather, it guarantees that if we are going to keep building coal plants, they need to be as clean as other energy sources we have.

And coal isn't as cheap as it may seem. It charges an additional cost in the form of destructive mining and dangerous pollution. Not to mention being a major source of climate-changing greenhouse gases. And power plants fueled by cheap natural gas, which emit about half as much carbon dioxide as coal, are well-positioned to fill the gap left by dirty coal plants.

Sen. James Inhofe, R-Okla., a ranking member of the Senate Environment and Public Works Committee, has said that he will try to kill this rule by forcing it to a simple majority vote in the Senate. If this happens, we urge Texas' senators to put the good of their state first and support this rule, which will help shift demand from coal to cleaner-burning natural gas - a key component of Texas' oil and gas industry.

We've written before about how leaders on both sides of the aisle need to expand the domestic market for natural gas ("A new energy drill," page B11, Sunday), and this rule is a step in that direction.

The EPA is ushering in the twilight age of dirty coal in America, while letting natural gas provide a bridge to a clean energy future.

<http://www.chron.com/opinion/editorials/article/Editorial-Proposed-EPA-caps-make-sense-3442402.php>

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Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

**Al Armendariz/R6/USEPA/US**

10/17/2011 02:00 PM

To "Windsor, Richard", Bob Perciasepe, "Giles, Cynthia"

cc "Oster, Seth", "Pallone, Sarah", "Starfield, Larry", John Blevins

bcc

Subject Extension sought from EPA | Home | The Advocate – Baton Rouge, LA

Hello Lisa,

Thought you might like to see the story below about your home state. The story describes a situation R6 enforcement is engaged in, which could down the road result in the City of Baton Rouge relocating about 50 families who live in really bad conditions that I've seen for myself. Lots of moving pieces and lots of work still to do, but perhaps a good news story will come of this in a few months.

Best,

Al

Extension sought from EPA  
By Rebekah allen  
Advocate staff writer

Since winning a court case against providing restitution to homeowners living around the smelly, fly infested North Baton Rouge Waste Water Treatment Plant, the city-parish has done an about face and now wants to buy them out.

City-parish officials have estimated that it could cost between \$4 million and \$5 million to buy 47 properties around University Place subdivision north of Southern University.

And after a recent visit, the U.S. Environmental Protection Agency has jumped on board by pressuring the city-parish to buyout the homeowners.

But the buyout is contingent on the EPA granting a deadline extension for the city-parish's federally mandated sewer improvements program, which is expected to be the source of the funds, said interim Public Works Director William Daniel.

The extension would free up money in the short term to fund the buyouts and upgrades at the plant, Daniel said.

Greg Mitchell, a spokesperson for the homeowners seeking damages, said he and others have been in touch with the EPA since the 16-year-old lawsuit ended in December 2010, when courts ruled the city-parish did not have to buy out or pay damages to the property owners - except to one homeowner.

Assistant Parish Attorney Bob Abbott said EPA officials visited Baton Rouge in July to discuss the North Baton Rouge Waste Water Treatment Plant with city-parish staff.

"They were talking about the odor and environmental justice," Abbott said. "They were talking to us about the (residents of University Place) and what we could do about that."

The Metro Council in April instructed city-parish staff to craft a buyout plan for the residents, even though the city-parish won the lawsuit.

Last month, the staff produced a draft of a plan that would buy 47 properties located adjacent to the treatment plant.

The exact cost of the plan is unknown until appraisals are conducted.

Abbott said the properties would be converted into a buffer zone surrounding the facility with a barrier of evergreen plants that would block and absorb the odors.

Daniel said the Sanitary Sewer Overflow program, which is funded through a half-cent sales tax and sewage user fees, has been identified as a funding source for the buyouts.

But if the EPA refuses to extend the deadline of the Sanitary Sewer Overflow program by three years, there will be no money to fund the buyout, Daniel said.

The sewer overflow program consists of \$1.8 billion worth of federally mandated projects to address Baton Rouge's crumbling sewer system.

The court-approved consent decree gives Baton Rouge until Dec. 31, 2014, to finish the sewer construction work that would keep sewage from polluting the environment and endangering the public health.

The three-year extension is something city-parish officials had asked for before the buyout program was being considered, Daniel said.

The consent decree was put in place in 2002, and work began to build an expensive, deep tunnel system beneath the current sewer system that would collect overflowing rainwater and sewage.

But in 2006, under Mayor-President Kip Holden's administration, the Public Works Department opted to change course and address sewer improvements by fixing the existing pipe system, Daniel said.

That late change has cost the parish valuable time, Daniel said.

He added that hurricanes Katrina, Rita and Gustav and the rising Mississippi River crisis earlier this year caused staff to be diverted and stalled construction work over the years, which has contributed to the need for an extension.

"It's a billion dollars of work to be done in a very short period of time," said Michael Ellis, CH2M Hill program manager who is overseeing the Sanitary Sewer Overflow project.

But even if the EPA rejects the extension, Ellis said, the city-parish will meet its deadline.

"Having the extension will give us flexibility on projects," Ellis said.

Daniel said the short turnaround for construction also means that the city-parish has to be more aggressive about borrowing money to fund construction, and the city-parish will be paying higher interest rates as a result.

An extension, Daniel said, would also allow the city-parish to fund upgrades to the treatment plant that are not included in the Sanitary Sewer Overflow program.

He said the EPA is aware that without the extension, the city-parish cannot fund the buyouts.

"What we proposed to EPA is that if you can extend part of the consent decree, that will give us the cash flow to smooth everything out, let local contractors back into the game," Daniel said. "We can (fund the buyout) and we can move up projects improving the north plant."

The EPA has not yet responded to the extension request, which was sent July 1.

Abbott said he does not know when the EPA will respond to the request.

Ellis said Baton Rouge has presented a "legitimate case" for getting the extension.

"EPA, in my opinion, looks at where you are, and we've already had a tremendous amount of progress," Ellis said. "We already have 91 percent of the program complete, under design or in construction. They understand that we're fully committed to proving we're moving forward with the consent decree."

<http://theadvocate.com/home/1096089-125/extension-sought-from-epa.html>

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Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

AI Armendariz/R6/USEPA/US

07/13/2011 10:00 PM

To "Windsor, Richard", "McCarthy, Gina", "McCabe, Janet",  
"Oster, Seth", "Perciasepe, Bob", "Sussman, Bob",  
"Thompson, Diane", "Andy, Adora"

cc

bcc

Subject Editorial: With new pollution rules, EPA tries to save Texas  
from itself | Dallas Morning News

A big bouquet of flowers for Gina and the Administrator, from the DMN ed board.

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Editorial: With new pollution rules, EPA tries to save Texas from itself

Published 13 July 2011 07:33 PM

For years, Texas has been in denial.

As the federal government was moving ahead with plans to reduce pollution, other states got busy readying for the long-promised regulations.

They began reducing emissions and contemplating a cleaner energy portfolio for the future.

Instead of preparing, Texas pouted.

State leaders lamented an imagined anti-Texas bias. They complained that our state shouldn't have to abide by the same clean-air standards that apply across the country. And they allowed industry to keep doing what it was doing: polluting our air.

Now, in a not-so-surprising move, the Environmental Protection Agency has finalized a new rule that will compel 27 states to cut smokestack emissions. The regulation targets coal-fired power plants and requires the reduction of sulfur dioxide, which contributes to soot and acid rain, and nitrogen oxide, a component of smog.

For the EPA, this is not merely an academic exercise or an elaborate plot to punish Texas. This is a matter of public health. Coal-fired plants spew pollutants that foul the air and poison lakes and forests.

There's a price tag attached to cutting emissions. But the EPA estimates that the billions of dollars saved by reducing the number of premature deaths, hospital visits and lost work days associated with respiratory illnesses will dwarf the cost of compliance.

In Texas, the rule should prevent more than 1,000 premature deaths each year, EPA officials said. That alone should be compelling to state leaders.

But so far, Gov. Rick Perry and others have offered only their standard-issue response: No fair.

Perry claims the rule threatens Texas jobs and families – a curious argument against a regulation that is expected to save lives and improve the quality of the air that millions of people breathe.

The EPA's announcement is particularly good news for smog-choked North Texas, which is in violation of federal ozone standards. When the rule takes effect in 2012, Texas power plants will be compelled to reduce emissions, as will plants in neighboring states that could be contributing to our pollution problem.

Texas is not alone in being subjected to these new regulations, which will reduce emissions that cross state lines. But thanks to Perry and other leaders who tried to wish these needed regulations away, our state is among the least prepared to comply.



Perry and others are right when they say Texas will struggle to ramp up quickly for the 2012 deadline. But that points to a lack of preparation – not an overly onerous rule.

Year after year, some of Texas' coal plants have been rated among the dirtiest in the country. But suggestions that the state should proactively address this issue before the EPA does have been met with angry blowback.

As it turns out, stamping our feet was not a winning strategy.

<http://www.dallasnews.com/opinion/editorials/20110713-editorial-with-new-pollution-rules-epa-tries-to-save-texas-from-itself.ece>

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Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

Al Armendariz/R6/USEPA/US

07/14/2011 03:43 PM

To "Windsor, Richard", "McCarthy, Gina", "Oster, Seth",  
"McCabe, Janet", "Sussman, Bob", "Perciasepe, Bob",  
"Thompson, Diane", "Alcantara, Betsaida", "Andy, Adora"

cc

bcc

Subject Houston Chronicle -- Blowing smoke: New EPA rulings on  
pollutant emissions make good sense | Editorial |

This makes both the ed boards of the two largest papers in the state. -- Al

Blowing smoke

New EPA rulings on pollutant emissions, opposed by Texas officials, make good sense.

HOUSTON CHRONICLE

July 13, 2011, 7:45PM

Last week, the Environmental Protection Agency issued a new ruling that requires 27 states, including Texas, to address pollution from dirty power plants that fouls the air in other states. It's a reasonable plan, one that will help Texans breathe cleaner air and will save lives and taxpayer dollars.

The ruling, as reported by the Chronicle's Matthew Tresaugue ("EPA air rule to affect Texas plants," Page B1, July 8), will require coal-fired power plants, the worst offenders, to be upgraded with modern equipment to reduce emissions of nitrogen oxide and sulfur dioxide. Combined with other initiatives, it will reduce sulfur dioxide emissions nationally by 73 percent from 2005 levels by 2014, and nitrogen oxide by 54 percent, according to the EPA.

But Texas officials, who have long feuded with the EPA, are screaming foul. Gov. Rick Perry responded to the ruling with the same language he has used for numerous federal initiatives – from health care to unemployment benefits, airport pat-downs to light bulbs: "... another example of heavy-handed and misguided action from Washington, D.C., that threatens Texas jobs and families.... Texas will keep standing up to this destructive federal overreach."

Bryan Shaw, chairman of the Texas Commission on Environmental Quality and another constant critic of the EPA, said in an opinion piece in the Chronicle Tuesday ("EPA decision will cost Texas jobs," Page B11) that the ruling will "cut Texas jobs" and "increase Texas energy costs," and will possibly cause "an increased incidence of heat stroke and heat stress" on the elderly in the hot Texas summer. U.S. Sen. John Cornyn, R-Texas, called it "outrageous," and said it would "adversely affect thousands of Texas job creators and electricity consumers."

But the EPA's projections are far from outrageous: They estimate that a typical family's electricity bill will increase by less than \$1 per month, and by 2014 the rule will prevent up to 34,000 premature deaths, 400,000 cases of aggravated asthma and 1.8 million sick days a year, saving up to \$280 billion annually in health costs. Those savings will far outweigh the projected \$800 million in annual costs to implement the new rule and the estimated \$1.6 billion annually to comply with a previous rule. And, according to EPA Administrator Lisa Jackson, the rule will also prevent from 670 to 1,700 premature deaths per year in Texas alone.

Texas power plants emit more nitrogen oxide than any other state, and are surpassed only by Ohio in emissions of sulfur dioxide, which causes acid rain and soot that can exacerbate asthma and cause respiratory illnesses. Coal-fired plants are the largest contributors to greenhouse gases, and we have 19 of them, more than any other state, and more to come in the next few years.

We're well aware that Perry is contemplating a presidential run, and that "federal overreach" plays well to some Texas voters, but clean air doesn't stop or start at the state line. Texas emissions pollute the air of other states, including Louisiana, Illinois and Michigan, but our Texas air is in turn polluted by emissions from at least 12 other states.

We're all in this together. So maybe it's time to start looking at ourselves as beneficiaries, not victims, of the EPA's efforts, and to cooperate instead of blowing smoke.

<http://www.chron.com/disp/story.mpl/editorial/7652357.html#ixzz1S5Y2Rojd>

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Al Armendariz  
Regional Administrator  
U.S. EPA - Region 6  
armendariz.al@epa.gov  
214-665-2100  
twitter: @al\_armendariz

**Alisha Johnson/DC/USEPA/US**

10/25/2011 11:43 AM

To Andra Belknap, Arvin Ganesan, Betsaida Alcantara, Brendan Gilfillan, David Bloomgren, Dru Ealons, Elizabeth Ashwell, Heidi Ellis, Laura Vaught, Michael Moats, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Owens, Vicki Ekstrom

cc

bcc

Subject GREENWIRE: Jackson praises new Colo. law as a model for creating jobs, curbing emissions

## **Jackson praises new Colo. law as a model for creating jobs, curbing emissions**

Greenwire

Monday, October 24, 2011

Jennifer Yachnin, E&E reporter

DENVER -- U.S. EPA Administrator Lisa Jackson suggested today that a Colorado legislative initiative to reduce air pollution could stand as a national example of how to bridge industry, environmental and government factions.

During a visit to Denver's National Jewish Hospital, Jackson took part in a panel discussion on the Centennial State's "Clean Air, Clean Jobs" legislation. Enacted in 2010, the measure aimed to reduce air pollution and cut emissions and required the conversion of some existing coal-powered energy plants to natural gas.

"I am an optimist that the environment is not a partisan issue," Jackson said during the panel.

Former Colorado Gov. Bill Ritter (D) moderated the sessions, which included representatives of the coalition that helped to craft the state law, including the Environmental Defense Fund and the Colorado Oil and Gas Association (coal companies were largely opposed to the measure).

Ritter, now the director of Colorado State University's Center for the New Energy Economy, emphasized the group's focus on pollution as a health issue to overcome traditional "fault lines" between industry and environmental groups.

"What happened in 2010 is a variety of stakeholders, many of which had been what we would call uncommon bedfellows, or at least stakeholder groups that didn't start with necessarily a trust for each other, but over a few-year period had begun to be at the same table," Ritter said. "And the players at the table developed a sense of trust that we were all looking at how we could look at a public health issue ... and divine sort of an energy bill."

Echoing the Obama administration's focus on job growth, Jackson praised the Colorado measure, noting that such an initiative in each of the 50 states would generate a total of 31,000 construction jobs and 9,000 energy-related jobs.

"I don't think it is an understatement to say state after state are facing those same sets of issues, and indeed our country is, on the national level," Jackson said. "But state leadership, at least right now, is going to be absolutely essential to ensuring that rather than withdrawing to our corners, we square up the shoulders, sit down and figure out how to come to a better place."

During her visit, Jackson also toured the National Jewish Hospital's Kunsberg School, a kindergarten-through-8th-grade facility for children with asthma and other medical needs.

**Alisha Johnson/DC/USEPA/US**

07/24/2011 08:49 PM

To Oster.Seth, Windsor.Richard, Andy.Adora, "Brendan Gilfillan", "Andra Belknap", "Dru Ealons", "Stephanie Owens", "Michael Moats"

cc

bcc

Subject LA Times (Green blog): EPA Chief Lisa Jackson speaks at NAACP convention in Los Angeles

EPA Chief Lisa Jackson speaks at NAACP convention in Los Angeles  
LA Times (Green blog)  
July 24, 2011 | 4:59 pm

U.S. Environmental Protection Agency Administrator Lisa Jackson spoke to the NAACP National Convention at the Los Angeles Convention Center on Sunday about the impact of pollution on minority communities, an issue that will be also be explored during a Monday afternoon panel: "The air we breathe: taking action against toxic exposures in African American communities" from 2 to 4 p.m.

Before her speech, Jackson spoke with The Times about her approach to environmental justice.

Q: What does environmental justice mean to you?

A: It is one of my priorities and I define it fairly broadly. The simplest way to describe it is it's really the unfinished business of the EPA; there are still communities in this country where there's a disproportionate collection of smokestacks and tailpipes. Those sources of pollution mean that the communities that live around them have more exposure to pollution than other communities. Since air blows and water flows you can't really clean up this nation's air and water without addressing those communities as well. We know about them and have really strong efforts underway in those communities, but I would like to see progress and the progress continue.

Q: What is being done to address pollution in minority communities?

A: You have to do it on a number of levels. Probably the one that is most germane here is air pollution. L.A. knows as well as anyone that air pollution is not just a problem for the environment, it's a public health threat. Dirty air means premature death. Dirty air means respiratory illnesses, most notable asthma, but a number of respiratory ailments that are made worse on bad air days, and we've had a lot of that this summer, although not here in lovely L.A.

We have a study, a peer reviewed study, that said \$2 trillion in healthcare costs saved from implementation of the Clean Air Act from 1990 to 2020. Usually that number stops people in their tracks. So implementing the Clean Air Act is not only because it's the right thing to do, it's to save lives, to make our children healthier and address issues for the elderly and people with health impairments.

For most Americans, though, the No. 1 environmental issue is water. We have about 92% of Americans have water that meets federal standards. That means 8% of Americans in this day and age do not. That's way too high. Those folks are concentrated on Indian land and along our border with Mexico and in rural areas of the country where people really struggle to meet federal standards. It's not acceptable for anybody not to have clean drinking water.

In the broader picture, the work we've done it's not just the water we drink -- it's the loss of wetlands, which is even more critical now. Besides the ecological benefits, they're also sponges. We see as the climate changes what's going to happen with flooding. Loss of wetlands makes us that much less able to deal with flooding.

Q: Are those minority issues -- not just clean air and water in urban areas but also wetland preservation?

A: Remember, I grew up in New Orleans. So I always tell people my mother, who never really understood much about the environment in terms of what I did, it really came home for her after Hurricane Katrina. It became very much widely known in the city that the loss of the wetlands south of the city had really contributed to the severity of the damage and the lives lost, the death toll, because the wetlands form a barrier for storm and dissipate some of their energy. There used to be miles and miles of wetlands that used to act as a first break, and they weren't there.

And remember that the most low-lying communities, the least desirable communities, are often the poorer communities -- the land on the other side of the tracks, the land down by the river -- was what was left, especially in parts of the South, for African Americans. So it's very much of an environmental justice issue. A lot of times people think well all you care about are salamanders and frogs. Well, we do, certainly, but we also care about them because they play such an important role in keeping people safe.

L.A. has done a lot of work to highlight the importance of doing work to deal with the corridors of transportation. Our country also historically has communities that are poorer next to major transportation arteries. The big sources of air pollution in our country are power plants and the way we get around, the way we move goods.

Q: The EPA recently granted California an extension until 2015 to meet the 1997 air quality standards--won't that have a disproportionate harmful impact on minority communities?

A: We believe that it's our job to oversee state programs. California has really strong programs compared to other places in this country, but they also have really big problems and challenges and have been a it a long time.

There's a couple reasons why more time makes good sense.

Cars are getting cleaner, due to President Obama's clean car deal. Fleets turn over. Cars will get even cleaner from 2017 to 2025.

Part of the reason you do that is because California has been a leader in making cars cleaner knowing that is a real key to getting air cleaner.

Trucks are getting cleaner. We're coming out soon with new standards for heavy-duty vehicles.

There are two things that EPA has done that I think will have a tremendous impact on communities around transportation corridors, including shipping.

Number one is that now there's 200 nautical miles around our nation's coastline [where] ships have to switch to low-sulfur fuel. With that single change, and we made it nationwide, and we are leading the efforts in the international maritime organization to make it worldwide, we estimate will save lives along all of our port cities. For example, here in California as far inland as Kansas because of how the wind blows from California across the country. It's called the emissions control area, or ECA. California had been trying to do it and it is now the standard.

The second thing is cleaner cars, which California had been pushing for and this president ordered us to look back at the California waiver and eventually grant it -- which means cleaner cars for California but also, I think, has led to a revitalization of the American car industry, because the American car industry is building cars that Americans want to buy but that are also very frugal in using gasoline.

There's more to do, without doubt. But I also think when you look at something like the ozone standard, setting the standard is important, but the way that standard is really going to play out here in California is in permitting decisions in power plants (California doesn't have any coal-fired powers, it's pretty clean), and in transportation.

Q: Another environmental justice issue here in California has been toxic landfills such as those in the towns of Kettleman City and Buttonwillow. Activists and residents there say they feel the EPA has failed to

address their complaints for the past 16 years and they have recently sued the EPA -- what can you tell us about EPA's response?

A: When we got in we did our own audit of our entire office of civil rights. We knew we had this backlog of a couple of dozen Title VI complaints under the EEO laws. That's only a small part of what was necessary to fix our office of civil rights. And I have committed the agency and feel very good about the fact that the agency is on the pathway to get to a robust office of civil rights that deals with external complaints in a timely manner and a fair manner.

The complaint was 16 years old when the Obama administration came to be. So, yes, we have recently had those activists sue. We were in negotiations with them and they chose to sue. We are going to continue talking to them about potential remedies and we're not going to stop working on the case. But certainly I respect their right in a democratic society to make that decision.

We are working on each and every one of those complaints [in the backlog]. We are working with the department of justice. And on the other side, I think we are well on the way to implementing environmental justice standards, we call them plan EJ 2014.

Our goal there is that environmental justice be part of every decision-making process at EPA -- when we're writing a rule, when we're doing enforcement -- to hopefully cut down on new claims in the future. I do think it is one of the failures of the EPA not to be able to do anything with those claims for such a long time. And I am committed to clearing the backlog. But just clearing the backlog will not solve the issue.

-- Molly Hennessy-Fiske

Photo: Lisa Jackson at the Los Angeles Convention Center Sunday as she prepared to address the NAACP national convention. Credit: Molly Hennessy-Fiske.

**Alisha Johnson/DC/USEPA/US**

06/29/2011 08:15 AM

To Oster.Seth, Windsor.Richard, Andy.Adora, "Brendan Gilfillan", "Betsaida Alcantara", "Andra Belknap", "Dru Ealons", "Stephanie Owens"

cc

bcc

Subject ASPEN DAILY NEWS: EPA chief promises action on air pollution from gas drilling

EPA chief promises action on air pollution from gas drilling

Aspen Daily News

by Andrew Travers, Aspen Daily News Staff Writer

Wednesday, June 29, 2011

[OBJ]

Environmental Protection Agency head Lisa Jackson said Tuesday her agency is working on air quality regulations for areas impacted by natural gas production and hydraulic fracturing.

In an interview with National Public Radio's Michele Norris at the Aspen Ideas Festival, Jackson said her agency is acting to control air quality in areas that are facing new impacts.

"You are going to have huge smog problems where you never had them before," she said. "These are rural areas. ... There is a lot of activity around those wells and that has an impact on air quality – and we know it already. The EPA will soon be coming out with regulations to deal with the air quality around natural gas production."

The regulations are expected to come at the conclusion of an ongoing two-year study.

"Fracking," as the process is commonly known, has been used extensively in Western Colorado and Garfield County to drill wells accessing natural gas deposits. Fracking entails injecting high-pressured chemical cocktails into the ground to break up rocks so the gas can be extracted. Its environmental impacts, or lack thereof, have been hotly debated both locally and nationally.

Jackson said in a congressional hearing on fracking last month that there are no known cases of the practice polluting water, despite worries from the environmental community and areas adjacent to natural gas fields.

She added Tuesday that keeping groundwater safe from fracking pollution means keeping natural gas companies in line, and monitoring how they protect drinking water while drilling.

"If you get a bad operator in there," she said, "someone who is not responsible, who is not seeing how important it is to get this right, they can contaminate an aquifer."

Meanwhile, she praised the promise of cleaner energy from natural gas production and the economic boom it has provided to areas like Garfield County.

"Natural gas is an economic engine in communities that, literally a few years ago, didn't have one ... All of a sudden they are literally boom towns," she said. "I think natural gas production is an incredible opportunity for this country to transition to a cleaner fuel."

Whether the burgeoning industry fulfills its promise, she argued, will depend largely on convincing people fracking is safe and that natural gas is profitable.



"Natural gas production will thrive in this country," she said, "unless the American people and investors come to believe it's not going to be financially viable or it's going to hurt their health ... The way you avoid that is by stepping up to regulation rather than running from it."

Mistakes during BP spill?

Asked whether she believes her agency made any mistakes during the aftermath of last year's massive BP oil spill off the coast of Louisiana, Jackson said the agency could have worked more efficiently with the U.S. Coast Guard.

She also defended the EPA's use of chemical dispersants to fight the spill.

Jackson praised former Coast Guard head Thad Allen, but acknowledged a power struggle between them on who was in charge of oil on the shore and off of it.

"I would have sat down earlier with Thad Allen, who I got along with and have tremendous respect for, and said, 'Hey, let us do what we do best so that you can do what you do best.' ... I think that could have helped a lot and I think it would have been a better partnership."

On dispersants, Norris asked Jackson about using chemicals that may have had harmful effects on the Gulf's ecosystems in unknown and untested ways.

Jackson said the risk was worth keeping more of the toxic oil from hitting the shore.

"I think it was the right decision," she said, "because we were trying to stop something that we won't ever know what would have happened, which is a lot more oil coming on shore over a lot, lot longer period."

She said the struggle for the EPA was in getting BP not to over-use the dispersants, and to educate the public about why they were necessary.

"The people of the Gulf region don't know much," the New Orleans native said, "but they know it sure doesn't feel good to be putting millions of gallons of something else in there unless you absolutely have to."

Responding to Gore

Jackson appeared to take in stride the recent criticism of her and the Obama administration levied by former Vice President Al Gore in a Rolling Stone magazine article.

"Compared to some of the stuff that's been said to my face, it was pretty mild," Jackson joked.

Gore accused the administration of not countering global warming deniers forcefully enough, and not making the scientific case for global warming in a 7,000-word essay titled "Climate of Denial."

"He has simply not made the case for action," Gore wrote. "He has not defended the science against the ongoing, withering and dishonest attacks."

Jackson noted the prominence green jobs took in Obama's campaign, and some of the administration's work promoting carbon legislation. But, she said, the electorate isn't calling for immediate action.

"They're not marching on Washington the way they did on Earth Day in the 70s," she said. And, she added, Obama is doing what he can with the public will he's been given.

"He's said, 'Let's do what we can do,'" Jackson said.

[REDACTED]

Heather Rousseau/Aspen Daily News

EPA Administrator Lisa Jackson, right, and interviewer Michele Norris, left, host of National Public Radio's All Things Considered, talk in a forum called "Protecting Public Health and Innovating for a New Energy Future," during the Aspen Ideas Festival in the Greenwald Pavilion on Tuesday morning.

[andrew@aspendailynews.com](mailto:andrew@aspendailynews.com)

**Alisha Johnson/DC/USEPA/US**

To Richard Windsor

04/22/2011 11:15 AM

cc

bcc

Subject BET: A Conversation With EPA's Lisa Jackson

## **A Conversation With EPA's Lisa Jackson**

By Joyce Jones

EPA administrator insists everybody has a right to clean air and water in their communities.

Filed Under Earth Day, Lisa P. Jackson

Since taking over the helm of the Environmental Protection Agency, Lisa P. Jackson has been on a mission: clean air, clean water and a strong green economy in every American community. Blacks, in particular, she says, need to understand the connection between the environment and their daily health, and the adverse impact living around contaminants, whether they be lead paint or the filthy abandoned buildings and lots known as brownfields. Jackson spoke with BET.com about her efforts to ensure that African-Americans are getting the information they need so their communities can benefit from her agency's environmental clean-up efforts, including green jobs.

BET.com: What are some of the biggest environmental challenges you've faced as EPA administrator?

Lisa Jackson: There are a number of standards that needed to be updated under the Clean Water Act and the Clean Air Act that really provide fundamental protections for the American people. We've been quietly attacking and getting rid of that backload of rulemaking, but not without running into special interests and lobbyists for polluters who are trying to stop us.

Probably the thing closest to my heart is the work we're doing on expanding the conversation on the environment and environmental justice. I'm the first African-American to run EPA and it provides a real opportunity to bring home to all communities that clean air and water aren't the purview of the very wealthy; they're something all Americans need and deserve and should insist on.

What are some of your plans for the upcoming year?

We're initiating a launch of a partnership with faith-based groups across the country to educate people about the environment and public health protections. It's an opportunity to work with communities on the issues that they're concerned about, whether that's energy efficiency or jobs in a clean energy economy. Or something really important, like asthma and explaining to people how it's connected to air pollution and what their government is doing and has done to improve air quality and what needs to happen in the future to make it even better.

Do you think that environmental justice is still a very pervasive issue in Black communities?

Absolutely. The idea of environmental justice is two-fold. It's looking back and realizing that for whatever reasons—sometimes historic racism, sometimes poverty—there are communities in this country that have the disproportionate share of impacts. It's also looking forward. How do we ensure that those communities get economic opportunities, like jobs, and at the same time have cleaner air.

What are some of the more noted environmental accomplishments and disappointments in Black communities in the last year?

We've proposed the first-ever mercury and air toxic standards in our country that primarily affect power plants that burn coal. They set tough standards to reduce the amount of mercury, which is poison for children's developing brains, and other contaminants like arsenic, chromium and acid gasses. That could

save an estimated 17,000 premature deaths every year once it's implemented. We've also proposed the strictest standards for smog, which is a direct cause of asthma attacks on hot summer days and will be finalizing them in July.

Do you think that African-Americans are as aware as they should be of environmental inequities?

I think it's changing but we still have a challenge to make sure that environmental challenges aren't on the very bottom of their list. We haven't always done a good job of making a connection between the environment and our daily health.

How does one fight some of the misconceptions of what it means to be "green?"

Part of our job is to educate. It's one thing to have government talk to you about being green. What about a neighbor who tells you what it's like to live with asthma or how their child suffered because of lead poisoning or may be having developmental issues that might be tracked to the environment and the horrible fear of not knowing whether something [they were exposed to] before birth might cause problems later? When we as a community talk to each other we learn a lot and dispel myths.

There's lots of talk about a green economy and green jobs, but little information about how to get those jobs. What are some of the entry- and mid-level points?

Community colleges are a great linkage point for young people, but also for people seeking retraining. They offer courses on everything from environmental energy auditing to how to repair and care for pollution technology. Young people understand the importance of green technology. They see it as the jobs of the future.

More than one million jobs will have to be filled to help power utilities comply with the Clean Air Act. What and where will those jobs be?

A recent study by the University of Massachusetts and Ceres estimated that close to 1.5 million jobs will be needed just to implement two requirements over the next several years. They are jobs that range from the technician all the way up to the engineer level and across the country. They'll be centered in places where there are old dirty power plants that need to be cleaned up, but in some cases we'll see new power plants being built to modernize and reduce pollution coming from our utility sector.

**Alisha Johnson/DC/USEPA/US**

To Richard Windsor

01/13/2012 08:03 PM

cc

bcc

Subject Re: WHY: EPA head, Nutter talk sustainability

Imagine someone actually writing about today's event :)

Richard Windsor

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

**From:** Richard Windsor

**Sent:** 01/13/2012 07:59 PM EST

**To:** Alisha Johnson

**Subject:** Re: WHY: EPA head, Nutter talk sustainability

Finally one article! Thanks!

Alisha Johnson

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

**From:** Alisha Johnson

**Sent:** 01/13/2012 07:50 PM EST

**To:** Richard Windsor; Betsaida Alcantara; Brendan Gilfillan; Andra Belknap; Michelle DePass; David Bloomgren; Shalini Vajjhala; Michael Moats; Heidi Ellis; Stephanie Owens; Dru Ealons

**Subject:** WHY: EPA head, Nutter talk sustainability

EPA head, Nutter talk sustainability

January 13, 2012

WHYY

By Carolyn Beeler

Philadelphia Mayor Michael Nutter, Environmental Protection Agency head Lisa Jackson and a top Brazilian minister met in Philadelphia Friday to talk about urban sustainability.

Nutter, who touted his "Greenworks Philadelphia" program, said the way to make cities greener is to change the culture.

"I have no expectation that hundreds of thousands of Philadelphians will suddenly ... pull out their Birkenstocks and tie-dye T-shirts, and run around hugging trees all day long," Nutter said. "But I think people are getting the message ... and everyone can do something in this space."

The EPA, Rio de Janeiro and Philadelphia have a partnership aimed at identifying and increasing investment in green infrastructure.

Nutter traveled to Brazil over the summer to share ideas with leaders there.

Judith Rodin, head of the Rockefeller Foundation, said the goal is for the two cities to be models for sustainable growth around the world.

"If we can present a kind of recipe book for what economically productive, equitable, sustainable urban development looks like," Rodin said, "imagine the impact on the cities in the developing world.

"In many parts of Asia, South and Southeast Asia, a new city is being built every 73 days," she said.

During the discussion, Jackson said it is the federal government's job to support, and not get in the way of, local sustainability efforts.

"We talk in big pillars about issues that confront us and challenge us, whether it's water quality or air quality or climate change or toxic chemicals," Jackson said. "But what touches the lives of American people is what it means to me on the ground."

Earlier Jackson told reporters the agency had taken an "unusual role" by investigating possible water contamination in Dimock, Pa.

That was after state authorities told a local natural gas-drilling company it could stop shipping water there. Residents claim their water wells have been contaminated by drilling activities.

Dimock residents and fracking protesters gathered outside the Academy of Natural Sciences before the

event Friday to call on Jackson to send the community water.

**Alisha Johnson/DC/USEPA/US**

03/16/2012 09:38 AM

To Richard Windsor

cc Betsaida Alcantara

bcc

Subject AP: Not so green: Study finds steady decline in young people's interest in saving the environment

FYI...in case this comes up today or this weekend.

## **Not so green: Study finds steady decline in young people 's interest in saving the environment**

Associated Press

Updated: March 15, 2012 - 3:19 PM

By MARTHA IRVINE

A new study finds that young people are not as environmentally conscious as their elders. Here, Felicity Britton sorted her bag of recycling into their specific containers outside of her garage in Minneapolis in October 2011.

CHICAGO - They have a reputation for being environmentally minded do-gooders. But an academic analysis of surveys spanning more than 40 years has found that today's young Americans are less interested in the environment and in conserving resources – and often less civic-minded overall – than their elders were when they were young.

The findings go against the widespread belief that environmental issues have hit home with today's young adults, known as Millennials, who have grown up amid climate change discussion and the mantra "reduce, reuse, recycle." The environment is often listed among top concerns of young voters.

"I was shocked," said Jean Twenge, a psychology professor at San Diego State University who is one of the study's authors. "We have the perception that we're getting through to people. But at least compared to previous eras, we're not."

Twenge, author of the book "Generation Me: Why Today's Young Americans Are More Confident, Assertive, Entitled – and More Miserable Than Ever Before," has spent much of her career publishing work that challenges or attempts to explain commonly held beliefs about young people.

This study, published online this month in the Journal of Personality and Social Psychology, looked at the life goals, concern for others and civic orientation of three young generations – baby boomers, Gen Xers and Millennials.

Based on two longstanding national surveys of high school seniors and college freshmen, Twenge and her colleagues found a decline, over the last four decades, in young people's trust in others, their interest in government and the time they said they spent thinking about social problems.

Steepest of all was a steady decline in concern about the environment, and taking personal action to save it.

Researchers found that, when surveyed decades ago, about a third of young baby boomers said it was important to become personally involved in programs to clean up the environment. In comparison, only about a quarter of young Gen Xers – and 21 percent of Millennials – said the same.

Meanwhile, 15 percent of Millennials said they had made no effort to help the environment, compared with 8 percent of young Gen Xers and 5 percent of young baby boomers.

Millennials also were the least likely to say they'd made an effort to conserve electricity and fuel used to heat their homes.

In the case of heating fuel, 78 percent of young baby boomers and 71 percent of young Gen Xers said they cut back, compared with 56 percent of Millennials.

It is important to note that most of the survey data available for Millennials was collected before the country's most recent recession hit.

Even so, those working in the environmental field – including some Millennials themselves – aren't that surprised by the findings.

Emily Stokes, a 20-year-old geography student at Western Washington University, grew up in the Pacific Northwest. She thinks people there are more likely to take environmental issues more seriously because of the natural beauty that surrounds them.

"But I still find myself pretty frustrated a lot of the time," said Stokes, who wants to go into marine resource management. "I just think our generation seems fairly narcissistic – and we seem to have the shortest attention span."

Kelly Benoit, a 20-year-old political science student at Northeastern University in Massachusetts, went as far as calling her peers "lazy."

"I think it can be due to our upbringing. We want what we want when we want it," said Benoit, who has worked with lawmakers in her state to try to ban the use of plastic bags in stores.

She thinks members of her generation, like a lot of people, simply don't want to give up conveniences.

Or are they just overwhelmed?

Mark Potosnak, an environmental science professor at DePaul University in Chicago, has noticed an increase in skepticism – or confusion – about climate change among his students as the national debate has heightened. That leads to fatigue, he said.

"It's not so much that they don't think it's important. They're just worn out," Potosnak said. "It's like poverty in a foreign country. You see the picture so many times, you become inured to it."

A lot of young people also simply don't spend that much time exploring nature, said Beth Christensen, a professor who heads the environmental studies program at Adelphi University on New York's Long Island.

When she attended Rutgers University in the 1980s, she said it was unusual to find a fellow student who hadn't hiked and spent time in the woods.

"Now a lot of these students have very little experience with the unpaved world," Christensen said.

So one of her goals is to get her students out into marshes and onto beaches – and even coral reefs in Australia – to help them connect with a natural world many have only seen on television.

Some of her students also volunteer with a group that cleans up trash in the bays that surround the island – one of many examples of young people who are taking environmental issues seriously.

At Babson College in Massachusetts, for instance, there is student housing called the "Green Tower," where residents focus on conserving resources. It is a growing housing trend on many college campuses.

At Muhlenberg College in Pennsylvania students are running a biodiesel plant on campus and building "permaculture," or indefinitely sustainable, gardens in their back yards.

They're less likely to write a letter to their member of Congress or to try to change things on a global level, said Richard Niesenbaum, a biology professor at Muhlenberg. They also don't like to label themselves as "environmentalists."



"In a lot of ways, they're more pragmatic," he said, roughly dividing his student body this way:

\_ 5 to 10 percent "committed environmentalists"

\_ 5 percent "anti-environment" (These are the students who purposely avoid putting their trash in campus recycling bins, for instance.)

\_ 85 to 90 percent "open to protecting the environment and natural resources, but not leaders and not interested in being seriously inconvenienced or paying a cost to do so"

"The last group is obviously the environmental educators' potential gold mine," said Niesenbaum, who directs the college's sustainability studies program.

Twenge, the study's lead author, is sometimes pegged as a critic of this generation because of her work about them. But the numbers speak for themselves, she said.

"I hope that young people see these findings as a challenge rather than a criticism," she said, adding that the lack of interest in environmental issues isn't exclusive to young people.

"This is a change in overall culture," she said, "and young people reflect the changes in culture."

The analysis was based on two long-term surveys of the nation's youth. The first, the University of Michigan's Monitoring the Future project, is an annual survey of thousands of high school seniors, from which data from 1976 through 2008 was used.

Other data came from the American Freshman project, another large annual national survey, administered by the Higher Education Research Institute. Those responses came from thousands of first-year college students, from the years 1966 through 2009. Because of the large sample sizes, the margin of error was less than plus-or-minus half a percentage point.

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**Alisha Johnson/DC/USEPA/US**

10/07/2011 04:28 PM

To Richard Windsor

cc Betsaida Alcantara

bcc

Subject DETROIT FREE PRESS: Editorial: Great Lakes solutions  
will start right here

**Editorial: Great Lakes solutions will start right here**

Detroit Free Press

October 7, 2011

Asian carp have gotten most of the headlines lately, but the Great Lakes continue to face many other threats -- threats that even a monstrous potential invader like the foreign bighead and silver carp should not be allowed to obscure.

It's important, of course, to fend off the carp, especially since it's one of those rare dangers with advance warning. But problems with algae and various kinds of contamination, the possibility of climate change impacts, the quality of near-shore conditions for fish, wildlife and humans alike -- all are topics that merit continued attention from all who love the lakes.

Michiganders, who already can take pride in the attention they pay to the Great Lakes, can be equally proud that Detroit was chosen as the site to discuss all these topics and more next week. Great Lakes Week is a first-ever congregation of several Great Lakes agencies and advocacy groups for their annual gatherings.

Events start Tuesday. The high point for participation is a Great Lakes Town Hall at 4 p.m. Oct. 12, following speeches and panel discussions that begin at 1 p.m. Former Vice President Al Gore will speak Oct. 13.

The International Joint Commission has woven a multitude of workshops and its biennial planning on water quality goals into the schedule, and there are more workshops and other opportunities to hear from experts hosted by the Great Lakes Commission and Healing Our Waters-Great Lakes Coalition.

The confluence of people and topics creates a critical mass of experts and advocates that could set clear priorities for the lakes and generate momentum for action. That momentum will grow even more as individuals beyond the advocates and experts participate.

Beach closings may be what concerns you most. Or whether you can eat Great Lakes fish. Or what the increasing levels of algae mean, especially for that bellwether water body, Lake Erie. Or, yes, even the latest on deterring Asian carp. Now's the time to find out, and make it clear that Michiganders care.

*The full list of participating organizations, with links to their schedules and meeting sites, is available at [www.glri.us/glweek.html](http://www.glri.us/glweek.html) . Detroit Public Television is also planning extensive coverage, and live-streaming of many events will be available at [www.greatlakesnow.org](http://www.greatlakesnow.org) .*

**Alisha Johnson/DC/USEPA/US**

04/02/2012 10:07 AM

To Richard Windsor, Betsaida Alcantara, Brendan Gilfillan, Michelle DePass, Andra Belknap, Michael Moats, Stephanie Epner, David Bloomgren, Dru Ealons, Stephanie Owens, Jose Lozano, Elizabeth Ashwell

cc

bcc

Subject BNA (Paris): Jackson Says Obama Environmental Policies Aim to Boost Jobs While Cutting Pollution

## **Jackson Says Obama Environmental Policies Aim to Boost Jobs While Cutting Pollution**

BNA

By Rick Mitchell

March 30, 2012

PARIS—The Obama administration's recent proposal to set limits on greenhouse gas emissions from new fossil fuel-fired power plants and its support for production of natural gas and unconventional gas are part of a strategy to both reduce

pollution and boost jobs by setting clear rules for the private sector, Environmental Protection Agency Administrator Lisa

Jackson told BNA March 29.

The EPA on March 27 proposed limiting emissions from new fossil fuel-fired power plants to 1,000 pounds of carbon dioxide

per megawatt-hour in what would be the first source-specific greenhouse gas emissions standards in the United States (59

DEN A-1, 3/28/12).

"The measure is intended to ... give the economy a strong signal that the reduction of greenhouse gas pollution is an

important guidepost in designing the power generation of the future," said Jackson, who is in Paris to represent the United

States at the March 29-30 Organization for Economic Cooperation and Development meeting of environment ministers.

The meeting has brought together top environmental officials from OECD's 34 member countries, which include the world's

most advanced countries and major emerging economies, to discuss their recent environmental progress as well as how they

plan to implement policy recommendations in the OECD's Environmental Outlook to 2050: The Consequences of Inaction,

which was released March 15.

'Incredible Progress.'

The report warns that without major policy changes, the world's population and economic growth in the years leading to the

mid-century are likely to contribute to catastrophic climate change, a doubling of premature deaths linked to air pollution,

and growing health risks linked to toxic chemicals, particularly in emerging economies.

Jackson said OECD's green growth framework—which calls for countries to use environmental protection regulation, taxation, and other policy tools to

spur economy-boosting innovation in the private sector—appeals to a wide range of countries, including one as developed as the United States.

She cited the administration's policy on automobiles—doubling fuel economy standards and also investing public funds to rescue the industry at the

outset of the financial crisis—as an example of an Obama green-growth policy.

EPA's regulations and standards give automakers a strong set of rules, and certainty as to which kind of cars they need to design and build; federal

financial help keeps the auto industry in business. "All three make that segment of our economy greener

and saves and creates jobs," she said, adding that "the industry has made incredible progress." Fracking 'Must Be Regulated.'

Jackson said President Obama's embrace of unconventional gas development will both increase jobs and significantly reduce greenhouse gas emissions if "it is done safely and responsibly" and does not mean the United States will back away from renewable energies.

Extraction of natural gas and oil deposits up to 3 kilometers (1.86 miles) below ground often requires hydraulic fracturing, or fracking, which injects a mix of water, sand, and chemical additives into layers of rock at high pressure. The process allows oil and natural gas to flow to a standard well.

The United States has dramatically increased its energy production, due in particular to production of unconventional horizontal gas and oil drilling that uses hydraulic fracturing to force rock formations to release natural gas. The International Energy Agency said recently that the United States is likely to become a net exporter of energy, due mainly to unconventional production.

However, environmental groups say that process can cause more environmental damage than conventional drilling, in particular through contamination of groundwater. "The fracking technology is becoming more and more widespread and must be regulated, and we intend to move forward on those regulations," said Jackson.

#### Regulation at State Level

Jackson said much of U.S. regulation of unconventional energy production will be at the state level, with some federal assistance.

EPA is in the middle of a two-year congressionally mandated study on the impact of hydraulic fracturing on drinking water. "It's a fairly specific charge, but we are looking at it from a life-cycle perspective. We've done public and peer-reviewed scoping of everything from the plan of attack to the scope of work and now the work that is continuing," Jackson said.

The agency recently released for public comment standards for emissions from oil and gas development, particularly aimed at leaks of volatile organic compounds during the drilling process that can create localized or regional pockets of elevated ozone levels. So-called green finishing of wells can ensure that these compounds do not leak. "Because methane, the actual product, is also recovered, [the method] actually turns out to be quite cost-efficient," she said.

EPA plans to begin "the long process" of considering national standards on wastewater from the fracking process, which contains chemicals from the fracking fluids as well as from rock formations. "Happily, much of the industry is moving towards reuse of water because the quantity of water needed in fracking is significant," she said.

#### Fracking Chemical Disclosure

Jackson said EPA is progressing in work on possible reporting requirements for chemicals used in fracking, as 120 public and environmental organizations had petitioned the agency to do in 2011 (227 DEN A-7, 11/25/11).

She noted that the Department of Interior has also announced its intention to put out rules on disclosure of fracking chemicals on public lands (50 DEN A-1, 3/15/12).

"We believe that since much of the same industry is on public and private lands, this will build on efforts by many states and by industry itself to do self-disclosure,"

Jackson said.

For More

**Alisha Johnson/DC/USEPA/US**

12/29/2011 11:29 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Betsaida Alcantara, Andra Belknap, David Bloomgren, Arvin Ganesan, Sarah Pallone, Laura Vaught, Michael Moats, Diane Thompson, Jose Lozano, Elizabeth Ashwell, Heidi Ellis, Stephanie Owens, Dru Ealons, Gina McCarthy, Janet Woodka, Janet McCabe, Joseph Goffman, Michael Goo, Bicky Corman

cc

bcc

Subject CNN: Protecting babies from neurotoxins

## Protecting babies from neurotoxins

CNN

By William Hudson, CNN

Thu December 29, 2011

(updated 9:43 AM EST)

It's well known that mercury causes damage to developing fetuses, with long-term effects on the child.

The new limits are projected to prevent 130,000 cases of asthma, 6,300 cases of bronchitis. Methylmercury, found in fish and shellfish, can harm a child's thinking, language. The new EPA rule also limits emissions of hazardous air pollutants like arsenic, benzene.

(CNN) -- The Environmental Protection Agency recently finalized a rule that for the first time requires U.S. coal and oil-fired power plant operators to limit emissions of mercury and other hazardous air pollutants.

EPA rules in place under the 1990 Clean Air Act have targeted acid rain and smog-forming chemicals emitting from power plants. But perhaps surprising to many, those rules have never included limits on mercury, a neurotoxin known to damage developing fetuses and children.

How this policy affects your health

The benefits of this new rule, in terms of dollars saved and death prevented, far outweigh the costs to companies and consumers, according to peer-reviewed EPA studies.

U.S. power plants account for only about 1% of global mercury emissions. Even so, for each dollar spent reducing mercury and hazardous air pollutant emissions under the new rule, the EPA projects up to \$9 in health benefit savings by preventing an estimated 11,000 premature deaths and 4,700 heart attacks each year.

Among children, the new limits are projected to prevent 130,000 cases of asthma and 6,300 cases of acute bronchitis each year, the EPA estimates.

"These standards rank among the three or four most significant environmental achievements in the EPA's history," said John Walke, Clean Air director of the National Resources Defense Council, an environmental advocacy group. "This rule making represents a generational achievement."

Despite federal limits on emissions of mercury from other sources, such as waste incinerators, there have been no limits on coal-fired power plants, which the EPA says constitute the single largest source of mercury emissions.

"As a mom, I'm especially excited to know that millions of mothers and babies will now be protected from mercury poisoning," said Mary Anne Hitt, director of Beyond Coal Campaign, a clean energy advocacy group.

"We all teach our kids the simple rule that if you make a mess you should clean it up - and now polluters will have to follow that same rule," she wrote in an e-mail conversation.

"Mothers around the country who have been worried about mercury pollution causing learning disabilities and other problems for their kids will be able to sleep easier tonight."

Health experts have known for a long time that mercury causes damage to developing fetuses, with long-term effects on the child.

Methylmercury, found in fish and shellfish, can harm a child's thinking, language, fine motor skills, memory, attention, and visual spatial skills when exposed in the womb.

One study estimates that for each part per million of mercury found in a mother's hair -- a common way of testing for mercury exposure -- her child loses approximately 0.18 IQ points.

Outbreaks of methylmercury poisoning have resulted in some children being born with severe disabilities, even when their mothers did not show signs of nervous system damage. But adults are at risk for mercury poisoning too; symptoms can include impairment of vision, speech, hearing and walking.

In addition to mercury, the new EPA rule also limits emissions of hazardous air pollutants like arsenic, benzene, chromium, formaldehyde, hydrochloric acid, and nickel.

How to protect against mercury exposure

Once airborne, mercury enters bodies of water through precipitation, becomes methylmercury, and accumulates in the food chain.

The EPA and the Food and Drug Administration recommend that pregnant women and young children limit their consumption of fish and shellfish to two meals a week, because the methylmercury contamination found in fish can cause harm to humans.

The EPA and FDA say that some larger predatory fish, such as shark, swordfish, king mackerel, and tilefish, should be avoided entirely by pregnant women and children.

Exposure can also occur from breathing in polluted air, for example near incinerators and coal-burning power plants.

A lab test using blood or hair sample can determine the methylmercury levels.

What's the controversy?

The new rule requires that the vast majority of mercury contained in coal be captured and prevented from releasing into the air when burned for energy. It would require operators to shut down or upgrade the most environmentally dangerous power plants.

Power plant operators have three years to comply with the new standards, but plant operators may be granted additional time to install the necessary emissions improvement technologies if they are able to demonstrate a valid need.

Not everyone supports the new limits, in part because the new rules will increase costs for plant operators who need to make upgrades.

The rule has been criticized by industry groups and some Republicans.

"Analyses predict EPA's rules will force the premature retirement of power plants that are needed to provide affordable, reliable power to consumers and our growing economy," said Fred Upton, the chairman of the House Energy and Commerce Committee.

"Other plants will require multi-million dollar retrofits that will result in higher electricity bills," said the Republican congressman from Michigan.

The EPA states that its rule is cost-effective and "ensures electric reliability," noting that the agency has received more than 900,000 comments from industry and the public to better inform the decision.

Amid a divisive political climate and persistent unemployment, the EPA noted in its March 2011 rule proposal that it "finds that more jobs will be created in the air pollution control technology production field than may be lost as the result of compliance with these proposed rules."

The final EPA rule regulating power plant mercury emissions has been decades in the making.

The 1990 version of the Clean Air Act signed into law by President George H.W. Bush directed the EPA to conduct studies to determine whether regulating mercury and other hazardous air pollutants from power plants was "appropriate and necessary."

In December 2000, having completed the required studies, the EPA formally announced its intention to regulate mercury emissions from power plants.

Then in 2005, under the administration of President George W. Bush, the EPA reversed its determination that mercury regulations were "appropriate and necessary," and removed power plants from the list of sources to be regulated. Instead the Bush-era EPA proposed the "Clean Air Mercury Rule," a cap-and-trade system for mercury emissions.

Under "cap and trade," mercury emissions would not be restricted, but heavy polluters would pay a fee that could be pocketed by companies whose factories or power plants pollute less.

In February 2009, the new EPA Administrator Lisa Jackson announced a return to the 2000 decision to put limits on mercury emissions. The rule proposed on March 2011 was made final in an announcement on December 21 at the Children's Medical Center in Washington.

Altogether, the environmental regulations beginning with the 1970 Clean Air Act have saved millions of American lives, according to the EPA.

The reductions in fine particle and ozone pollution emissions mandated under the 1990 Clean Air Act prevented more than 160,000 cases of premature mortality, 130,000 heart attacks, and 1.7 million asthma attacks in just the year 2010, according to EPA figures.



Alisha Johnson/DC/USEPA/US

05/18/2012 03:38 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Jose Lozano, Brendan Gilfillan, Stephanie Owens, Bob Sussman, Dru Ealons, David Bloomgren, Andra Belknap, Michael Moats, Nancy Stoner, Arvin Ganesan, Laura Vaught, Michael Goo, Bicky Corman

cc

bcc

Subject POLITICO: Hastings releases internal recordings on stream buffer rule

## Hastings releases internal recordings on stream buffer rule

Poiltico

By Darius Dixon

5/18/12 3:18 PM EDT

House Republicans Friday released audio recordings and documents from Obama administration officials discussing revisions to the steam buffer rule affecting the coal industry.

The [material](#) includes 30-plus hours of audio recordings featuring Interior and White House officials along with private contractors discussing the proposed rule, Natural Resources Committee Chairman Doc Hastings (R-Wash.) said at a press conference in the Capitol.

The newly disclosed material didn't come from Interior, Hastings said. "Through other sources, we have obtained some of the information that the administration has refused to disclose," he said.

Hastings highlighted a clip of an Interior official saying that a benefit of the rewritten proposal would be less coal mining.

Another clip includes officials from the Office of Surface Mining concerned with how to "sell" the proposed rule in light of the cost to protect perhaps only 15 miles of stream.

After some confusion about the real-world impacts of the rule, one OSM official says "[T]o me, it'll never sell to the public, Congress, to anybody, that if we have this huge rule, that we're only going to save, say, 15 miles of streams," according an unofficial transcript of the call provided by the committee. "I'm not asking you to change the numbers. I don't care about that, I think they need to be described."

Later, another OSM official says that "part of the bottom line, knee jerk reaction is" that after spending millions on travel, environmental assessments, and 160 pages of rule change, "we're saving 15 miles of stream?"

Hastings declined to say whether any of the new material reveals a smoking gun of executive wrongdoing.

"I'm not here to claim these documents and hours of recordings provide complete answer to what the administration is doing," he said, but the materials "raise serious questions about what

the administration is doing and why they're doing it.”

Last week, Hastings threatened to subpoena documents from the EPA, the Council on Environmental Quality and the White House Office of Management and Budget.

The latest subpoena demands that material be turned over by noon May 24.

Interior spokesman Adam Fetcher emphasized there is no stream buffer rule.

"To be clear, there is no rule," he said via email. "The committee continues to spend its time investigating a draft document for a draft rule that hasn't even been proposed, let alone completed. The administration has made clear that coal has an important role to play in our energy economy today and will continue to in the future."

To read and comment online:

<https://www.politicopro.com/go/?id=11569>

**Alisha Johnson/DC/USEPA/US**

11/16/2011 12:31 PM

To Richard Windsor, Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Andra Belknap, David Bloomgren, Michael Moats, Sarah Pallone, Arvin Ganesan, Laura Vaught, Heidi Ellis, Dru Ealons, Stephanie Owens, Jose Lozano, Dan Kanninen, Elizabeth Ashwell

cc

bcc

Subject Madison Clips - 11/15/2011

All,

Below are the clips covering the Administrator's visit to Madison, WI yesterday.

- The Capital Times - "EPA head says it's time to halt attacks on environmental laws"
- The Daily Cardinal (UW Madison paper) - "EPA administrator praises UW's environmental leadership"
- The Hill - "Overnight Energy: EPA's Jackson slams GOP 'jobs' plan"
- WisBusiness - "EPA leader criticizes House GOP for undermining regulations"

**Campus Connection: EPA head says it's time to halt attacks on environmental laws**

The Capital Times

November 16, 2011 6:30 am

Todd Finkelmeyer

If you're a fan of clean air and water, it's time to make your voice heard.

That was the message delivered Tuesday afternoon by Environmental Protection Agency Administrator Lisa Jackson to a crowd of about 400 people on the University of Wisconsin-Madison campus.

"I think there is real value to getting outside the Washington Beltway and really talking to people about environmental issues of the day and engaging them a bit in what's going on in Washington," Jackson said in a short interview after her roughly hour-long presentation in the Varsity Room of the new Union South. "Because whether we like it or not, environmental issues are becoming the focus of some political attention and I don't think that's necessarily going to be good for public health or welfare over the short term or the long term."

During her 20-minute speech and 35-minute question-and-answer session with the student-dominated audience, Jackson noted how the "source of everything we do" can be traced to the efforts of Gaylord Nelson, the U.S. senator from Wisconsin who helped parlay a growing environmental movement into the first Earth Day back in 1970.

That movement led to the creation of the Environmental Protection Agency by Republican President Richard Nixon, also in 1970.

After passage of the 1969 National Environmental Policy Act, Jackson told the audience, the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, the Endangered Species Act and the Toxic Substances Control Act were "all passed in very quick succession. That was amazing progress in a very short amount of time. The Civil Rights movement had been a pretty

high-profile movement at that time for almost two decades. The anti-war movement had been going on for years and would continue for many more. By contrast, the modern environmental movement went from its inauguration, if you will, at Earth Day to a sweeping set of foundational environmental laws in about six years."

But much of the progress of the past 40 years is in jeopardy, Jackson warned.

"For those who were born after 1970, it could be the first time in your lives that the health and environmental protections you grew up with are not steadily improved, but deliberately weakened," she said.

That's because as the greatest economic crisis since the Great Depression continues, some are voicing concerns that this push for even cleaner air and water is costing us much-needed jobs. Wisconsin Manufacturers & Commerce put out a press release Tuesday asking Jackson to "stop the regulations that are driving up costs on Wisconsin employers and delaying an economic recovery."

"Federal laws, policies and proposals are by far the biggest cause of uncertainty for Wisconsin businesses," Kurt Bauer, president and CEO of WMC, said in the news release.

Bauer added that the pending Industrial Boiler MACT Rule, for example, could force the shuttering of 11 paper mills in Wisconsin at the cost of up to 7,500 jobs by forcing the companies to pay more than \$400 million to comply with the rule.

Jackson hadn't read the WMC release so refused to speak to it directly, but noted "there was a study not long ago that said just complying with one of the Clean Air Act's requirements created thousands and thousands of jobs for boilermakers and pipefitters and plumbers who got hired to make sure these boilers were upgraded."

The EPA website also notes the Industrial Boiler MACT standards, which are "currently going through interagency review, are meant to protect Americans from mercury, soot, lead and other harmful pollutants released by boilers and incinerators that can lead to developmental disabilities in children, as well as cancer, heart disease, aggravated asthma and premature death."

To be clear, Wisconsin Manufacturers & Commerce isn't alone in its anti-EPA sentiments. Jackson told the UW-Madison audience that since the start of the year, Republicans in the House have voted 170 times and counting -- nearly a vote for every day the chamber has been in session -- to undermine the EPA and environmental laws. She added that these provisions, if they were to become law, would represent a startling rollback of the Clean Air Act, the Clean Water Act and a range of waste-disposal laws.

And most of the attacks against the EPA, Jackson noted, are using the economy as justification by pushing "unfounded claims" that environmental regulations kill jobs.

"There is not a credible economist out there who thinks that smart, sensible protections for our air and our water and our land are going to harm job growth," she said after her talk.

Jackson told the audience she's no fan of this "pseudo jobs plan that protects polluters." In this regard, Jackson wishes more people would focus on the health costs associated with allowing major polluters to continue with the status quo.

She noted that of the 1,100 coal-fired power plants in the country, more than 40 percent use no pollution controls -- even though they're widely available -- which allows unnecessary amounts

of mercury, lead and other pollutants into the air. She said EPA regulations regarding mercury and other pollutants that the agency hopes to have finalized by mid-December could save the county \$140 billion per year in health costs by 2016.

Yet even if you don't think scrubbing additional pollutants out of the air should be a priority, Jackson said the EPA estimates the rules will create 31,000 short-term construction jobs -- and 9,000 long-term -- through modernizing power plants.

Jackson was pleased that just last week the U.S. Senate rejected a proposal to stop the EPA from implementing a rule aimed at limiting pollution that crosses state lines and hurts air quality. The EPA regulation requires coal plants in 27 states to cut emissions.

Nonetheless, Sen. Rand Paul, the Kentucky Republican who introduced the proposal to block the EPA rule, called this another example of a "job-killing regulation" by the Obama administration, according to USA Today.

In other words, there are competing visions for how the country should move forward on these environmental issues.

Jackson asked, "What's going to win -- the populist view or special interests?" "One (view) says that we can allow science and law and innovation to protect our health and environment and grow a clean, sustainable economy in the process," Jackson said in her speech. "The alternative vision says that going forward requires rolling back standards to clean air and clean water. It says we have to increase protection for big polluters while reducing the safeguards for the rest of us. After 40 years of progress, the American people still believe in the first vision."

Added Jackson: "More than half of Republican voters recently said that they oppose the congressional proposal to stop the EPA from enacting limits on air pollution for power plants. More than three-quarters of Americans support new EPA standards for mercury and air toxins. So, just like back in 1970, we need a little help. Students and parents and educators and young people have always driven the environmental movement. After all, it is your planet."

### **EPA administrator praises UW's environmental leadership**

The Daily Cardinal

By Alison Bauter

Wednesday, November 16, 2011 2:41 am

Environmental Protection Agency Administrator Lisa Jackson said UW played an important role in the environmental movement.

Loud applause greeted the Environmental Protection Agency's Lisa Jackson as the agency administrator addressed a packed Varsity Hall Thursday on the importance of the EPA's economic role.

President Barack Obama appointed Jackson in 2008 as the EPA's first African-American administrator. Her career has been characterized by a push for conservation-based economic innovation and environmental justice.

"It's good for me as EPA administrator to come into Wisconsin," Jackson said Tuesday. "It's really like coming back to home to the source of everything we do."

Jackson praised UW-Madison for its past leadership in the environmental movement and called upon faculty and students to continue to “drive the environmental movement.”

“We need that same nationwide concern mobilized to pull these issues out of the political gridlock of today,” Jackson said.

That drive is especially crucial now, as Republican lawmakers vote to “undermine” the EPA and national environmental law, she said.

Jackson attributed anti-environmental legislation to “misinformation” spread by lobbyists, corporations and news organizations, and she sought to dispel common misconceptions. Chief among those, Jackson said, is the misconception that EPA spending and regulation harm the national economy.

Jackson credited Obama for continuing to fund the EPA in the face of economic recession, because the president “knows the choice between the environment and the economy is a false choice.”

In the face of “a new generation of environmental challenges,” Jackson emphasized tying environmental innovation, like hybrid transportation and green energy, to growing the economy. “It is clear we could have a clean environment and a good economy,” Jackson said.

### **Overnight Energy: EPA's Jackson slams GOP 'jobs' plan**

The Hill

By: Ben Geman and Andrew Restuccia

11/15/11

Environmental Protection Agency Administrator Lisa Jackson blasted House Republicans Tuesday for voting to block or delay a slew of clean-air regulations, arguing that the GOP's jobs plan should be renamed “too dirty to fail.”

“Since the beginning of this year, Republican leadership in the House of Representatives has orchestrated 170 votes against environmental protection,” Jackson said during a speech at the University of Wisconsin-Madison. “That is almost a vote for every day the chamber has been in session to undermine the Environmental Protection Agency and our nation's environmental laws.”

Jackson said the votes are a response to “myths and misleading information,” including that the EPA is “putting forward a ‘train wreck’ of regulations that will hobble our economy.”

“We all remember ‘too big to fail’; this pseudo jobs plan to protect polluters might well be called ‘too dirty to fail,’ ” she said.

The EPA chief blamed the press for giving too much coverage to climate skeptics and EPA opponents.

And, she lamented, citing a series of recent disasters and a slew of scientific evidence, what she called the slow progress on environmental policy.

From the speech:

"You begin to see why we are witnessing an unprecedented effort to roll back the Clean Air Act, the Clean Water Act and our nation's waste-disposal laws; to see why, less than three years after a coal ash spill that covered 300 acres of Tennessee country, the House majority passed legislation preventing EPA from regulating coal ash. You see why, less than two years after the Deepwater Horizon BP spill, the best idea industry groups like the American Petroleum Institute have for creating jobs is to de-regulate drilling. And you see how, after the second-hottest summer on record, followed by a foot of late-October snow on the East Coast and the reversal of a leading climate skeptic, people are still working to stop the EPA from taking vital steps to cut carbon pollution."

### **WisBusiness**

11/15/2011

By Andy Szal

Environmental Protection Agency Administrator Lisa Jackson defended her agency's initiatives under the Obama administration before a UW-Madison audience today, chastising House Republicans for a series of votes she says undermine the nation's environmental regulations.

"It would have been easy to tell EPA to just sit and wait," Jackson said of the economic downturn that accompanied the president into office in 2009.

"(But) he directed us to do our job," Jackson said.

Jackson did not shy away from her agency's goals, which included confronting climate change, improving control of conventional air and water pollution, targeting "under-regulated" toxics in consumer products and establishing "environmental justice" in vulnerable areas of the county.

But she said widespread claims about items that aren't on the EPA's radar -- particularly greater regulation of small sources of pollution -- have fostered distrust of the agency.

Jackson cited rumors on regulating dust and commercials charging that the agency is considering regulating livestock.

"If that's the level of our discourse, then I think that's very dangerous," Jackson said.

She also criticized House Republicans, charging that they've taken upwards of 170 votes to restrict environmental protection this year, and arguing that the country is in jeopardy of rolling back those regulations for the first time since 1970.

She dubbed the House GOP approach "too dirty to fail," arguing that rolling back regulations to grow the economy ignores the scale of the challenges facing the country.

Rather, she said, uniform regulation of large industries would foster job creation. She said new mercury standards set to be unveiled next month are alone expected to create 31,000 construction jobs and 9,000 additional permanent positions at the nation's power plants.

Jackson said she hopes to return to the citizen-fueled, bipartisan environmental movement that followed the first Earth Day in 1970. She noted Wisconsin U.S. Sen. Gaylord Nelson's role in

establishing that first Earth Day, and praised the state's work on environmental protection -- particularly actions in the last session to rein in phosphorus levels.

"We can have a clean environment and a growing economy," Jackson said.

Wisconsin Manufacturers and Commerce President Kurt Bauer called on Jackson to stop proposed EPA regulations that "are driving up costs on Wisconsin employers and delaying an economic recovery."

"Federal laws, policies and proposals are by far the biggest cause of uncertainty for Wisconsin businesses," Bauer said in a statement issued prior to Jackson's visit to UW-Madison's Union South.

He also called on Congress to pass a proposal from U.S. Sen. Ron Johnson, R-Oshkosh, and U.S. Rep. Reid Ribble, R-Sherwood, to put a moratorium on new federal regulations.



**Alisha Johnson/DC/USEPA/US**

12/08/2011 09:35 AM

To Richard Windsor, Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Andra Belknap, Michael Moats, Stephanie Owens, Dru Ealons, Elizabeth Ashwell, Jose Lozano, Heidi Ellis

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Subject NEWS & OBSERVER: Eliminating uncertainty in the regulatory climate

## **Eliminating uncertainty in the regulatory climate**

News & Observer  
December 8, 2011  
BY LEW EBERT

RALEIGH -- Environmental Protection Agency Administrator Lisa P. Jackson visited North Carolina this week to speak at Duke University about recent EPA policies. Her visit was very timely, as improving the regulatory climate was a top priority in North Carolina this year.

North Carolina recently earned the top rank for regulatory environment on Forbes magazine's "Best States for Business" list. Moving from No. 3 to the top rank in regulatory climate is an example of how North Carolina can grow and become an even better place for business. It is also a testament to significant environmental and regulatory reforms made this past legislative session.

The General Assembly proactively enacted common sense reforms to costly and wasteful regulations. Measures such as the Regulatory Reform Act of 2011 increase regulatory efficiency to balance job creation and environmental protection by creating a more streamlined and transparent rulemaking process in North Carolina.

Additionally, Gov. Beverly Perdue and the state Department of Environment and Natural Resources were influential in the delay of new EPA ozone standards this fall, voicing concerns with the compliance timeline and standard. Our state leaders have remained stewards of the environment while enhancing regulatory certainty and reforms necessary for companies to spend capital and create jobs.

Most everyone would agree that regulations are important to promoting the health and safety of citizens and maintaining certain quality of life standards in our state and nation. However, there also need to be checks and balances on the regulatory system itself.

The North Carolina business community widely recognizes the strong correlation between economic certainty and job creation. Government-induced uncertainty created by the recent and unprecedented upsurge of EPA rulemaking and regulatory activity harms businesses' ability to invest and grow.

The EPA is currently considering hundreds of costly rules, such as the Utility MACT (Maximum Achievable Control Technology) standard with an over \$10 billion compliance price tag. The administration's recent decisions to scale back on new ozone standards and the industrial boiler rule are a step in the right direction and a clear sign that the associated costs were unbearable for manufacturers and other affected businesses vital to the economy.

Unfortunately, this only puts a dent in the cumulative costs and overlapping time frames of EPA regulations detrimental to economic growth, business development and innovation in our state. For example, it is estimated that North Carolina will lose a staggering 47,000 jobs due the combined cost of the proposed Utility MACT standard and the Cross-State Air Pollution Rule.

As companies rebound from the recession, a predictable regulatory climate is imperative to spur job creation. A sound economy that encourages growth and development is not mutually exclusive of sound environmental protections.

According to the EPA, from 1990-2008, aggregate U.S. emissions were down 41 percent and GDP was up 64 percent.

During this time of slow economic recovery and high unemployment, it is important to streamline the regulatory process to lift unnecessary and costly burdens to job creators and reduce waste and duplicity in government - working towards the ultimate goal of a clean environment and economic growth.

The North Carolina Chamber welcomed Administrator Jackson to our state, and we hope she took back positive messages of North Carolina's nonpartisan efforts to promote certainty for job creators and put our citizens back to work.

Lew Ebert is president and CEO of the North Carolina Chamber, the statewide business organization.

Read more:

<http://www.newsobserver.com/2011/12/08/1696152/eliminating-uncertainty-in-the.html#ixzz1fxAVzZk1>

**Alisha Johnson/DC/USEPA/US**

10/25/2011 10:49 AM

To Richard Windsor, Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Andra Belknap, Michael Moats, Vicki Ekstrom, Arvin Ganesan, Laura Vaught, Sarah Pallone, Elizabeth Ashwell, Heidi Ellis, Dru Ealons, Stephanie Owens, David Bloomgren

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bcc

Subject Denver "Clean Air, Clean Jobs" Clips - 10/25/2011

All,

Below are news clips from the Administrator's trip to Denver yesterday to participate in a panel on Colorado's "Clean Air, Clean Jobs" legislation and visit the Kunsberg School, for children with chronic illnesses.

- Denver Post - "EPA chief visits Denver school for asthmatic kids"
- Colorado Independent - "EPA's Jackson touts Colorado as leader in energy and environmental politics"
- Durango Herald - "EPA chief keeps up the pressure"

### **EPA chief visits Denver school for asthmatic kids**

The Denver Post

By Anthony Cotton

Posted: 10/25/2011 01:00:00 AM MDT

Nurse Michelle Freas, left, leads U.S. Environmental Protection Agency Administrator Lisa P. Jackson on a tour Monday of the Kunsberg School, located on the grounds of National Jewish Health. The visit for Jackson, the parent of an asthmatic child, includes a greeting from second-grader Elaina Lovato, 7, sitting at right next to her mom, Rosalie, and baby sister Marie, 1. (Kathryn Scott Osler, The Denver Post )As the parent of an asthmatic child, Lisa P. Jackson can appreciate the work being done at Kunsberg School.

"When my son, at less than a year old, started showing signs, we were able to get him medical care. Here, they're serving populations that can't afford the kind of interventions that can save these children," Jackson, administrator for the U.S. Environmental Protection Agency, said Monday.

"Otherwise, these would be children who would keep falling behind in school, keep underperforming and losing their confidence in being a productive member of our society – and then we all suffer."

Jackson toured Kunsberg, on the campus of National Jewish Health in Denver, as part of a quick stop in Colorado.

She spent the first part of her morning in a panel discussion, moderated by former Gov. Bill Ritter, on the state's "Clean Air Clean Jobs" legislation.

Later, President Barack Obama's Cabinet member visited the school, which has about 80 students in grades K-8 who, because of health issues such as asthma, require medical assistance during the school day.

School administrators told Jackson about a number of its innovative programs. In one, students wore monitors over 24-hour periods to help track the impact of air pollution in their daily lives.

"We could assess their exposure and where it was," said Erwin Gelfand, chairman of National Jewish's pediatrics department.

"That's important; there's a stationary monitor downtown that tells what the pollution is, but that doesn't tell what the child is breathing in what I call the 'breathing zone.' "

Gelfand said monitors revealed that low levels of pollution can impact kids. "We found that kids, particularly those with severe asthma, despite being on pretty adequate medication, are pretty susceptible to pollution effects. It tells us that pollution is driving exacerbations of asthma in pretty unique ways."

Students at Kunsberg participate in physical education four days a week, in activities that include swimming and volleyball. That is one way to keep them from becoming victims of their health issues.

In turn, Jackson said, they also build confidence in themselves and their capabilities.

Jose Barron "flunked" first grade because his asthma kept him out of school so much. When the same issues threatened to disrupt fifth- grade – he spent almost a month in the hospital – someone suggested Kunsberg for Jose, who is now in eighth grade.

"It turned out to be a good decision," said his mother, Laura Barron. "Ever since we came here, things have been good. Now he only misses one or two days a year. It's just too bad he can't go to high school here."

Anthony Cotton: 303-954-1292 or [acotton@denverpost.com](mailto:acotton@denverpost.com)

Read more: EPA chief visits Denver school for asthmatic kids - The Denver Post

[http://www.denverpost.com/news/ci\\_19186368#ixzz1bnvjVn00](http://www.denverpost.com/news/ci_19186368#ixzz1bnvjVn00)

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## **EPA's Jackson touts Colorado as leader in energy and environmental politics**

Colorado Independent

Tuesday, October 25, 2011

By John Tomasic

Lighting-rod administrator shrugs off 'fact-free' Washington rhetoric; celebrates state and local leadership

DENVER- Environmental Protection Agency Administrator Lisa Jackson spoke Monday at the National Jewish Respiratory Hospital here as a member of a panel discussing the environment and the economy. Jackson lauded "new energy economy" legislation advanced in Colorado during the administration of Democratic Governor Bill Ritter for the way it managed to bridge a major contemporary political divide in order to protect the environment and boost the economy.

"The nation right now is facing important questions about energy production and use," Jackson told a crowd made up of environmental activists, energy industry lobbyists and medical professionals and administrators. "In Colorado, you chose not to run away from the choices available. You saw opportunity. You chose to embrace a clean and healthy environment and a vibrant energy industry."

Jackson told the panelists that state leadership is essential if the nation is to break what has become a political stand off, where Americans are made to feel they have to choose between supporting the environment or supporting the energy industry.

"In this state, you're moving past this false dichotomy. You can fight pollution and create jobs... It's not one or the other. The two go together."

Changing the conversation

Ritter, currently director at Colorado State University's Center for the New Energy Economy, acted as

moderator of the panel, which centered its discussion around his signature Clean Air, Clean Jobs Act(pdf) of 2010. The legislation requires heavy-polluting coal-fired power plants to upgrade with clean-burning natural gas. The law passed with support from Democrats reluctant to embrace the natural gas industry and from Republicans from the oil-and-gas-rich western slope, including then-state senate Minority Leader Josh Penry.

Panelists at the event included Vickie Patton, general counsel for the Environmental Defense Fund, Dr. Karin Pacheco, assistant professor at National Jewish Hospital, Tischa Schuller, president of the Colorado Oil and Gas Association, and state Representative Judy Solano, D-Brighton.

Ritter has been blasted on the right for advancing clean-energy businesses at the expense of traditional energy producers and for allegedly wasting resources on technologies and business models with unproven market viability. Right-wing blogs in the state revealed in the recent bankruptcy of California solar-panel maker Solyndra and anti-green GOP-driven cutbacks at the Golden-based National Renewable Energy Lab as evidence of the inviability of the US renewable energy sector.

Yet the green-energy sector is thriving nationwide and doing so in the job-killing recession, and Colorado's support for clean energy is clearly drawing business to the state. General Electric recently chose Colorado over New York as the site of a new solar panel manufacturing plant, a development that will create hundreds of jobs.

In politics, though, progress often comes down to the kind of strategy that alters the terms of debate. As the saying goes, "If you don't like the conversation, change the conversation," which is what the panelists here agreed Ritter and his allies in the legislature did. They said the governor provided a framework that made compromise on the right and left possible by seeking to tackle environmental threats through incremental steps meant to prioritize increased energy and job production and by integrating the problem of public health with discussion of the economy.

"If that bill were partisan, it would never have passed," said Schuller. "It focused on health benefits and emphasized a state solution. It would create clean jobs here. It would produce clean air here," she said.

John Nielson, energy director at environmental law and policy group Western Resource Advocates- a group that worked on the Clean Air, Clean Jobs Act- told the Colorado Independent that Jackson would almost certainly take lessons learned in Colorado during the Ritter Administration to other state capitals.

"This [visit] was an opportunity for her to hear in detail how this specific emissions-reduction plan was put into effect. It demonstrates how different groups with diverse interests- the natural gas industry, environmental activists, regulators- how they could come together and find commonsense solutions to make real air-quality gains. It's a policy success story."

"In this state, you're moving past this false dichotomy. You can fight pollution and create jobs... It's not one or the other. The two go together."That 'crazy left-winger Richard Nixon'

Sitting next to Ritter on the panel, Jackson demonstrated the knowledgeable and frank public speaking style that has helped make her a lightning rod during her politically fraught tenure at the EPA. To green activists frustrated by the Obama administration's reticent approach to environmental protection, she is a champion. To conservatives targeting the EPA as a "job-killing" government office beyond the reach of citizens, she is a model of bureaucratic meddling in free-market enterprise.

"The environment is non-partisan," Jackson said in response to a question about Washington politics. "Water flows downstream and the wind blows the same air over red states and blue states.

"It was that crazy left-winger Richard Nixon who passed bipartisan legislation to protect us by protecting the environment," she said, referring to the hard-line conservative 1970s Republican president who signed the Clean Air and Clean Water acts. "The free market doesn't punish polluters unless we price it. If you pollute our trout stream, you have to pay."

Jackson railed against the heated rhetoric that issues in a steady stream from lawmaker offices and think tanks in Washington, DC- the "fact-free zone," as she described it.

"We have to get past this idea that regulation kills jobs. Regulations should be reasonable. They need to be updated. But regulation needs to be done. Regulations set standards around which business thrives."

Jackson pointed out that the United States leads in the environmental-protection sector, in designing and manufacturing technologies that, for example, scrub emissions and catch particulate pollution.

"Clean air in the United States is not negotiable, so we've created a market. Last I saw, there are 1.8 million jobs in the environmental-protection sector," she said, noting that for years the U.S. has benefited from exporting that kind of technology abroad.

Although Jackson has clashed with the Obama administration over its decision to lift offshore drilling restrictions and reject a new smog-reducing ozone limit, she praised the administration for passing a national automobile-exhaust standard. She said that for years automakers made one kind of car for California, which has strict standards, and one kind of car for the rest of the nation.

"Now they have one kind of car to make. Automakers know the rules of the road, from now until 2025. They can innovate around that. There is certainty, which is vital. They can comply [with the new regulations] quicker and cheaper. You get the health benefits that much sooner."

The hidden costs of dirty air

The event setting, the National Jewish Hospital, stressed the public health benefits of marrying energy and environmental policy.

National Jewish Hospital's Professor Pacheco talked about the medical costs she sees every day at the hospital tied to Denver's "brown cloud" smog problem.

It's not just the members of the vulnerable populations— asthmatics, the elderly, young people— that cost the state money, it's also their colleagues and caregivers, she said.

"You have to take time off to take your loved ones to the hospital. You have to fill in for your co-workers who get sick. We're all paying for [pollution]," she said, adding that the costs may be hard to quantify but they're undoubtedly high.

## **EPA chief keeps up the pressure**

Durango Herald

Monday, October 24, 2011

By Joe Hanel Herald Staff Writer

Jackson touts approach to replace coal with natural-gas generators

DENVER - Regulators will continue to push for cleanups at coal power plants in the Four Corners despite a rough economy, the Obama administration's top environmental official said Monday.

Lisa Jackson, head of the Environmental Protection Agency, visited Denver to tout the state's approach to retiring coal plants and replacing them with natural gas-powered generators.

Jackson's agency in 2009 blocked a permit for the proposed Desert Rock coal power plant in Northwest New Mexico, and it is requiring better pollution-control equipment on existing power plants.

"The problem with many plants that we're facing today is that they have not in good economic times

invested in pollution control technologies. And now they are sort of gasping on the very end of life support to keep running. But the people who are paying the price are these children and our elderly people who have respiratory diseases," Jackson said when asked about the New Mexico plants.

Jackson noted that President Barack Obama has pledged that his administration will not reduce environmental rules because the economy is dragging.

The EPA will finalize by Dec. 16 a rule limiting mercury pollution from power plants, Jackson said.

Jackson was in town to participate in a panel discussion on Colorado's "Clean Air Clean Jobs" Act, a 2010 bill that calls for replacing Denver-area coal plants with natural-gas plants.

Sen. Ellen Roberts, R-Durango, was one of the act's prime sponsors, along with former Sen. Bruce Whitehead, D-Hesperus, who Roberts beat in the 2010 election.

Former Gov. Bill Ritter, the law's biggest champion, moderated the discussion in front of a friendly crowd at National Jewish Health, a respiratory hospital.

The act brought together a new coalition of natural-gas companies and environmentalists, but it caused divisions in traditional alliances. Local environmentalists opposed expanded gas drilling, and Republicans split between a faction supporting coal companies and one backing gas drillers.

Tisha Schuller, president of the Colorado Oil and Gas Association, said the political splinters posed a challenge.

"Another challenge was the aggression and persistence of the opposition, and that continues to this day. We have been surprised at the continuous spread of misinformation about the Clean Air Clean Jobs Act and also about the natural-gas industry," Schuller said.

Jackson applauded the act and said the same kind of alliance could be forged on a national level.

[jhanel@durangoherald.com](mailto:jhanel@durangoherald.com)

**Alisha Johnson/DC/USEPA/US**

04/05/2011 09:44 AM

To Seth Oster, Adora Andy, Brendan Gilfillan, Betsaida Alcantara, Andra Belknap, Shira Sternberg, Michael Moats, Vicki Ekstrom, Richard Windsor

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bcc

Subject PHILADELPHIA INQUIRER: In Philadelphia, federal EPA chief says health equals jobs

## **In Philadelphia, federal EPA chief says health equals jobs**

By Sandy Bauers  
Philadelphia Inquirer  
4/5/2011  
Inquirer Staff Writer

When Lisa P. Jackson took the stage at a national brownfields conference in Philadelphia on Monday, she said she wished all her detractors could be there to hear how restoring polluted industrial sites makes good business sense.

An hour later, when she participated in a panel at Children's Hospital of Philadelphia about new rules limiting emissions of mercury and other poisons from U.S. power plants, she spoke of how it would not only prevent thousands of premature deaths and illnesses a year, but would also support thousands of jobs in the construction and utility industries.

"These are very good jobs," she said. "They're labor-intensive jobs. And you know what you can't do with them? You can't ship them overseas, because our power plants are here."

Health and jobs. Health and jobs. It's almost a mantra for Jackson, the U.S. Environmental Protection Agency's administrator.

Now two years into the job, Jackson is a beleaguered cabinet member who draws detractors - and supporters - wherever she goes.

In Congress, she has been grilled, challenged, countered, and debated as new Republican legislators contend that she and the agency are overreaching their purview.

"You will hear people use words like cutting and defunding, and making bold claims about so-called EPA power grabs," she said. Indeed, "you may have heard that earlier this year, someone in Congress offered me my very own parking space, because I've come in to testify so often."

Perhaps the most volatile issue is whether the EPA should regulate greenhouse gases - carbon dioxide and other heat-trapping gases that most scientists say are causing climate change.

U.S. Sen. Pat Toomey (R., Pa.) is a co-sponsor of an energy bill that would prevent the EPA from imposing an energy tax on greenhouse gases. He says the bill would help lower energy prices.

"We cannot allow the EPA to hold Pennsylvania's economy hostage," he said in a statement.

The U.S. Chamber of Commerce's Bill Kovacs said it was "clear that the Clean Air Act was never intended to [give the agency authority to] regulate greenhouse gases."

"It's a decision for Congress to make," said Kovacs, senior vice president of environment, technology, and regulatory affairs for the chamber. "Not a bureaucratic regulatory agency."

He also contended that historically, the EPA proposed only three to five major "rules" - or sets of regulations - a year. This year, he said, Jackson's EPA is anticipated to propose more than two dozen,



with nearly half of them already issued.

That's "partly because she inherited a mess from her predecessors," countered Frank O'Donnell, president of the national advocacy group Clean Air Watch in Washington. "A large percentage of the air rules are redos of rules the Bush administration botched in its quest to be industry-friendly."

The agency "has just fallen into the right-wing mantra of government being too big," he said. "The EPA is suffering as a result of the health-care legislation and the fire that it lit in the tea party and elsewhere. In a lot of parts of the country, you don't hear the EPA used without the prior epithet job-killing."

David Masur, director of PennEnvironment, which hosted the mercury panel at Children's Hospital, said he thought that at the root of the debate were special interests holding sway with newly elected officials.

"Why we see this now is the political lay of the land has changed, and big polluters are cashing in," he said. Congressional conservatives are "standing up for the powerful polluters instead of the kids with asthma and old people who can't go outside on hot summer days."

Jackson, 49, a chemical engineer with a master's degree from Princeton University, was the secretary of the New Jersey Department of Environmental Protection before joining the Obama administration.

She also spent 16 years with the EPA previously, overseeing the cleanup of hazardous waste sites under the Superfund program.

In a way, she's not surprised at the current conflict.

"We're doing our job," she said. "I think EPA is getting attention because we are using science to follow the law. And that's long overdue."

She said that whether the rules are about mercury or ozone or clean water, "those are the issues that EPA should be speaking on. It means that we're relevant. It means that every once in a while, the American people have to remember that we have insisted as a nation on strong environmental protection and we don't want to go backwards."

She praised the agency's work not just on new regulations, but on the Chesapeake Bay, the BP oil spill, and its current radiation monitoring of the nation's rainwater, drinking water and milk "to assure Americans that the horrible tragedy in Japan is not affecting them and their families."

In the coming-on-strong department, Jackson also announced Monday that possibly within months, the agency would propose standards to deal with oil and natural-gas drilling, particularly their air emissions.

In rural Wyoming, where drilling is widespread, she said, officials were surprised to learn that levels of smog rivaled those in Los Angeles.

She said states "have a huge role to play in that planning process. No state can afford to look the other way."

In Pennsylvania, nearly 3,000 wells have been drilled, and Gov. Corbett is an industry ally, opposing a severance tax. A top official of the Department of Environmental Protection recently ordered that all violations and enforcement actions be approved by the DEP secretary.

Jackson, whose regional administrator, Shawn Garvin, recently sent a strongly worded letter to the Pennsylvania DEP urging greater scrutiny of the industry, said, "I would encourage the State of Pennsylvania to be looking at aggressively overseeing" the industry.

The EPA is expected to bring out another major rule this summer addressing the downwind transport of pollutants from power plants. It is sure to raise more criticism and debate.

But in Philadelphia at the brownfields and mercury events on Monday, Jackson was among her fans.

U.S. Rep. Chaka Fattah (D., Pa.), who introduced Jackson at the Children's Hospital panel, said that "some members of Congress have made it their mission to interject themselves, to be a roadblock in the work of the administration, but she is doing a great job. I know in my talks with the president there is no cabinet administrator that he has appointed that he is prouder of."

During a question-and-answer period, audience members thanked Jackson for the work she and her agency were doing.

"You've put your finger in the dike," said a Pennsylvania woman who said she was asthmatic. "I know you've gotten a lot of backlash you don't deserve."

Earlier, at the brownfields conference, Jackson received a standing ovation.

And that was just for coming on stage, before she had said a word.

**Alisha Johnson/DC/USEPA/US**

06/15/2011 03:18 PM

To Seth Oster, Adora Andy, Brendan Gilfillan, Betsaida Alcantara, Arvin Ganesan, Andra Belknap, Richard Windsor, Dru Ealons, Shira Sternberg, Stephanie Owens

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Subject HUFFPO: New EPA Regulations: Lisa Jackson Denounces American Electric Power

## **New EPA Regulations: Lisa Jackson Denounces American Electric Power**

Huffington Post

EPA Administrator Lisa Jackson

First Posted: 06/15/11 03:04 PM ET Updated: 06/15/11 03:11 PM ET

WASHINGTON -- Environmental Protection Agency chief Lisa Jackson hit back against powerful coal-burning utility American Electric Power on Wednesday, calling its recent claims that looming EPA rules will prompt massive layoffs and plant closings a "doomsday" scenario.

AEP said last week that the agency's proposed regulations on mercury and other toxic air pollution would cause the loss of 600 jobs and force the utility to prematurely retire nearly 6,000 megawatts from old coal-fired power power plants.

"The sudden increase in electricity rates and impacts on state economies will be significant at a time when people and states are still struggling" AEP Chairman Michael G. Morris said in a statement at the time. "We will continue to work through the EPA process with the hope that the agency will recognize the cumulative impact of the proposed rules and develop a more reasonable compliance schedule."

In her testimony before the Senate Environment and Public Works Committee Wednesday morning, Jackson roundly rejected that description of the situation. She also laid out the benefits of Clean Air Act regulations and accused industry lobbyists of distorting the truth for a paycheck.

"While Americans across the country suffer from this pollution, special interests who are trying to gut long-standing public health protections are now going so far as to claim that these pollutants aren't even harmful," said Jackson in a statement. "These myths are being perpetrated by some of the same lobbyists who have in the past testified before Congress about the importance of reducing mercury and particulate matter. Now on behalf of their clients, they're saying the exact opposite."

Jackson said the implementation of the EPA's newly proposed national standards for air pollution from power plants would prevent an estimated 17,000 premature deaths, 11,000 heart attacks and 120,000 cases of childhood asthma symptoms.

The public comment period, which lawmakers say may be extended, is currently slated to end July 5.

**Alisha Johnson/DC/USEPA/US**

09/06/2011 11:06 AM

To Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Andra Belknap, Michael Moats, Vicki Ekstrom, Richard Windsor, Bob Perciasepe, Bob Sussman, Arvin Ganesan, Laura Vaught, David Bloomgren, Sarah Pallone, Heidi Ellis, Dru Ealons, Stephanie Owens

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Subject POPULAR MECHANICS: Is Fracking Safe? The Top 10 Myths About Natural Gas Drilling

## **Is Fracking Safe? The Top 10 Myths About Natural Gas Drilling**

Popular Mechanics  
By Seamus McGraw

<http://www.popularmechanics.com/science/energy/coal-oil-gas/top-10-myths-about-natural-gas-drilling-6386593?src=rss#fbIndex1>

Members of Congress, gas companies, news organization, drilling opponents: They've all made bold claims about hydraulic fracturing (fracking) and the U.S. supply of underground natural gas. We take on 10 controversial quotes about natural gas and set the record straight.

Claim No. 1 "WE ARE THE SAUDI ARABIA OF NATURAL GAS."

SEN. JOHN KERRY, D-MASS., MAY 2010

Less than a decade ago, industry analysts and government officials fretted that the United States was in danger of running out of gas. No more. Over the past several years, vast caches of natural gas trapped in deeply buried rock have been made accessible by advances in two key technologies: horizontal drilling, which allows vertical wells to turn and snake more than a mile sideways through the earth, and hydraulic fracturing, or fracking. Developed more than 60 years ago, fracking involves pumping millions of gallons of chemically treated water into deep shale formations at pressures of 9000 pounds per square inch or more. This fluid cracks the shale or widens existing cracks, freeing hydrocarbons to flow toward the well.

These advances have led to an eightfold increase in shale gas production over the past decade. According to the Energy Information Administration, shale gas will account for nearly half of the natural gas produced in the U.S. by 2035. But the bonanza is not without controversy, and nowhere, perhaps, has the dispute over fracking grown more heated than in the vicinity of the Marcellus Shale. According to Terry Engelder, a professor of geosciences at Penn State, the vast formation sprawling primarily beneath West Virginia, Pennsylvania and New York could produce an estimated 493 trillion cubic feet of gas over its 50- to 100-year life span. That's nowhere close to Saudi Arabia's total energy reserves, but it is enough to power every natural gas-burning device in the country for more than 20 years. The debate over the Marcellus Shale will shape national energy policy—including how fully, and at what cost, we exploit this vast resource.

Claim No. 2 "HYDRAULIC FRACTURING SQUANDERS OUR PRECIOUS WATER RESOURCES."

Green Party of Pennsylvania, April 2011

There is no question that hydraulic fracturing uses a lot of water: It can take up to 7 million gallons to frack a single well, and at least 30 percent of that water is lost forever, after being trapped deep in the shale. And while there is some evidence that fracking has contributed to the depletion of water supplies in drought-stricken Texas, a study by Carnegie Mellon University indicates the Marcellus region has plenty of water and, in most cases, an adequate system to regulate its usage. The amount of water required to drill all 2916 of the Marcellus wells permitted in Pennsylvania in the first 11 months of 2010 would equal the amount of drinking water used by just one city, Pittsburgh, during the same period, says

environmental engineering professor Jeanne VanBriesen, the study's lead author. Plus, she notes, water withdrawals of this new industry are taking the place of water once used by industries, like steel manufacturing, that the state has lost. Hydrogeologist David Yoxtheimer of Penn State's Marcellus Center for Outreach and Research gives the withdrawals more context: Of the 9.5 billion gallons of water used daily in Pennsylvania, natural gas development consumes 1.9 million gallons a day (mgd); livestock use 62 mgd; mining, 96 mgd; and industry, 770 mgd.

Claim No. 3" NATURAL GAS IS CLEANER, CHEAPER, DOMESTIC, AND IT'S VIABLE NOW."

OILMAN TURNED NATURAL-GAS CHEERLEADER T. BOONE PICKENS, SEPTEMBER 2009

Burning natural gas is cleaner than oil or gasoline, and it emits half as much carbon dioxide, less than one-third the nitrogen oxides, and 1 percent as much sulfur oxides as coal combustion. But not all shale gas makes it to the fuel tank or power plant. The methane that escapes during the drilling process, and later as the fuel is shipped via pipelines, is a significant greenhouse gas. At least one scientist, Robert Howarth at Cornell University, has calculated that methane losses could be as high as 8 percent. Industry officials concede that they could be losing anywhere between 1 and 3 percent. Some of those leaks can be prevented by aggressively sealing condensers, pipelines and wellheads. But there's another upstream factor to consider: Drilling is an energy-intensive business. It relies on diesel engines and generators running around the clock to power rigs, and heavy trucks making hundreds of trips to drill sites before a well is completed. Those in the industry say there's a solution at hand to lower emissions—using natural gas itself to power the process. So far, however, few companies have done that.

Claim No. 4"[THERE'S] NEVER BEEN ONE

CASE—DOCUMENTED CASE—OF GROUNDWATER CONTAMINATION IN THE HISTORY OF THE THOUSANDS AND THOUSANDS OF HYDRAULIC FRACTURING [WELLS]"

SEN. JAMES INHOFE, R-OKLA., APRIL 2011

The senator is incorrect. In the past two years alone, a series of surface spills, including two blowouts at wells operated by Chesapeake Energy and EOG Resources and a spill of 8000 gallons of fracking fluid at a site in Dimock, Pa., have contaminated groundwater in the Marcellus Shale region. But the idea stressed by fracking critics that deep-injected fluids will migrate into groundwater is mostly false. Basic geology prevents such contamination from starting below ground. A fracture caused by the drilling process would have to extend through the several thousand feet of rock that separate deep shale gas deposits from freshwater aquifers. According to geologist Gary Lash of the State University of New York at Fredonia, the intervening layers of rock have distinct mechanical properties that would prevent the fissures from expanding a mile or more toward the surface. It would be like stacking a dozen bricks on top of each other, he says, and expecting a crack in the bottom brick to extend all the way to the top one. What's more, the fracking fluid itself, thickened with additives, is too dense to ascend upward through such a channel. EPA officials are closely watching one place for evidence otherwise: tiny Pavillion, Wyo., a remote town of 160 where high levels of chemicals linked to fracking have been found in groundwater supplies. Pavillion's aquifer sits several hundred feet above the gas cache, far closer than aquifers atop other gas fields. If the investigation documents the first case of fracking fluid seeping into groundwater directly from gas wells, drillers may be forced to abandon shallow deposits—which wouldn't affect Marcellus wells.

Claim No. 5"THE GAS ERA IS COMING, AND THE LANDSCAPE NORTH AND WEST OF [NEW YORK CITY] WILL INEVITABLY BE TRANSFORMED AS A RESULT. WHEN THE VALVES START OPENING NEXT YEAR, A LOT OF POOR FARM FOLK MAY BECOME TEXAS RICH. AND A LOT OF OTHER PEOPLE—ESPECIALLY THE ECOSENSITIVE NEW YORK CITY CROWD THAT HAS SETTLED AMONG THEM—WILL BE APOPLECTIC AS THEIR PRISTINE WEEKEND SANCTUARY IS CONVERTED INTO AN INDUSTRIAL ZONE, CRISSCROSSED WITH DRILL PADS, PIPELINES, AND

## ACCESS ROADS."

New York magazine, Sept. 21, 2008

Much of the political opposition to fracking has focused on the Catskill region, headwaters of the Delaware River and the source of most of New York City's drinking water. But the expected boom never happened—there's not enough gas in the watershed to make drilling worthwhile. "No one has to get excited about contaminated New York City drinking water," Penn State's Engelder told the Times Herald-Record of Middletown, N.Y., in April. The shale is so close to the surface that it's not concentrated in large enough quantities to make recovering it economically feasible. But just to the west, natural gas development is dramatically changing the landscape. Drilling rigs are running around the clock in western Pennsylvania. Though buoyed by the economic windfall, residents fear that regulators can't keep up with the pace of development. "It's going to be hard to freeze-frame and say, 'Let's slow down,'" Sen. Robert P. Casey Jr., D-Pa., said last fall. "That makes it more difficult for folks like us, who say we want to create the jobs and opportunity in the new industry, but we don't want to do it at the expense of water quality and quality of life."

Shale Gas NationThe Energy Information Administration estimates the U.S. has 2552 trillion cubic feet of potential natural gas resources.

Claim No. 6" NATURAL GAS IS AFFORDABLE, ABUNDANT AND AMERICAN. IT COSTS ONE-THIRD LESS TO FILL UP WITH NATURAL GAS THAN TRADITIONAL GASOLINE."

REP. JOHN LARSON, D-CONN., CO-SPONSOR OF H.R. 1380, A MEASURE THAT WOULD PROVIDE TAX INCENTIVES FOR THE DEVELOPMENT AND PURCHASE OF NATURAL GAS VEHICLES, MARCH 2011

That may be true. Plus, there's another incentive: Vehicles powered by liquefied natural gas, propane or compressed natural gas run cleaner than cars with either gasoline or diesel in the tank. According to the Department of Energy, if the transportation sector switched to natural gas, it would cut the nation's carbon-monoxide emissions by at least 90 percent, carbon-dioxide emissions by 25 and nitrogen-oxide emissions by up to 60. But it's not realistic: Nationwide, there are only about 3500 service stations (out of 120,000) that offer natural gas-based automotive fuel, and it would cost billions of dollars and take years to develop sufficient infrastructure to make that fuel competitive with gasoline or diesel. And only Honda makes a car that can run on natural gas. That doesn't mean natural gas has no role in meeting the nation's short-term transportation needs. In fact, buses in several cities now rely on it, getting around the lack of widespread refueling opportunities by returning to a central terminal for a fill-up. The same could be done for local truck fleets. But perhaps the biggest contribution natural gas could make to America's transportation picture would be more indirect—as a fuel for electric-generation plants that will power the increasingly popular plug-in hybrid vehicles.

Claim No. 7"DO NOT DRINK THIS WATER"

HANDWRITTEN SIGN IN THE DOCUMENTARY GASLAND, 2010

It's an iconic image, captured in the 2010 Academy Award-nominated documentary GasLand. A Colorado man holds a flame to his kitchen faucet and turns on the water. The pipes rattle and hiss, and suddenly a ball of fire erupts. It appears a damning indictment of the gas drilling nearby. But Colorado officials determined the gas wells weren't to blame; instead, the homeowner's own water well had been drilled into a naturally occurring pocket of methane. Nonetheless, up to 50 layers of natural gas can occur between the surface and deep shale formations, and methane from these shallow deposits has intruded on groundwater near fracking sites. In May, Pennsylvania officials fined Chesapeake Energy \$1 million for contaminating the water supplies of 16 families in Bradford County. Because the company had not properly cemented its boreholes, gas migrated up along the outside of the well, between the rock and steel casing, into aquifers. The problem can be corrected by using stronger cement and processing

casings to create a better bond, ensuring an impermeable seal.

Claim No. 8"AS NEW YORK GEARS UP FOR A MASSIVE EXPANSION OF GAS DRILLING IN THE MARCELLUS SHALE, STATE OFFICIALS HAVE MADE A POTENTIALLY TROUBLING DISCOVERY ABOUT THE WASTEWATER CREATED BY THE PROCESS: IT'S RADIOACTIVE."

ProPublica, November 2009

Shale has a radioactive signature—from uranium isotopes such as radium-226 and radium-228—that geologists and drillers often measure to chart the vast underground formations. The higher the radiation levels, the greater the likelihood those deposits will yield significant amounts of gas. But that does not necessarily mean the radioactivity poses a public health hazard; after all, some homes in Pennsylvania and New York have been built directly on Marcellus shale. Tests conducted earlier this year in Pennsylvania waterways that had received treated water—both produced water (the fracking fluid that returns to the surface) and brine (naturally occurring water that contains radioactive elements, as well as other toxins and heavy metals from the shale)—found no evidence of elevated radiation levels. Conrad Dan Volz, former scientific director of the Center for Healthy Environments and Communities at the University of Pittsburgh, is a vocal critic of the speed with which the Marcellus is being developed—but even he says that radioactivity is probably one of the least pressing issues. "If I were to bet on this, I'd bet that it's not going to be a problem," he says.

Claim No. 9"CLAIMING THAT THE INFORMATION IS PROPRIETARY, DRILLING COMPANIES HAVE STILL NOT COME OUT AND FULLY DISCLOSED WHAT FRACKING FLUID IS MADE OF."

Vanity Fair, June 2010

Under mounting pressure, companies such as Schlumberger and Range Resources have posted the chemical compounds used in some of their wells, and in June, Texas became the first state to pass a law requiring full public disclosure. This greater transparency has revealed some oddly benign ingredients, such as instant coffee and walnut shells—but also some known and suspected carcinogens, including benzene and methanol. Even if these chemicals can be found under kitchen sinks, as industry points out, they're poured down wells in much greater volumes: about 5000 gallons of additives for every 1 million gallons of water and sand. A more pressing question is what to do with this fluid once it rises back to the surface. In Texas's Barnett Shale, wastewater can be reinjected into impermeable rock 1.5 miles below ground. This isn't feasible in the Marcellus Shale region; the underlying rocks are not porous enough. Currently, a handful of facilities in Pennsylvania are approved to treat the wastewater. More plants, purpose-built for the task, are planned. In the meantime, most companies now recycle this water to drill their next well.

Claim No. 10"THE INCREASING ABUNDANCE OF CHEAP NATURAL GAS, COUPLED WITH RISING DEMAND FOR THE FUEL FROM CHINA AND THE FALL-OUT FROM THE FUKUSHIMA NUCLEAR DISASTER IN JAPAN, MAY HAVE SET THE STAGE FOR A 'GOLDEN AGE OF GAS.'"

WALL STREET JOURNAL SUMMARIZING AN INTERNATIONAL ENERGY AGENCY REPORT, JUNE 6, 2011

There's little question that the United States, with 110 years' worth of natural gas (at the 2009 rate of consumption), is destined to play a major role in the fuel's development. But even its most ardent supporters, men like T. Boone Pickens, concede that it should be a bridge fuel between more polluting fossil fuels and cleaner, renewable energy. In the meantime, the U.S. should continue to invest in solar and wind, conserve power and implement energy-efficient technology. Whether we can effectively manage our natural gas resource while developing next-gen sources remains to be seen. Margie Tatro, director of fuel and water systems at Sandia National Laboratories, says, "I think natural gas is a

transitioning fuel for the electricity sector until we can get a greater percentage of nuclear and renewables on the grid."

### Surface Operations

At the blender, fracking chemicals and proppant—particulates like sand that hold open fractures in the shale—are added to pure or recycled water from fluid storage tanks. This slurry is transferred through the manifold to pumpers, which boost the pressure. The manifold then directs it into a high-pressure line leading to the well. When the liquid returns to the surface after fracking, it's stored in a lined wastewater pond for treatment or recycling. Multiply each truck in this model by 10 and the storage tanks by 50 and you begin to approach the scale of a natural gas operation.

Read more: [Is Fracking Safe? The Top 10 Myths About Natural Gas Drilling - Popular Mechanics](#)



**Alisha Johnson/DC/USEPA/US**

09/01/2011 07:27 PM

To Seth Oster, Richard Windsor, Bob Perciasepe, Arvin Ganesan, Laura Vaught, Sarah Pallone, Michael Moats, Vicki Ekstrom, Dru Ealons, Betsaida Alcantara, Stephanie Owens, Bob Sussman, Heidi Ellis

cc

bcc

Subject FOX NEWS: Critics Say Obama EPA Moves Made With 2012 in Mind

## **Critics Say Obama EPA Moves Made With 2012 in Mind**

By Doug McKelway

Fox News

Published September 01, 2011

President Obama gestures after a statement in the Rose Garden of the White House in Washington Aug. 31.

While Republican foes and many in the business community accuse President Obama of pushing aggressive environmental agenda, the Obama EPA has actually been holding back on many of its key initiatives.

Critics say the go-slow approach at the Environmental Protection Agency is part of a 2012 re-election strategy for the president.

In July, the EPA announced that it would postpone, for the fourth time, new ozone standards, with a promise to reconsider them at a later date. Then in August, EPA regulators chose to ignore a promised toughening of carbon monoxide standards, angering many environmentalists. That followed a decision to postpone indefinitely rules that would have punished companies for emissions the agency says are linked to global warming.

By holding back on key initiatives, the White House has quieted concerns in swing states like Ohio, helping vulnerable Rust Belt congressional Democrats. The business world warns that the rules are still looming and that if Obama wins a second term, the consequences will be dire. Environmentalists, meanwhile, express their frustration with what they see as an overly politicized process.

"We think that's a really awful thing because we think that the decisions on clean air should be made on science not political science," said Frank O'Donnell of the environmental group, Clean Air Watch.

But conservative critics suggest that EPA's relaxation of enforcement is the exception, not the rule.

"There's absolutely no indication right now that they're pulling back on any fronts when it pertains to the EPA," said Evan Tracey of the American Coalition for Clean Coal Electricity, an industry group.

Tracey and others point to the EPA's tough new standards for increased auto mileage that begin to take effect in 2012, and still tougher regulations set for 2025 that would require cars to get 54.5 miles per gallon.

They also point to the EPA's crackdown on mountaintop coal mining, and to its new requirement for power plants to reduce pollution across state lines. That's a rule that the industry maintains will strain power grids and increase costs for electricity.

At an August town hall meeting, in response to a farmer's question about EPA over-regulation, Obama said the EPA weighs its regulatory input very carefully.

"There is not a rule or regulation that we don't do a complete cost-benefit analysis at this point and that we

don't have intensive discussions with those who would potentially be affected, "said Obama.

Read more:

<http://www.foxnews.com/politics/2011/09/01/critics-say-obama-epa-moves-made-with-2012-in-mind/#ixzz1WkKCBbXv>

**Alisha Johnson/DC/USEPA/US**

01/13/2012 07:50 PM

To Windsor.Richard, Alcantara.Betsaida, "Brendan Gilfillan", Belknap.Andra, DePass.Michelle, "David Bloomgren", Vajjhala.Shalini, "Michael Moats", "Heidi Ellis", "Stephanie Owens", "Dru Ealons"

cc

bcc

Subject WHYY: EPA head, Nutter talk sustainability

EPA head, Nutter talk sustainability  
January 13, 2012  
WHYY  
By Carolyn Beeler

Philadelphia Mayor Michael Nutter, Environmental Protection Agency head Lisa Jackson and a top Brazilian minister met in Philadelphia Friday to talk about urban sustainability.

Nutter, who touted his "Greenworks Philadelphia" program, said the way to make cities greener is to change the culture.

"I have no expectation that hundreds of thousands of Philadelphians will suddenly ... pull out their Birkenstocks and tie-dye T-shirts, and run around hugging trees all day long," Nutter said. "But I think people are getting the message ... and everyone can do something in this space."

The EPA, Rio de Janeiro and Philadelphia have a partnership aimed at identifying and increasing investment in green infrastructure.

Nutter traveled to Brazil over the summer to share ideas with leaders there.

Judith Rodin, head of the Rockefeller Foundation, said the goal is for the two cities to be models for sustainable growth around the world.

"If we can present a kind of recipe book for what economically productive, equitable, sustainable urban development looks like," Rodin said, "imagine the impact on the cities in the developing world.

"In many parts of Asia, South and Southeast Asia, a new city is being built every 73 days," she said.

During the discussion, Jackson said it is the federal government's job to support, and not get in the way of, local sustainability efforts.

"We talk in big pillars about issues that confront us and challenge us, whether it's water quality or air quality or climate change or toxic chemicals," Jackson said. "But what touches the lives of American people is what it means to me on the ground."

Earlier Jackson told reporters the agency had taken an "unusual role" by investigating possible water contamination in Dimock, Pa.

That was after state authorities told a local natural gas-drilling company it could stop shipping water there. Residents claim their water wells have been contaminated by drilling activities.

Dimock residents and fracking protesters gathered outside the Academy of Natural Sciences before the event Friday to call on Jackson to send the community water.

**Alisha Johnson/DC/USEPA/US**

04/26/2012 07:21 PM

To Windsor.Richard, "Brendan Gilfillan", Alcantara.Betsaida, Bloomgren.David, Belknap.Andra, "Michael Moats", "Stephanie Epner", "Dru Ealons", "Stephanie Owens"

cc

bcc

Subject BOSTON GLOBE: EPA chief says administration plans further steps to combat climate change

EPA chief says administration plans further steps to combat climate change  
Boston Globe  
April 26, 2012

Environmental Protection Agency administrator Lisa Jackson says the Obama administration plans to take further action to combat climate change.

She said the administration plans to further exploit natural gas while also investing in renewable energy, has provided the necessary permits to facilitate offshore wind projects, and lauded Massachusetts for taking a leading role in trying to reduce the dangerous greenhouse gases that trap heat in the atmosphere.

"This administration hasn't backed away from the need to address climate change, carbon pollution, and other forms of pollution, even as we've been growing our economy and trying to add jobs," she said. "That means recognizing early on in this administration that there was real opportunity in making our cars and trucks more efficient, and it has now contributed to us being able to really lower our dependence on foreign oil supplies."

She said the EPA expects to cut billions of tons of carbon pollution as the result of new fuel economy standards.

In an interview with a Globe reporter after addressing a conference at the Westin Boston Waterfront Hotel on Thursday, Jackson also said she is not concerned that a new Congress or a future president would seek to close her agency, as some Republicans have called for.

**Alisha Johnson/DC/USEPA/US**

To "Richard Windsor"

09/16/2011 10:07 AM

cc

bcc

Subject OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret

OVERNIGHT ENERGY: EPA seeks to quell climate concerns as greens fret  
By Ben Geman and Andrew Restuccia - 09/15/11 06:42 PM ET

State of play: The Environmental Protection Agency sought to quell concerns Thursday that climate change regulations will face the same fate as an ozone rule that the White House scuttled this month<<http://thehill.com/blogs/e2-wire/677-e2-wire/179357-white-house-shelves-smog-rule-in-huge-defeat-for-green-groups>>.

EPA Administrator Lisa Jackson said Wednesday that the agency would miss an end-of-September deadline<<http://thehill.com/blogs/e2-wire/677-e2-wire/181723-epa-climate-rule-schedule-slips>> to propose greenhouse gas standards for power plants, but insisted the rules are still on track.

She told San Francisco radio station KQED<<http://www.kqed.org/a/forum/R201109150900>> on Thursday that the agency will "absolutely" continue moving ahead with the standards. EPA officials say they will announce a new schedule shortly.

EPA is seeking to rebut the notion that the delay stems from White House or other influences outside the agency. Jackson told KQED that the delay was "not at all" a political decision, while spokeswoman Betsaida Alcantara told E2 that "we are very much committed to proposing the standards." The delay comes as greenhouse gas regulations and other EPA rules are under attack from Capitol Hill Republicans, who have called them "job killers."

The rules were scheduled to be proposed by Sept. 30 under a legal agreement between EPA and a group of environmentalists and states that had sued the agency under former President George W. Bush, who opposed climate regulations. Environmental groups issued a flurry of statements Thursday decrying the new delay.

"Every day we delay cleaning up our nation's power plants fattens polluter profits and shrinks our chances of tackling the climate crisis. Today's decision suggests that when it comes to uncontrolled carbon pollution, the administration appears content with business as usual," said Joe Mendelson, the policy director for climate and energy programs at the National Wildlife Federation.

**Alisha Johnson/DC/USEPA/US**

06/17/2011 11:04 AM

To "Richard Windsor"

cc "Jose Lozano"

bcc

Subject NAT'L JOURNAL: Power Company Contradicts Itself on EPA Rules

Administrator,  
Wanted to make sure you saw this.

Power Company Contradicts Itself on EPA Rules  
National Journal

By Amy Harder  
Wednesday, June 15, 2011 | 9:06 p.m.

American Electric Power, one of the nation's biggest coal utilities, downplayed the impact of EPA regulations to its investors while forecasting a doom-and-gloom outcome for Washington policymakers.

AEP has come under scrutiny after announcing on June 9 that it would have to close five of its coal-fired power plants and post a net loss of 600 jobs because of Clean Air Act regulations.

Other utilities employ this strategy, too. Investors have different concerns than average Americans and lawmakers, after all. But the seemingly contradictory comments are drawing renewed scrutiny as EPA Administrator Lisa Jackson works to finalize a slew of controversial standards for major polluters that could potentially change the economy. EPA plans to regulate everything from mercury to greenhouse gases. Republicans have attacked those regulations and introduced legislation to curb the agency's power.

"Because of the unrealistic compliance timelines in the EPA proposals, we will have to prematurely shut down nearly 25 percent of our current coal-fueled generating capacity, cut hundreds of good power-plant jobs, and invest billions of dollars in capital to retire, retrofit, and replace coal-fueled power plants," AEP chairman and CEO Mike Morris said in a statement last week. "The sudden increase in electricity rates and impacts on state economies will be significant at a time when people and states are still struggling."

A week earlier, Morris had sought to allay investors' concerns about the plant closures and their effect on AEP's bottom line at a June 1 investors conference.

"On balance, we think that is the appropriate way to go," Morris said of the closures. "Not only to treat our customers, but also to treat our shareholders, near and long term, with that small amount of the fleet going off-line."

Most of what AEP said it will have to shutter is spare capacity, used when it's very hot or cold. (The plants were used, for example, during last week's Midwestern heat spell.) That fact was not included in the company's release, but Morris made sure to remind investors.

"As you know, those are high-cost plants and dispatch infrequently," Morris said. He went on to add that most of them didn't run at all in 2009 because natural-gas prices were so low.

AEP spokeswoman Melissa McHenry told National Journal Daily that the plants slated for closure haven't been used much in recent years because of low natural-gas prices, but that having them available for use in times of extreme temperatures seems crucial.

McHenry said costs made closing plants a better alternative than retrofitting them. Consumers would still face surging electricity prices because of the time frame, which AEP and many other coal utilities say is

unrealistic. Companies must comply with two of EPA's major set of rules by 2015. AEP wants the compliance time frame extended to 2020.

Southern Co., another major coal utility, also fights EPA's regulations and tries to walk a fine line. CEO Tom Fanning told investors in the first-quarter earnings statement that he remains "confident or optimistic perhaps that we've been able to work through some tough complex issues in the past." He also said that extending the compliance timeline to 2018 would make him "feel a lot more comfortable about being able to run our portfolio."

EPA's Jackson was not impressed with the AEP announcement last week. She said after a hearing on Wednesday that it was "misleading at best, scare tactics at worst."

Southern's Fanning, meanwhile, had positive words to say about the agency's administrator.

"In my constructive conversations with Lisa Jackson, she, I think, recognizes that the EPA—last thing they want us to create [is] reliability crises," he said in the earnings statement.

Alisha Johnson

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

**From:** Alisha Johnson

**Sent:** 06/17/2011 06:34 AM EDT

**To:** Seth Oster; Adora Andy; Brendan Gilfillan; Betsaida Alcantara; Andra Belknap; Shira Sternberg; Dru Ealons; Stephanie Owens; Michael Moats; Vicki Ekstrom

**Subject:** NAT'L JOURNAL: Power Company Contradicts Itself on EPA Rules  
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**Alisha Johnson/DC/USEPA/US**

11/02/2011 05:10 PM

To "Richard Windsor"

cc "Jose Lozano", "Seth Oster", "Brendan Gilfillan", "Betsaida Alcantara"

bcc

Subject SF Chronicle: California Academy of Sciences' roof is thriving

Article in today's paper on the California Academy of Sciences' living roof

California Academy of Sciences' roof is thriving

home@sfchronicle.com (Joe Eaton,Ron Sullivan, Special to The Chronicle)

Posted: 11/02/2011 12:20 AM

Renzo Piano took a long look at the site of the California Academy of Sciences - a good first step for an architect proposing a building. Among the cypresses and cedars surrounding Golden Gate Park, he noted the distinctively rounded hill of Grandview Park (a.k.a. Turtle Hill) at Moraga and 14th Avenue. Frank Almeda, the academy's botany chair and senior curator, says that hill, known chiefly for its own viewshed, was the inspiration for the academy's roof.

Turtle Hill is an outcrop of radiolarian chert, billions of tiny skeletons compressed undersea millions of years ago and lifted above the native sands of western San Francisco by the slow geologic tumult that makes our land. It's a refuge for native plants, including the endangered Franciscan wallflower and dune camphor tansy.

The academy's roof is a garden planted with some of what's on Turtle Hill: beach strawberry, bush monkeyflower, many species familiar to anyone who's walked Point Reyes, for example. Its conditions are classically local and coastal: wind, fog, shallow soil. The fossils beneath and the roof above were gathered and built by a more recent natural force - human ideas - but at 3 years old, the roof's got terror.

Almeda, the roof's de facto spokesman, gave a tour on a balmy September morning. "We started with a palette of about nine species, things we thought would do well, selected because they were tough and attracted wildlife," he said. "We wanted a wildlife corridor." Now there are about 75 species: herbs, shrubs, annuals, perennials, grasses, succulents and ferns.

The roof's palette has changed in other ways: "Within our first six months we had many, many annuals - poppies, tidy tips, goldfields. We didn't have the cover we do now. Now there's no elbow room for them to become established." A few perennials failed to take hold; sea pink, for one, couldn't handle the initial shot of nitrogen-rich fertilizer.

#### Success story

One success story was self-heal, prunella, a purple-flowered herb in the mint family. "Self-heal really took off," said Almeda. "Bumblebees just love it; every flower set seed. On our opening day we had huge flocks of red-winged and Brewer's blackbirds feeding on the self-heal seeds."

Other winners include the tall, yellow-blossomed Hooker's evening primrose, pollinated by butterflies ("They're really happy, dispersing all over the roof"), late-blooming California fuchsia and beach strawberry. Native grasses are also thriving, and dudleyas, native succulents, have prospered.

And there have been surprises: Almeda calls them "the unbidden gifts." Seep-spring monkeyflower volunteered in one corner of the roof and has spread. Almeda pointed out a white-flowered California poppy: "We thought we had only the true orange form. It's been setting seed since it came up, but we haven't seen any others. It's perennial - it's never died back."

Like the roof the Drifters sang about, this is a sort of paradise. But it's not quite trouble-proof. Interlopers include water-guzzling willows and exotics like buddleia and Japanese anemone. "One of the biggest surprises was gunnera," Almeda told us - the huge-leaved, archaic-looking plant sometimes called "dinosaur chow." "It's planted nearby and produces thousands of sticky seeds. Birds love them, and get them stuck to their feet and bills." But dandelion and Bermuda sorrel haven't shown up.

#### Plants and pollinators

Plant-animal partnerships are part of the roof's message. "It's important to learn that plants don't just make it on their own," he said. "They have a long evolutionary partnership with pollinators." The roof is a magnet for insects and other creatures; bumblebees and honeybees were everywhere, white and West Coast lady butterflies, a red-tailed hawk. San Francisco State graduate student Jessica Van Den Berg found 173 arthropod species (65 kinds of parasitic wasp alone) but, surprisingly, no ants. A citizen science group is still keeping a tally. Thirty species of birds have been identified.

Human visitors love the roof, too. Many have never seen a living roof up close. "Again and again people tell me that they're adding a roof and want to make it a living one," he told us. "I refer them to architects who can tell them if they have the load-bearing capacity."

For gardeners who aren't ready to take that step, Almeda is evangelical about native plants: "I tell people to consider natives seriously. They allow you to really reduce the amount of water you use - a precious resource we're going to have to guard into the future."

California Academy of Sciences: 9:30 a.m.-5 p.m., Mon.-Sat., 11 a.m.-5 p.m. Sun. 55 Music Concourse Drive, Golden Gate Park. (415) 379-8000. [www.calacademy.org](http://www.calacademy.org).

Joe Eaton and Ron Sullivan are naturalists and writers in Berkeley. E-mail comments to [home@sfchronicle.com](mailto:home@sfchronicle.com).

Allyn  
Brooks-LaSure/DC/USEPA/US

01/11/2010 05:14 PM

To Adora Andy

cc "Betsaida Alcantara", "Allyn Brooks-LaSure", "Arvin Ganesan", "Brendan Gilfillan", Lisa Heinzerling, "Gina McCarthy", "David McIntosh", "Michael Moats", "Seth Oster", "Bob Perciasepe", "Bob Sussman", "Diane Thompson", "Richard Windsor"

bcc

Subject CBS News: On Copenhagen Waste

CONGRESSIONAL SPENDING WASTE IN COPENHAGEN; 21 MEMBERS,  
ALL-EXPENSES PAID

Mon Jan 11 2010 15:08:56 ET

An exclusive report that will air tonight on CBS EVENING NEWS WITH KATIE COURIC reveals the alarmingly high number of members of Congress who got an all-expense paid trip to Denmark -- on your dime!

An embargoed script from Sharyl Attkisson's report:

Few would argue with the US having a presence at the Copenhagen Climate Summit.

NATS OBAMA I'M ALWAYS HOPEFUL

(VO: Denmark beauty shot)

But wait until you hear what we found about how many in Congress got all-expense paid trips to Denmark... on your dime.

(VO)

Our camera spotted House Speaker Nancy Pelosi at the summit. She called the shots on who got to go.

That's House Majority Leader Steny Hoyer.

And there's the embattled Chairman of the Tax Committee Charles Rangel.

"NATS: YOU TAKIN' CARE OF MR. RANGEL? HE SURE IS!"

(VO)

They were joined by 17 colleagues from both parties: Democrats: Waxman, Miller, Markey, Gordon, Levin, Blumenauer, DeGette, Inslee, Ryan, Butterfield, Cleaver, Giffords, and Republicans:

Barton, Upton, Moore Capito, Sullivan, Blackburn.

(ATTKISSON STANDUP)

And that's not the half of it. But finding out more was a bit like trying to get the keys to Ft. Knox. Many referred us to Speaker Pelosi who wouldn't agree to an interview, give cost estimates or even tell us where they all stayed. Her office said it "will comply with disclosure requirements."

(VO)

Senator Inhofe is one of the few who provided us any detail. He attended the summit on his own for just a few hours, to give an "opposing view."

(SOT-INHOFE)

They're going because it's the biggest party of the year. The worst thing that happened there is they ran out of caviar.

(VO: JETS)

(MOVED) Our investigation found that the House delegation was so large, it needed three military jets: two 737's and a Gulfstream Five. Up to 64 passengers -- travelling in luxurious comfort.

(VO)

Add Senators and staff, most of whom flew commercial, and we counted at least 101 Congress-related attendees. All for a summit that failed to deliver a global climate deal.

(VO)

As a perk, some took spouses, since they could snag an open seat on a military jet or share a room at no extra cost to taxpayers.

(FLASH THRU VIDEO AT COPENHAGEN)

That's Congresswoman Giffords holding her husband's hand.

Moore Capito and her husband.

Markey took his wife - shown wearing red - (Susan Blumenthal) as did Sensenbrenner (Cheryl).

Congressman Barton-- a climate change skeptic-- even brought along his daughter, not shown here.

(VO)

Until required filings are made in the coming weeks, we can only figure bits and pieces of the cost to you.

(GRAPHIC 1)

Three military jets at \$57-hundred dollars an hour. (\$5,740)  
Dozens flew commercial at up to two thousand dollars each.

More than 300 (321) hotel nights booked - the bulk at  
Copenhagen's five-star Marriott.

Meals add tens of thousands more.

(VO)

Watchdog Steve Ellis wasn't against some sort of US presence  
but...considering the record deficit...

(SOT-STEVE ELLIS, TAXPAYERS FOR COMMON SENSE check)

7:22:48 EVERY PENNY COUNTS. CONGRESS SHOULD BE SHAKIN' THE COUCH  
CUSHIONS LOOKING FOR CHANGE, RATHER THAN SPENDING CASH FOR  
EVERYBODY TO GO TO COPENHAGEN. 23:00

(ATTKISSON STANDUP)

Nobody we asked would defend the super-sized Congressional  
presence on camera. One Democrat said it showed the world the US  
is serious about climate change.

(GRAPHIC: MILITARY JET WITH SMOKE AND FIGURES) And all those  
attendees who went to the summit rather than hooking up by  
teleconference? They produced enough climate-stunting carbon  
dioxide to fill 10,000 Olympic swimming pools. (40,500  
tonnes/source: UN Framework Convention on Climate Change)

(VO: US Senate Committee on Foreign Relations/US Senators and  
Staff Only) Which means even if Congress didn't get a global  
agreement...

00:03:01 "EXCUSE ME" CRASH! (SLAMS DOOR on CAMERA)

**... they left an indelible footprint all the same. Sharyl Attkisson, CBS News, Washington.**

**Developing...**

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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](mailto:brooks-lasure.allyn@epa.gov)

**Allyn  
Brooks-LaSure/DC/USEPA/US**

06/25/2009 10:48 AM

To Arvin Ganesan, Richard Windsor  
cc Adora Andy, Bob Sussman  
bcc  
Subject Re: Confirmed- Protest at EPA HQ tomorrow

Thanks - we've been notified.

MABL.

-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415  
Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 06/25/2009 10:45 AM EDT  
**To:** Richard Windsor  
**Cc:** Allyn Brooks-LaSure; Adora Andy; Bob Sussman  
**Subject:** Fw: Confirmed- Protest at EPA HQ tomorrow

FYI.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/25/2009 10:44 AM -----

From: Catherine Libertz/R3/USEPA/US  
To: "(9DB131E156734BE7A042F4CBB034FF4A) Joyce Frank" <Frank.Joyce@epamail.epa.gov>, "Arvin Ganesan" <Ganesan.Arvin@epamail.epa.gov>, "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>  
Date: 06/25/2009 10:13 AM  
Subject: Fw: Confirmed- Protest at EPA HQ tomorrow

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We have already alerted Region 3 facilities mgmt (as there is potential for regional protests) who have done the appropriate local law enforcement notifications. I also alerted region 4, as the atlanta protest seems to be a bit more organized than other regions (this group is calling for protests tomorrow thru sunday at all epa regional offices). Thought you would want to be informed. I will also ask that our regl facilities mgmt folks alert their hq counterparts.

As you may have seen in the news, particularly since darryl hannah and former state politicians have joined in, a goal of this group is to get arrested to bring attention to the matter.

Cathy  
Jessica Greathouse

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

**From:** Jessica Greathouse  
**Sent:** 06/25/2009 10:06 AM EDT

**To:** Catherine Libertz; Gail Tindal; Shawn Garvin; Linda Miller; Eric Carlson; LaRonda Koffi

**Subject:** Confirmed- Protest at EPA HQ tomorrow  
Environmental activists have planned a day of action in D.C. tomorrow to protest MTM. Below are the details.

Mountain Justice National EPA Day of Action  
WASHINGTON DC

Washington DC, Federal Triangle/EPA Headquarters  
Noon - 1 PM

**For more information, Call 814-571-1165**

Following on the heels of historic civil disobedience in the Coal River Valley and a Senate Hearing on Mountaintop Removal, Mountain Justice organizers are coordinating a national day of action at EPA headquarters to demand that the EPA and Obama put an end to mountaintop removal.

## Schedule

**8 AM to Noon** - Distribute our demands and educate pedestrians

**Noon - 1 PM** - PROTEST MTR! Raise a good old fashioned non-violent ruckus, deliver our demands, chant, and beat our drums.

This is a DIY protest - bring your pots, pans, drums, guitars, cameras, signs, and friends! Come prepared to speak your mind over the loud speaker.

## Directions:

- Ride the Metro to Federal Triangle.
- Exit and go up three sets of escalators.
- At the top of the escalators turn around and go towards 12th St.
- Walk through the arches and into the protest!

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



**Allyn  
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor

cc

02/17/2009 08:28 PM

bcc

Subject AP story

WASHINGTON (AP) — EPA administrator Lisa Jackson says the agency is moving toward regulating the gases blamed for global warming.

¶ In an interview Tuesday with The Associated Press, Jackson said the agency will decide whether greenhouse gases are a danger to human health and welfare, the legal trigger for regulation under federal law.

¶ Jackson said the Environmental Protection Agency owes the American people an opinion.

¶ "We are going to be making a fairly significant finding about what these gases mean for public health and the welfare of our country," Jackson said.

¶ Recent EPA decisions have hinted that the agency was leaning toward using the Clean Air Act to regulate the gases, a step the Bush administration refused to take despite prodding from the Supreme Court.

¶ In his first week in office, President Barack Obama directed the agency to review a decision by the Bush administration denying California and other states the right to control greenhouse gases from automobiles.

¶ On Tuesday, the EPA announced that it was reviewing a Bush policy that prohibits using the federal permit process to require new coal-fired power plants to install equipment to reduce carbon dioxide, the most prevalent greenhouse gas.

¶ Jackson said Tuesday that the agency was now turning its attention to the broader question of regulation under the Clean Air Act. The law has been used since 1970 to curb emissions that cause acid rain, smog and soot.

¶ In 2007, the Supreme Court ruled that it could be used to curb carbon dioxide and other greenhouse gases, but the Bush administration refused to use the law, saying it was the wrong tool.

¶ Jackson took a different position Tuesday during one of her first interviews since winning Senate confirmation Jan. 23.

¶ "It is clear that the Clean Air Act has a mechanism in it for other pollutants to be addressed," she said.

¶ "If EPA is going to talk and speak in this game, the first thing it should speak about is whether carbon dioxide and other greenhouse gases endanger human health and welfare," she said. "It is a very fundamental question."

¶ But Jackson also said the EPA was not acting alone and that regulation at the federal level would not preclude new legislation to limit greenhouse gas emissions, something Democratic leaders on the Hill are already working on.

¶ The United States is under pressure to take some action on global warming in advance of negotiations scheduled for later this year in Copenhagen on a new international treaty.

¶ The Bush administration pulled out of the last treaty, the 1997 Kyoto Protocol, citing a lack of participation by developing countries and harm to the U.S. economy. In the late 1990s, during the Clinton administration, the Senate balked at ratifying the agreement.

¶ Jackson, a Princeton University-educated chemical engineer, helped spearhead regulation of greenhouse gases in New Jersey, where she headed up the Department of Environmental Protection from 2006 until 2008. While there, she unveiled a plan to reduce the state's carbon dioxide emissions by 20 percent by the year 2020 and 80 percent by 2050.

**Allyn  
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor

cc

03/31/2009 06:16 PM

bcc

Subject Re: Fw: Google Alert - lisa jackson epa

Indeed.

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M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

Richard Windsor

Fast ! From: Google Alerts [googlea...

03/31/2009 04:49:44 PM

From: Richard Windsor/DC/USEPA/US  
To: "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>  
Date: 03/31/2009 04:49 PM  
Subject: Fw: Google Alert - lisa jackson epa

Fast !

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**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 ...

[See all stories on this topic](#)

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Allyn  
Brooks-LaSure/DC/USEPA/US

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob  
Sussman, Mathy Stanislaus, Lisa Heinzerling, David  
McIntosh, Arvin Ganesan

01/27/2010 07:39 PM

cc Seth Oster, Adora Andy

bcc

Subject Tomorrow's Politico.

A coal ash ad paid for by Earthjustice will run, with the following text:

**arsenic**  
**chromium**  
**lead**

We just put them in your thoughts.  
**Power plants are putting them in  
your drinking water.**

**Coal Ash** is a waste product of coal-fired power plants. It's a toxic mixture of arsenic, lead, and other contaminants, and it's polluting drinking water wells and waterways across America. For decades, the coal industry's careless disposal of coal ash has been poisoning our communities. **It's time for the EPA to start regulating coal ash as hazardous waste—because that's exactly what it is.**

**[www.earthjustice.org/coalash](http://www.earthjustice.org/coalash)**

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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](mailto:brooks-lasure.allyn@epa.gov)

**Allyn  
Brooks-LaSure/DC/USEPA/US**

01/27/2010 10:50 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, David  
McIntosh, Arvin Ganesan, Sarah Pallone  
cc Seth Oster, Adora Andy, Michael Moats

bcc

Subject Fw: Guest List For The First Lady's Box At The 2010 State Of  
The Union

A few of these folks have green connections:

### **Li Boynton (Bellaire, TX)**

Li is a 18-year-old senior from Bellaire, Texas whose passion for science and global health has led her to new and potentially ground-breaking methods for testing the quality of drinking water. Almost one billion people lack access to safe drinking water, and 3.5 million people die each year from water-related diseases. Observing the limitations and significant expense of conventional chemical-specific tests, Boynton saw a need for a broader, more efficient assay for testing – and developed a bacteria bio-sensor. Li's work, which has the potential to be significant in improving public health worldwide, received the Intel International Science and Engineering Fair award for 2009.

Li has always had a passion for science and invention: in 5th grade, she designed a solar-distillation device after reading Life of Pi in case she ever got stranded in the middle of the ocean. Li is also an avid painter and participates in high school debate, which is where she originally developed her environmental interests.

### **Anita Maltbia (Kansas City, MO)**

Anita Maltbia is a native of Kansas City, Missouri, and has over 30 years experience in city government, and community activism. In August 2009, at the request of Congressman Emanuel Cleaver II, Anita assumed the director position of the Green Impact Zone. This initiative works with the residents of a 150 square-block area in the urban core of Kansas City to raise the quality of life environmentally, economically and socially. Energy efficiency and environmental conservation, including home weatherization and energy upgrades are critical goals as is job training and acquisition.

The Green Impact Zone in Kansas City, Missouri is an urban success story that reflects President Obama's national urban policy vision of breaking down silos and building strong communities of opportunity that will, in turn, contribute to the economic prosperity and the sustainability of cities and metropolitan areas.

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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 01/27/2010 10:47 AM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 01/27/2010 10:45 AM  
Subject: Guest List For The First Lady's Box At The 2010 State Of The Union

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THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE

January 27, 2010

**GUEST LIST FOR THE FIRST LADY'S BOX AT THE 2010 STATE OF THE UNION**

**Mrs. Michelle Obama**

**Dr. Jill Biden**

**Clayton Armstrong (Washington, DC)**

Clayton was a DC Scholar with the White House Office of Intergovernmental Affairs during the summer of 2009. He is currently a freshman at the University of Arizona. Clayton grew up in Southeast Washington, DC and graduated from Ballou High School where he was the captain of the football team.

**Li Boynton (Bellaire, TX)**

Li is a 18-year-old senior from Bellaire, Texas whose passion for science and global health has led her to new and potentially ground-breaking methods for testing the quality of drinking water. Almost one billion people lack access to safe drinking water, and 3.5 million people die each year from water-related diseases. Observing the limitations and significant expense of conventional chemical-specific tests, Boynton saw a need for a broader, more efficient assay for testing – and developed a bacteria bio-sensor. Li's work, which has the potential to be significant in improving public health worldwide, received the Intel International Science and Engineering Fair award for 2009.

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**Jeffrey Brown (Philadelphia, PA)**

Jeffrey Brown is the founder, President and CEO of Brown's Super Stores, Inc., a growing ten-store supermarket chain trading under the ShopRite banner. As one of the leading supermarkets in the Philadelphia area, the company employs 2,300 associates who are committed to making a difference for their customers and the local

communities they serve.

Brown graduated from Babson College, Massachusetts with a degree in entrepreneurial studies. He resides in southern New Jersey with his wife Sandy and their four sons Joshua, Alex, Lenny, and Scott.

**Mayor Mick Cornett (Oklahoma City, OK)**

Mick Cornett became Oklahoma City's 35th mayor on March 2, 2004, and was re-elected on March 7, 2006. In 2007, he was elected as a Trustee of the U.S. Conference of Mayors. Cornett is also the national President of the organization representing Republican Mayors and Local Officials.

Cornett is a graduate of the University of Oklahoma, where he earned a degree in journalism, and after graduation embarked on a 20 year career in broadcast journalism. In 2001, Cornett was elected to City Council, where he served until becoming mayor.

Cornett was born and raised in Oklahoma City, and together, he and his wife Lisa have raised three sons – Michael, Casey and Tristan.

**Tina Dixon (Allentown, PA)**

Tina is currently employed by Lehigh Valley Health Network as a Technical Partner Trainee, a job that she was able to secure through the EARN program (Employment Advancement and Retention Network – a program focused primarily on Paid Work Experience placement) at the Allentown, Pennsylvania CareerLink in preparation to re-enter the workforce after years as a stay-at-home mother to three girls, Olivia, Allison, and Lauren.

It was at CareerLink that Tina met President Obama on the first White House to Main Street Tour in December 2009.

**Gabriela Farfan (Madison, WI)**

Gabriela is a 19-year old from Madison, Wisconsin whose passion for geology started at a young age – collecting rocks as a seven-year old with her father. In 2009, as a senior in high school, her hard-work and research won her one of the top awards in the Intel Science Talent Search, winning a scholarship for her independent research describing why certain gemstones appear to change color when viewed from different angles – a finding that directly affects the gemstone industry and may have applications in the nano and materials sciences. Gabriela is now in college as a freshman at Stanford University, and a declared geology major.

Gabriela is also a National Hispanic Scholar awardee, has two very proud parents, Abigail Farfan and Carlos Peralta, and has a real dedication to the arts: singing, drawing, painting, speaking French and Spanish, and following operas and musicals.

### **Julia Frost (Jacksonville, NC)**

Julia is a former Marine bandsman trumpeter, a wife of an active duty Marine, and current student at Coastal Carolina Community College. She served a four year term with the United States Marine Corps stationed at Marine Corps Base Hawaii. Her husband, Sergeant Ryan Frost, is also a Marine bandsman, stationed at Camp Lejeune North Carolina.

With the aid of the GI Bill, Julia is currently enrolled in the Elementary Education program through a partnership between Coastal Carolina Community College and the University of North Carolina, Wilmington. Julia hopes to complete her associate degree this summer and bachelors in the spring of 2012.

Dr. Biden, a community college professor, first met Julia when she visited her campus last October as part of the Administration's ongoing efforts to support America's community colleges and their students.

### **Ping Fu (Chapel Hill, NC)**

Ping Fu co-founded Geomagic, a company which pioneers technologies that fundamentally change the way products are designed, engineered and manufactured around the world from automobiles to medical devices. Geomagic, under her leadership, has been an active participant in the SBA's Small Business Innovation Research (SBIR) program. Fu has led Geomagic to deliver broad-based economic impact to the US economy with tangible results - the company tripled its customer base and employment while achieving high growth and profitability. As such, the NSF awarded Geomagic the prestigious Tibbetts Award for exemplifying the very best in SBIR.

Fu has more than 25 years of software industry experience in database, internet technology, and visual computing. Before Geomagic, she was the Director of Visualization at the National Center for Supercomputing Applications and is also, actively involved in promoting entrepreneurship and women in mathematics and sciences.

### **Janell Holloway (Washington, DC)**

Janell was a DC Scholar with the White House Domestic Policy Council during the summer of 2009. She is currently a freshman at Harvard University where she is a member of the Harvard College chapter of the American Red Cross, dances with the CityStep dance troupe, and is active in the Black Student Association. Janell is interested in the connection between child abuse and youth violence and has served as a volunteer at Safe Shores: DC Children's Advocacy Center for more than three years. She is a native of Washington, DC and graduated from Benjamin Banneker Academic High School.



### **Ambassador Raymond Joseph**

In 1990 Raymond Joseph was called to be Haiti's Chargé d'Affaires in Washington and his country's representative at the Organization of American States. After helping with the first democratic elections in December 1990, he returned to the Haiti Observateur where he remained until he was called back to Washington in March 2004, where he is currently the Ambassador.

Joseph is a graduate pastor from the Moody Bible Institute in Chicago, a B. A. holder in Anthropology from Wheaton College, Wheaton, Illinois. He also has a Master's degree in Social Anthropology/Linguistics from the University of Chicago.

### **Don Karner (Phoenix, AZ)**

Don Karner is the President, CEO, and Co-Founder of eTec (Electric Transportation Engineering Corporation). As President of eTec, Don provides strategic direction, conducts research and leads the company's development of new products and services.

eTec received \$99.8 million from the Recovery Act's Battery and Electric Vehicle Grant program, which the company will match with another \$99.8 million in locally raised funds. The funding will be used to manufacture and implement the charging infrastructure for an 11 city pilot program intended to research electric vehicle charging infrastructure. Cities involved are Phoenix, Tucson, San Diego, Salem, Portland, Eugene, Seattle, Nashville, Knoxville, and Chattanooga. The award will create at least 50 new permanent clean economy jobs working directly at eTec, has already saved numerous positions, and will require construction workers across the country to implement the project.

Don participated in a Recovery Act roundtable discussion with Vice President Biden in Phoenix in November 2009 where they discussed the importance of the public/private partnership to a green economy.

### **Janell Kellett (Sun Prairie, WI)**

Janell has served as a lead volunteer within the Wisconsin Army National Guard for approximately six years, including during her husband's fifteen month deployment from 2005-2006 and recent twelve month deployment from 2009-2010. Janell's husband, Major Michael Hanson, serves with the 32<sup>nd</sup> Infantry Brigade Combat Team and recently returned home to Wisconsin. During Major Hanson's deployment, Janell served the 3,200 families of the 32<sup>nd</sup> Brigade and over 50 volunteers of the 32<sup>nd</sup> Brigade with dedication. Janell was honored for her service with a 2009 Wisconsin National Guard Volunteer of the Year award by the Wisconsin State Family Program. Under Janell's leadership, the 32<sup>nd</sup> Brigade was selected for the prestigious Department of Defense Reserve Family Readiness Award in December 2009 for the Army National Guard.

Additionally, Janell served as the Battalion Volunteer for the 2<sup>nd</sup> Battalion, 128<sup>th</sup> Infantry when it received the same award, the Department of Defense Reserve Family Readiness Award, in 2006.

Janell and Michael have two children, Jaclene and Lucas.

**Rebecca Knerr (Chantilly, VA)**

Rebecca is representing her husband, Captain II Joseph Knerr, the Task Force Leader of Fairfax County's Virginia Task Force 1 serving in Haiti. Having worked as a Fairfax County Firefighter for 15 years, Joe currently serves as Station Commander at Fairfax Fire and Rescue Station 18. He initially joined the USAR team in 1998 serving in a variety of operational capacities and now in leadership positions. Joe is also involved in the coordination, teaching and training of other international rescue teams. A former Fairfax County Firefighter and Paramedic herself, Rebecca works as an Emergency Physician's Assistant in a Northern Virginia Hospital and for Fairfax County Fire and Rescue Department developing and delivering emergency medical services education to uniformed personnel. Rebecca, 24 month old son Jackson, and 12 week old daughter Grace are eager to welcome Joe home.

**Chris Lardner (Albuquerque, NM)**

Chris Lardner is a patient service manager at the New Mexico Heart Institute and her husband, Scott, owns a small family business. Together they have three children, two daughters in college at Regis University in Denver, Danielle and Caitlin, and a son in 7th grade, Sean. As a result of the economic downturn they resorted to paying for some of their daughters' education with a credit card. Lardner realized she was close to reaching the card limit, so she contacted the college to change the card on file. The school mistakenly charged another payment to the original card, which then put her above the limit. In response, the credit card company more than tripled her rate to nearly 30 percent, despite of record of responsibility with her finances and payments. Lardner submitted a letter to the President online expressing her frustration with the rate hikes leveled as a result of the mistaken charge.

Chris shared her story when she introduced the President at a Town Hall in May 2009 – since that time her issue with the credit card company was eventually resolved; their rate was lowered to 7 percent and the company returned the over-the-limit fees that had been charged.

In May 2009, President Obama signed the credit card reform bill that bans credit card companies from unfairly raising interest rates on existing balances, protects against unfair fee traps (including requiring the consumer's permission before processing an over-the-limit transaction), and increases accountability and transparency from credit card companies.

**Anita Maltbia (Kansas City, MO)**

Anita Maltbia is a native of Kansas City, Missouri, and has over 30 years experience in city government, and community activism. In August 2009, at the request of Congressman Emanuel Cleaver II, Anita assumed the director position of the Green Impact Zone. This initiative works with the residents of a 150 square-block area in the urban core of Kansas City to raise the quality of life environmentally, economically and socially. Energy efficiency and environmental conservation, including home weatherization and energy upgrades are critical goals as is job training and acquisition.

The Green Impact Zone in Kansas City, Missouri is an urban success story that reflects President Obama's national urban policy vision of breaking down silos and building strong communities of opportunity that will, in turn, contribute to the economic prosperity and the sustainability of cities and metropolitan areas.

**Kimberly Munley (Killeen, TX)**

Kimberly was born and raised in North Carolina. In 1999, she completed Basic Law Enforcement Training and began her career in law enforcement. Kimberly spent the next 11 years working as a University of North Carolina, Wilmington undercover vice/narcotics agent, a Wrightsville Beach uniformed patrol officer and beach patrol officer, a Special Police Officer for New Hanover County Regional Medical Center, a Chemical, Biological, Radiological, and Nuclear Operations Specialist Soldier in the United States Army, and is currently a federal police officer serving on the Special Reaction Team for the Fort Hood Police Department in Fort Hood, Texas.

**Cindy Parker-Martinez (Belle Isle, FL)**

Cindy is a mother of two young children, who shared her story of the problems her family faces with the current health care system at a Health Care Community Discussion held at the University of Central Florida in Orlando, one of thousands of discussions held nationwide in December 2008. In April 2008, Cindy, her husband, and her son were all denied insurance coverage on the individual insurance market because of pre-existing conditions. Her 11-month old daughter was also denied coverage due to an insurance company age requirement of 12 months. Both Cindy and her husband are currently uninsured because they cannot afford the insurance offered at her husband's employer. Although they previously paid their premium, they could not afford to keep up the monthly payments after receiving thousands of dollars in medical bills from her husband's unexpected 6-day hospital stay for pneumonia. Their family's income is too high for them to qualify for Medicaid. Cindy and her husband currently have no insurance and have thousands of dollars in medical debt.

**Deborah Powell (Hugo, OK)**

Deborah Powell is a Native American Development Specialist for the Housing Authority of the Choctaw Nation of Oklahoma. Having earned only a high school diploma, Powell built her experience outside of college and soon became interested in

accounting and finance. After spending 43 years of her life in her hometown of Flagstaff, Arizona, she moved to Oklahoma in April 2004 for a change of pace and is currently working on a project funded by the Recovery Act. A member of the Choctaw Nation, she is currently helping to track budgets and ensure bids for independent elderly homes. This project, which is still under construction, will provide homes for more than 86 elderly people in the Choctaw Nation. Powell is recently remarried, and enjoys hunting, fishing, and spending time with her family.

### **Sergeant First Class Andrew Rubin (Savannah, GA)**

Sergeant First Class Andrew Rubin entered the Army in 1997 from Boston, Massachusetts and completed One Station Unit Training, Airborne Training and Ranger Assessment and Selection at Fort Benning, Georgia before becoming a Ranger assigned to the 75<sup>th</sup> Ranger Regiment.

Andrew has spent his entire military career serving in the 75<sup>th</sup> Ranger Regiment in positions of increasing responsibility. He is currently assigned to 1<sup>st</sup> Battalion, 75<sup>th</sup> Ranger Regiment, headquartered in Savannah, Georgia, which recently redeployed from a combat tour supporting operations in Iraq and Afghanistan in December 2009.

SFC Rubin currently leads 45 Rangers as a Rifle Company Platoon Sergeant. In the Regiment, he has also served as an anti-tank gunner, sniper, sniper team leader, sniper section leader, and rifle squad leader, Ranger Assessment and Selection Instructor, and Rifle Platoon Sergeant.

SFC Rubin has served four combat tours in Iraq and two combat tours in Afghanistan. He has been involved in countless fire fights, was wounded on two separate occasions and has received two awards for Valor. During his recent deployment to Iraq, he was shot by enemy forces while risking his life to save one of his Rangers who lay wounded and immobilized in the streets of As Sadiyah, Iraq during an intense firefight. For that action, he received the Bronze Star with Valor and the Purple Heart. Previously, he was wounded in Afghanistan when he was hit by a rocket propelled grenade during an enemy ambush.

SFC Rubin and his wife Megan have three children, Michael, Joseph and Kendal.

### **Mark Todd (Killeen, TX)**

Mark Todd was born and raised in San Diego, California. Todd enlisted in the United States Army as a Military Policeman in 1985. He was selected to attend Military Working Dog Handlers Course and later assigned as a K-9 handler at Fort Devens, Massachusetts, Fort Polk, Louisiana, and Wurezburg, Germany. Later he was assigned as a K-9 Trainer and Instructor at Lackland Air Force Base Texas. Todd earned an Associate in Applied Science – Instructor of Technology and Military Science from the

Community College of the Air Force in 1997. His last two assignments were Grafenwoehr, Germany and Fort Hood, Texas. In 2007, he joined the Directorate of Emergency Services and is currently the Lead Police Officer, Military Working Dog Branch – Acting Chief at Fort Hood Texas. Todd is married to Lisa Dalton and together they have three children; Jennifer, Mark Jr., and Kristyn; and two grandsons.

**Army Specialist (ret.) Scott Vycital (Ft. Collins, CO)**

Specialist Scott Vycital served as a paratrooper in the 82<sup>nd</sup> Airborne Division. Vycital spent 8 months deployed in Iraq as a Specialist with 2nd Platoon, Bravo Company, 3-505 Parachute Infantry Regiment and was medically retired due to injuries received in defense of Operation Iraqi Freedom. On February 15, 2004, while on patrol of suspected mortar sites, his fire team was engaged by enemy fire and he sustained gunshot wounds on the right side of the face, neck, and shoulder. As a result of his injuries, the right side of SPC Vycital's face has been paralyzed and he lost the hearing in his right ear. After spending some time rehabilitating from injuries, SPC Vycital returned to school and with the assistance of the VA and the Army Wounded Warrior (AW2) program. He completed his degree in Business Administration with an Accounting concentration from Colorado State University in December 2008. Following graduation, with the help of his AW2 advocates SPC Vycital landed a position within the Federal Highway Administration. He has since been promoted to the position of Programs & Planning Financial Specialist and will have been with the Agency for one year in March. The President's executive order on employing Veterans in the Federal Government has made employing Veterans like Vycital a priority. Vycital resides in Fort Collins, CO with his wife of 7 years, Jarah, and has a 4 year old son, Breccan, and a 17 month old daughter, Micah.

**Trevor Yager (Indianapolis, IN)**

Trevor Yager began his career in 1995 while in college by founding TrendyMinds, a full-service advertising/public relations firm. He earned a Bachelor of Arts degree in psychology from Anderson University and went on to work with various motor sports sponsors, team owners and sanctioning bodies. Today, at TrendyMinds, Yager provides strategic planning, business development, marketing and technology guidance and support to various local, national and international clients. In 2009 the agency grew by more than 200 percent, doubled the number of employees and gained 15 new accounts. Yager credits President Obama's welcoming climate for small businesses, including the many initiatives under the Recovery Act, for this success.

He is also passionate about helping non-profits and TrendyMinds is committed to giving back to the community by donating in-kind services to organizations throughout Indiana.

Yager resides in Indianapolis with his partner of seven years, Tyler Murray. The two have recently started the process of adoption and look forward to adding a new

member to their family.

**Juan Yépez (Lawrence, MA)**

Juan Yépez, and his brother Luis, are Ecuadorian-natives, who in ten short years, have built a successful and growing commercial real estate company in addition to growing Mainstream Global, a worldwide distributor of computer products, consumer electronics, and electronic components, in mills once inhabited by earlier generations of immigrants.

The Yépez brothers were the recipients of the 2009 Small Business Administration Phoenix award for recovering from a major flood that destroyed almost \$400,000 of inventory while still managing to flourish in the midst of an economic downturn. They believe that doing business in an area hit by 17 percent unemployment is more than just giving back and that hiring first generation Americans like themselves who want to work and contribute to society is the cornerstone of long-term success.

**Phil Schiliro, Assistant to the President and Director, Office of Legislative Affairs**

**Tina Tchen, Deputy Assistant to the President and Director, Office of Public Engagement,  
Executive Director, White House Council on Women and Girls**

# #

**Allyn  
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor, Bob Perciasepe, Diane Thompson, Gina  
McCarthy, David McIntosh, Arvin Ganesan, Lisa Heinzerling  
cc Seth Oster, Stephanie Owens, Adora Andy, Brendan Gilfillan

02/22/2010 05:46 PM

bcc

Subject Fw: EPA Clarifies Plans for New Carbon Regulations;  
Responds to Senators' Concerns

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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](mailto:brooks-lasure.allyn@epa.gov)

---- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 02/22/2010 05:45 PM ----

From: "Josh Dorner, Sierra Club" <[josh.dorner@sierraclub.org](mailto:josh.dorner@sierraclub.org)>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 02/22/2010 05:40 PM  
Subject: EPA Clarifies Plans for New Carbon Regulations; Responds to Senators' Concerns

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FOR IMMEDIATE RELEASE: February 22, 2010

CONTACT: Josh Dorner, 202.675.2384

EPA Letter Responds to Senators' Concerns, Clarifies Plans for New  
Carbon Regulations Under the Clean Air Act

Washington, D.C.--Environmental Protection Agency Administrator Lisa  
Jackson today sent a letter to Senator Jay Rockefeller in response to  
a letter he and seven other senators sent to EPA on Friday, February  
19. Jackson's letter outlines EPA's plan for moving forward with  
new regulations for the largest carbon polluters and responds to  
several concerns raised by senators. It also raises  
numerous red flags about the ongoing campaign to gut the Clean  
Air Act. You can read the letter here:

<http://action.sierraclub.org/site/R?i=ohkJLGt-bFOnBwLLzOwtVA..>

Statement of Carl Pope, Sierra Club Executive Director

"This letter from EPA Administrator Jackson silences the Big  
Oil-backed disinformation campaign being waged against the Clean Air  
Act. Members of Congress should rely on these straightforward answers  
from the Environmental Protection Agency instead of the disingenuous  
smear campaign being waged by polluters.

"Administrator Jackson has laid out a reasonable timeline for new  
regulations for big carbon polluters under the Clean Air Act.  
Just as it has with other pollutants for 40 years, EPA has now made  
crystal clear that it will address global warming pollution in a way

that benefits both our economy and our environment.

"EPA also successfully demonstrates just how sweeping an assault on the Clean Air Act is being proposed by Senator Murkowski and others. EPA states that undermining the Clean Air Act would imperil important new rules to raise fuel economy standards and reduce emissions from our vehicles. The historic new auto rules--supported by environmentalists, unions, and the auto industry alike--would also save consumers \$50 a month and cut oil use by 1.8 billion barrels. To do away with these rules would be nothing but a shameful bailout for Big Oil. The Senate has been unable to do anything on energy independence and now some senators want to do even less.

"The legislation being proposed by Senator Murkowski could even cut off badly needed funds for her own home state of Alaska to adapt to the impacts of climate change that are already occurring.

"It's time for Senators to dispense with these distractions and instead move forward with comprehensive clean energy and climate legislation that will cut pollution, fix our economy, and make America energy independent."

# # #

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Allyn  
Brooks-LaSure/DC/USEPA/US

To Richard Windsor, Bob Perciasepe, Diane Thompson, Lisa  
Heinzerling, David McIntosh, Arvin Ganesan, Seth Oster  
cc Adora Andy

03/30/2010 01:27 PM

bcc

Subject Chu: Don't wait for 'perfect' climate bill

## Chu: Don't wait for 'perfect' climate bill

By Ben Geman - 03/30/10 09:14 AM ET

Energy Secretary Steven Chu says there's no reason to wait around for a "perfect" global warming bill. He spoke to *The Washington Post's* Fareed Zakaria in an [interview published Tuesday](#).

Chu calls putting a price on carbon "essential." And he notes the cap-and-trade program for sulfur dioxide emissions, which cause acid rain, launched in the early 1990s turned out to be far less expensive than predicted.

Here's the exchange that ties it all together:

**Zakaria:** *When you look at the cap-and-trade bill that is floating around Congress, is it strong enough to do what you think needs to be done?*

**Chu:** *This is my belief: Get it going. The Clean Air Act in the early '90s started slowly. But it got [things] going. The important thing was that the cost ended up being far lower than anybody projected, including the [Environmental Protection Agency], who you might think have a vested interest in trying to lowball the cost. It was four times lower than even the EPA estimate. Once you get it going and start making progress, very clever people start to dream up better solutions. So rather than wait around for a perfect bill that that might be delayed for four or five years, or forever, get it going.*

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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](mailto:brooks-lasure.allyn@epa.gov)

Allyn  
Brooks-LaSure/DC/USEPA/US

07/16/2010 03:12 PM

To Richard Windsor

cc Bob Perciasepe, Diane Thompson, Seth Oster, David  
McIntosh, Arvin Ganesan, Bob Sussman, Sarah Pallone,  
Adora Andy, Stephanie Owens, Lisa Heinzerling, Scott Fulton

bcc

Subject This from Phaedra and Ben Jealous

on today's Huffpost:

## [We Won't Accept More Poison For Less Carbon](#)

*Written by Phaedra Ellis-Lamkins, CEO of Green For All, and Ben Jealous, President of NAACP*

As Senators enter the final rounds of negotiations on the climate and energy bill, big utility companies apparently are making unconscionable demands that threaten the health and safety of all Americans.

□□ For example, [The Hill reports](#): "Power company officials are now asking for relief from upcoming EPA restrictions on pollution the agency has long regulated under the Clean Air Act, including ozone, particulate matter and lead." Other stories also suggest that big utilities want the United States Senate to somehow bargain away EPA's authority to protect America from dirty air and water.

These demands are unacceptable.

The American people deserve a climate and energy bill that not only improves air quality, but also creates jobs that will help pull the economy out of recession. This bill is in danger of doing neither. In spite of this, we are hopeful that there is a better, more equitable approach to this legislation. We believe that American policy can be smart enough to protect both our children and our grandchildren.

□□ The Gulf oil spill, the coal mine explosion in West Virginia--these are just the most recent in a long line of disasters that prove our current dirty energy economy is broken. Our reliance on these fossil fuels endangers the lives of countless Americans. We believe that Americans should not have to choose between personal safety and putting food on the table for our families.

□□ There is only one federal agency standing between our communities and even worse degradation: the Environmental Protection Agency. If the bill limits the ability of the EPA to enforce greenhouse gas regulation, or worse limits the agency's ability to enforce regulation of mercury and ozone, the American people will suffer immediate and long-term health consequences, from asthma to early death.

If the Senate can get this right, this historic climate and energy bill will maintain our clean air protections, while opening the door to a new era: one in which our nation is no longer addicted to dirty, dangerous fuels; no longer dependent on overseas supplies of oil; and finally able to put millions to work in clean, new industries.

[Take action now.](#)

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M. Allyn Brooks-LaSure | Deputy Associate Administrator for External Affairs and Environmental Education

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: [brooks-lasure.allyn@epa.gov](mailto:brooks-lasure.allyn@epa.gov)

Allyn  
Brooks-LaSure/DC/USEPA/US

04/21/2010 01:08 PM

To Richard Windsor, Bob Perciasepe, Scott Fulton, Diane Thompson, Bob Sussman, David McIntosh, Arvin Ganesan, Steve Owens, Gina McCarthy, Lisa Heinzerling  
cc Seth Oster, Adora Andy

bcc

Subject Guardian: Obama's green agenda under attack from group linked to chemical industry

# Obama's green agenda under attack from group linked to chemical industry

Connection to Solvay chemicals suggests opposition to action on global warming is spreading from 'big oil' to 'big chemical'

- **Suzanne Goldenberg**, US environment correspondent
- guardian.co.uk, Wednesday 21 April 2010 16.57 BST

A secretive group linked to the leading European chemical company Solvay has joined the campaign to defeat Barack Obama's green agenda, taking the fight beyond the traditional players of Big Oil and Big Coal, the Guardian has learned.

The Coalition for Responsible Regulation Inc (CRR) - though previously unknown to environmentalists - is at the forefront of a new strategy to strip the Obama administration of its powers to regulate greenhouse gas emissions should Congress fail to act on climate change.

The group, which refuses to disclose its complete membership list and which does not have a website, has joined more than a dozen states and a host of industry groups in 17 legal challenges to the authority of the Environmental Protection Agency.

The connection to the chemical firm suggests opposition to action on global warming – once spearheaded by Big Oil – is spreading to other industries that also stand to be affected by proposals to reduce emissions of carbon dioxide and five other greenhouse gases.

Several of the petitioners against the EPA are household names – like Peabody Energy Corp, America's biggest coal mining company, and the Chamber of Commerce, which has led opposition to Obama's climate agenda. They also include prominent rightwing thinktanks.

But some of those launching legal challenges against the EPA have appeared as if from nowhere – such as the CRR.

Court documents filed with the Texas secretary of state's office identify the chief executive of Solvay's wholly owned US subsidiary, Richard Hogan, as among three directors of the CRR, the lead petitioner on the legal challenge to the EPA's authority to act on greenhouse gas emissions. The filings give Solvay's Houston office as Hogan's address.

The coalition, which does not have a website and refuses to make public the complete list of donors, was apparently created for the express purpose of blocking the Obama administration's efforts to deal with climate change.

The filings with the Texas authorities reveal the coalition was founded on 10 November last year – a day after the EPA announced its scientists had determined that greenhouse gases were a public danger. The group filed its challenge to the EPA on 23 December.

Eric Groten, an attorney for the coalition, told The Guardian the organisation plans to file at least three further legal challenges against the EPA's authority to regulate emissions, actions which could tie up the agency in legal paperwork. "You can reasonably assume that within short order ... we will make our objections known," Groten said.

Such challenges to the EPA have intensified since last November when the agency signalled it was preparing to step in and regulate greenhouse gas emissions, a measure widely seen as a backstop in case Congress failed to pass climate change legislation.

At least 15 state legislatures are now considering motions casting doubt on climate science or seeking to overturn the EPA's authority to regulate emissions. Republicans in Congress have filed separate resolutions to set aside the EPA's endangerment finding, and there are reports the Senate may seek to strip the EPA of powers in a climate bill expected to be rolled out next week.

Court documents identify the CCR as a non-profit membership corporation "for the purpose of promoting social welfare, particularly to ensure that the Clean Air Act is properly applied to greenhouse gases".

"Its members include business and trade associations engaged in activities that would likely be subject to regulation under the clean air act," it added.

The documents list six companies and trade associations representing mining and beef interests among its members – but not Solvay.

Groten said there were more members – individual as well as corporate. He refused to identify members beyond those listed on the court petition, but compared the group to the Sierra Club, the popular grassroots conservation network. "It's a membership organisation like the Sierra Club. Those who want to support its objectives contribute financially to it," he said.

Carrying the analogy further, Groten said membership was determined by donation. "One becomes a member of the organisation just as one becomes a member of the Sierra Club by donating money to it."

Solvay Chemical's connection to the legal challenges seems at odds with the company's stated commitment to sustainable development on its website. "We commit ourselves to take into account, in a way that is comprehensive and integrated in all our activities, the triple demand of economic, societal and environmental sustainability," the statement says.

Mark Wheeler, communications director for Solvay in America, denied the company belonged to the CCR. "We are not a member of that group."

Kert Davies, research director for Greenpeace, points out that Solvay, whose headquarters are in Brussels, produces sulphur hexafluoride (SF6), used for industrial cleaning, but also an extremely potent greenhouse gas. Each kilo of SF6 produces an atmospheric warming effect equivalent to nearly 24,000 kilos of carbon dioxide. The EPA proposed last year to begin regulating SF6.

The secrecy enveloping the CRR is typical of the efforts to block regulation of greenhouse gas emissions, according to Greenpeace which has spent years tracking the behind the scenes efforts by oil companies such as Exxon and Koch Industries to deny the science of climate change.

Also among the EPA's opponents this time around is the Alliance for Natural Climate Change Science. That organisation appears to exist only as a Fort Worth post office box on the original court filings, which list Alexis Hathaway and William Orr as contacts.

Orr, a Colorado businessman, was convicted in 2008 on several counts of defrauding public funds and private investors for a project purporting to produce an alternative fuel that received a \$3.6 million grant from Congress.

However, subsequent filings link the legal challenge to Bonner Cohen, a fellow of the Committee for Constructive Tomorrow, a well-known climate sceptic group. "[Orr] is no longer affiliated with the organisation," Cohen said.

Davies said the links between the CRR and Solvay could be an indicator that the opposition to climate change regulation had spread from longtime opponents such as oil and coal companies to other sectors of the economy that could be affected by a cap and trade regime.

"The industrial bloc is powerfully organised and rich. They have all the tools and all the lawyers and they are going to do all they can to stop carbon regulation," Davies said. "It is going to take a generation to really regulate greenhouse gas emissions in this country, just as it has taken a generation to get action on other pollutants."

**Analysis: Why target the EPA?**

The EPA has become a prime target for politicians and industries seeking to slow down or block moves to curb greenhouse gas emissions in America. The fiercest opponents of the EPA accuse the agency of trying to put in place a top-down regulatory regime that would stifle economic growth and monitor every puff of human breath for carbon dioxide. But the Obama administration says the EPA has no choice but to put in place a regulatory regime, should Congress fail to pass a climate change law. The supreme court ruled two years ago that the agency had a duty and authority to regulate greenhouse gas emissions. So the EPA could open itself up to a whole slew of new court challenges if it does not act on climate change.

ov

**Allyn  
Brooks-LaSure/DC/USEPA/US**

09/22/2009 02:30 PM

To Richard Windsor, Bob Perciasepe, Scott Fulton, Diane Thompson, Bob Sussman, Lisa Heinzerling, David McIntosh, Arvin Ganesan, Gina McCarthy

cc Seth Oster, Adora Andy, Michael Moats

bcc

Subject Fw: Briefing by Todd Stern, Mike Froman, and Carol Browner on the President's Climate Change Speech

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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](mailto:brooks-lasure.allyn@epa.gov)

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 09/22/2009 02:29 PM -----

From: "White House Press Office" <[whitehouse-lists-noreply@list.whitehouse.gov](mailto:whitehouse-lists-noreply@list.whitehouse.gov)>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 09/22/2009 02:28 PM  
Subject: Briefing by Todd Stern, Mike Froman, and Carol Browner on the President's Climate Change Speech

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THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

September 22, 2009

PRESS BRIEFING BY  
TODD STERN, U.S. SPECIAL ENVOY FOR CLIMATE CHANGE;  
MICHAEL FROMAN, DEPUTY NATIONAL SECURITY ADVISOR  
FOR INTERNATIONAL ECONOMIC AFFAIRS; AND  
CAROL BROWNER, ASSISTANT TO THE PRESIDENT FOR  
ENERGY AND CLIMATE CHANGE

Press Filing Center  
Waldorf Astoria  
New York, New York

10:35 A.M. EDT

MR. VIETOR: Thanks for joining us today. You are going to hear from Todd Stern, the U.S. Envoy for Climate Change; Mike Froman, Deputy National Security Advisor for International Economic Affairs; and Carol Browner, Assistant to the President for Energy and Climate Change. Both Carol and Mike were on the



advisory, so you should have those titles. But Todd Stern, again, U.S. Special Envoy for Climate Change. And they're going to talk about the President's remarks and the policy. And I will hand it over to Todd.

MR. STERN: Thanks very much. I just have a few very quick comments at the top, and then we'll take questions. I just want to underscore what I think were kind of the key four points in the President's speech: First, he underscored his understanding of this issue and his commitment to address it, including getting a strong agreement in Copenhagen. Second, he articulated the substantial actions that the United States has already taken on this issue across a whole range of areas.

Third, I think he laid out what sort of three different groupings of countries need to don't with respect to this issue. He made it clear that the developed countries still have a responsibility to lead and need to make major reductions in their own emissions. Second, he said that the emerging markets, the major developing countries, also need to take significant actions to reduce their own emissions and need to stand behind their actions just the way developed countries need to stand behind theirs.

And then he talked about the other developing countries, the smaller ones, who are in a different position and who need to be supported through technical and financial assistance. So they're in a different category, in effect, in terms of what they need to do. Finally, he made it clear that we need to all act together and to be pragmatic, flexible, and get started on this process.

So I just wanted to underscore those points from the President's comments, and now we'll take questions.

Q So, Todd, in other words, he is saying that only the developing countries would actually have to meet targets that were internationally set -- I mean, the developed countries -- and he's calling on the major emerging economies to take unilateral action and make commitments that then they would stick by?

MR. STERN: He's not saying anything different with respect to those countries effectively than what is embedded in the Declaration of L'Aquila. So the developed countries need to commit to reductions in their emissions as against a baseline -- 2005 and 1990. The major developing countries need to also make major reductions; theirs will be relative against their trend line. And they also have to commit in the same way. We all have to stand behind what -- we have to stand behind what we're saying and they have to stand behind what they're saying that they're going to do.

The other developing countries, smaller developing countries are in a different -- they don't have the same kind of obligations in the midterm as we see it and as the President articulated.

Q But just so I understand this, are the emerging countries not going to have internationally set targets, like X percent from Y year by 2020, but rather kind of making their own commitments? Is there a difference, or isn't there a difference?

MR. STERN: It's not so much a difference between making their own or not, because I think that what you will see with respect to many countries is -- whether developed or developing -- countries offering up what they're prepared to do. The difference is that with respect to developed countries, it includes a reduction against a baseline, an actual economy-wide reduction against a baseline. With respect to the major developing countries, a commitment to carry out a set of actions which have a projected effect of reducing emissions, also significantly just against a projected trend line, as opposed to a past baseline.

Q Can you talk about your reaction to Hu's proposal on carbon intensity goals?

MR. STERN: As I understand it, President Hu said that China would be making a significant -- he didn't give a specific number, as far as I understand -- reduction in carbon intensity. I think it all depends on what how significant it is. I think that's -- China already has been -- in their current five-year plan, they have a 20-percent reduction target in terms of energy intensity. So that's 2006 to 2010. So I think what President Hu is talking about is shifting the metric from energy intensity to carbon intensity. That can be good, but it all depends on what the number is.

Q There was a reference in the President's speech to working with the G20 later this week on reductions or eliminations of subsidies for fossil fuels. Can you go into a little more detail on that? And also, anything on climate finance, which Ban Ki-moon actually talked about, saying it's necessary if any of this is going to work?

MR. STERN: Right. Well, as you know, at the Major Economies Forum meeting in L'Aquila in July, the leaders asked the G20 finance ministers to look into climate finance and do some work on that, and they've done some very good work and that will likely be discussed at the G20 meeting on Friday.

With regard to energy subsidies, as the President laid out,

it's something we're working on with the rest of the G20. Energy subsidies have a significant impact on energy security, on climate change, on competitiveness, on health, and as well as on government finances. And it's an area that the G20 is considering taking action on. We'll have more news for you hopefully later in the week.

Q The President is always talking about -- when he speaks to international crowds, the President frequently talks about the House climate change bill passing. What's your prognosis of when you think that's actually going to come on the President's desk?

MS. BROWNER: Well, as the President said in his statement today, one Senate committee has already acted, other Senate committees are in the process of acting. The health care has obviously taken up more time than was originally anticipated. But I think the work of the committee chairmen is an indication of how this remains a very important issue for the Senate.

We have said repeatedly that what we need is comprehensive energy legislation. We need the tools to begin the process of breaking our dependence on foreign oil. We need to create a new generation of green jobs, American jobs, and we need to put a cap on the dangerous pollutants that contribute to climate change.

We want a comprehensive package and we're doing everything we can to make that happen, to make it happen sooner rather than later. Back in I guess it was March people said we'd never get a bill out of the House. Well, we got a bill out of the House. So we're moving along in the process and remain committed to that.

Q Do you think by 2010?

MS. BROWNER: You all follow Congress. We all know that how the schedule works in Congress can change abruptly. It can go faster, it can go slower. What we need is comprehensive legislation, and we're going to do our best to get it as soon as we can.

Q One of the longstanding frustrations and we've heard it again today from -- (inaudible) -- and others is that rhetoric doesn't always lead to action. There's been so much talk. So I'm wondering, from the White House's perspective, how today's speech by the President specifically advances the debate. I mean, he talks about a shared burden, different roles for the developed and developing countries. Some of these themes have been said before, so how does this one -- how does the speech move it ahead?

MS. BROWNER: Let me make one comment and then turn it to my

colleagues. One of the things that the President did today was detailed all the things we have done in terms of domestic action in our first eight months in office. It is very, very significant. We are not just talking about these issues; we are actually taking steps to achieve real reductions.

Today EPA is signing the first ever mandatory reporting requirement. Facilities will now have to report to the public their greenhouse gas emissions. It's a very important step. Earlier this month EPA and DOT announced the first ever integrated proposed rule for cars -- greenhouse gas emissions standards. We have never had greenhouse gas emissions standards before. By 2016 cars will have to achieve a 35.5 miles per gallon. Congress said get to 35 by 2020; we're doing it faster. Taken together that will achieve over the life of that program 1.8 billion-gallon reduction in oil.

So I think what you saw today -- there are many more that we can go through examples of this -- that we are absolutely committed to working on our domestic reductions. We want comprehensive energy legislation, but in the meantime we're using the laws on the books to make a very important down payment.

Q Ms. Browner, can I quickly say something on this? Senator Murkowski is talking about amending an appropriations bill to block the EPA from regulating greenhouse gases. Is that something -- if that passes, would the President veto that?

MS. BROWNER: Well, first of all, we don't think the amendment is a good idea. We don't think trying to legislate on appropriations bills is a good idea. You can end up with a lot of unintended consequences. The best way to address the issue of climate change is to use comprehensive legislation to put together a package of all of the committee bills. And trying to do this with one or two sentences that would prohibit EPA from spending money to do X, Y, or Z will not necessarily get people what they think it's going to get them. And it could get you a situation where activities that should go forward -- like investments in carbon capture and storage -- wouldn't be able to go forward.

MR. STERN: Let me just address this question, too, for a minute. I think there are two important things that the President did that have to do with understanding what our expectations are for other countries, and also understanding a framing of what we're trying to do here. First of all, it has traditionally been the case that developing countries see -- and I'm talking including the major developing countries see a world in which obligations are supposed to be taken by developed countries, and no obligations by developing countries.

I think what the President is saying quite clearly is we absolutely need to take our own responsibility, developed countries absolutely need to take responsibility to do just the things that he said and stand behind those actions. But the major developing countries, where virtually all of the growth in emissions over the next 30 years is going to come, they also have to take actions. And they have to stand behind those actions to the same degree that the United States and the developed countries do. He is making that very clear. And that has not traditionally been the way that the climate change negotiations and the whole climate change international debate has gone on. So that's one thing.

The second thing is I think there have been a lot of developing countries not in the major category, in the smaller category, that have had significant anxiety in the context of these negotiations that what was being proposed was a cap on their emissions that was going to stifle their capacity to grow and develop. And I think what the President was also saying with respect to them is that's not at all the way we see this. We see this as not just an agreement to cap emissions, but a development agreement, a low-carbon development agreement where countries that are in the smaller category -- particularly the least developing but not only -- absolutely need the opportunity to grow, to develop, to raise their standards of living, to overcome poverty. And we need to be helpers -- people on the developed countries' side need to help in the context of providing technology assistance and the like. So I think those are actually quite important messages coming out of the speech.

Q Ban Ki-moon called on leaders to empower negotiators in Copenhagen. If health care continues to dominate the congressional schedule and there's nothing but a draft in December, won't the U.S. negotiators be hamstrung as far as your ability to negotiate a number?

MR. STERN: Look, I have been quite clear. I testified in the House about a week ago to the effect that we would like to see the maximum possible progress, just as Carol said, on our domestic legislation. In the event that there's not domestic legislation done by the time of Copenhagen, we will negotiate with that in mind. But certainly the most progress we can get would be helpful.

Q I have a follow-up. More people are talking about the fact that we should expect -- or in their view, we should expect a framework out of Copenhagen where a lot of the numbers need to be filled in later -- so, in essence, further negotiations in 2010. Is that your view?

MR. STERN: Look, I think that we want to get the most done in Copenhagen that we possibly can. I mean, I think that we don't -- if you go back two or three months ago, Yvo de Boer, who's the head of the U.N. Framework Convention, was quoted as saying, and I think Yvo has said this on a number of occasions -- every jot and tittle of this thing is not going to get done in December, there are going to be elements of this that aren't done. There were plenty of elements of Kyoto that weren't done in Kyoto. So I have no doubt that there will be elements and details, maybe even significant details, that aren't done yet. And that's always been the understanding. But our objective should be to get as much done on it and make as much progress as we possibly can.

Q I know we're going to the G20 in Pittsburgh and you don't want to get too far ahead of that. But can you give us just a little bit more detail on this proposal to phase out fossil fuel subsidies? It's just sort of hanging out there.

MR. FROMAN: Look, I draw your attention to the fact that the OECD and the IEA have issued a report that indicates that if fossil fuel subsidies were eliminated, it would reduce greenhouse gas emissions by 10 percent by 2050. Our overall goal is 50 percent by 2050, so this could be a significant step forward. It's something we're working with the rest of the G20 on, and we hope to have more details about it later this week.

Q There's a great deal of disappointment it seems, from Europe about the U.S. stance. Do you think that there's any chance at all of matching the EU commitments in Copenhagen?

MR. FROMAN: This is a subject that we've -- I have had much conversation about with my UK and European colleagues. And I have explained on numerous occasions that what the U.S. is proposing to do -- first of all, what the President proposed in his budget, what is now in the legislation that came out of the House, would be a seismic turn in U.S. policy -- seismic change; that if you look at what we are doing, by most measures of comparability, we are around the same level, in some cases a higher level than the EU. The only measure of comparability in which there is a big gap is when you measure what's happening against the 1990 baseline.

We don't think there's any need to do that. We know that there's some history in the original documents for 1990, but the Obama administration came in 2009. We're talking about a more updated baseline. If you look at the more updated baseline, we're already -- the gap shrinks dramatically. If you add other factors, which are actually quite relevant -- like projected

population growth, projected economic growth -- the effort that the United States would need to expend to reach what we're talking about is every bit as much as what the EU would need to reach. Plus, we're talking about a law that would -- a law -- not an aspirational goal, but a law -- that would take this year by year to an 83 percent reduction against 2005 by 2050, which translates into 80 percent against 1990, just for the record.

So I have said this repeatedly, we have absolutely -- we are in a strong position, and in a position which we regard as quite comparable to where the Europeans are, and I think that they are obsessively focused, frankly, on a 1990 baseline, which advantages them and disadvantages us. But if you look at what the President can do, given where he came in and what we're planning to do in our policies, we are quite comparable.

Q Just going back to the legislation issue for a moment, some environmentalists, as well as some diplomats, had hoped that the President would today set a firm deadline for when he expected to have legislation complete, or that he would at least lay out a strategy for how he plans to convince senators to pass this legislation. He did neither. He said something about engaging on the subject, and he moved on and talked a little about an economic slowdown. Why didn't you lay out that strategy or deadline that folks were interested in hearing?

MS. BROWNER: Well, the President, going back to his first address to Congress, asked for legislation. We have continued to work hard to get that legislation. I think we exceeded many expectations with the passage of the House bill. The Senate is hard at work. Jeff Bingaman has already passed out one component of a package. Senator Boxer, chair of the Environment and Public Works Committee, has indicated she will bring a draft out in the next I think maybe week to 10 days. So the Senate is doing the work they have to do.

Now, at the end of the day, Harry Reid does set the schedule for the Senate, and we have to be mindful of that. But he has given me, the President, all of us, every indication that this is very, very important to him. And I might note that yesterday, the Second Circuit handed down a decision in which they found -- it's a case they've had for two and a half years; they finally ruled that it is acceptable to use common law to sue a emitter of greenhouse gases for causing a nuisance. What this means is the courts are starting to take control of this issue. And if they were to follow this logic out, they would be setting standards.

Obviously, that's not something that anybody wants. We need a unified set of rules for the country. We need to give the businesses the kind of predictability and certainty so they can

make the capital investments that are going to get us the kind of reductions we need. That is best done through legislation. I think whether it's the Supreme Court case of several years ago, this more recent decision, everything is moving towards getting legislation done because it is the best way to do it.

Q There were reports that -- over the last week -- that the President might be willing to go to Copenhagen to fight for the Olympics if -- would the President be willing to go to Copenhagen to fight for a treaty? And is that something that would be helpful?

MR. FROMAN: I think it's probably premature to talk about the President's schedule for December. And a lot depends on what happens between now and then in the negotiations.

Q But is that something under consideration as a possibility?

MR. FROMAN: It's too early to really say.

Q Do any of you believe that the earnest statements made at the Climate Change Summit change today might be undermined, considering the carbon footprint of the summit, all of these motorcades, 20 and 30 cars long, and a city in gridlock, engines idling?

MR. FROMAN: I think the U.N. should make a pledge to electric vehicle motorcades within five years. (Laughter.)

END

10:56 A.M. EDT



Allyn  
Brooks-LaSure/DC/USEPA/US

03/31/2010 11:41 AM

To Richard Windsor, Bob Perciasepe, Scott Fulton, Diane Thompson, Gina McCarthy, David McIntosh, Bob Sussman, Arvin Ganesan, Lawrence Elworth, Lisa Heinzerling  
cc Seth Oster, Adora Andy

bcc

Subject Fw: Obama Administration Announces Comprehensive Strategy for Energy Security

The other announcements for today:

**Background on Today's Announcements:**

**More Domestic Production - Outer Continental Shelf Oil and Gas Leasing:** The Administration's strategy calls for developing oil and gas resources in new areas, such as the Eastern Gulf of Mexico; increasing oil and gas exploration in frontier areas, such as parts of the Arctic and Atlantic Oceans; and protecting ocean areas that are simply too special to drill, such as Alaska's Bristol Bay. The strategy will guide the current 2007-2012 offshore oil and gas leasing program, as well as the new 2012-2017 program that this administration will propose. More specific details on this plan are available at [www.doi.gov](http://www.doi.gov).

**Landmark Car and Truck Fuel Standards - Finalized EPA/DOT CAFE and Greenhouse Gas Emissions Standards:** On April 1st, EPA and DOT will sign a joint final rule establishing greenhouse gas emission standards and corporate average fuel economy standards for light-duty vehicles for model years 2012-2016. Announced last May, the rule is a product of a historic deal between the Obama Administration, the State of California, and automakers to bring regulatory certainty to the automotive market while increasing fuel efficiency, reducing greenhouse gas emissions from the transportation sector, and ensuring consumer choice and savings. This measure is expected to save 1.8 billion barrels of oil over the life of the program.

**Leading by Example - Greening the Federal Fleet:** Last year, President Obama issued Executive Order 13514 asking Federal agencies to lead by example towards a clean energy economy. GSA and DOE are doing just that. As a result of their combined efforts we have doubled the Federal hybrid vehicle fleet and before the end of the year we'll purchase the first 100 plug-in electric vehicles to roll off American assembly lines. Additionally, agencies are: Purchasing hybrid instead of conventional cars and trucks that use more fuel; Downsizing vehicle fleets overall; and requiring plug-in electric charging stations for all new facilities and for major retrofits.

**Department of Defense Energy Security Strategic Emphasis:** The recently released Quadrennial Defense Review makes clear that crafting a strategic approach to energy and climate change is a high priority for the Department of Defense (DoD). This reflects mission considerations above all. The Department's own analysis confirms what outside experts have long warned: our military's heavy reliance on fossil fuels creates significant risks and costs at a tactical as well as a strategic level. The DoD is actively

pursuing strategic initiatives to enhance energy security and independence and reduce harmful emissions, including encouraging the development and use of domestically produced advanced biofuels. You can learn more about DoD's [energy initiatives here](#).

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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](mailto:brooks-lasure.allyn@epa.gov)

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 03/31/2010 11:40 AM -----

From: "White House Press Office" <[whitehouse-lists-noreply@list.whitehouse.gov](mailto:whitehouse-lists-noreply@list.whitehouse.gov)>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 03/31/2010 11:38 AM  
Subject: Obama Administration Announces Comprehensive Strategy for Energy Security

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THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE

March 31, 2010

**Obama Administration Announces Comprehensive Strategy for Energy Security**

*Decisions expand domestic production, promote efficiency*

Washington D.C. --- As part of the Administration's comprehensive energy strategy President Barack Obama and Secretary of the Interior Ken Salazar today announced more details of the Obama Administration's efforts to strengthen our energy security. President Obama and Secretary Salazar announced that the Administration will expand oil and gas development and exploration on the U.S. Outer Continental Shelf (OCS) to enhance our nation's energy independence while protecting fisheries, tourism, and places off U.S. coasts that are not appropriate for development. Also included in the announcement are landmark car and truck fuel standards, key efforts being carried out by the Department of Defense to enhance energy security, and an effort to green the federal vehicle fleet. Details are below.

"I want to emphasize that this announcement is part of a broader strategy that will move us from an economy that runs on fossil fuels and foreign oil to one that relies on homegrown fuels and clean energy. And the only way this transition will succeed is if it strengthens our economy in the short term and the long term. To fail to recognize this reality would be a mistake," said President Obama.

Over the last year, under the leadership of Secretary Salazar, the Administration has

worked to reevaluate previous decisions in an effort to set oil and gas drilling policies on the Outer Continental Shelf (OCS) that will help reduce our dependence on foreign oil, create jobs, and take environmental risks and responsibilities into account.

“By responsibly expanding conventional energy development and exploration here at home we can strengthen our energy security, create jobs, and help rebuild our economy,” said Salazar. “Our strategy calls for developing new areas offshore, exploring frontier areas, and protecting places that are too special to drill. By providing order and certainty to offshore exploration and development and ensuring we are drilling in the right ways and the right places, we are opening a new chapter for balanced and responsible oil and gas development here at home.”

The President will highlight today additional key measures that will boost domestic energy production, diversify America’s energy portfolio and promote clean energy innovation.

**Background on Today’s Announcements:**

**More Domestic Production – Outer Continental Shelf Oil and Gas Leasing:** The Administration’s strategy calls for developing oil and gas resources in new areas, such as the Eastern Gulf of Mexico; increasing oil and gas exploration in frontier areas, such as parts of the Arctic and Atlantic Oceans; and protecting ocean areas that are simply too special to drill, such as Alaska’s Bristol Bay. The strategy will guide the current 2007-2012 offshore oil and gas leasing program, as well as the new 2012-2017 program that this administration will propose. More specific details on this plan are available at [www.doi.gov](http://www.doi.gov).

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charging stations for all new facilities and for major retrofits.

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# # #

**Allyn  
Brooks-LaSure/DC/USEPA/US**

03/31/2010 02:57 PM

To Richard Windsor, Bob Perciasepe, Scott Fulton, Diane  
Thompson, Gina McCarthy, David McIntosh, Lisa  
Heinzerling, Arvin Ganesan, Lawrence Elworth  
cc Seth Oster, Adora Andy

bcc

Subject Fw: Press Briefing by Deputy Press Secretary Bill Burton,  
3/31/2010

Some relevant reading in here.

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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 03/31/2010 02:56 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 03/31/2010 02:43 PM  
Subject: Press Briefing by Deputy Press Secretary Bill Burton, 3/31/2010

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THE WHITE HOUSE  
Office of the Press Secretary

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For Immediate Release  
March 31, 2010

PRESS BRIEFING  
BY DEPUTY PRESS SECRETARY BILL BURTON

James S. Brady Press Briefing Room

12:38 P.M. EDT

MR. BURTON: Hi, guys. So we're just going to go ahead and  
just get started.

Q Going to leap right in?

MR. BURTON: Yes.

Q So can we talk about the politics of the offshore  
drilling announcement?

MR. BURTON: Sure.

Q Both sides. How can -- can you guys afford to kind of anger the environmentalists, sort of liberal side of your base, with the pretty expansive decision on offshore drilling? And then, on the other side, how much do you think it can actually help in bringing Republicans along on climate change?

MR. BURTON: Well, it's the President's view that what we need to do here is take a comprehensive approach to energy policy. And there are people on the right who support some aspects of that; there's people on the left who support some aspects of that. But he didn't go into this looking at what the political coalition was going to be getting if this passed. He went into this thinking what's the best policy for our country and how do we get it done.

It's something that he talked about on the campaign trail; it's something that he's talked about for a very long time. So I think that for people who have followed the President, a lot of this policy isn't much of a surprise to them.

Q Right, but --

MR. BURTON: One thing I would say, though, Jennifer, is just that I was -- the President was encouraged this morning to see Senator McConnell's spokesperson say that this was an issue that he had spoken specifically with President Obama about. And so it does look like there's some support on both sides of the aisle. We'll have a rigorous debate about this and hopefully get something done.

Q Well, can you talk, though, specifically about environmentalists? Obviously they're not happy with the way this decision played out. So how much can you afford -- understood that it's a decision he had kind of hinted at, hinted he was going to make, but at the same time he has to deal with the fallout from that decision. So how does that play out for you?

MR. BURTON: Sure. Well, we're the Democratic Party; we often have disagreements among our friends. But the President is going to continue to talk to folks in the environmental community, and people in the Democratic Party, and people in the Republican Party, to make the most amount of progress that we can make on this critical issue. It's important because we need to decrease our dependence on foreign oil and we need to move forward on some of these investments in order to create some of the most important jobs that we can create here in the 21st century.

The President's view is that the country that comes out on top -- on investments in renewable energy and on creating new

technology -- is going to be leader in the 21st century, and he's not playing for second place.

Q So the drilling announced today -- there was no thought about the implications this might have for advancing the climate change legislation that seems to be running into obstacles in Congress?

MR. BURTON: Well, I would say that it's obviously a part of the climate legislation and the entire package that the President is working with Congress to move forward. So I would say that this is mostly about coming through on a promise that he made to the American people that he would have a comprehensive energy plan that would include some increased domestic production of energy but also some big investments in renewable technology, as well as finding ways to promote efficiency and things like that. So all these things are connected.

Q Well, Robert yesterday showed sort of acceptance of a timetable of getting financial regulatory reform through Congress onto the President's desk by no later than September. What is the timetable you all are thinking of for climate change legislation?

MR. BURTON: I don't have specific dates for you necessarily, but this is something that the President thinks we need to move forward on as quickly as possible. As recently as a couple weeks ago he had a bipartisan group of senators into the White House to talk about some of the proposals that they have, some ways that we can come together in order to make progress on this issue. And he's going to continue to work with them in order to make progress as fast as we can.

Q Does the President believe that this can be done before the midterm elections in November?

MR. BURTON: His goal is to do this as fast as he possibly can.

Yunji.

Q I'm curious, what changed? I mean, the President, again and again on the campaign trail, said that this was -- this would be insignificant, that expanding these kind of leases would not do much in terms of consumer relief, short term or long term. So what's different?

MR. BURTON: Well, what the President said was that there's no silver bullet when it comes to decreasing our dependence on foreign oil and having a comprehensive view on energy. If you

remember the conversation that was being had, a lot of people treated offshore drilling as a panacea to solve all of our problems as it related to energy. But what the President thought was that it just had to be one part of a comprehensive strategy to dealing with that.

That's why, over the course of the presidency, you've heard him, at the State of the Union, talk about this, and in other venues talk about it. He's talked about increasing production of domestic oil. He's talked about finding ways to get nuclear energy moving in this country, clean coal moving in this country, and all those different things.

But along with the increased production, he's talked about ways to make vehicles more efficient. There's new fuel-efficiency standards, which is something that was very hard to get an agreement on but, bringing all the relevant parties to the table, he was able to. He's done things to make the federal fleet more fuel efficient, using hybrid vehicles, buying plug-in cars, to make sure that we're doing everything we can, from the federal government's standpoint, in order to decrease our dependence on foreign oil.

So nothing has changed. What you see here today is a fulfillment of what the President said he was going to do.

Q But the President said that this was insignificant. If it's insignificant, then -- and you have the kind of political fallout that Jennifer is talking about potentially happening, then what makes this worth it?

MR. BURTON: What the President said was that this in and of itself would not be enough to get us on a path to energy independence, and so as one part of his strategy, finding places where you can reasonably and safely drill offshore to increase production is a key part of that. So -- but it's just one part of that. And that's what he said in the campaign and that's what he's following through on today.

Dan.

Q Why did the President not go further in terms of drilling off of Alaska where it's believed there are a lot of resources?

MR. BURTON: Well, what the President thinks we ought to do is use the best science available and the safest methods that we can in order to find oil and gas, and then go and retrieve it and use it domestically. So what this proposal represents is what he and the team of experts around him think is the best way to go



about that in the most responsible and safe way.

Q On health care, what's going on behind the scenes in terms of the President selling to the American people -- beyond just the trip that we're seeing this week -- selling to the American people the short-term and long-term benefits of this new law?

MR. BURTON: Well, as the President said when we were going through this process to get health care passed into law, he was going to spend some time going out talking to the American people specifically about the short-term and the long-term benefits that they were going to get out of it. And that's what you see. Tomorrow the President will be in Maine where he'll be talking about some of the benefits that small businesses will get in the short term and the long term as it relates to health care.

So you'll see the President travel and talk about it. You'll see members of the administration talking about it. And we're going to continue to make sure the American people know exactly what's in this bill for them and when it comes into effect.

Q Bill, I want to revisit a health care issue from yesterday. Regarding the write-downs for big companies like AT&T, Caterpillar, I'm unclear -- is it the White House's position that these write-downs are purely political; that they could have been done in a more gradual way? Or is it the position that, yes, their hands are tied by accounting rules and they had to take these write-downs immediately?

MR. BURTON: Well, I'm not going to make a statement on the motivations of people announcing what 30-year projections are saying about the impact that health care reform will have on their business. But it's the White House's view that all the benefits in health care reform will have a much greater positive impact on those businesses than the loss of a double subsidy will to their business.

Q You seem to be scoffing at a breakdown over 30 years. Is that true that you're saying this --

MR. BURTON: No, I'm not scoffing at it. I'm just pointing it out.

Q Okay, and secondly -- it sounded like scoffing. Secondly, I sent you a high-priority email yesterday -- I'm sure you saw it -- but I was questioning the reading habits of Mr. Gibbs. Has Mr. Gibbs actually read all the reports he cited yesterday to justify -- to claim that there will a bending of the

cost curve in the health care bill?

MR. BURTON: I assume that he has, because he's a really fast reader and he's been very interested in the subject. But the good news for you is that I'm just doing this part-time, and you'll have your chance to ask him directly.

Bill.

Q Does the President believe that his proposal today will make it easier to raise the cap and trade bill and actually get it debated in the Senate?

MR. BURTON: Well, the President's view is that what he did today is an important part of moving it forward. And so the President has been --

Q But I'm asking about the politics.

MR. BURTON: I understand that. And I know that here in Washington -- I haven't been here that long, but I know that everything is viewed through a lens of who does this help, who does this hurt, who's up, who's down. The President's view is that this is the best policy, and that working with members of the Senate on both sides -- the Republicans and the Democrats -- this is policy -- that there are things that people of both political persuasions can agree to and we can move forward on it.

Q Presumably you've also been here long enough to know that that's the way they think inside, too.

MR. BURTON: Well, I wouldn't go that far. Having talked to the folks who I work with here in the West Wing all day today, I know that there is a real belief that what we've proposed today doesn't just follow through on what the President promised on the campaign for the sake of following through on it. It also would put our country on a new track towards more domestic production of energy, towards more renewable energy use, and towards creating jobs of the future.

Q If you're willing to set deadlines for other legislation, will you set a deadline for getting cap and trade passed?

MR. BURTON: I don't have a deadline for you today. I just know the President wants to move forward on this as fast as possible.

Savannah.

Q Given that you guys haven't considered the politics at all with this, is it possible there was a strategic blunder here by conceding so much -- doing offshore drilling, you've announced new grants for nuclear reactors -- without getting any concessions from Republicans? You didn't have any Republicans standing up there with the President today. Is it possible that you've kind of given away the store without any guarantees that you'll get Republican support in exchange for that?

MR. BURTON: Well, I'd start by saying that actually Senator McConnell's spokesperson's statement was very encouraging, that this was an issue that he had brought up specifically with the President and that we believe that we'll be able to work with Republicans on. But also, like I said, this -- none of this should have been a surprise to anybody. We've been talking about all these different elements for a very long time and the President is following through on promises that he made to have a comprehensive energy strategy.

So in terms of the politics of this, we think that there are good things in this package that appeal to people of all political persuasions and that in the short term, not the long term, we're going to be able to move forward and pass some of this into law.

Q Well, McConnell -- in his statement, which I just read, actually, since you mentioned that, kind of frames it as a small step. All the Republican statements say -- have kind of a lukewarm response to it. Will the President get involved as closely as he was by the end of health care? Did he learn something from the health care debate that he plans to use in this debate?

MR. BURTON: Well, I would say for starters I don't think there is anybody who anticipated that the President would roll out an energy plan and people on the Republican side would be cheerleading it right from the get-go. But if you saw what happened over the course of the health care debate, where you had senators saying that this would be the President's Waterloo, stop this at all costs, this is the way that we can halt the agenda of the President, I think even lukewarm statements are a step in the right direction.

Mark.

Q Bill, to what extent is the administration joining the chorus of those who chant, "drill, baby, drill"?

MR. BURTON: Well, I would say that this comprehensive

approach is a lot less "drill, baby, drill" and more "drill where it's responsible, promote efficiency, invest in clean energy, and create jobs of the future." I know that doesn't fit on a t-shirt quite as well, but that's a lot more about what President Obama thinks is the right direction for this country.

Q And is it the plan to expand oil and gas leases throughout the Atlantic Ocean? I read a figure of 160 million acres of ocean would be available for new oil and gas drilling.

MR. BURTON: I don't know the specifics on the acreage. I think there's actually a call happening right now that some of your colleagues are on where they're going through some of those particulars.

Roger.

Q Bill, looking ahead to Friday, the jobs report comes out, as you know, and the President is going to be down in North Carolina. The analysts so far seem to suggest that this will be showing job creation for the second time since the recession started. Does that suggest that the White House will stop now on offering any more jobs plans, or are you going to kind of lay back and let things take hold and see where it goes?

MR. BURTON: Well, unless the jobs report comes back and says that we've created 8.5 million jobs in this last month, the President is going to treat this jobs report the same way he's created all the -- he's treated all the rest of them, which is to say that we've got a lot more work to do.

And there's analysts across the spectrum who have different views of what the jobs report is going to say, and I know there's different factors that will play into this specific one. Last month there was the huge snowstorm, and this month we might see some of the reverse effects of that. I've seen reports that the Census Bureau has hired thousands of folks. So there's a lot of different factors that we'll see in this jobs report.

But the President is committed to putting the American people back to work and keeping this economy on track. And the jobs report that comes out on Friday is just going to be one set of data, but it's not necessarily going to mean the President is going to change course when it comes to doing everything that he can to move through some of the ideas that he's put forth on helping small businesses, helping big businesses, helping everybody who's hiring that he can to create an environment where people can create jobs.

Q So you're leaving the door open for another jobs

creation package at some point, if needed?

MR. BURTON: Well, keep in mind that some of the things that the President has talked about even as recently as December have not come to a vote, haven't been passed, and so some of his jobs ideas are still out there, including some of the things to -- since this is energy day -- but to make homes more efficient and give people credits to retrofit their own houses and that sort of thing. So the President is still very much focused on creating jobs.

Q One just minor housekeeping question. Will the First Family's tax returns be released either Friday or over the weekend?

MR. BURTON: I don't know the timing on that, but they're generally released and they'll be out sooner than you think. I don't have a date for you.

Lester.

Q Thank you very much. And thank you for your very crisp answers. Does the President believe that the Holy Father has been fairly treated by The New York Times and The Washington Post?

MR. BURTON: That's not something I've spoken to him about. I'll see what I can find out.

Q You will? Good. (Laughter.) Why does the President believe that it is fair to bar all private-school children from the Easter Egg Roll, including scholarship students at Sidwell Friends?

MR. BURTON: I'm not familiar with the Easter Egg Roll policy, but I would direct you to --

Q But it's been announced. You must be aware of the announcement.

MR. BURTON: Like I said, I'm not fully familiar with the Easter Egg Roll policy. I appreciate the question. But you should direct it to the East --

Q You'll get me an answer then?

MR. BURTON: No, I would direct you to the East Wing where they know a little more about it.

April.

Q Yes, today is March 31st, the deadline for the Black Farmers \$1.25 [billion] congressional approval for its settlement. Robert was supposed to come back with information about if the President supported an extension -- because we understand that CBC members as well as the Black Farmers were looking for an extension. Do you have any information about the President supports an extension to this deadline after 15 years of their wait?

MR. BURTON: I checked in with Leg Affairs after you asked that question yesterday, and they told me that they are in fact working with Congress with some urgency to get this done as fast as possible. I don't have any specific timing for you, but this is something that they're working to make progress on to make sure that we get this done.

Q So it's not going to happen today, but you mean that they could possibly use the extension -- I mean, because today is the deadline and they're not there --

MR. BURTON: Well, not knowing the particulars of the specific settlement, I'm letting you know that the legislative team is working to get this done as fast as possible.

Q Well, let me ask you this as well -- since they have been waiting for 15 years in this Pickford case, the Black Farmers want to know if they can meet with the President, especially after he announced it in his 2011 budget and put out a paper saying he strongly supports it. And they wanted to know if they could sit down and talk to the President to push more so this administration to make it happen, since they've waited 15 years.

MR. BURTON: I don't know if there's a meeting in the works. I can certainly check on it, but I don't know if that's in the works.

Q Is this administration open to meeting with them at least?

MR. BURTON: I haven't spoken to anybody on that, so I don't know.

Bill.

Q Bill, you said a couple times already today that the President's policy is to drill where it's responsible. So far I've only heard about Virginia. Can you give us an idea of other places where the administration believes it's responsible to

drill?

MR. BURTON: Well, some of the other areas that were talked about in the reports today are up on the northern coast of Alaska, down in the Gulf region -- areas like that.

Q Are there any plans for drilling off the coast of California?

MR. BURTON: That is not a part of this.

Q Out of consideration?

MR. BURTON: I can't speak to the entire rest of this administration, but I can tell you that it's not a part of the President's energy plan.

Q I'm sorry if this has already been mentioned, but to what extent was this discussed with Democratic leaders on the Hill before it was rolled out today?

MR. BURTON: We speak with Democratic leaders on the Hill every day and --

Q They were well aware this was coming? I mean, have you taken the temperature of Democrats on the Hill?

MR. BURTON: I assume that that has happened. We talk to Democratic leaders every day. It wasn't a secret that our energy policy was coming out. Folks got a heads-up that it was happening. And obviously the President has a very close relationship with Speaker Pelosi and Harry Reid and it's, of course, one of the things that they do talk about from time to time.

Ann.

Q On the West Coast of Florida, when you're talking about the eastern part of the Gulf of Mexico -- he says that he would -- if the ban were to be lifted, he'd like to see more exploration there. Will the President ask Congress to lift the ban?

MR. BURTON: Well, everyplace has specific regulations that they have to deal with in order to move leases, to actually put in the rigs. There's the exploratory phase that they have to go through. So -- what's your specific question about the Eastern Gulf?

Q The statement you all put out says that in the Eastern

Gulf, which remains under a congressional moratorium -- right? But if it were to be lifted, he thinks there should be more drilling closer to the western coast of Florida.

MR. BURTON: Well, I don't want to get into water that's too deep for me when we're talking about the Gulf of Mexico. (Laughter.) But I would encourage you to ask the folks at Interior.

Q Bill, how about -- for years, some of the arguments that opponents of drilling used is that, first of all, as the President said when he was a candidate, it doesn't come up with a single gallon of gas in the short term, it's way long off; and, number two, that the -- well, answer just that part. When he pounded the lectern back in 2008 and said, I won't do it because it won't come up with anything immediate -- what flipped him on that?

MR. BURTON: Well, the President's view -- and I was saying this earlier -- is that this is not a silver bullet to the answer to the energy question that we have.

Q But what changed?

MR. BURTON: But it's one part. It's one part. And this is something that he has said over the course of the campaign. So people who voted for him, people who covered him, people who were watching this election knew that if you pulled the lever for Barack Obama in November of 2008, what you were going to get was a President who, as part of a comprehensive energy strategy, was going to support some drilling where it made sense, was going to promote efficiency, was going to invest in renewables. But he was going to take a comprehensive view, and not just take the short view that drilling was the answer to all of our answers.

Q And the other aspect of that is the complaint against it was that the drilling -- there are a lot of leases out there sitting there untouched for years. How many leases, and what kind of exploration could go forward that the private companies just aren't doing?

MR. BURTON: I actually, Ann, have to say, regret this -- I have the specific numbers for you. They're sitting upstairs on my desk.

Q Well, I'll be up to see you. (Laughter.)

MR. BURTON: But I will make sure that I get you those numbers -- and anybody else who is interested in them.



Glen.

Q Bill, in the run-up to Copenhagen, the administration took its share of criticism from conservative groups who said that you were sort of in the pocket of the environmental community. What do you think this says about the President's attitude towards environmentalists and his willingness to stand up for them even if they don't agree with him?

MR. BURTON: Well, I -- Glen, I was saying this earlier, but I just -- I don't see it in that political lens necessarily. If the President had done something today that he hadn't promised that he was going to do, that we hadn't telegraphed from the campaign through the State of the Union of this year, through all the different things that we've said about energy, then I would say that maybe we could have a conversation about what this means for standing up to whomever. But this is something the President said he was going to do, and I think that for the most part, people oughtn't feel surprised about it.

Q Just to follow up on what Sam was asking about the contact with the Hill. If you sort of look at this map, it is -- it appears to be carefully crafted and tailored. You have some drilling on the north short of Alaska; you have more restrictions on the south. You also have the drilling off the coast of Virginia. To what extent did you discuss the creation of this map with Senator Warner in Virginia, Senator Landrieu in Louisiana? Was there a back-and-forth prior to this?

MR. BURTON: On the actual process for figuring out the places where it made most sense to explore new places to drill I would direct you to the Department of Interior.

Peter.

Q Can I ask about -- yesterday in the President's statement on Iran with President Sarkozy, he says weeks, not months, on a sanction resolution. Can you give us any more understanding of why he's saying that, or what makes him think he can get it on that time frame? What's happening in terms of the discussions about -- with the Chinese at this point or --

MR. BURTON: Well, for starters, as the President expressed yesterday, there's a real sense of urgency as it relates to working to apply pressure to Iran. And there are some very intense conversations happening at the United Nations right now that we're able to make some real progress on. And the President feels like we have more support in the international community for sanctions than we've ever had before and he feels very confident that this spring we will be able to move forward with

an agreement of those nations.

Q How important is it to get a sanctions resolution, even if it doesn't include everything that he originally might have wanted it to have?

MR. BURTON: Well, the President obviously -- the United States is not the only country who is dealing with this issue. And so we have to work with some of our foreign partners to apply as much pressure as we can.

You brought up the Chinese. The Chinese know that it's not in their interest to have a nuclear arms race in the Middle East, and we're confident that we're going to be able to work with them to move forward on meaningful pressure on Iran.

So I would say that the President takes the long view. He wants to apply as much pressure as we can, and he's confident we're going to be able to do that.

Q Thanks, Bill. As you know, gas prices have been on the rise over the past few months. I've seen \$4 a gallon here in Washington, D.C. To what extent does the White House believe that the proposal the President announced today will bring down the cost of gasoline for motorists across the country?

MR. BURTON: I don't know about the immediate impact because of course all these different things that we're doing have to go through different phases, right? You've got some places where you can start drilling a lot more soon than in other places. And so the length of time that it takes for the oil to get out of the ground and into the supply is going to take a little while.

So I don't know that -- I'm not a speculator, so I don't know exactly what's going to happen on the price of a barrel of oil today. But I can tell you that over the long term this is going to save the American people money, it's going to decrease our dependence on foreign oil, and it's going to allow them to know that our energy future is secure.

Q So long term then -- you say you don't know about the immediate impact it may have -- long term, you think that the price of gasoline for motorists across the country will come down as a result of the proposal the President announced today?

MR. BURTON: I think that as a result of the proposal the President announced today, our country will have a lot more energy security and a lot less dependence on foreign oil. But in terms of the ups and downs of the market, I'm not going to get into that.

Q Did that enter into the calculus of the White House in making this decision, that perhaps this would bring down the cost of gasoline for motorists?

MR. BURTON: Well, obviously as we get into the summer, gas prices go up. And at a time when the economy is not doing very well, that can have a real pinch on families who are unemployed, or families who are underemployed, or families who are feeling the pinch from all sorts of different aspects of the economy -- rising tuition costs, rising utility costs, and things like that.

And so the President does want to do things that make energy more affordable for the American people. But I would say that this comprehensive approach is the best way to do that for the long term for -- as it relates to energy and as it relates to our economy.

Thank you.

END

1:08 P.M. EDT

**Allyn  
Brooks-LaSure/DC/USEPA/US**

04/21/2010 10:09 AM

To Richard Windsor, Bob Perciasepe, Scott Fulton, Diane  
Thompson  
cc Seth Oster, Adora Andy, David McIntosh, Arvin Ganesan,  
Janet Woodka  
bcc

Subject Fw: Vice President Biden Kicks Off Five Days of Earth Day  
Activities with Announcement of Major New Energy Efficiency  
Effort

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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 04/21/2010 10:08 AM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 04/21/2010 10:02 AM  
Subject: Vice President Biden Kicks Off Five Days of Earth Day Activities with Announcement of Major New  
Energy Efficiency Effort

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THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE

April 21, 2010

**Vice President Biden Kicks Off Five Days of Earth Day Activities with  
Announcement of Major New Energy Efficiency Effort**  
*25 Communities Selected for Recovery Act "Retrofit Ramp-Up" Awards*

Washington, D.C. - Vice President Biden will today kick off five days of Administration events around the 40<sup>th</sup> anniversary of Earth Day with the announcement of the selection of 25 communities for up to \$452 million in Recovery Act funding to "ramp-up" energy efficiency building retrofits. Under the Department of Energy's Retrofit Ramp-Up initiative, communities, governments, private sector companies and non-profit organizations will work together on pioneering and innovative programs for concentrated and broad-based retrofits of neighborhoods and towns - and eventually entire states. These partnerships will support large-scale retrofits and make energy efficiency accessible to hundreds of thousands of homeowners and businesses. The models created through this program are expected to save households and businesses about a \$100 million annually in utility bills, while leveraging private sector resources, to create what funding recipients estimate at about 30,000 jobs across the country during the next three years.

"For forty years, Earth Day has focused on transforming the way we use energy and reducing our dependence on fossil fuel - but this year, because of the historic clean energy investments in the Recovery Act, we're poised to make greater strides than ever in building a nationwide clean

energy economy," said **Vice President Biden**. "This investment in some of the most innovative energy-efficiency projects across the country will not only help homeowners and businesses make cost-cutting retrofit improvements, but also create jobs right here in America."

"This initiative will help overcome the barriers to making energy efficiency easy and accessible to all – inconvenience, lack of information, and lack of financing," said **Energy Secretary Steven Chu**. "Block by block, neighborhood by neighborhood, we will make our communities more energy efficient and help families save money. At the same time, we'll create thousands of jobs and strengthen our economy."

In addition to the \$452 million Recovery Act investment, the 25 projects announced today will leverage an estimated \$2.8 billion from other sources over the next 3 years to retrofit hundreds of thousands of homes and businesses across the country. Overall, the program funding was eight times oversubscribed, with more than \$3.5 billion in applications received for the just over \$450 million in Recovery Act funds available, indicating significant demand for investment in energy-saving and job-creating projects like these nationwide.

Grantees will employ innovative financing models to make these savings accessible, for example by offering low and no-interest loans that are repaid through property tax and utility bills. In implementing these projects, grantees will deliver verified energy savings and incorporate sustainable business models, to ensure that buildings will continue to be retrofitted after Recovery Act funds are spent. The Department will use the lessons learned from these pilot programs to develop best-practice guides to comprehensive retrofit programs that can be adopted and implemented by other communities across the country.

The Retrofit Ramp-Up projects, which are part of the overall \$80 billion Recovery Act investment in clean energy and energy efficiency, complement the Obama Administration's 'Recovery through Retrofit' initiative, which lays the groundwork for a self-sustaining and robust home energy efficiency industry. The awards are the competitive portion of DOE's Energy Efficiency and Conservation Block Grant (EECBG) Program, which was funded for the first time under the Recovery Act to help state, local, and tribal communities make strategic investments in improving energy efficiency, reduce energy use and fossil fuel emissions.

Secretary Chu, Interior Secretary Ken Salazar, and Carol Browner, Assistant to the President for Energy and Climate Change, joined Vice President Biden today for the announcement, which was the first of more than two dozen events and activities Administration officials will participate in around Earth Day. In addition to today's event, the President will host an Earth Day reception with environmental leaders on Thursday, April 22<sup>nd</sup>, a video message from the President will air as part of events on the National Mall on Sunday, April 25<sup>th</sup>, and Administration officials will participate in educational programs with school children, visit wetland and coastal restoration projects and participate in community service projects as part of the President's Earth Day call to action. The events will highlight some of the ways the Administration is working to improve the environment, transform American infrastructure for greater energy-efficiency and build a clean energy economy that supports the jobs of the future. As part of the events, Administration officials will also continue the push for Congress to act on HOME STAR legislation and comprehensive energy and climate change legislation. A full roster of Administration Earth Day activities is below and more information on the President's

Earth Day call to action is available at [www.WhiteHouse.gov/EarthDay](http://www.WhiteHouse.gov/EarthDay).

### **Retrofit Ramp-Up Awards**

The following governments and non-profit organizations have been selected for Retrofit Ramp-Up awards. These projects are planned to begin in fall 2010. Final award amounts are subject to negotiation:

Austin, Texas - \$10 million  
Boulder County, Colorado - \$25 million  
Camden, New Jersey - \$5 million  
Chicago Metropolitan Agency for Planning - \$25 million  
Greater Cincinnati Energy Alliance, Ohio - \$17 million  
Greensboro, North Carolina - \$5 million  
Indianapolis, Indiana - \$10 million  
Kansas City, Missouri - \$20 million  
Los Angeles County, California - \$30 million  
Lowell, Massachusetts - \$5 million  
State of Maine - \$30 million  
State of Maryland - \$20 million  
State of Michigan - \$30 million  
State of Missouri - \$5 million  
Omaha, Nebraska - \$10 million  
State of New Hampshire - \$10 million  
New York State Research and Development Authority - \$40 million  
Philadelphia, Pennsylvania - \$25 million  
Phoenix, Arizona - \$25 million  
Portland, Oregon - \$20 million  
San Antonio, Texas - \$10 million  
Seattle, Washington - \$20 million  
Southeast Energy Efficiency Alliance - \$20 million  
Toledo-Lucas County Port Authority, Ohio - \$15 million  
Wisconsin Energy Conservation Corporation - \$20 million  
For more information on the selected projects, visit [HERE](#). A map of the selected projects is available [HERE](#).

### **Retrofit By the Numbers**

- Residential and commercial buildings consume **40 percent** of the energy and represent **40 percent** of the carbon emissions in the United States. Building efficiency represents one of the easiest, most immediate and most cost effective ways to reduce carbon emissions and save money on energy bills while creating new jobs:
- Existing techniques and technologies in energy efficiency retrofitting can reduce energy use by **up to 40 percent** per home and lower total associated greenhouse gas emissions by **up to 160 million** metric tons annually.
- Residential and commercial retrofits also have the potential to cut energy bills by

**\$40 billion** annually.

### **Administration Official Earth Day Events and Activities**

#### **Interior Secretary Ken Salazar**

*Thursday, April 22 – Washington, DC*

Secretary Salazar will make remarks on the National Mall for Take a Child to Work/40th Anniversary Earth Day/Buddy the Bison Hike sponsored by the National Park Service. Five hundred local students will participate in the event.

#### **Commerce Secretary Gary Locke**

*Wednesday, April 21 – Washington, DC*

Secretary Locke will deliver keynote remarks at the Creating Climate Wealth Summit at Georgetown University's McDonough School of Business. He will address how energy reform can strengthen our security and spur economic growth.

*Thursday, April 22 – Jersey City, NJ*

Secretary Locke will speak in Jersey City, N.J., at the Lincoln Park restoration project that is turning a landfill into a healthy wetland. NOAA funded this habitat restoration project through the American Recovery and Reinvestment Act.

#### **Labor Secretary Hilda Solis**

*Thursday, April 22 – Online Webchat*

On Thursday, Secretary Hilda Solis will host a webchat to discuss issues and opportunities related to Earth Day. Also on Thursday, the Department of Labor will issue a report detailing green job training opportunities made available over the past year, including \$490 million in Recovery Act funding for green jobs training.

*Friday, April 23 – Washington, DC*

On Friday, a Job Corps ceremony will honor a winning Job Corps Center for their green construction project.

#### **Health and Human Services Secretary Kathleen Sebelius**

*Thursday, April 22 – Chicago, IL*

Secretary Sebelius will hold an Earth Day health event with Housing and Urban Development Deputy Secretary Ron Sims at a Chicago Public Housing Authority site.

#### **Housing and Urban Development Secretary Shaun Donovan**

*Thursday, April 22 – Washington, DC*

Secretary Donovan will deliver remarks at the Earth Day Network's 40th Anniversary of Earth Day rally on the National Mall, in which he will highlight the President's Earth Day Call to Action and HUD's efforts to develop more sustainable, inclusive neighborhoods, while increasing green job and green housing opportunities for families across the country.

#### **Transportation Secretary Ray LaHood**

*Thursday, April 22, Secretary LaHood – Chicago, IL*

Secretary LaHood will attend an Earth Day event at Daley Plaza in Chicago. The event includes a school climate video competition for participating school groups and will have alternative fuel

vehicles on display.

**Energy Secretary Steven Chu**

*Thursday, April 22 - Washington, DC*

Secretary Chu will speak at an Earth Day celebration for Department of Energy employees.

*Friday, April 23 - Philadelphia, PA*

Secretary Chu will hold a clean energy event in Philadelphia, Pennsylvania, focusing on the benefits of energy efficiency.

**Education Secretary Arne Duncan**

*Thursday April 22 - Washington, DC*

Secretary of Education Arne Duncan will deliver remarks at a ceremony commemorating the 40th anniversary of Earth Day Thursday at the National Mall in Washington. Secretary Duncan will discuss how education can play a role in developing a green economy.

**Environmental Protection Agency Administrator Lisa Jackson**

*Wednesday, April 21 - Pittsburgh, PA*

Administrator Jackson will be in Pittsburgh for an Energy Star event with children from the Sarah Heinz House Boys and Girls Club. This is a club that provides children and teenagers with strong role models and a safe, fun place to go after school, on weekends, and during the summer.

*Thursday, April 22nd - New York City*

The Administrator will participate in an urban-focused community service project with [Green For All](#) at the Grant Houses Community Garden in Manhattan. Administrator Jackson will take a tour of the garden, deliver remarks to press, students and volunteers and participate in a planting activity with volunteers. The Administrator will also be a guest on the David Letterman Show to talk about the 40<sup>th</sup> anniversary of Earth Day and the President's clean energy and green jobs agenda.

*Friday, April 23<sup>rd</sup> to Sunday, April 25<sup>th</sup> - Washington, DC*

To commemorate the 40th anniversary of Earth Day, the EPA will be hosting a celebration event Saturday and Sunday, April 24-25, on the National Mall. The event will feature a variety of interactive, family friendly exhibits that highlight the work of the Agency and celebrate its 40th anniversary this year. Administrator Jackson will appear on The National Mall on Friday to visit the Office of Research and Development's P3 student participants and recognize winners. P3 is the next step beyond P2 - pollution prevention - and focuses on the three components of sustainability: people, prosperity, and the planet.

**White House Council on Environmental Quality Chair Nancy Sutley**

*Sunday, April 25 - Washington, DC*

Chair Sutley will deliver remarks at the Earth Day Network's 40th Anniversary of Earth Day festivities on the National Mall. She will focus on the Obama Administration's environmental agenda, and how the transition to a clean energy economy can create millions of American jobs while reducing our dependence on foreign oil.

**Acting Deputy Attorney General Gary Grindler**



*Thursday, April 22 – Washington, DC*

The Acting Deputy Attorney General Gary Grindler will attend the Department of Justice's Environment and Natural Resources Division's (ENRD) Earth Day 2010 event on April 22 at [Marvin Gaye Park](#) where it has held its annual Earth Day service celebration since 2004. In those five years, the Division has been able to help the park purchase over \$7,500 worth of trees and landscaping materials as part of the park revitalization event. ENRD has also devoted over 2,500 hours of employee time to planting trees, removing trash, laying sod, and gardening.

**Deputy Agriculture Secretary Kathleen Merrigan and Agriculture Undersecretary for Rural Development Dallas Tonsager**

*Friday April 23 – Sussex County, DE*

Deputy Agriculture Secretary Kathleen Merrigan will travel to Delaware on Friday to participate in a groundbreaking ceremony for a project that will modernize water quality and public sanitation services in Sussex County through the upgrading of the Inland Bays Wastewater Treatment Facility.

*Friday April 23 – Woodland Park, CO*

Agriculture Undersecretary for Rural Development Dallas Tonsager will travel to Woodland Park, Colorado, where he will participate in an event marking the use of Recovery Act funds to improve drinking water quality in a subdivision.

**Commerce Department Senior Officials**

*Earth Day Week - Huntington Beach, CA; Cape Hatteras, NC; Seattle, WA; Muskegon Lake, MI; Grande Isle, LA; Maunaloa Bay, HI; Jersey City, NJ; and Florida Keys, FL*

April 17 through 23, the Commerce Department's National Oceanic and Atmospheric Administration (NOAA) leadership will hold events at American Recovery and Reinvestment Act coastal restoration projects in eight states. The events will highlight job creation in Huntington Beach, California; Cape Hatteras, North Carolina; Seattle, Washington; Muskegon Lake, Michigan; Grande Isle, Louisiana; Maunaloa Bay, Hawaii; Jersey City, New Jersey; and Florida Keys, Florida.

**Office of Science and Technology Policy Director John Holdren**

*Thursday April 22 – Berkeley, California*

OSTP Director John Holdren will be in Berkeley, Calif., where he will give a free, public, evening lecture on the topic of: "Science and Technology for Sustainable Well-Being: Priorities and Policies in the Obama Administration," to be held in Sibley Auditorium in the Bechtel Engineering Center at the University of California, Berkeley.

**Veterans Affairs Officials**

*Week-long*

Hospital Directors and Regional Office Directors will lead Earth Day events at VA health facilities across the country including Martinsburg, WV; North Texas; Clarksburg, VA; Saginaw, MI; Battle Creek, MI; San Diego, CA; Spokane, WA; Fresno, CA; Los Angeles, CA; Long Beach, CA; Reno, NV; Tucson, AZ; Boise, ID; Menlo Park, CA; Palo Alto, CA and Ft. Harrison, MT.

**Treasury Department Initiative**

*Earth Day Week*

With Americans poised to celebrate the 40th anniversary of Earth Day this week, the U.S.

Department of the Treasury announced a broad new initiative to dramatically increase the number of electronic transactions that involve Treasury and millions of citizens and businesses, a move that is expected to save more than \$400 million and 12 million pounds of paper in the first five years alone. Treasury will also make an announcement about a change in the Department's energy consumption that, when coupled with the move from paper to electronic transactions, will greatly reduce Treasury's environmental impact.

## **NASA**

*Earth Day Week – Washington, DC*

NASA is taking part in the celebration of Earth Day's fortieth anniversary on the National Mall in Washington beginning Saturday, April 17. The agency's involvement includes 9 consecutive days of activities and exhibits open to the public. The 'NASA Village,' which contains three domed tents, will highlight the use of NASA science and technology to advance knowledge and awareness about our planet and sustain our environment.

###

**Allyn  
Brooks-LaSure/DC/USEPA/US**

03/30/2009 07:19 PM

To: Richard Windsor  
cc: Bob Sussman, Arvin Ganesan  
bcc:  
Subject: MTM Action.

A memo from the MTM Coalition:

Sent: Friday, March 27, 2009 2:06 PM

Subject: Mountaintop Mining Coalition Membership

To: Mountaintop Mining Coalition Membership

From: Chris Hamilton

Date: March 27, 2009

Subject: Update on Various Action Items

In response to the intense activity in Washington and other states concerning mountaintop mining, the coalition is

First and foremost the coalition is attempting to arrange an immediate meeting with the CEQ and EPA to discuss. A multi-state congressional briefing on MTM is set for May 5-7 in Washington, DC, and follow up mine visits in K

Additionally, we are planning to meet with the DGA and NGA and SLC through the help of Gov. Manchin and o

The coalition is also making progress on development of the following items:

- Mountaintop Mining Powerpoint (under review)
- White Paper (under review)
- Blog (under construction)
- Brochure (under construction)
- Website ([www.mtmcoalition.com](http://www.mtmcoalition.com))
- Video (being produced).

Please contact T. Headley at the below address for a copy of these materials.

Regarding MTM legislation in West Virginia. SB 375 has passed the State Senate and will be considered by the Development Office with greater focus on planning for post-mine land use and development. The legislation also addresses land uses and provides for renewable energy forms. This is the Governor's bill and he has expressed a willingness to support it.

SB 461 extending the compliance schedule for Selenium passed the Senate today and will be advanced to the House (a copy of which is attached) discusses the benefits of coal, including mountaintop mining and its importance to the state. The bill and is planning to host a ceremony in the Senate Chamber to coincide with the introduction of the bill. The bill members are encouraged to attend.

Lastly, as you know are actively monitoring regulatory developments and pending legislation in other states. In response to negative articles written by media outlets in North Carolina, New York, Washington, Georgia and Tennessee, we requested an opportunity to be present before the legislative bodies as these issues begin to move to discuss their response to negative articles written by media outlets in North Carolina, New York, Washington, Georgia and Tennessee.

As these items unfold over the next couple of weeks, we will keep you abreast of their status. In the meantime, if you have any questions, please send us an email, text message or call one of us at 304-342-4153.

T.L. "Doc" Headley

MBA, MA, BA, AAMS

Communications Director

West Virginia Coal Association

304.342.4153

Email: [theadley@wvcoal.com](mailto:theadley@wvcoal.com)

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M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: [brooks-lasure.allyn@epa.gov](mailto:brooks-lasure.allyn@epa.gov)

**Allyn  
Brooks-LaSure/DC/USEPA/US**

03/13/2009 06:54 PM

To Richard Windsor

cc Bob Sussman, David McIntosh, Lisa Heinzerling, Eric  
Wachter

bcc

Subject Fw: Weekly Wrap 3/13/09

Below is a weekly recap of the press inquiries received and trafficked by the career press staff this week alone.

v/r,  
Allyn.

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M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 03/13/2009 06:50 PM -----

From: Seconda Tyson/DC/USEPA/US  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA  
Cc: Roxanne Smith/DC/USEPA/US@EPA, Michael Thiem/DC/USEPA/US@EPA  
Date: 03/13/2009 06:46 PM  
Subject: Weekly Wrap 3/13/09

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### **Administration and Resources Management**

Federal Times: Foner with Chuck Gherardini on professional services contracting. Closed.

### **Aging**

Erickson Tribune: Interviewed Kathy Sykes re: health effects of sun and heat exposure on older adults. Closed.

### **Agriculture**

AgriTalk Syndicated Radio Show: Told them they can't broadcast from EPA Headquarters and the Administrator won't appear on the show. Closed.

Baltimore Sun: Tim Wheeler at Baltimore Sun interviewed Allison Wiedeman, OW, on fairness of Eastern Shore, Md. CAFO water discharge permits. Closed.

Conservation Technology Information Service: Will do phone interview on CAFO water rules next Wed., 3/18. Closed.

### **Air**

AP (Albu querque): Notice of intent to sue filed by Wild Earth Guardians for failure to file implementation plan for several western states to limit interstate transport of air pollution. Open.

AP (El Paso): Following up on her Q's from last week re: SIPs for regional haze. Open.

AP (El Paso): Sent A's to Q's re: SIPs for regional haze. Closed.

AP, BNA, Greenwire, Delaware news Journal: Ozone filing. The court document speaks for itself. Closed.

Argus Media: Ethanol blending tax credit. Not us its IRS. Closed.

Aviation Emissions Report: Will national reporting on GHG emissions affect any segment of the aviation industry? Sent program-supplied info. Closed.

Bergen Record: Long term story on the disposal of refrigerants. Open.

Bloomberg News: Mpg of the Volt. we don't have that yet. Closed.

BNA: Today is the anniversary of the updated ozone standards. The recommendations from states were due to EPA today. We'll send letters to states no later than Nov. 12 2009 notifying them of our intended designations. EPA must make final designations no later than March 12, 2010. Closed.

CBS - WUSA-TV (Channel 9): Turned down request for radon on-camera. Closed.

Chronicle for Higher Education: Does national reporting on GHG apply to power plants run by colleges? Sent fact sheet for electricity generation and GHG. Closed.

Columbus Dispatch: Utilities say EPA rules are so costly they have to pass the cost on to customers. Have a statement that's says according to OMB our rules are very cost-effective. Closed.

Consumer Digest: Ethanol. Wants to know everything we know. Open.

Discovery Channel: Smokestacks. Open.

Discovery Channel: Doing a documentary called the detonators. Needs information on the number of smokestacks in the United States and the average age of smokestacks. May not have that information. Open.

Ethanol Producer Magazine: Is indirect land use part of the GHG reporting rule? No. The reporting rule just says who has to report. Closed.

Farm World: Cow tax. Sent statement. Closed.

Fort Collins Coloradoan: Growth energy asking for a waiver on the 10 percent ethanol cap. Sent statement. Closed.

Fox News: Cap and trade. Need to set up backgrounder. Open.

Fox News (Denver): Backgrounder about dust in rural areas. Reporter spoke to Bill Becker. Sent statement. Closed.

Gannett News: Cow tax. Sent new statement. Closed?

Hamilton Journal: Hearing in DC on Cincinnati non attainment for ozone. What will happen to the comments? They will be included I the docket. Closed.

Inside Cal: EPA comment on Carb proposal. It's not out yet. Closed.

Inside EPA: Two countries plan to submit the application in March. Has that happened yet, and is it

publicly available? Also, when does EPA plan to issue the related Notice of Proposed Rulemaking for the Clean Air Act program? No word on this yet. Closed.

Journal Gazette: More follow up on inhalers. Closed.

National Geographic. Dirty bomb documentary. Open.

New York Times, CBS on line, Recharge Magazine: GHG proposal. Closed.

New York Times, Associated Press, USA Today, Dow Jones, Tennessean, Clean Skies TV, Transport Topics, Energy Daily, BNA, ICIS News, Point Carbon News, University OF Michigan Public Radio, Interviews with NYT, USA Today, AP, Mich Public Radio: proposed ghg reporting rule. Closed.

OPis net: Comment on ethanol waiver request. Just received it this week. We will review it. Closed.

Platts: Ozone Remand. Sent statement. Closed.

Smithsonian Magazine: Cap and Trade. Wants another interview. May not happen. Open.

The Daily Environment Report (Chicago): Does the EPA have an account of how many coal-fired power plants were "grandfathered" when the Clean Air Act (and new source review) was initiated? How many coal-fired power plants are in this situation now; that is, how many of these existed in 1970 that haven't gone through a significant "new source" upgrade that made them subject to a higher standard? Open.

Transport Topics: Dera grants. Explained the process. Sent release. Closed.

She Drives Freelancer to auto magazines. Questions on importing cars. Answered questions on background. Closed.

Slate Magazine: How cigarette smoking affects general atmosphere--not just indoor air. Open.

Society of Auto motive Engineers: Doing a story on remote sensing technology for determining emissions. Open.

WALO Radio (Humacao, PR): Wants live interview on Schools air initiative for next week. Open.

Washington Post: Is the RFS2 Rule coming out soon? Hear it was coming out minus the indirect land use part. No truth to the rumor. Closed.

## **Budget**

ADA News: Q re: stimulus. Closed.

AP: Q re: stimulus report for WH. Closed.

McClatchy: Interviewed Chuck Gherardini re: stimulus funding and cost overruns. Closed.

monster.com: Q's re: stimulus and jobs. Closed.

National Hispanic Business mag: Q re: stimulus. Open.

Water Efficiency mag: Q re: water funding under ARRA. Closed.

## **Children's Health/Aging Initiative**



Aging News Alert: Q re: Rachel Carson Contest. Closed.

Erickson Tribune: Seeking interview re: aging population and the health effects of sun and heat exposure. Open.

Pesticide and Toxic Chemical news: Q re: date for children's health office re-org. Open.

## **Climate Change**

Climate Wire: Interviewed Bill Irving on capacity building with other countries to develop reliable ghg emissions data. Closed.

CNN.COM: Told them to call CPSC on chinese drywall indoor air issue. Closed.

Freelancer: Can't download SAP 4.1 on sea level rise. Links work so referred her to her Internet provider to troubleshoot the problem. Closed.

Inside EPA: Mike Shapiro interviewed on climate change and water adaptation. Closed.

Platte-Clay Electric Cooperative newsletter: q's about carbon footprint. Sent link to the personal emissions calculator. Closed.

Sarasota Herald Tribune: Interviewed Jim Titus on sea level rise and adaptation. Sent response to questions on climate ready estuaries. Closed.

Washington Post: Interviewed Rona Birnbaum on sea level rise. Closed.

## **Enforcement/Compliance**

Associated Press: Number of citizen "tips" since launch of our environmental fugitives website. Closed.

Bill Kurtis Productions: TV series, Green Cops, on environmental fugitives. Open.

Bloomberg: Phone interview Monday, 3/16 with enforcement official on how we enforce the renewable fuels standard. Open.

CNN: Sent info on penalties for companies failing to report under TSCA. Closed.

Des Moines Register: EPA's role in getting foreign country permission to import pesticides banned in U.S. Open.

Inside EPA: Wants phone interview on environmental justice aspect of environmental impact statements. Open.

Journal Gazette (Indiana): Penalties for purchasing banned CFC inhalers. Open.

Law 360: Effect of EPA audit policy on data processing centers. Open.

Medill News Service: Questions on our environmental fugitives program. Open.

Mother Jones: Inspection data for risk management plan (RMP) facilities. Open.

Pesticide and Toxic Chemical News: OGC basic policy review. Closed.

Planet Green (Discovery Channel): Interested in television series on EPA's enforcement office. Open.

Standard Examiner: Phone interview (3/12) on fugitive website. Open.

Sustainable Computing: Enforcement of CRT rule. Open.

Tennessean: Why doesn't EPA take TVA to court over air violations like it does private utilities? Open.

Weather Channel: Wants to partner on environmental fugitives. Open.

### **Enforcement/Compliance**

Weather Channel: Wants to partner on environmental fugitives. Open.

### **Environmental Information**

AP: TRI provision in omnibus spending bill: Closed.

BNA: TRI language in bill. Open.

Greenwire: TRI provision. Sent statement. Closed.

Pesticide & Toxic Chemical News: omnibus spending bill. Open.

WPRO News Radio Rhode Island: Blog question. Closed.

### **Hazardous Waste**

60 Minutes: Clean-up of oil. Open.

ABC 7 News: Code violations. Closed.

AP: Coal ash questionnaire. Closed.

AP: Contamination in landfills. Closed.

AP: Coal ash. Closed.

Baltimore Sun: Coal ash. Closed.

Bloomberg: Oil tankers. Closed.

BNA: RCRA listing. Closed.

BNA: Brownfields forum. Open.

BNA: RCRA listing. Open.

BNA: Superfund stimulus package. Closed.

Brownfield News & Sustainable Development: Brownfields cover story. Closed.

Center for Public Integrity: Coal ash. Closed.

CETESB: VOCs value. Closed.

Charleston Gazette: Coal ash. Closed.

Chemical Engineering News: Interview request. Open.

Chemical and Engineering News: Coal ash questionnaire. Closed.

Cleveland Plain Dealer: Landfills and development. Closed.

Chemical Engineering News: Interviewed Kristina Meson, re: School Chemical Cleanout Campaign. Closed.

Energy Daily: Coal ash. Closed.

Innernet, Inc.: WasteWise press release. Closed.

Inside EPA: TCE. Closed.

Iowa Independent: Coal ash. Closed.

Mother Nature Network: eWaste. Open.

Ohmygov.com: Libby case. Open.

Platts Coal Outlook: Coal ash. Closed.

Parent magazine: Fertilizer in plant roots. Closed.

Reuters: Current status of oil spill cleanups. Open.

Self Magazine: Produce in landfills. Closed.

Scientific American: Coal ash. Closed.

The Gazette: Coal ash. Closed.

The Northern Miner: Superfund affecting mining companies. Closed.

Univision: Fly ash. Closed.

Vertatique.com: CRT Rule. Closed.

Washington Post: Waste stats in landfills. Closed.

## **Pesticides**

Capital Press: Sent statement on study of effects of multiple pesticide exposure on salmon. Closed.

Capital Press: NRDC lawsuit demanding release of data about imidacloprid and clothianadin. Any developments in the litigation? Closed.

CNN Radio Noticias: Interview for National Poison Prevention Week. Scheduled for Monday afternoon. Open.

Daily Environment Report: Sent statement re: IG investigation of potential issues related to the Antimicrobials Testing Program. Came back with followup Q. Open.

Freelancer: EPA sponsoring a bed bug conference next month? Yes, in Ariel Rios. Closed.

Grist mag (Seattle): Is sulfuryl fluoride registered for use on strawberries? Open.

KNBC-TV: foner with Mary Manibusan and Norman Spurling to clarify supplied data re: pyrethrins and pyrethroids. Closed?

NY Times: Sent info about how he can collect data on atrazine from the docket. Closed?

Pesticide & Toxic Chemical News: Spray drift and NPDES permits. Sent statement. Closed.

Prevention magazine: Fact checking "natural" insect repellents. Open.

The Des Moines Register: "Signed purchaser statements" as they relate to pesticides. Open.

The Desert Sun (Palm Springs): Conditional registrations for fipronil to control fire ants. Open.

The Farmer mag: 26 scientists objecting to information gathering process re: Bt corn. Sent statement. Closed

Univision Radio (Dallas): Interview for National Poison Prevention Week. Scheduled for tomorrow afternoon. Open.

## **Recycling**

Body & Soul Magazine: Recycling plastic bags. Closed.

Dallas Morning News: Recycling Styrofoam. Closed.

Green Electronics Daily: TV transition. Closed.

Washington Post: Consumer behavior on recycling. Closed.

Yes! Magazine: Benefits of recycling. Closed.

## **Research & Development**

BNA: information on Comp Tox posters / sessions of interest at SOT meeting . Closed.

Environmental Health Perspectives: comment on Pope's PM2.5 + life expectancy study. Closed

Michigan Messenger newspaper: Dioxin reassessment. Sent statement. Closed.

National Assoc. of Women Business Owners magazine: Green business. Sent info on EPA grants and contracts. Closed.

National Assoc. of Women Business Owners magazine: Request for LPJ Transcript. Open.

New book on CC to be published by Penguin books: Geoengineering. Sent written Q's - Brooke Helms will answer. Open.

Pesticide & Toxic Chemical News: Dioxin reassessment. Closed

Wash Post: Exposure from and risk of dioxane and formaldehyde. Closed.

## **Toxics**

Book author: Q re: updated facts on lead in homes. Open.

Chemical & Engineering News: Provided info about OPP's pheromone program. Closed.

Daily Environment Report: Second proposed rule requiring data for certain HPV chemicals. Open.

KNBC-TV (L.A.): Wants clarification of data we sent on pyrethrins and pyethroid incidents. Open.

NewsProNet: Any new developments about "organic dry cleaning"? No. Closed.

NewsProNet: Sent A's to Q's about disinfectants. Foner about the Design for the Environment program scheduled for Monday. Open.

retrorenovation.com: Q re: lead in linoleum. Closed.

Risk Policy Report: Did the EDSP package go to OMB last week? Yes. March 6. Closed.

Stuart Goldman Co. / Robert Yuhas Productions: Looking for footage of asbestos abatement at the Ida B. Wells Housing Project in Chicago when Barack Obama was a community organizer there. Open.

## **Voluntary Programs**

Akron Beacon Journal: Q's re: Energy Star tax rebates. Closed.

Associated Press: Dina Cappiello showed up today for Good Neighbor Environmental Board advisory meeting where Nancy Sutley received report on U.S.-Mexico border issues. Closed.

Builder Magazine: Phone interview on Monday with Smart Growth official John Thomas on residential construction (urban revitalization) report. Open.

CBS (Denver): Q's re tax credits. Closed.

City biz real estate: Interviewed Maura Beard re: buildings that have earned the Energy Star. Closed.

Compound Semiconductor mag: Energy Star specification for solid-state lighting technologies. Closed.

Detroit Today (Public Radio): Did radio interview today (Thurs.) on our urban revitalization report. Closed.

Government Executive mag: Data center energy efficiency efforts. Closed.

Greenwire: Voluntary GHG programs. Interviewed Maria Vargas. Closed.

Habitat mag: Seeking interview re: how condos and co-ops can benefit from the stimulus plan. Open.

Hanley Wood Business Media: Q's re: buildings that earn the Energy Star. Closed.

Inside EPA: Why is EPA killing Performance Track program? Open.

Living in Style TV: Sunwise. Request for Interview. Open.

Lodging mag: Seeking interview re: buildings that earn the Energy Star. Open.

Men's Health magazine: Sunwise. Open.

New Scientist: Internet power use. Open.

Scientific American: Interviewed Maura Beard re: buildings that have earned the Energy Star. Closed.

Transport Topics: DERA. Open.

## **Water**

American Water Association mag: Lead and copper rule. Open.

AP: Q's re: fines for schools also classified as public water systems that don't adhere to SDWA regs. Open.

AP: Cross check on water discharge permits database. Closed.

BNA: Q's re: coliform rule. Closed.

Consumer Reports: Follow-up Q re: water savings. Open.

Consumer Reports: Interviewed Mike Shapiro re: Fix A Leak. Closed.

Cox Stations: Agreed to send Fix a Leak Week information to their affiliates to use on their conservation Web pages. Closed.

Environment Report: Interviewed Mike Shapiro re: Fix A Leak. Closed.

Hedrick Smith Production: Q re: percentage of people who live near or on waterways. Open.

Inside EPA: Q's re: vessel permit. Open.

Inside EPA: New TMDL rule. Closed.

Kiplinger Letter: Sent statement re: mountaintop mining. Closed.

NYT: Q re: National Water Inventory Report. Closed.

NYT: Q's re: NPDES program. Open.

PBS Frontline: Percentage of Americans living near waterbodies. Closed.

ProPublica: Seeking interview re: natural gas in drinking water. Open.

Risk Policy Report: Q re: nutrient runoff. Open.

The Allegheny Front (PA): Interviewed Suzanne Rudzinski re: biosolids. Closed.

USA Today: Interviewed Michael Shapiro re: Fix a Leak Week. Closed.

**Allyn  
Brooks-LaSure/DC/USEPA/US**

03/20/2009 06:30 PM

To Richard Windsor

cc Bob Sussman, Scott Fulton, Lisa Heinzerling, David  
McIntosh, Robert Goulding, Eric Wachter

bcc

Subject Weekly Press Inquiries

The following list captures media inquiries received by OPA this week.

MABL.

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M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

### **Administration and Resources Management**

ProMedia.travel: Info about Green Meetings. Sent news release and did foner with Harry Lewis. Closed.

### **Agriculture**

AgriTalk: Acting Water AA Mike Shapiro did live interview today, 3/20 on EPA attempts to mitigate impact on court decision forcing farmers to get water permits, if their pesticides enter waterways. Closed.

Conservation Technology Information Service: Did phone interview today with OW official on CAFO water rules. Closed.

### **Air**

Argus Leader (Sioux Falls): GHG reporting rule. Are purchasers of electricity subject to this rule? No. Closed.

Argus Media: GHG. Open.

Aviation Emissions Report: Airports must report GHG emissions, if they emit more than 25,000 tons per year. Closed.

Bergen Record: Long term story on the disposal of refrigerants. Open.

Bergen Record: Ozone depleting refrigerants. Sent Information. Closed.

BNA: RFS2 rule and Harkin letter. We will review and respond. Closed.

CBS (Wyoming): Always interested in news stories. Keep him informed. Closed.

Chemical and Engineering News letter: Questions on the GHG rule. Closed.

Chemical Engineering Magazine: GHG proposal. Closed.



Chicago Tribune/Los Angeles Times: Rfs2 rule. When is it coming out? Closed.

Chronicle of Higher Learning: Interviewed Bill Irving today, March 20 on GHG and its impact on universities. Closed.

Climate Central: Interested in getting information about GHG. Sent press release. Closed.

Contracting Business: Wants to know about the state of the R-22 recovery among HVACR contractors. Brief phoner with OAR staff. Closed.

Dow Jones: Asking about the 2010 deadline for non-road engines to use ultra low sulfur diesel. Sent links to information on the web. Closed.

Ethanol Producer Magazine: California Waiver. Closed.

Farm World: Cow tax. What is the cow tax? Sent statement. Closed.

National geographic: Dirty Bomb in Boston. On going issue. Open.

NBC TV: Working with them on the Chinese drywall indoor air issue. Open.

New York Times: Black Carbon. Our PM standards address black carbon. Congress is doing some work on this. Closed.

Next American City: Air enforcement. Open.

The next American City magazine: Air quality. Closed.

Inside EPA: Asking about the residual risk rule. We are reviewing. Closed.

Inside EPA: Is EPA reconsidering the refinery residual risk rule? Sent statement. Closed.

Opis: Asking about the indirect land use. Can't Say much, it's part of RFS2. Closed.

Platts: When will the endangerment finding come out? We don't have a date. Closed.

Slate Magazine: How cigarette smoking affects general atmosphere--not just indoor air. Open.

Sosland Publishing: Needed information on ozone history in Pittsburgh and Birmingham. Sent information. Closed.

## **Budget**

allbusiness.com: Stimulus funding. Closed.

Environmental Compliance Alert: Brownfield stimulus funding. Open.

Greenwire: Diesel stimulus funding. Closed.

Inside EPA: Brownfield stimulus funding. Closed.

KPLU (FM) News: Diesel grants under ARRA. Closed.

Light and Medium Truck mag: ARRA funding for diesel emissions. Open.

News & Observer (NC): Proposed 2010 budget. Closed.

Water Environment and Technology: Clean Water State Revolving Funds and the Drinking Water State Revolving Funds for each of the past 10 fiscal years. Closed.

### **Climate Change**

NYT: ghg emissions at facility level. Sent response. Closed.

Inside EPA: EPA's position on a National Climate Service across agencies. Adora handled. Closed.

One World Productions for SkyTV (UK): Interviewed Paul Gunning on methane and climate change. Closed.

### **Enforcement/Compliance**

Atlanta Journal Constitution: Has EPA taken over any state asbestos inspection programs--other than Georgia? Open.

Bill Kurtis Productions: TV series, Green Cops, on environmental fugitives. Open.

Bloomberg: Sent responses on renewable fuels standard. Closed.

BNA: Sent list of NPL sites involved in ASARCO bankruptcy case. Closed.

Congressional Quarterly: sent info on cleanup agreements between EPA and DOD facilities. Closed.

Dagbladet (Norwegian paper): Status of three Norwegians on environmental fugitives website. Open.

Inside EPA: Sent info on environmental justice aspect of environmental impact statements. Closed.

Journal Gazette(Indiana): Sent info on penalties for purchasing banned CFC inhalers. Closed.

Law 360: Sent info on effect of EPA audit policy on data processing centers. Closed.

Medill News Service: Sent answers on environmental fugitives program. Closed.

Mother Jones: Provided info on risk management plan (RMP) facilities. Closed.

Planet Green (Discovery Channel): Interested in television series on EPA's enforcement office. Open.

Reuters: EPA role in overturning mountaintop mining ban. Open.

Salt Lake Tribune: Sent info on shooting of EPA environmental fugitive Larkin Baggett. Closed.

Standard Examiner: Phone interview on fugitive website. Closed.

Sustainable Computing: Sent response on enforcement of CRT rule. Closed.

Tennessean: Why won't EPA take TVA to court? Open.

Weather Channel: Wants to partner on environmental fugitives. Open.

## **Environmental Information**

AP: 2007 TRI data. Closed.

AP: TRI release. Interviewed Mike Flynn Mar. 19. Closed.

BNA: TRI changes in omnibus bill. Sent statement. Closed.

BNA Daily: TRI release: Q's on background. Closed.

Charleston Gazette: TRI release. Interviewed Mike Flynn Mar. 19. Closed.

CNN: TRI release. Answered background questions. Closed.

Environmental Business & Legal Reports: TRI changes. Sent statement. Closed.

Indiana Star: TRI release. Referred to region. Closed.

Inside EPA: TRI release. Interviewed Mike Flynn Mar. 19. Closed.

Law 360 legal news service: TRI. Closed.

NYT: TRI release. Interviewed Mike Flynn Mar. 19. Closed.

Pesticide & Toxic Chemical News: TRI changes. Sent statement. Closed.

## **Hazardous Waste**

60 Minutes: Clean-up of oil. Sent answers. Closed.

Angie's List Magazine: Household hazardous waste. Open.

BNA: Brownfields forum. Closed.

BNA: Comparable Fuels Rule. Closed.

Congressional Quarterly Weekly: Interviewed John Reeder, re: Cleanups at DOD facilities. Closed.

Engineering News-Record: Interview request on Superfund Stimulus Package. Open.

Engineering News-Record: Interview request on UST Stimulus Package. Open.

Greenwire: Comparable Fuels Rule. Closed.

Inside EPA: Coal ash. Closed.

Law360: Report of Superfund sites and systems. Closed.

Mother Jones: Risk Management Program. Sent Answers to questions. Closed.

Mother Nature Network: eWaste. Closed.

Ohmygov.com: Libby case. Closed.

Pittsburgh Business Times: Coal ash. Closed.

Reuters: Current status of oil spill cleanups. Closed.

WYEP 91.3 FM (Pittsburgh): Interviewed Matt Hale today, 3/20 on coal ash. Closed.

## **Pesticides**

ABC - WRTV (Indianapolis): Various Q's about bed bugs. Open.

Des Moines Register: Sent A to Q re: "signed purchaser statements" as they relate to pesticides. Closed.

Des Moines Register: Wants records on export of pesticides not registered in U.S. Must submit a FOIA. Closed.

Freelancer: Has DDT ever been used for public health purposes since 1972? Open.

Freelancer: Sent A to Q re: what would happen in the event of a malaria outbreak in the U.S.? Closed.

Grist mag: Sent explanation of registered uses of sulfuryl fluoride. Closed.

KNBC-TV (L.A.): More Q's re: pyrethrins and pyrethroids. Sent A's. Story airs tonight. Closed?

Living on Earth: What about the 26 scientists saying EPA only gets industry info about biotech seed? Sent statement. Closed.

Living on Earth (Public Radio Intl.): Sent statement re: Bt crops. Closed.

Prevention Mag: Answered Q re: Eucalyptus and picaridin vs. DEET. Closed.

Risk Policy Report: When will carbofuran food tolerance revocation be final? This spring. Closed.

## **Recycling**

Body and Soul Magazine: Paper stats. Open.

## **Research & Development**

InternetNewsNetwork.com: Asking about Oberlin College P3 project from 2004-2005. Closed.

National Assoc. of Women Business Owners magazine: Request for LPJ Transcript. Closed.

New book on CC to be published by Penguin books: Geoengineering. Brooke Helms answered questions. Closed.

NPR WFYI (Indianapolis): Pharmaceuticals in water. Interview with Jim Lazorchak on March 24. Open.

## **Toxics**

Atlanta Journal and Constitution: Are there any other states where EPA is going to do state asbestos inspections the way it is in Georgia? Tried OPPT, OSWER and OAQPS. Finally sent to OECA. Closed.

CNN: Has a request for confidentiality re: chemical compounds ever been denied? Open.

CNN En Espanol Radio: Spanish radio interview on National Poison Prevention Week. Closed.

Cooks Illustrated mag. Eco-friendly green skillet: We don't do skillets. Call CPSC. Closed.

Discovery Channel: Household cleaners. Open.

Natural Home mag. Eco-friendly bath items: Call CPSC. Closed.

NewsProNet: Foner with Clive Davies re: standards for household cleaners and disinfectants. Closed.

NewsProNet Video: Asked for on-camera with the Design for the Environment program. Later cancelled after finding a pigeon in Poison Control. Closed.

Telemundo (DC): Recorded interview scheduled for 3/18. Open.

Univision (DC): Recorded interview. Closed.

Univision Radio (Austin, TX): Live interview scheduled on Mar. 19. Open.

Univision Radio (Austin, TX): National Poison Prevention Week. Closed.

Univision Radio Chicago / Telefutera: Live 5 minute interview. Closed.

Univision Radio (LA): Live interview. Closed.

Voice of America: "El mundo al dia" Spanish afternoon program VOA-TV Spanish broadcast. Interview on National Poison Prevention Week. Closed.

Voice of America: VOA Spanish radio. Interview on National Poison Prevention Week. Closed.

## **Voluntary Programs**

American Water Works Association: Sent statement re: lead and copper rule. Closed.

Builder Magazine: Did phone interview today with Smart Growth official John Thomas on residential construction (urban revitalization) report. Closed.

Chemical Week: wanted statement on EPA terminating Performance Track program--referred to Brendan Gilfillan. Closed.

CNN's Energy Fix: Interviewed Maria Vargas re: Energy Star. Closed.

Commerical Property News: Energy Star office building rankings. Closed.

Fox News: Solar energy tax credits. Closed.

Healthcare Packaging: Energy Star logos. Closed.

Lodging mag: Interviewed Anna Stark on green certification for hotels. Closed.

National Parks & Recreation magazine: Sunwise. Follow-up Q's to interview with Drusilla Hufford. Sent responses. Closed.

NPR (Elizabeth Shogren): Green power partnership. Interview Tuesday, March 24 with Blaine Tolleson. Open.

Platts: EPA and DOE on Energy Star. Closed.

Transport Topics: DERA. Sent responses from program. Closed.

Victor House News: Ramifications of Performance Track program closure on participating company benefits. Open.

WMT-AM (Iowa): Interviewed Stephanie Thornton on Fix a Leak. Closed.

## **Water**

ABC National News: Drinking water statistic. Open.

American Water Works Association: Lead and copper rule. Open.

Inside EPA: Mountaintop mining. Open.

Inside EPA: Water security. Open.

Press of Atlantic City: Water conservation. Open.

ProPublica: Sent statement re: methane in drinking water. Closed.

Real Simple mag: Water usage from car washes. Open.

Stormwater Solutions: Sent responses re: drinking water funds under the ARRA. Closed.

WMT Radio (IA): Interview request re: Fix a Leak Week. Open.

**Allyn  
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor, David McIntosh, Lisa Heinzerling, Bob  
Sussman  
cc Eric Wachter

03/24/2009 09:30 AM

bcc

Subject Gibbs on Endangerment

WH just posted the transcript from yesterday's briefing with Gibbs:

Q Robert, the EPA has forwarded its endangerment finding to the White House. Can you enlighten us on whether there's an actual plan? Are they recommending a scheme for regulation? And could you also talk about the timing of it, how quickly --

MR. GIBBS: Yes, I think something popped up right before I came out here and I haven't delved into this. I know that -- I think the President has made quite clear on this that he is -- the way to deal with greenhouse gases is to work with Congress in order to put together a plan that deals with this and creates a market for renewable energy.

As you know, the Supreme Court, through their ruling, requires the EPA to look at the potential public health risk that CO2 might cause, and I think that is -- not having seen it, I think this is the -- just a step in that process.

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M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

**Allyn  
Brooks-LaSure/DC/USEPA/US**

06/29/2009 02:08 PM

To Richard Windsor, Diane Thompson  
cc David McIntosh, Seth Oster, Adora Andy  
bcc

Subject Fw: Remarks by the President on Energy

And this...

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----- 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

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THE WHITE HOUSE

Office of the Press Secretary

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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

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**Allyn  
Brooks-LaSure/DC/USEPA/US**

07/08/2009 03:03 PM

To Richard Windsor

cc Diane Thompson, Lisa Heinzerling, Seth Oster, David  
McIntosh, Arvin Ganesan, Gina McCarthy, Michelle DePass

bcc

Subject FACT SHEET: THE G8 MEETING AT L'AQUILA

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THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE

July 8, 2009

**FACT SHEET  
THE G8 MEETING AT L'AQUILA**

Leaders from the United States, Canada, France, Germany, Italy, Japan, Russia and the United Kingdom met on July 8, 2009 to demonstrate their determination to ensure sustainable growth, and to tackle the interlinked challenges of the economic crisis, trade, climate change, and development.

In their declarations, Leaders:

- Affirmed their commitments to take all necessary steps to support global demand, restore economic growth, maintain financial stability, and preserve open markets worldwide.
- Reconfirmed their commitment to reject protectionist policies and to keep markets open, and committed to reach a balanced and comprehensive conclusion of the Doha Development Agenda.
- Pledged to confront climate change, and committed to seek an ambitious global agreement in Copenhagen. They recognized the broad scientific view that the increase in global average temperature above pre-industrial levels should not exceed 2° C. They agreed to join a global response to achieve a 50 percent reduction in global emissions by 2050 , and to a goal of an aggregate 80 percent or more reduction by developed countries by that date. They called upon major emerging economies to undertake quantifiable actions to collectively reduce emissions significantly below business-as-usual by a specified year.
- Committed to assist developing countries in coping with the impact of the global economic crisis. They pledged to support the Global Partnership for Agricultural and Food Security, a program of multilateral support for food security. They also reiterated

their commitment to support countries' efforts to achieve the Millennium Development Goals.

- Agreed to enhanced accountability by releasing the first G8 report on the implementation of past commitments regarding all ongoing development initiatives. That report, with individual and collective data, is being released today and details progress in the areas of food security, the water action plan, global health, and education.

Over the next two days, Leaders from the G8 will be joined by Leaders from a number of other countries, will take up many of these subjects, and will seek to broaden the commitment by all to these efforts and initiatives.

###

**Allyn  
Brooks-LaSure/DC/USEPA/US**

07/21/2009 09:55 AM

To Richard Windsor

cc Diane Thompson, Scott Fulton, Seth Oster, Lisa Heinzerling,  
David McIntosh, Arvin Ganesan

bcc

Subject Greenwire Story

## **GOP fires up media machine against EPA, White House (07/21/2009)**

**Robin Bravender, E&E reporter**

A group of Republicans lawmakers is waging a political war against U.S. EPA in an effort to hamstring the Obama administration's ambitious climate agenda.

Key GOP members have launched a scathing media campaign, flooding reporters' inboxes with a barrage of strongly worded press releases, accusatory letters to top administration officials and calls for congressional inquiries into concerns about political meddling in scientific decisions.

The Republicans say the Obama White House has set its sights on a cap-and-trade climate bill and is willing to silence dissenting views and neglect its own vows of transparency and scientific integrity in order to get there.

Many on the left, however, see a minority party on its heels using inflated arguments and diversionary tactics to stall any action on global warming emissions.

"There are some in Congress and in industry who are adamant in opposing any kind of restrictions on global warming emissions so they're going to go to any lengths possible to try to slow that down," said Frank O'Donnell, president of the advocacy group Clean Air Watch.

Another observer called the GOP tactics a "calculated, coordinated strategy clearly to try to derail meaningful work on the climate change issue, and it has caused a certain amount of desperate actions by some Capitol Hill Republicans." That person spoke on background due to the sensitive political nature of the issue.

Since late June, Republicans have sent at least seven letters to congressional committee and subcommittee chairmen and top administration officials criticizing the agency's alleged "suppression" of a staff report critical of EPA's climate policies.

Some of the letters demand congressional inquiries into the agency's handling of the proposed finding that greenhouse gases "endanger" public health and welfare, and others request further investigation into the process leading up to the proposal, which could trigger broad regulations of carbon dioxide if finalized.

Accusatory press releases in recent months have been topped with headlines like: "'Culture of Intimidation' Rules EPA," and "EPA Holding a Smoking Gun -- Barrasso Uncovers EPA Deception," "Sensenbrenner, Issa Decry EPA Exclusion of Significant Climate Data," and

"Administration's Dismissal of Advice from Career Civil Servant Raises Questions About Politicization of Regulatory Process."

Rep. Darrell Issa (R-Calif.), ranking member of the House Oversight and Government Reform Committee, has authored at least six letters since March criticizing EPA's proposed endangerment finding, which some see as an attempt by the administration to force Congress' hand on climate legislation.

Sen. John Barrasso (R-Wyo.) has been another prominent critic of EPA climate regulations. The Wyoming senator regularly grills EPA Administrator Lisa Jackson over the agency's climate policies during Senate hearings and has sent out a host of media alerts and inquiries to the administration criticizing "a culture of intimidation" that he says has taken over EPA.

Other prominent Republicans including Rep. Joe Barton (R-Texas), ranking member of the House Energy and Commerce Committee; Sen. James Inhofe (R-Okla.), ranking member of the Senate Environment and Public Works Committee; and Rep. Paul Broun (R-Ga.), ranking member of a House Science and Technology subcommittee, have also sent scathing letters to administration officials criticizing EPA's actions.

Barton held a news conference last month along with other top House Republicans, saying the agency "suppression" of staff documents raises "very serious questions about the integrity, transparency, and completeness of the process for developing EPA's proposed endangerment finding."

And Republican communications staff on the Hill say they have no plans to let up.

"We'll definitely continue to keep asking questions," said Frederick Hill, a spokesman for Issa. "We believe that this is a real issue of American concern."

Pepper Pennington, a spokeswoman for Broun, said that her office had acted independently when sending a July 14 letter accusing the Obama administration of a "troubling pattern" in which political motives transcend the administration's commitment to scientific integrity and transparency ([E&ENews PM](#), July 14). "We will likely coordinate in the future," she said.

"This is a pending decision by the EPA with enormous political, economic, regulatory consequences," said Marc Morano, a former communications director for the Senate Environment and Public Works Committee Republicans who now runs a skeptic Web site called Climate Depot. "It's absolutely essential to make these charges and to investigate them."

EPA spokeswoman Adora Andy said the agency has responded to congressional inquiries and will continue to do so.

## **Scientific suppression?**

Republican's most recent target is an e-mail [string](#) from March in which an EPA career



economist asked the director of EPA's National Center of Environmental Economics to have his comments -- which criticized the science supporting the finding -- forwarded to the agency office responsible for managing the development of the endangerment finding. The director of the economics office declined to forward the comments in a subsequent e-mail, saying, "The administrator and the administration has decided to move forward on endangerment, and your comments do not help the legal or policy case for this decision" ([Greenwire](#) , June 26).

EPA officials have dismissed the issue as a non-starter, saying that while the report's lead author is not a scientist and was not involved in the working group dealing with the issue, he was allowed to voice his opinions both within and outside of the agency, and ideas were included in the development of the proposed endangerment finding.

But GOP critics are not satisfied. In a letter sent to Jackson on Thursday, Barton and seven other Republicans said that EPA had failed to fully respond to the requests in a letter sent June 24. Issa has sent two letters to the House Oversight Committee chairman requesting a full committee investigation into EPA's actions.

"Recent actions suggest EPA has created a climate where dissent is discouraged and only single-minded allegiance to prevailing mindset is acceptable," Issa wrote in a July 13 letter.

The EPA e-mails contradict Jackson's pledge to uphold scientific integrity at the agency, said a Republican Energy and Commerce Committee spokeswoman. "Republicans on four House committees are conducting separate inquiries to determine how EPA went afoul of the administrator's pledge," she said.

And the EPA e-mail string is just the latest controversy in a series of issues that Republicans have seized upon.

Last month, House and Senate Republicans -- including Inhofe, Barrasso, Issa and Sensenbrenner -- criticized Jackson over reports that Carol Browner, President Obama's energy czar, had quietly orchestrated private negotiations before releasing new national auto standards, alleging that the process violated the administration's commitment to transparency.

Jackson told Congress that EPA had been "intimately involved" in developing the emissions standards and disputed the notion that negotiations allowing people to speak freely to each other would somehow undermine the scientific integrity of the outcome ([E&ENews PM](#) , June 9).

And in May, GOP lawmakers widely publicized an interagency document from the White House Office of Management and Budget that laid out serious concerns about the possible damaging economic effects of EPA's endangerment proposal. Republicans cited the memo as proof that the Obama administration had ignored scientific and economic realities when issuing the proposal, while advocates of carbon regulations said the issue was a "tempest in a teapot," and dismissed the memo as an anomalous view from one agency official ([Greenwire](#) , May 14).

Some observers who downplay the GOP's concerns say that EPA could have done more to avoid the appearance of political interference.

Tim Donaghy, an analyst for the Union of Concerned Scientists' scientific integrity program, said that EPA should go further to make it clear to their employees that they have the right to speak as private citizens.

"The EPA managers could have responded better, and if some of these scientific openings policies had been in place, this probably would not have been a problem," Donaghy said. Still, he said, the issue "is not really in the same ballpark," as charges of political interference under the George W. Bush administration, where interference came from very high levels in the executive branch.

Bud Ward, editor of the *Yale Forum on Climate Change & the Media*, said the White House and EPA are learning valuable lessons. "Every administration has to learn that the process is important, transparency is important, the appearance becomes a reality," he said.

"It's the old Washington story where the cover-up is worse than the crime," Donaghy said. "I think it probably could have been handled better in this one in that it created an appearance that it was being suppressed or kept under the table."

Overall, Ward said, the controversy surrounding the e-mails "seems to me to be a distraction from the real issues."

O'Donnell agreed, calling the recent flurry of condemning remarks "an attempt to obfuscate the fundamental issues involving climate change and an attempt to perhaps kneecap action in the Senate."

But the debate during the Bush administration is more reason to press the Obama White House, GOP advocates say.

"For years, all we've heard about is that the Bush administration censored science," Morano said. "Now you come under the Obama administration and we have a documented case where higher-ups at the EPA said that his report would not be helpful and now we're trying to find out why this report was suppressed."

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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](mailto:brooks-lasure.allyn@epa.gov)

Allyn  
Brooks-LaSure/DC/USEPA/US

09/18/2009 05:55 PM

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

bcc

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.** "

**Allyn  
Brooks-LaSure/DC/USEPA/US**

12/03/2009 02:48 PM

To Richard Windsor, Scott Fulton, Bob Perciasepe, Bob  
Sussman, Diane Thompson, Seth Oster, David McIntosh,  
Arvin Ganesan, Lisa Heinzerling

cc Adora Andy

bcc

Subject Senator Byrd editorial on coal

Wow.

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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

News From \_\_\_\_\_

U.S. Senator  
**Robert C. Byrd**  
West Virginia  
Phone (202) 224-3904

## COAL MUST EMBRACE THE FUTURE

**Senator Robert C. Byrd (D-W.Va.)**

For more than 100 years, coal has been the backbone of the Appalachian economy. Even today, the economies of more than [20 states](#) depend to some degree on the mining of coal. About half of all the electricity generated in America and about [one quarter](#) of all the energy consumed globally is generated by coal.

Change is no stranger to the coal industry. Think of the huge changes which came with the onset of the Machine Age in the late 1800's. Mechanization has increased coal production and revenues, but also has eliminated jobs, hurting the economies of coal communities. In 1979, there were [62,500](#) coal miners in the Mountain State. Today there are about [22,000](#). In recent years, West Virginia has seen record high coal production and record low coal employment.

And change is undeniably upon the coal industry again. The increased use of mountaintop removal mining means that fewer miners are needed to meet company production goals. Meanwhile the Central Appalachian coal seams that remain to be mined are becoming thinner and more costly to mine. Mountaintop removal mining, a declining national demand for energy, rising mining costs and erratic spot market prices all add up to fewer jobs in the coal fields.

These are real problems. They affect real people. And West Virginia's elected officials are rightly concerned about jobs and the economic impact on local communities. I share those concerns. But the time has come to have an open and honest dialogue about coal's future in West Virginia.

Let's speak the truth. The most important factor in maintaining coal-related jobs is demand for coal. Scapegoating and stoking fear among workers over the permitting process is counter-productive.

Coal companies want a large stockpile of permits in their back pockets because that implies stability to potential investors. But 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. This, in turn, may create the perception of ineffectiveness within the industry, which can drive potential investors away.

Let's speak a little more truth here. No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America. That is a stubborn fact that vexes some in the environmental community, but it is reality.

It is also a reality that the practice of mountaintop removal mining has a diminishing constituency in Washington. It is not a widespread method of mining, with its use confined to only three states. Most members of Congress, like most Americans, oppose the practice, and we may not yet fully understand the effects of mountaintop removal mining on the health of our citizens. West Virginians may demonstrate anger toward the Environmental Protection Agency (EPA) over mountaintop removal mining, but we risk the very probable consequence of shouting ourselves out of any productive dialogue with EPA and our adversaries in the Congress.

Some have even suggested that coal state representatives in Washington should block any advancement of national health care reform legislation until the coal industry's demands are met by the EPA. I believe that the notion of holding the health care of over 300 million Americans hostage in exchange for a handful of coal permits is beyond foolish; it is morally indefensible. It is a non-starter, and puts the entire state of West Virginia and the coal industry in a terrible light.

To be part of any solution, one must first acknowledge a problem. To deny the mounting science of climate change is to stick our heads in the sand and say "deal me out." West Virginia would be much smarter to stay at the table.

The 20 coal-producing states together hold some powerful political cards. We can have a part in shaping energy policy, but we must be honest brokers if we have any prayer of influencing coal policy on looming issues important to the future of coal like hazardous air pollutants, climate change, and federal dollars for investments in clean coal technology.

Most people understand that America cannot meet its current energy needs without coal, but there is strong bi-partisan opposition in Congress to the mountaintop removal method of mining it. We have our work cut out for us in finding a prudent and profitable middle ground – but we will not reach it by using fear mongering, grandstanding and outrage as a strategy. As your United States Senator, I must represent the opinions and the best interests of the entire Mountain State, not just those of coal operators and southern coalfield residents who may be strident supporters of mountaintop removal mining.

I have spent the past six months working with a [group of coal state Democrats](#) in the Senate, led by West Virginia native Senator Tom Carper (D-Del.), drafting provisions to assist the coal industry in more easily transitioning to a lower-carbon economy. These include increasing funding for clean coal projects and easing emission standards and timelines, setting aside billions of dollars for coal plants that install new technology and continue using coal. These are among the achievable ways coal can continue its major

role in our national energy portfolio. It is the best way to step up to the challenge and help lead change.

The truth is that some form of climate legislation will likely become public policy because most American voters want a healthier environment. Major coal-fired power plants and coal operators operating in West Virginia have wisely already embraced this reality, and are making [significant investments](#) to prepare.

The future of coal and indeed of our total energy picture lies in change and innovation. In fact, the future of American industrial power and our economic ability to compete globally depends on our ability to advance energy technology.

The greatest threats to the future of coal do not come from possible constraints on mountaintop removal mining or other environmental regulations, but rather from rigid mindsets, depleting coal reserves, and the declining demand for coal as more power plants begin shifting to biomass and natural gas as a way to reduce emissions.

Fortunately, West Virginia has a running head-start as an innovator. Low-carbon and renewable energy projects are already under development in West Virginia, including: America's first integrated carbon capture and sequestration project on a conventional coal-fired power plant in Mason County; the largest wind power facility in the eastern United States; a bio-fuel refinery in Nitro; three large wood pellet plants in Fayette, Randolph, and Gilmer Counties; and major dams capable of generating substantial electricity.

Change has been a constant throughout the history of our coal industry. West Virginians can choose to anticipate change and adapt to it, or resist and be overrun by it. One thing is clear. The time has arrived for the people of the Mountain State to think long and hard about which course they want to choose.

###

---

*Christine M. Glunz*  
*Director of Communications*  
*White House Council on Environmental Quality*  
*202-456-3469*



**Allyn  
Brooks-LaSure/DC/USEPA/US**

02/26/2009 12:33 PM

To Richard Windsor

cc Scott Fulton, Bob Sussman, Ray Spears, Craig Hooks,  
Robert Goulding, Eric Wachter

bcc

Subject How today's visit played with pool reporter

-----  
M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of Public Affairs

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 02/26/2009 12:32 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 02/26/2009 12:30 PM  
Subject: FLOTUS pool report and remarks from EPA visit:

---

Pool Report #1 \_ Mellon Auditorium, Constitution Ave NW – First Lady Michelle Obama visit to EPA employees

This was the first lady's 6th agency visit, her staff said. Before speaking, she met privately with some employees to talk about their work or concerns. Pool was not included in this event.

Several hundred employees gathered in the auditorium to hear her speak; Mrs. Obama told the crowd they were about 1,000 large. She made brief remarks, got lots of applause, worked the rope line for a few minutes and was headed back to the White House. A transcript will move.

Onstage behind Obama were several charter employees (39 years w/EPA) and managers of special programs. Staff provided pool with a list if anyone is interested.

11:10 a.m. EPA Administrator Lisa Jackson introduced First Lady Michelle Obama to EPA employees, calling her "an icon" of grace, class and style. Jackson said her office was overwhelmed with phone calls from employees asking, "Can I bring a camera?" Jackson said of Obama, "She stands for government that won't allow our children to breathe noxious fumes and drink tainted water." Jackson also told the crowd, "We are the Obama EPA. The Obama EPA is on the job."

11:14 a.m. First Lady speaks, says, "It's a new day, we can't wait one more minute." She said the economic stimulus package includes billions for EPA initiatives, and that, "The health and safety of our children is our top priority. This is what it is all about."

She said growing up on Chicago's South Side she saw polluted sites and knows how important the EPA can be in affecting rates of disease like asthma. She said science would guide the president's decisions and that the administration would create more energy efficient buildings, make cars and trucks more fuel efficient and invest in renewable energy. "There is a lot riding on your shoulders," she told employees.

"Thank you for making the health of our nation all of your passion," Obama said. "Know that you are not alone in this effort." She also promised them the president's "unwavering" support. (Your pooler thinks the phrase was "the unwavering support of a phenomenal president" but acoustics weren't great, so check transcript.)

Of her agency visits, she said, "I've been deeply moved by the character and commitment of the people I meet during these sessions."

Hundreds of EPA employees lined up two hours early to snag a standing-room-only spot in the gilded, high-ceilinged auditorium.

"We are just thrilled to be working for an administration that respects the work we do, environmental work but public service more specifically," said Beth Hall, who works in the ground water and drinking water office. "Most of us work for the federal government because we wanted to work in the public interest. It's a symbol – that she's here." Hall also said of Mrs. Obama that "for those of us who've been up the mommy track she's been very inspiring."

Stacey Robinson, who works in the agency's human resources division, said it was her first day back from sick leave but when she found out the first lady would be speaking, "I dropped everything." She was interested to hear what Obama had to say about the environment, but also simply interested to see her in person. "When I see her on TV, I notice she's very attentive."

Margaret Talev  
McClatchy Newspapers  
[mtalev@mcclatchydc.com](mailto:mtalev@mcclatchydc.com)  
202-531-6840 cell

THE WHITE HOUSE

Office of the First Lady

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For Immediate Release

February 26, 2009

REMARKS BY THE FIRST LADY  
TO THE U.S. ENVIRONMENTAL PROTECTION AGENCY

U.S. Environmental Protection Agency  
Washington, D.C.

11:14 A.M. EST

MRS. OBAMA: Wow. (Applause.) What a crowd. (Applause.) No, look at you! (Laughter and applause.)

I am delighted to be here in this beautiful room with -- it's about a thousand of you all here. That's a good thing. (Applause.)

I want to thank Administrator Jackson for that kind introduction. With 16 years working here as one of your colleagues before moving to New Jersey and serving in its Department of Environmental Protection, Administrator Jackson is ideally suited to lead this department at this

critical time for our nation and our planet. (Applause.) So Lisa, welcome home. (Applause.)

And to the hardworking men and women of the EPA: It's a new day. (Applause.) It's a new day. And the truth is, we can't wait one more minute. The recently signed recovery package includes billions of dollars for the EPA to continue to clean up our communities and improve the health of our fellow Americans. The time is now.

I've often spoken about my most important job -- being a mom -- and like mothers and fathers everywhere, the health and safety of our children is our top priority. This is what it is all about: the future.

And in many ways, it starts with all of you. You ensure that the water we drink is safe, that the air we breathe is clean, and that the polluted fields and abandoned factories in our neighborhoods all over this nation are cleaned up and restored.

Having grown up on the South Side of Chicago and spent a good part of my career working to help families in low-income communities, where I've seen brownfields piling up and affecting kids all over this nation, I know firsthand the role the EPA has in reducing illnesses such as asthma and lead poisoning that can start in childhood but have a long-lasting effect in adulthood. There are thousands and thousands of children across this country that are affected each and every day.

This new era also puts the EPA at the center of President Obama's highest priorities: securing America's energy independence and securing the future of our planet by combating climate change. (Applause.)

We now have a President who is going to put science at the heart of our environmental policies and decisions. (Applause.) By doing so, the President, the EPA, and other agencies working on energy and the environment are going to start to champion bold policies and make smart investments that are going to do a lot of things: first, create more energy-efficient buildings -- (cheering) -- see, now that's exciting -- (laughter) -- you know you're at the EPA -- (laughter); make our cars and trucks more fuel efficient -- (applause); and double the nation's supply of renewable energy in the next three years. (Applause.)

Your work will not only save our planet and clean up our environment; it's going to transform our economy and create millions of well paying jobs. You know this better than anyone in the country. (Applause.) So there is a lot riding on your shoulders. So as Lisa said, what are you all doing here? (Laughter.) But I know that you are up to the challenge. I can feel it in this room.

As I have visited the agencies over the past few weeks -- and it has been a thrill, one of the best things I do every day -- I have been deeply moved by the character and commitment of the people that I meet during these sessions.

Men and women like you who have dedicated their careers, like the men and women standing behind me, many of whom have been working in this administration, for the EPA for longer than I've been alive. (Laughter.) They don't look it -- (laughter) -- but when you start adding up the

time -- (laughter) -- there's some serious work going on back here. (Laughter.) But what they are is deeply passionate about the work that they do.

I understand where their desire comes from. I began my career as a corporate lawyer. And while that was rewarding professionally -- and personally, since that's where Barack and I met -- (laughter) -- it's a good thing -- I wanted to work on something though that I felt passionate about. That's when I decided to change careers and begin to work to improve public health in Chicago.

So let me deliver a simple message and a heartfelt message:  
Thank you for making the health of our nation all of your passion. Thank you so much. (Applause.) All of our children will grow up in a healthier environment because of the work that you do and the dedication that you bring to the work that you do.

And while the challenges facing our nation are great and there's a lot of work to be done, I am so confident, so very confident, that we'll succeed because we've got devoted professionals like all of you in this room, ready and eager and willing to make the sacrifices to work on behalf of the American people.

But know that you are not alone in this effort. You have a great administrator in Lisa Jackson -- (applause) -- and partners in the White House. (Applause.) You have partners in the White House who believe and understand these issues. And you also have the unwavering support of a phenomenal President, Barack Obama. (Applause.)

So Barack Obama is going to need you, Michelle Obama is going to need you, Malia and Sasha Obama are going to need you, and millions of children just like them are going to need you rolling up your sleeves and rededicating and recommitting, knowing that the work is going to be tough. But everything you do, every piece of blood, sweat and tears that you pour into the work is going to make the difference in our nation, in our planet.

So get to work. (Laughter.) Thank you so much. (Applause.)

END

11:21 A.M. EST

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**Allyn  
Brooks-LaSure/DC/USEPA/US**

06/25/2009 05:26 PM

To Richard Windsor

cc Seth Oster, David McIntosh, Arvin Ganesan, Diane  
Thompson

bcc

Subject Fw: Remarks by the President on the Importance of Passing  
a Historic Energy Bill

-----

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](mailto:brooks-lasure.allyn@epa.gov)

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 06/25/2009 05:24 PM -----

From: "White House Press Office" <[whitehouse-lists-noreply@list.whitehouse.gov](mailto:whitehouse-lists-noreply@list.whitehouse.gov)>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 06/25/2009 05:18 PM  
Subject: Remarks by the President on the Importance of Passing a Historic Energy Bill

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THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

June 25, 2009

REMARKS BY THE PRESIDENT  
ON THE IMPORTANCE OF PASSING A HISTORIC ENERGY BILL

Rose Garden

2:00 P.M. EDT

THE PRESIDENT: Hey, guys. Good afternoon. Right now, the House of Representatives is moving towards a vote of historic proportions on a piece of legislation that will open the door to a new clean energy economy.

For more than three decades, we've talked about our dependence on foreign oil. And for more than three decades, we've seen that dependence grow. We've seen our reliance on fossil fuels jeopardize our national security. We've seen it pollute the air we breathe and endanger our planet. And most of all, we've seen that others countries realize a critical truth: The nation that leads in the creation of a clean energy economy will be the nation that leads the 21st century global economy.

Now is the time for the United States of America to realize this, as well. Now is the time for us to lead. The energy bill before

the House will finally create a set of incentives that will spark a clean energy transformation of our economy. It will spur the development of low-carbon sources of energy -- everything from wind, solar, and geothermal power to safe nuclear energy and cleaner coal. It will spur new energy savings like the efficient windows and other materials that reduce heating costs in the winter and cooling costs in the summer.

And most importantly, it will make possible the creation of millions of new jobs. Now, make no mistake -- this is a jobs bill. We're already seeing why this is true in the clean energy investments we're making through the Recovery Act. In California, 3,000 people will be employed to build a new solar plant that will create 1,000 jobs. In Michigan, investments in wind turbines and wind technology is expected to create over, 2,600 jobs. In Florida, three new solar projects are expected to employ 1,400 people.

The list goes on and on, but the point is this: This legislation will finally make clean energy the profitable kind of energy. That will lead to the creation of new businesses and entire new industries. And that will lead to American jobs that pay well and can't be outsourced.

I've often talked about the need to build a new foundation for economic growth so that we don't return to the endless cycle of bubble and bust that has led us into this deep recession. Clean energy and the jobs it creates will be absolutely critical to that new foundation.

This legislation has also been written carefully to address the concerns that many have expressed in the past. Instead of increasing the deficit, it's paid for by the polluters who currently emit dangerous carbon emissions. It provides assistance to businesses and families as they make the gradual transition to clean energy technologies. It gives rural communities and farmers the opportunity to participate in climate solutions and generate new income. And above all, it will protect consumers from the costs of this transition so that in a decade, the price to the average American will be about the same as a postage stamp per day.

Because this legislation is so balanced and sensible, it's already attracted a remarkable coalition of consumer and environmental groups, labor and business leaders, Democrats and Republicans.

Now I urge every member of Congress -- Democrat and Republican -- to come together to support this legislation. I can't stress enough the importance of this vote. I know this is going to be a

close vote, in part because of the misinformation that's out there that suggests there's somehow a contradiction between investing in clean energy and our economic growth. But my call to those members of Congress who are still on the fence, as well as to the American people, is this: We cannot be afraid of the future, and we can't be prisoners of the past. We've been talking about this issue for decades, and now is the time to finally act.

There's no disagreement over whether our dependence on foreign oil is endangering our security; we know it is. There's no longer a debate about whether carbon pollution is placing our planet in jeopardy; it's happening. And there's no longer a question about whether the jobs and the industries of the 21st century will be centered around clean, renewable energy. The only question is, which country will create these jobs and these industries? And I want that answer to be the United States of America. And I believe that the American people and the men and women they sent to Congress share that view.

So let's take this opportunity to come together and meet our obligations -- to our constituents, to our children, to God's creation, and to future generations. Thank you very much.

END

2:05 P.M. EDT

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**Allyn  
Brooks-LaSure/DC/USEPA/US**

08/10/2009 12:58 PM

To Richard Windsor

cc Seth Oster, Diane Thompson, Michelle DePass, Scott Fulton,  
Lisa Heinzerling, Gina McCarthy, David McIntosh

bcc

Subject Fw: North American Leaders' Declaration on Climate Change  
and Clean Energy

-----  
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 08/10/2009 12:57 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>  
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA  
Date: 08/10/2009 12:41 PM  
Subject: North American Leaders' Declaration on Climate Change and Clean Energy

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THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE  
August 10, 2009

**North American Leaders' Declaration on Climate Change and Clean Energy**

We, the leaders of North America reaffirm the urgency and necessity of taking aggressive action on climate change. We stress that the experience developed during the last 15 years in the North American region on environmental cooperation, sustainable development, and clean energy research, development, and deployment constitutes a valuable platform for climate change action, and we resolve to make use of the opportunities offered by existing bilateral and trilateral institutions.

We recognize the broad scientific view that the increase in global average temperature above pre-industrial levels ought not to exceed 2 degrees C, we support a global goal of reducing global emissions by at least 50% compared to 1990 or more recent years by 2050, with developed countries reducing emissions by at least 80% compared to 1990 or more recent years by 2050.

We share a vision for a low-carbon North America, which we believe will strengthen the political momentum behind a successful outcome at the 15<sup>th</sup> Conference of the Parties to the UNFCCC meeting this December, and support our national and global efforts to combat climate change. To achieve our low-carbon development goals, and consistent with our respective circumstances and capacities, we agree to the following:

- We will work together as we set and implement our own ambitious mid-term



and long-term goals to reduce national and North American emissions;

- We will work together to develop our respective low-carbon growth plans;
  
- We underscore the importance of developing and strengthening financial instruments to support mitigation and adaptation actions and welcome in this regard the proposal by Mexico of a Green Fund. We will conduct further work on the proposal and will consider other views presented for scaling-up financing from both public and private sources;
  
- We will cooperate and exchange experiences in climate change adaptation in order to better integrate adaptation into national, sub-national, and sectoral planning to reduce vulnerabilities to climate change;
  
- We will develop comparable approaches to measuring, reporting, and verifying emissions reductions, including cooperating in implementing facility-level greenhouse gas reporting throughout the region;
  
- We will build capacity and infrastructure with a view to facilitate future cooperation in emissions trading systems, building on our current respective work in this area; and
  
- We will collaborate on climate friendly and low-carbon technologies, including building a smart grid in North America for more efficient and reliable electricity inter-connections, as well as regional cooperation on carbon capture and storage.
  
- Working in key sectors can help accomplish our emission reduction goals. With this in mind, we will:
  - Work together under the Montreal Protocol to phase down the use of HFCs and bring about significant reductions of this potent greenhouse gas;
  
  - Cooperate in sustainably managing our landscapes for GHG benefits, including protecting and enhancing our forests, wetlands, croplands and other carbon sinks, as well as developing appropriate methodologies to quantify, manage and implement programs for emission reductions in this sector;
  
  - Reduce transportation emissions, including by striving to achieve carbon-neutral growth in the North American aviation sector in the context of global action;

- Pursue a framework to align energy efficiency standards in the three countries in support of improved national energy efficiency and environmental objectives; and
- Work to reduce GHG emissions in the oil and gas sector, and promote best practices in reducing fugitive emissions and the venting and flaring of natural gas.

In order to facilitate these actions, we will work cooperatively to develop and follow up on a Trilateral Working Plan and submit a report of results at our next North American Leaders Summit in 2010.

##

**Allyn  
Brooks-LaSure/DC/USEPA/US**

To Richard Windsor, "Allyn Brooks-LaSure", Michael Moats  
cc "Eric Wachter"

04/20/2009 07:51 AM

bcc

Subject Re: A washingtonpost.com article from:  
Windsor.richard@EPA.gov

Well - mike quit his speechwriting job and can be seen trolling around DC with orange reflective clothing and gigantic rubber hands.

MABL.

-----

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

---

**From:** Richard Windsor  
**Sent:** 04/20/2009 06:31 AM EDT  
**To:** "Allyn Brooks-LaSure" <Brooks-lasure.allyn@epa.gov>; Michael Moats  
**Cc:** "Eric Wachter" <wachter.eric@epa.gov>  
**Subject:** Fw: A washingtonpost.com article from: Windsor.richard@EPA.gov

OK - we didn't get a photo in the slide show but we did get a much cooler mention than some others...

---

**From:** Richard Windsor  
**Sent:** 04/20/2009 06:29 AM AST  
**To:** Richard Windsor  
**Subject:** A washingtonpost.com article from: Windsor.richard@EPA.gov

**This page was sent to you by:** Windsor.richard@EPA.gov

## **Talking a Green Streak**

*By J. Freedom du Lac*

Earth Day on the Mall slogan: Climate change we can believe in!

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Allyn  
Brooks-LaSure/DC/USEPA/US

To "Windsor, Richard"

cc

08/06/2009 02:17 PM

bcc

Subject Fw: FYI: Rolling Stone grades President Obama on the environment

MABL.

-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415  
Brendan Gilfillan

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

**From:** Brendan Gilfillan  
**Sent:** 08/06/2009 02:11 PM EDT  
**To:** Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy; Betsaida Alcantara  
**Subject:** FYI: Rolling Stone grades President Obama on the environment  
This is part of their overall assessment of his Administration so far:

**Biggest Victory** Secured EPA authority to limit climate-warming pollution under Clean Air Act.

**Biggest Blunder** Supported \$3.4 billion in stimulus spending for pie-in-the-sky research into carbon capture and sequestration.

**Real Change** Protected 2 million acres of public land as wilderness, nearly surpassing Bush's eight-year total. Committed U.S. to treaty phasing out toxic mercury. Revoked Bush-era drilling permits near national parks. Amped up regulatory enforcement; directed billions in stimulus spending to jump-start green economy.

**Warning Signs** Endorsed House bill that betrays campaign promise by giving away carbon-pollution permits. Failed to persuade China and India to commit to global plan to cut greenhouse emissions in half by 2050. Approved logging in Tongass National Forest.

**Gutsiest Moment** Forced Detroit to boost fuel-economy standards by more than 10 miles per gallon by 2016 — the greenhouse equivalent of shutting down 194 coal-fired power plants.

**Needs to Stand Up To** Big Coal. Obama seems to buy the myth of "clean coal," and the EPA has rubber-stamped 42 permits for mountaintop-removal mining. "This form of mining is devastating Appalachia," says Robert F. Kennedy Jr. "And Obama is letting it happen."

**Experts Say** "They've done a phenomenal job of turning around Bush's record of delay and denial," says Carl Pope of the Sierra Club. "And they did so in the face of the additional challenges of the economic collapse. Obama's style is very different than Bill Clinton's — no muss, no fuss. In the long run it gives him more ability to get stuff done."



**Allyn  
Brooks-LaSure/DC/USEPA/US**

10/21/2009 05:50 PM

To "Windsor, Richard"

cc

bcc

Subject Fw: Readout of the President's call with Chinese President  
Hu Jintao

MABL.

-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415

---

**From:** "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
**Sent:** 10/21/2009 02:32 PM AST  
**To:** Allyn Brooks-LaSure  
**Subject:** Readout of the President's call with Chinese President Hu Jintao

THE WHITE HOUSE  
Office of the Press Secretary

---

FOR IMMEDIATE RELEASE  
October 21, 2009

### **Readout of the President's call with Chinese President Hu Jintao**

The President spoke with President Hu on Tuesday night, October 20. They exchanged views on bilateral issues and climate change. Both leaders acknowledged each is taking significant actions to confront climate change and reduce emissions. President Obama noted the importance of working toward a successful outcome at the December Copenhagen Conference and the importance of leadership from the United States and China in that regard.

To that end, the two Presidents committed to having their teams redouble efforts to work with each other and other countries to achieve success at Copenhagen.

##

Allyn  
Brooks-LaSure/DC/USEPA/US

To "Windsor, Richard"

cc

07/23/2009 08:48 AM

bcc

Subject Fw: STORY Inquirer oped

Here you go.

MABL.

-----

M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415  
Michael Moats

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

**From:** Michael Moats  
**Sent:** 07/23/2009 08:44 AM EDT  
**To:** Allyn Brooks-LaSure; Seth Oster; Betsaida Alcantara; Brendan Gilfillan; Adora Andy  
**Cc:** Eric Wachter  
**Subject:** STORY Inquirer oped  
[http://www.philly.com/inquirer/opinion/20090723\\_Agreeing\\_on\\_energy\\_choices.html](http://www.philly.com/inquirer/opinion/20090723_Agreeing_on_energy_choices.html)

Posted on Thu, Jul. 23, 2009

## **Agreeing on energy choices**

### **Outside Washington, the nation knows that together, we must do something.**

By Lisa P. Jackson

Our nation's clean-energy future has been one of the most debated issues in Washington in recent months. As Congress works to pass a landmark energy and climate bill, the conversation has often fallen into a familiar pattern of right against left, and Democrats against Republicans - partisan divides that threaten to hold back necessary change.

But when I travel beyond the environs of Washington, I hear a different discussion.

People across the nation ask me about clean-energy jobs in their communities. They want to know how we can cut pollution. They are concerned that the changing climate means they won't be able to vacation on the same beaches in the years ahead, and they are eager to know if the factories in their cities can be saved by manufacturing wind turbines or solar panels. I meet Democrats and Republicans who agree that our dependence on foreign oil jeopardizes our economy and security.

These are issues that unite us as a nation - and have for years. It was Republican President Richard

Nixon who formed the Environmental Protection Agency. And President George H.W. Bush based his energy policy on "reducing our dependence on foreign oil, protecting our environment, and promoting economic growth."

Today, there is still broad, bipartisan support for getting America running on clean energy. People are eager for Washington to break the old pattern and help them confront the economic, environmental, and security challenges we face - not as political parties, but as a nation.

Sparking a nationwide transition to clean energy can create millions of well-paying jobs that can't be shipped overseas, which will help rebuild the economy in every state. There is no red-state/blue-state divide when it comes to green jobs. A recent University of Massachusetts study showed that clean-energy investments would create the highest concentrations of jobs in traditionally Republican states, such as Kansas, Texas, Georgia, and Tennessee.

Clean energy can also cut dangerous pollution in our communities. It can bring relief to the millions of American children with asthma and cut smog levels that double the risk of premature births. It can reduce the prevalence of cancer and other diseases linked to pollution from burning fossil fuels. That will improve overall health and lower the amount we spend on health care each year - another goal we all can support.

Clean energy is also the key to turning the tide on climate change. Our nation is already suffering through historic droughts, more destructive hurricanes, and agricultural pests and infectious diseases spreading into new areas. Further changes in the climate pose real threats to our coastlines, family farmers, and the environment.

Finally, with home-grown energy sources, we can stop sending billions of dollars overseas and help stabilize our economy at home. Over the first half of this year, the price of a barrel of oil has nearly doubled. Those kinds of fluctuations raise the costs for businesses to move products and for drivers to fill up their gas tanks, putting greater stress on the economy.

But this is about more than just oil; it's about global stability as well. Violence over resources, displaced refugee populations, poverty-driven instability, drought, and famine will only worsen as the climate changes and the environment is degraded.

The alternative is to put our ingenuity to work. Clean-energy technologies can create educational and economic opportunities where none existed before, including new markets for American goods.

Clean energy is to this decade what the space race was to the 1950s and '60s, and other nations are seizing the moment, leaving America behind. Germany has surged ahead in solar manufacturing, Japan is leading the world in hybrid cars, and China has stepped up efforts to produce electric vehicles. And when those cars come to market, Korean companies will be well ahead of our own in the development of batteries and fuel cells.

Clean energy needs strong incentives and support if we are to lead the new global economy, and that's what the clean-energy bill before Congress provides. It's up to Democrats and Republicans across the nation to let lawmakers know that we need to confront economic, environmental, and



security issues that affect us all. When it comes to clean energy, the American people need to show they aren't concerned about whether we follow Democrats or Republicans, as long as we lead the world.

---

Lisa P. Jackson is the administrator of the federal Environmental Protection Agency and a former commissioner of the New Jersey Department of Environmental Protection

-----

Michael Moats  
Speechwriter  
US EPA | Office of the Administrator  
Office: 202-564-1687  
Mobile: 202-527-4436

**Allyn  
Brooks-LaSure/DC/USEPA/US**

08/21/2009 07:05 PM

To "Windsor, Richard", "Fulton, Scott", "Thompson, Diane",  
"Mcintosh, David", Arvin Ganesan, "Sussman, Bob",  
"Heinzerling, Lisa"

cc "Oster, Seth"

bcc

Subject This Week's Media Inquiries

Below are the media inquiries fielded this week.

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415  
Seconda Tyson

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

**From:** Seconda Tyson

**Sent:** 08/21/2009 06:56 PM EDT

**To:** Allyn Brooks-LaSure; Adora Andy; Michael Thiem; Roxanne Smith

**Subject:** Weekly Wrap - Friday, 8/21/09

### **Administration and Resources Management**

Black Collegian mag: EPA recruiting during economic downturn. Sent quote from Craig Hooks. Closed.

Government Executive mag: Expanding article on wellness to include continuing-education opportunities. Foner set for 8/24. Open.

Science mag: Article, "Reaping the Benefits of a Government Job," fact checked and returned to writer. Closed.

Wash Post: Sent info about EPA employee, who disappeared six months ago. Closed.

### **Aging Initiative**

Greenwire: Aging guidebook. Closed.

### **Agriculture**

Agritalk Radio: Awaiting Adora's office response on getting Larry Elworth for interview on ag issues. Open.

WSJ: Possible "on background" informational phone interview Aug. 25 on enforcement aspect of animal feeding operation (CAFO) rules. Open.

### **Air**

AP: Following up on a story about mercury in fish. Asked if we regulated mercury from coal fired powered plants. Sent statement that we are working to replace CAMR. Closed.

AP: Provided a subset of the data on off-road mobile-source emissions from the 2002 inventory for 2005 (if it is complete and vetted), showing county-level data on diesel emissions from line-haul locomotives, railway maintenance or yard locomotives and railroad equipment? Sent spreadsheet. Closed.

AP: Provided info on possible exemption of Ash Grove Cement Plant in Oregon from EPA mercury regs. Closed.

AP (LA): Awaiting more info from reporter on PM 2.5 concentrations at monitoring stations throughout the country. Open.

Bloomberg News: Writing on the ethanol "blend wall" decision Administrator Jackson said will happen in November. Am looking for info on the process of the decision and the studies/comments etc. that go into making it. Sent him to regulations.gov to see the docket, which he will read. Open.

BNA: Interview request with Gina McCarthy. Open.

BNA: Is there any effort at EPA aimed at limiting black carbon emissions, specifically as a greenhouse forcing agent (aside from diesel emissions reductions and other PM controls for health-based and visibility reasons)? Are there plans to do so? Open.

BNA: Phase out of HFCs. Sent link to North American Leaders Declaration on Climate Change. Closed.

BNA: What's the timing of the GHG Rule? Open.

BNA: Will carbon dioxide be subject to prevention of significant deterioration (PSD) regs? Open.

BNA, Argus Media: Is EPA going to propose a PSD rule in September along with the vehicle emissions rulemaking? It will be consistent with Lisa Jackson's statements that you want to concentrate on sources above 25,000 tons. Open.

Christian Science Monitor: Wants phone interview on how EPA will perform MPG ratings for cars like Chevy Volt. Open.

Fairplay: Wants interview on ECA areas. Did interview on 8/19. Closed.

Greenwire: Wants EPA tree-planting climate change analysis referred to in USA Today story. Open.

Home and Hearth Magazine: Questions on newer cleaner woodstoves and our change out program. Closed.

Indianapolis Business Journal: Asking whether areas besides California have retrofit requirements. Need to call each region. Closed.

Inside EPA: EPA proposed last week to approve a North Carolina revision to a North Carolina SIP that relies on the remanded Clean Air Interstate Rule. Closed.

Inside EPA: Seeking a comment on Delaware's notice of intent to sue EPA over the agency not responding by deadline. It's under litigation. Can't comment. Closed.

Inside EPA: Sent Gina McCarthy's Recovery Act speech at Port of Baltimore. Closed.

Inside EPA, Kiplinger: Wanted the Volt statement. Sent the statement. Closed.

KSHB-TV (Kansas City): Regulations for phase-out of freon. Responses sent. Closed.

LA Times: Ethanol. Closed.

McClatchy: ECA's. Interview August 20. Closed.

McClatchy Papers: Did phone interview with OTAQ official on proposed air standards for ships. Closed.

Men's Health Magazine: Did phone interview Aug. 17 on mold with indoor air official. Closed.

National Journal: RFS2. Open.

News-Press (Ft. Meyers, Fla.): Does EPA have to approve chlorine dioxide treatment of homes with chinese drywall--referred to CPSC. Closed.

NYT: Wants explanation of the Volt numbers. Closed.

Opis: Bob Dinneen (of RFA) wrote on Twitter these two posts. Can you comment on whether EPA may be leaning towards approving the E15 waiver just for autos and not for off road vehicles or boats? E15 waiver request has not been finalized, so we cannot comment. Closed.

Oregonian: Ash Grove Cement (and the state of Oregon, as it turns out) believes the Clean Air Act allows the EPA to create a sub-category for kilns like the one in Durkee based on the source of its raw material, in this case, limestone that is especially high in mercury.

Platts: Wants update on when EPA may issue the final decisions related to GHG reporting and the CO2 endangerment finding. Can't give a time. Closed.

Riverside Press Enterprise (Calif.): Sent info on NO2 standard. Closed.

San Francisco Chronicle: Refining crude. Open.

Slate/Washington Post: Wants interview on the history of the acid rain program. Closed.

S and L Energy: EPA has asked a federal appeals court to return for review controversial rule governing soot and smog limits for new power plants and industrial boilers. Sent Greenwire article. Closed.

S&L Energy: Sent statement on GHG reporting rule. Closed.

Telluride Watch (CO): Complaint of Vanadium clean up and liable company. Referred to region and OSHA. Closed.

Washington Times: Endangerment. Do we have a time line? No. Sent statement. Closed.

WSJ: Columnist Carl Bialik wants interview on how we'll do MPG ratings for cars like Chevy Volt. Open.

WSJ: Numbers for Chevy Volt. Gave statement. Closed.

### **Children's Health**

Environmental Health Perspectives: Sent approved quotes for article on greening schools. Closed.

### **Enforcement/Compliance**

60 Minutes: If EPA will not discuss its action with regard to Executive Recycling--i.e., an execution of a search warrant at Executive headquarters in January--does it therefore stand to reason that the company is the subject of an ongoing investigation? Open.

American News Project/Huffington Post: EPA's responsibility on reporting atrazine levels in water. Will send attributable responses. Closed.

BNA: Copy of 7/22 letter from Adam Kushner to industry on air pollution emissions rule. Reporter found it elsewhere. Closed.

BNA: Interview with Cynthia Giles on 8/20 at 3:15 p.m on future of enforcement. Interview successful, no surprises. Closed

Greenwire: EJ inquiry. Working with Regions 3 and 6. Open.

Law360: Comment on EPA vs. City of Portsmouth NH. Referred to Region 1. Closed.

Law360: Comment on GAO report about EPA's enforcement success. Response sent about positive cooperation with GAO. Closed.

Pittsburgh Tribune Review: Update on Earth Ecycle illegal exporting case. Open.

Providence Journal: Interview request with Rhode Island native, Cynthia Giles scheduled for 9/11 at 10 a.m. Open.

S and L Energy: Asking about EPA's participation in the INTERPOL Pollution Crime Working Group. Julia Lastra, Assistant Director of investigations at EPA is the project leader of the group. Andrew Lauterback, senior criminal enforcement counsel at EPA, chairs the INTERPOL Environment Crime Committee. Open.

### **Environmental Information**

BBC Worldwide TV: Planning survival team series dealing with environmental disaster scenarios. Open.

Bloomberg News: Reporter had trouble accessing TRI website. Problem appears to be local to firewall within his office. Closed.

Federal Computer Week: Interview with Rick Martin Monday, Aug. 17 re: tools EPA IT managers use regularly. Closed.

Federal Computer Week: Follow-up questions to Rick Martin regarding tools EPA IT managers use. Closed.

Government Computer News: Requested comment on Microsoft's recent injunction from a federal judge in TX ordering the company to stop selling MS Word. Closed.

Greenwire: Sent info on proposed withdrawal of RCRA Comparable Fuels Exclusion rule from OMB. Closed.

USA Today: Wants phone interview next week on why rules for underground storage tanks at gas stations are important. Open.

www.cleanskies.tv: Vague questions about TRI. Producer is revising questions. Open.

### **General Counsel**

BNA: Question on Sierra Club vs. EPA. Ongoing case, can't discuss details. Closed.

### **Hazardous Wastes**

AP: Interviewed David Lloyd 8/19/09 re: Cleanup on closed auto plants. Closed.

BNA: Information on Underground Storage Tanks Webinar. Closed.

BNA: Interview request 9/10/09 @ 11:15 a.m. re: Mathy Stanislaus. Open.

BNA: Mathy Stanislaus letter to stakeholders; sent a copy. Closed.

BNA: Wants the letter on withdrawing the Comparable Fuels Exclusion Rule from OMB. Closed.

Environmental Health Perspectives: Coal ash residues. Open.

Freelancer (from University of Illinois): Manufactured gas plants. Closed.

Greenwire: Nanotechnology for site remediation. Closed.

Greenwire: Withdrawal of Comparable Fuels Exclusion Rule from OMB. Closed.

Inside EPA: Interviewed John Reeder 8/20/09 re: Federal facilities and Munitions Response guidelines. Closed.

Inside EPA: Requested Superfund conference remarks from J. Woolford & M. Stanislaus. Open.

Marion Times-Standard: Wants to confirm if EPA, TVA and Arrowhead Landfill (AL) will meet 9/16/09. Closed.

New York Daily News: EPA's previous experience with local opposition to Superfund NPL listing. Closed.

New York Times: BASEL Convention. Closed.

Race Technology Magazine: Interviewed John Glenn re: Green race car driving. Closed.

San Francisco Magazine: Exporting recyclable paper and plastic to Asia. Closed.

Stars & Stripes (Germany): Djibouti pollution and burning trash. Closed.

United Nations Environment Program: Interview request 8/25/09 @ 2:30 p.m. re: Emergency management & chemical safety. Open.

## **Pesticides**

Bloomberg News: Colony collapse disorder and EPA's pollinator protection team. Sent A's to Q's. Closed.

CBC Radio (Manitoba): Foner with Kimberly Nesci re: Bed Bug Summit. Closed.

Daily Environment Report: When did this section go on the website: "Strategic Direction for New Pesticide Testing and Assessment Approaches"? It's dated today, 8/19. Closed.

Environmental Health News: Health questions about p-dichlorobenzene. Sent A's to Q's. Closed.

French freelancer: Colony collapse disorder and the pollinator protection team. Open.

Greenwire: Was the peregrine falcon delisted from the Endangered Species Act on August 25, 1999? Ref'd to Fish and Wildlife Service. Closed.

Greenwire, Pittsburgh Post-Gazette: Study: longer testing needed for endosulfan. Sent Q&A. Closed.

KMSP-TV: On-camera 8/20 with Marty Monell re: flea & tick products. Closed.

LA Times: Clarified methyl iodide language and date of registration on the website. Closed.

Midland Daily News (Mich.): Does EPA regulate all over-the-counter meds (for animals) that are deemed pesticides? Sent A's to Q's. Closed.

Midland Daily News (Mich.): Tick and flea products. Sent A's to Q's. Closed.

Pesticide & Toxic Chemical News: Mary Francis Lowe's title? Senior International Specialist. Closed.

Risk Policy Report: Longer test period for endosulfan per Univ. of Pittsburgh report? Sent

Q's and A's. Closed.

Risk Policy Report: Update on carbofuran? Nothing to report at this time. Closed.

### **Recovery Act**

American Shipper mag: Diesel ARRA. Closed.

Boston Globe: Interview request August 18 on Buy American provisions. Open.

Hanley Wood Business Media: Project-specific Buy American waivers. Open.

Inside EPA: Water ARRA. Open.

### **Recycling**

Eco Factory: Recycling paper bags vs. plastic bags. Closed.

GQ: Fact-checking aluminum vs. glass recycling. Closed.

Resource Recycling Magazine: Interview request 8/24/09 @ 2:30 p.m. re: Recycling issues and state disaster plans. Open.

### **Research and Development**

60 Minutes: Ongoing interest in phthalates. Hard deadline of Monday, August 24. Open.

Burns & Wilcox Agents Market Source: How cap-and-trade legislation in Congress, if passed, might affect the insurance industry. Closed.

Canadian Broadcast Corporation: Info on EPA's bedbug summit in April 2009. Referred her to EPA's Web page on the subject. Closed.

Clear Skies News, Daily Environmental Report, EnvironmentalLeader.com, Greenwire: Basic questions about TRI. Closed.

Gary McIntosh, Freelance Writer: Referred him to TRI website. Closed.

Japan Water Works: Awaiting OW to respond. Closed.

National Journal: Overview of IRIS. Video interview requested with Peter Preuss. Awaiting response from third floor. Open.

Nature magazine: EPA's strategy on its Human Toxicology program published in March. Closed.

NPR (Portland, Ore.): Had questions about how to access the data. Walked reporter through website. Closed.

PIRG (Public Interest Research Group): When will TRI preliminary data be final? Closed.



Risk Policy Report: Questions about difficulty of performing risk assessments, where biological agents are involved. Closed.

Risk Policy Report: Questions about probabilistic risk assessment white paper. Open.

Risk Policy Report: Maria Hegsted requests copy of document (Planning Guidance for Recover Following Biological Incidents) that she's having difficulty downloading from EPA's public website. Closed.

Risk Policy Report: Maria requested link to another document. Closed.

WBNS-TV: TRI data release date. Closed.

### **Solid Waste and Emergency Response**

Bloomberg News: Foner with Craig Matthiessen and Jim Belke to update on use of hydrogen fluoride and risk management plans. Closed.

Bloomberg News: Provided info re: hydrogen fluoride. Closed.

Christian Science Monitor: Cargo ships Bonny and Anders and toxic PCBs. Ref'd to R-3. Closed.

Corpus Christi Caller-Times: Where to view risk management plans? EPA reading rooms. Closed.

Ft. Myers News Press: Does Sabre Technical Services have approval from EPA for its drywall technique? EPA does not endorse products and methods. Closed.

NBC-2 News (Ft. Myers, Fla.): Local company claims to have EPA approval for a technique to "get rid of" Chinese drywall. EPA does not endorse products and methods. Closed.

### **Toxics**

Chemical & Engineering News: Foner with Toni Krasnic re: current status of PFOA and related chemicals. Closed.

Daily Environment Report: Wants to interview Steve Owens about his priorities. Open.

Environmental Science & Ecology (The Netherlands): Backgrounder with Toni Krasnic re: PFOS's responsibilities and activities? Closed.

Greenwire: EPA is withdrawing two SNURs under TSCA for carbon nanotubes because of notice of intent to receive adverse comments. Who said they're going to submit adverse comments? Where can she find them? Sent info. Closed.

Inside EPA: Copy of remarks Steven Owens made on 8/17 to a Chinese delegation? They were extemporaneous, so we don't have anything to provide. Closed.

Mpls. Star-Tribune: Is EPA doing another PFOA risk assessment? Sent standard statement.

Closed.

Pest & Tox Chem News: Request to intvu Steve Owens. Waiting for questions. Open.

Risk Policy Report: Chemicals meeting with administration officials? Internal and deliberative. Closed.

Risk Policy Report: Where to find the submission of the renewed ICR to OMB for TSCA section 8e? Open.

Toronto Star: Number of Zonolite processing plants in the U.S. and Canada? Closed.

### **Voluntary Programs**

Argus Media: Wants phone interview on first voluntary carbon offset under Climate Leaders program. Closed.

BlackEnterprise.com: Energy Star logo. Closed.

Climate Wire: Did phone interview today, 8/18 on first voluntary carbon offset under Climate Leaders program. Closed.

CNN: Despite my repeated phone calls, never followed up on original request on Green moving. Closed.

Federal News Radio: Did live drive-time interview with OAR official Aug. 20 on EcoCar. Closed.

Freelancer: Fact check on cost of home energy audit. Closed.

Memphis Daily News: Sent Margo Oge quotes on SmartWay. Closed.

New York Times: Backgrounder with Jean Lupinacci August 19 on what Energy Star ratings for buildings mean. Closed.

Platt's Energy Publications: Green Power info. Open.

Point Carbon: Any connection between first voluntary carbon offset under Climate Leaders program and possible future regulation? No. Closed.

Popular Science mag: Interviewed Karen Schneider August 18 on energy efficiency. Closed.

Scientific American: Did Green Chill phone interview today, 8/18. Closed.

SNL energy: Phone interview Aug. 21 on Climate Leaders approving first voluntary carbon offset. Closed.

Transport Topics: Follow-up questions on interview re: biodiesel from grain feedstock. Open.

Transport Topics: Sent info on biodiesel from grain feedstock. Closed.

## **Water**

Anchorage Daily News: Airport deicing proposal. Closed.

Argus Media: Hydraulic fracturing. Sent LPJ testimony. Closed.

Argus Media: Mountaintop mining. Open.

Associated Press (Fla.): Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

Associated Press (IA): Interviewed Mary Smith on airport deicing proposal. Closed.

Associated Press (IA): Interview request August 19 on airport deicing for her enterprise piece that looks at the practice industry-wide. Awaiting Q's. Open.

Associated Press (D.C.): Six airports that currently don't have de-icing pads. Closed.

BNA: Cooling water intakes. Open.

BNA: Status of proposed aircraft drinking water rule. Open.

CBS Evening News: Interview request August 20 for mercury in fish. Producers ended up killing the story. Closed.

Charleston Gazette: Mountaintop mining. Open.

Floridaenvironments.com: Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

Fortune mag: Average household water bill. Ref'd to American Water Works Assoc. Closed.

Globo News (Brazil): Wastewater treatment facilities in the United States. Open.

Greenwire: Follow-up questions on Kensington Mine. Betsaida is handling. Closed.

Inside EPA: Background interview request August 18 on new perchlorate analysis. Declined. Closed.

Inside EPA: Hydraulic fracturing. Closed.

Inside EPA: Tool used in the screening of mountaintop mining permits. Open.

Kansas City Star: E Coli standard in water. Closed.

Law 360: Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

Minneapolis Star Tribune: Six airports that currently don't have de-icing pads. Closed.

Naples News, St. Petersburg Times: Consent decree on proposing numeric water quality standards for waters in Fla. Open.

New York Times: More background with Stave Bradbury on atrazine. Closed.

ProPublica: Interview request August 20 on investigation of groundwater problems in Wyo. Open.

Public Works mag: Sent responses on total coliform rule. Closed.

SNL Daily Gas Report: Sent A's to Q's re: underground injection control. Closed.

Voice of America: Seeking intvu with Chuck Fox, Chesapeake Bay Program. Ref'd to Region 3. Closed.

Wall Street Journal: Most recent environmental impact statement on mountaintop mining. Open.

Wall Street Journal: Sent information from the 2003 environmental impact statement for mountaintop mining. Closed.

WBDJ (Va.): Household appliance version of the "cash for clunkers" program. Ref'd to DOE, which has the lead on this effort. Closed.

**Allyn  
Brooks-LaSure/DC/USEPA/US**

To "Windsor, Richard", "Fulton, Scott", "Thompson, Diane",  
"Sussman, Bob", "Heinzerling, Lisa", Arvin Ganesan, Sarah  
Pallone, "Hooks, Craig"

08/28/2009 08:26 PM

cc "Oster, Seth"

bcc

Subject Weekly Wrap - Friday, 8/28/09

Below are media inquiries fielded by OPA this week.

V/R,

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415  
Seconda Tyson

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

**From:** Seconda Tyson

**Sent:** 08/28/2009 06:48 PM EDT

**To:** Allyn Brooks-LaSure; Adora Andy; Michael Thiem; Roxanne Smith

**Subject:** Weekly Wrap - Friday, 8/28/09

### **Administration and Resources Management**

Government Executive Magazine: Foner with Sharon Ridings re: continuing ed at EPA. Closed.

Science mag: Sent photo release from Larry Reiter for article about science jobs in government. Closed.

### **Agriculture**

Agritalk Radio: Awaiting Adora's office response on getting Larry Elworth for interview on ag issues. Open.

WSJ: Did "On background" informational phone interview Aug. 25 on enforcement aspect of animal feeding operation (CAFO) rules. Closed.

### **Air**

AP (LA): Awaiting more info from reporter on PM 2.5 concentrations at monitoring stations throughout the country. Open.

AP: Told them EPA does not track selling of carbon offsets. Closed.

AP: Status of EPA approval of hydrocarbon freezers for use by Ben & Jerry's. Interview with Drusilla Hufford, freezers will be approved. Closed.

Argus Media: GHG reporting rule. Open.

Bloomberg News: Writing on the ethanol "blend wall" decision Administrator Jackson said will happen in November. I'm looking for info on the process of the decision and the studies/comments etc. that go into making it. Sent him to regulations.gov to see the docket, which he will read. Had follow up questions. Open.

BNA: Interview request with Gina McCarthy. Open.

BNA: Reporter never followed up on whether carbon dioxide will be subject to prevention of significant deterioration (PSD) regs. Closed.

BNA, Argus Media: Is EPA going to propose PSD rules in September along with the vehicle emissions rulemaking? It will be consistent with Lisa Jackson's statements that you want to concentrate on sources above 25,000 tons. Open.

Coal Report: Wild Earth Guardian, we missed a deadline on plant in Colorado. Open.

Congressional Quarterly, Reuters: Needed and explanation of two EPA announcements, Endangerment and the Auto regs. Sent them our press releases. Closed.

Consumers Digest: I am working a story on future automotive trends. Need to check on some details on the upcoming fuel economy standards. Specifically on how electric hybrids and all-electric cars are treated in computing the fleet averages. Sent statement on the volt and protocol for testing hybrids. Closed.

Cox Communications: Where are we in air monitoring around schools. Open.

Daily Item (Sunbury, Pa.): Sent info on EPA voc rules for auto body paint shops. Closed.

DC Bureau on line: Writing an article on the ocean going vessels rule. Did the interview. Closed.

Fox News: Told them we can't speculate on what will happen, if we make positive endangerment finding on carbon dioxide. Closed.

Freelancer: Book author with Resources for the Future on Waste Isolation Pilot Plant. Interview with WIPP program. No surprises. Closed.

Greenrightnow: What's next for cash for clunkers? Don't know, ask NHTSA. Gave media contacts there. Closed.

Greenwire: Sent EPA tree-planting climate change analysis referred to in USA Today story. Closed.

Greenwire: Will the GHG rule for light vehicles include trucks? The proposal includes light duty trucks, such as SUVs and small pick-up trucks. However, it doesn't include heavy-duty trucks. Closed.

Inside EPA: Did the General Conformity rule go to OMB? Yes. Sent the fact sheet. Closed.

Inside EPA: Induced travel demand impacts on transportation planning. Open.

Inside EPA: PSD aggregation for oil and gas operations. Can't comment on litigation. Closed.

Law 360: Did phone interview with OAR official on proposed ship air emission rule. Closed.

National Journal: RFS2. Sent links to information on the web. Closed.

News Talk 680 WPTF radio: Wants interview on 8/27 for North Carolina's Morning News, Raleigh, N.C. Scott Fitzgerald, the host of the show, would like to talk to someone about the recent crackdown on carbon fraud in Europe and what the EPA expects in regard to 'carbon crime' to happen in the U.S. How is carbon trading regulated and what measures are in place to combat fraud? Since its tax fraud, its not EPA, it's the IRS. Closed.

NYT: Sent desk statement on EPA nitrous oxide activities re: NOAA report on 8/27. Closed.

Reuters: Inquiry came in after hours on Friday night, Aug 22. Does EPA test motorcycles for fuel efficiency? No, just tailpipe emissions. Bikes are very fuel efficient. Closed.

San Francisco Chronicle: Refining lighter crude oil. Need more information. Open.

The Economist and Environmental Health Perspectives: Asking about CAMR and how the implementation of those rules might affect the quality of coal combustion residues produced at the various plants. Sent approved statement and a link to information on the website. Closed.

This Old House magazine: Follow up on VOC's in paint. Verifying methods EPA uses to determine low VOC paint. Closed.

Toronto Star: Electric Vehicles. Open.

Toronto Star: Sent info on driving cycle tests for mpg ratings. Closed.

Transport Topics: Do we want to comment on 2010 engine certification? Open.

USA Today: Told them it's more accurate to say "Portland Cement Plants" rather than "cement plants" in correction of article on mercury deposition into waters. Closed.

Wash. Times: Chamber of Commerce hearing on scientific validity of climate change--referred to Adora. Closed.

Washington Times: Question on electricity rate impact of Waxman-Markey bill. Closed.

WSJ: Sent info on how we'll conduct mpg ratings for electric vehicles. Closed.

## **Budget**

BNA: TSCA budget under new Administration. Open.

## **Enforcement/Compliance**

60 Minutes: Update on enforcement action against Executive Recycling, as an epilogue to a prior story. Closed.

BNA: Follow up questions from Cynthia Giles interview. Responses on number of criminal investigators sent. Closed.

BNA: OECA annual reports from 1988-1990. Sent link to online access. Closed.

Greenwire: Request for second interview on environmental justice for comprehensive piece on EJ history and how EPA weighs and compares EJ issues. Reporter querying regional EJ offices in addition to HQ. Reporter given written response from Charles Lee, Administrator quote, links to Administrator's EJ speeches and info on new diversity position. Closed.

Hollywood, Health & Society: Background interview on how criminal investigation works for TV pilot on environmental crimes. Open.

NPR: Interview request Monday, 8/31 @ 1:30 p.m. with Adam Kushner on increased enforcement activity against coal-fired power plants. Open.

Pittsburgh Tribune Review: Update on Earth Ecycle illegal exporting case. Sent link to Environmental Appeals Board list of actions on Earth Ecycle. Closed.

Providence Journal: Interview request scheduled 9/11 @ 10 a.m with Rhode Island native, Cynthia Giles. Open.

SNL Power Daily: Asking about EPA's participation in the INTERPOL Pollution Crime Working Group. Julia Lastra, assistant director investigations at EPA is the project leader of the group. Andrew Lauterback, senior criminal enforcement counsel at EPA, chairs the INTERPOL Environment Crime Committee. Open.

Sunday Business Post (Dublin, Ireland): Will EPA fugitive O'Connor be extradited from Malta to the US? Closed.

## **Environmental Information**

BBC Worldwide TV: Declined to help them plan survival team series dealing with environmental disaster scenarios. Closed.

Fair Play Magazine: Enviro ask EPA intervention in blocking ships to be sold for scrapping in Third World countries--referred to Region 3. Closed.

Government Executive Magazine: Questions about glitches in regulations.gov. Closed.

Hampshire Research: TRI data. Open.

Nextgov.com/Government Executive: Agencies affected by the glitch on regulations.gov. Open.

Powerful Media: Wants to list LPJ as one of most influential African Americans--referred to Betsaida. Closed.

Radio América (Washington Metro Area): 10-minute live interview 8/28 on Admin. Jackson's



participation in "Read to the Top" finale. Canceled. Closed.

USA Today: No longer interested in our perspective on why rules for underground storage tanks at gas stations are important. Closed.

www.cleanskies.tv: Vague questions about TRI. Producer is revising questions. Producer did not follow up. Closed.

### **General Counsel**

Law360: Comment on Hydro Resources Inc. v. EPA? Court of appeals rehearing case previously awarded to EPA regarding company building uranium mines on Indian property. The only issue is whether EPA is the permitting authority for underground injection control. Hearing in January. Closed.

### **Hazardous Wastes**

AP: Electronic waste data. Open.

AP: EPA's budget for Superfund & Brownfields. Closed.

AP: Interviewed Thea McManus re: Electronic waste data. Closed.

BNA: Are the regions providing brownfields workshops? Closed.

BNA: Interview request 9/10/09 @ 11:15 a.m. re: Mathy Stanislaus. Open.

Environmental Health Perspectives: Coal ash residues. Closed.

Freelancer, Dee Gill: Stats on solid waste collections. Closed.

Inside EPA: Draft rule for coal combustion waste. Closed.

Inside EPA: Munitions cleanup. Closed.

Inside EPA: Requested Superfund conference remarks from J. Woolford & M. Stanislaus. Open.

Inside EPA: Underground storage tanks & higher grades of ethanol. Open.

Inside EPA: Wants info on Mathy Stanislaus letter to stakeholders. Closed.

Problemas Brasileiros: Consumers and pharmaceutical waste. Closed.

Sierra Magazine: Factchecking largest industrial wastestream. Closed.

Supermarket News: Proposal to add pharmaceutical wastes to the universal waste rule. Open.

United Nations Environment Program: Interviewed Debbie Dietrich, Kathy Jones & David Wright (Region 2) on 8/25 re: Emergency management & chemical safety. Closed.

WCPN 90.3 Public Radio: Environmental effects of solid waste. Closed.

## **Pesticides**

Environmental Health News: Additional Q's re: p-dichlorobenzene. Open.

French freelancer: Colony collapse disorder and the pollinator protection team. Sent A's to Q's. Closed.

Greenrightnow.com: Use of pesticides in schools and how much integrated pest management is being practiced. Foner with Sherry Glick. Closed.

Kankae Journal (Ill.): Answered Q's re: tick-and-flea products. Closed.

Nature mag: Sent A's to Q's re: methyl iodide. Closed.

NYT: Silver dihydrogen sulfate as disinfectant. Sent label info. Closed.

Pest & Tox Chem News: Atrazine monitoring. Closed.

Pest & Tox Chem News: Controversy regarding BASF's headline fungicide label? Sent link to EPA's response. Closed.

Pest & Tox Chem News: Fomesafen draft ecological risk assessment. Sent A's to Q's. Closed.

Pest & Tox Chem News: Q's re: possible hearing about cancellation of carbofuran. Sent A's to Q's. Closed.

Pest & Tox Chem News: Response to letter from NGOs expressing concern over EPA's fumigant rules? Sent response. Closed.

Pesticide and Toxic Chemical News: Prototype permits. Open.

Risk Policy Report: Does the interagency "ONE Committee" on chemicals still exist? Not currently active. Closed.

Vegetable Growers News Magazine: Changes in fumigant rule. Foner projected for next week. Open.

Washington City Paper: Swimming pool disinfectants. Open.

WOIO (Cleveland): Incident data on Sergeants spot-on tick-and-flea products. Data run expected next week. Open.

## **Recovery Act**

Dow Jones: Buy American applications and waivers. Open.

Inside EPA: Water ARRA. Open.

## **Recycling**

New Scientist Magazine: U.S. recycling rates. Closed.

Resource Recycling Magazine: Interviewed Thea McManus re: Recycling issues and state disaster plans. Closed.

## **Research and Development**

60 Minutes: Ongoing interest in phthalates. Open.

BNA: IRIS assessments of inorganic arsenic. Open.

BNA: Requests transcript of Lek Kadeli's (LPJ's?) luncheon comments. Closed.

BNA: Wants to confirm data in a draft ETEB assessment. Closed.

Daily Environmental Report: New EDSP test orders requires staggered batches. Open.

Environmental Science & Technology: Comments on how retracted epigenetics paper might affect future studies. Open.

Living on Earth (PRI): Radio request to interview Steve Jones regarding endocrine disruptors. Open.

National Journal: Overview of IRIS. Skip to schedule video interview with Peter Preuss ASAP. Open.

Parents magazine: Interview with Dan Stout re: pesticide residue on kitchen floors scheduled for Wed., Sept. 2 @ 11 a.m. Open.

## **Solid Waste and Emergency Response**

Bloomberg News Service: Updated figures for hydrogen fluoride use in the refining industry? The 1993 study is the latest we have. Closed.

## **Toxics**

Albuquerque Journal: Sent lead news release. Closed.

Chemical Watch: Sent A's to Q's re: new SNURs for carbon nanotubes. Closed.

Cleveland Plain Dealer: Home cleaning products and insecticides/pesticides for the garden. Open.

Daily Environment Report: Tier 1 EDSP test orders. Sent explanation. Closed.

Daily Environment Report: Possible foner next week with Steve Owens about his priorities.

Open.

Inside EPA: Reevaluation of TSCA clause on PCB distribution in commerce? We don't have anything more specific than what is in the reg. agenda. Closed.

Inside EPA's Superfund Report: "Opt-out and Recordkeeping Provisions" in the Lead Renovation, Repair and Painting rule. Closed.

Minneapolis Star Tribune: Many questions about PFOA. Open.

Risk Policy Report: Where to find the submission of the renewed ICR to OMB for TSCA section 8(e)? Closed.

Security News Service: What is the EPA standard for chromium levels in whole blood? Referred to ATSDR. Closed.

Yale: Environment: Regulation and testing of endocrine disruptors through the Endocrine Disruptor Screening Program. Sent him links to the website. Closed?

## **Voluntary Programs**

Dow Jones Newswire: Did on-background phone interview with OAR official on solar energy credits for homeowners. Closed.

Freelancer, Jon Bloom: Sent info on livestock methane. Closed.

Highlights in Chemical Science: Sent indoor air quote on certain chemicals. Closed.

Independent Alligator: Green Chill. Open.

Platt's Energy Publications: Sent Green Power info. Closed.

ProSales: Energy Star homes photos. Open.

Reuters (Chicago): Interviewed Maria Vargas on Energy Star buildings. Closed.

Smartmoney.com: Interviewed Maria Vargas August 26 re: rebates for energy efficient products and when to replace appliances. Closed.

Wall Street Journal: Interviewed Virginia Lee of WaterSense and Sam Rashkin of Energy Star August 27 on new homes for each program. Closed.

## **Water**

1H2O.org: Health of harbors in U.S. Open.

60 Minutes: Background request August 25 on sewer overflows. Open.

Allegheny Front (Pittsburgh): Interview request August 26 on airport deicing proposal. Sked for Sept. 2 with Mary Smith. Open.

AP (Wyo.): Is EPA testing anywhere else besides Pavillion, Wyo. for groundwater contamination potentially associated with oil and gas operations? No. Closed.

AP: More on airport deicing. Closed.

Better Homes and Garden: Water shortage and WaterSense. Closed.

BNA: Atrazine. Sent statement. Closed.

BNA, Highlands Today (Fla.): Consent decree on proposing numeric water quality standards for waters in Fla. Sent statement. Closed.

BNA: IRIS evaluation of arsenic. Closed.

BNA: Mary Smith backgrounded reporter on our cooling intake proposal. Closed.

CBS Radio (N.Y.), Chicago Public Radio, Nebraska Public Radio, NPR (St. Louis), Simplesteps.org (NRDC Web site), Washington Post: Atrazine. Sent statement. Closed.

Charleston Gazette: Sent current list of 84 mountaintop mining permit being considered. Closed.

ClimateWire: Will decline interview on carbon capture storage. Will send Brendan-approved statement. Closed.

Environmental Compliance Alert: Airport deicing. Closed.

Floridaenvironments.com: Industry's challenge to EPA's determination that nutrient criteria is needed in Fla. Open.

Freelancer: Wasting water and fast-food restaurants. Ref'd to Alliance for Water Efficiency. Closed.

Globo (Brazilian TV network:) Sent responses on wastewater recycling and reuse. Closed.

Globo (Brazilian TV network): Sent responses on wastewater treatment. Closed.

Greenwire: IG report on water quality nutrient standards. Closed.

Huffington Post: Blog offer August 25 on atrazine. Open.

Inside EPA: Draft blending policy. Open.

Inside EPA: Mercury guidance and water quality standards. Open.

Inside EPA: Organizations at meeting with Pete Silva and maritime officials on 8/24. Closed.

Inside EPA: Sent comments from states and external groups on draft utility guidance. Closed.

Inside EPA: Will EPA require W. Va. to revise its fish tissue standard for methylmercury? No decision made yet. Closed.

Natural Foods Merchandiser: Atrazine. Sent statement. Closed.

NH Union Leader: EPA regulations involving car washes. Closed.

Pesticide and Toxic Chemical News: Sent response on aquatic pesticide prototype permit. Closed.

Platts, The Times-Picayune, Washington Times: Carbon dioxide sequestration. Closed.

ProPublica: Is EPA testing anywhere else besides Pavillion, Wyo. for groundwater contamination potentially associated with oil and gas operations? No. Also sent LPJ testimony on hydraulic fracturing. Closed.

Simplesteps.org (NRDC Web site): When will thorough review of atrazine and other chemicals take place under the new Admin.? Open.

SNL Energy: CWA violation and community pools. Closed.

Today's Facility Manager: Airport deicing proposal. Closed.

Wall Street Journal: More on mountaintop mining: number of mountains that have been mountain mined? Ref'd to Office of Surface Mining. Sent study on downstream effects of mountaintop mining. Closed.

Washington City Paper: Sent responses on swimming pool disinfectants. Closed.

Washington Times: More carbon dioxide sequestration. Closed.

**Allyn  
Brooks-LaSure/DC/USEPA/US**

To "Windsor, Richard", "McCarthy, Gina", "Perciasepe, Bob",  
"Sussman, Bob", "Mcintosh, David", Arvin Ganesan,  
"Thompson, Diane"

09/22/2009 08:53 AM

cc

bcc

Subject Fw: EMBARGOED UNTIL DELIVERY: Remarks of President  
Barack Obama at UN Climate Change Summit

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415

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**From:** "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
**Sent:** 09/22/2009 08:45 AM AST  
**To:** Allyn Brooks-LaSure  
**Subject:** EMBARGOED UNTIL DELIVERY: Remarks of President Barack Obama at UN Climate Change Summit

THE WHITE HOUSE  
Office of the Press Secretary

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EMBARGOED UNTIL DELIVERY:  
September 22, 2009

**Remarks of President Barack Obama—As Prepared for Delivery**

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**September 22, 2009**

**As Prepared for Delivery:**

Good morning. I want to thank the Secretary-General for organizing this summit, and all the leaders who are participating. That so many of us are here today is a recognition that the threat from climate change is serious, it is urgent, and it is growing. Our generation's response to this challenge will be judged by history, for if we fail to meet it – boldly, swiftly, and together – we risk consigning future generations to an irreversible catastrophe.

No nation, however large or small, wealthy or poor, can escape the impact of climate change. Rising sea levels threaten every coastline. More powerful storms and floods threaten every continent. More frequent drought and crop failures breed hunger and conflict in places where hunger and conflict already thrive. On shrinking islands, families are already being forced to flee their homes as climate refugees. The security and stability of each nation and all peoples – our prosperity, our health, our safety – are in jeopardy. And the time we have to reverse this tide is running out.

And yet, we can reverse it. John F. Kennedy once observed that “Our problems are man-made, therefore they may be solved by man.” It is true that for too many years, mankind has been slow to respond to or even recognize the magnitude of the climate threat. It is true of my own country as well. We recognize that. But this is a new day. It is a new era. And I am proud to say that the United States has done more to promote clean energy and reduce carbon pollution in the last eight months than at any other time in our history.

We're making our government's largest ever investment in renewable energy – an investment aimed at doubling the generating capacity from wind and other renewable resources in three years. Across America, entrepreneurs are constructing wind turbines and solar panels and batteries for hybrid cars with the help of loan guarantees and tax credits – projects that are



creating new jobs and new industries. We're investing billions to cut energy waste in our homes, buildings, and appliances – helping American families save money on energy bills in the process. We've proposed the very first national policy aimed at both increasing fuel economy and reducing greenhouse gas pollution for all new cars and trucks – a standard that will also save consumers money and our nation oil. We're moving forward with our nation's first offshore wind energy projects. We're investing billions to capture carbon pollution so that we can clean up our coal plants. Just this week, we announced that for the first time ever, we'll begin tracking how much greenhouse gas pollution is being emitted throughout the country. Later this week, I will work with my colleagues at the G20 to phase out fossil fuel subsidies so that we can better address our climate challenge. And already, we know that the recent drop in overall U.S. emissions is due in part to steps that promote greater efficiency and greater use of renewable energy.

Most importantly, the House of Representatives passed an energy and climate bill in June that would finally make clean energy the profitable kind of energy for American businesses and dramatically reduce greenhouse gas emissions. One committee has already acted on this bill in the Senate and I look forward to engaging with others as we move forward.

Because no one nation can meet this challenge alone, the United States has also engaged more allies and partners in finding a solution than ever before. In April, we convened the first of what have now been six meetings of the Major Economies Forum on Energy and Climate here in the United States. In Trinidad, I proposed an Energy and Climate Partnership for the Americas. We've worked through the World Bank to promote renewable energy projects and technologies in the developing world. And we have put climate at the top of our diplomatic agenda when it comes to our relationships with countries from China to Brazil; India to Mexico; Africa to Europe.

Taken together, these steps represent an historic recognition on behalf of the American people and their government. We understand the gravity of the climate threat. We are determined to act. And we will meet our responsibility to future generations.

But though many of our nations have taken bold actions and share in this determination, we did not come here today to celebrate progress. We came because there is so much more progress to be made. We came because there is so much more work to be done.

It is work that will not be easy. As we head towards Copenhagen, there should be no illusions that the hardest part of our journey is in front of us. We seek sweeping but necessary change in the midst of a global recession, where every nation's most immediate priority is reviving their economy and putting their people back to work. And so all of us will face doubts and difficulties in our own capitals as we try to reach a lasting solution to the climate challenge.

But difficulty is no excuse for complacency. Unease is no excuse for inaction. And we must not allow the perfect to become the enemy of progress. Each of us must do what we can when we can to grow our economies without endangering our planet – and we must all do it together. We must seize the opportunity to make Copenhagen a significant step forward in the global fight against climate change.

We also cannot allow the old divisions that have characterized the climate debate for so many years to block our progress. Yes, the developed nations that caused much of the damage to our climate over the last century still have a responsibility to lead. And we will continue to do so – by investing in renewable energy, promoting greater efficiency, and slashing our emissions to reach the targets we set for 2020 and our long-term goal for 2050.

But those rapidly-growing developing nations that will produce nearly all the growth in global carbon emissions in the decades ahead must do their part as well. Some of these nations have already made great strides with the development and deployment of clean energy. Still, they will need to commit to strong measures at home and agree to stand behind those commitments just as the developed nations must stand behind their own. We cannot meet this challenge unless all the largest emitters of greenhouse gas pollution act together. There is no other way.

We must also energize our efforts to put other developing nations – especially the poorest and most vulnerable – on a path to sustainable growth. These nations do not have the same resources to combat climate change as countries like the United States or China do, but they have the most immediate stake in a solution. For these are the nations that are already living with the unfolding effects of a warming planet – famine and drought; disappearing coastal villages and the conflict that arises from scarce resources. Their future is no longer a choice between a growing economy and a cleaner planet, because their survival depends on both. It will do little good to alleviate poverty if you can no longer harvest your crops or find drinkable water.

That is why we have a responsibility to provide the financial and technical assistance needed to help these nations adapt to the impacts of climate change and pursue low-carbon development.

What we are seeking, after all, is not simply an agreement to limit greenhouse gas emissions. We seek an agreement that will allow all nations to grow and raise living standards without endangering the planet. By developing and disseminating clean technology and sharing our know-how, we can help developing nations leap-frog dirty energy technologies and reduce dangerous emissions.

As we meet here today, the good news is that after too many years of inaction and denial, there is finally widespread recognition of the urgency of the challenge before us. We know what needs to be done. We know that our planet's future depends on a global commitment to permanently reduce greenhouse gas pollution. We know that if we put the right rules and incentives in place, we will unleash the creative power of our best scientists, engineers, and entrepreneurs to build a better world. And so many nations have already taken the first steps on the journey towards that goal.

But the journey is long. The journey is hard. And we don't have much time left to make it. It is a journey that will require each of us to persevere through setback, and fight for every inch of progress, even when it comes in fits and starts. So let us begin. For if we are flexible and pragmatic; if we can resolve to work tirelessly in common effort, then we will achieve our common purpose: a world that is safer, cleaner, and healthier than the one we found; and a future that is worthy of our children. Thank you.

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**Allyn  
Brooks-LaSure/DC/USEPA/US**

To "Windsor, Richard", "Mcintosh, David", "Heinzerling, Lisa",  
Arvin Ganesan, "Thompson, Diane", "Andy, Adora", "Oster,  
Seth"

06/26/2009 08:38 PM

cc

bcc

Subject Fw: UPDATED and FINAL: EMBARGOED: WEEKLY  
ADDRESS: President Obama Calls Energy Bill Passage  
Critical to Stronger American Economy

And this...

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415

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**From:** "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
**Sent:** 06/26/2009 08:28 PM AST  
**To:** Allyn Brooks-LaSure  
**Subject:** UPDATED and FINAL: EMBARGOED: WEEKLY ADDRESS: President Obama Calls Energy Bill  
Passage Critical to Stronger American Economy

\*\*\*Please Note: This is the updated and final version of the  
President's weekly address. \*\*\*

THE WHITE HOUSE

Office of the Press Secretary

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EMBARGOED UNTIL 6:00 AM ET, SATURDAY, June 27, 2009

**WEEKLY ADDRESS: President Obama Calls Energy Bill  
Passage Critical to Stronger American Economy**

WASHINGTON - In his weekly address, President Barack Obama praised the House of Representatives for passing the energy bill on Friday evening. This historic piece of legislation will not just lessen our dependence on foreign oil, but also spark a clean energy transformation in our economy that will create millions of new American jobs that pay well and cannot be outsourced. Clean energy and the jobs it creates are critical to building a new foundation for our economy.

The audio and video will be available at 6:00am Saturday, June 27, 2009 at [www.whitehouse.gov](http://www.whitehouse.gov).

**Prepared Remarks of President Barack Obama  
Weekly Address  
The White House**

**June 27, 2009**

Yesterday, the House of Representatives passed a historic piece of legislation that will open the door to a clean energy economy and a better future for America.

For more than three decades, we have talked about our dependence on foreign oil. And for more than three decades, we have seen that dependence grow. We have seen our reliance on fossil fuels jeopardize our national security. We have seen it pollute the air we breathe and endanger our planet. And most of all, we have seen other countries realize a critical truth: the nation that leads in the creation of a clean energy economy will be the nation that leads the 21<sup>st</sup> century global economy.

Now is the time for the United States of America to realize this too. Now is the time for us to lead.

The energy bill that passed the House will finally create a set of incentives that will spark a clean energy transformation in our economy. It will spur the development of low carbon sources of energy - everything from wind, solar, and geothermal power to safer nuclear energy and cleaner coal. It will spur new energy savings, like the efficient windows and other materials that reduce heating costs in the winter and cooling costs in the summer. And most importantly, it will make possible the creation of millions of new jobs.

Make no mistake: this is a jobs bill. We're already seeing why this is true in the clean energy investments we're making through the Recovery Act. In California, 3000 people will be employed to build a new solar plant that will create 1000 permanent jobs. In Michigan, investment in wind turbines and wind technology is expected to create over 2,600 jobs. In Florida, three new solar projects are expected to employ 1400 people.

The list goes on and on, but the point is this: this legislation will finally make clean energy the profitable kind of energy. That will lead to the creation of new businesses and entire new industries. And that will lead to American jobs that pay well and cannot be outsourced. I have often talked about the need to build a new foundation for economic growth so that we do not return to the endless cycle of bubble and bust that led us to this recession. Clean energy and the jobs it creates will be absolutely critical to this new foundation.

This legislation has also been written carefully to address the concerns that many have expressed in the past. Instead of increasing the deficit, it is paid for by the polluters who currently emit dangerous carbon emissions. It provides assistance to businesses and families as they make the gradual transition to clean energy technologies. It gives rural communities and farmers the opportunity to participate in climate solutions and generate new income. And above all, it will protect consumers from the costs of this transition, so that in a decade, the price to the average American will be just about a postage stamp a day.

Because this legislation is so balanced and sensible, it has already attracted a remarkable coalition of consumer and environmental groups; labor and business leaders; Democrats and Republicans. And I want to thank every Member of Congress who put politics aside to support this bill on Friday.

Now my call to every Senator, as well as to every American, is this: We cannot be afraid of the future. And we must not be prisoners of the past. Don't believe the misinformation out there that suggests there is somehow a contradiction between investing in clean energy and economic growth. It's just not true.

We have been talking about energy for decades. But there is no longer a disagreement over whether our dependence on foreign oil is endangering our security. It is. There is no longer a debate about whether carbon pollution is placing our planet in jeopardy. It's happening. And there is no longer a question about whether the jobs and industries of the 21<sup>st</sup> century will be centered around clean, renewable energy. The question is, which country will create these jobs and these industries? I want that answer to be the United States of America. And I believe that the American people and the men and women they sent to Congress share that view. So I want to congratulate the House for passing this bill, and I want to urge the Senate to take this opportunity to come together and meet our obligations - to our constituents, to our children, to God's creation, and to future generations.

Thanks for listening.

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Allyn  
Brooks-LaSure/DC/USEPA/US

08/06/2009 11:04 AM

To "Windsor, Richard"

cc "Oster, Seth", "Andy, Adora", "Alcantara, Betsaida", "Gilfillan,  
Brendan"

bcc

Subject Fw: "Green" For All (Interview with Administrator Jackson in  
Diverse)

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415  
Jonathan Newton

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

**From:** Jonathan Newton

**Sent:** 08/06/2009 11:02 AM EDT

**Subject:** "Green" For All (Interview with Administrator Jackson in Diverse)



From Diverse Online

[http://diverseeducation.com/artman/publish/article\\_12845.shtml](http://diverseeducation.com/artman/publish/article_12845.shtml)

Feature Stories

"Green" For All

By MICHELLE J. NEALY

Aug 6, 2009, 17:59

**Summary:**

Environmental Protection Agency Administrator Lisa Jackson works to ensure

minorities are not left out of the burgeoning 'green' economy.

**Story:**

**Environmental Protection Agency Administrator Lisa Jackson works to ensure minorities are not left out of the burgeoning 'green' economy.**

Enter into the Washington, D.C., headquarters of the Environmental Protection Agency and encounter something never seen in its history until now, a photo of the first African-American to serve as the agency's administrator.

Born in Philadelphia and raised in New Orleans, Lisa Perez Jackson is the new face of the EPA, and, just like the president who appointed her, Jackson represents change.

Only seven months into the job, Jackson has dived into a number of important issues largely ignored by the previous administration. Under Jackson's leadership, the EPA has prompted the Obama administration to pursue legislation that cuts carbon emissions, limits green house gases and addresses climate change.

And while Jackson tackles what are, perhaps, some of the most difficult environmental challenges in a generation, her toughest assignment could be something less obvious — recruiting more minorities into the green movement.

"I am looking to open up the environmental movement to more people of color. As an African-American, I think there are still, sadly, people who see the environmental movement as belonging to White Americans and clearly the history of it is that way," Jackson says.

"Everywhere I go, I see communities that are concerned about environmental issues. Those are communities of color. We need to make sure that they see themselves here [in the EPA] and that they feel comfortable knowing that the EPA is here to address issues of concern for people of color," adds Jackson.

Prior to assuming her current post, Jackson, a chemical engineer, was just weeks into her new position as chief of staff for New Jersey Gov. Jon Corzine. Before that, Jackson headed New Jersey's Department of Environmental Protection after having already served at the EPA for 16 years.

Jackson insists that she is not daunted by any of the challenges before her. She is, instead, driven by them, particularly the mandate to diversify.

"The president's election, my nation and the first lady's obvious concern for the environment have literally changed the face of environmentalism almost overnight," says Jackson, referring to a garden first lady Michelle Obama planted on the south lawn of the White House.



“Now, what we have to do is make sure that is not just symbolic change,” Jackson explains. “We have to be effective advocates and effective workers for all of our communities. The future economy is going to be a green economy. If our communities are not a part of that economy, we are going to be left out.”

### **An Exclusive Culture**

Data show that minority environmentalists are struggling to make their way in. The Minority Environmental Leadership Development Initiative found that of 158 environmental institutions, 33 percent of mainstream environmental organizations and 22 percent of government agencies had no people of color on staff.

Part of the problem, says Dr. Robert D. Bullard, director of the Environmental Justice Resource Center at Clark Atlanta University, is the paucity of minority college graduates for these organizations to recruit, particularly at the graduate level.

In 2003, in natural resources and conservation related sciences, 2,334 White students graduated compared to 219 students of color. At the doctoral level, 458 White students graduated with doctoral degrees in agricultural sciences compared to 75 students of color, according to data collected by researchers at the Multicultural Environmental Leadership Development Institute at the University of Michigan.

That same year, 143 White students received doctoral degrees in natural resources and conservation programs compared to 13 students of color.

“There is a breakdown early on, before we even start talking about getting people of color into environmental organizations and federal agencies. The problem is that we are not getting enough young people graduating from high school and continuing their studies in the science disciplines during their undergraduate years,” Bullard says. “In order for one to move up the ladder professionally it takes more than one degree. With budget cuts and financial aid dwindling, we’re seeing an impact on students of color completing degrees.”

The shortage of minorities on the professional environmentalist career-track is not due, completely, for lack of interest in environmental issues or holes in the pipeline. Some minority environmental justice advocates suggest that the mainstream environmental movement is an “unintentionally exclusive culture” that caters to tree-hugging, White middle-class suburbanites instead of low-income communities of color that carve out green spaces in urban enclaves, plant community gardens and use, more than any other group, public transportation.

“The historical roots [of the environmental movement] emerged probably about the same time that the civil rights movement was going strong,” says Dr. Henry Neal Williams, director of the Environmental Sciences Institute at Florida A&M University. “Minorities were focused on lots of other issues connected to equality and justice about the same

time the environmental movement began gaining impetus. It took a while to switch gears. Now we are at a time where the civil rights movement has an environmental justice component.”

While there may be a small recruitment pool for minority environmentalists, environmental organizations are also culpable. “Many of the so-called green groups have been slow to diversify their ranks in terms of their staff, their board of directors and their agenda,” Bullard says. After earning a master’s in environmental policy from Tufts University, Marcelo Bonta, a Filipino American, began working for a prominent wildlife conservation organization.

After a short period of time, he quit. Bonta was the only person of color on the staff.

“Environmental organizations focus their efforts on minority recruitment, but most of the people of color, do not stay. The culture of these organizations is not inclusive or open to diverse cultures and creativity,” Bonta says. After leaving the wildlife conservation group, Bonta, like other advocates of color, started his own organization, the Center for Diversity & the Environment.

“No one is intentionally excluding others but, when a homogeneous culture flourishes in organizations, which is common in environmental organizations, there is an expectation for others to conform to this dominant mindset in order to succeed,” Bonta says. “When everyone looks, thinks, and acts the same, then you create policies, programs, and practices that benefit others that look, think, and act the same and exclude others that look, think, and act differently. ”

### **On the Frontline**

Despite the dearth of minority environmentalists, minority communities have consistently shown an interest in environmental issues. “Polls and surveys are showing, increasingly, that communities of color are as engaged or in some cases more engaged in environmental issues than Whites,” Bonta says.

For decades ordinary citizens of color have fought against the development of oil refineries, toxic waste dumps, solid waste sites and hazardous landfills in their communities. On the frontlines of these movements have been minority environmentalists Alan Hipólito, adjunct professor at the Northwestern School of Law at Lewis & Clark College and executive director of Verde, a nonprofit organization; Majora Carter, the former director of the nonprofit Sustainable South Bronx; and Charles Sams, director of Trust for Public Land’s Tribal & Native Lands Program.

In 1982, residents of Warren County, N.C., which was predominantly Black, protested the construction of a hazardous waste landfill. After the district courts ruled in favor of the landfill supporters, a large demonstration erupted. More than 500 people were arrested, including Walter Fauntroy, a former member of the U.S. House of Representatives.

Later, the incident would compel the United Church of Christ Commission for Racial Justice to produce its landmark "Toxic Wastes and Race" report, the first national study to correlate hazardous waste sites and demographic characteristics. It found that race was the most significant factor in locating the waste facilities. It took 20 years for Warren County residents to get the landfill site detoxified by the state and federal government.

"The Warren County landfill protest proved to be a most important event for the environmental justice movement in that it became the catalyst that galvanized people of color around this country in the fight for environmental justice," says Dr. Beverly Wright, director of the Deep South Center for Environmental Justice at Dillard University.

There are other examples: In 1988, a Hispanic grassroots organization Mothers of East L.A. defeated the construction of a huge toxic waste incinerator in their Los Angeles community. The same year, in Dilkon, Ariz., a small group of Navajo community activists spearheaded a successful effort to block the construction of a \$40 million toxic waste incinerator.

### **Diversifying the Movement**

At stake for minorities is not just the protection of their communities, but access to the burgeoning green economy.

"To date, most of the jobs in the green sector have gone to people with advanced degrees such as engineers, architects and landscape architects," says Hipólito, executive director of the Oregon-based Verde.

"More recently, weatherization and stormwater management projects have produced jobs for low-wage workers. The pay scale for these jobs varies."

The Obama administration's economic stimulus package contains more than \$20 billion for investment in a cleaner, greener economy, including \$500 million for green job training. Whether this "green collar" economy will usher in a new era of socioeconomic mobility for low-income citizens or strengthen the existing middle class has yet to be determined, Hipólito says.

'What is a green job? How do I get one?' That is what people want to know, Hipólito says. "The term 'green job' has yet to be formally defined," he adds.

Verde, an environmental justice organization, connects low-income people of color to the benefits of the green job economy by creating new job, training, and business development opportunities such as the Verde Native Plant Nursery.

Success, Hipólito says, will be dependent on whether there will be meaningful pathways and training programs that make green jobs accessible to minorities at every rung of the

green job ladder.

Researchers, in a report co-sponsored by the Center for Diversity & the Environment and the Conservation Fund and titled "Diversifying the Environmental Movement," argue environmental organizations must focus on cultural inclusivity, recruitment, retention, outreach and collaboration to integrate the movement.

The most obvious places for the EPA to begin partnership-building is with minority-serving institutions, says Williams of FAMU. In 2008, the university's Environmental Sciences Institute celebrated the graduation of its 50th graduate student.

"If the government or private organizations are serious about addressing environmental issues for all communities, if they are serious about diversifying the work force, then they have to look to and invest in HBCUs [historically Black colleges and universities]," Williams says. "HBCUs can make an immediate impact both in training the next generation of environmental professionals and increasing awareness about environmental issues in minority communities."

Jackson agrees. "Historically Black institutions and Hispanic-serving institutions are churning out young, talented people who are technically trained, who are interested in environmental sciences, biological sciences and chemistry," she says. "We are going to make sure that we are recruiting them, so that we change our entry-level work force and make sure they are represented there. Students at universities are the catalyst for change at their own schools. Howard University, here in the District, we will soon be working with them on a greening effort on their campus."

Williams is encouraged by the appointment of Jackson to the EPA. He believes that her presence will make a difference in the psyches of minority children who lack environmental role models.

"One of the biggest problems that we have is recruiting students to become majors, particularly at the undergraduate level. Kids need to know that there are champions like Lisa Jackson and that the field has value. There is a tremendous value in being able to protect your community," Williams says.

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U.S. EPA, Office of the Administrator  
1200 Pennsylvania Avenue, NW (MC 1105A)  
Washington, D.C. 20460  
(202) 566-1981

**Allyn  
Brooks-LaSure/DC/USEPA/US**

09/22/2009 06:51 PM

To "Windsor, Richard", "Perciasepe, Bob", "Fulton, Scott",  
"Thompson, Diane", "Oster, Seth", Michelle DePass,  
"Heinzerling, Lisa", "Mcintosh, David", Arvin Ganesan  
cc "Oster, Seth"

bcc

Subject Fw: REMARKS BY THE PRESIDENT AT THE CLINTON  
GLOBAL INITIATIVE

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415

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**From:** "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]  
**Sent:** 09/22/2009 06:44 PM AST  
**To:** Allyn Brooks-LaSure  
**Subject:** REMARKS BY THE PRESIDENT AT THE CLINTON GLOBAL INITIATIVE

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

September 22, 2009

REMARKS BY THE PRESIDENT  
AT THE CLINTON GLOBAL INITIATIVE

Sheraton Hotel  
New York, New York

5:15 P.M. EDT

THE PRESIDENT: Please, please, have a seat. Thank you. Thank you so much. Good evening. And thank you, President Clinton, for the extraordinary brief introduction which (laughter) -- during the U.N. General Assembly week does not happen that often. (Laughter.)

I want to acknowledge Bob Harrison and the outstanding work that he's doing as CEO of CGI -- (applause) -- as well as Ed Hughes, the deputy director of CGI, for their excellent work.

Some of you are aware that last week President Clinton and I were here in New York together, we were having lunch in a small Italian restaurant. And we talked about the economy, we talked

about health care, we talked about pressing global challenges. And then he said to me, "Would you pass the Parmesan?" (Laughter.) And then he said to me, "Would you speak to our annual meeting?"

Now, I think everyone knows what it's like when Bill Clinton asks you to make a commitment. (Laughter.) He looks you in the eye; he feels your pain. (Laughter.) He makes you feel like you're the only person in the room. What could I say? I was vulnerable just as all of you have been vulnerable to his charms. (Applause.)

So I am happy to be here and honored by the invitation. And I've always appreciated President Clinton's valuable advice and the ideas he's offered my administration. I do understand that the President has been having trouble getting a hold of my Secretary of State lately. (Laughter.) But I hope he doesn't mind, because Hillary Clinton is doing an outstanding job for this nation and we are so proud of her. (Applause.)

I also want to just very briefly take this opportunity to thank President Clinton for his service. In his eight years in office, he helped swing open the doors of opportunity and prosperity to millions of Americans. And as the first U.S. President to face the full force of globalization, he worked to share that prosperity with people around the world -- from promoting trade to expanding education to forging a historic global compact on debt relief.

After a lifetime of service, he would have been forgiven had he settled for a life of quiet, a life of ease, a life of improved golf scores -- my understanding is they have not improved that much since he was in office. (Laughter.) But he chose a different path. He asked, "What can I do to keep making a difference?"

And what an extraordinary difference he, working with all of you, have made. For the victims of disaster, from the Asian tsunami to Hurricane Katrina, he's made a difference. For those in need, from parents and children battling HIV/AIDS to your efforts today on behalf of the people of Haiti, he's made a difference. It's no exaggeration: Around the world, Bill Clinton has helped to improve -- and save -- the lives of millions. That is no exaggeration. (Applause.)

And this week, even as we gather at the United Nations to discuss what governments can do to confront the challenges of our time, even as we've -- we're joined tonight by so many extraordinary leaders, Presidents and Prime Ministers -- this Global Initiative reminds us of what we can each do as individuals: that you don't

have to hold a public office to be a public servant. That's the beauty of service -- anybody can do it. And everyone should try.

To all the CGI members here tonight, I want you to know how grateful I am for your efforts -- and I know that those efforts require greater commitment at such difficult economic times. Indeed, your work -- and the spirit of service behind it -- is deeply personal to me. I've seen it. I've been shaped by it my entire life.

I first saw it in my mother -- she was an anthropologist who dedicated her life to understanding and improving the lives of the rural poor, from Indonesia to Pakistan. Whether working with USAID or the Asian Development Bank, the Ford Foundation, Bank Rakyat in Jakarta or Women's World Banking here in New York, she championed the cause of women's welfare and helped pioneer the micro loans that have helped lift millions from poverty.

My mother understood that whether you live in the foothills of Java or the skyscrapers of Manhattan, we all share common principles: justice and progress, tolerance and the dignity of all human beings. And we all share common aspirations, for ourselves and our children: to get an education, to work with dignity, and to live in peace and security.

That's where I first saw that spirit. That's who planted it in me. And I saw this spirit again when I moved to Chicago, working as a community organizer on some of the poorest streets in some of the poorest neighborhoods in the United States; in neighborhoods devastated by steel plant closings, I worked with local churches to help people in need. And change didn't come easy, but with a lot of time and effort, it did come -- block by block, neighborhood by neighborhood.

That's when I learned that real progress does not just come from the top down, not just from government, it comes from the bottom up -- from people. (Applause.) If you want to bring about change in the world, you can't just be an advocate of somebody else doing it. You can't just preach lofty goals and wait for somebody else act. You have to step up. You have to serve.

I've seen this spirit of service in my wife Michelle -- one of the millions of people whose lives has been touched by AmeriCorps, created by President Clinton. She left her job at a law firm to be the founding director of an AmeriCorps program in Chicago that trains young people for careers in public service. I've seen the transformation that occurs -- in their lives, in hers -- when people are empowered to live their dreams.

And that's the spirit that's represented here tonight -- in the



difference that CGI members have made around the world. The greenhouse gases you've cut. The entrepreneurs you've empowered with micro loans. All the people, many of them children, you've helped to lead healthier, more productive lives -- more than 200 million in more than 150 countries.

That's the meaning of service. That's the difference we can make -- when we remember our common humanity, or when we embrace our common responsibilities, when we recognize our common destiny.

Your ability to serve people in the disconnected corners of the world reminds us of another truth. We stand at a transformational moment in world history when our interconnected world presents us at once with great promise, but also with great peril.

The very technologies that empower us to create and build also empower those who would destroy and disrupt -- the extremists in the mountains of Afghanistan and Pakistan who fuel attacks from New York to London to Bali, from Mombasa to Madrid to Mumbai.

Reckless speculation in any financial sector of the world, or someone's failure to pay a mortgage in Florida, can contribute to a global recession that undermines all of us. Poverty in Somalia, the poppy fields of Afghanistan, the northbound flow of drugs from Colombia and the southbound flow of American guns and cash into Mexico -- all this fuels violence that endangers each and every one of us. A flu that starts in one country can become a pandemic that sickens millions.

Carbon emissions from cars in Boston and factories in Beijing are melting the ice caps and imperiling the planet. And by the way, we're joined here by the leader who made that particular truth impossible to ignore -- former Vice President Al Gore, and we owe a great debt of thanks to him. (Applause.)

These are the threats of the 21st century. These are the challenges we face. And just as no nation can wall itself off from the world, no one nation -- no matter how large, no matter how powerful -- can meet these challenges alone. Nor can governments alone. Today's threats demand new partnerships across sectors and across societies -- creative collaborations to achieve what no one can accomplish alone.

In short, we need a new spirit of global partnership. And that is exactly the spirit that guides this organization; I hope that it is the spirit that guides my administration.

Here at home, we've summoned the American people to a new era of service: launching a historic expansion of community service;

more than tripling the size of AmeriCorps; creating a new model -- an innovation fund to bring together nonprofits, foundations, the private sector and government to find the community solutions that work, to fund them and then replicate them across America.

Around the world, even as we pursue a new era of engagement with other nations, we're embracing a broader engagement -- new partnerships between societies and citizens, community organizations, business, faith-based groups.

That's why we've been speaking directly to people around the world, including our friends across the Muslim world with whom we've launched a new beginnings based on mutual interests and mutual respect. It's why you've seen Secretary Clinton in so many countries -- at town halls, on local television programs, reaching out to citizens and civil society -- that's why she's created a new initiative to promote global partnerships between business, nonprofits and faith groups to promote development.

In fact, this spirit of partnership is a defining feature of our foreign policy.

Because government and the military can work to disrupt, dismantle and defeat terrorist networks. But while the violent extremists only destroy, we have to make it clear the kind of future we want to build. That's why we're investing in people's education, and health and welfare -- as we are doing in Afghanistan and Pakistan. And we need to build new partnerships across regions and religions -- and that requires religious leaders, and NGOs, citizens to help build the good governance, and transparent institutions and basic services upon which true security depends.

We're making historic investments in clean energy and working toward deep cuts in emissions. But we still need business to unleash new innovations and nonprofits to keep up the pressure to end the threat of climate change.

We're making substantial increases in foreign assistance. But we still need civil society to help host nations deliver aid without corruption. Because foreign assistance is not an end in itself. The purpose of aid must be to create the conditions where it is no longer needed -- where we help build the capacity for transformational change in a society.

We're pursuing a comprehensive global health strategy -- building on successes in the fight against HIV/AIDS and working to end deaths from malaria and TB and to end polio. But these efforts will only be sustained if we improve the capacity of public health systems to deliver care, especially for mothers and

children.

We're making major new investments in food security. But this can't simply be hand-outs of American food. We need to share new methods and technologies so that countries and communities can become more self-sufficient.

In short, we're renewing development as a key element of American foreign policy -- not by lecturing and imposing our ideas, but by listening and working together; by seeking more exchanges between students and experts; new collaborations among scientists to promote technological development; partnerships between businesses, entrepreneurs to advance prosperity and opportunity for people everywhere.

That's how we'll confront the challenges of our time. This is how we will seize the promise of this moment in history. Standing together. Working together. And building together.

It's the spirit I've seen in my travels around the world -- in elected leaders and entrepreneurs, the heroic civil society groups, in the students from Ankara to Cairo, from South Bend to Strasbourg -- the optimism and the faith and the confidence that we each can make a difference.

And that's the spirit that I see here tonight. The spirit that says we can rise above the barriers that too often divide us -- country and culture, color and creed, race and religion and region. That we can come together. And that we can leave this world even better, even more hopeful than we found it.

So to all of you, thank you for your vision, for your engagement, for your stick-to-it-ness. As hard as it may be to sustain during these difficult times, your commitments have never been more needed, they have never been more inspired. And I am grateful to President Clinton for having the vision and leadership to help catalyze this extraordinary collection of individuals and the commitments you make that are making such a difference all around the world.

Thank you very much, everybody. (Applause.)

END

5:45 P.M. EDT

**Allyn  
Brooks-LaSure/DC/USEPA/US**

To "Windsor, Richard", "Sussman, Bob", "Thompson, Diane",  
"Mcintosh, David", Arvin Ganesan  
cc "Oster, Seth"

09/14/2009 05:05 PM

bcc

Subject Rockefeller questions latest EPA mining actions

Rockefeller questions EPA's latest mining action

The Associated Press

CHARLESTON, W.Va. (AP) - West Virginia Sen. Jay Rockefeller is asking the U.S. Environmental Protection Agency to retract its latest efforts to review mountaintop removal permits in the state. In a letter to EPA Administrator Lisa Jackson, Rockefeller said he feels strongly about the agency's request that the U.S. Army Corps of Engineers suspend, revoke or modify a permit it issued in 2007. That permit for Mingo Logan Coal's Spruce No. 1 mine would allow the company to fill valleys at the site with material removed to expose coal, a practice widely opposed by environmentalists. Rockefeller says EPA's action creates uncertainty in the coalfields and goes against an agreement the agency signed in May. That agreement spelled out how federal agencies would review mining permits

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415

**Allyn  
Brooks-LaSure/DC/USEPA/US**

06/29/2009 02:06 PM

To "Windsor, Richard", "Thompson, Diane"

cc "Mcintosh, David", "Oster, Seth", "Andy, Adora"

bcc

Subject Fw: Obama Administration Launches New Energy Efficiency Efforts

MABL.

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M. Allyn Brooks-LaSure  
Office of the Administrator  
U.S. Environmental Protection Agency  
Cell: 202-631-0415

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**From:** "White House Press Office" [whitehouse-lists-noreply@list.whitehouse.gov]

**Sent:** 06/29/2009 02:05 PM AST

**To:** Allyn Brooks-LaSure

**Subject:** Obama Administration Launches New Energy Efficiency Efforts

THE WHITE HOUSE  
Office of the Press Secretary

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FOR IMMEDIATE RELEASE

June 29, 2009

**Obama Administration Launches New Energy Efficiency Efforts**

*Will save billions for consumers, business while helping to create new jobs and strengthen American competitiveness*

**WASHINGTON** – Building on the action by the U.S. House of Representatives in passing historic legislation that will pave the way for the transition to a clean energy economy, President Barack Obama and U.S. Energy Secretary Steven Chu today announced aggressive actions to promote energy efficiency and save American consumers billions of dollars per year. Today's announcement underscores how the clean energy revolution not only makes environmental sense, but it also makes economic sense – creating jobs and saving money.

"One of the fastest, easiest, and cheapest ways to make our economy stronger and cleaner is to make our economy more energy efficient," said President Obama. "That's why we made energy efficiency investments a focal point of the Recovery Act. And that's why today's announcements are so important. By bringing more energy efficient technologies to American homes and businesses, we won't just significantly reduce our energy demand; we'll put more money back in the pockets of hardworking Americans." "When it comes to saving money and growing our economy, energy efficiency isn't just

low hanging fruit; it's fruit laying on the ground," said Secretary Chu. "The most prosperous, competitive economies of the 21<sup>st</sup> century will be those that use energy efficiently. It's time for America to lead the way."

### **More Energy Efficient Lighting**

Today's announcement includes major changes to energy conservation standards for numerous household and commercial lamps and lighting equipment. Seven percent of all energy consumed in the U.S. is for lighting.

The final rule has numerous benefits, including:

- Avoiding the emission of up to 594 million tons of CO<sub>2</sub> from 2012 through 2042 – roughly equivalent to removing 166 million cars from the road for a year;
- Saving consumers \$1 to \$4 billion annually from 2012 through 2042;
- Saving enough electricity from 2012 through 2042 to power every home in the U.S. for up to 10 months;
- Eliminating the need for up to 7.3 gigawatts of new generating capacity by 2042 – equivalent to as many as 14 500MW coal-fired power plants;
- Decreasing the electricity used in GSFLs by 15%, saving consumers up to \$8.66 per lamp over its lifetime; decreasing electricity used by IRLs by 25%, saving consumers \$7.95 per lamp over its lifetime.

In February 2009, President Obama tasked the Department of Energy with quickening the pace of energy conservation standards for appliances, while continuing to meet legal and statutory deadlines. Today's announcement – which takes effect in 2012 – focuses on General Service Fluorescent Lamps (GSFL), which are commonly found in residential and commercial buildings, and Incandescent Reflector Lamps (IRL), which are commonly used in recessed and track lighting. These fluorescent and incandescent lamps represent approximately 38 and 7 percent of total lighting energy use respectively.

The final rule, as issued by the Secretary of Energy on June 26, 2009, can be viewed and downloaded from the Office Energy Efficiency and Renewable Energy's website at:

[www.eere.energy.gov/buildings/appliance\\_standards/residential/incandescent\\_lamp\\_s.html](http://www.eere.energy.gov/buildings/appliance_standards/residential/incandescent_lamp_s.html).

### **Building Efficiency Initiative**

President Obama and Secretary Chu today announced a \$346 million investment from the American Recovery and Reinvestment Act to expand and accelerate the development, deployment, and use of energy efficient technologies in all major types of commercial buildings as well as new and existing homes.

Residential and commercial buildings consume 40 percent of the energy and represent 40 percent of the carbon emissions in the United States. Building efficiency represents one of the easiest, most immediate and most cost effective ways to reduce carbon emissions while creating new jobs. With the application of new and existing technologies, buildings can be made up to 80 percent more efficient or even become "net zero" energy buildings with the incorporation of on-site renewable generation. Today's buildings consume more energy than any other sector of the U.S. economy, including transportation and industry. In addition, almost three-quarters of our nation's

81 million buildings were built before 1979. Some were designed and constructed for limited service, and many will eventually require either significant retrofits or replacement.

Innovations in energy-efficient building envelopes, equipment, lighting, daylighting, and windows, in conjunction with advances in passive solar, photovoltaic, fuel cells, advanced sensors and controls and combined heating, cooling, and power, have the potential to dramatically transform today's buildings. These technologies – coupled with a whole building design approach that optimizes the interactions among building systems and components – will enable tomorrow's buildings to use considerably less energy, while also helping to reduce emissions and increase energy security.

This funding includes:

**Advanced Building Systems Research (\$100 million).** These projects will address research focused on the systems design, integration, and control of both new and existing buildings. Buildings need to be designed, built, operated, and maintained as an integrated system in order to achieve the potential of energy efficient and eventually net zero-energy buildings. These projects will move beyond component-only driven research and address the interactions in buildings as a whole, in order to progress development of integrated, high performance buildings and achieve net zero- energy buildings.

**Residential Buildings Development and Deployment (\$70 million).** Expanded work in Residential Buildings will increase homeowner energy savings by supporting energy efficient retrofits and new homes while raising consumer awareness of the benefits of increased health, safety, and durability of energy efficiency. The projects will provide technical support to train workers and create jobs, developing a new workforce equipped to improve the Nation's homes and will permit a major initiative to provide builders with technical assistance and training through states, utilities, and existing programs to increase the market share of new homes achieving substantial whole house energy savings. To address existing homes, DOE will work with municipalities with a variety of housing types and vintages as well as subdivisions with similar housing stock to encourage a large number of energy efficiency retrofits.

**Commercial Buildings Initiative (\$53.5 million).** These Recovery Act funds will be used to accelerate and expand partnerships with major companies that design, build, own, manage, or operate large fleets of buildings and that commit to achieving exemplary energy performance. This funding will be used to expand the number of these partnerships from 23 to about 75 through a competitive process beginning in September, 2009.

**Buildings and Appliance Market Transformation (\$72.5 million).** In order to achieve energy savings, and ultimately lead to zero energy buildings, the marketplace must be conditioned to accept the necessary advanced technologies and activities and ensure

that the current technologies are performing as intended via current energy efficiency standards. Key activities include expanding ENERGY STAR to accelerate development of energy efficient products and expand the ENERGY STAR brand into new areas; preparing the design, construction, and enforcement community to implement commercial building energy codes that require a 30 percent improvement in energy efficiency over the 2004 code in 2010; and accelerating and expanding DOE's Appliance Standards program to evaluate innovative technologies and develop new test procedures that are more representative of today's energy use and equipment.

**Solid State Lighting Research and Development (\$50 million).** The objective of the solid state lighting activities is to advance state-of-the-art of solid-state lighting (SSL) technology and to move those advancements more rapidly to market through a coordinated development of advanced manufacturing techniques. This project will both aid in the development and reduce the first cost of high performance lighting products. Continuing advances can accelerate progress towards creating a U.S.-led market for high efficiency light sources that save more energy, reduce costs, and have less environmental impact than other conventional light sources.

For information on these and other Funding Opportunities under the Recovery Act, visit: [www.energy.gov/recovery/funding.htm](http://www.energy.gov/recovery/funding.htm).

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Andra Belknap/DC/USEPA/US

02/09/2012 01:53 PM

To Richard Windsor

cc Betsaida Alcantara

bcc

Subject Canada Free Press: Inhofe Blasts Evangelical Environmental Network's Claim that EPA's Agenda is "Pro-life"

## Inhofe Blasts Evangelical Environmental Network's Claim that EPA's Agenda is "Pro-life"

- *EPW Blog* Wednesday, February 8, 2012

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4

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[Link](#) to Press Release

[Link](#) to Cornwall Alliance Press Release: Pro-Life Leaders Call for End to Misleading Environmentalist Campaign

Washington, D.C. - Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, blasted the Evangelical Environmental Network's claim that the Environmental Protection Agency's (EPA) Utility Maximum Achievable Control [Technology](#) (MACT) rule is somehow "pro-life." Rev. Mitchell Hescox, President and CEO of the Evangelical Environmental Network, testified today on this subject before the House Energy and Commerce Committee.

"I find it extremely ironic that Rev. Mitchell Hescox and the Evangelical Environmental Network think that the pro-life agenda is best aligned with a movement that believes there are too many people in the world, actively promotes population control, and sees humans principally as polluters," Senator Inhofe said. "To claim that EPA's devastating, job-killing regime is somehow 'pro-life' is absurd.

"Democrats already tried this tactic when they brought in Rev. Cizik, an avid global warming alarmist - who was featured on the cover of a 2006 issue of *Vanity Fair* walking on water - to testify on the 'morality' of cap-and-trade legislation. Well, in a May 2006 speech to the World Bank Cizik said, 'We need to confront population control and we can - we're not Roman Catholics after all - but it's too hot to handle now.' Not exactly a pro-life viewpoint.

"While I appreciate anyone who stands up for life, the Evangelical Environmental Network is simply wrong to align the pro-life movement with EPA's Utility MACT rule. I applaud the more than 30 pro-life leaders, including Cal Beisner, who have come forward to oppose this campaign. As they rightly said in a statement, they reject the Evangelical Environmental Network's claim because 'that portrayal is disingenuous and dangerous to our efforts to protect the lives of unborn children.' I stand with them.

"Of course, we all support clean air for our children - I have twenty kids and grandkids. But unfortunately, Utility MACT is not about public health. When the Obama EPA puts forth a rule that is unaffordable and largely unachievable; will cost \$11 billion with a projected \$6 million in direct benefits, the only conclusion is that this is just another part of President Obama's ongoing

war on affordable energy and American energy jobs.

**Andra Belknap**  
**Assistant Press Secretary**  
**U.S. Environmental Protection Agency**  
**202.564.0369**  
**[belknap.andra@epa.gov](mailto:belknap.andra@epa.gov)**

**Andra Belknap/DC/USEPA/US**  
12/21/2011 02:06 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Gina McCarthy, Arvin Ganesan, Laura Vaught, Diane Thompson, Janet Woodka, Janet McCabe, Joseph Goffman, Jose Lozano, Michael Goo, Bicky Corman  
cc Betsaida Alcantara

bcc

Subject LA Times: EPA issues strong limits on mercury emissions from smokestacks

## **EPA issues strong limits on mercury emissions from smokestacks**

By Neela Banerjee

10:35 AM PST, December 21, 2011

WASHINGTON -- The Obama administration on Wednesday announced a tough new rule to limit emissions of mercury, arsenic and other toxic substances from sources such as power plants, a landmark measure that could prevent up to 11,000 premature deaths annually, according to the Environmental Protection Agency.

Though mercury is a known neurotoxin that can be profoundly harmful to children and pregnant women, there has never been a federal rule setting a standard for its release into the air from power plants. The current rule has been more than 20 years in the making, stymied repeatedly by objections from coal-burning utilities -- the biggest source of mercury and other acid gases -- and about the cost of installing pollution-control equipment.

The new regulation does not differ markedly in its rigorous emissions targets and timetable from a draft rule proposed in March, despite fierce lobbying to change it. It gives utilities three years to install pollution control equipment called scrubbers, with the opportunity for extensions from regulators on a case-by-case basis.

The rule follows on the heels of several Obama administration decisions to shelve environmental standards to mollify a sharply critical business community, including a high-profile decision this summer to halt new standards to cut smog. The long-awaited rule governing air toxins is sure to rile powerful utilities and their congressional allies who have doggedly lobbied the administration over the last few weeks to weaken or delay the standards.

Said EPA Administrator Lisa P. Jackson said in a statement: "The Mercury and Air Toxics Standards will protect millions of families and children from harmful and costly air pollution and provide the American people with health benefits that far outweigh the costs of compliance."

Environmentalists applauded the step as a historic leap in efforts to curtail air pollution. "We can breathe easier today," said Frances Beinecke, president of the Natural Resources Defense Council, in an emailed statement. "Dirty coal-fired power plants will have to clean up the toxic soup of emissions that is polluting our air and making people sick, especially children. This critical update to the Clean Air Act will reduce child developmental delays, asthma attacks, heart attacks, and cancer; and save tens of thousands of lives."

Scott Segal, director of the Electric Reliability Coordinating Council, an industry lobbying group, said the sweeping implications of the new rule mean that utilities would not accept them easily.

Under the new rule, power plants can emit 1.2 pounds of mercury per million BTUs of energy produced. Industry had sought a limit of 1.4 pounds. But the EPA arrived at its figure based on a formula set out under the Clean Air Act, and analysts said the agency could not deviate from it.

"The final rule appears to be pretty close to the proposed rule, which is unfortunate. The rule suffers from statistical errors, inaccurate technological assumptions, and inadequate economic and reliability analysis. Given that the rule is one of the most expensive air rules ever, the American public deserves better."

Companies would have three years to clean up their emissions of mercury and about 70 other toxic substances, and utilities could appeal for at least one more year as they install the necessary equipment. Much of industry has argued that the timetable is too tight and could lead to rolling blackouts. One group, the American Public Power Assn., told the White House that its members needed more than seven years to comply with the mercury rule.

About a dozen states have already approved rules to cut mercury and other toxic substances. A recent study by air quality regulators in the Northeast showed that Massachusetts' aggressive efforts since 1998 to reduce mercury emissions have slashed emissions by more than 90%. Industry has argued that the health benefits of reducing mercury through a federal standard are overstated.

But the estimated public health effects had played a considerable role so far in getting the administration to stick to standards it proposed in March, environmentalists said. Power plants account for about half of mercury emissions and more than 70% of acid gases.

People get exposed to mercury mainly by eating contaminated fish. Mercury exposure damages the developing brains of fetuses and children.

The EPA estimates that by 2016, the proposed rules could avert 4,700 heart attacks a year and prevent 130,000 cases of childhood asthma symptoms.

**Andra Belknap**  
**Assistant Press Secretary**  
**U.S. Environmental Protection Agency**  
**202.564.0369**  
**belknap.andra@epa.gov**



**Andra Belknap/DC/USEPA/US**  
12/22/2011 10:37 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Gina McCarthy, Arvin Ganesan, Laura Vaught, Diane Thompson, Janet Woodka, Janet McCabe, Joseph Goffman, Jose Lozano, Michael Goo, Bicky Corman  
cc Betsaida Alcantara  
bcc  
Subject NY Times MATS Press Clips

**NY Times Editorial**  
Toward Healthier Air  
December 22, 2011

**NYTimes.com (Paul Krugman Blog)**  
The Meaning of Mercury  
December 22, 2011

FULL TEXT BELOW

**NY Times Editorial**  
**Toward Healthier Air**  
**December 22, 2011**

Resisting strenuous last-minute lobbying by some of the nation's biggest utilities, the Obama administration announced on Wednesday a final rule requiring power plants to reduce emissions of mercury and other toxic pollutants by roughly 90 percent within the next five years.

This is a big victory for environmentalists and scientists who have worked for 20 years to regulate these pollutants — and an even bigger one for the public. When fully effective, the rule could save as many as 11,000 premature deaths a year and avoid countless unnecessary illnesses.

The decision compensates, at least in part, for the White House's lamentable decision two months ago to reject stricter health standards for smog. That and the administration's failure to give full-throated support to climate change legislation last year had disheartened many of the president's environmental supporters.

The administration can now legitimately point to three measures that will almost certainly lead to cleaner power plants and vehicles, more breathable air and fewer greenhouse gas emissions: a ruling in July setting new limits on interstate emissions of sulfur dioxide, the main acid rain gas; a landmark deal announced in November aimed at doubling automobile fuel efficiency by 2025; and, now, the new mercury rule.

Some power companies and their Republican allies argued that the rules will impose high costs with relatively little payoff, but the evidence does not support that view. The Environmental Protection Agency estimates the annual cost of compliance at \$10 billion, compared with annual savings in health costs of between \$37 billion and \$90 billion by 2016. Mercury is a potent neurotoxin and can adversely affect the nervous system in children; other toxins covered by the rule can cause asthma and cancer.

Nor is there merit in the argument that the technology for controlling these pollutants is not available. One-third of the states have already imposed their own rules on such toxics, and several forward-looking utilities have installed pollution controls that can be upgraded without great effort or expense to meet the new federal standards.

Some old coal-fired power plants will have to be shut down, but many had been scheduled for retirement and others can be retrofitted or replaced with cleaner gas-fired facilities. The E.P.A. will also have flexibility to give extensions to companies that can demonstrate they need an extra year to comply.

The rule, which industry can afford, is a long overdue measure for cleaner air and a healthier America.

**NYTimes.com (Paul Krugman Blog)**  
**The Meaning of Mercury**  
**December 22, 2011, 8:56 AM**

David Roberts reports on the EPA's decision, finally, to regulate mercury from coal plants:

Anyone who pays attention to green news will have spent the last two years hearing a torrent of stories about EPA rules and the political fights over them. It can get tedious. After a certain point even my eyes glaze over, and I'm paid to follow this stuff.

But this one is a Big Deal. It's worth lifting our heads out of the news cycle and taking a moment to appreciate that history is being made. Finally controlling mercury and toxics will be an advance on par with getting lead out of gasoline. It will save save tens of thousands of lives every year and prevent birth defects, learning disabilities, and respiratory diseases. It will make America a more decent, just, and humane place to live.

Let me repeat part of that: it will save tens of thousands of lives every year and prevent birth defects, learning disabilities, and respiratory diseases. This is actually a much bigger issue, when it comes to saving American lives, than terrorism.

As Roberts explains, we've known about these costs of mercury pollution for decades, yet it took until now to get something done. The reason is, of course, obvious: special interests, hiding behind claims of immense economic damage if anything was done, were able to block action.

It's worth noting that these claims of economic harm from pollution regulation have always been proved wrong when the regulation finally came. Ozone regulation was supposed to cripple the economy; so was acid rain regulation; neither did.

Oh, and if we're going to have to scrap some power plants and replace them, it's hard to think of a better time to do it than now, when the workers and resources needed to do the replacing would largely have been unemployed otherwise.

The point that strikes me most, however, is that this shows that it matters who holds the White House. You can complain about Obama's lack of a strong progressive agenda, which I sometimes do, or wonder what good it is to hold the White House when the other side blocks every attempt to do good through legislation. But mercury regulation would not have happened if John McCain were president.

Elections have consequences, and this is one delayed consequence of 2008 that will make a big difference.

**Andra Belknap**  
**Assistant Press Secretary**  
**U.S. Environmental Protection Agency**  
**202.564.0369**  
**belknap.andra@epa.gov**





**Andra Belknap/DC/USEPA/US**

05/04/2012 09:55 PM

To Windsor.Richard, Lozano.Jose, "Elizabeth Ashwell", "Travis Loop"

cc Brendan Gilfillan, "Robert Delp", "David Bloomgren", "Stephanie Epner"

bcc

Subject Oregonian: EPA Administrator Lisa Jackson on Clean Water Act, coal, natural gas and Portland

EPA Administrator Lisa Jackson on Clean Water Act, coal, natural gas and Portland

Environmental Protection Agency Administrator Lisa Jackson stopped by Portland today to tour the city's "green infrastructure" and deliver the opening address for "River Rally 2012," a gathering of river activists from around the globe in Portland this weekend.

Jackson, 50, an EPA veteran with a background in chemical engineering, has run EPA since January 2009, the first African American in the Cabinet-level post. She visited Harvey Scott Elementary's rain garden in Northeast Portland this morning, then toured Portland State University's string of stormwater swales, green buildings and green roofs.

We caught up with her for a 15-minute Q & A:

The 1972 Clean Water Act aimed to make U.S. waters fishable, swimmable and drinkable. Has it worked?

Think about the before and after. It's a law borne out of some pretty visible messy situations -- lakes and rivers on fire, billions of tons of raw sewage. In many urban areas, you could smell the waterfront before you got to it, and it was a place to keep people away from. (Today,) two-thirds of the waterbodies we assess are meeting the criteria for swimming, meeting the criteria for fishing. It was an ambitious law. It still is today.

Does it spur too many lawsuits?

No law is worth much if it's just words on paper. EPA and (state regulators) have to make sure we bring those words to life. Along with that, in a democratic society comes people who are going to want to have their day in court. Surely there are some ways to help be more clear, and one of them is to be clearer about what waters are covered by the Clean Water Act. But we should recognize that the result has clearly moved us in the right direction.

What work remains?

We still have a third of the waterbodies we assess that aren't fishable, aren't swimmable. And "drinkable" continues to be one of our challenges. It's everything from traditional contamination to the suite of emerging contaminants -- chemicals that pass through our bodies in the form of drugs and hormones, synthetic contamination and some of the runoff from our urban streets and rural lands. It's important to realize that while 92 percent of Americans have access to clean water, in the year 2012, 8 percent don't. Those are often communities that are poor or rural.

How will EPA get involved on proposals to export coal from Northwest ports?

As the U.S. Army Corps receives and issues permits, we're going to review them. EPA is not going to put its finger on the scale, but we're going to look at the full range (of impacts). Part of the beauty of the National Environmental Policy Act is it doesn't look at just the impact on water or the impact on air. It says let's look at this from a more holistic view and make sure we're not making a decision with unintended consequences for the future.

What about exporting natural gas?

Natural gas is an extraordinary resource in this country. In just a few years, based on new technology (fracking), we're at a point where we can think about natural gas for power generation and for transportation. That huge because it can be 40 percent less carbon intense. I'm an environmentalist. I want to see it developed, and I want to see it developed well. That means everything from recognizing (lower) mercury, smog and soot emissions (compared to coal and diesel burning) to making sure (extraction) is done in a way that maintains our groundwater quality and surface water quality.

How do solar and wind fit in?

The president has made clear he still believes clean energy is a huge economic opportunity for our country. Two to four trillion dollars will be spent on clean energy in the next decade -- why shouldn't we get a majority of that? The president says "all of the above" for energy. That includes fossil fuels, but it also includes not turning our back on cleaner energy.

In the Portland Harbor Superfund site, industry wants less removal of contaminants; activists want more. What does EPA think?

You have to weigh the long-term issues associated with PCBs (a suspected carcinogen and the main contaminant in the harbor). They don't break down. They are bioaccumulative and, if available, they come up the food chain. I would hope with any long-term solution that first and foremost we break that chain.

What's the state of global warming?

Certainly we're losing time. We have this hourglass, it's only so big and we can't put more sand in it. We have work to do and there is an urgency to getting the work done. But we should build on what's happening at the local level. In the best traditions of environmental progress, what happens at the local level has usually been exported up.

How is Portland doing?

It's known the world over for its dedication to sustainability. Cities big and small are seeing the economic opportunity in being more efficient. You can't hire somebody in another country to retrofit your building or put in green infrastructure. They're local jobs.

What'd you make of Portland's "green infrastructure?"

We'll always need pipes and sewage treatment, but cities can think of (stormwater) as a resource, not something to quickly get out and into the river or sewage treatment plant. Let it take its time, meander into a rain garden, meander off a roof. It saves (on sewage treatment), and think about what it does to a city to have those features. Instead of pipes in the ground that no one ever sees, I can take you over here to see my rain garden, and that's where your read your book or meet your friends for a cup of coffee.

What do you like to do outdoors?

I'm a runner now and walker. I'm famously not a camper. I do not sleep outside. I grew up in New Orleans, but when I was in my 40s I wanted to learn to ski, and now I absolutely adore it. I also love canoeing in some back bays -- just not in bug season.

-- Scott Learn

articles@cnpapers.com

02/09/2012 12:00 PM

To Richard Windsor

cc

bcc

Subject [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring

windsor.richard@ea.gov sent you this article

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February 8, 2012

**[3 W.Va. plants latest to close under utility restructuring](#)**

By [Ken Ward Jr.](#)

The Charleston Gazette

P>"When the older coal-fired plants are retired and removed from FirstEnergy's competitive and regulated generating fleet, nearly 100 percent of the power provided will come from resources that are non- or low-emitting, including nuclear, hydro, pumped-st ...

[Read more](#)

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Arvin Ganesan/DC/USEPA/US

07/21/2011 08:17 AM

To Mathy Stanislaus, Lisa Feldt, Laura Vaught, Bob Sussman, Avi Garbow, Michael Goo, Bob Perciasepe, Richard Windsor, Diane Thompson

cc

bcc

Subject Green groups say Senate 'MACT' bill worse than the House version

## 2. EPA: Green groups say Senate 'MACT' bill worse than the House version (07/21/2011)

**Jean Chemnick, E&E reporter**

Environmental groups shot back last night after a bipartisan group of senators introduced legislation that would delay implementation of mercury and air toxics rules for industrial boilers, saying the bill would do even more harm than a similar measure before the House.

The bill sponsored by Sens. Susan Collins (R-Maine) and Ron Wyden (D-Ore.) would delay implementation of maximum available control technology (MACT) rules for hazardous pollutants for three years, a move that conservationists warned would subject local populations to dangerous emissions.

The legislation would contribute to premature, preventable deaths of between 7,500 and 19,500 people, said environmental advocacy groups Earthjustice and the Sierra Club Air Toxics Task Force in a combined statement.

As dangerous as the delay would be, they said, some of the bill's tweaks to the Boiler MACT rule would be worse, particularly the ones Wyden negotiated in order to shield his state's biomass industry from the rule.

While the House bill would simply exempt industrial by-products from being regulated as industrial waste, the Senate measure explicitly lists dozens of industrial by-products, such as biomass from pulp and paper plants, that can be burned as fuel under the boiler rules rather than being treated as waste.

The greens said this made the Senate package even more environmentally unfriendly than the House version.

"It provides a free pass for industries to secretly burn dangerous wastes -- turpentine, treated wood products, plastics, scrap tires, and spent chemicals and solvents -- in facilities that do not have to control, monitor or report their toxic emissions," the statement said.

"This bill from Sens. Collins and Wyden opens the door to a public health disaster," added James Pew, an attorney for Earthjustice.

Meanwhile, the three Democrats in support of the Senate bill were bullish about their prospects of recruiting other members of their party.

"I hope it will stay bipartisan, and we're going to try to keep a focus on balancing economic needs and environmental protection," Wyden said.

Sen. Mary Landrieu (D-La.), another supporter of the bill, said she had heard from other Democrats concerned that the air toxics rule would put pressure on home-state industries. She said it could "potentially" meet the 60-vote threshold needed to pass the Senate.

Sen. Mark Pryor (D-Ark.) said Collins and Wyden's collaboration on the language showed the depth of support in the Senate for doing something to delay the rule.

"Again that shows you that folks are working together on this, which is good," he said. "It's going to be a good piece of legislation that I hope gets passed."

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

12/02/2011 02:21 PM

cc

bcc

Subject AFPA statement

# **AF&PA Statement on EPA's Release of Revised Boiler MACT, Incinerator, and Non-Hazardous Secondary Materials Rules**

**Release Date: 12-02-2011**

WASHINGTON – American Forest & Paper Association President and CEO Donna Harman today issued the following statement regarding the Environmental Protection Agency's (EPA) release of their most recent proposed Boiler MACT, Incinerator (CISWI), and Non-Hazardous Secondary Materials (NHSM) rules.

"The Boiler MACT rules are among the most complex MACT standards developed. We are committed to thoroughly reviewing the changes put forth by EPA today to assess the affordability and achievability of the proposal. We appreciate EPA undertaking the reconsideration process for these rules.

"EPA's reconsideration is an important step toward writing a more reasonable set of regulations after being forced by the courts to finalize rules in March, which the agency itself recognized as flawed. Our nation's economy needs regulations that protect the environment while sustaining American manufacturing jobs.

"Unfortunately, these rules remain open to challenge in the courts, which has prolonged the process by years already; this creates an atmosphere of uncertainty that prevents investment and thwarts American manufacturing competitiveness.

"We support legislation passed by the House of Representatives in October and legislation currently pending in the Senate that would help to ensure

that businesses, hospitals and universities have adequate time to implement new final rules that are affordable and achievable."

**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor

07/06/2009 08:19 PM

cc

bcc

Subject an article from an Oklahoma newspaper

Senator: 'We're going to expose it'

Clint Sloan Staff Writer

WASHINGTON — An Oklahoma Senator has called for an investigation into a suppressed Environmental Protection Agency report that questioned the relationship between greenhouse gases and increased global temperatures.

Sen. Jim Inhofe, R-Okla. and ranking member of the Senate Environment and Public Works Committee, said he is disappointed in the EPA's lack of "transparency and openness" regarding a report written by Alan Carlin, a 38-year EPA employee.

"Making scientific decisions while ignoring key data politicizes the scientific process and shows that important policy decisions are being made in a black box," Inhofe said.

Inhofe, along with Sen. John Barrasso, R-Wy., authored a letter dated June 30 addressed to EPA Administrator Lisa Jackson. It stated that "the director of EPA's National Center for Environmental Economics refused to consider the report, and rejected a request to forward the report to agency officials tasked with analyzing the science behind the endangerment (report) finding."

"We believe this and many other issues and complexities involved in the endangerment finding were either ignored or given short shrift in EPA's proposal," Inhofe and Barrasso stated in the letter. "In our view, this lack of transparency seriously undermines the integrity of EPA's actions."

Barrasso said the letter was necessary because lawmakers have an obligation to look after their constituents, and hold those in power accountable.

"The Agency's commitment to transparency must be more than just words," Barrasso said. "The EPA cannot put a gag order on sound science."

Inhofe and Barrasso provide specific questions they want Jackson to answer near the end of the letter. These questions ask if the EPA's suppressing of Carlin's report "reflects the Agency's, and this Administration's, commitments to transparency and scientific integrity."

Inhofe and Barrasso asks in the letter for Jackson to respond to these questions by Friday, July 10. The public may provide their view of this matter by phoning Sen. Jim Inhofe at 202-224-4721 or Sen. John Barrasso at 202-224-6441. The public may also phone EPA Administrator Lisa Jackson at 202-564-4700.

Sen. Tom Coburn, R-Okla., was asked to respond to Inhofe's call for an investigation but refused to comment.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor

cc

03/07/2012 04:20 PM

bcc

Subject boiler mact letters

FYI - We're going to have to get several letters out on boiler MACT, all similar in scope and tone to the Wyden one. Assume OK for autopen?

Thanks.



**Arvin Ganesan/DC/USEPA/US**      **To** Richard Windsor  
06/05/2009 06:56 PM      **cc**  
   **bcc**  
                                 **Subject** coal ash

FYI - We closed the loop on the high hazard coal ash impoundments and have developed and are starting a process of getting information to first responders. We will be submitting this information through the states and we have satisfied the Boxer/Bettina ask.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**Arvin Ganesan/DC/USEPA/US** To Richard Windsor  
03/31/2010 12:04 PM cc  
bcc  
Subject FRL

**Lautenberg: Drill Baby Drill = "Kill,  
Baby, Kill"**

New Jersey Sen. Frank Lautenberg, a member of EPW, leaves no doubt as to where he stands on President Obama's decision to expand off-shore drilling:

"Drilling off the Virginia coast would endanger many of New Jersey's beaches and vibrant coastal economies," stated Lautenberg. "Giving Big Oil more access to our nation's waters is really a Kill, Baby, Kill policy: it threatens to kill jobs, kill marine life and kill coastal economies that generate billions of dollars. Offshore drilling isn't the solution to our energy problems, and I will fight this policy and continue to push for 21st century clean energy solutions."

---

ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor

03/08/2012 03:39 PM

cc

bcc

Subject Fw: Attempt to block boiler MACT fails in Senate

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 03/08/2012 03:39 PM -----

From: POLITICO Pro <politicoemail@politicopro.com>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 03/08/2012 03:35 PM  
Subject: Attempt to block boiler MACT fails in Senate

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## **Attempt to block boiler MACT fails in Senate**

By Bob King and Erica Martinson  
3/8/12 3:30 PM EST

The Senate on Thursday rejected the latest GOP-led attack on EPA's boiler MACT regulations.

A proposed amendment to the transportation bill failed in a 52-46 vote, falling short of the 60-vote threshold for approval.

Sen. Scott Brown of Massachusetts was the only Republican to oppose the amendment. Eight Democrats supported it: Bob Casey of Pennsylvania, Herb Kohl of Wisconsin, Mary Landrieu of Louisiana, Joe Manchin of West Virginia, Claire McCaskill of Missouri, Mark Pryor of Arkansas, and Debbie Stabenow of Michigan.

The amendment by Sen. Susan Collins (R-Maine) would have delayed and weakened EPA's proposed air emission regulations for industrial boilers. She said her measure would give the agency "more time to get these regulations right," and warned that the rule could cause the loss of 200,000 manufacturing jobs.

But Environment and Public Works Committee Chairwoman Barbara Boxer (D-Calif.) countered that complying with the regulations would create jobs — and would prevent illnesses and deaths caused by pollutants like arsenic, lead and mercury.

"These are devastating toxics, especially to our children," Boxer said.

Lawmakers flirted twice in recent months with attaching the anti-boiler MACT language to must-pass legislation. It was one of the last remaining riders on the payroll tax cut bill in December, before being pulled at the last minute, and came up again in payroll tax talks in February.

EPA has repeatedly made concessions to Democratic senators to keep them on board with the rule, as recent as Monday assuring senators of flexibility on the timeline for companies to

comply.

The EPA issued new proposed standards in December to limit emissions from industrial boilers and some incinerators, making changes to allow burning of biomass — a key issue for some senators worried about pulp and paper mills — and generally excluding many hospitals, schools and other small businesses caught up in a previous rule.

The agency says the rule will cut emissions of toxic air pollutants including mercury, lead and soot, which it says cause cancer, heart disease, asthma and premature death, among other health problems. The EPA says the standards will prevent 8,100 premature deaths, 5,100 heart attacks and 52,000 asthma attacks per year by 2015.

*Adam Snider contributed to this report.*

To read and comment online:

<https://www.politicopro.com/go/?id=9848>

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**Arvin Ganesan/DC/USEPA/US** To Richard Windsor  
05/13/2009 08:17 AM cc  
bcc  
Subject Fw: latest on your nomination

see below.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 05/13/2009 08:18 AM -----

From: Arvin Ganesan/DC/USEPA/US  
To: gina.mccarthy@ct.gov  
Date: 05/13/2009 08:17 AM  
Subject: latest on your nomination

---

Gina, see below for the latest.

## **EPA Air Nominee Poised For Senate Vote After GOP Senator Offers Support**

Sen. Lamar Alexander (R-TN) is vowing to support the stalled nomination of EPA air office nominee Regina McCarthy, which could give Senate environment committee Chairwoman Barbara Boxer (D-CA) the 60th vote she needs to move a pending motion to consider the nomination and overcome Sen. John Barrasso's (R-WY) hold on the nominee.

Alexander told reporters May 12 that he would support the nomination on the floor, a statement consistent with his past comments that while he may disagree with some of President Obama's nominees' positions, he believes the president is entitled to his picks.

McCarthy's nomination to head EPA's Office of Air & Radiation passed the Senate environment committee April 23 but Barrasso's hold -- which he placed on the nominee over his concerns about the impact of possible Clean Air Act greenhouse gas (GHG) rules on small emission sources -- prevents it receiving full Senate consideration. With Alexander and 59 Democrats, Boxer would have the 60 votes she needs to allow the full Senate to consider McCarthy's nomination.

Boxer May 12 told reporters that she is "trying to work with" Barrasso to end his hold. "But if it becomes necessary we will" push for a vote, Boxer said.

Boxer separately told *Inside EPA* May 12 that she will be discussing a possible motion to move the nomination with Senate Majority Leader Harry Reid (D-NV). "It's a shame that we have to do it but yes, I will be discussing this," with Reid, she said.

Reid's spokesman says, "We are working to get an agreement to consider [McCarthy's]

nomination and hope to be able to do so soon.”

While Democrats have the votes to consider -- and likely approve -- the nomination, Barrasso is signaling that he has no plans to lift his hold anytime soon, and in fact may be becoming more emboldened to keep it in place due to his concerns about GHG rules.

At a May 12 Senate environment panel hearing on EPA's proposed fiscal year 2010 budget, Barrasso asked EPA Administrator Lisa Jackson a number of questions on the possible adverse impact of air act climate rules. After leaving the hearing, Barrasso told *Inside EPA* , “This hearing today with what I've heard from Lisa Jackson didn't give me any additional comfort level with any of the people [at EPA], so the hold continues.”

In her interview with *Inside EPA* , Boxer said that she hopes to swiftly approve McCarthy's nomination “because this is a very important job that she is going to have and I believe support for her will be overwhelming. What's so intriguing is the 'party of no' rearing its head once again. This is a woman who is a Republican, she's worked for Republicans, this should be a slam dunk.”

EPA Administrator Lisa Jackson also expressed hope for a speedy confirmation for McCarthy but noted that the delay has not undermined agency work. “Strategically we've made a decision that we're not going to hold up the work [of the air office] for the nominee. Gina is extraordinarily competent and I look forward to her confirmation but the work that we have to do can't wait,” she told *Inside EPA* May 12. -- *Anthony Lacey*

---

ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

04/07/2011 06:39 PM

cc

bcc

Subject Fw: so far these are the only 2 relevant amendments I can find that were adopted as part of HR1

here is the language.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

-----Forwarded by Arvin Ganesan/DC/USEPA/US on 04/07/2011 06:39PM

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To: Arvin Ganesan/DC/USEPA/US@EPA  
From: David McIntosh/DC/USEPA/US  
Date: 04/07/2011 05:15PM  
Subject: Fw: so far these are the only 2 relevant amendments I can find that were adopted as part of HR1

----- Forwarded by David McIntosh/DC/USEPA/US on 04/07/2011 05:15 PM -----

From: David McIntosh/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA  
Date: 04/07/2011 04:52 PM  
Subject: so far these are the only 2 relevant amendments I can find that were adopted as part of HR1

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**Griffith, R-Va., amendment that would bar the use funds made available in the bill to implement, administer or enforce EPA regulations and guidance issued on surface coal-mining permit coordination, or to carry out EPA reviews of surface coal-mining operations under the Clean Water Act and the Environmental Justice Executive Order issued April 1, 2010.**

Text of the amendment:

At the end of the bill (before the short title), insert the following:

Sec. \_\_. None of the funds made available by this Act to the Environmental Protection Agency, the Corps of Engineers, or the Office of Surface Mining Reclamation and Enforcement may be used to carry out, implement, administer, or enforce any policy or procedure set forth in--

(1) the memorandum issued by the Environmental Protection Agency and Department of the Army entitled ``Enhanced Surface Coal Mining Pending Permit Coordination Procedures'', dated June 11, 2009; or

(2) the guidance (or any revised version thereof) issued by the Environmental Protection Agency entitled ``Improving EPA Review of Appalachian Surface Coal Mining Operations under the Clean Water Act, National Environmental Policy Act, and the Environmental Justice Executive Order'', dated April 1, 2010.

EPA Assessment:

The amendment would prevent EPA from working with states, the coal industry and other federal agencies under the procedures and timeframes established in the MOU that protect water quality, public health, and jobs. The MOU establishes strict timeframes for making permit decisions for new Appalachian mines, all of which were delayed during the previous administration. EPA has approved over 50 new Appalachian coal mines since 2009 and the MOU provides the certainty, predictability, and consistency to continue timely and effective decision-making.

**McKinley, R-W.Va., amendment that would bar the use of funds made available in the bill for the EPA to deny or restrict the use of defined areas as disposal sites for dredged or fill material under the Federal Water Pollution Control Act.**

Text of the amendment:

At the end of the bill (before the short title), insert the following:

Sec. \_\_. None of the funds made available by this Act may be used by the Administrator of the Environmental Protection Agency to carry out section 404(c) of the Federal Water Pollution Control Act (33 U.S.C. 1344(c)).

EPA Assessment:

The amendment would prohibit EPA from protecting public health and the environment from harm associated with the nation's most destructive projects that can impact tens of thousands of acres of wetlands and other waters. EPA uses section 404(c) as the "action of last resort" when no other approach works to ensure projects meet the requirements of the law and fully protects public health and water quality. Current law requires EPA to follow a highly deliberative process (including public hearings and Federal Register notices with opportunity for public comment) in exercising its ultimate environmental review authority – and these authorities only apply to projects that present the most severe environmental impacts. This process provides a safeguard on EPA's application of its section 404(c) authority.



**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor

09/22/2011 08:49 AM

cc

bcc

Subject Fw: The Hill: For Jackson, it's not easy being green

quote from landrieu:

"“I do not think it diminishes her stature,” Landrieu said. “She has got to do her job, the president has got a job to do to balance broader interests than she has, and I hope she will stay there.””

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 09/22/2011 08:49 AM -----

From: Betsaida Alcantara/DC/USEPA/US  
To: Windsor.Richard@epamail.epa.gov, Oster.Seth@epamail.epa.gov, Ganesan.Arvin@epamail.epa.gov, Perciasepe.Bob@epamail.epa.gov, Thompson.Diane@epamail.epa.gov, Vaught.Laura@epamail.epa.gov, Gilfillan.Brendan@epamail.epa.gov, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>, "Janet Woodka" <Woodka.Janet@epamail.epa.gov>, "Daniel Kanninen" <Kanninen.Daniel@epamail.epa.gov>, "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>  
Date: 09/22/2011 08:39 AM  
Subject: The Hill: For Jackson, it's not easy being green

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For Jackson, it's not easy being green  
By Ben Geman - 09/22/11 05:15 AM ET

Lisa Jackson is facing uncharted political terrain following President Obama's decision to shelve smog regulations that she had said were vital to protecting the public's health.

The Environmental Protection Agency (EPA) administrator is appearing before Congress for the first time on Thursday since Obama's Sept. 2 move to undercut her effort to toughen George W. Bush-era ozone rules. Obama has opted to punt the issue until after the 2012 election.

She is certain to face questions about the ozone standard, as well as GOP attacks on other EPA rules that Republicans call "job killers."

Her testimony also comes as the Obama and White House Chief of Staff Bill Daley are attempting to repair ties to the business community. The administration this year launched a highly publicized effort to eliminate some government regulations, irritating organized labor and environmentalists.

Daley's influence in the West Wing has sparked many questions about Jackson's clout.

House Republicans on Thursday will attempt to make Jackson squirm, seeking to divide Obama and the EPA chief.

Rep. Cliff Stearns (R-Fla.), chairman of the Energy and Commerce Oversight and Investigations subcommittee holding the hearing about EPA regulations, will zero in on the smog rule withdrawal.

"We would like to explain our point of view in why the president was right, and we would like to hear her [explain] why she thinks either her boss is wrong or why she was so strong in the first place," he said.

"I think her credibility, considering how strongly she advocated for the ozone [rule], is diminished a bit," Stearns added.

Jackson has sought to quash speculation that she's preparing to resign.

"This administration has a tremendous record on the environment and a lot more work left to do. Administrator Jackson said she's not going anywhere, and she isn't," said EPA spokeswoman Betsaida Alcantara.

Jackson signaled last week that she's not holding Obama's ozone decision against him.

"It was a tough call. The president made a tough call and I respect it," Jackson told San Francisco radio station KQED on Thursday.

The White House's rebuke of the EPA smog rule has environmentalists wondering whether Jackson can secure the White House's backing on other controversial environmental regulations.

One thing is clear: the political winds have shifted significantly over the last couple of years.

In 2009, Jackson and then-White House energy adviser Carol Browner were on offense, working to convince Congress to pass a comprehensive climate change bill.

The measure narrowly cleared the House, died in the Senate and became campaign fodder for Republicans in 2010.

Now, Browner has departed, the House is in GOP hands and the environmental movement is playing defense.

"Obviously we feel like we've been singed. I don't think anyone takes the White House support for granted," said Frank O'Donnell of the group Clean Air Watch.

Rep. Henry Waxman (Calif.), the top Democrat on the Energy and Commerce Committee, publicly warned the White House not to back down on other pending standards.

In an interview with The Hill earlier this month, a frustrated Waxman said: "I think that they could have gone forward with a regulation, based on the science, that would set an ozone standard that would protect the public health. But now that they have done it, I just hope that they understand that they are going to have to hold the line on everything else and not give anything more away on the environment."

The White House argues the ozone decision was made amid a unique set of circumstances, and the administration has been on a charm offensive with environmentalists since Obama killed the rule.

Administration officials have repeatedly said in recent weeks that they will stand up to the industry and GOP assault on rules including upcoming EPA regulations to cut mercury and other toxic emissions from power plants.

"The White House took her back and stuck a knife in it, but after the ozone decision it looks as if, by all appearances, the White House is trying to at least change the appearance of its relationship and say that it is once again supporting EPA," O'Donnell said.

That signal was loud and clear when the White House issued a strongly worded veto threat Wednesday against pending House legislation that would delay – perhaps indefinitely – air toxics standards and recently finalized EPA rules on interstate power plant pollution.

The White House statement slammed efforts to block "landmark" public health protections.

Regardless, some Democrats say talk is cheap, adding that the White House Office of Management and Budget (OMB) must follow through by greenlighting EPA rules.

The White House commitment to defend upcoming regulations nonetheless leaves room for plenty of jousting ahead between EPA and OMB on the substance of the rules.

Many environmentalists deeply distrust Cass Sunstein, who heads OMB's Office of Information and Regulatory Affairs; one former OMB staffer told The Hill Wednesday that Obama's unusual decision to personally announce that the ozone rules would be shelved is a boost to the OMB office.

Bill Snape of the Center for Biological Diversity said Jackson's challenge will now be to effectively make the case for science- and health-based protections amid GOP efforts to scale-back or block several regulations.

"I think it is pretty clear that the White House twists in the polling winds on these issues. To the extent that she can show that the American public does want these strong clean air protections, which I believe they do, that only strengthens her hand," he said.

Green groups' collective antennae were up last week when Jackson said that EPA would not meet a Sept. 30 deadline to propose greenhouse gas standards for power plants.

And, perhaps tellingly, it was Obama who received a letter Tuesday from 19 groups – including the National Wildlife Federation and the Sierra Club – expressing concern about the missed deadline and asking Obama to "reaffirm the administration's commitment to issue strong standards that significantly reduce carbon emissions."

EPA officials are cautioning against reading anything into the delay and say they will announce a schedule soon. Jackson told a California radio station last week that EPA will "absolutely" move ahead with the standards and said the delay wasn't political.

"It was our decision to propose a new schedule due to the complexity of the rules," said Alcantara, the EPA spokeswoman. "We just needed more time."

Jackson, in her prepared remarks for Thursday's hearing, steers clear of the ozone decision but strongly makes the case for Clean Air Act protections, and notes more broadly that "regulations can and do improve the lives of people."

"We need these rules to hold polluters accountable and keep us safe. For more than 40 years, since the Nixon administration, the Agency has carried out its mission and established a proven track record that a healthy environment and economic growth are not mutually exclusive," she plans to say.

Conservative Democratic Sen. Mary Landrieu (La.), who like Jackson is a New Orleans native, clashed with EPA over the ozone rule and said she was glad to see it shelved. But she disagrees with Stearns that Jackson has been politically wounded.

"I do not think it diminishes her stature," Landrieu said. "She has got to do her job, the president has got a job to do to balance broader interests than she has, and I hope she will stay there."

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

02/24/2012 01:34 PM

cc

bcc

Subject Fw: Waxman-Boehlert-Markey-Gilchrest op-ed

just FYI.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 02/24/2012 01:34 PM -----

From: "Dotson, Greg" <Greg.Dotson@mail.house.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 02/24/2012 12:52 PM  
Subject: Waxman-Boehlert-Markey-Gilchrest op-ed

---

Hi Arvin,

The Washington Post ran the op-ed today by Waxman, Boehlert, Markey, and Gilchrest on the climate-budget nexus. I just wanted to bring it to your attention.

Best,

Greg

[http://www.washingtonpost.com/opinions/carbon-emission-policy-could-slash-debt-improve-environment/2012/02/13/gIQAQ0LZWR\\_story.html](http://www.washingtonpost.com/opinions/carbon-emission-policy-could-slash-debt-improve-environment/2012/02/13/gIQAQ0LZWR_story.html)

## **Carbon emission policy could slash debt, improve environment**

**By Henry A. Waxman, Sherwood Boehlert, Edward J. Markey and Wayne Gilchrest, Published: February 23**

At the end of this year, the United States will confront a trifecta of difficult fiscal challenges: The Bush tax cuts will be set to expire; the defense budget and spending on civilian programs will face a \$110 billion sequester; and a new extension of the federal debt limit will be looming.

At the same time, the evidence will be clearer than ever that urgent action is needed to protect our nation and the world from irreversible climate change. The overwhelming scientific consensus will have grown even stronger. And if [2011 is a harbinger of our future](#), record-breaking droughts and storms will have again afflicted our nation — at immense cost in lives and property damage.

These fiscal and environmental problems may appear unrelated. But as a bipartisan group of current and former members of Congress, we want to propose a new idea: These seemingly intractable challenges are easier to address together than separately.

The debate over how to reduce our nation's debt has been presented as a dilemma between cutting spending on programs Americans cherish or raising taxes on American job creators. But there is a better way: We could slash our debt by making power plants and oil refineries pay for the carbon emissions that endanger our health and environment. This policy would strengthen our economy, lessen our dependence on foreign oil, keep our skies clean — and raise a lot of revenue.

The best approach would be to use a market mechanism such as the sale of carbon allowances or a fee on carbon pollution to lower emissions and increase revenue. Using these policies, the United States could raise \$200 billion or more over 10 years and trillions of dollars by 2050 while cutting carbon emissions by 17 percent by 2020 and 80 percent by 2050, providing transition assistance to affected industries, and supporting investments in clean-energy technologies.

Such a policy would have enormous benefits beyond its fiscal contributions. As the National Research Council of the [National Academy of Sciences](#) concluded last year, “The risks associated with doing business as usual are a much greater concern than the risks associated with engaging in strong response efforts.” Inaction on climate means more intense and frequent heat waves, more droughts, more flooding and more loss of coastline. Delaying action just until the end of the decade will quadruple costs to the global economy, according to the International Energy Agency.

A market-based policy would be a catalyst for international action, help protect U.S. families from ecological disasters and level the playing field for clean-energy sources such as wind and solar. It would spur research into and development of electric batteries, carbon capture, storage technologies and the like.

And it would provide urgently needed certainty for business and industry. During the past Congress, the chief executives of leading energy, chemical and manufacturing companies endorsed comprehensive climate legislation. They told us that they have deferred hundreds of billions of dollars of investments until they know what they will be required to do to protect the planet. And they said that

delay in addressing climate change puts our country's competitiveness in jeopardy, allowing China to race ahead of the United States in building the -clean-energy industries of the -future.

We recognize there are several ways to raise revenue through climate policies. Our goal is not to propose a particular policy solution but to start a discussion. It is a testament to the enormous power of the oil and coal lobby that climate-change policies have been dismissed as a viable option for deficit reduction. We believe that must change.

The "grand bargain" talks collapsed over the summer and the "[supercommittee](#)" failed in the fall for largely the same reason: The debt-reduction alternatives then on the table — raising taxes, cutting Social Security and Medicare, or carving deeply into defense and discretionary spending — were too politically painful. These alternatives will not magically become more attractive a year from now.

That is why we believe the time is right to begin considering new options. If budgeting is ultimately about choices, enacting a policy that reduces dangerous air pollution while providing hundreds of billions of dollars in debt relief should be a no-brainer. No other policy would do as much for our economy, our security and our future as putting a price on carbon.

**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor

09/16/2011 07:31 PM

cc

bcc

Subject NSPS statements

Hi there.

Here are statements from UCS and NRDC and NWF. I can't seem to find Sierra Club's statement on their website.

Union of Concerned Scientists

Statement by Alden Meyer, director of strategy and policy at the Union of Concerned Scientists

WASHINGTON (September 15, 2011) – The Environmental Protection Agency (EPA) announced today that it will delay climate change rules, just weeks after the White House postponed important ground-level ozone standards.

"Playing kick the can down the road with EPA rules is a dangerous game. The longer we wait, the more costly climate change will be.

"We're seeing a dangerous trend with the president first pulling the ozone rule, and now this. We're skeptical that politics didn't influence this decision. The EPA has been under incredible pressure from industry and anti-environmental members of Congress who are working overtime to block its efforts to protect Americans' health and well-being. President Obama needs to stand firm in the face of this pressure, and meet his responsibilities on clean air, public health and climate change."

NRDC

In response to the Environmental Protection Agency's announcement that carbon pollution standards for power plants will not be issued this month, David Doniger, NRDC's Climate and Clean Air Program policy director, made the following statement:

"Right now, power companies can dump unlimited amounts of dangerous carbon pollution into the air. This year's unprecedented floods, storms, and fires tell us we are in a race against time to curb the dangerous pollution that is driving climate change.

"We are disappointed that EPA will not meet its commitment to propose clean-up standards this month for the carbon pollution coming from the nation's power plants, the largest polluters. It is not clear how long a delay EPA wants. Taking a little more time to get it done right is one thing. Punting on its duty to protect our children and our planet would be utterly unacceptable. Our reaction will depend on what they propose.

The Supreme Court has twice ruled that it is EPA's job under the Clean Air Act to protect Americans from dangerous carbon pollution. How many more delays does the EPA need before it does its job?"

NWF

[Joe Mendelson](#), NWF policy director, climate and energy programs said:

"Delaying action puts our nation unacceptably at risk from the ravages of air pollution and climate change. With record summer heat, fires raging in Texas and unprecedented floods in the Northeast, the costly impacts of global warming have never been clearer.

"Every day we delay cleaning up our nation's power plants fattens polluter profits and shrinks our chances of tackling the climate crisis. Today's decision suggests that when it comes to uncontrolled carbon pollution, the administration appears content with business as usual."

Cleaning up air pollution has also protected wildlife from harmful emissions that threaten species directly and also contaminate water, degrade habitats, and damage the environment. Despite these efforts, [unlimited carbon pollution](#) that causes climate change, toxic mercury emissions, and numerous other air pollutants still pose a serious threat to all species – [including many icons of America's hunting and fishing heritage](#).

NWF says it is critical that our nation build on the successful track record of the Clean Air Act in using the law as a tool to tackle urgent threats like climate change and toxic air pollution. A [2007 Supreme Court case](#) (pdf) confirmed that the Act, as passed by Congress, requires EPA to take action on controlling air pollution that leads to climate change. Now, after decades of federal inaction, the Obama administration seemed poised to move forward on this urgent issue, until today. For far too long, polluters across this country have been allowed to release unlimited amounts of pollution that contributes to climate change.



**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor

10/05/2009 09:55 AM

cc

bcc

Subject Rahall: Mine permit delay is just EPA doing its job

A Friday article. Interesting.

Rahall: Mine permit delay is just EPA doing its job

Congressman says industry knew review was coming, not happy with Manchin charge

**By Mannix Porterfield**

Register-Herald Reporter

The Environmental Protection Agency is simply doing its job by holding up surface mining permits and the industry was well aware a year ago the review was coming, Rep. Nick Rahall, D-W.Va., said Thursday.

Rahall took exception to Gov. Joe Manchin's charge that the EPA was out to ban surface mining through regulation since it cannot be done via legislation.

"They can't do it either way," Rahall said in an interview from his Capitol office.

"And I think that is being fair to coalfield residents and to the industry. By the time it all shakes out, I hope that there will be certainty and a clear path forward through which industry can make continued permit applications, providing jobs in our coal industry, which is so vital. I recognize that as much as the next person."

In an announcement a day earlier, the EPA said it was holding 79 permits in abeyance for study, among them 23 in West Virginia. Bill Raney, president of the West Virginia Coal Association, said, "They want to call it an enhanced review, but it is truly an enhanced moratorium ... It's a continuation of them pursuing their personal opinions through public policy at the EPA level."

Manchin, speaking to West Virginia MetroNews on Thursday from Berlin, said, "Right now, my belief is that they're trying to kill off surface mining through regulation what they cannot get done through legislation."

The governor said the EPA doesn't like mining, especially surface mining.

"I didn't believe that before," he added. "I was hoping they were looking for a better way and a better use that we could all agree upon. But that's not their actions and that's not what I see."

Manchin said the state's congressional delegation needs to speak out loud and clear.

But Rahall says he's "still confident that the EPA — as a matter of fact, I know they will, they have told me they will — will work with our industry to make the necessary corrections or revisions or tweaking or whatever is necessary, where the operator wishes to pursue such permits."

Rahall said the EPA delay didn't take the industry by surprise, but simply is a review operators knew more than a year ago was going to be done, "the new administration notwithstanding, did not matter."

"It's not too pleasant to see while it's being done," Rahall said of both surfacing mining in general and mountaintop removal in particular.

"But it can be restored and years later you will never notice the difference," he said.

"I have seen them. It has been done in West Virginia. We have been a leader."

Rahall pointed to an array of post-mining accomplishments in southern counties — a federal prison and high school in McDowell County, industrial parks, churches, golf courses and an airport now under construction in Mingo County.

The congressman said the EPA is merely following the law under the Clean Water Act, last amended in 1994.

In his first year in office, Rahall drafted a federal surface mining law that allowed the practice to continue when environmental groups sought to outlaw it.

Under the statute, an operator must provide proof of improved post-mining land uses, and afterward, the Clean Water Act was added to the books and through that law has arisen the current review of mining permits, he pointed out.

Rahall is following up on the matter with a meeting next Tuesday with the assistant secretary of the U.S. Army Corps of Engineers and the EPA.

"I'm trying my darndest to ensure that no West Virginia jobs are lost," Rahall said.

Some mining jobs have evaporated of late, along with the closings of some installations, "but that's all market conditions," he said.

"That's not based on these permit situations," he added.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

03/07/2012 09:23 PM

cc

bcc

Subject Re: Re: boiler mact letters

hey, what time will you be coming in tomorrow? if you're in before 845, I'd like to you sign these letters. If not, no worries, autopen def works too.

Arvin

-----Richard Windsor/DC/USEPA/US wrote: -----

To: Arvin Ganesan/DC/USEPA/US@EPA

From: Richard Windsor/DC/USEPA/US

Date: 03/07/2012 09:06PM

Subject: Re: boiler mact letters

Sorry. Just saw this. Glad it went out. Tx.

Inactive hide details for Arvin GanesanArvin Ganesan

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

**From:** Arvin Ganesan

**Sent:** 03/07/2012 04:20 PM EST

**To:** Richard Windsor

**Subject:** boiler mact letters

FYI - We're going to have to get several letters out on boiler MACT, all similar in scope and tone to the Wyden one. Assume OK for autopen?

Thanks.

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

03/05/2012 05:49 PM

cc

bcc

Subject Wyden drops support for bid to delay EPA boiler-rule enforcement

## Wyden drops support for bid to delay EPA boiler-rule enforcement

Jean Chemnick, E&E reporter

*Published: Monday, March 5, 2012*

Senate Republicans aiming to add a provision to a transportation bill that would call for U.S. EPA to redo its hazardous air pollution rule for industrial boilers suffered a setback today when the measure's Democratic co-sponsor withdrew.

Oregon Democrat Ron Wyden introduced the measure, [S. 1392](#), last summer with Sen. Susan Collins (R-Maine), to give EPA 15 additional months to address critics of the Boiler MACT rule, which was finalized in February 2011.

Collins and other Republicans have floated the idea of offering a version of the bill as an amendment to a transportation funding bill currently before the Senate.

But Wyden spokeswoman Jennifer Hoelzer said EPA had addressed most of the senator's concerns and he's no longer supporting the Collins-Wyden amendment.

The Collins-Wyden bill would provide at least five years for manufacturers to comply with the regulation and exempt a list of feedstocks including biomass from increased regulation.

EPA is set to release its new boiler rule this spring. It has also said it will revise its definition of nonhazardous solid waste to clarify that agricultural and forestry byproducts are fuel rather than waste. The designation would have triggered a higher threshold of regulation.

EPA Administrator Lisa Jackson promised in a [letter](#) to Wyden today that EPA would be flexible about providing compliance time for facilities that demonstrate need. Boiler owners will already have at least three years to comply with the rule after it is finalized, and the Clean Air Act allows regulators to grant one additional year where needed.

"While EPA believes facilities can meet compliance requirements within the four years described above, I commit to you that EPA will handle each situation on a case-by-case basis, and work with facilities to determine the appropriate response and resolution," Jackson said.

In a statement, Wyden welcomed Jackson's assurances.

"At the end of the day, the goal should be to protect the environment, public health and jobs and I appreciate the administrator's commitment to do so," he said.

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

06/25/2009 10:45 AM

cc Allyn Brooks-LaSure, Adora Andy, Bob Sussman

bcc

Subject Fw: Confirmed- Protest at EPA HQ tomorrow

FYI.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/25/2009 10:44 AM -----

From: Catherine Libertz/R3/USEPA/US  
To: "(9DB131E156734BE7A042F4CBB034FF4A) Joyce Frank" <Frank.Joyce@epamail.epa.gov>, "Arvin Ganesan" <Ganesan.Arvin@epamail.epa.gov>, "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>  
Date: 06/25/2009 10:13 AM  
Subject: Fw: Confirmed- Protest at EPA HQ tomorrow

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We have already alerted Region 3 facilities mgmt (as there is potential for regional protests) who have done the appropriate local law enforcement notifications. I also alerted region 4, as the atlanta protest seems to be a bit more organized than other regions (this group is calling for protests tomorrow thru sunday at all epa regional offices). Thought you would want to be informed. I will also ask that our regl facilities mgmt folks alert their hq counterparts.

As you may have seen in the news, particularly since darryl hannah and former state politicians have joined in, a goal of this group is to get arrested to bring attention to the matter.

Cathy  
Jessica Greathouse

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

**From:** Jessica Greathouse  
**Sent:** 06/25/2009 10:06 AM EDT  
**To:** Catherine Libertz; Gail Tindal; Shawn Garvin; Linda Miller; Eric Carlson; LaRonda Koffi  
**Subject:** Confirmed- Protest at EPA HQ tomorrow

Environmental activists have planned a day of action in D.C. tomorrow to protest MTM. Below are the details.

Mountain Justice National EPA Day of Action  
WASHINGTON DC

Washington DC, Federal Triangle/EPA Headquarters  
Noon - 1 PM

**For more information, Call 814-571-1165**

Following on the heels of historic civil disobedience in the Coal River Valley and a Senate Hearing on Mountaintop Removal, Mountain Justice organizers are coordinating a national day of action at EPA headquarters to demand that the EPA and Obama put an end to mountaintop removal.

## **Schedule**

**8 AM to Noon** - Distribute our demands and educate pedestrians

**Noon - 1 PM** - PROTEST MTR! Raise a good old fashioned non-violent ruckus, deliver our demands, chant, and beat our drums.

This is a DIY protest - bring your pots, pans, drums, guitars, cameras, signs, and friends! Come prepared to speak your mind over the loud speaker.

## **Directions:**

- Ride the Metro to Federal Triangle.
- Exit and go up three sets of escalators.
- At the top of the escalators turn around and go towards 12th St.
- Walk through the arches and into the protest!

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

Arvin Ganesan/DC/USEPA/US

10/14/2011 04:04 PM

To Richard Windsor, Bob Perciasepe, Laura Vaught, Bob Sussman, Mathy Stanislaus, Lisa Feldt, Seth Oster, Brendan Gilfillan, Betsaida Alcantara

cc

bcc

Subject Fw: House blocks EPA on coal ash

FYI. Not unexpected.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 10/14/2011 04:03 PM -----

From: POLITICO Pro <politicoemail@politicopro.com>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 10/14/2011 04:02 PM  
Subject: House blocks EPA on coal ash

---

## House blocks EPA on coal ash

By Erica Martinson  
10/14/11 4:00 PM EDT

The House Friday passed legislation barring EPA from designating coal ash as a hazardous waste, but not before a heated floor fight that centered on one question: Is it a jobs bill or not?

The champions of [H.R. 2273](#), which passed 267-144, say letting EPA go forward would raise the price of electricity and homebuilding products that use recycled coal ash and cost hundreds of thousands of jobs. Its critics say it is yet another strike at EPA on behalf of special interests, and has nothing to do with job creation.

Republicans say the coal ash bill and three other bills to block EPA regulations passed in the last week are job-creation measures.

On Saturday, Majority Whip Kevin McCarthy (R-Calif.) plans to deliver the Weekly Republican Address focusing on “providing an environment for small businesses to create jobs through reducing burdensome regulations that inhibit job growth,” according to a preview posted on the GOP website.

Shelley Moore Capito (R-W.Va.) said on the floor that regulating hazardous waste “would result in less coal use and would throw thousands of coal miners out of their jobs.”

And Rep. Tom Scott (R-S.C.), who lives in a district where plants use coal ash in production, said that all Democrats are offering is the “president’s ‘take it or leave it’ jobs bill. What we’re talking about ... is a bipartisan approach to jobs in the house.” And, he argued, EPA does not consider job loss in considering regulations, and should.

Three Republicans opposed the measure, while 37 Democrats supported it. The White House is opposed to the bill, but [stopped short](#) earlier in the week of issuing a veto threat as it has for

other recent EPA-related bills in the House.

The bill followed Thursday night's passage of the Boiler MACT [legislation](#) requiring EPA to scale back regulations on toxic emissions from industrial boilers, and last week's passage of Cement MACT [legislation](#) that would do the same for cement factories.

Several Democrats charged that House leadership refused to allow consideration of an amendment that would require that manufacturing materials at coal ash impoundments be made in America, arguing the move showed that jobs were not the real concern. Such provisions were previously included in the stimulus legislation, but have proved difficult in some instances to implement, and many states have received waivers from EPA.

Rep. Henry Waxman (D-Calif.) called the bill a continuation of the House's "assault on the environment," and said that the legislation has no minimum standard, and thus would create a "race to the bottom" by states. "Some states will do a good job. Others will do a poor job, and the public will pay the price."

Lawmakers passed one amendment on the floor by a voice vote, offered by Rep. John Shimkus (R-Ill.), that would add certification requirements for states and EPA, as well as additional groundwater monitoring requirements.

Five more amendments were defeated by recorded votes, including a requirement "to meet a legal standard of protection to ensure human health and the environment are protected," according to the House record; another that would require older coal ash ponds to meet the newer criteria for safety; as well as others requiring public notification of state plans to regulate coal ash, to add federal enforcement authority and to require an EPA report to Congress on coal ash.

To read and comment online:

<https://www.politicopro.com/go/?id=6563>

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Arvin Ganesan/DC/USEPA/US

01/20/2011 08:36 AM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy

cc

bcc

Subject Fw: SEN. MANCHIN TO INTRODUCE BILL TO PREVENT EPA FROM RETROACTIVELY VETOING PERMITS

FYI.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 01/20/2011 08:36 AM -----

From: "Deem, Jonathan (Manchin)" <Jonathan\_Deem@manchin.senate.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 01/20/2011 08:35 AM  
Subject: FW: FW: SEN. MANCHIN TO INTRODUCE BILL TO PREVENT EPA FROM RETROACTIVELY VETOING PERMITS

---

Arvin,  
FYI -- This went to press this morning from our office.  
Jonathan

**From:** Press (Manchin)  
**Sent:** Thursday, January 20, 2011 7:55 AM  
**To:** Anderson, Todd (Manchin); Bittner, Emily (Manchin); Breckenridge, Elizabeth (Manchin); Castleberry, Emily (Manchin); Cutlip, Milisa (Manchin); Davis, Cookie (Manchin); Deem, Jonathan (Manchin); Diznoff, Robert (Manchin); Frazier, Sam (Manchin); Garton, Lee (Manchin); George, Molly (Manchin); Goes, Kelley (Manchin); Goldberg, Marni (Manchin); Good, Kim (Manchin); Gould, Chris (Manchin); Greene, Gerrie (Manchin); Hewett, Christine (Manchin); King, Joey (Manchin); Kinney, Charles (Manchin); Kofinis, Chris (Manchin); Longo, Katie (Manchin); McIntosh, Keith (Manchin); McLaughlin, Joanne (Manchin); Miller, Debbie (Manchin); Mollohan, Travis (Manchin); Payne, Sara (Manchin); Phalen, Missy (Manchin); Roberts, Daniel (Manchin); Tishue, Chris (Manchin); Wallace, Carol (Manchin)  
**Subject:** FW: SEN. MANCHIN TO INTRODUCE BILL TO PREVENT EPA FROM RETROACTIVELY VETOING PERMITS

FYI, this is about to go to press.



NEWS FROM U.S. SENATOR FOR WEST VIRGINIA

**Joe Manchin III**

***For Immediate Release:***

January 20, 2011

Contact: Emily Bittner

202-224-3954

## **SEN. MANCHIN TO INTRODUCE BILL TO PREVENT EPA FROM RETROACTIVELY VETOING PERMITS**

*In letter, Manchin urges Senate colleagues to cosponsor legislation and oppose EPA's unprecedented and irresponsible action that threatens jobs and investments*

Washington, D.C. – Senator Joe Manchin (D-WV) has delivered a letter to his Senate colleagues urging them to join with him and cosponsor legislation to oppose last week's unprecedented regulatory actions by the Environmental Protection Agency (EPA) that threaten jobs and investments in every state.

Sen. Manchin told his fellow lawmakers that he will introduce legislation in the coming weeks to prevent the EPA from retroactively vetoing permits that have already been granted and are in operation. Just last week, the EPA retroactively vetoed a coal mining permit for the Spruce No. 1 Mine in West Virginia - even though the mine had received approval after an exhaustive, approximately 10-year regulatory process that included time for an extensive review by the EPA.

“At a time when our nation is struggling to recover from the worst economic recession in history, and with an unemployment rate that has hovered near 10 percent for two years, the precedent this decision sets could not be more dangerous,” Manchin wrote.

“Although the EPA claims no other permits are currently being considered for a retroactive veto, the potential negative effects of this decision are staggering. Now, every similarly valid Section 404 permit is faced with regulatory limbo and potentially the same after-the-fact reversal. Some activists are already urging the EPA to apply this decision to other operations in West Virginia and other states, putting countless more jobs, and our economic recovery, at grave risk.

“In the coming weeks, I intend to pursue legislation to clarify, in no uncertain terms, that the EPA does not have authority under the Clean Water Act to reverse prior approvals of the USACE where a permit has been put through a rigorous regulatory process, including time for thorough review by the EPA for possible negative environmental consequences, and awarded by the USACE prior to any official objections from the EPA.”

**The full text of the letter is included below:**

On January 13, 2011, the Environmental Protection Agency (EPA) took the extraordinary step of revoking regulatory approval for the Spruce No. 1 surface mine, a \$250 million investment in a coal mining project in Southern West Virginia that would have created approximately 200 good paying jobs with benefits.

While it is not unusual for the EPA to object to a coal mine permit, this particular decision is shocking in that the EPA, for the first time in more than three decades, has "vetoed" a coal mine permit that had been thoroughly reviewed by the EPA and other regulators, awarded by the United States Army Corps of Engineers (USACE), and put into action by the mining company.

In fact, the permit was approved by the USACE after nearly 10 years of regulatory review that included the preparation of a multi-million dollar Environmental Impact Statement. The project also went through a rigorous process that included a court challenge and extensive reviews from the West Virginia Department of Environmental Protection, the USACE and the EPA -- a process that ended with a valid permit for work that the company put into operation.

In other words, the EPA turned back the clock on the permit, rewrote the rules to change a previous decision it did not agree with, and unilaterally broke the government's promise that jobs could be created and this mine could proceed.

This EPA decision has far-reaching consequences not just for my beloved State of West Virginia, but also for the entire country. The type of permit at issue, a Clean Water Act Section 404 permit, is a requirement for commercial investment in several industries including but not limited to mining, agriculture, home building, transportation and energy. While the EPA has authority under the Clean Water Act to veto Section 404 permits it believes will have certain negative impacts on the environment, the agency has never, since this authority was added to the Clean Water Act in 1972, vetoed a mining permit after it had already been issued and placed into operation.

At a time when our nation is struggling to recover from the worst economic recession in history, and with an unemployment rate that has hovered near 10 percent for two years, the precedent this decision sets could not be more dangerous. Although the EPA claims no other permits are currently being considered for a retroactive veto, the potential negative effects of this decision are staggering. Now, every similarly valid Section 404 permit is faced with regulatory limbo and potentially the same after-the-fact reversal. Some activists are already urging the EPA to apply this decision to other operations in West Virginia and other states, putting countless more jobs, and our economic recovery, at grave risk.

In the coming weeks, I intend to pursue legislation to clarify, in no uncertain terms, that the EPA does not have authority under the Clean Water Act to reverse prior approvals of the USACE where a permit has been put through a rigorous regulatory process, including time for thorough review by the EPA for possible negative environmental consequences, and awarded by the USACE prior to any official objections from the EPA.

In the meantime, I urge you, as a Member of Congress, to join with me in a bipartisan coalition

to cosponsor sound legislation that restricts the EPA from putting jobs at risk by retroactively changing the rules on investments and business.

Thank you for your consideration of this issue.

###

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

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image001.jpg

which may be a computer program. This attached computer program could contain a computer virus which could cause harm to EPA's computers, network, and data. The attachment has been deleted.

This was done to limit the distribution of computer viruses introduced into the EPA network. EPA is deleting all computer program attachments sent from the Internet into the agency via Email.

If the message sender is known and the attachment was legitimate, you should contact the sender and request that they rename the file name extension and resend the Email with the renamed attachment. After receiving the revised Email, containing the renamed attachment, you can rename the file extension to its correct name.

For further information, please contact the EPA Call Center at (866) 411-4EPA (4372). The TDD number is (866) 489-4900.

\*\*\*\*\* ATTACHMENT NOT DELIVERED \*\*\*\*\*

Arvin Ganesan/DC/USEPA/US

10/22/2009 09:50 AM

To Richard Windsor, Bob Sussman, Diane Thompson

cc

bcc

Subject inside EPA article on NAS review of formaldehyde

Interesting letter from George Gray to Vitter asking him to remove his hold...

## Industry Touts Bush EPA Vows To Bolster NAS Formaldehyde Review

Industry officials backing calls for a National Academy of Sciences (NAS) review of EPA's formaldehyde risk assessment are citing Bush EPA commitments to submit the assessment for review, arguing that the past vows undermine the Obama EPA's refusal to seek NAS review over concerns it would delay the assessment.

However, former Bush EPA Office of Research & Development (ORD) George Gray -- an advocate for NAS review of the assessment -- in [an Oct. 20 letter](#) to Sen. David Vitter (R-LA) urges the lawmaker to lift his hold blocking a vote on Paul Anastas' nomination to be ORD head. Vitter put the hold in place until he gets EPA to commit to an NAS review, but Gray argues "it's more important for EPA and ORD to have some senior science leadership."

Gray in an interview says another former assistant agency administrator is crafting a similar letter, but would not divulge the name. The decision by the Bush EPA official to argue that having Anastas confirmed is more important than the NAS review could provide a counterpoint to industry's latest push on the issue.

In a range of documents provided by industry to *Inside EPA*, Bush administration officials -- including Gray -- repeatedly committed to asking NAS to review the agency's formaldehyde risk assessment. The documents show that EPA as recently as January was drafting documents in order to seek the academy's input on the toxicity of formaldehyde, a move advocated at the time by the federal Consumer Product Safety Commission (CPSC).

The documents -- including *Federal Register* notices and letters from Bush EPA officials to lawmakers -- show clear agency intent to seek NAS review that it must follow through with, industry argues.

But the Obama EPA is refusing to seek NAS review, prompting Vitter to put his hold on Anastas' nomination until EPA agrees to the review, a hold that former Bush ORD head Gray says should be lifted.

Gray in his Oct. 20 letter to Vitter writes the nominee is an "excellent" choice and adds that, "I am confident that he will seek out the best, most objective advice for ORD and really use that review to enhance and improve the agency's scientific knowledge."

In an Oct. 21 interview with *Inside EPA*, Gray said formaldehyde is "an important issue . . .

but it's more important for EPA and ORD to have some senior science leadership.” He said formaldehyde “is important to the whole federal government but I just can't believe that having Paul Anastas is not the best for the agency.” He said issues including climate change, energy and toxics require a Senate-confirmed official to lead at ORD.

EPA opposes Vitter’s request for an NAS review because they want to avoid the precedent of delaying a major risk assessment after EPA Administrator Lisa Jackson earlier this year unveiled reforms intended to speed reviews of EPA risk studies, which are used to set regulatory standards. An NAS review could take 18 months or longer and delay EPA’s release of the assessment, a knowledgeable source has said.

But Vitter says NAS review is vital to ensure a comprehensive review of the cancer and non-cancer toxic endpoints of the substance. “We don’t think EPA has the science policy expertise to adequately address the critical endpoints that will drive non-cancer exposure numbers,” according to a recent Vitter response to answers provided by Anastas.

Vitter's spokesman said following receipt of Gray's letter that the senator's position “hasn't changed as of this time as he does not feel he is asking for too much from EPA.”

Formaldehyde is a concern in the senator’s home state, where many residents of New Orleans are still living in trailers -- provided by the Federal Emergency Management Agency (FEMA) after the 2005 hurricanes -- that contain high levels of the chemical. “Federal and state regulators need more information for their decision making and industry needs better information for enhanced product stewardship,” the response says.

Industry also supports NAS review of the substance to address what they say is uncertainty in EPA’s study, fearing that without review, the agency could adopt an unnecessarily stringent risk value. To bolster their case, industry is circulating a number of documents that show top Bush EPA officials were working on asking the NAS for review of the formaldehyde assessment. In a Dec. 3, 2008 [Federal Register notice](#), the agency wrote that it “intends to commission [NAS] to conduct a comprehensive review of the available scientific data on formaldehyde. The agency believes that this additional analysis and advice will further strengthen the scientific basis of its understanding of formaldehyde risks.”

And Bush ORD head George Gray wrote in a [Dec. 1 letter](#) to Rep. Mark Souder (R-IN) that the agency would “proceed with the development of a charge to move the [NAS study] forward as soon as possible.”

The documents also include a [Jan. 13 letter](#) from top agency assessment official Peter Preuss -- who is still working at EPA -- responding to a CPSC request to pursue NAS review. EPA has “started to draft documents to seek input on formaldehyde toxicity from [NAS],” according to the letter.

Vitter and proponents of an NAS review of the assessment say EPA’s long-held promises to commission it show the agency is at fault for delays, not them. “Sen. Vitter started working with a bipartisan group over a year ago to have [NAS] weigh in. The CPSC and the EPA

endorsed that path forward last year. Now this new EPA -- which scuttled the plan -- wants to complain about delay? Were it not for them, the NAS would be well into their work, maybe even almost finished,” said Vitter's spokesman.

“There is a broad coalition of folks asking for NAS study of formaldehyde to make sure that the science is accurate and from an independent and respected institute,” according to one informed source, who also points to a [June 2008 letter](#) by a bipartisan group of lawmakers calling for NAS review.

Republican Sens. Johnny Isakson (GA), Christopher “Kit” Bond (MO), John Cornyn (TX) and Vitter also urged EPA to commission the study in a [September 2008 letter](#), and former CPSC chief Nancy Nord in a November 2008 letter to EPA also endorsed the idea of EPA pursuing NAS review.

An EPA spokesperson says the formaldehyde assessment has begun internal review and in the next few months the agency will begin inter-agency science consultation. “This will be followed by rigorous independent, external peer review by a panel of recognized national and international scientific experts, as well as an opportunity for public review and comment.” EPA believes that directly involving NAS “at this juncture will cause an unacceptable delay of more than two years in completion of EPA’s formaldehyde assessment.” -- *Jonathan Strong*

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ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Bob Sussman, Steve Owens, Bob Perciasepe

02/03/2010 03:48 PM

cc

bcc

Subject Inside EPA - TSCA Faceoff

## TSCA Face Off

Democratic lawmakers have not yet introduced their legislation reforming the Toxic Substances Control Act (TSCA) but key bloggers on opposite sides of the political spectrum are already facing off over whether EPA should be granted new authority to regulate chemicals.

In a [Feb. 2 post](#), the conservative blog Big Government called the TSCA reform bill expected to be introduced shortly by Sen. Frank Lautenberg (D-NJ) “Another EPA Power Grab in the Offing.”

“If Lautenberg overreaches with his bill and the EPA changes the standard for what it considers safe for intended use, American manufacturers who rely on these chemicals could be out of the game while foreign competitors gain yet another leg up,” the post reads, which also compares reforming the 1976 law to EPA’s recent endangerment finding on climate change.

“The EPA would have the authority to ban chemicals used in American-made products, not those made in China or any other country that already flouts laws and commonsense,” the Web post concludes.

Meanwhile, Fire Dog Lake, a key liberal blog, is echoing environmentalists’ calls for TSCA reforms, saying the current statute lacks teeth for requiring the collection of data or banning chemicals. “Make sure your elected representatives know that you want some of that transparency and openness we have been hearing so much about applied to” chemicals management, the blog said in a [Jan. 19 posting](#).

The battling bloggers are a relatively new facet to the overall chemicals debate. The communications firm Motivequest conducted a survey in June 2009 of newsgroups and forums on how the issue of chemicals management reform was being discussed among potential activists, and concluded the issue had little traction at the time.

“There is little-to-no discussion of ‘issues,’ such as chemical policy reform, in the abstract among potential advocates” in the online conversations, according to the MotiveQuest presentation. “People need to be personally confronted with an immediate decision for a message to translate to awareness.”

In a presentation to a key activist group in October 2009, Motivequest recommended that environmentalists focus on “trigger points” like family and household issues to engage people on



the issue.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Brendan Gilfillan, Bob Perciasepe, Diane Thompson

04/26/2012 11:24 AM

cc

bcc

Subject Fw: Inhofe: EPA Apologized for Crucify Words Not Actions

FYI.

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 04/26/2012 11:23 AM -----

From: <matt\_dempsey@epw.senate.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 04/26/2012 10:37 AM  
Subject: Inhofe: EPA Apologized for Crucify Words Not Actions

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Inhofe: EPA Apologized for Crucify Words Not Actions  
Thursday, April 26, 2012

Contact:

Matt Dempsey [Matt\\_Dempsey@epw.senate.gov](mailto:Matt_Dempsey@epw.senate.gov) (202) 224-9797

Katie Brown [Katie\\_Brown@epw.senate.gov](mailto:Katie_Brown@epw.senate.gov) (202) 224-2160

## Inhofe: EPA Apologized for "Crucify" Words Not Actions

[Link to Video: Inhofe Responds to EPA Apology for Using the Word "Crucify" on Fox and Friends](#)

[Link to Washington Times Editorial: Obama crucifies business](#)

[Link to Daily Caller Article: Inhofe on EPA official's apology for 'crucify' comments: 'Meaningless,' 'Get real'](#)

[Link to Press Release](#)

Washington, D.C. - Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, today responded to Environmental Protection Agency (EPA) Region VI Administrator Al Armendariz's apology for his comments revealed in a [2010 video](#) where he admits that EPA's "general philosophy" is to "crucify" and "make examples" out of oil and gas companies. Senator Inhofe said today that Administrator Armendariz apologized for his words, but not for EPA's actions.

**"Administrator Armendariz apologized yesterday for his 'poor choice of words' when he admitted that EPA's 'general philosophy' is to 'crucify' and 'make examples' of oil and gas companies, but he did not apologize for EPA's actions towards its apparent crucifixion victims,"** Senator Inhofe said. **"Remember not long after Administrator Armendariz made this stunning admission, EPA targeted natural gas producers in Pennsylvania, Texas and Wyoming, making headline-grabbing allegations that American energy producers were causing water contamination; but in each case, their comments were contrived, and despite their determination, they were unable to find any definitive evidence to back up their alarmist claims. When EPA's investigations did not turn out the way they had hoped, the agency quietly released several late-night statements admitting they were wrong, but by then, the damage was already done.**

**"This is not just an attack on a few American energy companies: this is an all-out war on affordable energy - an effort to stop domestic development of coal, oil and natural gas. What most Americans don't realize is that the recent energy boom in this country - which has spurred job creation, new government revenues, increased energy security, and revitalized manufacturing - would not be possible without hydraulic fracturing. With an election on the horizon, President Obama is pretending to be a friend of oil and natural gas, claiming he's for an 'all-of-the-above' approach, but Administrator Armendariz's comments reveal the true story: while President Obama has photo ops in front of pipelines in Oklahoma, his EPA is working aggressively to 'crucify' oil and gas producers so they can end hydraulic fracturing, knowing full well that if you stop hydraulic fracturing, you kill domestic oil and gas production.**

**"Take the word 'crucify' out of Administrator Armendariz's statement and nothing has changed: you still have a rogue agency following through on President Obama's 'general philosophy' to increase the price of gas and electricity - intimidating and levying huge fines on citizens and industry without sufficient justification or affording them due process. If EPA is truly serious about this apology, the agency will fully comply with my investigation and they can begin by quickly and thoroughly answering all the questions I asked in the letter that I sent to EPA Administrator Lisa Jackson yesterday. I look forward to hearing from them very soon and will continue to monitor their actions closely."**

**R6 Regional Administrator Al Armendariz's Statement of Apology:**

*"I apologize to those I have offended and regret my poor choice of words. It was an offensive and*

*inaccurate way to portray our efforts to address potential violations of our nation's environmental laws. I am and have always been committed to fair and vigorous enforcement of those laws."*

**Statement by Assistant Administrator for Enforcement and Compliance Assurance Cynthia Giles:**

*"Strong, fair and effective enforcement of the environmental laws passed by Congress is critical to protecting public health and ensuring that all companies, regardless of industry, are playing by the same rules. Enforcement is essential to the effectiveness of our environmental laws, ensuring that public health is protected and that companies that play by the rules are not at a disadvantage. The same holds true for companies involved in responsible and safe development of our nation's domestic energy resources."*

**Background**

In a video from 2010, Administrator Armendariz is caught on tape admitting,

*"But as I said, oil and gas is an enforcement priority [...] I was in a meeting once and I gave an analogy to my staff about my philosophy of enforcement, and I think it was probably a little crude and maybe not appropriate for the meeting but I'll go ahead and tell you what I said. It was kind of like how the Romans used to conquer little villages in the Mediterranean. They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they would crucify them. And then you know that town was really easy to manage for the next few years [...] So, that's our general philosophy." [Link to Armendariz Video](#)*

[Inhofe EPW Press Blog](#) | [YouTube](#) | [Twitter](#) | [Facebook](#) | [Podcast](#)

###

Arvin Ganesan/DC/USEPA/US

To Richard Windsor

08/18/2011 11:31 PM

cc corman.bicky, Fulton.Scott, ganesan.arvin, goo.michael, Janet McCabe, mccarthy.gina, moats.michael, oster.seth, perciasepe.bob, Stoner.Nancy, Sussman.bob, thompson.diane, Laura Vaught

bcc

Subject Re: Fw: Check Out This Article

I couldn't click on the link for some reason, but I think you're referring to this positive article.

## Report: No 'train wreck' from EPA utility rules

By Andrew Restuccia - 08/18/11 06:40 PM ET

Utility industry claims that looming Environmental Protection Agency rules for power plants will create an economic "train wreck" are overblown, the non-partisan Congressional Research Service (CRS) says in a new report.

Because EPA has yet to propose or finalize many of its clean air regulations, industry-sponsored studies predicting economic calamity "effectively underestimate the complexities of the regulatory process and overstate the near-term impact of many of the regulatory actions," CRS says in [an Aug. 8 report](#) that has been circulating on Capitol Hill in recent days.

The report comes amid escalating concerns from Republicans and some moderate Democrats about EPA regulations aimed at reducing greenhouse gas emissions and a slew of other air pollutants. House Republicans have led a multi-prong effort to block or delay the rules and many GOP presidential hopefuls have made EPA a symbol of federal overreach.

But CRS says the public health benefits of the regulations – which EPA says would prevent thousands of premature deaths and illnesses – outweigh the costs.

"The costs of the rules may be large, but, in most cases, the benefits are larger, especially estimated public health benefits," the report says.

The report analyzes studies by the Edison Electric Institute and the North American Electric Reliability Corporation that say EPA's regulations amount to a "train wreck" that will hobble the economic recovery. EPA opponents have long pointed to the studies in objecting to the rules.

But the August CRS report says the studies don't reflect the reality of EPA's regulations.

"The studies sponsored by industry groups (EEI and NERC) were written before EPA proposed most of the rules whose impacts they analyze, and they assumed that the rules would impose more stringent requirements than EPA proposed in many cases," the CRS report says.

In addition, CRS notes that the regulations are likely to change in the coming months and, once finalized, facilities will have "several years before being required to comply."

The report also dismisses concerns that the regulations will result in the shuttering of coal-fired power plants. American Electric Power and other utilities have said the pending rules will **force the closure of plants**.

"The primary impacts of many of the rules will largely be on coal-fired plants more than 40 years old that have not, until now, installed state-of-the-art pollution controls," the report says. "Many of these plants are inefficient and are being replaced by more efficient combined cycle natural gas plants, a development likely to be encouraged if the price of competing fuel—natural gas—continues to be low, almost regardless of EPA rules."

Many utilities have installed the necessary technology to comply with the regulations, the report says, noting that for those plants "costs will be minimal."

More broadly, the report says that industry studies go about evaluating the costs of EPA rules all wrong. The studies can't accurately predict costs on a national or regional level because they are site-specific, the report says.

"In reality, evaluating regulatory impacts, compliance costs, and possible retirement decisions depends on facility-specific considerations—micro, not macro," the report says. "Utilities and states will be affected differently."

Lastly, the report downplays concerns from Republicans like Sen. Lisa Murkowski (R-Alaska) that EPA rules will **affect power grid reliability**.

"There is a substantial amount of excess generation capacity at present, due in part to the recession and also due to the large number of natural gas combined cycle plants constructed in the last decade, muting reliability concerns," the report says.

-----Richard Windsor/DC/USEPA/US wrote: -----

To: "Bob Perciasepe" <perciasepe.bob@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "Laura Vaught" <Vaught.Laura@epamail.epa.gov>, "Michael Goo" <goo.michael@epa.gov>, "Bicky Corman" <corman.bicky@epa.gov>, "Bob Sussman" <Sussman.bob@epa.gov>, "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>, "Janet McCabe" <McCabe.Janet@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Michael Moats" <moats.michael@epa.gov>, "Scott Fulton" <Fulton.Scott@epa.gov>, "Nancy Stoner" <Stoner.Nancy@epa.gov>

From: Richard Windsor/DC/USEPA/US

Date: 08/18/2011 11:20PM

Subject: Fw: Check Out This Article

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**From:** Richard Windsor  
**Sent:** 08/18/2011 10:53 PM AST  
**To:** Richard Windsor  
**Subject:** Check Out This Article

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Arvin Ganesan/DC/USEPA/US

To Richard Windsor

08/07/2009 08:11 AM

cc Diane Thompson

bcc

Subject fyi

### **3. CLIMATE: EPA denies GOP request to redo Waxman-Markey analysis (08/07/2009)**

Robin Bravender, E&E reporter

U.S. EPA Administrator Lisa Jackson yesterday denied GOP requests to perform a new economic analysis of the House-passed climate and energy bill, saying the Energy Department has essentially answered any outstanding questions.

Sens. James Inhofe (R-Okla.) and George Voinovich (R-Ohio) asked EPA last month to revise its study of the House bill, because it "offers an incomplete account of the bill's major provisions, how they overlap, and how they impact consumers, households, and the economy."

In a [letter](#) to EPA, the top two Republicans on the Environment and Public Works Committee asked the agency to use a reference case including the most recent data from the Energy Information Administration's April 2009 Annual Energy Outlook; insert the economic projections from President Obama's fiscal 2010 budget proposal; and include analysis of a variety of situations in which low-carbon energy sources are constrained.

The EPA [analysis](#) of the House bill found it would cost U.S. households \$80 to \$111 a year ([E&ENews PM](#), June 23).

Jackson yesterday said EPA won't do a new study because a new [analysis](#) of the bill from the Energy Information Administration -- the statistical arm of the Energy Department -- contains many of the attributes the senators requested, including scenarios where low-carbon energy sources prove to be very expensive.

EPA is prepared to conduct an objective and thorough analysis of the climate and energy bill expected from EPW Chairwoman Barbara Boxer (D-Calif.) next month, Jackson wrote in her [response](#), adding the senators should discuss the parameters of the analysis with the chairwoman.

But Inhofe said that EIA's analysis does not cover some of the key issues they raised in their letter, including the availability of international offsets and the effects of the bill on states like Ohio, which rely on manufacturing for jobs and coal for electricity.

"In effect, EPA has refused to provide members of Congress, as they prepare for meetings and events with their constituents over the August recess, with critical information on the Waxman-Markey energy tax and how it will affect jobs in the Midwest, South, and Great Plains, as well as food, gasoline, and electricity prices for all American consumers," Inhofe said in a



statement.

Inhofe added that additional analysis of the House bill was needed despite EPA's plans to analyze future legislation.

"We asked for an analysis of the Waxman-Markey bill, which would be the House position in a potential conference committee," Inhofe said. "Thus the economic consequences of the bill are critical for senators to understand."

### **Senior EPA official 'held'**

Voinovich said yesterday that he will not release a procedural "hold" on the EPA deputy administrator nominee until EPA completes a new analysis of the House bill. Voinovich has been blocking Robert Perciasepe's confirmation since last month over concerns about EPA's analysis.

"My attitude is that I want them to do another evaluation, because the real issue here is what's the economic impact that all of this is going to have and the potential because it's going to really color the judgment of people on whether they can support the bill," he said.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Diane Thompson

10/15/2009 03:27 PM

cc

bcc

Subject Greenwire on IG nom

## **1. EPA: Bold initiatives spur calls for new agency watchdog (10/15/2009)**

**Robin Bravender, E&E reporter**

The Obama administration has yet to nominate someone to serve as top watchdog at U.S. EPA, a delay that is worrying advocacy groups and lawmakers on both sides of the aisle.

The EPA inspector general is an independent officer charged with preventing fraud, waste and abuse through audits and investigations. During George W. Bush's presidency, the inspector general's office was known for casting a critical eye on many of the administration's environmental policies.

Both Republican and Democratic lawmakers are urging President Obama to nominate someone for the post, which requires Senate confirmation. Republicans want someone to oversee the new administration's sweeping new environmental policies, while Sen. Sheldon Whitehouse (D-R.I.) has called for an IG who would probe the agency's work during the Bush years.

Two top Republicans on the Senate Environment and Public Works Committee blasted the administration for leaving the key EPA position open.

"When it comes to oversight of the agency -- whether on greenhouse gas regulation or other policies with significant economic impacts -- this administration has been uncooperative, in some cases ignoring Congress and its requests for information," said Sen. James Inhofe (Okla.), the panel's ranking Republican. "Having no appointed IG and obstructing congressional oversight demonstrates that this administration is not serious about governing with transparency and openness."

Greg Keeley, a spokesman for Sen. John Barrasso (R-Wyo.), also called on the administration to promptly fill the position. "They need to appoint a full-time inspector general before EPA rules cost millions of Americans their jobs," Keeley said. Barrasso is the ranking member of the Environment and Public Works Oversight Subcommittee.

Whitehouse, chairman of the Oversight Subcommittee, has repeatedly urged the Obama administration to appoint a new inspector general as quickly as possible.

"I'm very interested in getting somebody on," he said. "In particular, I think for posterity it's important to catalog what took place at EPA during the Bush years" and to make sure that the effects of the Bush administration are not still being felt.

At a June hearing, Whitehouse pressed EPA Administrator Lisa Jackson about the IG post.

"Sometimes, in the appointment process, we hit a few road bumps," Jackson said. "We're not quite back to the drawing board, but we are now interviewing some new candidates for the position. I am optimistic that we'll be able to move along with the White House expeditiously to name a new inspector general. It is a very important -- very important position."

The Obama administration moved quickly to fill many of the top slots at EPA, but inspector general and the 10 regional administrators are not among them.

### **Broader problem?**

Some observers attribute the lag to problems the administration has encountered with other nominees at EPA and across the government.

Obama's nominees to serve as EPA's deputy administrator and top research and development official are being held up in the Senate by Republicans. And in March, Obama's pick for EPA deputy administrator abruptly pulled out of the confirmation process because of an investigation into the nonprofit group where he once served on the board of directors ([E&ENews PM](#), March 25).

Beyond EPA, experts say that problems surrounding nominations early on may have slowed down the process. Early this year, former Health and Human Services nominee Tom Daschle and former Commerce Secretary nominee Bill Richardson were among the high-profile nominees who came under fire and ultimately withdrew from the confirmation process.

After those and other problems with nominees, "the vetting process probably slowed down; they were more careful," said Rick Melberth, director of regulatory policy at the advocacy group OMB Watch.

"I don't think there's anything sinister going on here," said Jeff Holmstead, who served as EPA air chief during the Bush administration. "I just think it's not as high on the list of priorities."

Meanwhile, Bill Roderick, a former Defense Department auditor, has been running the IG's office since Nikki Tinsley's resignation in March 2006. Tinsley, who served as inspector general since 1998, offered a critical perspective on many of the Bush administration's policies.

Bill Becker, executive director of the National Association of Clean Air Agencies, said the office continues to move forward under Roderick, whose title is acting IG.

"For the IG, even though they don't have somebody in place, I know they still are moving full speed ahead on various projects," Becker said. In its [annual plan](#) released this month, the office outlined a host of planned and continuing audits.

In August, Jackson ordered her staff to cooperate with the IG's office. In a memorandum, she said it was imperative that agency staff provide auditors "full and unrestricted access" to personnel, facilities, records and other information at their request ([Greenwire](#) , Aug. 10).

Still, some are wary that EPA is taking on a host of new challenges -- like stimulus spending and climate programs -- with insufficient oversight.

Jeff Ruch, executive director of the watchdog group Public Employees for Environmental Responsibility, expressed concern that "the office has been adrift" since Tinsley's resignation.

"A concern we have is this sort of oversight function does not appear to be a priority across the administration," said Ruch, a vocal critic about Jackson's handling of Superfund during her tenure as commissioner of the New Jersey Department of Environmental Protection.

"A good inspector general," he said, "can be embarrassing for an administration."

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**Arvin Ganesan/DC/USEPA/US**

12/03/2009 02:35 PM

To Richard Windsor, Diane Thompson, Bob Sussman, Peter Silva, Seth Oster

cc

bcc

Subject Major MTM Op-ED by Byrd

This is a major development.

## **COAL MUST EMBRACE THE FUTURE**

### **Senator Robert C. Byrd (D-W.Va.)**

For more than 100 years, coal has been the backbone of the Appalachian economy. Even today, the economies of more than 20 states depend to some degree on the mining of coal. About half of all the electricity generated in America and about one quarter of all the energy consumed globally is generated by coal.

Change is no stranger to the coal industry. Think of the huge changes which came with the onset of the Machine Age in the late 1800's. Mechanization has increased coal production and revenues, but also has eliminated jobs, hurting the economies of coal communities. In 1979, there were 62,500 coal miners in the Mountain State. Today there are about 22,000. In recent years, West Virginia has seen record high coal production and record low coal employment.

And change is undeniably upon the coal industry again. The increased use of mountaintop removal mining means that fewer miners are needed to meet company production goals. Meanwhile the Central Appalachian coal seams that remain to be mined are becoming thinner and more costly to mine. Mountaintop removal mining, a declining national demand for energy, rising mining costs and erratic spot market prices all add up to fewer jobs in the coal fields.

These are real problems. They affect real people. And West Virginia's elected officials are rightly concerned about jobs and the economic impact on local communities. I share those concerns. But the time has come to have an open and honest dialogue about coal's future in West Virginia.

Let's speak the truth. The most important factor in maintaining coal-related jobs is demand for coal. Scapegoating and stoking fear among workers over the permitting process is counter-productive.

Coal companies want a large stockpile of permits in their back pockets because that implies stability to potential investors. But 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. This, in turn, may create the perception of ineffectiveness within the industry, which can drive potential investors away.

Let's speak a little more truth here. No deliberate effort to do away with the coal industry could ever succeed in Washington because there is no available alternative energy supply that could immediately supplant the use of coal for base load power generation in America. That is a stubborn fact that vexes some in the environmental community, but it is reality.

It is also a reality that the practice of mountaintop removal mining has a diminishing constituency in Washington. It is not a widespread method of mining, with its use confined to only three states. Most members of Congress, like most Americans, oppose the practice, and we may not yet fully understand the effects of mountaintop removal mining on the health of our citizens. West Virginians may demonstrate anger toward the Environmental Protection Agency (EPA) over mountaintop removal mining, but we risk the very probable consequence of shouting ourselves out of any productive dialogue with EPA and our adversaries in the Congress.

Some have even suggested that coal state representatives in Washington should block any advancement of national health care reform legislation until the coal industry's demands are met by the EPA. I believe that the notion of holding the health care of over 300 million Americans hostage in exchange for a handful of coal permits is beyond foolish; it is morally indefensible. It is a non-starter, and puts the entire state of West Virginia and the coal industry in a terrible light.

To be part of any solution, one must first acknowledge a problem. To deny the mounting science of climate change is to stick our heads in the sand and say "deal me out." West Virginia would be much smarter to stay at the table.

The 20 coal-producing states together hold some powerful political cards. We can have a part in shaping energy policy, but we must be honest brokers if we have any prayer of influencing coal policy on looming issues important to the future of coal like hazardous air pollutants, climate change, and federal dollars for investments in clean coal technology.

Most people understand that America cannot meet its current energy needs without coal, but there is strong bi-partisan opposition in Congress to the mountaintop removal method of mining it. We have our work cut out for us in finding a prudent and profitable middle ground – but we will not reach it by using fear mongering, grandstanding and outrage as a strategy. As your United States Senator, I must represent the opinions and the best interests of the entire Mountain State, not just those of coal operators and southern coalfield residents who may be strident supporters of mountaintop removal mining.

I have spent the past six months working with a group of coal state Democrats in the Senate, led by West Virginia native Senator Tom Carper (D-Del.), drafting provisions to assist the coal industry in more easily transitioning to a lower-carbon economy. These include increasing funding for clean coal projects and easing emission standards and timelines, setting aside billions of dollars for coal plants that install new technology and continue using coal. These are among the achievable ways coal can continue its major role in our national energy portfolio. It is the best way to step up to the challenge and help lead change.

The truth is that some form of climate legislation will likely become public policy because most American voters want a healthier environment. Major coal-fired power plants and coal operators operating in West Virginia have wisely already embraced this reality, and are making significant investments to prepare.

The future of coal and indeed of our total energy picture lies in change and innovation. In fact, the future of American industrial power and our economic ability to compete globally depends on our ability to advance energy technology.

The greatest threats to the future of coal do not come from possible constraints on mountaintop removal mining or other environmental regulations, but rather from rigid mindsets, depleting coal reserves, and the declining demand for coal as more power plants begin shifting to biomass and natural gas as a way to reduce emissions.

Fortunately, West Virginia has a running head-start as an innovator. Low-carbon and renewable energy projects are already under development in West Virginia, including: America's first integrated carbon capture and sequestration project on a conventional coal-fired power plant in Mason County; the largest wind power facility in the eastern United States; a bio-fuel refinery in Nitro; three large wood pellet plants in Fayette, Randolph, and Gilmer Counties; and major dams capable of generating substantial electricity.

Change has been a constant throughout the history of our coal industry. West Virginians can choose to anticipate change and adapt to it, or resist and be overrun by it. One thing is clear. The time has arrived for the people of the Mountain State to think long and hard about which course they want to choose.

###

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ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan/DC/USEPA/US

10/06/2009 11:27 AM

To Richard Windsor

cc Diane Thompson, David McIntosh

bcc

Subject Fw: Geoengineering Info

An email from Bart Gordon, the Chair of the House Science committee. Nothing actionable in this email, but wanted to pass it on.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 10/06/2009 11:26 AM -----

From: "BJG" <bjg@mail.house.gov>  
To: Arvin Ganesan/DC/USEPA/US@EPA  
Date: 10/06/2009 11:03 AM  
Subject: Geoengineering Info

---

*Please forward to Lisa—thanks.*

Dear Lisa,

I would like to apprise you of an effort I am undertaking in the House Committee on Science and Technology to examine proposals for moderating climate change through Geoengineering. This concept carries with it enormous risks, and any consideration of geoengineering should be approached with the utmost caution and deliberation. Therefore, as Chairman of the committee of jurisdiction, I feel a responsibility to begin a public dialogue and develop a record on geoengineering. Your guidance and assistance in this effort will be important as we shape our Committee's work in this area.

Geoengineering should only be considered as a potential tool of last resort in a much wider package of climate change mitigation and adaptation options. With this in mind, I feel we must begin to carefully evaluate the potential costs, benefits and risks of various geoengineering options so that we can know which options warrant further research and, more importantly, which options bear unacceptable risks and should be taken off the table.

I began this effort with a request to GAO to report back on the state of



geoengineering efforts and any government-sponsored research in this field, as well potential domestic and international mechanisms for monitoring and regulating geoengineering activities. I am following this with a hearing in the Committee on November 5. This hearing will be the first in a series of hearings and roundtables on geoengineering and will serve as an introduction to the options being considered, along with the potential risks, ethics, and governance issues surrounding their research and deployment.

The November 5 hearing witnesses confirmed so far include Professor John Shepherd of University of Southampton who chaired a September 2009 UK Royal Society report titled *Geoengineering the Climate: Science, Governance and Uncertainty*, and Dr. Ken Caldeira of the Carnegie Institution who also served in the working group for that report as well as on the National Academy of Science panel on America's Climate Choices. The Royal Society has produced what can be considered the definitive authoritative report on the matter.

<http://royalsociety.org/document.asp?tip=0&id=8770>

Again, I assure you that I approach this subject with caution. However, it is time for the experts and policymakers in the U.S. and other responsible nations to have an open dialogue about geoengineering so that we may dictate the policies surrounding its use. Decisions we make will have global ramifications. We must get ahead of geoengineering before it gets ahead of us or, worse, before we lose all ability to manage the impacts of global climate change. I look forward to further frank discussions on the matter.

Sincerely,

Bart Gordon

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Diane Thompson, David McIntosh, Laura Vaught

06/07/2011 05:24 PM

cc

bcc

Subject from potential VP candidate to to the Chamber....

## 2. POLITICS: U.S. Chamber signs Bayh, Card for anti-regulatory 'road show' (06/07/2011)

As part of a new campaign against regulations from the Obama administration, the U.S. Chamber of Commerce has signed up two big names -- former Sen. Evan Bayh (D-Ind.) and Andy Card, who was White House chief of staff under President George W. Bush.

The pair will "carry a bipartisan message on regulatory reform" as they tour the country on a "road show" to highlight rules that are seen by some businesses as stifling the economy, Chamber President Thomas Donohue said in an [internal memo](#) that was first made public today by the Center for Public Integrity.

The chamber has recently focused much of its fire on U.S. EPA, as well as the agencies that are implementing new health care and financial reform laws.

Donohue's letter to the chamber's board of directors notes that EPA is now advancing 202 rules, including 29 with an economic impact of more than \$100 million. It claims that the group's regulatory relief efforts "have helped delay and potentially revise" new limits on smog, coal ash from power plants and toxic emissions from industrial boilers.

"Companies need clear rules of the road. But we've gone too far," he wrote, adding that "the uncertainty generated by new pending rules is a principal reason employers are reluctant to hire and why we're witnessing the weakest recovery from a recession since World War II."

Donohue said the road show, which has not yet been formally announced, is part of a strategy of traveling across the country and talking about the effect of federal rules on local businesses. Delayed and canceled energy projects, which are sometimes stalled by permitting hiccups or litigation, are shrinking the U.S. gross domestic product by \$1.1 trillion and costing 1.9 million construction jobs per year, his group said in a recent report.

Bayh, a moderate Democrat, often bucked the party leadership on EPA rules and other regulatory issues. After leaving office earlier this year, the two-term senator landed a job at law and lobbying firm McGuire Woods LLP and became a commentator on Fox News.

The move drew scorn from the supporters of federal regulations, who say the U.S. Chamber has a habit of exaggerating the burden of new rules.

"Evan Bayh and Andy Card both know from their years of government service that the propaganda from the U.S. Chamber of Commerce on regulation has no basis in reality," said Robert Weissman, president of the advocacy group Public Citizen, in a statement. "They should be ashamed of themselves."

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan/DC/USEPA/US

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

05/13/2010 06:01 PM

cc

bcc

Subject Inside EPA: GOP 'Hold' Blocks EPA Inspector General Nominee From Senate Floor Vote

## **GOP 'Hold' Blocks EPA Inspector General Nominee From Senate Floor Vote**

Republicans are blocking a full Senate vote on the nomination of Arthur Elkins to be the next EPA inspector general (IG), prompting concern from a key Democrat who says the Gulf of Mexico oil spill underscores the need to have a Senate-confirmed IG at the agency.

Elkins, who cleared the Senate Environment & Public Works Committee (EPW) by voice vote in early March, is subject to a "secret" hold from an unknown senator, thought to be a Republican. Several Democratic senators have taken to the Senate floor in recent weeks to protest the ongoing hold, one of dozens of nominees to various administration posts that are being blocked from a floor vote.

Sen. Amy Klobuchar (D-MN) on the floor May 7 cited the oil spill as another reason to have a Senate-confirmed EPA IG. "[W]e are dealing with an environmental crisis down in the Gulf coast area. Yet we can't even get this inspector general in place."

Her comments come weeks after Sen. Claire McCaskill (D-MO) in an April 20 Senate floor speech protested the use of the secret hold to block a slew of Obama administration nominees, including Elkins. "What I am most worried about is how many people out there are holding these nominees for secret reasons, and there are secret negotiations going on about what they want to get in order to release the hold. That is what everyone should be uncomfortable with," she said.

It is unclear which senator has placed a hold on Elkins, who proved largely uncontroversial during his confirmation hearing.

Sen. John Barrasso (R-WY), a regular critic of various EPA rulemakings, particularly to control greenhouse gas emissions, supported moving Elkins' nomination out of EPW, but said in a March 4 floor speech that he had "additional questions" for Elkins before he could allow a full Senate vote on the nomination. In particular Barrasso [sought commitments](#) that if confirmed Elkins would investigate agency climate and other policies, including how EPA made its final finding that greenhouse gases endanger human health and welfare. But Barrasso's spokeswoman says the senator is not responsible for the hold.

Spokespeople for every Republican senator on EPW -- including ranking member and GHG regulation critic Sen. James Inhofe (R-OK) -- said their bosses are not the ones placing the hold, save for Sen. George Voinovich (R-OH) whose office did not return calls for comment.

In total, 27 of 41 Republican senators' spokespeople responded to *Inside EPA* denying that they have placed a hold on Elkins to be the next agency IG, including Sen. Tom Coburn (R-OK). Coburn's spokesman said the senator is "disappointed" an IG is not in place at EPA, "and wishes Majority Leader [Harry] Reid [D-NV] would make that a higher priority."

Notably, Sen. James Risch's (R-ID) spokesman wrote in an e-mail that the senator makes it a general rule not to comment on holds "he has or has not placed."

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ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Laura Vaught, Seth Oster, Brendan Gilfillan, Betsaida Alcantara, Bob Perciasepe

11/07/2011 11:42 AM

cc

bcc

Subject Fw: Blog Post

The WH just blogged on CSAPR. The text and URL is below.

# The White House Blog

## Protecting Historic Progress on Clean Air

Posted by Heather Zichal on November 07, 2011 at 11:33 AM EST

President Obama believes that American families should never be asked to choose between the health of their children and the health of the economy. That is a false choice. Four decades of success under the Clean Air Act have [shown clearly](#) that strong environmental protections and a strong economy can go hand in hand.

To build on the tremendous success of the Clean Air Act, the Obama Administration has taken the most significant steps in a generation to reduce harmful pollution and promote public health. The new standards that we have issued or proposed – to curb interstate pollution, reduce mercury exposure, and make our cars more fuel efficient, just to name a few – will result in significant economic and health benefits each year.

Just over forty years ago, the Senate did something that would be almost unthinkable today: It passed major legislation by a unanimous vote. That legislation was the Clean Air Act of 1970, signed by President Richard Nixon. Two decades later, the Clean Air Act Amendments of 1990 were passed, again with large bipartisan majorities in both houses of Congress, and signed by President George H. W. Bush.

But today, Republicans in Congress are trying to use our current economic climate as an excuse to roll back clean air protections that Americans have counted on for decades. Senator Rand Paul (R-KY) is currently [leading an effort](#) to block the Cross-State Air Pollution Rule (CSAPR) that would save tens of thousands of lives each year. In doing so, Senator Paul is using the Congressional Review Act to repeal this important rule and prohibit the Environmental Protection Agency from protecting American families from cross-state pollution in the future.

Let's be clear – this brazen effort doesn't just undermine the public health, it also undermines the judgment of the courts. In 2008, the U.S. Court of Appeals for the Washington, D.C. Circuit found critical flaws in the Bush Administration's efforts on interstate air pollution and directed the EPA to issue a replacement rule as quickly as possible. After seeking and incorporating extensive input from the public, the states, environmental and public health groups, as well as industry, the EPA finalized the Cross-State Air Pollution rule in July of this year.

### **What does the Cross-State Air Pollution Rule Do?**

This rule is designed protect the health of millions of Americans by helping states reduce harmful air pollution through the deployment of readily available technologies that are already in use at many facilities across the country. By reducing dangerous pollution emitted by power plants, the rule protects residents in dozens of states who are unknowingly subjected to toxic emissions from plants often hundreds of miles away.

### **What benefits will the Cross-State Air Pollution Rule provide for American Families?**

The emission reductions from this final rule will have significant and immediate public health benefits, each year preventing:

- 13,000 to 34,000 premature deaths,
- 19,000 cases of acute bronchitis,
- 15,000 nonfatal heart attacks,
- 19,000 hospital and emergency room visits,
- 1.8 million days when people miss work or school,
- 400,000 cases of aggravated asthma, and
- 420,000 cases of upper and lower respiratory symptoms.

In addition, the benefits of this rule are expected to far outweigh its costs, producing [over \\$100 billion in net benefits](#) each year.

We will continue to take smart sensible steps that ensure we protect the health of our families, while also opposing efforts to undermine the Clean Air Act.

*Heather Zichal is the Deputy Assistant to the President for Energy and Climate Change*

See more about [Economy](#), [Energy & Environment](#), [Health Care](#)

**From:** Hernandez, Phil  
**Sent:** Monday, November 07, 2011 11:36 AM  
**To:** Maher, Jessica A.; Degen, Greg  
**Subject:** Blog Post

It lives!

<http://www.whitehouse.gov/blog/2011/11/07/protecting-historic-progress-clean-air>

Phil Hernandez  
White House Domestic Policy Council  
Energy & Climate Change | 202-456-4660

Stay connected with the White House:



Arvin Ganesan/DC/USEPA/US

04/02/2009 05:12 PM

To Richard Windsor

cc Lisa Heinzerling, David McIntosh, Bob Sussman

bcc

Subject good article on Gina's hearing

## **Inhofe Leaves Door Open To Blocking Vote On EPA Air Office Nominee**

Sen. James Inhofe (R-OK) is leaving the door open to placing a hold on the nomination of Gina McCarthy, President Obama's pick to head EPA's air office, citing Democrats' past opposition to Bush administration nominees and pointing to precedent for a hold unless he receives swift, complete answers to his questions for McCarthy.

“The Senate has not confirmed a nominee for this position in 8 years, not since 2001. And it's due entirely to the opposition of my colleagues on the other side of the aisle,” Inhofe said in his opening statement at McCarthy's April 1 Senate Environment & Public Works Committee (EPW) confirmation hearing.

A spokesman for Inhofe -- ranking member on EPW -- says the senator currently has no plans to place a hold on McCarthy's nomination, which would block a full Senate vote to confirm the nominee. However, the spokesman says there is precedent for a hold if Inhofe fails to receive timely and full answers to his questions for McCarthy.

Opposition to President Bush's nomination of William Wehrum to head EPA's air office and other nominees “arose from allegations that nominees failed to provide timely and complete answers to questions submitted to them,” Inhofe said in his opening statement. “In effect, Madam Chairman, a standard was set by you and your colleagues: in order to advance this nomination as expeditiously as possible, the minority will need timely and complete answers to our questions. Let's hope that occurs.”

Jeffrey Holmstead was the last confirmed EPA Office of Air & Radiation assistant administrator, serving from the beginning of the Bush administration to 2005. After Holmstead quit the agency, Wehrum -- an EPA official and former industry lawyer alongside Holmstead at the law firm Latham & Watkins -- took over in an acting capacity, and Bush eventually nominated Wehrum to the slot in February 2006.

However, EPW Chairwoman Barbara Boxer (D-CA), at the time a member of the panel's minority when the Republicans controlled the Senate, placed a hold on Wehrum's nomination due to her concerns about his record on various clean air rulemakings. The then-GOP majority on the committee approved the nomination 10-8 in April 2006, but Boxer's hold prevented Wehrum from ever being confirmed to head up EPA's air office.

Boxer's hold was due to her concerns about Wehrum's role in Bush EPA rules that she said were too industry-friendly, including EPA's mercury emissions trading rule and changes to the new source review program. Boxer's opposition eventually led Wehrum to submit his resignation in May 2007 and deputy air chief Robert Meyers then served in an acting

capacity until the end of the administration.

In 2005, Boxer also used a hold on Bush EPA Administrator Stephen Johnson's nomination to secure his commitment to cancel a controversial study evaluating the use of pesticides on children. Johnson canceled the study directly in response to Boxer's vow to hold up his nomination.

Now, Inhofe is suggesting that he could put a block on McCarthy's nomination to head the air office unless he receives what he sees as timely, complete responses to policy questions.

Inhofe said his comments had nothing to do with McCarthy personally, and pointed out that McCarthy had already provided answers to his first round of questions, which typically ask nominees to provide their career history, possible conflicts of interest and other details. However, Inhofe said he would likely have further questions, saying, "I'm sure there's some things we may want to pursue."

Although it is unclear what concessions Inhofe might seek to overcome his possible opposition to McCarthy, he raised concerns about climate regulations under the Clean Air Act.

Inhofe said that EPA's pending endangerment finding will extend the reach of EPA's regulations to all aspects of the economy, and he urged caution in EPA's rules. "I hope that you will approach pending decisions on greenhouse gas regulations with care and to the extent that you can, ensure that the concerns of small business, families and every American that uses energy receives a proper hearing," Inhofe said.

Sen. George Voinovich (R-OH) also expressed concern about greenhouse gas regulations under the Clean Air Act, and urged McCarthy to take a bipartisan approach. "The act's principle regulatory programs were enacted decades ago for the purpose of controlling local and regional air pollution. It was designed not to address the global phenomenon of greenhouse gases. I think that all of these things are going to have to be taken into consideration. I am confident that you will try to throw the ball down the middle."

Other lawmakers pressed McCarthy on a range of other issues. For example, Boxer pushed McCarthy to promise to expand EPA's newly announced effort to monitor air toxics at schools. Boxer had urged Obama EPA Administrator Lisa Jackson during her confirmation hearing to pursue the monitoring, and EPA March 31 announced that 62 schools located near industrial facilities or in urban areas would undergo monitoring.

However, Boxer indicated that the monitoring plan does not go far enough. "If confirmed will you commit to use the full extent of EPA's authority and to work with us to expand the monitoring plan around schools and to address the problem of toxic air pollution at schools?" Boxer asked McCarthy.

McCarthy praised the resources Jackson has already committed to the effort, but added, "I will, if confirmed, go back to the agency, get a good understanding of the schools they have



identified and why, and we will make sure we work with the state and local level to do testing that's necessary to identify the risk and to move forward as quickly as possible to reduce any risks that we find.”

In addition, Sen. Tom Carper (D-DE), chair of EPW's air subcommittee, asked McCarthy what role a multi-pollutant approach to control sulfur oxide (SO<sub>x</sub>), nitrogen oxide (NO<sub>x</sub>) and mercury would play in an economy-wide carbon dioxide (CO<sub>2</sub>) control program. Carper has long pushed for a four-pollutant bill to address SO<sub>x</sub>, NO<sub>x</sub>, mercury and CO<sub>2</sub> from utilities, but has now indicated that he would support an economy-wide CO<sub>2</sub> approach.

McCarthy said that while working in Massachusetts, where she held a variety of state environmental policy positions, the state passed a four-pollutant bill that focused on reducing emissions from coal-fired power plants. One of the benefits of the approach was that the technology used to reduce emissions of one pollutant would also reduce emissions of another, she said. “That's the kind of thinking that I think that EPA needs to bring to the table as it coordinates its rulemaking procedures,” she said.

McCarthy has worked on air, climate and radiation issues for the last 25 years, in environmental positions in Massachusetts and as the Commissioner of the Connecticut's environment department. She was also involved in developing the Regional Greenhouse Gas Initiative, the northeast region's CO<sub>2</sub> cap-and-trade program.

Committee Democrats Boxer, Carper and Sen. Tom Udall (D-NM) generally supported McCarthy, praising her experience and hailing her ability to build alliances. Sens. Edward Kennedy (D-MA), John Kerry (D-MA), Christopher Dodd (D-CT) and Joseph Lieberman (I-CT), who are not on the environment committee, also submitted testimony in support of her nomination. -- *Kate Winston*

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ARVIN R. GANESAN  
Deputy Associate Administrator for Congressional Affairs  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

**Arvin Ganesan/DC/USEPA/US**

To Richard Windsor, Seth Oster, Adora Andy, Diane Thompson

11/05/2009 10:15 AM

cc

bcc

Subject WV article about meeting cancellation

Have we been asked for comment?

---

West Virginia's Second District Congresswoman was scheduled to have a face to face meeting with EPA Administrator Lisa Jackson on Thursday.

Those in Jackson's Office, though, canceled the meeting on Thursday morning. No new date for it has been set.

"I am going to keep my voice loud and clear in her ear is what I'm going to do," Congresswoman Shelley Capito was planning to tell Jackson. "Set the boundaries and then let us adjust to them, but they will not set them for us."

Congresswoman Capito's Spokesperson Jonathan Coffin issued the following statement following Thursday's cancellation.

"It's incredibly disappointing. This is an issue that impacts families and jobs across our state. West Virginia needs a dialogue and ensure that the Administrator understands that the decisions of this Administration have a direct impact on Appalachia. Thus far, we haven't been able to have that.

"We're in contact with the EPA to reschedule as early as possible."

The meeting was to come as the EPA continues its extended reviews of more than 20 pending surface coal permits.

Earlier this year, the EPA also rejected an already issued permit for Arch Coal's Spruce Number One Mine, one of the largest such projects in the state. Officials with the U.S. Army Corps said the permit should stand. It's a permit that has been in the works for years.

"Timelines are very free flowing. You can't tell where they are," Congresswoman Capito says of the current process.

"If you come in and reach back and take back a permit that was permitted under the law two years ago, you can't do that anymore.' They keep moving the guidelines and it's very frustrating for us here."

Congresswoman Capito says more government involvement in the coal industry is *not* the answer.

"Government is supposed to be the protector of the national defense and those who can't help themselves. But we're not supposed to be the king of compensation, king of the banking system, king of the permit process."

---

ARVIN R. GANESAN  
Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator

United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, Seth Oster, Laura Vaught, David McIntosh

06/14/2011 08:23 AM

cc

bcc

Subject Fw: NRDC blog post: Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up

## Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up



Posted June 14, 2011 in [Curbing Pollution](#), [Health and the Environment](#), [U.S. Law and Policy](#)

Tags:

You decide.

In choosing whether to enforce current law to dramatically reduce mercury, arsenic, lead and nearly one hundred other toxic air pollutants from power plants — or instead to retreat from these health safeguards —it comes down to this.

Do you believe doctors at the American Lung Association and American Academy of Pediatrics, EPA scientists, and dozens of peer-reviewed studies that power plants' air pollution is very harmful and cleaning it up will deliver significant health benefits to all Americans, especially children?

Or do you believe the nation's most heavily polluting utility company, Washington utility lobbyists and the "hypothesis" of a conservative Congressman that this pollution does not pose significant health risks and controlling the pollution will not deliver real benefits?

Incredibly, that's how industry and political opponents of EPA's mercury and air toxics standards are framing the health choice facing the country. That's how they are framing the question of whether to carry out or kill legal standards that EPA projects will [avoid\[pdf\]](#) the following harms every year:

- Up to 17,000 premature deaths,
- 4,500 cases of chronic bronchitis,
- 11,000 nonfatal heart attacks,
- 12,200 hospital and emergency room visits,
- 11,000 cases of acute bronchitis,
- 220,000 cases of respiratory symptoms,
- 850,000 days when people miss work,
- 120,000 cases of aggravated asthma, and
- 5.1 million days when people must restrict their activities.

Now contrast these enormous benefits with the following three prominent examples of pollution denialism.

(1) Congressman Joe Barton (R-TX) [announced](#) at an April 15th [Congressional hearing](#) his "hypothesis" that exposure to air pollution from power plants such as particulate matter is not linked to premature death. Barton then asserted that EPA findings that reducing such pollution will avoid thousands of premature death every year "are pulled out of thin air." Barton went so far as to dispute any "medical negatives" from air pollution such as mercury, sulfur dioxide and particulate matter.

Doctors from respected health associations such as the American Academy of Pediatrics, the

American Lung Association and the American Public Health Association immediately [wrote](#) [pdf] Barton to strongly reject his contentions. Indeed, Barton’s hypothesis and claims are so thoroughly wrong that the doctors’ letter began by openly declaring their “shock” over Barton’s statements. Their letter noted that:

The health impacts of short-term exposure (over hours to days) of particulate matter [have been] found to include: death from respiratory and cardiovascular causes, including strokes; increased risk of cardiovascular harm, including acute myocardial infarction (heart attacks) and congestive heart failure, especially among the elderly and in people with cardiovascular disease; inflammation of lung tissue in young, healthy adults; increased hospitalization for cardiovascular disease, including strokes; hospitalization for asthma among children; and aggravated asthma attacks in children.

The doctors’ letter concluded by listing 30 peer-reviewed studies establishing “a clear link between air pollution and a range of serious adverse human health effects.” Not surprisingly, Barton’s office has failed to respond to the doctors.

(2) Utility industry lobbyists representing the Southern Company and the utility coalition, the Electric Reliability Coordinating Council, have stated that there are “[no incremental health benefits associated with \[EPA’s mercury and air toxics standards\]](#).” These lobbyists have denied further that reducing power plants’ hazardous air pollution, including mercury, “[actually does anything to protect public health](#).” The lobbyists even went so far as to [dispute](#) the association between premature deaths and particulate matter pollution.

Numerous medical organizations [reject](#) [pdf] these preposterous claims, including the American Lung Association, American Thoracic Society, American Public Health Association, the Asthma and Allergy Foundation of America, American Academy of Pediatrics and Physicians for Social Responsibility.

Moreover, the lobbyists’ bald contentions conflict with a substantial body of [peer-reviewed scientific studies](#) [pdf] that serve as the foundation for EPA’s [extensive findings](#)[pdf, chapters 5 & 6] of health hazards attributed to air pollution from power plants, especially deadly particulate matter.

The lobbyists’ claims are not backed by peer-reviewed studies and amount to scattershot rhetoric that is counter-factual and scientifically unsound, but rests on the tired hope of deniers that the claims will sow doubt that will grow with increasing applications of verbal fertilizer. But falling into the “you-can’t-make-this-stuff-up” category, there is one fact that makes these lobbyists’ claims even more surreal. One of the two utility industry lobbyists in question is the former political appointee that headed the Bush EPA’s air office, Jeff Holmstead. In that capacity, Holmstead delivered testimony before Congress at odds with his current denials on behalf of utility clients.

The left column of the following table quotes statements by Holmstead at a recent [debate](#) sponsored by the Environmental Law Institute. The right column quotes testimony by Holmstead and related EPA statements, both during his tenure as political head of the agency’s air office.

2011 Statements by Holmstead, Representing Utility Companies	Statements by Holmstead or EPA When Holmstead
<p>“I don’t believe that there are thousands of people who are dying because of exposure to these small [particles],” i.e. particulate matter.</p>	<p>Reducing power plants’ air pollution would result in “1- reducing fine particle pollution caused by SO2 and NOx EPA estimates that reducing power plants’ SO2 and NOx that include 13,000-17,000 fewer premature fatalities ev</p>
<p>“It is pretty hard to say that [mercury from coal-fired power plants] is a significant public health issue.”</p>	<p>"Mercury is a potent toxin that causes permanent damage of ingestion. Most exposure comes through eating contaminated recreationally caught fish due to mercury contamination levels exceed the reference dose established by EPA, with waste incinerators and municipal waste combustors are with medical waste incinerator and municipal waste con</p>

important sources. Power generation is now the largest anthropogenic mercury emissions in this country." *May*

(3) Finally, there are the following absurd statements on the [website](#) for the American Electric Power Company, one of the heaviest polluting utility companies in the country:

[S]ignificant bodies of scientific work, including previous conclusions by the EPA, indicate that particulate emissions from power plants are not a significant risk to public health. We believe that particulates generated from the transportation sector are a greater risk to public health.

The first quoted statement is sheer nonsense. There is no such significant body of scientific work, and for good reason the AEP claim is unaccompanied by any source citation. Moreover, there are no "previous conclusions by the EPA" that support the AEP claim; EPA conclusions about the severe risks from power plants' particulate matter directly contradict the AEP claims. And when I asked several EPA officials what AEP possibly could be talking about in making this startling claim about "previous conclusions by EPA," the agency officials had no idea. (It's also noteworthy that the AEP claim is contradicted by the Bush EPA's consistent [findings](#) [pdf, chapters 1 & 4] that power plant air pollution is deadly and responsible for a litany of health hazards.)

When I questioned a group of AEP officials about the basis for the first statement above, one of the officials responded with the name of a *single* study. *And it turns out that study does not even support the claim on the AEP website; indeed, the study authors have corrected and chastised utility industry lobbyists previously for distorting the study's conclusions :*

Scientists involved in a major Atlanta-area study on the health effects of fine particulate matter (PM2.5) pollution say the utility group funding the research is "inappropriately" interpreting its initial data as evidence that power plant emissions have a negligible impact on cardiovascular health, when compared to other PM2.5 sources such as mobile source emissions. ....

A second scientist, who was involved in an independent review of [the study], adds, "The problem is not so much the study, as how it is being misinterpreted by utility [representatives] as saying that utility pollution is not bad for your health. I and the ARIES study scientists I've spoken to don't believe that is an appropriate interpretation of the results.

[Scientists Accuse Industry of Manipulating Major PM2.5 Study Findings](#), InsideEPA, Jan. 7, 2005 (subscription required).

So why are we now hearing these outlandish denials that mercury, particulate matter and other toxic air pollution are harmful to Americans' health? Why all the disavowals that cleaning up this pollution will deliver tremendous health benefits – saving lives, avoiding heart attacks and asthma attacks, and avoiding brain poisoning and developmental damages to the unborn?

Barton actually supplied the answer to those questions at the [April 15th hearing](#) [pdf]:

[T]he entire premise for going forward [with these standards] is that you get such a tremendous ratio of benefits to cost because they claim, according to Mr. Walke's testimony, which he is an honest man and he has got it from somewhere, is \$140 billion annually. But if you really don't have the benefit because you are not having the medical negative, but you really have the cost – and if you don't think the costs are real, just look at how many factories are closing and going to Mexico and China.

Barton recognizes the benefits of EPA's mercury and air toxics standards are so overwhelming that the only way for polluting utility companies to avoid their responsibility for cleaning up that pollution is to pretend the benefits don't exist. To pretend that power plants' air pollution is not harmful. To deny that cleaning up that air pollution will deliver significant, cost-effective health

benefits to Americans.

Opponents of EPA's mercury and air toxics standards understand that Americans are sensible and moral people. Americans realize air pollution is harmful and agree that polluters have a legal and moral responsibility to clean it up. The American people support enforcing the law to deliver the resulting clean air benefits to all of us.

All too often, the losing side in political debates in Washington resort to obfuscation and worse, flatly denying the facts when facts are not on their side — to the point of rejecting substantial bodies of peer-reviewed science.

The debate over EPA's mercury and air toxics standards is no different.

So it comes down to this. Do you believe doctors, scientific facts and common sense, or the desperate purveyors of denial?

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 06/14/2011 08:22 AM -----

From: "Walke, John" <jwalke@nrdc.org>  
To: David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Date: 06/14/2011 08:16 AM  
Subject: NRDC blog post: Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up

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[http://switchboard.nrdc.org/blogs/jwalke/desperate\\_denial\\_utility\\_pollu.html](http://switchboard.nrdc.org/blogs/jwalke/desperate_denial_utility_pollu.html)

Arvin Ganesan/DC/USEPA/US

01/27/2011 09:41 AM

To Richard Windsor, Seth Oster, Lawrence Elworth, David McIntosh, Diane Thompson, Steve Owens, Bob Sussman, Nancy Stoner, Bob Perciasepe

cc

bcc

Subject Fw: chambliss/roberts

This is the Ag playbook for oversight.

-----  
ARVIN R. GANESAN  
Deputy Associate Administrator  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

----- Forwarded by Arvin Ganesan/DC/USEPA/US on 01/27/2011 09:38 AM -----

From: "Adamo, Chris (Stabenow)" <Chris\_Adamo@stabenow.senate.gov>  
To: Lawrence Elworth/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
Date: 01/27/2011 09:36 AM  
Subject: chambliss/roberts

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FYI

## Press Releases

# [CHAMBLISS, ROBERTS URGE ADMINISTRATION TO REVIEW PENDING REGULATIONS TO EASE COSTLY BURDEN ON AGRICULTURE](#)

**Jan 26 2011**

Washington – U.S. Senator Saxby Chambliss (R-Ga.), Ranking Member of the Senate Agriculture Committee, and U.S. Senator Pat Roberts (R-Kan.) today sent a letter to Cass Sunstein, Administrator of the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) urging him to reduce burdensome and ineffective regulations impacting farmers, ranchers and rural America. Consistent with President Obama's January 18th executive order, the Senators include a list of regulations and proposals that OIRA should consider a priority for review given the substantial and unjustifiable cost on stakeholders. In the letter, the Senators said they want assurance that the administration will review the actions by the U.S. Department of Agriculture (USDA) and the Environmental Protection Agency (EPA) and swiftly implement corrective action.

Text of the letter to Administrator Sunstein is below:

January 26, 2011



The Honorable Cass Sunstein  
Administrator  
Office of Information and Regulatory Affairs  
The Office of Management and Budget  
725 17th Street, NW  
Washington, DC 20503

Dear Administrator Sunstein:

We write as a follow-up to your recent conversation with Senator Chambliss regarding the grave concerns we have about a significant number of regulatory proposals by the Obama Administration. These proposals will impact the U.S. agriculture industry as well as jobs and wealth creation in rural America. We are most interested in the executive order released last week by President Obama and, importantly, the impact of this measure as it is implemented by leadership at the Department of Agriculture and Environmental Protection Agency.

As stated in the executive order, "some sectors and industries face a significant number of regulatory requirements, some of which may be redundant, inconsistent, or overlapping." Furthermore, the executive order mandates that "...each agency shall attempt to promote such coordination, simplification and harmonization" across agencies. Agriculture is such an industry under the jurisdiction of multiple agencies where coordination is necessary to ensure the executive order's goal of "economic growth, innovation, competitiveness, and job creation."

We are fully supportive of any effort to reduce burdensome and ineffective regulation.

Therefore, we wish to draw your attention to the following measures which we believe will have a substantial and unjustifiable cost on production agriculture and rural communities across our nation. In addition to expressing our continued concern about these provisions, we hereby request a review and subsequent analysis by your office as to whether each of these proposals is consistent with the essence and requirements of the January 18th executive order. Finally, once such analysis is complete, we ask that your staff be made available to present your findings to our staff and the staff of other Senators concerned about these matters.

Thank you for your prompt attention to this request.

Sincerely,

U.S. Senator Saxby Chambliss

U.S. Senator Pat Roberts

## REGULATORY ACTIVITY OF CONCERN FOR AGRICULTURE AND RURAL AMERICA

### (A) EPA

#### (1) PESTICIDES

a. NPDES permits– This is scheduled to go into effect on April 9, 2011. It will require 5.6 million applications of pesticides by 365,000 applicators to have NPDES permits to apply pesticides. It will cost \$50 million and require one million hours per year to implement.

[http://cfpub.epa.gov/npdes/home.cfm?program\\_id=410](http://cfpub.epa.gov/npdes/home.cfm?program_id=410)

b. Atrazine – In the fall of 2009, in response to a New York Times article, EPA announced an unscheduled re-review of atrazine. Atrazine was favorably reviewed by EPA in 2006 and is scheduled to begin registration review in 2013. EPA's decision on atrazine could establish a precedent for other pesticides. <http://www.epa.gov/opp00001/reregistration/atrazine/>

c. Endangered Species Act – Courts are imposing arbitrary limits on pesticide use, mostly by requiring large buffers along streams, in order to protect endangered species. The uncertainty that these actions have created is then greatly exacerbated by the Administration's failure to establish a process through which the U.S. Fish and Wildlife Service and National Marine Fisheries Service can consult with EPA on endangered species issues as they are required to do by statute. Such failure to coordinate is creating serious jeopardy for agriculture as environmental groups recently filed suit against EPA alleging that its pesticide regulatory process does not take into account the effects of pesticides on endangered species.

<http://www.epa.gov/espp/>  
[http://www.biologicaldiversity.org/news/press\\_releases/2011/pesticides-01-20-2011.html](http://www.biologicaldiversity.org/news/press_releases/2011/pesticides-01-20-2011.html)

d. Risk Assessment Process/Precautionary Principle – In December 2009, EPA proposed to revise its risk assessment methods related to agricultural workers, their children and pesticides with no food uses. This is a significant change to the agency's risk assessment methodology and is not required by FIFRA. It would add an additional ten-fold safety factor for occupational risk.

<http://www.epa.gov/pesticides/health/worker-rsk-assmnt.html>

## (2) WATER

a. Clean Water Act Strategy – In 2009, EPA began to develop a series of aggressive Clean Water Act initiatives. Agriculture is the chief focus of the effort. The problem is not that EPA is developing new strategies and plans for improving water quality, but it is how the agency is going about doing it. Agriculture has not been impressed with the promises of openness and transparency. Agriculture groups are routinely not included in meetings and strategy sessions and the groups' concerns about hasty decision making without thorough analysis are frequently dismissed. For example, only a few from the agriculture community were invited to attend EPA's strategy workshop held in August 2010.

<http://blog.epa.gov/waterforum/2010/08/draft-clean-water-strategy-is-released/>

b. Numeric Nutrient Criteria – Under a settlement agreement with an activist group, EPA has taken over the development of numeric nutrient criteria (NNC) for Florida's waters. NNC are a subset of EPA's technical water quality standards program. Florida estimates the total capital cost of EPA's criteria will range from \$47 to \$98 billion over 30 years. At this time, 44 states have criteria under development.

<http://yosemite.epa.gov/opei/RuleGate.nsf/6c93b95a7f1614c1852576b70060eb51/355215442d406485852576da0076d5cb!OpenDocument>

c. Water Quality Standards Rulemaking – On July 30, 2010, EPA announced it will propose amendments to the Water Quality Standards program. EPA plans to strengthen anti-degradation standards, adopt a presumption that all U.S. waters should be fishable and swimmable, and require state decisions to be approved by EPA. In effect, this proposal would federalize decisions historically made by the states under the Clean Water Act. [http://water.epa.gov/lawsregs/lawsguidance/wqs\\_index.cfm](http://water.epa.gov/lawsregs/lawsguidance/wqs_index.cfm)

d. Chesapeake Bay Total Maximum Daily Load (TMDL) – EPA is seeking expanded authority to

implement plans to restore the Bay. Part of this effort is setting a stringent total maximum daily load (TMDL). TMDLs are allocations by sector of allowed discharges to certain water bodies. This will subject producers in the Bay states to more regulation than producers in other states. The Bay TMDL is expected to be used as a model for other water bodies, such as the Mississippi River in the Midwest and the Puget Sound in the Pacific Northwest. <http://www.epa.gov/chesapeakebaytmdl/>

e. CAFOs – A new regulation is planned for summer 2011. It is expected to require small and medium Concentrated Animal Feeding Operations (CAFOs) to obtain permits and the use of more aggressive nutrient management plans. It also will include a presumption that all CAFOs discharge, thus subjecting them to permitting requirements. [http://www.epa.gov/npdes/pubs/cafo\\_implementation\\_guidance.pdf](http://www.epa.gov/npdes/pubs/cafo_implementation_guidance.pdf)

### (3) AIR

a. PM 10/Dust – EPA is preparing to reconsider its large particulate matter (PM 10) standard. EPA's Clean Air Advisory Committee has recommended lowering the standard. This is problematic because the current standard is already difficult for many rural counties, especially in the West, to meet. [http://www.epa.gov/ttn/naaqs/standards/pm/s\\_pm\\_index.html](http://www.epa.gov/ttn/naaqs/standards/pm/s_pm_index.html)

b. Greenhouse Gas Regulations – EPA is swiftly moving ahead with a suite of regulations concerning greenhouse gas emissions. In the short term, they will affect agriculture by creating additional uncertainty and slowing the recovery of the economy. In the long term, they will raise production costs for producers and agricultural businesses. <http://www.epa.gov/climatechange/initiatives/index.html>

### (4) OTHER

a. Dioxin Risk Assessment – EPA is considering a cancer risk factor that will cause nearly all agricultural products to exceed the agency's level of concern. Since 2000, the incidence of dioxin contamination has dropped 90 percent. <http://cfpub.epa.gov/ncea/CFM/nceaQFind.cfm?keyword=Dioxin>

b. Arsenic Risk Assessment – EPA is considering a cancer risk factor that will cause virtually all soils to exceed the agency's target risk range. This means rice, wheat, corn meal, peanuts, apples, lettuce, carrots, onions, sugar, and tap water would be considered unsafe. <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=219111>

c. Urea Risk Assessment – Urea is widely used in fertilizers as a source of nitrogen. It also is an important raw material for the chemical industry. In September, EPA announced a 60-day public comment period and a public listening session on November 16 for the external review of the draft human health assessment on urea. [http://cfpub.epa.gov/ncea/iris\\_drafts/recordisplay.cfm?deid=214771](http://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=214771)

d. Fly Ash Regulation – EPA’s preferred approach for regulation of fly ash is to declare it hazardous waste. This would end all beneficial uses of fly ash, including agricultural uses. Currently, it is used as a soil amendment and research shows it can be used at field borders to better capture phosphorus runoff. <http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/4eca022f6f5c501185257719005dfb1b!OpenDocument>

## (B) DEPARTMENT OF AGRICULTURE

(1) Biotechnology- Recently, USDA convened a forum of stakeholders to discuss alfalfa co-existence and conflicts between supporters and critics of agriculture biotechnology. In proposing a “partial deregulation” with isolation distances and geographic restrictions based entirely on perceived economic consequences resulting from the commercialization of genetically engineered alfalfa, the Department has introduced political considerations that exceed their statutory authority to regulate the introduction and movement of plant pests. The integration of the co-existence discussion within the regulatory process signals the Department’s willingness to elevate the precautionary principle as a fundamental tenet of decision making rather than established procedures as set forth by years of science based risk assessment. The Department plans to issue a record of decision on GE alfalfa the week of January 24th. [http://www.aphis.usda.gov/biotechnology/alfalfa\\_documents.shtml](http://www.aphis.usda.gov/biotechnology/alfalfa_documents.shtml)

(2) Trade- USDA intends to propose modifications to the Foreign Market Development and Market Access Programs that have the potential to reduce their effectiveness in increasing U.S. exports. At present, these programs are operating optimally and fulfilling all of the goals of the President’s National Export Initiative by including small and medium-sized enterprises as required by law.

(3) Livestock marketing- In June of last year, the Grain Inspection, Packers and Stockyards Administration (GIPSA) published a proposed rule that would make historic changes in the rules governing production and marketing of livestock. The draft rule has come under significant criticism from industry as well as Congress as to substance and a lack of economic analysis conducted before the proposal was published. <http://archive.gipsa.usda.gov/rulemaking/fr10/06-22-10.pdf>

(4) Crop insurance- In early January, the Risk Management Agency (RMA) unveiled a proposed rule that would reward farmers participating in the federal crop insurance program for good performance.

As proposed by RMA, the "Good Performance Refund" Program does not appear to meet the spirit of the new executive order. First, instead of utilizing an electronic delivery mechanism that is already in place, the proposal would require the Treasury or USDA to issue hard copy checks to eligible producers. Secondly, the proposal fails to comply with the statutory requirement that producer performance be based on region. By failing to take geographical differences under consideration, RMA's proposal disproportionately benefits producers in regions with favorable weather conditions. Finally, the agency has allowed only 15 days for public comment. <http://www.rma.usda.gov/regs/2011/gprpr.pdf>

**Arvin Ganesan/DC/USEPA/US**

06/24/2009 08:48 AM

To Richard Windsor

cc "David McIntosh", "Sarah Pallone"

bcc

Subject Re: Can one of you email

I think you mean this letter.

-----

The letter:

**The Alliance for Climate Protection \* American Rivers  
Center for American Progress Action Fund \* Clean Water Action  
Climate Solutions \* Defenders of Wildlife \* Environment America  
Environmental Defense Fund \* Environmental Law & Policy Center  
Interfaith Power and Light (IPL) \* League of Conservation Voters  
National Audubon Society \* The National Hispanic Environmental Council (NHEC)  
National Wildlife Federation \* Natural Resources Defense Council \* Oceana  
Oxfam America \* Pew Environment Group \* Sierra Club  
Southern Alliance for Clean Energy  
The Wilderness Society \* Union of Concerned Scientists**

June 22, 2009

House of Representatives Washington, DC 20515

Dear Representative:

On behalf of the millions of members and volunteers that our organizations represent, we write to urge you to support final passage of the American Clean Energy and Security Act of 2009 (ACES).

We also urge you to do everything possible to strengthen the bill between now and final passage, and along its journey to the President's desk.

ACES will help build America's clean energy economy and launch the United States' first national plan of action to address the growing threat of climate change. ACES offers our country the most important opportunity in generations to jumpstart our economy, create millions of new, well-paying jobs, and set the stage for America to compete and prosper in a 21st century economy.

We believe this is one of the most important votes of our time. There are rare moments in American history when the urgency to act is clear, the stakes are high, the costs of inaction are untenable, and the need for courageous leadership is paramount. Now is one of those moments. An opportunity like this may not come again for many years.

ACES will deliver important benefits for consumers, workers, and businesses, while protecting public health, national security, and the parks, forests, and coastlines that define America's natural heritage. Specifically:

- ACES launches the first national plan of action to address climate change. The legislation includes a steadily declining cap to reduce pollution from major sources such as power plants and oil refineries, and launches a new, large-scale program to protect tropical forests. The legislation includes a clear scientific process for evaluating the plan over time and recommending updates.
- ACES creates and funds programs to help states, communities, public health officials and wildlife professionals prepare for and respond to those impacts of climate change that can no longer be avoided.
- ACES includes an energy efficiency plan that includes new standards and incentives to use smarter energy technologies and save energy where we live and work. The American Council for an Energy Efficient Economy estimates that ACES will save consumers billions of dollars annually on energy bills.
- ACES creates new incentives for clean energy and provides states with allowances worth billions of dollars annually to promote energy efficiency and clean energy in every part of the nation and in all communities, with specific measures targeted at low-income communities. The Center for American Progress estimates that, combined with the already-enacted American Recovery and Reinvestment Act, ACES can help create 1.7 million clean energy jobs.
- ACES includes several important programs to save oil by investing in the next generation of vehicles, supporting the development of smarter transportation plans, and reducing greenhouse gas emissions from heavy trucks, construction equipment, trains, and airplanes. In addition, it creates energy efficiency programs that will reduce oil consumption from homes and businesses.
- ACES delivers cleaner energy with an affordable framework that is fair to Americans across all income groups. According to the Congressional Budget Office (CBO), the 20% of households with lowest income in America will see an average net economic benefit of \$40 annually. Overall, CBO estimates that the net cost to the average household will be under 50 cents per day, and this estimate doesn't include the energy bill savings potential from the legislation's energy efficiency measures.
- CBO has determined that ACES reduces the national budget deficit, lightening the financial load on future generations even as we begin to reduce the environmental debt we will leave behind.

The window of opportunity to act is short. Although ACES is just the beginning of an



effective long-term national strategy on climate change, the science is clear that we must get started now and have already delayed far too long. By passing ACES, the House will create vital momentum for action this year by the Senate and the President, as well as for global action. As we approach the December 2009 deadline for climate treaty negotiations in Copenhagen, Denmark, we must show the world the U.S. is ready to commit to action toward solving this global problem.

As ACES is considered on the floor, we urge that you oppose any amendments that weaken the bill's clean energy incentives and environmental goals. We urge you to support amendments that strengthen the bill, particularly those that create more clean energy jobs with stronger renewable energy and energy efficiency provisions, as well as amendments that increase investments that help foster a fair and effective global agreement and help prepare for the impacts of climate change to natural resources and vulnerable communities that can no longer be avoided.

Most importantly, we urge that you vote "yes" on final passage to get started now on a national effort to address climate change, and that you reach out to your colleagues to build a strong coalition of support for a clean energy future.

Our members, partners and allies are mobilizing as never before to capture this historic opportunity. Now it's time for Congress to act.  
Sincerely,

The Alliance for Climate Protection  
American Rivers  
Center for American Progress Action Fund  
Clean Water Action  
Climate Solutions  
Defenders of Wildlife  
Environment America  
Environmental Defense Fund  
Environmental Law & Policy Center  
Interfaith Power and Light (IPL)  
League of Conservation Voters  
National Audubon Society  
The National Hispanic Environmental Council (NHEC)  
National Wildlife Federation  
Natural Resources Defense Council  
Oceana  
Oxfam America  
Pew Environment Group  
Sierra Club  
Southern Alliance for Clean Energy  
The Wilderness Society  
Union of Concerned Scientists

-----  
ARVIN R. GANESAN

Deputy Associate Administrator  
Congressional Affairs  
Office of the Administrator  
United States Environmental Protection Agency  
Ganesan.Arvin@epa.gov  
(p) 202.564.5200  
(f) 202.501.1519

Richard Windsor    [Me the text of the letter signed by 22 e...](#)    06/24/2009 08:43:16 AM

From: Richard Windsor/DC/USEPA/US  
To: "Sarah Pallone" <Pallone.Sarah@epamail.epa.gov>, "David McIntosh" <mcintosh.david@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>  
Date: 06/24/2009 08:43 AM  
Subject: Can one of you email

---

Me the text of the letter signed by 22 enviros to the US House asking them to pass ACES? Tx.

Obviously, please notify me immediately today via email if enviros (Sierra, NRDC, LCV) make any staements. Tx.

Arvin Ganesan/DC/USEPA/US

To Richard Windsor, "Seth Oster"

12/24/2010 11:00 PM

cc

bcc

Subject NYT OpEd

## A Coming Assault on the E.P.A.

Republicans in the next Congress are obviously set on limiting the Environmental Protection Agency's authority under the Clean Air Act to regulate a wide range of air pollutants — even if it means denying the agency money to run its programs and chaining its administrator, Lisa Jackson, to the witness stand. Fred Upton, who will become the next chairman of the House Energy and Commerce Committee, says he plans to call Ms. Jackson so often for questioning that he'll guarantee her a permanent parking space on Capitol Hill.

It is equally plain that Ms. Jackson has no intention of abandoning her agenda or her defense of one of the most successful of America's landmark environmental statutes. What is not clear is where the White House stands and whether it is prepared to resist industry's standard litany that E.P.A. is as an out-of-control agency threatening jobs with unnecessary rules.

President Obama's political advisers have shown little enthusiasm for environmental issues. Mr. Obama himself ceded leadership on the climate-change issue to Congress, which ended up doing nothing. On the other hand, his chief environmental adviser is Carol Browner, herself a former E.P.A. administrator whose aggressive clean-air initiatives in the Clinton years would never have prevailed without Oval Office support.

Which is just what Ms. Jackson will need in the months ahead. On her plate is: a proposed rule reducing pollutants like sulfur dioxide, the acid rain gas, from power plants east of the Mississippi River; a first-of-its-kind rule limiting toxic pollutants like mercury, which the agency has been ducking for years; and, most problematic, proposals imposing new "performance standards" on power plants to limit greenhouse gases.

Taken together, these and other pending rules should lead to a dramatically less polluting fleet of power plants, a process already set in motion by the rapid decline in natural gas prices. That has encouraged industry to retire dirtier coal-burning facilities. Everyone will benefit: citizens from cleaner air, lakes and fish from reduced mercury deposits, the atmosphere from lower greenhouse gases.

Some important players in industry are ready for change. In a recent letter in The Wall Street Journal, a group of powerful utilities including Pacific Gas and Electric and New Jersey's Public Service said that industry had had plenty of time to prepare, that pollution could be reduced in cost-effective ways and that newer and cleaner plants will create jobs, not destroy them.

But this is hardly a universal view in industry and in Congress. Although the Supreme Court ruled in 2007 that the Clean Air Act gives the E.P.A. not just the right but the obligation to regulate greenhouse gases, the Senate tried to subvert that authority once. Senator John

Rockefeller IV, a Democrat who represents West Virginia coal interests, will surely try again.

Ms. Jackson will have to be tactically smart, lest overreaching on one rule brings the whole house down. She has already delayed new air-quality standards for ozone. She says she needs more scientific evidence to set precise limits. Historically, clean-air rules are almost always litigated, so having sound science on her side is essential.

But she won't get far without Mr. Obama's backing. Ms. Browner could remind the president that it was after a dispiriting Republican midterm victory that President Bill Clinton found his feet on environmental issues. In 1995, the Newt Gingrich crowd came to town promising to overturn a whole body of environmental law. Mr. Clinton rose up, not only winning the big battles, but eventually compiling a sterling record. Mr. Obama should emulate him.

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor"

12/09/2011 03:19 PM

cc

bcc

Subject Fw: Afternoon Energy, powered by America's Natural Gas Alliance: House tax proposal includes Keystone, Boiler MACT - Cleaver walks back Keystone comments - Durban update - RGGI bids trade at minimum price

Fyi.

**CLEAVER WALKS BACK KEYSTONE COMMENTS:** After saying this morning that “if I had one minute to vote, I probably would vote to accept the deal” on the payroll tax package and Keystone pipeline, Rep. Emanuel Cleaver (D-Mo.) tried to walk his statement back. “It is important that I make myself clear. I do not support the GOP payroll tax package,” Cleaver said in a statement after Republicans began circulating his comments from his morning appearance on MSNBC. POLITICO’s Tim Mak: <http://politi.co/tnfQEZ><<http://politi.co/tnfQEZ>>

Sent from my Blackberry Wireless Device

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**From:** POLITICO Pro Energy [afternoonenergy@politicopro.com]

**Sent:** 12/09/2011 03:06 PM EST

**To:** Arvin Ganesan

**Subject:** Afternoon Energy, powered by America's Natural Gas Alliance: House tax proposal includes Keystone, Boiler MACT - Cleaver walks back Keystone comments - Durban update - RGGI bids trade at minimum price

By Alex Guillen | 12/9/11 3:04 PM EST

*With help from Darren Samuelsohn and Darius Dixon*

Happy Friday and welcome to Afternoon Energy. Let’s get to it.

**HOUSE TAX PROPOSAL INCLUDES KEYSTONE, BOILER MACT:** House Republicans today officially unveiled a year-end payroll tax holiday and unemployment insurance strategy that includes expediting a decision on the Keystone XL pipeline and blocking EPA air toxics controls for industrial boilers. The plan would require the president — acting with the State Department — to make a decision within 60 days on TransCanada’s pipeline project, or else the project would be automatically approved. Darren Goode has the details:

<http://politico.pro/vh9TL9>

**PIPELINE’S A STICKING POINT:** “Once we pass a bill, Senate Democrats will start pushing for Republicans to ‘negotiate.’ That’s [not going to happen],” a GOP leadership aide told POLITICO’s Jake Sherman and Manu Raju. “We aren’t going to negotiate with ourselves when they haven’t passed anything. The Senate needs to pass a bill.” <http://politi.co/skFpGH>

**CLEAVER WALKS BACK KEYSTONE COMMENTS:** After saying this morning that “if I

had one minute to vote, I probably would vote to accept the deal” on the payroll tax package and Keystone pipeline, Rep. Emanuel Cleaver (D-Mo.) tried to walk his statement back. “It is important that I make myself clear. I do not support the GOP payroll tax package,” Cleaver said in a statement after Republicans began circulating his comments from his morning appearance on MSNBC. POLITICO’s Tim Mak: <http://politi.co/tnfQEZ>

**DURBAN UPDATE:** International climate negotiations are expected to stretch through tonight and into Saturday as diplomats haggle over whether the next major climate compact will have any legally binding force. Draft text circulating today suggests a new round of talks begin immediately "to develop a legal framework applicable to all under the United Nations Framework Convention on Climate Change after 2020." Negotiations would be finished no later than 2015 to give time for the agreement's ratification. The draft text: <http://politico.pro/s39mVZ>

**BUT THERE’S LITTLE JUMPING UP AND DOWN** over the document. Mark Lynas, a climate adviser to the Maldives, clandestinely sent Twitter posts today from inside closed-door negotiations and said there were objections from the European Union, Saudi Arabia, Nicaragua, Bolivia, Gambia and Grenada. The Guardian reported Friday (<http://bit.ly/uwJWAw>) that China doesn't like the document either. "This is killing the Kyoto Protocol," the paper quotes negotiator Su Wei as saying.

**FINAL DESTINATION?** "I think they're headed for an impasse," Alden Meyer of the Union of Concerned Scientists told AE by phone from South Africa. Under the UN rules, any final deal requires consensus among some 190 countries. As is customary during the closing day of the annual UN climate conference, all formal press conferences are on hold pending the conclusion of the talks — now likely to come Saturday morning or afternoon in Durban (seven hours ahead of EST).

**IT’S NOT TOO LATE:** Don’t have any plans Monday night? Then grab a group of four for another fun POLITICO Pro trivia night! Patrick Gavin will be joined by Morning Energy’s Patrick Reis, teeing up questions on all things policy, politics and D.C. Pros can RSVP to: [awilliams@politico.com](mailto:awilliams@politico.com).

**RGGI BIDS TRADE AT MINIMUM PRICE:** The Regional Greenhouse Gas Initiative’s quarterly auction saw 27.3 million allowances at \$1.89 each — the minimum allowable bid. A New Jersey state spokeswoman says that, while climate change is real, the “auction results affirm the fact that supply of allowances continues to outweigh demand.” New Jersey Gov. Chris Christie announced his state would pull out of the trading scheme earlier this year. Each bid allows the owner to emit one ton of carbon dioxide. More, from Bloomberg: <http://bloom.bg/uo7JiJ>

**DEADLINE:** Today is the deadline for utilities, regional electric transmission planners and others to submit comments to FERC regarding the agency’s technical conference last week, which spent a day discussing the potential grid reliability impacts of EPA air and water regulations.

**KEEP SOLAR ADD ON DEFENSE SPENDING, LAWMAKER SAYS:** The House should

adopt the Senate version of an amendment to the annual defense spending bill requiring solar panels purchased by the military to be made in the U.S., Rep. Maurice Hinchey (D-N.Y.) wrote in a letter to Armed Services Committee leadership. The Senate language is more specific, he says, and will help close loopholes that have allowed the Defense Department to purchase non-U.S. panels since a similar provision passed last year. Hinchey co-founded the Defense Energy Security Caucus. His letter: <http://bit.ly/tkiKpN>

**TOMORROW:** White House CEQ Chair Nancy Sutley will participate in a panel on job creation at a National Black Caucus of State Legislators conference in Chicago, 10:15 a.m. CST.

## QUICK HITS

— The NRC is likely to approve the Westinghouse AP1000 reactor design within the next two months, according to NRC chief Gregory Jaczko. Reuters: <http://reut.rs/urTrIU>

— The American Wind Energy Association and American Society of Civil Engineers have agreed to jointly develop permitting practices and construction standards for wind turbines.

— The American Gas Association is moving its lobbying and promotion efforts outside Washington. E&E: <http://bit.ly/sPiQ32>

— Southern Union Co. shareholders have approved a \$5.3 billion takeover by Energy Transfer Equity. Bloomberg: <http://bloom.bg/vhCePU>

\*\* A message from America's Natural Gas Alliance: One solution for more abundant domestic energy is staring us in the face. Natural gas is the natural choice — now and in the future. We know we need to use cleaner, American energy. And, we have it. Today, the U.S. has more natural gas than Saudi Arabia has oil, giving us generations of this clean, domestic energy source. Natural gas supports 2.8 million American jobs, most states are now home to more than 10,000 natural gas jobs. As Congress and the Administration look for ways toward a cleaner tomorrow, the answer is right here: natural gas. Learn more at [www.anga.us](http://www.anga.us). And, follow us on Twitter @angaus. \*\*

## Stories from POLITICO Pro

[Keystone, boiler MACT in House tax proposal](#)

**Keystone, boiler MACT in House tax proposal [back](#)**

By Darren Goode | 12/9/11 12:20 PM EST

House Republicans on Friday officially unveiled a year-end payroll tax holiday and unemployment insurance strategy that includes expediting a decision on the Keystone XL pipeline and blocking EPA air toxics controls for industrial boilers.

The plan would require the president — acting with the State Department — to make a decision

within 60 days on TransCanada's pipeline project, or else the project would be automatically approved.

The president could determine that the project is not in the national interest, and if so, would have to quickly justify that decision to Congress.

Republicans decided not to include a requirement from a bill sponsored by Rep. Lee Terry (R-Neb.) that would have given FERC authority over the final decision on the project instead of the White House and State Department.

The version included in the House payroll tax cut package now matches a proposal from Senate Republicans that also requires a decision by the president on the Keystone project within 60 days.

No Democrats have co-sponsored the Senate bill, and President Barack Obama twice this week threatened to reject a payroll tax cut plan that included language expediting the Keystone project.

The State Department — responding to bipartisan opposition in Nebraska to TransCanada's initial route, which would have gone through the state's environmentally sensitive Sandhills region — has called for a new analysis of an alternative route. Department officials say the new analysis won't be ready until 2013, a post-election timeline Republicans have criticized for being politically motivated.

The House GOP plan also takes into account the situation in Nebraska — requiring the president to approve a new route within 10 days of being submitted by the state's governor.

The House Republican package also would block EPA's boiler MACT rule — an idea, like speeding up the Keystone project, that has received support from some Democrats.

The EPA proposed long-awaited standards a week ago to limit mercury, lead and soot emissions from industrial boilers and some incinerators.

The agency says the rule will cut emissions that cause cancer, heart disease, asthma and premature death, among other health problems. The EPA says the standards will prevent 8,100 premature deaths, 5,100 heart attacks and 52,000 asthma attacks per year by 2015.

But the agency's efforts have come under bipartisan fire from the paper and pulp industry and their congressional backers for going too far.[back](#)

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**Arvin Ganesan/DC/USEPA/US**

To "Richard Windsor"

12/14/2011 07:24 AM

cc

bcc

Subject Fw: Boiler MACT language not converting Senate Dems to payroll tax bill

Fyi

Sent from my Blackberry Wireless Device

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**From:** POLITICO Pro [politicoemail@politicopro.com]

**Sent:** 12/14/2011 05:38 AM EST

**To:** Arvin Ganesan

**Subject:** Boiler MACT language not converting Senate Dems to payroll tax bill

## **Boiler MACT language not converting Senate Dems to payroll tax bill**

By Erica Martinson

12/14/11 5:37 AM EST

The House on Tuesday voted to extend payroll tax benefits for 100 million Americans, but not nearly as many people will notice one of the Republican riders halting environmental regulations for approximately 0.4 percent of industrial boilers.

And while at least 10 Senate Democrats have supported legislation to block EPA's boiler MACT rules, the effort isn't drawing them to support the GOP payroll tax measure.

Sen. Barbara Boxer (D-Calif.) made it abundantly clear how she felt about the bill Tuesday morning. "So they have attached a poison pill, colleagues, literally — because it will kill 8,100 more people than otherwise would have been killed from pollution, and they've attached that to the payroll tax cut. So how's that for a Christmas gift?"

"Hi, I'm your senator," she mocked. "Here's a tax cut for you of about a thousand dollars. Sorry, but you might die from breathing in too much poison in the form of mercury, lead and arsenic."

House Republicans have been going after EPA regulations all year, from the continuing resolution fights in February and April, followed by a series of stand-alone bills over the last few months. In fact, the House in October passed a bill from Rep. Morgan Griffith (R-Va.) that would force EPA to hold off on finalizing its new regulations for emissions of mercury and other air toxics from industrial boilers for 15 months. Instead of 3 years to comply, as is standard under the Clean Air Act, the boiler owners would get five years.

EPA this week is expected to finalize another regulation to limit mercury and other air toxics emissions from power plants, one of many mercury regulations, but the only one expected to

limit mercury more than the boiler MACT, said the Sierra Club's John Coequyt.

"It certainly got in the House side because there was the assumption that of the mercury rules, this was the one that was under more political pressure, because it regulates more industries and factories," Coequyt said.

Opponents of the legislation argue that it rewrites the Clean Air Act, requiring EPA to re-do just-released regulations with an eye towards limiting costs, not pollution, which will land EPA in court for years to come.

Oftentimes, riders such as the boiler MACT language are added to buy off votes, but that may be more difficult now, after EPA introduced the rule early this month in a way that met some of the industry concerns raised by Democratic senators.

A never-moved Senate measure blocking boiler MACT has 40 co-sponsors, 10 of them Democrats: Kay Hagan of North Carolina, Herb Kohl of Wisconsin, Mary Landrieu of Louisiana, Joe Manchin of West Virginia, Claire McCaskill of Missouri, Barbara Milkulski of Maryland, Ben Nelson of Nebraska, Bill Nelson of Florida, Mark Pryor of Arkansas, Jim Webb of Virginia and Ron Wyden of Oregon.

But Wyden has vocally withdrawn his support for the bill.

He and some others got what they wanted, as EPA headed the Senate off at the pass in October by agreeing to revise how it [regulates](#) biomass.

Sen. Tom Carper (D-Del.) said he didn't think the Democrats who supported the Wyden-Collins boiler MACT bill would equate to potential yes votes on the House-passed payroll tax extension.

"I think some folks who might be inclined to vote with Sens. Collins and Wyden on boiler MACT may not be inclined to vote the same way on the pipeline. I don't know that they marry exactly," Carper said.

In the EPA proposal earlier this month, 86 percent of boilers are exempt from the rule, and 0.4 percent — or 5,500 of 1.3 million-- will face strict new requirements. Those affected by EPA's boiler MACT rule are largely manufacturers: chemical manufacturers, food processing, petroleum refineries.

That said, manufacturers often don't have 1 or 2 boilers — they have 15 or 25. Replacing them will cost well into the millions of dollars, the National Association of Manufacturers says.

Most of the major work will be required from Major Source Boilers, though only 12 percent of those will have to do much more than periodic tune-ups. The rule is designed to differentiate between types of fuel used, to adjust for, say, biomass and natural gas, versus coal. It includes emissions limits for particulate matter, carbon monoxide, metals and other hazardous air pollutants.

*Darren Samuelsohn contributed to this report.*

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<https://www.politicopro.com/go/?id=7958>

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Arvin Ganesan/DC/USEPA/US

To "Richard Windsor"

12/16/2011 07:11 PM

cc

bcc

Subject Fw: Boiler MACT out of payroll tax cut deal

Fyi.

Sent from my Blackberry Wireless Device

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**From:** POLITICO Pro Whiteboard [proalerts@politicopro.com]

**Sent:** 12/16/2011 07:09 PM EST

**To:** Arvin Ganesan

**Subject:** Boiler MACT out of payroll tax cut deal

12/16/11 7:09 PM EST

The Senate payroll tax cut deal won't include House-passed language blocking EPA boiler MACT regulations, according to a spokesman for Majority Leader Harry Reid. That provision would have delayed the rule for 15 months, shifted requirements to focus on the least costly option available and extended the compliance period. An updated boiler MACT rule issued earlier this month had already [quelled some concerns](#) on Capitol Hill.

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Arvin Ganesan/DC/USEPA/US

To "Richard Windsor"

05/18/2011 12:51 PM

cc

bcc

Subject Fw: DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH  
EPA DECISION ON WATER QUALITY STANDARDS FOR  
CHICAGO RIVER

Sent from my Blackberry Wireless Device  
Denise Gawlinski

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

**From:** Denise Gawlinski

**Sent:** 05/18/2011 11:49 AM CDT

**To:** Susan Hedman; Bharat Mathur; Tinka Hyde; Timothy Henry; Linda Holst;  
Anne Rowan; Phillippa Cannon; Elissa Speizman; Cameron Davis; Robert Kaplan;  
Gary Prichard; Ronna Beckmann; Gloria Swanson; Naimah Karim; Arvin Ganesan;  
Sarah Pallone; Jack Bowles; Denis Borum

**Subject:** Fw: DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON  
WATER QUALITY STANDARDS FOR CHICAGO RIVER

Durbin news release and letter to IEPA below.

-----  
Denise Gawlinski  
Congressional/Intergovernmental Liaison  
Office of Regional Administrator  
U.S. EPA Region 5  
(312) 886-9859

----- Forwarded by Denise Gawlinski/R5/USEPA/US on 05/18/2011 11:44 AM -----

From: "Collinson, Erin (Durbin)" <Erin\_Collinson@durbin.senate.gov>  
To: Denise Gawlinski/R5/USEPA/US@EPA  
Date: 05/18/2011 11:42 AM  
Subject: FW: DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER  
QUALITY STANDARDS FOR CHICAGO RIVER

[Here you go!](#)

**From:** Mulka, Christina (Durbin)

**Sent:** Wednesday, May 18, 2011 12:33 PM

**To:** Mulka, Christina (Durbin)

**Subject:** DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER  
QUALITY STANDARDS FOR CHICAGO RIVER



For Immediate Release  
Contact: Christina Mulka  
[Christina\\_mulka@durbin.senate.gov](mailto:Christina_mulka@durbin.senate.gov)  
202-228-5643  
May 18, 2011

## **DURBIN ASKS STATE OF ILLINOIS TO COMPLY WITH EPA DECISION ON WATER QUALITY STANDARDS FOR CHICAGO RIVER**

***Senator briefed by EPA Administrator after environmental group  
names Chicago River among the ten most endangered rivers in  
the country***

[WASHINGTON, D.C.] – After a briefing from the U.S. Environmental Protection Agency (EPA) Administrator, Lisa Jackson, U.S. Senator Dick Durbin (D-IL) today asked the Illinois Environmental Protection Agency (IEPA) to strengthen its water quality standards for the Chicago and Calumet Rivers as soon as possible. Yesterday, American Rivers – a national environmental group – named the Chicago River among the ten most endangered rivers in the country. The group estimates that sewage comprises roughly 70% of the water in Chicago River.

**“We have an opportunity to save the Chicago River. A safe and healthy waterway will strengthen Chicago’s lakefront,”** wrote Durbin. **“I would ask the IEPA to comply with the request made the by the U.S. EPA and adopt more stringent water quality standards to reflect the potential for recreational activities in the Chicago Area Waterway System and Lower Des Plaines River.”**

Last week, EPA Region V notified the State of Illinois that water quality standards for five segments of the Chicago and Calumet River must be upgraded to protect health and safety on the rivers. To attain this standard, the Metropolitan Water Reclamation District (MWRD) of Greater Chicago will be required to disinfect sewage discharged into the waterway system from two treatment plants at Calumet and North Side. Every day, the MWRD releases 1.2 billion gallons of wastewater into the Chicago River. Chicago is the last major metropolitan area that does not disinfect its wastewater.

[Text of the letter below]

May 18, 2011

Lisa Bonnett  
Interim Director  
Illinois Environmental Protection Agency

1021 North Grand Avenue East  
Springfield, IL 62702

Dear Director Bonnett:

I urge the Illinois Environmental Protection Agency to strengthen water quality standards for segments of the Chicago Area Waterway System and the Lower Des Plaines River expeditiously, as requested by the U.S. Environmental Protection Agency (EPA) in a letter dated May 11<sup>th</sup>.

Federal regulations require states to adopt water quality standards that provide "for recreation in and on water," unless recreational uses are found to be unattainable. The EPA's recent evaluation of the Chicago Area Waterway System and Lower Des Plaines River found substantial evidence to suggest that recreational activities are already occurring in and on these waterways.

As you know, Chicago is the only major U.S. city that does not disinfect its sewage. This has had a significant impact on water quality in the Chicago River and its tributaries. American Rivers, a national environmental group, recently named the Chicago River among the ten most endangered rivers in the country, because of the threat posed by sewage waste. The group estimates that undisinfected wastewater comprises as much as 70 percent of the water in the Chicago River.

We have an opportunity to save the Chicago River. A safe and healthy waterway system will strengthen Chicago's lakefront. I ask the Illinois EPA to comply with the request made the by the U.S. EPA and adopt more stringent water quality standards to reflect the potential for recreational activities in the Chicago Area Waterway System and Lower Des Plaines River.

Sincerely,

Richard J. Durbin



**Arvin Ganesan/DC/USEPA/US**

To "Richard Windsor"

12/08/2011 06:41 AM

cc

bcc

Subject Fw: Enviro riders back in the saddle for omnibus crunch time

There are some interesting quotes in here...

Sent from my Blackberry Wireless Device

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**From:** POLITICO Pro [politicoemail@politicopro.com]  
**Sent:** 12/08/2011 05:44 AM EST  
**To:** Arvin Ganesan  
**Subject:** Enviro riders back in the saddle for omnibus crunch time

## **Enviro riders back in the saddle for omnibus crunch time**

By Darius Dixon and Darren Samuelsohn  
12/8/11 5:37 AM EST

Republicans in Congress are prepping for a staring contest with the White House next week over energy and environmental riders to their spending and payroll tax extension bills.

While appropriators push for a \$1 trillion-plus omnibus package to deal with the remaining nine of 12 spending bills that will set funding levels through September, they also have to find a way around several controversial riders and last-minute legislative ornaments to the mega-bill.

Appropriators must reach a deal by Friday for the House to have enough time to vote on the omnibus before the stopgap spending measure funding the federal government dries up on Dec. 16.

House and Senate appropriations conferees are scheduled to meet Thursday morning to work through the nine remaining spending bills.

Rep. Ed Whitfield, a top Republican on the House Energy and Commerce Committee, said Wednesday that efforts were under way to insert language on several environmental riders into either the appropriations omnibus or the payroll tax cut extension measures next week.

But of the EPA regulations under fire from Republicans, the Kentucky Republican says the boiler MACT — which EPA says will cut emissions of toxic air pollutants including mercury, lead and soot — could be the weakest link.

"Well, I will just say this: There's all this unanimity around the country that the boiler MACT rule is so bad that even Democrats and Republicans have really wanted to stop that," Whitfield said.

"I would say that there's a good chance that if anything's in there, the boiler MACT will be," he said.

Rep. Jim Moran (D-Va.), the ranking member on Interior and Environment Appropriations, said 40 riders are still unresolved.

"My concern frankly [is] that the House Republican leadership may be insistent on too many of these riders that just are not acceptable," he told reporters Wednesday. "Maybe we can write a little bit of legislation on appropriations bills, but we're not going to rewrite the entire environmental code on the Interior appropriations bill."

Moran also said that the more moderate GOP appropriators are probably feeling intense pressure from party conservatives.

"If it were up to [Interior and Environment Appropriations subpanel Chairman Mike] Simpson and I, and our staffs, I think we'd have a bill done months ago. But it's not," Moran said, adding that the "problem" similarly doesn't lie with their counterparts on Senate Appropriations, Sens. Jack Reed (D-R.I.) and Lisa Murkowski (R-Alaska).

"They're not the problem," he said. "My concern is, as all of you well know, there's an ideological bloc in the House."

Rep. Henry Waxman (D-Calif.), the ranking member on the Energy and Commerce Committee, said he's willing to wager that Republicans will eventually back down on the EPA riders.

"At the end of the day, I don't think any of these riders will be in the omnibus," he said. "As much as they would like to pass these provisions that really have nothing to do with funding the government, if they do pass it in the House it's only going to get killed in the Senate and eventually we're going to end up, I believe, with an appropriations bill without any riders."

Waxman also firmly believes that President Barack Obama has drawn a line in the sand over environmental issues since his decision to [stall the EPA](#) on its ozone rule in September.

"I don't think that the president's going to accept them," Waxman said. "I remember when the administration backed off on going forward with the more appropriate health-based ozone standard, they made it clear that that was as far as they were going to go and no further on environmental matters."

But Moran said another stopgap spending bill — a continuing resolution — isn't completely out of the picture either, and that it's possible to see the Interior-environment spending bill splinter off with status quo funding and no riders through October.

"If the House leadership is not willing to accept it, then I think there's a very good chance we could get stuck with a CR," Moran said of removing the controversial environmental riders.

Because of the controversial riders, Moran said, it's a "50-50 chance" that the Interior-environment and Labor-HHS bills could be split from the omnibus package being debated during Thursday's conference.

"Frankly, in some ways, a CR is not the end of the world," he said. "Life will go on and EPA will continue to function."

When POLITICO asked Senate Majority Leader Harry Reid about skimming off the environmental riders, Reid said, "I'll sure do my best."

"We're working our way through the whole thing trying to come up with a fair omnibus. We're not done yet," he said as he was leaving the Capitol.

But the EPA riders may not be the only eyebrow-raising additions to the omnibus package.

Senate sources have told POLITICO that Energy and Water Appropriations Chairwoman Dianne Feinstein (D-Calif.) and ranking member Lamar Alexander (R-Tenn.) have agreed to accept language blocking the Energy Department's ability to restructure loan guarantees in a way that places private investors before taxpayers — as was done with the now-failed Solyndra — when recouping losses from companies if they file for bankruptcy. That language is similar to an amendment offered by Sen. John McCain (R-Ariz.).

One particular item that could provide leverage with House Speaker John Boehner is the first of two \$150 million payments toward an R&D partnership with the uranium enrichment firm USEC. During the last several months, Boehner [has been leading](#) the Ohio delegation in pushing the Energy Department to approve the project's \$2 billion loan guarantee.

But USEC is under intense pressure as well. After the company negotiated a second down-to-the-wire extension with frustrated investors at the end of September, the firm said it would cut spending on the Ohio project — and that if DOE didn't supply the added financing by Nov. 1, it would terminate it altogether.

In October, Energy Secretary Steven Chu [told](#) USEC and the top appropriators in Congress that new funding for the R&D partnership for USEC would have to be approved by lawmakers.

While Boehner's office said Wednesday that he is staying out of the fray, his colleague Rep. Steve LaTourette (R-Ohio) is actively working to secure the funds in the negotiations.

Sen. Rob Portman (R-Ohio) is also lobbying DOE and congressional appropriators to back the USEC funding.

*David Rogers contributed to this report.*

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Arvin Ganesan/DC/USEPA/US

To "Richard Windsor"

03/23/2012 11:55 AM

cc

bcc

Subject Fw: NRDC blog post: Radioactive Fallout From Senator Inhofe's Nuclear Legislation to Kill Clean Air Protections

Fyi.

Sent from my Blackberry Wireless Device

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**From:** "Walke, John" [jwalke@nrdc.org]  
**Sent:** 03/23/2012 11:33 AM AST  
**To:** undisclosed-recipients:  
**Subject:** NRDC blog post: Radioactive Fallout From Senator Inhofe's Nuclear Legislation to Kill Clean Air Protections

### John Walke's Blog

## Radioactive Fallout From Senator Inhofe's Nuclear Legislation to Kill Clean Air Protections

Posted March 23, 2012 in [Curbing Pollution](#), [Health and the Environment](#), [U.S. Law and Policy](#)

Tags: [cleanairact](#), [congress](#), [mact](#), [mercury](#), [pnp](#), [pollution](#), [powerplants](#)

Senator Jim Inhofe (R-OK) has introduced a [resolution](#) [pdf] under the [Congressional Review Act](#) to eliminate EPA's [mercury and air toxics standards](#) for power plants. The resolution would immediately nullify historic health protections against mercury contamination, heart attacks, strokes, asthma attacks and premature deaths caused by air pollution from power plants. But the resolution's long term damage is less well understood and deserves equal scrutiny and criticism.

This week the Senate's clean air subcommittee held a hearing entitled "Oversight: Review of the Environmental Protection Agency's Mercury and Air Toxics Standards (MATS) for Power Plants." In a move that surprised no one, Senator Inhofe used the occasion to promote his irresponsible Congressional Review Act (CRA) resolution. Inhofe submitted a written [statement](#) claiming his

disapproval resolution would “send the rule back to EPA to be rewritten in a manner consistent with Congressional direction – namely, in a way that reduces emissions but that doesn't unnecessarily kill jobs so that others may profit.” Inhofe's claim mischaracterizes the legal implications of a CRA disapproval resolution and ignores the history of this dangerous legislative bludgeon. As I've written [before](#), a CRA resolution of disapproval not only would void all of the health benefits of the MATS rule, but also would tie EPA's hands going forward so that the agency could not issue *any standards* that are “substantially the same” as MATS.

The “substantially the same” language is taken from the Congressional Review Act itself [[§801\(b\)\(2\)](#)]. The legislative history and past use of CRA disapproval resolutions reveal a legal landscape wracked with uncertainty, delay and failure surrounding an agency's responsibility to re-issue standards to protect the American people.

What is clear, however, is that Senator Inhofe's resolution of disapproval would have deadly consequences for our children's health, and a devastating impact on EPA's ability to protect our families in the future from the serious health consequences of mercury and other toxic air pollution.

EPA [projects](#) [pdf] that starting in 2016, the Mercury and Air Toxics Standards *every year* will prevent:

- up to 11,000 premature deaths;
- nearly 5,000 heart attacks;
- 130,000 asthma attacks;
- 5,700 hospital and emergency room visits; and
- 540,000 days when people miss work and school.

Senator Inhofe's resolution guarantees these harms would continue, at a minimum, for the two years that it would take EPA to adopt replacement standards, and probably longer as discussed below. His resolution would deny all Americans the enormous health benefits from reducing 90% of the mercury and 88% of the acid gas pollution from power plants that burn coal and oil.

Eighteen national medical organizations including the American Academy of Pediatrics, the American Heart Association, the American Lung Association and the American Nurses Association have [urged](#) [pdf] the Senate to vote “No” on Senator Inhofe's resolution precisely because of these serious health impacts. Looking past this support and the standards' enormous health benefits, let's examine how CRA disapproval resolutions have worked in the past, and what that would mean were Inhofe's CRA resolution to become law. (Spoiler: it's not good news if you like breathing clean air.)

Since its enactment in 1996 as part of the G.O.P. “Contract with America,” the CRA has been used successfully exactly once to disapprove a federal agency regulation. This infrequency itself is an indication of the CRA's extreme approach, and shows that Congress recognizes the law is a drastic weapon that rarely deserves wielding.

In 2001, Congress enacted, and President George W. Bush signed into law, a joint CRA resolution disapproving the Occupational Safety and Health Administration's (OSHA) regulations for workplace ergonomics standards. In the more than 10 years since that resolution of disapproval, OSHA has never once attempted to issue new standards relating to ergonomics.

Some have [noted](#) that "the continuous absence of ergonomics from the regulatory agenda for an entire decade following the veto of OSHA's rule—and well into the Obama Administration—arguably provides evidence of [OSHA's] self-censorship." [at 730]. Former Secretary of Labor Elaine Chao testified to precisely this point before the Senate Appropriations Committee in 2001 following the CRA veto, [stating](#) that a "great deal of resources, both in and outside the Department, went into creating the ergonomics standard. Under the CRA, the Department is now precluded from producing any standard that would be 'substantially the same'." Secretary Chao noted that as a result of the CRA, the Agency needed a clear directive "[b]efore we expend valuable – and limited – resources on a new effort."

Members of Congress agreed. Senator Kennedy, in the debate over the CRA resolution targeting the ergonomic standards, [said](#) [pdf] "make no mistake about the resolution of disapproval that is before us. It is an atom bomb for the ergonomics rule. . . . Until Congress gives it permission, OSHA will be powerless to adopt an ergonomics rule . . . ." (at S1836).

OSHA [documents](#) and recent [statements](#) from the Obama administration indicate that the agency *still* has no intention of wading into the murky waters of what would or would not constitute a substantially similar rule when attempting to adopt new ergonomics standards.

Senator Kennedy's atom bomb metaphor was apt. A CRA disapproval resolution is completely destructive, voiding the targeted agency standard as a matter of law. But the resolution's long term consequences are like radioactive fallout, continually harmful in their own right. By killing health protections with a CRA resolution rather than ordinary legislation, the ban on future substantially similar standards serves to contaminate the underlying statute (like the Clean Air Act) with a fallout zone of legislative annulment and crippling uncertainty that prevents that statute's purposes from being carried out.

The example of OSHA's ergonomics standards is instructive for a number of reasons. Not only does it provide a clear example of the agency paralysis that can result from a CRA resolution, but it also underscores the barren legal landscape surrounding the meaning of the language found in the Congressional Review Act. The Act [provides](#) that a "new rule that is substantially the same as [the disapproved] rule may not be issued, unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule."

There is minimal legislative history for the CRA to help clear up this vague instruction. What exists was added to the congressional record weeks after the



CRA became law, and consists primarily of a joint [statement](#) by three Senators. The Congressional Review Act originated in a title of the House bill that did not go through the committee process and was the subject of no floor debate. As Senator Nickles [noted](#) in introducing the joint statement, “no other expression of [the CRA’s] legislative history exists other than the joint statement,” and the “joint statement is intended to provide guidance to the agencies, the courts, and other interested parties when interpreting the act’s terms.”

The Senators’ joint statement indicates that “if an agency is mandated to promulgate a particular rule and its discretion in issuing the rule is narrowly circumscribed, the enactment of a resolution of disapproval for that rule *may work to prohibit the reissuance of any rule* .” EPA is required to promulgate the MATS under section 112 of the Clean Air Act, which lays out so-called “Maximum Achievable Control Technology” (MACT) standards as the prescribed regulatory method. As such, it is no logical reach to conclude that Inhofe’s CRA resolution “may work to prohibit the reissuance” of EPA’s MATS under the protective air toxics program that the authors of the 1990 Clean Air Act amendments intended.

Based on the paucity of legislative history or any prior case law on what qualifies as regulations that are “substantially the same,” one can easily imagine the following situation: EPA’s MATS standards are invalidated through a CRA resolution, and the agency is sent back to promulgate new standards. The agency has no guidance on what standards would or would not be considered “substantially the same” as the now-invalidated MATS.

Suppose EPA re-issues new standards under section 112 of the Clean Air Act, like the MATS. After years of EPA effort, the utility industry challenges these new standards in court (just as industry is doing now with MATS).

The D.C. Circuit Court of Appeals in that case will for the first time have to determine what “substantially the same” means. Everything will ride on that court’s determination. Suppose the court weighs the EPA standards, then interprets the above-mentioned post-hoc legislative history (“enactment of a resolution of disapproval for that rule may work to prohibit the reissuance of any rule”), and concludes that EPA may not issue section 112 air toxics standards for power plants *at all*. The court determines EPA’s air toxics standards under that section of the law qualify as “substantially the same” as the disapproved MATS, due perhaps to their structure, form, and other factors inherent to section 112. EPA once again would be sent back to recreate new standards – but without the statutory authority that the Clean Air Act intended for reducing toxic air pollution. And the spartan CRA disapproval resolution identifies no new or different Clean Air Act authority for EPA to invoke, nor does the resolution itself enact new authority to cut air toxins.

The agency still would have little understanding of the parameters of the “substantially the same” language. But now EPA would be stripped altogether of the intended authority to protect Americans from toxic air pollution, by a



combination of the CRA resolution and the court's ruling.

EPA now would be forced to embark on a *fourth* round of rulemaking to reduce power plants' toxic air pollution, but without adequate authority. (The Bush administration's first attempt was resoundingly [rejected](#) by the courts as contrary to the Clean Air Act, the second attempt invalidated by a CRA resolution, and the third effort rejected by the courts as substantially similar to MATS).

In the meantime, following multi-year delays, broken promises to the American people and amnesty for big polluters, more children's brains would be harmed by mercury pollution and Americans would suffer tens of thousands of preventable deaths and heart attacks, and hundreds of thousands of asthma attacks.

Now consider this less dire possibility: suppose that EPA re-issues section 112 air toxics standards that are still much weaker than the current MATS, but the court accepts that adopting standards under this section of the law does not necessarily make them "substantially the same" as the nullified standards.

The question then becomes how much weaker would these re-issued standards have to be to escape the ban on substantially similar rules? 10% weaker? 25% or 50%? How many more deaths must these weaker standards allow – 3,000 per year? 8,000? How much more mercury pollution would make these new standards not "substantially the same"?

These questions have no answers. There is no legal precedent a court could examine, the legislative history is limited and problematic, and the only previous example (ergonomics standards) is deeply troubling.

And here's the crucial point: Senator Inhofe cannot answer these questions either. In fact, no Senator, lobbyist, lawyer, or fortune teller can tell you what would happen should a disapproval resolution eliminate MATS and should EPA find itself needing to re-issue standards not considered substantially the same. No one can offer reassurances that the just-discussed situations will not happen. And there's the rub. That is precisely why Senator Inhofe's resolution of disapproval is so reckless and destructive. No Senator supporting Inhofe's CRA resolution can offer any reliable reassurance that EPA would be able to re-issue section 112 MACT standards that achieve many, most or all of the benefits of the disapproved standards.

Inhofe's recent written [statement](#) says that a disapproval resolution would "send the rule back to EPA to be rewritten in a manner consistent with Congressional direction," but the truth is that the [resolution's](#) terse one sentence provides *no* Congressional direction on how to rewrite standards. See for yourself [\[pdf\]](#). Instead Senator Inhofe and CRA supporters are willing to play Russian roulette with our children's health, with generationally important protections against toxic air pollution.

Senators that resort to the CRA to kill agency rules such as EPA's Mercury and Air Toxics Standards for power plants show no regard for what future standards will be, when they will deliver their protections or even whether there will be meaningful standards. The truth is that voting for the CRA resolution means

killing the air toxics standards with no reassurance that they ever will be replaced or ever do the job that the Clean Air Act guarantees Americans.

It's no coincidence that announced supporters of a CRA resolution to dispense with MATS are not supporting any alternative legislation to reduce toxic air pollution from power plants just as effectively.

Senator Lisa Murkowski (R-AK) [says](#) she endorses Inhofe's disapproval resolution and supports "send[ing] the EPA back to the drawing board through a resolution to disapprove of the Utility MACT rule." What she fails to note is that a successful resolution would send EPA back to a drawing board that is devoid of the tools necessary to protect Americans. Senators Murkowski and Inhofe would have voted to eliminate the original protections and to ruin the tools available to craft replacement protections. All without providing any solution of their own. Toxic air pollution standards for power plants already are more than two decades overdue. We cannot afford to have Senators engage in brinkmanship on behalf of polluters that have failed to clean up their own act for too long. It is indefensible to sacrifice Americans' right to breathe clean air and our children's health by using a legislative nuclear weapon with unavoidable radioactive fallout. Senator Inhofe was recently [quoted](#) saying that EPA's mercury and air toxics standards were "a killer" (subscr. required). While he's right about the "killer" part, it's not EPA's standards that would kill, but the Senator's own disapproval resolution that would mean thousands more lives lost and a radically uncertain future for any new standards aimed at protecting our health.

Best,

John Walke  
Clean Air Director  
Natural Resources Defense Council  
1152 15th Street, NW  
Suite 300  
Washington, DC 20005  
(202) 289-2406 (W)  
(703) 357-5438 (M)

Read my blog on clean air policy and law at <http://switchboard.nrdc.org/blogs/jwalke/> and follow me on Twitter at [jwalkenrdc](https://twitter.com/jwalkenrdc).

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Arvin Ganesan/DC/USEPA/US

To "Richard Windsor"

04/28/2011 09:15 AM

cc

bcc

Subject Fw: PGP benefits announced at ABA and reported in the press

Fyi

Sent from my Blackberry Wireless Device  
Greg Spraul

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

**From:** Greg Spraul

**Sent:** 04/28/2011 09:10 AM EDT

**To:** Lawrence Elworth; Arvin Ganesan

**Subject:** PGP benefits announced at ABA and reported in the press

**Wiedeman also noted a few benefits of the new permit . In particular , she said, the permit will result in more thorough reporting of pesticide use . That new information will allow EPA to conduct more targeted monitoring.**

**"It will result in minimizing the use of pesticides ," Wiedeman also said. "That will result in the protection of water quality."**

PESTICIDES: EPA plans July release of double permitting requirements (04/27/2011)

Jeremy P. Jacobs, E&E reporter

U.S. EPA announced plans today for a July 30 release of final secondary permit requirements for pesticide users who spray over water.

The agency was required to develop its new pesticide general permit under the National Pollutant Discharge Elimination System (NPDES) by the 2009 federal appeals court ruling in National Cotton Council v. U.S. EPA that said EPA's current pesticide permitting under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is insufficient for those who spray over water.

Those pesticide sprayers would be required to obtain the new permits by Oct. 31, the date mandated by the court after EPA obtained a six-month extension in late March (Greenwire, March 29).

At a briefing hosted by the American Bar Association, Allison Wiedeman of EPA's Water Permits Division said the permit will require pesticide users to submit new records to EPA. It will also require pesticide users to only use the amount needed for the targeted pest.

Wiedeman also noted a few benefits of the new permit. In particular, she said, the permit will result in more thorough reporting of pesticide use. That new information will allow EPA to conduct more targeted monitoring.

"It will result in minimizing the use of pesticides," Wiedeman also said. "That will result in the protection of water quality."

Earlier this month, EPA issued the draft version of the permit and is currently reviewing how the final rule may be affected by the Endangered Species Act with other agencies.

Notably, Wiedeman said EPA has permitting authority over six states -- Alaska, Idaho, Massachusetts,

New Hampshire, New Mexico, Oklahoma -- and Washington, D.C., many U.S. territories and a few federal facilities. That means EPA's general permit will only apply to those locations.

In the 44 other states, local regulators are required to develop similar permits by Oct. 31. EPA said it is working with states on that process.

While EPA's efforts were applauded by environmental groups, which say pesticides are increasingly turning up in the nation's bodies of water, the National Cotton Council decision has been strongly criticized by both agribusiness and EPA, which say the current pesticide permit requirements under FIFRA are sufficient.

John Thorne, a lawyer who represents several pesticide users and manufacturers, said at the briefing that the new permit would provide "extensive burdens ... without the environmental benefits that would one expect."

In particular, Thorne said, the new record-keeping requirements would put a significant strain on pesticide sprayers. Many of the requirements are duplicative, he said, and businesses would likely need to spend significant funds on legal analysis to make sure they are complying with the new rule. Enviro groups also unhappy

The EPA proposal is also coming under fire from environmental groups. Charlie Tebbutt, a lawyer who has represented green groups' interests in several pesticide cases, said the proposed general permit "still doesn't address the issues."

"The big issue here is, are we protecting our nation's water?" he said. "And the answer is: Absolutely not."

Tebbutt said EPA is being "beaten up badly on this by the pesticide industry" and added that agribusiness is going to challenge the permit system regardless of what the agency does.

The main problem with the proposal, Tebbutt said, is that it does not require a needs analysis.

"Do you need to use the pesticides?" Tebbutt said. The general permit proposal does not "look at whether the pollution needs to happen in the first place."

The National Cotton Council decision has spurred significant action on Capitol Hill as farm state lawmakers have sought to legislate to undo the double permitting requirement.

The House passed legislation that would nullify the ruling with bipartisan support last month (E&ENews PM, March 31). And Senate Agriculture, Nutrition and Forestry Committee ranking member Pat Roberts (R-Kan.) introduced similar legislation in early April (E&E Daily, April 7).

[Click here](#) see read EPA's draft version of the Pesticide General Permit.

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Greg Spraul  
Congressional Liaison  
Water, Pesticides, and Toxics Team  
Office of Congressional Affairs  
U.S. Environmental Protection Agency  
email: [spraul.greg@epa.gov](mailto:spraul.greg@epa.gov)  
Ph: 202.564.0255

Arvin Ganesan/DC/USEPA/US

09/13/2011 11:55 AM

To "Richard Windsor", "Bob Perciasepe", "Seth Oster", "Laura Vaught", "Robert Sussman", "Brendan Gilfillan"

cc

bcc

Subject Fw: EDF Release: Luminant Plays Politics With Employees' Jobs, Blames EPA

Fyi

Sent from my Blackberry Wireless Device

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**From:** "Walke, John" [jwalke@nrdc.org]

**Sent:** 09/13/2011 11:49 AM AST

**To:** Rob Brenner; Jeneva Craig; Patricia Embrey; Arvin Ganesan; Eric Ginsburg; Joseph Goffman; Joel Beauvais; Jonathan Averbach; Jim Ketcham-Colwill; Ellen Kurlansky; Adam Kushner; Janet McCabe; Gina McCarthy; David McIntosh; Mike Thrift; Sam Napolitano; Steve Page; Peter Tsirigotis; Lorie Schmidt; Lydia Wegman

**Subject:** EDF Release: Luminant Plays Politics With Employees' Jobs, Blames EPA

## NEWS RELEASE

### Expert Contact:

Jim Marston, 512-289-5293, [jmarston@edf.org](mailto:jmarston@edf.org)

### Media Contact:

Mica Odom, 512-619-8453, [modom@edf.org](mailto:modom@edf.org)

## Luminant Plays Politics with Employees' Jobs, Blames EPA for Consequences of Power Company's Decision to Fight Much Needed Clean Air Rules

Company Had Years to Prepare for Cross-State Air Pollution Rule, But Chose to Delay Action

(Austin, TX – September 13, 2011) For over six years, Texas power companies have complied with a clean air rule first adopted by the Bush EPA. Yesterday, Luminant chose to reverse course and fight vital clean air rules that will save lives in Texas, and that other utilities in Texas have been able to meet. Luminant issued a press release that recused itself of responsibility, threatened possible plant closures and blamed EPA for potential job losses. Luminant's statement highlights a simple fact that it failed to mention: closing plants is a business decision, plain and simple.

"Luminant isn't closing these plants because of EPA regulations – that's just their cover story. They're closing the plants because they did not act timely. The EPA just gives them a

convenient way to shift blame. Unlike most other utilities in Texas, Luminant did not begin to make reductions to meet the rule that anyone could see was coming," said Jim Marston, EDF's Texas Regional Office and Energy Program Director. "Moreover, Luminant is ignoring other viable alternatives to plant closures just to save some money in the short-term. If anyone loses their job, they can blame Luminant's management team for failing to plan accordingly to abide by the law. We feel very bad for the workers whose company let them down."

EPA's clean air protections do not require any power plants to shut down. Companies like Luminant make the decision -- either invest in common retrofits like scrubbers to clean up pollution or close down old and poorly controlled plants and replace them with cleaner more efficient generation. Numerous other companies, such as Exelon, PPL Generation and NRG, have publicly announced that they are well-prepared to meet the updated clean air protections.

Luminant is a subsidiary of Energy Future Holdings Corp. (EFH) and is the largest electricity producer in Texas. In 2005, there were 32 other power plants in the nation that emitted more sulfur dioxide (SO<sub>2</sub>) than Luminant's Martin Lake coal plant. By 2010 there were only three. The story is similarly sad for Luminant's two other 1970's vintage plants, Big Brown and Monticello. Ranked 21st and 28th for their total SO<sub>2</sub> emissions in 2005, they ranked 10th and 11th in 2010 as Luminant fell behind the industry in cleaning up. EDF's Jim Marston further stated that "maybe Luminant likes to be a leader, but air pollution emissions is not a good area in which to lead. It's bad for Luminant, bad for the health of Texans and bad for the millions of other Americans who live downwind."

The Cross-State Air Pollution Rule requiring cleaner air in Texas was initially adopted by the Bush EPA in 2005 and revised in July 2011 in response to a judicial decision. Like the rule adopted under the Bush EPA, the revised Rule requires Texas power plants to reduce life-threatening air pollution. The Rule limits the amount of SO<sub>2</sub> and nitrogen oxides (NO<sub>x</sub>) pollution power plants in 27 states -- including Texas -- are allowed to emit. Collectively, Texas power plants are the nation's largest emitter of NO<sub>x</sub> and the second largest emitter of SO<sub>2</sub>. Nationally, this rule will save up to 34,000 lives, prevent 400,000 asthma attacks, and avoid 1.8 million lost work or sick days each year once in place. Texans will be among the biggest beneficiaries of this rule with up to 1,704 lives saved each year. Likewise, Texas will be among the biggest losers in terms of health if this rule is delayed.

Most Texas utilities have business plans in place to ensure compliance with clean air standards. In fact, Austin Energy, City Public Service (CPS) Energy in San Antonio and the Lower Colorado River Authority (LCRA) began improvements to their facilities and have already reached the reductions required by the rule, and have excess allowances to sell to Luminant. NRG Energy has also made reductions in anticipation of the rule, which means that it does not face the issues that Luminant has brought upon itself.

"Luminant had a choice to plan for compliance or fight it. For years, the company fought it and gambled with its shareholder's money and its employees' jobs," said Marston. "Rather than take responsibility for its gamble, the company is blaming the consequences on EPA. As the person who negotiated the environmental commitments during the TXU-EFH buyout, it saddens me that EFH is tarnishing its brand and the long-term value of its stock by violating its touted "Core Operating Principle of Environmental Stewardship" to "outperform current clean air requirements through voluntary emissions reductions.""

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**Arvin Ganesan/DC/USEPA/US**

To "Richard Windsor", "Diane Thompson", "Bob Perciasepe",  
"Barbara Bennett", "Seth Oster", "Laura Vaught"

07/06/2011 04:49 PM

cc

bcc

Subject Fw: Kyl: EPA not an issue in debt talks

Fyi.

Sent from my Blackberry Wireless Device

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**From:** POLITICO Pro [politicoemail@politicopro.com]

**Sent:** 07/06/2011 04:48 PM AST

**To:** Arvin Ganesan

**Subject:** Kyl: EPA not an issue in debt talks

## **Kyl: EPA not an issue in debt talks**

By Robin Bravender

7/6/11 4:46 PM EDT

Congressional Republicans have pledged to use every possible avenue to upend the Obama administration's climate rules, but they appear to be steering clear of the hot-button issue in ongoing negotiations over raising the federal debt ceiling.

Senate GOP Whip Jon Kyl told reporters Wednesday that efforts to handcuff the EPA on climate or other regulations hadn't come up in the debt ceiling talks. "Not that I've ever heard of, no," Kyl said when asked whether EPA riders were on the table.

The Arizona Republican said he didn't know why the issue hadn't emerged in the negotiations. "I guess because nobody's brought it up," he said.

Although the final debt ceiling deal could have policy implications, Kyl said, no specific policy "riders" are under discussion. "We are talking about some things that raise revenue and other things that will reduce spending over time, and that's all," he said.

Congressional critics of climate rules have made several attempts this year to upend climate rules and other controversial EPA policies, including stand-alone bills as well as efforts to attach riders to spending bills and other legislation. But some Republicans have said the debt ceiling talks are the wrong venue to push for riders dealing with EPA and other controversial issues.

"Once you open the door to nondirectly debt related issues, then I think in some ways you lose the moral high ground and you start losing votes," Sen. Jeff Sessions (R-Ala.) said Wednesday. "We've got to get the budget under control and I think we'll have to fight these other issues out in another form."

Rep. Mike Simpson, chairman of the House subcommittee that oversees EPA spending and an opponent of EPA climate rules, has also said he doesn't think the debt ceiling is the appropriate vehicle for blocking those regulations.

House Republicans on Wednesday released their fiscal 2012 appropriations bill for the EPA, which included provisions to block climate rules for stationary sources and upend additional EPA policies.

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Arvin Ganesan/DC/USEPA/US

To "Richard Windsor", "Gina McCarthy", "Brendan Gilfillan"

01/19/2012 07:53 AM

cc

bcc

Subject Fw: EPA won't enforce 2011 boiler rule

Fyi.

Sent from my Blackberry Wireless Device

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**From:** POLITICO Pro [politicoemail@politicopro.com]

**Sent:** 01/19/2012 06:37 AM EST

**To:** Arvin Ganesan

**Subject:** EPA won't enforce 2011 boiler rule

## **EPA won't enforce 2011 boiler rule**

By Erica Martinson

1/19/12 6:35 AM EST

The EPA will formally tell boiler owners not to fear enforcement of its March 2011 boiler MACT rule, despite a recent court ruling vacating the agency's stay of the rule.

Administrator Lisa Jackson sent [a letter](#) to Sen. Ron Wyden (D-Ore.) on Wednesday saying the EPA is on track to finalize a revised version of the rule this spring, seeking to alleviate concerns about the impact of the [court decision](#).

In the meantime, "using our enforcement discretion, the EPA will issue a no action assurance letter shortly, informing sources that EPA will not enforce any of the administrative notification requirements for new or existing boilers and incinerators in the 2011 rules," Jackson wrote.

Citizen civil suits to require enforcement of the old rule are unlikely, EPA says, and in any case the required 60 days' notice required for a lawsuit would render the complaint relatively moot.

If the agency finds any pollution sources that face permitting or compliance challenges as a result of the stay, "the EPA will issue a 90-day stay of the rule under the Clean Air Act," the letter says. If necessary, the EPA says, it will issue a longer stay under the Administrative Procedures Act by following the court's opinion on how to do so.

"If you or any of your colleagues become aware of new facilities that feel they have compliance burdens due to the court's decision on the stay, please have them contact us," the EPA says in the letter.

Industry groups cried foul when the court struck down the EPA's efforts to delay the boiler rules, but they seem somewhat mollified by Jackson's letter.

With the letter, the “EPA has signaled its intention to provide relief for those businesses that may be impacted,” American Forest & Paper Association President and CEO Donna Harman said. Still, she said, the cycle of rule revisions and court challenges leads to untenable uncertainty for businesses.

EPA says in the letter that under the Clean Air Act, the businesses will have three years to comply with the new rule. Beyond that, industry sources can petition their permitting authority — usually states — for an additional year.

There “weren’t any sources that were going to have to do anything anyway,” said Earthjustice attorney James Pew. “This [letter] is helpful in that it sort of walks through all the reasons why that’s the case.”

EPA initially issued the boiler MACT regulations in March, as required by the courts, but issued a “delay notice” in May postponing implementation while the agency reconsidered masses of comments and industry concerns.

The agency [issued](#) revised proposed rules Dec. 2, covering boilers at both large and small sources of air toxics emissions, some solid waste incinerators and revisions to the list of nonhazardous secondary materials, which the EPA plans to finalize in the coming months. Pew said environmentalists were never planning on asking for enforcement of the prior rule.

“In my view this letter treats that concern a little more seriously than it needs to be treated anyway,” he said. “Even if there were somebody that had infinite resources to waste on a suit like that ... EPA’s new rule would be out long before a suit” took hold.

Sierra Club lobbyist John Coequyt said his group is satisfied as well.

"Sierra Club supports the approach described in Administrator Jackson's letter, and does not intend to challenge any aspect of that approach," he said.

In the letter to Wyden, the EPA said it expects the final rule to stand up to language included in the fiscal year 2012 spending bill passed in December, in which Congress said the proposed boiler rule “addresses substantive concerns by including additional flexibility with respect to compliance costs and a biomass exemption.”

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**Arvin Ganesan/DC/USEPA/US**

To "Richard Windsor", "Gina McCarthy", "Mathy Stanislaus",  
"Seth Oster", "Laura Vaught"

06/21/2011 08:07 PM

cc

bcc

Subject Fw: Bipartisan boiler MACT bill coming Wednesday

Sent from my Blackberry Wireless Device

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**From:** POLITICO Pro Whiteboard [proalerts@politicopro.com]

**Sent:** 06/21/2011 07:34 PM AST

**To:** Arvin Ganesan

**Subject:** Bipartisan boiler MACT bill coming Wednesday

6/21/11 7:32 PM EDT

Eight Energy and Commerce Committee members — four Republicans and four Democrats — will introduce legislation Wednesday to delay EPA's air toxics standards for boilers, a committee aide tells POLITICO. EPA has already delayed the rule's release, but critics say the agency needs more time to get it right.

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Arvin Ganesan/DC/USEPA/US

To "Richard Windsor", "Laura Vaught"

09/21/2011 09:52 AM

cc

bcc

Subject Fw: NRDC blog post: Extreme Dirty Air Amendments Launch Pollution Warfare on Americans' Health, Abolish Right to Clean Air

Sent from my Blackberry Wireless Device

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**From:** "Walke, John" [jwalke@nrdc.org]  
**Sent:** 09/20/2011 11:40 PM AST  
**To:** undisclosed-recipients:  
**Subject:** NRDC blog post: Extreme Dirty Air Amendments Launch Pollution Warfare on Americans' Health, Abolish Right to Clean Air

**John Walke's Blog**

## **Extreme Dirty Air Amendments Launch Pollution Warfare on Americans' Health, Abolish Right to Clean Air**

Posted September 20, 2011 in [Curbing Pollution, Health and the Environment](#), [U.S. Law and Policy](#)  
Tags:

[cantor](#), [cleanairact](#), [congress](#), [mercury](#), [ozone](#), [pnp](#), [smog](#), [soot](#), [whitfield](#)

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The TRAIN Act ([H.R. 2401](#) [pdf]) and the amendments that will be voted on this week on the floor of the House of Representatives have degenerated into the most dangerous attacks on clean air since the Clean Air Act was signed into law 40 years ago by President Nixon. TRAIN already was the most [irresponsible dirty air legislation](#) ever to be brought to the House floor. But two Republican amendments to the bill quietly introduced last night contain far more extreme attacks on health protections that take us into reckless territory never before seen in Congress. The underlying TRAIN Act would block EPA standards to clean up smog, soot, mercury, dioxins, and other toxic air pollution from power plants, then allow those safeguards to be delayed indefinitely. The bill would cost a minimum of 34,000 lives, with indefinite delay allowing over 25,000 additional deaths *every year*.

However, in a sneak attack that assaults the very heart of the Clean Air Act, two amendments were just released that would fundamentally eviscerate two of the law's most vital health programs. One amendment would repeal clean air protections that will save over 130,000 lives and avoid over 1 million asthma attacks. The second would eliminate Americans' 40-year right to clean air and replace it with a process that will lie to us about the safety of the air we breathe.

The amendments will be considered this week along with the underlying bill, which is expected to come up for a vote on the House floor as soon as Friday, September 23rd.

### **Latta Amendment Abolishes 40-Year Right to Clean Air, Lies to Americans About Unhealthy Air**

An [amendment](#) [pdf] filed by Rep. Bob Latta (R-OH) eliminates the [forty year-old requirement](#) that EPA base clean air standards on health science and medicine alone in determining whether the air is safe to breathe. Instead, the amendment directs EPA to define healthy air based equally on the "feasibility and cost" to polluting industries, which would compel EPA to accept air quality standards that do not protect public health. The amendment robs Americans of their fundamental right to clean air, promised by the Clean Air Act since its adoption in 1970. Instead, EPA would be forced to set unprotective air quality standards for smog and soot and lead pollution that are at odds with health science, based on cost complaints by polluting industries.

This is like an insurance company prohibiting your doctor from telling you whether you have cancer, if a company bean counter thinks the cost of treatment is too high. Instead, the doctor would be ordered to lie to you, tell you you're not sick, and send you home.

It's like Congress ordering the Food & Drug Administration to allow unsafe infant formula or medicine, overriding doctors and scientists, if some economists decide it's too "burdensome" on industry to provide safe products. While the government and industry lie to us about the safety of those products.

As I've written [before](#), the very foundation to the Clean Air Act requires air quality standards to be founded on science and the best medical understanding of air pollution's health hazards. Economic considerations may not distort the scientific decision over *how much* air pollution is unhealthy for Americans. Economics can and do factor in to *how best* to reduce unhealthy air pollution levels using cost-effective measures.

The Latta amendment would stick Americans with whatever dirty air was acceptable to economists and accountants, to hell with doctors, scientists and evidence telling us how much air pollution is actually harmful to human health.

The Latta amendment would replace truthfulness about the purpose and promise of the law -- clean air for all Americans -- with a deadly deception that misrepresents the basic safety of the air we breathe.

The Clean Air Act would become the Clean Air\* Act, with the asterisk adding the qualifier that medical and scientific evidence had to be ignored because some future EPA political appointees and economists decided polluting industries should not have to bear the cost of cleaning up their own pollution.

Under the Latta amendment, the Clean Air Act and Congress would no longer deliver clean air to Americans. Standards would not be based upon what is necessary ["to protect the public health,"](#) ["allowing an adequate margin of safety"](#) to protect the vulnerable, including the elderly and asthmatics. This is the Clean Air Act promise that has protected Americans for over 40 years.

The Latta amendment eradicates that promise and subordinates it to the Unholy Grail of Big Polluters: replacing Americans' right to clean air with polluters' right to trump public health.

The Latta amendment would accomplish what an army of industry lawyers and lobbyists tried to do in the late 1990's and failed, when a unanimous Supreme Court [decision](#) by Justice Scalia in 2001 ruled that any consideration of cost to polluting industries would violate the Clean Air Act when EPA sets health standards for ozone or other air pollutants. The Latta amendment would overturn that unanimous Supreme Court ruling.

### **Whitfield Amendment Sets New Lows In Extreme Assaults on Clean Air Protections**

The second dirty air [amendment](#) [pdf] to the TRAIN Act, offered by Rep. Ed Whitfield (R-KY), is the most radical amendment to the Clean Air Act ever offered by a member of Congress.

The amendment adds destructive insult to the injury of a TRAIN Act that already was the dirtiest



air pollution bill ever to pass a Committee in Congress (as the result of an earlier amendment by Mr. Whitfield too). The new Whitfield amendment is so extreme and would cause so much death, disease and human misery that it is morally unconscionable.

The Whitfield amendment blocks the power plant smog and soot standards already targeted by TRAIN for *more than 8 years* , costing over 12,000 lives every year. The amendment blocks the power plant mercury and air toxics standards for *more than 3 years* , costing up to 17,000 lives every year.

By blocking the mercury and air toxics standards and smog and soot standards for this period of time, the Whitfield amendment would **result in**:

- as many as 136,000 lives lost due to smog, soot, and toxic air pollution;
- more than 58,000 heart attacks;
- more than 1 million asthma attacks;
- over 66,000 more hospital and emergency room visits; and
- over 1 million more days of missed work or school.

These two clean air standards are projected to save the lives of as many as **1,400 Kentuckians** every year, yet one of the Commonwealth's own elected representatives is trying to block health safeguards that would save many thousands of lives in Kentucky. The death toll across America is even more horrific.

Like the TRAIN Act itself, the Whitfield amendment ***eliminates any actual deadline*** for EPA to re-issue smog, soot, mercury or air toxics standards, allowing these life-saving standards to be shelved ***indefinitely*** . The amendment thus repeals current law, which has imposed firm deadlines for EPA to issue air toxics standards for polluting industries ever since the 1990 Clean Air Act Amendments.

Just as irresponsibly, the Whitfield amendment would cripple the longstanding manner in which the Clean Air Act's toxic air pollution standards are set. Instead of basing standards on the cleanest plants, as required for over twenty years, the standards would be based on what the oldest, dirtiest plants are doing. This would allow the worst performers for some highly toxic pollutants, like mercury or lead or dioxins, to be mashed together with the better performers for other pollutants, driving a result that is far less protective than that followed by EPA under every administration since 1990. Not even the Bush administration attempted to adopt air toxics standards under the law in this twisted fashion, and for good reason.

The Whitfield amendment next resorts to cynical Washington paralysis by analysis to make it harder to reduce acid gases, dioxins and other cancer-causing toxins. For over twenty years, the Clean Air Act has required the nation's biggest industrial polluters – and power plants are the biggest – to reduce *all* of their toxic air pollution. Not the Whitfield amendment.

As observed by my NRDC colleague Dave Hawkins, head of EPA's air program in the late 1970's, the Whitfield amendment forces EPA to return to the fundamentally failed approach to toxic air pollution that existed prior to the 1990 Clean Air Act Amendments. Before that important update to the law, EPA was forced to undertake lengthy and cumbersome risk assessments for every toxic air pollutant and every industry it faced. With industry lobbyists tying EPA up in knots, this resulted in the agency issuing only a handful of toxic pollution standards over nearly two decades, subjecting the American people to unhealthy air and excessive cancer risks.

In the 1990 law, overwhelming bipartisan majorities in Congress threw up their hands in disgust over the agency's glacial pace and paralysis by analysis. Since the 1990 law, EPA has issued over one hundred successful standards to reduce toxic air pollution by millions of tons. The utility sector has escaped its fair share of reductions due to **lawbreaking** and **inexcusable delays**, meaning that required toxic cleanup standards now are more than a decade overdue.

The Whitfield amendment cynically reinstates the historically discredited paralysis and guarantees EPA will be prevented from reducing carcinogens and neurotoxins to protect Americans. And the amendment ensures there will be many more years of delay beyond the

three-year delay that the amendment nominally imposes, due to the cumbersome red tape that the amendment dictates.

Even worse, for any toxic pollutants that survive the amendment's paralysis by analysis, the Whitfield amendment eliminates the most protective legal standard for reducing toxic air pollution that has been a Clean Air Act pillar for nearly twenty-one years. The amendment replaces these meaningful standards – to achieve maximum reductions in toxic pollution – with the absolute least protective measures even mentioned in the law. This would allow actual emission reductions and controls to be replaced by meaningless “work practice standards,” such as tune-ups to utility boilers that *need not even reduce emissions* .

The Whitfield amendment also re-instates an unfettered cap-and-trade program for smog and soot pollution, no matter how much emissions trading threatens downwind states' air quality. In doing so, the amendment overturns a [court ruling](#) [pdf] by a conservative panel of D.C. Circuit judges that said such unrestricted emissions trading hurt downwind states and violated the Clean Air Act, by allowing unconstrained pollution “credit” purchases that dispensed with the need for pollution controls and their actual emissions reductions.

One can only marvel at the hypocrisy of [politicians](#) that turned the phrase “cap-and-trade” into a slur during debates over climate change legislation, yet now turn around and embrace cap-and-trade when that approach is less protective of basic air quality and demanded by industry lobbyists. (Mr. Whitfield even has statements on his web site bizarrely vowing to fight against cap and trade systems, without any differentiation between types of air pollution.)

The Whitfield amendment is a dream bill for Big Polluters. It comes as no surprise, then, that the amendment adopts key features from an atrocious bill drafted earlier this year by the country's most polluting utility company, American Electric Power. No member of Congress would touch that bill with a ten foot pole once AEP's drafting role became public knowledge. Until Mr. Whitfield's bill.

For example, the cynical paralysis-by-analysis element of the Whitfield amendment was lifted from the AEP bill. Moreover, the extreme delays in the amendment are very similar to those in the AEP bill.

EPA's smog, soot and toxic air pollution standards for power plants together will save more lives and prevent more disease than other clean air standards in the country's proud history. And the Whitfield amendment unceremoniously trashes all that.

The dirty legislation may be a dream bill for polluters but it is a nightmare for all Americans who care about their families' health and the air we breathe.

Please urge your member of Congress to oppose the TRAIN Act and the Latta and Whitfield amendments.

Sent from my iPad

Arvin Ganesan/DC/USEPA/US

To "Richard Windsor", "Seth Oster", "David McIntosh", "Bob Perciasepe"

04/12/2011 01:27 PM

cc

bcc

Subject Fw: NATURAL GAS: Fracking with diesel violated law, EPA says (04/12/2011)

Sent from my Blackberry Wireless Device  
Charles Imohiosen

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





**From:** Charles Imohiosen

**Sent:** 04/12/2011 01:26 PM EDT

**To:** Bob Perciasepe; Arvin Ganesan; Alisha Johnson; Nena Shaw; Philip Metzger

**Subject:** NATURAL GAS: Fracking with diesel violated law, EPA says (04/12/2011)

## NATURAL GAS: Fracking with diesel violated law, EPA says (04/12/2011)

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Mike Soraghan, E&E reporter

Oil and gas drillers who injected diesel fuel during hydraulic fracturing without a permit broke the law, a U.S. EPA official said today.

The assertion by Deputy Administrator Bob Perciasepe means some companies that have acknowledged injecting diesel could be subject to sanctions under the Safe Drinking Water Act.

It is a technical but politically charged question in the ongoing debate about regulation of the fracturing process.

While Congress in 2005 exempted fracturing from the need to get permits under the Safe Drinking Water Act, it is not exempt when diesel is used. But companies have acknowledged using diesel in some instances. At a subcommittee hearing today, Sen. Tom Udall (D-N.M.) questioned Perciasepe on that.

"If they didn't get a permit, they were in violation of the law?" Udall asked.

"Yes," Perciasepe said.

Perciasepe, the No. 2 official at EPA, also gingerly pointed out a shortcoming in state regulation of oil and gas drilling, noting that Pennsylvania rules have not covered all the chemicals in drilling wastewater.

Unlike other states, Pennsylvania has allowed the wastewater that comes out of drilling wells to be disposed of at regular wastewater treatment plants, despite the presence of radioactive material and dangerous chemicals not common to sewage.

"The state permit did not contain limits on some of the contaminants that were involved there," Perciasepe said.

Josh Fox, who made the anti-drilling documentary "Gasland," sat in the audience at the hearing of the Environment and Public Works Subcommittee on Water and Wildlife. He was a row behind representatives of the Independent Petroleum Association of America, the trade group most ardently opposing federal regulation of fracturing.

Sen. Bob Casey (D-Pa.), sponsor of legislation that would impose that regulation under the Safe Drinking Water Act, testified, although the hearing was not billed as a hearing on his bill. The legislation is called the "FRAC Act," for Fracturing Responsibility and Awareness of Chemicals.

"Our state went through most of the 19th century and half of the 20th century not getting it right, in this case with coal," Casey said. "Today, we have to get it right."

Drilling service companies have acknowledged to Congress that they injected at least 32 million gallons of diesel fuel underground during fracturing. The congressional report said an agency official told congressional investigators that EPA had assumed that the use of diesel had stopped seven years ago.

Of the total figure, 10 million gallons was "straight diesel fuel," the investigation found, while another 22 million gallons was products containing at least 30 percent diesel.

EPA took no action to regulate the use of diesel until last year. In early 2010, a report from the nonprofit Environmental Working Group found confusion among state officials about the diesel exemption. The report charged that many wells were being fractured with diesel without anyone getting a permit.

A few months later, EPA posted rules about fracturing with diesel on its website without notice ([E&ENews PM](#) , Jan. 20).

IPAA is now challenging that change in federal court. Industry representatives said EPA never clarified to them whether they could be penalized for that past use.

Charles Imohiosen  
Counselor to the Deputy Administrator  
Office of the Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
(202) 564-9025

**Avi Garbow/DC/USEPA/US**

06/20/2011 02:00 PM

To Richard Windsor

cc

bcc

Subject AUTO: Garbow, Avi is out of the office. (returning 07/01/2011)

I am out of the office until 07/01/2011.

I am out of the office through July 1st. I expect to have intermittent access to email, and will respond to your email as soon as I can. If something requires immediate attention, kindly contact Principal Deputy General Counsel Brenda Mallory, or my assistant, Monique Patrick (564-8040). Thank you.

Avi

Note: This is an automated response to your message "**Re: Politico breaking news: SUPREME COURT TOSSES CLIMATE CHANGE LAWSUIT**" sent on 06/20/2011 02:00:20 PM.

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

**Barbara  
Bennett/DC/USEPA/US**  
02/06/2011 09:45 AM

To Bob Perciasepe  
cc Richard Windsor, "Diane Thompson", Seth Oster, David  
McIntosh, Michael Goo, Bicky Corman, Arvin Ganesan  
bcc  
Subject Re: NYT Editorials and Op Eds

And today's editorial cartoon in Wash Post....

## Rocket Science

By Tom Toles

-----Bob Perciasepe/DC/USEPA/US wrote: -----

To: Richard Windsor/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, "Diane Thompson" <thompson.diane@epa.gov>, Seth Oster/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA  
From: Bob Perciasepe/DC/USEPA/US  
Date: 02/06/2011 09:35AM  
Subject: NYT Editorials and Op Eds

In case anyone wants easy access. Lew Op Ed on budget and NYT Editorial on Clean Air

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February 5, 2011

## Clean Air Under Siege

Shortly after he entered the Senate in 2007, John Barrasso told his Wyoming constituents that the country's biggest need was an energy policy to deal with carbon dioxide, the main greenhouse gas.

That was then. In lockstep with other Senate Republicans, he helped kill last year's energy and climate bill. Now he has introduced a bill that would bar the Environmental Protection Agency and any other part of the federal government from regulating carbon pollution.

Congress's failure to enact a climate bill means that the E.P.A.'s authority to regulate these gases — an authority conferred by a landmark Supreme Court decision in 2007 — is, for now, the only tool available to the federal government to combat global warming.

The modest regulations the agency has already proposed, plus stronger ones it will issue later this year, should lead to the retirement of many of the nation's older, dirtier coal-fired power plants and a dramatic reduction in carbon emissions.

Mr. Barrasso's bill is not an isolated challenge. Senator James Inhofe, the Oklahoma Republican who called global warming the "greatest hoax ever perpetrated on the American people," has unveiled a somewhat narrower bill to undercut the E.P.A.'s authority to regulate carbon dioxide. Fred Upton, the Michigan Republican and new chairman of the House Energy and Commerce Committee, simultaneously introduced a companion bill.

There are a half-dozen other such measures in circulation, at least one of which would weaken the agency's long-held powers to regulate conventional ground-level pollutants like soot and mercury.

One or another of these bills has a real shot in the Republican-controlled House. Their chances are slimmer in the Senate, where the bigger danger is a proposal by Jay Rockefeller, a West Virginia Democrat, that would block any new regulations on power plants and other industrial sources for two years.

That is just obstruction by another name. It would delay modernization and ensure that more carbon is dumped into the atmosphere. History shows that regulatory delays have a way of becoming permanent.

It is tempting to blame the entire energy industry for these attacks on the E.P.A.'s authority. The oil companies are pushing hard against any new rules. The utilities are split. Some companies like General Electric — whose chief executive, Jeffrey Immelt, is now advising President Obama — signed on to the energy bill that passed the House last year, when it was still under Democratic control.

Mr. Inhofe, an outlier before the midterm elections, has a lot more company now. Even among lawmakers who accept the facts of global warming, he is getting considerable mileage with baseless charges that the E.P.A. is running amok.

The agency does have a heavy regulatory agenda. It will issue proposals not only on greenhouse gases but also ozone, sulfur dioxide, and mercury, which poisons lakes and fish. These regulations are fully consistent with the Clean Air Act. Some of them should have been completed during the Bush years; all are essential to protect the environment. The agency's administrator, Lisa Jackson, has moved cautiously, making clear that she will target only the largest polluters and not, as the Republicans claim, mom-and-pop businesses.

In his State of the Union address, President Obama promised to protect "common-sense safeguards" to the nation's environment. The rules under siege in Congress will help clean the air, reduce toxic pollution in fish and slow emissions of greenhouse gases. It is hard to imagine anything more sensible than that.

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February 5, 2011

## **The Easy Cuts Are Behind Us**



By **JACOB LEW**

Washington

IN a little over a week, President Obama will send Congress his budget for the 2012 fiscal year. The budget is not just a collection of numbers, but an expression of our values and aspirations. As the president said in his State of the Union address, now that the country is back from the brink of a potential economic collapse, our goal is to win the future by out-educating, out-building and out-innovating our rivals so that we can return to robust economic and job growth. But to make room for the investments we need to foster growth, we have to cut what we cannot afford. We have to reduce the burden placed on our economy by years of deficits and debt.

When I left the Office of Management and Budget in January 2001, the country [had a projected surplus of \\$5.6 trillion](#) over the next decade. When I returned last November, decisions to make two large tax cuts without offsetting them and to create a Medicare prescription drug benefit without paying for it, combined with the effects of the recession, meant that the nation faced projected deficits of \$10.4 trillion over the next decade.

We cannot win the future, expand the economy and spur job creation if we are saddled with increasingly growing deficits. That is why the president's budget is a comprehensive and responsible plan that will put us on a path toward fiscal sustainability in the next few years — a down payment toward tackling our challenges in the long term.

This starts with doing what families and businesses have been doing during this downturn: tightening our belts. In the budget, the president will call for a five-year freeze on discretionary spending other than for national security. This will reduce the deficit by more than \$400 billion over the next decade and bring this category of spending to the lowest share of our economy since Dwight Eisenhower was president.

Make no mistake: this will not be easy. It will require tough choices since every decision to invest in one program will necessitate a cut somewhere else. In each of the past two years, the administration has put forward about \$20 billion in savings from ending some programs and reducing funds for others. This entailed finding programs that were duplicative, outdated and ineffective. But to achieve the deeper cuts needed to support this spending freeze, we have had to look beyond the obvious and cut spending for purposes we support. We had to choose programs that, absent the fiscal situation, we would not cut.

Since they were instituted, community service block grants have helped to support community action organizations in cities and towns across the country. These are grassroots groups working in poor communities, dedicated to empowering those living there and helping them with some of life's basic necessities. These are the kinds of programs that President Obama worked with when he was a community organizer, so this cut is not easy for him.

Yet for the past 30 years, these grants have been allocated using a formula that does not consider how good a job the recipients are doing. The president is proposing to cut financing for this grant program in half, saving \$350 million, and to reform the remaining half into a competitive grant program, so that funds are spent to give communities the most effective help.

Another difficult cut is a reduction of \$125 million, or about a quarter of current financing,

to the Great Lakes Restoration Initiative, which supports environmental cleanup and protection. And a third is a reduction in the Community Development Block Grant program. These flexible grants help cities and counties across the nation finance projects in areas like housing, sewers and streets, and economic development in low- and moderate-income neighborhoods.

While we know from mayors and county leaders how important these grants are for their communities, and are very aware of the financial difficulties many of them face, the sacrifices needed to begin putting our fiscal house in order must be broadly shared, and we are proposing to cut this program by 7.5 percent, or \$300 million.

These three examples alone, of course, represent only a small fraction of the scores of cuts the president had to choose, but they reflect the tough calls he had to make. And as he made them, his administration tried to make sure that there was no undue burden on any one program or area. We also asked agencies outside the freeze to do their part as well. The Department of Defense, for instance, will have its financing plan cut by \$78 billion over the next five years, bringing spending down to zero real growth after a decade of healthy increases, and we are eliminating programs like the C-17 transport plane that have broad support but that we do not need and cannot afford.

Discretionary spending not related to security represents just a little more than one-tenth of the entire federal budget, so cutting solely in this area will never be enough to address our long-term fiscal challenges. That is why President Obama made clear in the State of the Union that he wants to work with Congress to reform and simplify our tax code. He also called for serious bipartisan cooperation to strengthen and protect Social Security as we face the retirement of the baby boom generation.

We must take care to avoid indiscriminate cuts in areas critical to long-term growth like education, innovation and infrastructure — cuts that would stifle the economy just as it begins to recover. That, in turn, would deprive us of one of the most powerful drivers of deficit reduction, a growing economy.

Next week, a debate will begin in Washington and throughout our country about the best way forward. The Obama administration will come to these discussions with a responsible, sensible and achievable plan to put the country on a fiscally sustainable path. The plan will incorporate many tough choices and deep cuts — as well as smart investments — to broaden our recovery, spur job creation and prepare the United States to win in the world economy.

Jacob Lew is the director of the White House Office of Management and Budget.

**Judith Enck/R2/USEPA/US**

Sent by: Beth Soltani

04/18/2012 09:02 AM

To Richard Windsor

cc

bcc

Subject New York Times Article, April 14, 2012

I thought you would be interested in this.

-Judith

\*\*\*\*\*

## How to Prevent Oil Spills

By JOE NOCERA

BP held its annual meeting on Thursday, and, all things considered, the company's shareholders had much to be happy about. Yes, a small percentage voted against the \$6.8 million pay package that the board awarded Bob Dudley, the chief executive. And there were plenty of protesters in attendance, including angry Gulf Coast residents and climate change activists.

Mainly, though, BP shareholders had to be pleased with the progress the company has made since the Deepwater Horizon disaster. Two years after the spill that cost 11 lives and saw millions of gallons of crude poured into the Gulf of Mexico, the company unveiled 2011 net profits of close to \$24 billion. And that's after spending some \$22 billion settling claims and paying cleanup costs. "We are fully back to work in the Gulf of Mexico," Dudley announced.

To be sure, there are still some lawsuits to resolve, brought by several gulf states as well as the federal government. And there is also a criminal investigation, which a Justice Department representative told me was "very much ongoing."

But not to worry. In addition to the \$22 billion it has already spent, BP has another \$15.2 billion set aside to cover future fines and payments. No government settlement will come close to that amount. As for the criminal investigation, it will likely result in a deal in which BP agrees to plead guilty – and pays yet more fines – while no actual human being goes to jail. Money solves everything, doesn't it?

It always has before. As Abrahm Lustgarten brilliantly recounts in his new book, "Run to Failure: BP and the Making of the Deepwater Horizon Disaster," time after time over the past 15 years, BP put profits over safety and created dangerous conditions for its workers, which resulted in serious industrial accidents that brought criminal investigations. Every time, BP wiggled out of trouble by paying money and promising to do better – and then went right back to its recidivist ways. The implicit message of Lustgarten's book, which recounts this history in infuriating detail, is that for a multinational like BP, fines and settlements are meaningless punishments. Even a criminal conviction has very little meaning for a faceless corporation. After all, you can't throw a company in prison.

Take, for instance, the worst of the accidents preceding the Deepwater Horizon explosion. It took place in 2005, at a BP-owned refinery in Texas City, when an explosion killed 15 workers.

Lustgarten's reporting for ProPublica makes it abundantly clear that the problems at the refinery were well known. Necessary maintenance was deferred. Warnings signs were ignored. Managers would plead for money to improve the safety of the plant only to have their budgets savagely cut. Top management in London turned a blind eye to reports recounting problems.

Then, when the inevitable occurred, BP at first blamed it on "operator error." John Browne, who was then its chief executive – and the man most responsible for creating BP's culture of putting profits over safety – insisted that the accident, like all the other BP accidents, was just a matter of being unlucky. Lots of people knew better, including a handful of federal investigators who had been tracking the company for years.

Yet, in the end, BP wound up paying \$2.1 billion – most of it to compensate victims – and agreed to a felony conviction. These punishments did nothing to change the company. Barely a year later, a BP-owned pipeline in Alaska ruptured, causing a serious oil spill. After that one, BP agreed to plead to a misdemeanor and paid a fine. Lustgarten found government documents suggesting that a number of BP executives were investigated by prosecutors. But nothing ever came of those investigations.

I have argued in the past, mainly in the context of the financial crisis, that the country has been poorly served by the Justice Department's unwillingness to hold to account big shots like Angelo Mozilo, the former chief executive of Countrywide, whose companies' illegal practices helped lead us to the brink of financial apocalypse. It has sent a terrible message that there are two kinds of justice: one for the rich and powerful, and another for everybody else.

But there is another reason corporate executives need to be prosecuted when corporate crimes take place. It sends a signal to every other executive about what is – and is not – acceptable behavior. The threat of prison can change a culture faster and more effectively than even the heftiest fine. If, after the Texas City explosion, one BP executive or more had been prosecuted, it seems to me quite likely that the Deepwater Horizon accident would never have happened. A prison sentence would have done the thing that all those fines never did: force the company to begin paying attention to safety.

Prison is what makes the difference. Otherwise, it's only money.

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, N.Y. 10007-1866  
(212) 637-5000

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

05/04/2010 02:58 PM

To Adora Andy

cc 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

bcc

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.

**Betsaida  
Alcantara/DC/USEPA/US**  
05/04/2010 02:06 PM

To Adora Andy  
cc Alisha Johnson, Allyn Brooks-LaSure, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Dru Ealons, Lisa Feldt, Mathy Stanislaus, Michael Moats, Richard Windsor, Seth Oster, Stephanie Owens, Vicki Ekstrom  
bcc  
Subject AP: EPA proposes coal ash rule, sets time for comment

## EPA proposes coal ash rule, sets time for comment

By BILL POOVEY  
The Associated Press  
Tuesday, May 4, 2010; 1:53 PM

CHATTANOOGA, Tenn. -- The Environmental Protection Agency is proposing to regulate coal ash and its disposal, possibly as a hazardous waste.

EPA Administrator Lisa Jackson said Tuesday that one option would regulate the ash under the hazardous waste section of the federal Resource Recovery and Conservation Act. The other is regulating it in the non-hazardous waste section of the law.

She said EPA will seek public comment for 90 days before deciding on which method to use.

The announcement came 16 months after a huge coal ash spill at the Tennessee Valley Authority's Kingston Plant west of Knoxville. The power plant ash contains substances defined by the Superfund Law as hazardous, such as arsenic, cadmium, chromium, lead, mercury, selenium and zinc.

Adora Andy [Obama EPA punts on coal ash regulation:](#) 05/04/2010 02:03:20 PM

From: Adora Andy/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA  
Date: 05/04/2010 02:03 PM  
Subject: KEN WARD BLOG: Obama EPA punts on coal ash regulations

## Obama EPA punts on coal ash regulation

May 4, 2010 by Ken Ward Jr.

U.S. Environmental Protection Agency officials just finished their phone-in press conference to announce their [from coal-fired power plants.](#)

In its [press release](#), EPA describes its action this way:

*The U.S. Environmental Protection Agency today is proposing the first-ever national rules to ensure the safe disposal of coal-ash from coal-fired power plants.*

And it quotes EPA Administrator Lisa P. Jackson saying:

*The time has come for common-sense national protections to ensure the safe disposal of coal ash. We're proposing stronger safeguards to reduce the risk of groundwater contamination and threats to drinking water and we're also putting in place stronger safeguards for coal-ash impoundments. The health and the environment of all communities must be protected.*

But after listening to the press conference, and as I read the [563-page document EPA just posted on its Web site](#), this is more than the Obama administration punting on making a decision.

As [Coal Tattoo](#) and many others in the media have reported, perhaps the most basic and important call for EPA is the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act the agency is going to use to regulate coal-ash.

RCRA Subtitle D leaves many decisions to the states, while Subtitle C sets up a nationwide regulatory program. For a breakdown of the differences available online [here](#).

We're now more than 16 months since [the failure of a coal-ash impoundment at a TVA power plant in East Tennessee](#) disaster, and thrust coal-ash regulation back into the public eye. And we're five months into 2010, after EPA [proposed a rule by the end of 2009](#).

And in today's announcement EPA has put forth not an actual proposal ... they've put forth two proposals — one that would use Subtitle D and one that would use Subtitle C.

Jackson told reporters that the two proposals involve “varying approaches to enforcement and oversight,” but that “the approach of Subtitle C is the one we’re going to use at the national level.” EPA is going to accept public comment on the two approaches for 90 days, and then will announce which one it will use.

On the one hand, Jackson told reporters today's announcement is the start of “a national dialogue” on which one approach to use. On the other hand, she acknowledged there “has been lots of discussion already” and said, “EPA believes it is very important to have a public process.”

It will be interesting to see how environmental groups react now to this ... here's an initial comment from Lisa Jackson ([she prefers the tougher approach of Subtitle C](#)):

*EPA's coal ash proposal is certainly a step forward. While EPA has published two options, the science and the need for stronger safeguards to protect communities and safeguard our drinking water. EPA's proposal should be commended for this action.*

Adora Andy  
Press Secretary  
U.S. Environmental Protection Agency  
Office of Public Affairs

202-564-2715  
andy.adora@epa.gov



**Betsaida  
Alcantara/DC/USEPA/US**  
03/26/2010 05:01 PM

To Adora Andy, Bob Perciasepe, Richard Windsor  
cc  
bcc  
Subject Re: Spruce Clips - Part 1 of 2

FYI - we asked AP to change their headline, it is now "EPA proposes veto of W.VA. mining permit" instead of "recommends veto". We had no such luck with our friends at the Wall Street Journal.

Betsaida Alcantara Spruce Clips - Part 1 of 2 Washingt... 03/26/2010 04:58:31 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Cc: Adora Andy/DC/USEPA/US@EPA  
Date: 03/26/2010 04:58 PM  
Subject: Spruce Clips - Part 1 of 2

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## **Spruce Clips – Part 1 of 2**

### **Washington Post: EPA proposes stopping West Virginia 'mountaintop' coal mine that has permit**

By David A. Fahrenthold  
Washington Post Staff Writer  
Friday, March 26, 2010; 3:26 PM

The U.S. Environmental Protection Agency on Friday took a rare step against a proposed "mountaintop" coal mine in West Virginia -- proposing to block the mine, despite the fact that it already has a federal permit.

The move is one of the most aggressive to come out of the Obama administration's reexamination of mountaintop mining, where peaks are scraped and blasted away to reach coal seams inside. The EPA has reviewed dozens of permits and approved one large mine in January after environmental improvements were promised.

### **AP: EPA recommends veto of W.Va. mining permit**

By BRIAN FARKAS  
Associated Press Writer

CHARLESTON, W.Va. (AP) -- The U.S. Environmental Protection Agency moved Friday to veto a water quality permit for West Virginia's largest surface mine, saying the operation would cause irreversible damage to the environment.

Regional Administrator Shawn Garvin said talks with Mingo Logan Coal Corp. failed to produce an agreement to reduce potential harm at the Spruce No. 1 mine. The agency said the mining plan, which includes mountaintop removal and valley fills, would cover 2,278 acres, and would

bury 7 miles of headwater streams and degrade water quality.

## [[FULL TEXT BELOW]]

### **EPA proposes stopping West Virginia 'mountaintop' coal mine that has permit**

By David A. Fahrenthold  
Washington Post Staff Writer  
Friday, March 26, 2010; 3:26 PM

The U.S. Environmental Protection Agency on Friday took a rare step against a proposed "mountaintop" coal mine in West Virginia -- proposing to block the mine, despite the fact that it already has a federal permit.

The move is one of the most aggressive to come out of the Obama administration's reexamination of mountaintop mining, where peaks are scraped and blasted away to reach coal seams inside. The EPA has reviewed dozens of permits and approved one large mine in January after environmental improvements were promised.

But, in this case, the agency is threatening to stop the Spruce Number One mine in Logan County, W.Va., entirely -- or at least stop it from using "valley fills," depositing excess rock and rubble in nearby streams. Under the federal Clean Water Act, the EPA has the power to veto projects that would cause an "unacceptable adverse impact," but it has only used that power 12 times since 1972.

And it has never used the power in a case like this, where the mine already has a permit.

EPA will now take public comments on the proposal for 60 days and hold a hearing on the proposal in West Virginia.

The EPA says the Spruce Number One mine, in a region of southern West Virginia about 300 miles from Washington, would bury about seven miles of streams. As toxic chemicals flow downstream from the mine rubble, the agency said, they could harm aquatic life including one of the richest concentrations of salamanders in the world.

The mine was issued a federal permit in 2007, under the Bush administration, but major mining was delayed by lawsuits from environmental groups. After the Obama White House raised questions about the mine's environmental consequences last year, the EPA began negotiations with Arch Coal, the mine's St. Louis-based parent company.

The EPA said Friday that those negotiations had failed to resolve the impasse.

"Coal, and coal mining, is part of our nation's energy future, and for that reason EPA has made repeated efforts to foster dialogue and find a responsible path forward," Shawn Garvin, EPA's regional administrator for the mid-Atlantic, said in a written press release. "But we must prevent

the significant and irreversible damage that comes from mining pollution -- and the damage from this project would be irreversible."

In a statement, Arch Coal said it was "disappointed" with the decision.

"We are evaluating all possible options for relief from the government's actions and intend to vigorously defend the Spruce permit by all legal means," a company statement said.

West Virginia Gov. Joe Manchin III, who has advocated for the coal industry on this issue, issued a statement saying "I am obviously very disappointed, because, the way it stands now, it means a major loss of potential jobs."

The news was cheered by environmental groups -- some of whom had criticized the federal government for sending mixed messages, for and against mountaintop mining.

"It seems that EPA Administrator [Lisa P.] Jackson's concern over the impacts of mountaintop removal coal mining on human health and waterways is now translating into meaningful action," the Rainforest Action Network said in a statement. "We hope that the Spruce Mine veto is a sign that EPA is going to begin using its full authority to stop this devastating practice."

Mountaintop mining -- also called "mountaintop removal" mining -- accounts for about 10 percent of U.S. coal production, though it plays an outsized role in parts of Appalachia. Coal companies say the practice is essential, extracting coal that could not be reached another way. But environmentalists say the practice destroys mountain ecosystems, buries stream valleys under tons of rubble and poisons stream life for miles downstream.

### **EPA recommends veto of W.Va. mining permit**

By BRIAN FARKAS  
Associated Press Writer

CHARLESTON, W.Va. (AP) -- The U.S. Environmental Protection Agency moved Friday to veto a water quality permit for West Virginia's largest surface mine, saying the operation would cause irreversible damage to the environment.

Regional Administrator Shawn Garvin said talks with Mingo Logan Coal Corp. failed to produce an agreement to reduce potential harm at the Spruce No. 1 mine. The agency said the mining plan, which includes mountaintop removal and valley fills, would cover 2,278 acres, and would bury 7 miles of headwater streams and degrade water quality.

The U.S. Army Corps of Engineers issued the permit in 2007. But EPA said it wanted to exercise its authority under the federal Clean Water Act to review the permit further.

EPA's proposal was issued Friday, the deadline set by a federal judge for the agency to make a decision.

"This recommendation is consistent with our broader Clean Water Act efforts in Central Appalachia. EPA has a duty under the law to protect water quality and safeguard the people who rely on these waters for drinking, fishing and swimming," Garvin said in a prepared statement.

The permit is the subject of a federal lawsuit challenging the corps' authority to issue clean water permits for large mountaintop removal mines. U.S. District Judge Robert Chambers has allowed mining to occur at the Logan County mine until the case is resolved.

The Ohio Valley Environmental Coalition is a plaintiff in the lawsuit. Co-Director Dianne Bady said she was pleased by EPA's decision.

"We are so glad to see the Obama administration based its decision on sound science," she said.

Several members of West Virginia's congressional delegation said they were upset by the decision.

Mingo Logan is a subsidiary of St. Louis-based Arch Coal. The company said it was disappointed by EPA's action and was assessing its legal options.

"The Spruce permit is the most scrutinized and fully considered permit in West Virginia's history," the company said in statement. "The 13-year permitting process included the preparation of a full environmental impact statement, the only permit in the eastern coal fields to ever undergo such review."

Arch Coal said it would ask Chambers to rule on the company's request for summary judgment in the lawsuit. The Department of Justice asked Chambers on Friday to delay any decisions until EPA issues a final decision following a 60-day public comment period.

It's the first time since 1972 that EPA has used its authority to veto a permitted project. In nearly four decades the agency has used its authority only 12 times before a permit was issued.

Garvin said EPA determined that rock, dirt and other mining wastes from Spruce No. 1 would affect water quality, fish and wildlife in the Coal River watershed. The watershed is already one of the state's more heavily mined areas.

The mine would release high levels of total dissolved solids and selenium, which in high concentrations can create birth defects in fish and other aquatic life.

Also, the plan to replace ecological resources lost during mining was inadequate, EPA said.

The federal agency has focused on coal mining in Central Appalachia since President Barack Obama took office. The agency has concentrated on mines where mountaintop removal mining is used to expose multiple coal seams. Studies have shown the mining practice has buried hundreds of miles of streams under valley fills, that were permitted under the dredge and fill section of the Clean Water Act.

Last fall, EPA said it had identified 79 permits in West Virginia, Virginia, Kentucky and Tennessee where the mining practice is used. In September, EPA said it wanted to review the Spruce No. 1 permit.

Garvin said EPA will hold a 60-day comment period on its recommendation before it makes a final decision. The agency also plans to hold a public hearing in the state.

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

02/03/2011 12:17 PM

To Andy.Adora, Ganesan.Arvin, "Brendan Gilfillan",  
Johnson.Alisha, Kanninen.Daniel, McIntosh.David,  
Oster.Seth, Perciasepe.Bob, Stoner.Nancy, Sussman.Bob,  
Thompson.Diane, Windsor.Richard

cc

bcc

Subject Morning-after coverage: Perchlorate and Drinking Water

Here's late last night's and this morning's coverage. The Washington Post ran the story on today's print version, on page A2. CNN's Sanjay Gupta will run the story on his weekend show.

- **WASHINGTON POST: EPA reverses Bush-era water safety standards, will regulate contaminants**
- **LA TIMES: EPA to regulate toxic chemicals in drinking water**  
*The EPA plans to set standards for perchlorate and 16 other substances, reversing a Bush-era decision.*
- **BOSTON HERALD: EPA setting perchlorate standard**
- **SAN FRANCISCO CHRONICLE: Perchlorate: EPA to set limits for drinking water**

**[[FULL TEXT BELOW]]**

**WASHINGTON POST: EPA reverses Bush-era water safety standards, will regulate contaminants**

By Brian Vastag

Washington Post Staff Writer

Thursday, February 3, 2011; 1:08 AM

The Environmental Protection Agency reversed Bush administration drinking water policies Wednesday, announcing that it will regulate perchlorate, a component of rocket fuel, and 16 other chemicals - called volatile organic compounds - that can cause cancer at high enough doses.

The perchlorate decision "is about protecting the health of between 5 [million] and 17 million Americans that are exposed to perchlorate in the water they drink," EPA Administrator Lisa P. Jackson said in remarks to the Senate Committee on Environment and Public Works.

In a statement, Sen. Barbara Boxer (D-Calif.), who has sought to regulate perchlorate since 2002, said, "I will do everything I can to make sure this new protection moves forward."

The EPA said it would take an additional two years to propose a perchlorate regulation, a pace that angered some environmental groups. "The science is already out there," said Jennifer Sass, a scientist with the Natural Resources Defense Council, an environmental advocacy group.

"Anything that anybody needed to say about this process is already done." The EPA has collected 39,000 public comments regarding perchlorate regulations.

In October 2008, the Bush administration bucked the advice of its own EPA scientists and announced that it would not regulate perchlorate.

A Washington Post investigation at the time found that officials from the Bush administration heavily edited a key EPA report to play down the risks of the chemical. A Government Accountability Office report also found that the Defense Department - which, along with NASA, is a heavy user of perchlorate - sought to derail any perchlorate standards.

Perchlorate occurs naturally in very small amounts and is also used in rocket fuel, explosives and fireworks.

A 2010 Government Accountability Office study reported perchlorate contamination at 70 percent of Defense Department facilities. A 2006 Food and Drug Administration study found perchlorate in 74 percent of a wide range of food items it tested.

"A very long period of bad public policy was reversed today," said Mae Wu, a lawyer with the Natural Resources Defense Council.

"We're both thrilled and relieved," said Renee Sharp, a scientist with the Environmental Working Group, whose investigations have found perchlorate in California groundwater and vegetables. The Perchlorate Information Bureau, a group funded by rocket manufacturers, objected to the decision, saying in a statement that "a national perchlorate standard is not needed and would not provide a meaningful public health benefit."

Studies of perchlorate show that it can disrupt the thyroid, a master gland essential for growth and development. That means that fetuses are at the highest risk for perchlorate damage, said Lynn Goldman, dean of the School of Public Health at George Washington University.

The battle over perchlorate now turns on the acceptable drinking water concentration the EPA will set under the Safe Drinking Water Act. Environmental groups on Wednesday called on the EPA to set a standard of one part per billion, which California adopted last month as a "public health goal," a strong step toward reducing the state's current standard of six parts per billion. The only other state to adopt a perchlorate drinking water standard, Massachusetts, sets a limit of two parts per billion.

A 2010 study of 500,000 California newborns reported disrupted thyroid function in infants whose mothers had been exposed to drinking water with at least five parts per billion perchlorate. The study did not assess effects at lower concentrations.

In a separate EPA decision, Jackson said the agency was moving forward with its master drinking water safety strategy announced last year by regulating as a group 16 cancer-causing chemicals called volatile organic compounds.

In the past, the EPA has regulated individual chemicals in drinking water separately. Goldman, a former assistant administrator at the EPA, said treating the compounds as a group is "scientifically justified" because they often appear together as industrial contaminants and can cause cumulative damage to the body.

### **LA TIMES: EPA to regulate toxic chemicals in drinking water**

### **The EPA plans to set standards for perchlorate and 16 other substances, reversing a Bush-era decision.**

By Neela Banerjee, Washington Bureau

8:42 PM PST, February 2, 2011

Reporting from Washington





The Environmental Protection Agency took steps Wednesday to curb toxic substances in drinking water, including perchlorate, a chemical thought to threaten the thyroid gland that has contaminated hundreds of public water wells, mostly in California.

The agency also moved to set standards for 16 other substances that can invade water supplies and impair human health.

Perchlorate, a remnant of California's manufacturing, aerospace and military bases, can inhibit thyroid hormone production, especially in fetuses and infants. That can lead to lower IQs and developmental delays, studies have shown.

Research by the Food and Drug Administration, among others, found perchlorate contamination in food and water in 45 states, and a small study in the Boston area found perchlorate in the breast milk of nursing mothers.

Sen. Barbara Boxer (D-Calif.) hailed the EPA's action, saying it was about time the government moved "to protect our families from perchlorate."

"Exposure to perchlorate in drinking water is dangerous, especially for pregnant women, infants and children," said Boxer, chairwoman of the Senate Environment and Public Works Committee.

But Republicans on the committee disputed the threat.

The "EPA has changed its position," one senior Republican Senate staffer said. "That's not good policy. Nothing new is being presented as far as the science goes."

The George W. Bush-era EPA refused to regulate perchlorate, which occurs in nature but is also man-made.

In the past, industrial users of perchlorate commonly dumped it into unlined pits, from which it leached into groundwater, scientists say. The most heavily affected areas have been Los Angeles, Riverside, San Bernardino, Orange and Sacramento counties.

California law requires that perchlorate levels be below 6 parts per billion. It was unclear what the federal limit would be.

Late last year, a contaminated well in Barstow had a level of 100 parts per billion.

After taking public comment, the EPA will issue a formal rule on perchlorate levels. The process could take two years, EPA Administrator Lisa P. Jackson said.

Meanwhile, late Wednesday, congressional Republicans prepared to introduce legislation to prevent the EPA from regulating greenhouse gas emissions that scientists say contribute to global warming.



Rep. Fred Upton (R-Mich.), chairman of the House Energy and Commerce Committee, and Sen. James M. Inhofe of Oklahoma, the ranking Republican on the Senate Environment and Public Works Committee, issued a draft of a measure that would strip the EPA of its ability to regulate greenhouse gas emissions under the Clean Air Act and to conduct research into climate change.

The draft measure adds to a growing pile of bills by Republicans and some Democrats to hamstring the EPA on climate change.

Jackson said the cascade of proposed legislation had not persuaded the administration to change course. "The president's advisors would advise him to veto any legislation that ... would take away EPA's greenhouse gas authority," she said after testifying before the Senate environment panel Wednesday. "Nothing has changed."

The Obama administration, unable to get Congress to act on a climate bill, has been pushing the EPA to regulate emissions using its authority under a 2007 Supreme Court decision.

### **BOSTON HERALD: EPA setting perchlorate standard**

By George Brennan / The Cape Cod Times | Thursday, February 3, 2011 | <http://www.bostonherald.com> | Local Coverage

The U.S. Environmental Protection Agency announced Wednesday it plans to set a drinking water standard for perchlorate, a chemical found in explosives and fireworks that is among the contaminants fouling groundwater beneath Massachusetts Military Reservation.

Both the Air Force and Army cleanup efforts at the Upper Cape base use a state Department of Environmental Protection standard of 2 parts per billion set in 2006 as the acceptable level of perchlorate.

One part per billion is equivalent to a half-teaspoon in an Olympic-size swimming pool.

Studies have shown perchlorate has an adverse affect on thyroid function in pregnant women and small children.

The EPA has not said what its standard will be, but the announcement is a reversal of a policy set during the Bush administration that provided a guideline of 15 parts per billion. The EPA had refused to set a standard in 2008, despite pressure from environmental groups and a 2002 draft risk assessment that found only 1 part per billion should be considered safe.

At Massachusetts Military Reservation, officials aren't sure what impact, if any, the EPA announcement may have on the federally mandated cleanup ongoing at the base.

"We're still trying to sort it out," said Jeanethe Falvey, a spokeswoman for the EPA's cleanup team at the base. "We've been using the state standard. We don't anticipate it to have an impact, unless the number is more stringent."

Officials in California, the only other state that has set a standard for the contaminant, have recently discussed lowering its standard from 6 parts per billion to 1 part per billion.

Perchlorate is one of the main sources of pollution being cleaned up by the Army's Impact Groundwater Study Program at the base. Much of the contamination is attributed to weapons testing and training at Camp Edwards at a time when there were few environmental protocols in place.

### **SAN FRANCISCO CHRONICLE: Perchlorate: EPA to set limits for drinking water**

Kelly Zito, Chronicle Staff Writer

Thursday, February 3, 2011

Federal regulators took the first step Wednesday in setting a drinking water limit for perchlorate, a noxious component of rocket fuel, flares and fireworks known to hamper thyroid function and hinder brain development in young children.

The Obama administration's announcement comes after two decades of research showing the dangers posed by the ubiquitous chemical and two years after the Bush administration exempted perchlorate from regulation.

"I applaud EPA's decision to regulate perchlorate in drinking water," Sen. Dianne Feinstein, D-Calif., said in a statement. "Americans simply shouldn't have to worry that the water they drink and cook with will make them sick."

Environmental Protection Agency officials said it will take several years to develop the maximum perchlorate level for tap water - long enough for companies to invent new technologies for decontaminating soil and water.

Public health advocates praised the decision but acknowledged the challenges of taking on those who dispersed most of the perchlorate into the environment: the aerospace and chemical industries, NASA and the Department of Defense. For years, efforts to curtail perchlorate and force the costly clean up of polluted sites have met with resistance from manufacturers and the military, which questioned perchlorate's risks.

"We're extremely pleased - (the EPA) has wanted to do this for a long time," said Jennifer Sass, senior scientist with the Natural Resources Defense Council in Washington, D.C. "We hope they can make it final without any more political interference."

California, one of only a few states that already regulate perchlorate, faces a similar battle in its attempts to enact even stricter guidelines.

Under state law, water utilities serving more than 10,000 customers in California are required to test for perchlorate every year. If the chemical is found at or above 6 parts per billion (the equivalent of 1 teaspoon in an Olympic-size pool), the utility is subject to citations or fines. Above 10 times the maximum, the utility must shut down the source of the water supply.

Most perchlorate contamination in California and 44 other states where the compound has been detected stems from military and munitions operations. Known for its combustible nature, the tasteless, odorless perchlorate was historically used in rocket fuel. Today it is still used in air bags and fireworks.

Its disposal wasn't controlled, however, and excess or out-of-date perchlorate was often dumped into unlined ponds. From there it leached into underground aquifers and rivers - including the Colorado River, which provides water for millions of people throughout several states and Southern California.

Because that water irrigates crops and rangeland, perchlorate also taints a variety of foods. A U.S. Food and Drug Administration study of raw and prepared foods in 2006 found elevated perchlorate levels in everything from ice cream and chocolate bars to raisins and spinach.

Its presence in baby cereal and formula - and breast milk - is particularly worrisome given perchlorate's impacts on the thyroid gland. Chronic exposure to perchlorate can dampen the thyroid's ability to absorb iodide and produce hormones. That, in turn, can disrupt metabolic functions in adults and impede physical and mental development in unborn children and infants.

For that reason, California proposed lowering the maximum perchlorate level in drinking water to 1 part per billion last month.

Gina Solomon, senior scientist at the Natural Resources Defense Council in San Francisco, said California's action underscores the need for a federal standard strong enough to protect the most vulnerable populations.

"So many states have no drinking water standard for perchlorate," she said. "If no one is out there testing, they could be exposed to very harmful levels without knowing."

**Betsaida**  
**Alcantara/DC/USEPA/US**  
06/09/2011 11:53 AM

To Andy.Adora, "Andra Belknap", Ealons.Dru, "Arvin Ganesan", "Cynthia Giles-AA", "Brendan Gilfillan", "Alisha Johnson", "McCarthy.Gina", "David McIntosh", Oster.Seth, Owens.Stephanie, Perciasepe.Bob, "Nancy Stoner", Sussman.Bob, Thompson.Diane, Windsor.Richard, Mathy Stanislaus, Steve Owens, Paul Anastas, Sarah Pallone, Bicky Corman, Michael Goo, Daniel Kanninen

cc

bcc

Subject New York Times: U.S. Is Falling Behind in the Business of 'Green'

## **U.S. Is Falling Behind in the Business of 'Green'**

New York Times

June 8, 2011

By [ELISABETH ROSENTHAL](#)

LEICESTER, England — The Mark Group started hunting for a new untapped market when it realized that its core business — insulating old homes using innovative technology — would drop off in coming years. Based in this rust-belt city, the company had grown rapidly over the last decade largely because of generous and mandatory government subsidies for energy conservation that impelled the British to treat their homes.

But as a result of those incentives, market saturation was nearly complete — more than 80 percent of the country's older homes had been at least partly retrofitted by 2010, the company estimated. So the Mark Group recently opened its newest office in another country, one with a relative paucity of expertise in the company's specialty of cutting home energy bills and greenhouse gas emissions.

The office is in Philadelphia.

“The United States was a nearly untouched market with 120 million homes, most of them very energy-inefficient — it was a massive opportunity,” said Bill Rumble, the company's commercial director, who had recently returned from its new American headquarters.

Many European countries — along with China, Japan and South Korea — have pushed commercial development of carbon-reducing technologies with a robust policy mix of direct government investment, tax breaks, loans, regulation and laws that cap or tax emissions. Incentives have fostered rapid entrepreneurial growth in new industries like solar and wind power, as well as in traditional fields like home building and food processing, with a focus on energy efficiency.

But with Congress deeply divided over whether [climate change](#) is real or if the country should use less fossil fuel, efforts in the United States have paled in comparison. That slow start is ceding job growth and profits to companies overseas that now profitably export their goods and expertise to the United States.

[A recent report by the Pew Charitable Trusts found](#) that while the clean technology sector was booming in Europe, Asia and Latin America, its competitive position was “at risk” in the United States because of “uncertainties surrounding key policies and incentives.”

“This is a \$5 trillion business and if we fail to be serious players in the new energy economy, the costs will be staggering to this country,” said Hal Harvey, a Stanford engineer who was an adviser to both the Clinton and the first Bush administration and is now chief executive of the San Francisco-based energy and environment nonprofit organization [Climate Works](#). Although the 2009 stimulus bill provided a burst of funding — \$45 billion — that has now tapered off, he said, “We’ve let energy policy succumb to partisan politics.”

The aggressive entry of Britain into the field over the last few years shows the power of government inducements to redesign a nation’s energy economy away from traditional fuel. The country’s [Green Deal](#), as it is called, is currently being spearheaded by the Conservative-led coalition government. In Britain, reducing carbon dioxide emissions was one of the few policies supported by political parties of both the right and left, which both accepted that climate change was a serious problem and saw clean technology investment as a growth opportunity rather than an onerous obligation.

“We are determined to harness the industrial benefits of the low-carbon economy ahead of the rest of the pack — we see it as a competitive advantage,” said Gregory Barker, Britain’s minister of state for energy and climate change. Last month, Mr. Barker led the first British green trade delegation to the United States; it included a [wind energy](#) company and a battery maker, but also Adnams Southwold, a famed brewery that now makes beer using less energy and water, and the Mark Group.

President Obama has vowed a switch to cleaner energy, and some states, like California, have taken aggressive measures. But the current patchwork of government inducements remains generally insufficient as a draw for American companies and investors to jump into new fields like wind power, energy-efficient appliances or even mass-market insulation, because upfront costs are large and profits uncertain.

Energy Department officials express frustration that they cannot do more at a crucial juncture without the support of Congress. Dr. Arun Majumdar, senior adviser to Energy Secretary Steven Chu, said that the department’s \$5 billion budget for research should be tripled as it currently financed less than 5 percent of proposed projects. He said the country needed better low-cost financing methods to bring companies into the market, as well as stricter energy-efficiency standards to stimulate customer demand.

“We want this ecosystem to grow and thrive like I.T. and biotechnology,” he said, adding he was “concerned” it would not. While he agreed the United States remained a hotbed of good ideas, he said, “in actual downstream deployment we are at risk of falling behind — we are falling behind already.”

Of the three largest operators of wind farms doing business in the United States, only one,

NextEra, is American. Iberdrola is Spanish and Horizon Wind Energy is a subsidiary of Energias de Portugal. Among manufacturers making components for the industry, just one American company, General Electric, is in the top 10. The others include Suzlon (India), Vestas (Denmark), Goldwind (China) and Enercon (Germany).

Tighter energy-efficiency standards for machinery and appliances established in Europe, Japan and China have “primed the demand pump” for companies in those countries to develop innovative designs that use less energy than United States products, said Stefan Heck, head of McKinsey’s global clean technology practice. California is the only American state to adopt similarly [high standards](#).

With less ambitious targets for things like emissions reductions and far lower financial incentives than are common elsewhere, United States policies have had a lackluster incubator effect. The United States’ Energy Star Program, for example, offers homeowners who buy energy-efficient appliances or add insulation to their homes a tax credit equal to 10 percent of the cost — with a cap of \$500.

When David Slap recently hired the Mark Group to insulate his four-bedroom house in Penn Valley, Pa. — motivated by drafts and a fear of rising fuel prices — he paid over \$5,000, all of it out of pocket.

Contrast that to the subsidy program offered in Britain. Power companies in Britain have been required to progressively reduce their greenhouse gas emissions and this year 68 percent of that reduction had to come from subsidizing professionally installed insulation in customers’ homes. Low-income and elderly customers got the home improvements free. Others paid less than \$1,000 to insulate a four-bedroom home, the full cost subsidized 40 to 60 percent. Residents recouped their investment in 12 to 18 months as fuel bills after insulation typically decreased 20 to 30 percent.

“This policy framework allowed the industry to mature — we became cheaper, the quality improved,” Mr. Rumble said. The company developed a mobile infrared scanner operated from a van that could screen 1,000 homes an hour for heat loss as it cruised by.

Other British initiatives included money for new offshore wind farms, payments to homeowners who generated electricity and heat with renewable power, and loans for installing rooftop solar panels that could be progressively repaid from savings on home energy bills.

With its extensive experience in retrofitting homes in Britain, the Mark Group is expecting success in United States markets like Philadelphia, where the business is largely the province of small local contractors.

Some federal incentives may be on the horizon, though many will require Congressional approval. The Energy Department has pressed hard for a new [home energy score](#) program that would rate homes for energy efficiency just as cars are rated for gas mileage; that rating would be available to potential buyers.

Will United States companies be able to compete on the world market in the future?

Not unless the country invests more in basic research in renewable energy and energy efficiency, said Emily Carter, a professor of energy and the environment at Princeton University. "If we don't invest in ways to efficiently produce sustainable energy, then I worry that once we stop importing from the Middle East, we'll simply find ourselves importing from China."

**Betsaida**  
**Alcantara/DC/USEPA/US**  
01/13/2011 06:10 PM

To Arvin Ganesan, Avi Garbow, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Cynthia Giles-AA, Daniel Kanninen, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Mathy Stanislaus, Nancy Stoner, Paul Anastas, Peter Silva, Richard Windsor, Scott Fulton, Seth Oster, Stephanie Owens

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Subject Spruce announcement clips (final round)

8. Miami Herald: EPA vetoes mountaintop coal mine in West Virginia
9. Reuters: US axes permit for Arch's giant mountain coalmine
10. Greenwire: WATER POLLUTION: EPA revokes permit for major mountaintop-removal project
11. Politico: EPA pulls coal mine permit
12. The Huffington Post: EPA Vetoes Largest Mountaintop Removal Permit: New Era of Civility in the Coalfields?
13. Time blog: The EPA Vetoes a Mountaintop Removal Mine—and Industry Opponents Fire Back
14. WTRF-TV 7 (Wheeling, WV): EPA Rescinds Spruce Fork Surface Mine Permit, Arch Coal unwilling to make sufficient changes to protect wildlife and water quality, agency decides.
15. The Guardian: US environmental agency revokes mine's permit for mountaintop removal
16. The Grist.com: EPA blows up industry's plan to blow up a mountaintop
17. Mother Jones: EPA Halts "Destructive and Unsustainable" Mining Operation

## **Miami Herald**

EPA vetoes mountaintop coal mine in West Virginia

By RENEE SCHOOF

13 January 2011

WASHINGTON -- The Environmental Protection Agency on Thursday blocked what would have been one of the largest mountaintop coal mines in Appalachia, saying it would have caused irreversible damage to nearby streams.

The EPA said it based its final decision to veto a previously granted permit for the Spruce No. 1 mine on the pollution that would have destroyed wildlife, polluted areas downstream and increased the water contamination risks for people who live in West Virginia's already heavily mined Coal River basin. The streams the veto protects - Pigeonroost Branch and Oldhouse



Branch - are two of the last "high-quality" streams in the watershed, the agency said.

Environmentalists claimed a major victory and said they hope it's the beginning of the end for mountaintop mining under new scrutiny by the Obama administration. The EPA, however, said in a statement that it thinks coal companies can design mountaintop mines that comply with the Clean Water Act.

The agency said the circumstances of the Spruce No. 1 mine set it apart.

The proposed mine "would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend," said Peter S. Silva, the EPA's assistant administrator for water.

The EPA asked the mining company, Mingo Logan Coal Co., a subsidiary of Arch Coal Inc., to submit a new plan to show how it would reduce impacts. The EPA and the company discussed the mine for more than a year, but in the end the company didn't produce a plan that would significantly decrease environmental harm, the EPA said in a statement announcing its decision.

The proposed mine would have leveled 3.5 square miles of mountain forests and dumped millions of tons of mine waste into valleys, burying 6.6 miles of streams.

The EPA said that everything that lives in the streams would have been killed by the debris, and downstream waters would have been polluted with "unhealthy levels of salinity and toxic levels of selenium." The waters also would contain other "dissolved solids" related to coal mining.

Pollution downstream would kill aquatic wildlife, harm birds, reduce the value of the habitat and make toxic algal blooms more likely.

The mine rubble often makes streams in the watershed so polluted that they become unfit for swimming, fishing or drinking.

The EPA also said that the mining company didn't consider the "cumulative watershed degradation resulting from past, present and future mining in the area."

The EPA said the company would have replaced natural streams with storm water ditches.

In a statement, the EPA said it isn't considering any other vetoes of previously permitted surface mines.

The agency's decision prohibits dumping debris in five valleys cut by the Pigeonroost and Oldhouse branches and their tributaries. However, mining activities at the Spruce site in the Seng Camp Creek area are already under way and will be allowed to continue as the result of a prior legal settlement.

Mountaintop removal mining has buried an estimated 2,000 miles of headwater streams and leveled more than 2,000 square miles of land in West Virginia, Virginia and Kentucky.

Arch Coal will contest the decision by amending a case already under way in U.S. District Court in Washington, said company spokeswoman Kim Link. She said the mine would have employed 250 people.

Arch Coal in a statement that the decision would have a "chilling effect" because of companies

will "fear similar overreaching by the EPA."

Joan Mulhern, an attorney with the environmental law firm Earthjustice, said the Spruce mine veto was "a true victory for the communities nearby, and for all Americans across the country who are fighting to protect our precious natural resources from industrial pollution.

"We hope this veto will be the beginning of the end of the devastating practice of mountaintop removal mining."

EPA during the Obama administration has approved other mountaintop mines that took steps to reduce their pollution and stream burial.

Last April, the agency announced it would no longer grant permits if streams show unacceptable levels of conductivity, a measure of salt that indicates water pollution from mining practices. The National Mining Association challenged the policy in court.

The EPA granted the permit under the Clean Water Act in 2007. This is only the 13th time the EPA has vetoed a permit since the clean water law went into effect in 1972.

West Virginia's two senators, both Democrats, said they'd fight the veto. Jay Rockefeller said he was "deeply angered" because the mine "always made good faith efforts to comply with the applicable laws and regulations." Joe Manchin said the veto "jeopardizes our economic recovery and jobs."

## Reuters

US axes permit for Arch's giant mountain coalmine

By Timothy Gardner

13 January 2011

WASHINGTON, Jan 13 (Reuters) - The Obama administration revoked a permit on Thursday for Arch Coal Inc's (ACI.N) proposed Spruce 1 mountaintop coal mine in West Virginia, effectively shutting one of the biggest in the United States. "

The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend," said Peter Silvan, an assistant administrator for water, at the Environmental Protection Agency.

The EPA's final ruling under the Clean Water Act came after a scientific study, a public hearing, and a review of more than 50,000 public comments, the agency said.

The U.S. Army Corps of Engineers had approved a permit for the mine in 2007, but it had not been fully constructed.

Lawmakers from West Virginia said the EPA's move would hurt the state's economy.

"Today's EPA decision is not just fundamentally wrong, it is an unprecedented act by the federal government that will cost our state and our nation even more jobs during the worst recession in

this country's history," Senator Joe Manchin, a Democrat, said in a release.

Senator Jay Rockefeller, also a Democrat, wrote a letter to President Barack Obama, that said: "as a nation we must not fall into the trap of forcing unnecessary choices between protecting the environment and having good paying jobs that support energy independence."

St. Louis-based Arch said it would vigorously defend the permit in court. EPA's revocation of the permit blocks an additional \$250 million in investment and 250 jobs, the company said.

It was the latest move by the Obama administration to crack down on mountaintop mining, in which companies blast high peaks to uncover coal seams and often toss the resulting rubble into valleys.

Obama's EPA started requiring big carbon dioxide polluters, such as coal-fired power plants, to hold permits for emitting the planet-warming gas.

The administration's policy to get tough on coal could face stiffer opposition in Congress after Republicans took control of the House of Representatives and gained seats in the Senate in last year's elections.

Environmentalists applauded the EPA action.

"A full veto of the proposed Spruce No. 1 Mine is a true victory for the communities nearby, and for all Americans across the country who are fighting to protect our precious natural resources from industrial pollution," said Joan Mulhern, senior legislative counsel for Earthjustice.

"While this is only one mine of many, we hope this veto will be the beginning of the end of the devastating practice of mountaintop removal mining by bringing the fundamental legal protection of the Clean Water Act to the whole Appalachian region, once and for all."

Shares in Arch were up more than 1.4 percent on Thursday at \$34.63 in midday trading on the New York Stock Exchange.

## **Greenwire**

**WATER POLLUTION: EPA revokes permit for major mountaintop-removal project**

Paul Quinlan

13 January 2011

U.S. EPA announced the veto today of a federal permit for one of the largest mountaintop-removal projects ever proposed in Appalachia, a clear signal of the Obama administration's opposition to the controversial coal-mining practice.

The agency's decision to halt development of 2,278-acre Spruce No. 1 mine in Logan County, W.Va., drew the threat of a lawsuit from the mine's owner and expressions of outrage from the mining industry, which decried the permit revocation as a job killer that would stifle Appalachia's economic recovery.

The veto of the permit issued in 2007 by the Army Corps of Engineers was EPA's 13th use of veto authority given it by the 1972 Clean Water Act. The agency last used that authority in 2008 when it stopped the Army Corps' work on a flood control project that regulators say would have destroyed 67,000 acres of Mississippi River wetlands (E&ENews PM, Sept. 2, 2008).

EPA said it revoked the Spruce No. 1 permit after more talks with the mining company, Mingo Logan Coal Co., a subsidiary of St. Louis-based Arch Coal Co., failed to yield an agreement to substantially reduce environmental damage.

The permit would have allowed the company to dump 110 million cubic yards of mine waste into waterways, bury 6 miles of streams, pollute waters on the site and downstream that would kill wildlife, and dynamite 2,200 acres of mountains and forestland, EPA said.

"The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend," Assistant Administrator for Water Peter Silva said in a statement. "Coal and coal mining are part of our nation's energy future and EPA has worked with companies to design mining operations that adequately protect our nation's waters. We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water."

Arch Coal vowed today to go to court to defend the dredge-and-fill permit and "the right to have a predictable regulatory environment." A company spokeswoman said EPA's decision "blocks an additional \$250 million investment and 250 well-paying American jobs."

"We remain shocked and dismayed at EPA's continued onslaught with respect to this validly issued permit," Arch Coal spokeswoman Kim Link said. "We believe this decision will have a chilling effect on future U.S. investment because every business possessing or requiring a permit under Section 404 of the Clean Water Act will fear similar overreaching by the EPA. It's a risk many businesses cannot afford to take."

National Mining Association (NMA) President and CEO Hal Quinn issued a statement saying the veto would weaken the trust that businesses need to make investments and create jobs. Quinn said, "NMA urges the administration to step back from this unwarranted action and restore trust in the sanctity of lawfully granted and abided by permits and the jobs and economic activity they support."

West Virginia's U.S. senators, both Democrats, also expressed outrage and pledged a fight.

Sen. Joe Manchin called the EPA veto a "shocking display of overreach" that sets a dangerous precedent. "I plan to do everything in my power to fight this decision," he said. And Sen. Jay Rockefeller sent a letter to President Obama, decrying EPA's decision to revoke "a rigorously reviewed and lawfully issued permit."

"Let there be no doubt that surface mining operations can and must be done in an environmentally sensitive manner with ever-improving technology," Rockefeller wrote. "However, as a nation we must not fall into the trap of forcing unnecessary choices between protecting the environment and having good paying jobs that support energy independence. We must demand both and find a responsible balance. Today's decision does not strike that balance -- it seeks to tip the scales."

But environmentalists cheered the move just as forcefully as a triumph of science over industry

influence.

"It is a relief after all of these years that at least one agency has shown the will to follow the law and the science," said Joe Lovett, lawyer and executive director of the Appalachian Center for the Economy & the Environment, a nonprofit that has been fighting the mine for more than 12 years. "Today, the EPA has helped to save these beautiful hollows for future generations."

Joan Mulhern, senior legislative counsel for Earthjustice, called the decision "a true victory for the communities nearby, and for all Americans across the country who are fighting to protect our precious natural resources from industrial pollution."

"While this is only one mine of many," she said, "we hope this veto will be the beginning of the end of the devastating practice of mountaintop removal mining by bringing the fundamental legal protection of the Clean Water Act to the whole Appalachian region, once and for all."

## Politico

EPA pulls coal mine permit

By: Patrick Reis

13 January 2011

The Obama administration Thursday reversed a Bush-era decision and blocked a bid to build one of the largest mountaintop removal coal mines in Appalachian history.

For the first time, the Environmental Protection Agency is revoking a permit already issued, taking back its approval for Arch Coal's Spruce No.1 mine in southern West Virginia. EPA said the mine would cause unacceptable damage to local waterways and public health.

EPA's decision is a major victory for environmental groups, who have fought against the mine since it was proposed more than a decade and cements agency administrator Lisa Jackson's status as their environmental hero. The George W. Bush administration had approved the Clean Water Act permit in 2007.

"In sharp contrast to the previous administration's policies on mountaintop removal coal mining, EPA Administrator Lisa Jackson is showing a strong commitment to the law, the science and the principles of environmental justice," Sierra Club executive director Michael Brune said today. "She deserves enormous credit for changing policies to protect Appalachia's health, land and water."

But EPA's critics are vowing to battle the decision in the courts, Congress and the White House.

Joe Manchin, West Virginia's new Democratic senator, vowed Thursday to do everything in his power to block EPA's move, calling it a "shocking display of overreach."

The industry is launching an all-out assault on the agency as well. Arch Coal, which needs the permit to discharge rock waste it generates while mining, says EPA lacks the authority to retract

the permit and is fighting the agency in federal court. And a coalition of groups ranging from the National Mining Association to the Farm Bureau wrote to White House Council on Environmental Quality chief Nancy Sutley Wednesday asking her to overrule EPA.

The veto is the latest step in EPA's crackdown on water pollution from mountaintop removal mining. The agency in 2008 blocked the Army Corps of Engineers from issuing nearly 80 permits for proposed Appalachian mines - saying they needed additional review to comply with the Clean Water Act - and in April, the agency introduced a new, tougher standard for obtaining permits.

The crackdown has been tremendously controversial in Appalachia, where the coal industry wields considerable political and economic clout.

Regional candidates from both parties across the region blasted the agency on the campaign trail, and Republicans picked up a handful of House seats - and nearly knocked off heavy favorite Manchin in a special Senate election - in part by tying Democrats to what they described as the Obama administration's "anti-coal" agenda.

EPA insists it is not cracking down on coal, it is just enforcing Clean Water Act standards that the previous administration neglected.

"Coal and coal mining are part of our nation's energy future," EPA Assistant Administrator for Water Peter Silva said today. "We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water."

## **The Huffington Post**

**BREAKING: EPA Vetoes Largest Mountaintop Removal Permit: New Era of Civility in the Coalfields?**

Jeff Biggers

13 January 2011

It's been a long time coming. Now it's final. Lisa Jackson and the EPA have gone to the mountaintop and announced their veto of the largest mountaintop removal mining permit in Appalachia.

"This ushers in a new era of civility in the coalfields," said long-time coalfields justice leader Bo Webb. He added: "I think Judy Bonds just sent us all a little smile," referring to the recent passing of the "godmother" of the anti-mountaintop removal movement.

Invoking the rule of law and science in the central Appalachian coalfields, the EPA just announced its long awaited and extensively researched decision today to veto the 2,300-acre mountaintop removal mining permit at the Spruce No. 1 Mine in West Virginia. Basing their ruling on 404 (c) of the Clean Water Act, the EPA concluded that the proposed mine would have "unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas."

This final determination overrules the Army Corps of Engineer's earlier approval of the Logan

County mine.

In addition, the EPA noted:

The project, as permitted, will bury 6.6 miles of Pigeonroost Branch, Oldhouse Branch, and their tributaries under excess spoil generated by surface coal mining operations. These streams represent some of the last remaining least-disturbed, high quality stream and riparian resources within the Headwaters Spruce Fork sub-watershed and the Coal River sub-basin and contain important wildlife resources and habitat. The quality of these streams is comparable to a West Virginia-designated reference site, and the macroinvertebrate communities found in these streams, which are used as an indicator of quality, rank extremely high in comparison to other streams throughout the Central Appalachia ecoregion and the state of West Virginia. These streams perform critical hydrologic and biological functions, support diverse and productive biological communities, contribute to prevention of further degradation of downstream waters, and play an important role within the context of the overall Headwaters Spruce Fork subwatershed and Coal River sub-basin.

Charleston Gazette journalist Ken Ward has posted the EPA decision here. Ward quotes Peter S. Silva, EPA's assistant administrator for water, on today's decision:

The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend. Coal and coal mining are part of our nation's energy future, and EPA has worked with companies to design mining operations that adequately protect our nation's water. We have responsibility under the law to protect water quality and safeguard the people who rely on clean water.

Living under a mountaintop removal operation in the Coal River Valley, anti-mountaintop removal movement leader Webb noted today:

This is very good news to so many people who live directly beneath mountaintop removal operations. It is encouraging to see the EPA exercise their authority to enforce the Clean Water Act. I hope the EPA will continue its obligation to enforce the Clean Water Act and the Clean Air Act, to protect the people in Appalachia mountain communities.

This decision will not be without critics in the coal industry, including Big Coal-bankrolled political allies like Acting Governor Earl Ray Tomblin, who repeated his support for his state's current lawsuit against the EPA on mountaintop removal permits in his State of the Union speech last night.

During his recent US Senate campaign to replace the venerable Sen. Robert Byrd, West Virginia Senator Joe Manchin even fired a rifle in a campaign ad, declaring: "I'll take on Washington and this administration to get the federal government off of our back and out of our pockets. I'll cut federal spending and I'll repeal the bad parts of Obamacare. I sued EPA and I'll take dead aim at the cap-and-trade bill."

Noting the growing and deadly health care and water crises in the coalfields, Webb called for a new era of civil discourse in the debate over mountaintop removal mining, which has left the area in economic and environmental ruin, and a move toward a just transition to clean energy investment in his region.

Webb added: "Our children's future depends on it. I call upon the EPA, in the interest of public

health to now issue an immediate moratorium on all mountaintop removal operations."

### Time (Ecocentric Blog)

Mining: The EPA Vetoes a Mountaintop Removal Mine—and Industry Opponents Fire Back

Posted by Bryan Walsh

13 January 2010

In a decision that could have a major impact on both the mining industry and the Obama Administration's relationship with conservatives, the Environmental Protection Agency (EPA) announced today that it was vetoing the largest single mountaintop mining removal permit in West Virginia history. In using its authority under the Clean Water Act to block approval of the proposed 2,300-acre Spruce No. 1 Mine in Logan County, West Virginia, the EPA will earn praise from greens—including some from the Appalachians—who have long fought mountaintop mining as a destructive practice that ruins the environment and the health of those who live near the mines. But the agency will undoubtedly face a backlash from the mining industry and the West Virginia politicians—both Republican and Democrat—who defend it, at a time when the EPA is already on a collision course with business and conservatives over proposed greenhouse gas regulations.

From the EPA Assistant Administrator for Water Peter S. Silva:

The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend. Coal and coal mining are part of our nation's energy future and EPA has worked with companies to design mining operations that adequately protect our nation's waters. We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water.

To understand why the EPA made this decision—only the 12th time the agency has ever used its Clean Water Act authority in this fashion—it's important to understand what happens in mountaintop removal mining (MTR). To get at seams of coal buried beneath the surface of hills, mining companies essentially cut off the top of mountains to get at the coal underneath. That leaves a lot of rock waste—known as "mining overburden"—to be filled into nearby valleys. Those "valley fills" are what particularly worry the EPA because of the way they can spread pollution to the surrounding mountain areas and waterways. According to the EPA the Spruce Mine would:

Deposit 110 million cubic yards of coal mine waste into streams

Fully bury more than six miles of high-quality streams in Logan County in millions of tons of mining waste resulting from the dynamiting of more than 2,200 acres of mountains and forests

Eliminate all fish, salamanders and other wildlife that live in those streams

Pollute waters downstream from those buried streams, leading to unhealthy levels of salinity and toxic levels of selenium, turning fresh water into salt water.

Cause downstream watershed degradation that will kill wildlife and increase susceptibility to



toxic algal blooms.

You can read the EPA's full decision [here](#). The veto, which came after a major public hearing in West Virginia and a review of nearly 50,000 public comments, caps a decade-plus battle over the Spruce Mine, which was first proposed in the 1990s and which has been tied up in courts ever since. The Army Corps of Engineers actually approved the design for the mine in 2007, under the Bush Administration, but the Obama EPA has put up a much stronger fight against MTR.

That hasn't been missed by the mining industry, which has clashed repeatedly with the EPA. Kim Link—a spokesman for Arch Coal, the company that owns the proposed mine—told the New York Times:

We remain shocked and dismayed at E.P.A.'s continued onslaught with respect to this validly issued permit. Absent court intervention, E.P.A.'s final determination to veto the Spruce permit blocks an additional \$250 million investment and 250 well-paying American jobs. Furthermore, we believe this decision will have a chilling effect on future U.S. investment because every business possessing or requiring a permit under Section 404 of the Clean Water Act will fear similar overreaching by the E.P.A. It's a risk many businesses cannot afford to take.

It didn't take long for West Virginia politicians to fire back. New Democratic West Virginia Senator Joe Manchin—the guy who shot a bullet through the cap-and-trade bill in an ad for his campaign—harshly criticized the EPA:

It goes without saying, such an irresponsible regulatory step is not only a shocking display of overreach, it will have a chilling effect on investments and our economic recovery. I plan to do everything in my power to fight this decision.

The ramifications could go beyond the mining and coal industry. Last week a diverse coalition of industry groups—ranging from the National Realtors Association to the United Egg Producers—wrote to Nancy Sutley, chairwoman of the White House Council on Environmental Quality, urging the White House to stop the EPA from blocking the permit for the Spruce Mine:

The implications could be staggering, reaching all areas of the U.S. economy including but not limited to the agriculture, home building, mining, transportation and energy sectors.

The business groups noted that clean water permits like the one at issue at the Spruce Mine support \$220 billion worth of economic activity each year. The implications were clear: if the EPA was deciding to crack down on water pollution, business (and its political allies) would fight back.

It's a battle that is just beginning for the EPA and the White House, and it's one that will drag on for at least the next two years. For now, though, environmentalists can savor a major victory, after a year when they were dealt defeat after defeat. As Joe Lovett—a lawyer and the executive director of the Appalachian Center for the Economy and the Environment, who has been fighting the mine for 12 years—said in statement:

It is a relief after all of these years that at least one agency has shown the will to follow the law and the science by stopping the destruction of Pigeonroost Hollow and Oldhouse Branch. Today, the EPA has helped to save these beautiful hollows for future generations.

But as Lovett and his green allies know, the fight isn't over yet.

## WTRF-TV 7 (Wheeling, WV)

### EPA Rescinds Spruce Fork Surface Mine Permit

Arch Coal unwilling to make sufficient changes to protect wildlife and water quality, agency decides.

By Pam Kasey

13 January 2011

After more than a year of review and negotiation, the U.S. Environmental Protection Agency announced Jan. 13 that it rescinded the permit for Arch Coal Co.'s Spruce Fork No. 1 surface mine in Logan County.

The mine would have unacceptable effects on the environment, the agency decided.

"EPA is taking this action under Section 404(c) of the Clean Water Act because the discharges associated with the DA Permit in Pigeonroost Branch, Oldhouse Branch and their tributaries will have unacceptable adverse effects on wildlife," reads the agency's final determination. "In addition, the impacts downstream due to the destruction of those streams will result in unacceptable adverse impacts to wildlife and also warrant EPA's action under Section 404(c)."

The EPA announced in September 2009 that it would review the existing U.S. Army Corps of Engineers Section 404(c) "dredge and fill" permit for Spruce Fork No. 1.

The mine, permitted in Jan. 2007 after a lengthy multi-agency process, is said to be the only surface mining operation for which an Environmental Impact Statement has been prepared.

It is the largest surface mine permit in the state, allowing the company to mine about 2,300 acres and to fill more than seven miles of streams.

The EPA noted at the time that new information had become available about the effects of valley fills on water quality and wildlife.

Discussions took place between the EPA, the corps and the company and the agency held a public meeting in Charleston and took 50,000 written comments on the permit.

However, while Arch subsidiary Mingo Logan Coal Co. "has expressed a willingness to take some additional steps focusing on best management practices to reduce impacts," the agency wrote in its determination, the company has "been consistently unwilling to consider needed actions to further reduce the 35,000 feet of direct impacts of valley fills on headwater streams or to phase valley fill construction in a manner that would allow for effective assessment of, and an adaptive management response to, adverse impacts to wildlife habitat and anticipated water

quality problems.”

The National Mining Association decried the action, saying it undermines the trust businesses need to make investments.

““EPA has taken this unprecedented action—never before contemplated in the nearly 40 years since the enactment of the Clean Water Act—at a time of great economic uncertainty,” association President and CEO Hal Quinn wrote in a media release. “NMA urges the administration to step back from this unwarranted action and restore trust in the sanctity of lawfully granted and abided by permits and the jobs and economic activity they support.”

## THE GUARDIAN

### **US environmental agency revokes mine 's permit for mountaintop removal**

EPA vetoes Spruce Number One mine project in West Virginia because it would pose 'unacceptable' threat to surrounding area

Suzanne Goldenberg, US environment correspondent guardian.co.uk,  
Thursday 13 January 2011 19.35 GMT Article history

The Obama administration has vetoed one of the biggest coal projects in the US in a historic decision against the destructive practice of mountaintop removal mining.

The Environmental Protection Agency said it was revoking the permit granted to the Spruce Number One mine in West Virginia, which would have involved blasting the tops off mountains over more than 2,200 acres, because it would inflict "unacceptable" damage to surrounding valleys and streams.

The agency said it was the first time it had revoked a previously issued permit in 40 years, but it said the action was warranted because the environmental damage was truly unacceptable.

The decision was immediately criticised by West Virginia leaders and mining lobby, and sets the stage for a broader confrontation between the EPA and the empowered Republicans in Congress over the limits of government regulation.

In its decision, the EPA said the project would have dumped millions of tons of mining waste into healthy waterways, burying 6.6 miles of streams and completely killing off fish, salamanders and other wildlife that live in them.

Mining waste dumped in the rivers would also compromise water quality for locals, the EPA said.

"The proposed Spruce Number One mine would use destructive and unsustainable mining practices that jeopardise the health of Appalachian communities and clean water on which they depend," the agency's assistant administrator for water Peter Silva said in a statement. "We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water."

West Virginia's newly elected Democratic senator, Joe Manchin, who ran a campaign showing him using EPA regulations as target practice, said the decision would have a "chilling" effect on

the economy.

"Today's EPA decision is not just fundamentally wrong, it is an unprecedented act by the federal government that will cost our state and our nation even more jobs during the worst recession in this country's history," Manchin said in a statement.

The much-anticipated decision brings to a close nearly 13 years of struggle over the Spruce Number One mine. The US Army Corps of Engineers initially approved Arch Coal's project in 2007, but the mine start date was held up by environmental lawsuits. The EPA, which was then led by a George Bush appointee, did not object.

But under Obama the agency has been much more willing to intervene on projects. The agency said it spent a year negotiating with Arch Coal, which owns the mine, to try to find a compromise that would be less damaging to the environment.

The EPA was careful to note that its decision protects two streams, Pigeonroost Branch and Oldhouse Branch. But coal mining underway in other areas of the Spruce site is continuing.

Environmental organisations, which have been fighting since the 1990s to block the project, said they were relieved.

"In the face of the political and industrial forces pressuring EPA to ignore the damage this mine would cause, it took guts for the agency to follow the science and the law," said Jon Devine of the Natural Resources Defence Council.

## THE GRIST.COM

EPA blows up industry's plan to blow up a mountaintop  
Mountaintop removal: It's the mining process so destructive, they couldn't even come up with a spinny euphemism that makes it sound like a good idea. The EPA struck a blow against the high-impact mines today, killing one of the largest proposed mines in history, Spruce No. 1 in West Virginia, by revoking its permit to dispose of mining waste in local waterways.

The permit was approved by the Army Corps of Engineers in 2007, and the Bush-era EPA didn't challenge it. But mining activities at Spruce No. 1 have been delayed by litigation, and in the meantime, the administration has changed hands and the EPA has gotten a little tougher on mountaintop removal mining. Now that the agency has vetoed the mine's permit, the project is effectively dead.

Who's happy:

Environmentalists. Reports on the mine concluded that it would be a complete environmental disaster. You name a thing, this mine would fuck it up -- picture buried streams, poisoned waters, ruined animal habitats. All that is based just on what they plan to do with the rubble, and doesn't even take into account the destruction engendered by removing parts of the mountain. All told, the mine would have disposed of 110 million cubic yards of coal-mine waste directly into streams, according to the EPA report.

Environmental justice advocates. There's a reason why mountaintop removal mining never seems to happen on, say, the Upper East Side. Well, okay, more than one reason, but the point is, mines like this disproportionately affect poor rural populations. In this case it's Appalachian

communities that are among the most impoverished in the country.

Local animals, people, air, water, mountains, etc. Not to anthropomorphize overmuch, but we're envisioning Appalachia as just one big Disney musical number right now.

Who's pissed:

The mining industry. Because duh.

Politicians. West Virginia's senators are Democrats, but not John Kerry-type Democrats. They've been lobbying hard against the veto, and they're not going to take it lying down. The acting governor and former governor are pretty riled, too, and the acting governor plans to go forward with a lawsuit to overturn decision. Their rationale? The economy, stupid. Because in order for West Virginia to prosper, you have to bury parts of it under millions of tons of waste.

Egg farmers and cattlemen. Some non-coal industries also opposed the veto. They're concerned about the precedent the EPA is setting by retroactively vetoing the approval of Spruce No. 1's water permit. Clean water permits are important to industry -- but so are things like nontoxic water and the ability to breathe.

## MOTHER JONES

EPA Halts "Destructive and Unsustainable" Mining Operation

– By Kate Sheppard

| Thu Jan. 13, 2011 11:19 AM PST The Environmental Protection Agency has dealt a death blow to a proposed plan to dump strip mining waste in West Virginia, making what could prove to be a landmark move against mountaintop removal coal mining. Agency officials said Thursday that has revoked a Clean Water Act permit for the controversial Spruce No. 1 coal mine, a focal point for years in the battle between environmentalists and the coal industry. The agency concluded that allowing the mine's owners to dump waste into a nearby waterway would cause "irreversible damage" to water and the environment in the surrounding region.

"The proposed Spruce No. 1 Mine would use destructive and unsustainable mining practices that jeopardize the health of Appalachian communities and clean water on which they depend," EPA's assistant administrator for water, Peter Silva, said in a statement. The agency said that, after more than a year of discussions with Mingo-Logan Coal Company, the company "failed to produce an agreement that would lead to a significant decrease in impacts to the environment and Appalachian communities."

Silva was sure to note, though, that the agency doesn't want this viewed as an overriding statement on coal. "Coal and coal mining are part of our nation's energy future and EPA has worked with companies to design mining operations that adequately protect our nation's waters," Silva said.

But environmentalists are calling the decision a "game-changer." The Spruce permit was first proposed in the 1990s, but it has been held up in the courts ever since, as local citizens sued the Army Corps of Engineers over the water permit. Over time, the fight became a top priority for both environmental groups and the coal industry. The mine, as it was first proposed, would have been the largest in history. The permits were scaled back a few years ago, but it still would have affected more than six miles of streams and 2,000 acres of land.

In rejecting the permit, the EPA recognized the litany of problems tied to this kind of waste

disposal. Dumping the waste into the waterway would "eliminate all fish, small invertebrates, salamanders, and other wildlife," and the toxic chemicals included in the waste would "kill wildlife, impact birdlife, reduce habitat value, and increase susceptibility to toxic algal blooms," the EPA said in its statement Thursday. And dumping the waste laced with toxic chemicals into waterways also has human consequences, as studies have found lower birth weights and higher rates of mortality, lung cancer, and chronic heart, lung, and kidney disease in areas where strip mining is heaviest.

EPA's decision to deny the permit on these grounds is also significant; as the agency notes, it has only used this authority to veto a permit 12 times since the Clean Water Act was enacted in 1972. This is the first time the agency has vetoed a permit that was already granted. Shortly after the Obama administration took over in 2009, the EPA, Council on Environmental Quality, and the Army Corps of Engineers announced their intentions to submit permits like this to a higher level of scrutiny. The EPA also issued new guidance last April intended to ensure that existing environmental laws are followed in the consideration of these permits.

Joan Mulhern, the senior legislative counsel at Earthjustice, notes that this is the first time the agency has rejected a Clean Water Act permit outright since the Obama administration rule change. More than 80 similar permits are still under consideration, and environmentalists are heartened that this decision sets a good precedent.

While enviros are cheering the decision, they also point out that they are still hoping that Congress will take action to permanently end mountaintop removal mining. "Regulatory decisions like today's can be overturned by the next Administration, which is why it is critical now more than ever that Congress follow the bold leadership of the EPA by passing a law to make these protections permanent," say Kate Rooth, national field coordinator at Appalachian Voices. The group has been lobbying Congress to pass the Clean Water Protection Act, which would make dumping mine waste in streams illegal.

Spruce, though, was as much a symbolic victory as it was substantive, says Earthjustice's Mulhern. "If they had let this one go, all hope would have been lost," she said. "It keeps hope alive for communities in Appalachia that there might some day be an end in sight for this abominable practice."

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

05/11/2011 08:12 PM

To Arvin Ganesan, Richard Windsor

cc Adora Andy, Bob Perciasepe, Bob Sussman, Brendan  
Gilfillan, Daniel Kanninen, David McIntosh, Diane Thompson,  
Nancy Stoner

bcc

Subject Gazette: EPA defends crackdown on mountaintop removal

Updated Charleston Gazette story

May 11, 2011

EPA defends crackdown on mountaintop removal

By Ken Ward Jr.

CHARLESTON, W.Va. -- Obama administration officials on Wednesday defended their crackdown on mountaintop removal coal mining, saying they aren't against coal and want to work with companies to reduce the industry's pollution.

A top U.S. Environmental Protection Agency official said, though, that her agency's tougher permit reviews and new water quality guidance are supported by scientific studies that detail adverse impacts on streams and on human health.

"Healthier watersheds mean healthier people," said Nancy Stoner, acting assistant administrator for EPA's Office of Water. "It's been a high priority of this administration to reduce the substantial human health and environmental consequences of surface coal mining."

Stoner said that more than 100 peer-reviewed scientific papers support EPA's actions, including a new West Virginia University study that found adverse health effects linked to coal mining are especially concentrated near mountaintop removal operations.

"Appalachian families should not have to choose between healthy watersheds and a healthy economy -- they deserve both," Stoner told a House Transportation and Infrastructure subcommittee.

The WVU study, by researchers Keith Zullig and Michael Hendryx, used Centers for Disease Control data that showed residents near mountaintop removal mines were more likely to report physical and emotional ailments than residents near other types of mining or no mining at all.

"These disparities partly reflect the chronic socioeconomic weaknesses inherent in coal-dependent economies and highlight the need for efforts at economic diversification in these areas," said the study, published in the current issue of the American Journal of Public Health. "However, significant disparities persist after control for these risks and suggest that the environmental impacts of [mountaintop removal] may also play a role in the health problems of the area's population."

Stoner discussed the WVU study as she testified in the second day of a two-day Republican-orchestrated hearing called, "EPA Mining Policies: Assault on Appalachian Jobs." The Subcommittee on Water Resources and Environmental has jurisdiction because the federal Army Corps of Engineers issued permits for mining operations to bury streams with waste rock and dirt.

Coal industry officials and coalfield political leaders are furious over EPA's crackdown, saying it has slowed the issuance of new permits to a trickle and prompted some companies to withdraw applications that haven't been approved.

"We believe that the denial and revocation of [Clean Water Act Section] 404 permits has already threatened our economy and workforce," said Steve Roberts, president of the West Virginia Chamber of

Commerce.

Wednesday's hearing focused mostly on EPA's decision to veto the corps' approval of the largest mountaintop removal permit in West Virginia history, Arch Coal Inc.'s Spruce Mine in Logan County.

David Sunding, an economic from the University of California at Berkeley, said the Spruce Mine decision has other industries worried that EPA will step in to veto other permits that have already been issued by the corps.

But the subcommittee's ranking Democrat, Rep. Timothy Bishop of New York, pointed out that over the last 39 years, EPA has used its veto authority only 13 times, while processing more than 2 million Clean Water Act "dredge-and-fill" permits.

"Two million permits set against 13 permits [vetoed] -- it seems a little bit difficult to argue that there is a level of uncertainty that is debilitating," Bishop said.

Stoner said that the Spruce Mine was "an exceptional circumstance," and EPA "is not contemplating" vetoes of "any other previously permitted surface coal mining projects in Appalachia."

Arvin Ganesan

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

**From:** Arvin Ganesan  
**Sent:** 05/11/2011 02:10 PM EDT  
**To:** Betsaida Alcantara; Richard Windsor  
**Cc:** Adora Andy; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; David McIntosh; Diane Thompson; Nancy Stoner  
**Subject:** Re: Charleston Gazette: EPA, Democrats respond to coal industry attacks

Great. Administrator, ill add Bishop to your call list over the coming days.

Sent from my Blackberry Wireless Device  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 05/11/2011 02:07 PM EDT  
**To:** Richard Windsor  
**Cc:** Adora Andy; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; David McIntosh; Diane Thompson; Nancy Stoner  
**Subject:** Charleston Gazette: EPA, Democrats respond to coal industry attacks

EPA, Democrats respond to coal industry attacks

May 11, 2011 by Ken Ward Jr.

The House Committee on Transportation and Infrastructure's interrogation of EPA acting water chief Nancy Stoner seems to be winding down, as the GOP and the coal industry continue their efforts to discredit the Obama administration's efforts to reduce the impacts of coal mining on Appalachian communities.

Testimony from the first panel of witnesses was about what you would expect, given last week's initial day of this two-part hearing, dubbed, "EPA Mining Policies: Assault on Appalachian Jobs."

Today's hearing went a little different from last week's in some respects, though.

First of all, someone from EPA was actually given the chance to speak and explain the agency's policies.



Of course, the GOP committee leadership, contrary to long-standing protocols for congressional hearings, made EPA acting water chief Nancy Stoner follow the panel of industry witnesses. Traditionally, officials from administrative agencies usually appear first at such hearings.

Stoner made a strong statement about what EPA's trying to do:

Appalachian families should not have to choose between healthy watersheds and a healthy economy – they deserve both.

And, she explained EPA's view of its role in dealing with Clean Water Act 404 permits:

EPA does not view this authority as an opportunity to second guess the Corps' decision-making, but rather as an important responsibility to conduct an independent review of projects that have the potential to significantly impact public health.

Stoner explained to committee members that EPA's actions are backed up by more than 100 peer-reviewed studies, and she specifically cited the new West Virginia University paper that further documents concerns about mountaintop removal's impacts on human health of residents who live near these mines.

This time around, we also got to see a couple of Democratic committee members actually challenge some of what the industry witnesses and their Republican hosts were saying.

For example, the subcommittee's ranking Democrat, Rep. Timothy Bishop of New York, pointed out that EPA has not rejected any of the 140 pending coal-related 404 permit applications the Obama administration inherited when it took office two years ago. And, Bishop noted that over the past 39 years, EPA has used its veto authority only 13 times, while processing more than two million 404 permits:

Two million permits set against 13 permits [vetoed] It's a little bit difficult to argue that there is a level of uncertainty that is debilitating.

And, Rep. Laura Richardson, D-Calif., questioned Carey's proposal from the Ohio Coal Association for a "regulatory time out", saying:

You're not going to see no regulation.

Richardson tried to ask Carey what sort of middle ground proposals his organization would have for dealing with EPA, but Carey said he wasn't interested in such compromises.

And Carey had another bit of testimony that was very interesting. In his public statement to the committee, he mentioned increased safety enforcement by the U.S. Mine Safety and Health Administration as part of the Obama administration's "war on coal."

In his written testimony, Carey tried to insist that his group was "... not complaining about enforcement actions that protect miners' safety ..." But, among a list of proposals his group is opposing, he included MSHA's plan to "End Black Lung," a disease that has killed 10,000 coal miners in the last decade.

Richard Windsor    [The GOP should be called out for thei...](#)    05/11/2011 01:49:30 PM

From: Richard Windsor/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA  
Date: 05/11/2011 01:49 PM  
Subject: Re: Politico: GOP slams EPA's 'war on coal'

---

**Betsaida  
Alcantara/DC/USEPA/US**  
12/08/2010 02:06 PM

To Betsaida Alcantara  
cc Adora Andy, Al Armendariz, Bob Sussman, Brendan Gilfillan,  
Cynthia Giles-AA, David Bloomgren, David Gray, Richard  
Windsor, Seth Oster  
bcc  
Subject Greenwire:EPA action on Texas driller escalates fight over  
state regulation

## **Greenwire: EPA action on Texas driller escalates fight over state regulation (12/08/2010)**

**Mike Soraghan, E&E reporter**

An EPA official's decision to step over state regulators and take action against a Texas gas driller is likely to turn up the heat on a long-simmering debate about whether states protect their residents against the dangers of drilling.

Dallas-based EPA Regional Director Al Armendariz issued an emergency **order** yesterday against Range Resources Corp., charging that its drilling in the Barnett Shale contaminated at least two water wells with methane and benzene. The order gave Range 48 hours to provide clean drinking water to affected residents and begin taking steps to resolve the problem.

Armendariz's order is not simply an action against the company, but a slap at regulators at the Texas Railroad Commission, whom he accused of not doing enough to help the people living near the drilling operations in the Fort Worth area.

"They want more data and believe that action now is premature," Armendariz told *The Dallas Morning News*. "I believe I've got two people whose houses could explode. So we've got to move."

But the company and the Texas regulators shot back that their investigations, ongoing since August, have failed to show any link between the drilling and water contamination. Range said the well water in the area has long contained methane. Texas officials accused EPA of grandstanding and making "false claims" about its actions.

"If this is another EPA action designed to reach predetermined conclusions and to generate headlines rather than conduct a successful environmental investigation, then the public is poorly served," TRC member Elizabeth Ames Jones said. "The commission will not deny due process to the parties involved in spite of the false claims made against our investigative actions by the EPA staff."

Range said in a statement, "It's very clear that our activities have not had any impact on the water aquifer."

The argument is also significant because Range Resources is one of the biggest independent players in the Marcellus Shale drilling that has created a gas rush in Pennsylvania. Pennsylvania, unaccustomed until recently to large-scale petroleum development, has an ongoing debate about how to regulate and tax shale drilling.

Range has sought to position itself as a leader within the shale drilling industry on environmental issues. Earlier this year, it announced it would voluntarily disclose the chemicals it injects into the ground on a well-by-well basis ([Greenwire](#) , July 15).

The allegations also inflame an ongoing fight between Amendariz and Texas officials including Gov. Rick Perry (R) about whether the state has done enough to regulate air pollution that has grown into a fight over states' rights.

EPA's order mentions "hydraulic fracturing" but does not charge that fracturing fluid contaminated the wells. Instead, it is alleging that methane contaminated the wells. That allegation has arisen in numerous incidents around the country, most notably in Dimock, Pa. It is usually the result of a failure of the cement seal that is supposed to prevent gas from leaking up the side of the wellbore.

## **Reactions**

Environmentalists, joined by some congressional Democrats, have pushed for federal regulation of hydraulic fracturing by EPA under the Safe Drinking Water Act. That would reverse an exemption granted by congressional Republicans and President George W. Bush in 2005. Halliburton Co. was the main company lobbying on fracturing at the time, and some call the exemption the "Halliburton loophole."

Environmentalists applauded EPA's actions, agreeing that Texas has shown the insufficiency of state regulation of oil and gas production.

"This is an example of why federal regulations for oil and gas operations are so important," said Amy Mall of the Natural Resources Defense Council. "The EPA found that drinking water may be substantially endangered with the presence of cancer-causing benzene and other contaminants, yet Texas state authorities did not respond to citizen complaints and had no plans to do so."

The industry has long maintained that state regulators have done a good job of regulating the fracturing, noting that after hundreds of thousands of fracturing jobs over six decades, state regulators have never documented groundwater contamination from fracturing fluid.

Industry officials, who have tangled with Armendariz in the past, say there is little or no data to back up his claims.

"Dr. Armendariz has issued a pretty extraordinary order here, and appears to have done so without releasing much data to back it up," said Chris Tucker, spokesman for Energy in Depth, a

group of independent drilling companies formed to fight federal regulation of fracturing. "Whether this move is driven by the actual science, a personal thing against the Railroad Commission, or maybe just him freelancing as an activist again, time will certainly tell. And so will the data, if he ever releases it. But keep in mind we're talking about an area in Texas where thousands and thousands of wells have been developed over the past half-century, with very few complaints."

In Pennsylvania, Democratic Sen. Bob Casey has charged that the state Department of Environmental Protection did not do enough to help people affected by drilling in Dimock.

Casey is the Senate sponsor of the "FRAC Act," legislation that would end fracturing's exemption from the Safe Drinking Water Act and require public disclosure of the ingredients of fracturing fluid, which can include toxic chemicals.

"We need to start being more determined about how we deliver accountability and look at whether state regulation is enough," Casey said in April ([Greenwire](#) , April 21).

Despite the exemption granted by Congress for fracturing, EPA has made increased oversight of energy extraction one of its six "National Enforcement Priorities" for 2011 to 2013, according to the agency's website, which highlights coal and "new techniques for oil and gas extraction." EPA's press release on the Texas order points to the Web page about the enforcement priorities.

The Texas Railroad Commission issued a **release** that did not speak to the safety of the residents. It did note that the well water comes from an aquifer that is 200 feet deep. Range's wells are more than a mile deep. It also stresses that the commission has been in close contact with EPA.

"As I repeatedly emphasized to EPA Region 6 Administrator Al Armendariz last Friday, EPA's actions are premature as the Railroad Commission continues to actively investigate this issue and has not yet determined the cause of the gas," said Railroad Commission Chairman Victor Carrillo. "This EPA action is unprecedented in Texas, and commissioners will consider all options as we move forward."

The commission stated that if it finds that oil-field activities are responsible for the gas found in the water wells, it will require assessment, cleanup and possibly fines or other penalties.

### **Property owners' complaints began in August**

Range maintains that there has long been methane in the water. But it said it will provide drinking water to residents in the area.

"The investigation has revealed that methane in the water aquifer existed long before our activity and likely is a naturally occurring migration from several shallow gas zones immediately below the water aquifer," Range's statement said. Range said it will offer to provide drinking water to residents in the area while the investigation continues.

EPA's order said that the users of the water wells had not produced water with gas before drilling began nearby earlier this year. Landowners began to complain in August. The order said that test showed the presence of benzene, toluene and other carcinogens associated with petroleum production. EPA told the residents not to use the water due to contamination and the risk of explosion.

EPA instructed Range to indicate within 24 hours whether it intends to comply with the order and install meters in the homes to check for explosion risks.

It also instructed the company to survey the local aquifer and identify any other private wells that might be contaminated. Within 14 days, the company must submit a plan for checking air and soil in and near the homes. The agency gave Range 60 days to tell EPA how it will trace gas pathways through the ground, shut off those pathways and clean up the aquifer.

[Click here](#) to read EPA's letter to Range Resources.

Betsaida Alcantara Here are the initial clips... Dallas Mo... 12/07/2010 06:35:55 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, David Gray/R6/USEPA/US@EPA, AI Armendariz/R6/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA  
Date: 12/07/2010 06:35 PM  
Subject: Region 6 Enforcement Action - Clips

**Here are the initial clips...**

**Dallas Morning News: EPA says Parker County homes at risk of explosion after aquifer near 'fracked' gas wells is contaminated**

05:01 PM CST on Tuesday, December 7, 2010

By RANDY LEE LOFTIS / The Dallas Morning News

Natural gas from drilling that used the controversial practice of hydraulic fracturing has contaminated a drinking-water aquifer in Parker County, putting two homes at risk of explosion and triggering a federal emergency order, the Environmental Protection Agency's regional chief said late this afternoon.

The EPA ordered Fort-Worth based Range Production Co. to take steps to protect the families and water supplies after the Texas Railroad Commission, which regulates natural-gas drilling, failed to act, EPA Regional Administrator Al Amendariz said.

**EPA acts after water contaminated by drilling in Parker County**

by CHRIS HAWES

WFAA

Posted on December 7, 2010 at 4:26 PM

Updated today at 4:26 PM

PARKER COUNTY — News 8 has learned the EPA has issued an emergency order after the

agency says a natural gas company's operations contaminated drinking water in Parker County. It's the first confirmed case of its kind in the Barnett Shale. This afternoon the EPA issued an emergency order to Range Resources under the Safe Drinking Water Act.

## [[FULL TEXT BELOW]]

### **Dallas Morning News: EPA says Parker County homes at risk of explosion after aquifer near 'fracked' gas wells is contaminated**

05:01 PM CST on Tuesday, December 7, 2010

By RANDY LEE LOFTIS / The Dallas Morning News

[rloftis@dallasnews.com](mailto:rloftis@dallasnews.com)

Natural gas from drilling that used the controversial practice of hydraulic fracturing has contaminated a drinking-water aquifer in Parker County, putting two homes at risk of explosion and triggering a federal emergency order, the Environmental Protection Agency's regional chief said late this afternoon.

The EPA ordered Fort-Worth based Range Production Co. to take steps to protect the families and water supplies after the Texas Railroad Commission, which regulates natural-gas drilling, failed to act, EPA Regional Administrator Al Armendariz said.

Railroad Commission officials "acknowledge that there is natural gas in the drinking water wells," Armendariz said. "They want more data and believe that action now is premature. I believe I've got two people whose houses could explode. So we've got to move."

The Railroad Commission and Range Production had not responded to Armendariz's statements or the EPA's order.

The EPA issued an imminent and substantial endangerment order under the federal Safe Drinking Water Act after inspections confirmed natural gas in the private drinking water wells that serve two homes in southern Parker County.

Range Production drilled horizontal gas wells into Parker County, near the two homes, from a drilling pad located nearby in Hood County, Railroad Commission records show.

The gas wells were drilled using hydraulic fracturing, or fracking, in which millions of gallons of water mixed with chemicals is injected deep underground under high pressure. The pressure fractures the tight shale formation and releases trapped natural gas.

In the last five years, fracking has turned North Texas' Barnett Shale field into the nation's biggest natural gas area, with tens of thousands of wells drilled.

Critics say the practice endangers water supplies, citing examples of tapwater that can be set on fire by igniting the gas in the water. In response to such complaints, Congress ordered the EPA to conduct a nationwide study of fracking and water quality.

Industry officials and Texas regulators say fracking is safe because the chemically treated water is injected far below any usable drinking water. They say the gas in widely distributed flaming-water videos was not a result of fracking.

Armendariz said the EPA is not alleging that fracking caused the Parker County contamination, only that Range's gas wound up in the drinking water.

Required casing and cement that line the gas well might have failed, letting gas escape into the aquifer, he said. It's also possible that drilling struck a geological fault or an old gas well, he said.

The extent of contamination isn't known. Range must identify the affected area under the EPA

order.

"We know they've polluted the aquifer," Armendariz said. "We know they're getting natural gas in there. We don't know yet how far it's spread."

The EPA instructed Range, among the nation's largest gas-producing companies, to indicate within 24 hours whether it intends to comply with the order and to provide potable water to the two families within 48 hours.

It also must install meters in the homes to check for explosion risks.

Range also must survey the local aquifer and identify any other private wells that might be contaminated. Within 14 days, the company must submit a plan for checking the homes' interior air and surrounding soil for natural gas.

Range has 60 days to tell the EPA how it will trace gas pathways through the ground, close those pathways, and clean up the aquifer.

One of the two affected homeowners declined to comment. The other could not be reached.

### **EPA acts after water contaminated by drilling in Parker County**

by CHRIS HAWES

WFAA

Posted on December 7, 2010 at 4:26 PM

Updated today at 4:26 PM

PARKER COUNTY — News 8 has learned the EPA has issued an emergency order after the agency says a natural gas company's operations contaminated drinking water in Parker County. It's the first confirmed case of its kind in the Barnett Shale. This afternoon the EPA issued an emergency order to Range Resources under the Safe Drinking Water Act.

The order alleges natural gas from a Range Resources well contaminated two private drinking water wells, which draw water from the same aquifer. The company's been ordered to supply the families with clean drinking water, as well as monitors inside their homes, to assess methane levels. The EPA's also ordered Range to take the necessary action to halt the flow of methane into the water supply.

EPA regional administrator Al Armendariz tells News 8 the EPA decided to issue the order after the Railroad Commission of Texas declined to act in the case.

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

05/04/2010 03:22 PM

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

bcc

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

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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.

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

11/15/2010 06:53 PM

To Betsaida Alcantara

cc Adora Andy, Alisha Johnson, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Lawrence Elworth, Nancy Stoner, Peter Silva, Richard Windsor, Seth Oster

bcc

Subject Business Week: EPA announces Florida water pollution rules

EPA announces Florida water pollution rules

By BILL KACZOR

TALLAHASSEE, Fla.[]

The federal Environmental Protection Agency for the first time Monday in Florida set numeric water pollution standards for a state although 13 others already have adopted such rules on their own.

The federal standards are required by the settlement of a lawsuit last year. They replace Florida's vague descriptive regulations for determining when rivers, lakes and other inland waters are polluted with such contaminants as fertilizer and animal and human waste. Those pollutants are blamed for toxic algae blooms that have clogged Florida's waterways.

[REDACTED]

"The EPA has stepped in to rescue Florida from a powerful gang of polluters who for decades have used campaign contributions and intimidation to stop state government in Tallahassee from taking this action," said Frank Jackalone, Florida staff director for the Sierra Club.

His is one of five environmental groups that sued EPA for failing to enforce the Clean Water Act of 1972, charging Florida was allowed to get away without adopting numeric standards.

The Florida case could set a precedent for similar action in other states.

Environmentalists, though, say Florida is in worse shape because of its thousands of water bodies, a flat topography and warm climate that make those waters highly susceptible to algae growth. The EPA says more than 1,900 rivers and streams, 375,000 acres of lakes and 500 square miles of estuaries in Florida are impaired by nutrients.

The EPA agreed to delay implementation in a bow to critics. They include business and agriculture interests as well as Governor-elect Rick Scott, outgoing Gov. Charlie Crist and other politicians.

"This delay will allow the Florida Department of Environmental Protection, local governments, business and residents more time to plan and evaluate the cost, effectiveness and best method for implementing these standards," Crist said in a statement.

Scott last week added his voice to those asking EPA to delay action. The Republican also issued a statement saying he "will make it a priority to ensure that science, not politics, drives the protection of our state's most precious natural resources."

EPA regional administrator Gwen Keyes-Fleming disputed "exaggerated doomsday claims" that complying with the rules will cost \$8 billion to \$20 billion and set back Florida's economic recovery.

The agency estimates the annual cost at \$135 million to \$206 million, or \$40 to \$71 per household. Keyes-Fleming said the rules will help Florida's economy.

"Businesses, hotels and tourist attractions operating near harmful algae blooms run the risk of losing customers when waters are too fouled for swimming or fishing," she said.

Swimmers have gotten rashes and glass bottom boats have stopped running at Wakulla Springs near Tallahassee. A water treatment plant on the Caloosahatchee River in southwest Florida was temporarily closed due to algae blooms, Keyes-Fleming said. There also have been reports of fish kills and people sickened from touching toxic algae.

The new rules will be used to set criteria governing discharge permits for such facilities as sewage treatment and industrial plants that discharge into waters that exceed the pollution limits.

Ryan Banfill, a spokesman for a business- and agriculture-backed group called Don't Tax Florida -- formed to oppose the standards -- disputed EPA cost estimates.

"That's heifer dust," Banfill said, citing private and state studies. "This is going to cost Florida's families and businesses billions of dollars."

The multi-billion-dollar estimates anticipate use of reverse-osmosis, the most expensive method for cleaning discharges, but EPA officials say the new regulations will require cheaper advanced treatment.

The EPA says opponents' cost estimates also are based on treating all of Florida's 13.6 million acres of farm land, but the rules will affect less than 10 percent of that acreage.

The regulations closely resemble standards proposed by the state Department of Environmental Protection last year. That proposal was offered after the lawsuit had been filed and it's been put on hold pending completion of the federal rules.

The settlement also calls for similar downstream rules covering estuaries that EPA plans to adopt by August 2012.

David Guest, a lawyer for the environmental legal group EarthJustice, predicted opponents won't give up.

"I believe we will see a plethora of lawsuits filed by a rogues gallery of polluters," Guest said.

EarthJustice represented the environmental groups suing EPA. Other plaintiffs besides the Sierra Club are the Florida Wildlife Federation, Conservancy of Southwest Florida, St. Johns Riverkeeper and Environmental Confederation of Southwest Florida.

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 11/15/2010 04:26 PM EST

**To:** Betsaida Alcantara

**Cc:** Adora Andy; Alisha Johnson; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Lawrence Elworth; Nancy Stoner; Peter Silva; Richard Windsor; Seth Oster

**Subject:** Reuters: EPA tackles Florida water pollution, cost a concern

EPA tackles Florida water pollution, cost a concern

By: Pascal Fletcher

Fri, Nov 12 2010

EPA to push efficiency on big carbon emitters

MIAMI | Mon Nov 15, 2010 2:58pm EST

MIAMI (Reuters) - The Environmental Protection Agency tightened water pollution controls in recession-hit Florida on Monday, but the state's citrus growers expressed concern the rules would cost business too much.

The final EPA standards set specific numerical limits on nutrient pollution levels allowed in lakes, rivers, streams and springs in a state which relies heavily on tourists who enjoy its waterways and the world-famous Everglades National Park.

This pollution is caused by phosphorous and nitrogen contamination from excess fertilizer, stormwater and wastewater that flows off land into waterways. The EPA estimates nearly 2,000 miles of Florida's rivers and streams, as well as numerous lakes and estuaries, are affected.

Months of debate in public hearings preceded the finalization of the standards, with critics like Florida's \$9 billion citrus industry saying their implementation could cost the sector billions of dollars it could not afford.

The EPA estimated the cost of bringing in the new rules would be in the range of \$130 million to \$200 million.

Announcing the finalized measures, EPA Regional Administrator Gwen Keyes-Fleming said the agency had sought to reconcile competing interests, but there was strong public support for cleaning up Florida's water and waterways.

"What we heard over and over in these public hearings is that the people of Florida know that clean, safe waters are essential to their health and Florida's economic growth," she said in a conference call with reporters.

The new anti-pollution standards will not take effect for 15 months and during that time the EPA would work closely with the state and interested parties on implementation strategies.

Explaining the rules would be flexible, "common sense" and site-specific, Keyes-Fleming said they would help protect hotels and tourist attractions that faced lost revenue through pollution making waterways too foul for swimming or fishing.

Florida's \$60 billion-a-year tourism industry is its economic lifeblood and largest industry, with more than 80 million visitors a year bringing in 21 percent of all state sales taxes and employing nearly 1 million Floridians.

Keyes-Fleming added the anti-pollution measures would also help preserve

home property values, an important consideration in a state where many own waterside homes and the home foreclosure rate is the second-highest in the United States.

#### "EXAGGERATED DOOMSDAY CLAIMS"

While stating the EPA had considered concerns over implementation costs, she rejected what she called "exaggerated Doomsday claims from certain interests."

"EPA believes that those that have estimated the cost to be in the billions are substantially overstating both the number of pollution sources that may be affected, as well as the types of treatment that are going to be required," she said.

Florida Citrus Mutual, the state's main citrus growers' association, said it was still evaluating the new EPA rules, but reiterated its worries over the impact on business.

"There is some concern this could have an adverse economic impact on all industries in Florida at a time when the economy is slumping," Michael W. Sparks, the group's executive Vice President and CEO, told Reuters in a statement.

He said while citrus growers understood healthy water was essential for the future of agriculture, "regulators must realize there is a balance that must be attained."

In 2008, the Florida Wildlife Federation filed a lawsuit against the EPA. This resulted in a settlement that required the agency to introduce specific nutrient pollution standards for Florida by November 2010.

(Editing by Doina Chiacu)

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

03/03/2011 04:47 PM

To Betsaida Alcantara

cc Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Cynthia Giles-AA, Diane Thompson, Mathy Stanislaus, Nancy Stoner, Richard Windsor, Seth Oster

bcc

Subject Dow Jones: EPA Chief Grilled on Safety of Hydraulic Fracturing

Dow Jones: EPA Chief Grilled on Safety of Hydraulic Fracturing

By RYAN TRACY

WASHINGTON—The U.S. Environmental Protection Agency, as part of its review of a natural-gas drilling procedure, is looking at the radioactivity of wastewater used in the process.

Environmental Protection Agency Administrator Lisa Jackson, speaking at a congressional hearing Thursday, defended her agency's efforts to study the safety of natural-gas drilling and left the door open to further regulatory action on the issue. The process, known as hydraulic fracturing, is used to extract hard-to-reach natural-gas pockets in the ground.

Ms. Jackson suggested that if public water-treatment plants couldn't adequately treat wastewater from hydraulic fracturing to safe levels—a central concern of critics of extraction method—EPA could impose standards on drillers who send the waste to the plants.

"EPA can at any time set additional standards for what we call pretreatment, for waste that may go to a treatment plant," Ms. Jackson said.

Hydraulic fracturing involves injecting a mixture of water, sand, and chemicals underground at high pressures to release natural gas from shale deposits. In recent years, new technology has unlocked shale gas that was not previously accessible, leading to a boom of new wells across the country.

Critics say environmental regulators and the industry have failed to ensure the practice is safe, particularly with respect to fracturing fluid contaminating drinking water.

"What we see here are deliberate attempts to shield from the public additional concerns expressed by EPA scientists," said Rep. Maurice Hinchey (D., N.Y.) said at a congressional hearing on EPA's budget.

Ms. Jackson pushed back. "We have used a transparent, consensus-based process to scope the study," she told lawmakers at the hearing. "We don't want to stifle science."

She said EPA intends to study the issue and take action to enforce the law if it has evidence of violations and if states, which she called the "primary" enforcers, do not act.

Mr. Hinchey pressed Ms. Jackson on whether the national study should be the EPA's only effort to study the risks of hydraulic fracturing.

"I will not say the national study should be the only study," Ms. Jackson said. But she said the process to develop the current study had been "transparent" and "rigorous."

"I would want my science adviser to understand what additional work is happening so that we're not being redundant," Ms. Jackson said of other studies.

The growing pressure to do more on hydraulic fracturing comes as the EPA faces opposition for a raft of other regulatory initiatives related to industrial pollution, greenhouse gases, coal mining, and other sectors.

Some lawmakers at the hearing Thursday defended natural-gas drillers.

"There's never been a connection proven, in spite of frequent revisiting of the hydraulic-fracturing issue, between the diminution of water quality and modern hydraulic-fracturing techniques," said Rep. Cynthia Lummis (R., Wyo.), echoing the statement of industry supporters.

Ms. Jackson said many of the "issues" identified by Mr. Hinchey stemmed from the agency's regional office in Philadelphia and that she would be travelling there Friday to discuss them.

"There is no 'look the other way' stand-down" on concerns

**Betsaida  
Alcantara/DC/USEPA/US**  
04/01/2010 03:55 PM

To Betsaida Alcantara  
cc Adora Andy, Richard Windsor, Seth Oster  
bcc  
Subject Re: MTM Clips Part 2 of 2

## **MTM Clips Part 2 of 2**

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### **Charleston Gazette: Breaking news (NOT an April Fool's joke): EPA actually does take "unprecedented steps" to reduce damage from mountaintop removal coal mining**

April 1, 2010 by Ken Ward Jr.

The U.S. Environmental Protection Agency is releasing a bombshell: A major new guidance document that provides the coal industry and coal-state regulators with "clarity" regarding the permitting of mountaintop removal coal mining.

The biggest step included? EPA is warning that water pollution from these mining operations dangerously increases the electrical conductivity of streams — and setting up a much more rigorous mandate that coal operators and state mining regulators face up to this looming and long-ignored problem. But the new EPA guidance also addresses a host of other issues, from water quality monitoring to environmental justice, that are important to folks who are concerned about mountaintop removal.

### **Daily Mail Capitol: New standards tough for mine operators to meet, EPA says**

Thursday April 1, 2010

by Ry Rivard

Daily Mail Capitol Reporter

The U.S. Environmental Protection Agency announced standards Thursday meant to protect water quality that could sharply curtail mountaintop removal operations in West Virginia and across Appalachia.

## **[[FULL TEXT BELOW]]**

### **Charleston Gazette: Breaking news (NOT an April Fool's joke): EPA actually does take "unprecedented steps" to reduce damage from mountaintop removal coal mining**

April 1, 2010 by Ken Ward Jr.

The U.S. Environmental Protection Agency is releasing a bombshell: A major new guidance document that provides the coal industry and coal-state regulators with "clarity" regarding the permitting of mountaintop removal coal mining.

The biggest step included? EPA is warning that water pollution from these mining operations dangerously increases the electrical conductivity of streams — and setting up a much more rigorous mandate that coal operators and state mining regulators face up to this looming and long-ignored problem. But the new EPA guidance also addresses a host of other issues, from water quality monitoring to environmental justice, that are important to folks who are concerned about mountaintop removal.



As the new guidance document says:

It has been a high priority of this Administration — and EPA Administrator Lisa P. Jackson — to reduce the substantial environmental and human health consequences of surface coal mining in Appalachia, and minimize further impairment of already compromised watersheds.

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

EPA has a press release, the actual guidance document, a summary of the guidance document, and a Question-and-Answer sheet about that document.

Also, EPA has posted copies of two new studies: A Field-Based Aquatic Life Benchmark for Conductivity in Central Appalachian Streams (External Review Draft) and The Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems of the Central Appalachian Coalfields (External Review Draft).

The new EPA guidance outlined what it called the “far-reaching legacy” of damage from mining operations in Appalachia:

Recent studies, as well as the experiences of Appalachian coalfield communities, point to new environmental and health challenges that were largely unknown even ten 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.

Another federal study found elevated levels of highly toxic and bioaccumulative selenium in streams downstream from valley fills. These impairments are linked to contamination of surface water supplies and resulting health concerns, as well as widespread impacts to stream life in downstream rivers and streams. Further, the estimated scale of deforestation from existing Appalachian surface mining operations is equivalent in size to the state of Delaware.

Appalachian deforestation has been linked to significant changes in aquatic communities as well as to modified storm runoff regimes, accelerated sediment and nutrient transport, reduced organic matter inputs, shifts in the stream’s energy base, and altered thermal regimes. Such impacts have placed further stresses on water quality and the ecological viability of watersheds. And Lisa Jackson said in the agency’s press release:

The people of Appalachian shouldn’t have to choose between a clean, healthy environment in which to raise their families and the jobs they need to support them. That’s why EPA is providing even greater clarity on the direction the agency is taking to confront pollution from mountaintop removal.

We will continue to work with all stakeholders to find a way forward that follows the science and the law. Getting this right is important to Americans who rely on affordable coal to power homes and businesses, as well as coal communities that count on jobs and a livable environment, both during mining and after coal companies move to other sites.

Regarding the key issue of conductivity (a key measure of the presence of many harmful pollutants, such as chlorides, sulfides and dissolved solids), EPA cites the previous work of agency scientists who found that streams with conductivity of more than 500 microsiemens per centimeter were impaired.

But, EPA has also completed a draft of a new study by the agency’s Office of Research and Development that warns of impacts at even lower levels of conductivity of 300 microsiemens per centimeter.

Based on that study, EPA now says that it believes any mining proposals with predicted conductivity levels of 300 or below are generally okay, while anything above 500 is considered by EPA “to be associated with impacts that may rise to the level of exceedances of narrative state water quality standards.”

What’s that mean for mountaintop removal permitting?

Well, the short version is that EPA may block new permits or demand significant changes in mining plans where mining proposals are projected to cause conductivity downstream to exceed 500.

The slightly more complicated version goes like this:

If water quality modeling for a proposed permit indicates conductivity greater than 500 will result, EPA will assume a violation of water quality standards will occur, that is, unless “based on site-specific data, the state has an alternative interpretation of their water quality standards that is supported by relevant science.”

And if modeling suggests conductivity will end up between 300 and 500, then EPA “should work with the permitting authority to ensure that the permit includes conditions that protect against conductivity levels exceeding 500.”

Further, if a new mine is proposed in an area where streams already exceed 500 — which could include many parts of West Virginia’s coalfields where there has already been significant mining — EPA “will coordinate with the permitting authority on a site-specific basis to ensure these new discharges will not cause or contribute to a violation of water quality standards.”

And to be clear, EPA indicates these are issues that — as WVDEP Secretary Randy Huffman has argued to federal officials — are best handled during state reviews of Clean Water Act water pollution permits, as opposed to Clean Water Act “dredge-and-fill” permits handled by the Corps of Engineers. But EPA is also being clear about what it expects out of the states:

At a minimum, should the record indicate that a reasonable potential exist, based on site- or receiving-water-specific information, the permitting authority must demonstrate in the administrative record, based on site- or receiving-water-specific information, how the permit implements the narrative water quality standards in a manner that is consistent with the CWA, and Regions are encouraged to review such a record carefully.

UPDATED:

Administrator Jackson told reporters:

Let me be clear. This is not about ending coal mining. This is about ending coal mining pollution.

### **Daily Mail Capitol: New standards tough for mine operators to meet, EPA says**

Thursday April 1, 2010

by Ry Rivard

Daily Mail Capitol Reporter

The U.S. Environmental Protection Agency announced standards Thursday meant to protect water quality that could sharply curtail mountaintop removal operations in West Virginia and across Appalachia.

The changes involve a new environmental standard that is based on the saltiness of the water, which scientists say is good indicator of the health of or damage to a stream. The new threshold

could have a huge impact on future surface mining operations.

"You're talking about no or very few valley fills that are going to meet standards like this," said EPA administrator Lisa Jackson.

Valley fills involve the coal industry practice of taking excess rock from mountains and putting it into nearby valleys and burying streams. About nine in 10 West Virginia surface mines require valley fills. Surface mining accounts for about 40 percent of state coal production.

Jackson said it was a "false choice" to think that mining communities should have to sacrifice their health and future economy to mine coal today. The new standards also protect the physical and biological integrity of waterways, and are designed to protect 95 percent of the organisms living in affected waters.

"This is not about ending coal mining, this is about ending coal mining pollution," Jackson said.

The changes will be out for public comment but will apply to pending and future permits. The new standards will not change current permits.

**Betsaida  
Alcantara/DC/USEPA/US**  
07/07/2011 07:41 PM

To Betsaida Alcantara  
cc Al Armendariz, Alisha Johnson, Andra Belknap, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Curt Spalding, Daniel Kanninen, Diane Thompson, Dru Ealons, Gina McCarthy, Gwendolyn KeyesFleming, Heidi Ellis, Janet McCabe, Janet Woodka, Jose Lozano, Judith Enck, Laura Vaught, Mathy Stanislaus, Michael Goo, Nancy Stoner, Paul Anastas, Richard Windsor, Seth Oster, Shawn Garvin, Stephanie Owens, Steve Owens, Susan Hedman  
bcc  
Subject EPA Press Release: Here's What They're Saying About the Cross-State Air Pollution Rule

**CONTACT**

Enesta Jones (News Media Only)  
[jones.enesta@epa.gov](mailto:jones.enesta@epa.gov)  
202-564-7873  
202-564-4355

**FOR IMMEDIATE RELEASE**

July 7, 2011

## Here's What They're Saying About the Cross-State Air Pollution Rule

**WASHINGTON** - Today, the U.S. Environmental Protection Agency (EPA) finalized Clean Air Act protections that will slash hundreds of thousands of tons of smokestack emissions that travel long distances through the air and threaten the health of hundreds of millions of Americans living downwind. The Cross-State Air Pollution Rule will protect communities that are home to 240 million Americans from smog and soot pollution, preventing up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 cases of acute bronchitis, 400,000 cases of aggravated asthma, and 1.8 million sick days a year beginning in 2014 – achieving up to \$280 billion in annual health benefits.

**U.S. Sen. Tom Carper of Delaware**

“Today’s Environmental Protection Agency (EPA) announcement of the cross-state air pollution rule ensures that all states are good neighbors when it comes to air pollution. My state of Delaware has made great strides in the effort to clean up its own air pollution and as we see with this new rule, those efforts have paid off and we now do not contribute to other state’s pollution problems...”

**Albert Rizzo, American Lung Association**

“Today’s finalization of the Cross-State Air Pollution Rule is a vital component of the EPA’s effort to protect the health of millions of Americans who live downwind of power plants that belch out life-threatening pollution.”

**Rick Sullivan, Massachusetts Secretary of Energy and Environmental Affairs**

“Massachusetts congratulates EPA on its issuance of the Cross State Air Pollution Rule. This rule will reduce emissions of harmful air pollutants from large power plants in upwind states, which contribute to unhealthy air in Massachusetts. As a state that has already taken action to significantly reduce power plant pollution, Massachusetts is pleased that EPA is leveling the playing field by requiring power plants in upwind states to follow suit quickly - starting on January 1 2012. Massachusetts residents will breathe

easier when that occurs.”

**Dr. Georges C. Benjamin, The American Public Health Association**

“Too many Americans suffer from life-threatening ozone and air pollution emitted by coal-burning power plants,” said Georges C. Benjamin, MD, FACP, FACEP (E), executive director of APHA. “Today’s ruling is an important and long overdue step to protect the health of Americans and clean up our environment. It’s a huge win-win. We praise EPA for its continued efforts to help create stronger, healthier and more productive communities for ourselves and our families.”

**Fred Krupp, Environmental Defense Fund**

“These clean air standards for power plant pollution will provide some of the greatest human health protections in our nation’s history,” said EDF President Fred Krupp. “Millions of Americans live downwind from this deadly pollution -- from the communities that live in the shadows of these smokestacks to those afflicted by the pollution that drifts hundreds of miles downwind. Today’s clean air protections will help eastern states restore healthy air in communities hard hit by air pollution, and will help all of us live longer and healthier lives.”

**Gene Karpinski, League of Conservation Voters**

“We applaud the EPA for providing a long overdue update to these necessary clean air standards. The benefits of these efforts to curb toxic air pollution have proven time and again to greatly outweigh the costs, and we commend the agency for taking this important step forward. By finalizing this rule, the EPA will help reduce the spread of harmful pollution across state borders, providing millions of Americans with cleaner air and water in their own cities and across the country.”

**Mary Anne Hitt, The Sierra Club**

“If you have a child with asthma or a loved one at risk of a heart attack, you can breathe easier today, because these new protections will decrease the chances they will end up in the emergency room.”

**Adam Garber, Penn Environment**

“Today’s announcement is a victory for Pennsylvania communities that have lived in the deadly shadow of power plant pollution for far too long,” said Adam Garber, Field Director with PennEnvironment. “This action will reduce the impact of toxic emissions from other states and give us a chance to breathe easier with cleaner air.”

More information: <http://www.epa.gov/crossstaterule/>

Betsaida Alcantara Administrator, Below is the latest co... 07/07/2011 07:39:44 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Steve Owens/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Curt Spalding/R1/USEPA/US@EPA, Judith Enck/R2/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Gwendolyn KeyesFleming/R4/USEPA/US@EPA, Susan Hedman/R5/USEPA/US@EPA, AI Armendariz/R6/USEPA/US@EPA  
Date: 07/07/2011 07:39 PM  
Subject: Readout of EPA's air announcement today

Administrator,

Below is the latest coverage of today's Cross State Air Pollution Rule announcement. CBS Evening News is also planning to do a short story tonight on the rule tonight. Our stakeholder calls were heavily attended and positive. We have regional amplification efforts underway including op-eds, ed board meetings, interviews with local media in NY, NJ, PA, CT, Ohio, Texas, among other states. This evening we also put out a release of quotes from public health organizations, elected leaders and environmental groups praising the rule.

**Coverage:**

Associated Press: EPA clamps down on pollution spoiling air downwind  
(Posted in Washington Post, Forbes, Newsday, News Tribune, Atlanta Journal Constitution, Fuel Fix blog, Bloomington Pantagraph, San Francisco Chronicle, Star Tribune, Newsday)  
The New York Times - E.P.A. Sets New Standards for Coal-Burning Plants  
AP - NJ environmentalists praise new power plant rules  
The Washington Post - EPA to impose new power plant rules  
McClatchy Newspapers - New EPA rule will clean the air for 240 million Americans  
MSNBC - Cleaner air, costlier electricity under new EPA rule  
Associated Press (Houston Chronicle) - EPA requires Texas power plants to lower pollution  
USA TODAY - Tough new clean-air rules will target drifting pollution  
The Huffington Post - Environmental Protection Agency Cracks Down On Power Plants, Air Pollution Downwind  
Reuters - EPA finalizes coal plant emission rule: sources  
Fox News (AP) - EPA Aims to Cut Pollution in Downwind States  
The Hill - EPA finalizes rules for cross-state air pollution  
Dallas News - New EPA regulation targets Texas' coal-fired power plants  
Pittsburgh Tribune-Review - EPA announces new rules on cross-state air pollution  
Louisville Courier-Journal - EPA moves to curb interstate pollution

**FULL STORIES BELOW:**

**EPA clamps down on pollution spoiling air downwind**

Associated Press (Printed in Forbes, Newsday, News Tribune, Atlanta Journal Constitution, Fuel Fix blog, Bloomington Pantagraph, San Francisco Chronicle)  
By DINA CAPPIELLO

WASHINGTON (AP) — The EPA is clamping down on pollution from power plants in 27 states that contributes to unhealthy air downwind.

EPA Administrator Lisa Jackson announced the final rule Thursday. The regulation will clean up smog, soot and acid rain in downwind states — where they add to locally produced pollution, making it impossible for those states to meet air quality standards.

The rule differs from one proposed in July. Power plants in the District of Columbia and five states — Delaware, Connecticut, Florida, Louisiana and Massachusetts — will no longer have to control for two pollutants — sulfur dioxide, responsible for acid rain, and nitrogen oxides, which

contribute to smog and soot.

The regulation replaces a 2005 Bush administration proposal that was rejected by a federal court.

## **E.P.A. Sets New Standards for Coal-Burning Plants**

The New York Times

July 7, 2007

By JOHN M. BRODER

WASHINGTON — The Environmental Protection Agency on Thursday issued new standards for coal-burning power plants in 28 states that would sharply cut smokestack emissions that have polluted forests, farms, lakes and streams across the eastern United States for decades.

The agency said that the new regulations, which take effect beginning in 2012, would cut emissions of soot, smog and acid rain from hundreds of power plants by millions of tons at a cost to utilities of less than \$1 billion a year. The E.P.A. said the cleaner air would prevent as many as 34,000 premature deaths, 15,000 nonfatal heart attacks and hundreds of thousands of cases of asthma and other respiratory ailments every year.

Lisa P. Jackson, the E.P.A. administrator, said the new rule would improve air quality for 240 million Americans living in states where the pollution is produced and downwind.

“No community should have to bear the burden of another community’s polluters, or be powerless to prevent air pollution that leads to asthma, heart attacks and other harmful illnesses,” she said. “This is a long-overdue step to protect the air we breathe.”

The new regulation, known as the Cross-State Air Pollution Rule, is essentially a rewrite of a rule issued by the administration of President George W. Bush that was invalidated by a federal judge in 2008. The regulation, known popularly as the transport rule because it involves emissions that are carried eastward by prevailing winds, is a significant toughening of an acid rain program that was part of the 1990 amendments to the Clean Air Act.

The agency said that utilities could meet the new standards at a modest cost using commonly available technology like smokestack scrubbers. Under some E.P.A. projections, the new rule would create jobs in pollution-control business and significantly improve labor productivity by reducing the number of workdays lost to respiratory and other illnesses.

The utility industry and many Republicans in Congress, however, contend that the new rule, along with other pending E.P.A. air quality regulations, will require the closing of dozens of aging coal plants and impose heavy financial burdens on power companies and their customers.

“The E.P.A. is ignoring the cumulative economic damage new regulations will cause,” said Steve Miller, president of the American Coalition for Clean Coal Electricity, a group of coal-burning utilities. “America’s coal-fueled electric industry has been doing its part for the environment and the economy, but our industry needs adequate time to install clean coal technologies to comply with new regulations. Unfortunately, E.P.A. doesn’t seem to care.”

An industry-financed study found that new air pollution rules would cost tens of thousands of jobs and raise electricity rates by more than 20 percent in some parts of the country.

Senator James M. Inhofe, Republican of Oklahoma, called the new rule an impediment to economic growth and job creation.

“True environmental progress will not come from these costly, heavy-handed regulations that harm the very people E.P.A. claims to protect,” Mr. Inhofe said in a statement. “Real progress on clean air is best achieved through common-sense multipollutant legislation that streamlines the Clean Air Act’s many redundant and overlapping mandates.”

“The bottom line,” he added, “is that reducing emissions does not have to be this expensive — the Obama E.P.A. just wants it to be.”

Supporters of the new rule said that any costs would be more than offset by health and other benefits. The E.P.A. estimates the annual benefits of the cross-state pollution rule at between \$120 billion and \$280 billion a year by 2014.

John F. Sheehan of the Adirondack Council, a nonprofit advocacy group, said that the finalization of the new air quality rule would help Adirondack Park in upstate New York, the nation’s largest park outside Alaska, recover from exposure to decades of dangerous pollution produced far from its borders.

“This is the biggest leap forward in our long history of dealing with this problem,” Mr. Sheehan said in a telephone interview. “This is a very deep cut on a very aggressive schedule and essentially enough to end chronic acidification of lakes and ponds in the Adirondacks.”

He said that it would allow the regeneration of spruce and fir forests in the six-million-acre park while improving the habitat of dozens of species, from the Bicknell’s Thrush at high elevations to brook trout in streams.

“This sets the stage for biological recovery and the return of species that once inhabited those lands and waters,” he said.

## **NJ environmentalists praise new power plant rules**

Associated Press

HADDONFIELD, N.J. — Regulators say some of New Jersey's coal-fired power plants will have to get makeovers quickly to comply with a new set of federal rules designed to cut down on air pollution crossing state lines that was finalized Thursday.

But the big change could come from what happens elsewhere. Pennsylvania and Ohio, coal-dependent states that are upwind of New Jersey, both have requirements to make major cuts to emissions of the chemicals that cause smog and acid rain, starting next year.

"It's great news for New Jersey. It's great news for anyone who wants to breathe clean air," Judith Enck, the administrator for the federal Environmental Protection Agency region that includes New Jersey and New York. "We know that air pollution does not respect state boundaries."

The EPA estimates that the changes could avert 450 to 1,200 premature deaths per year in New Jersey and between 13,000 and 34,000 a year in the 27 states affected by the rules.

The rules replace ones from 2005 that was struck down by a federal court. Enck said the new version should withstand any court challenges.

Critics, including some who speak for the coal industry, see the rules as an expensive attack on the industry by the Obama administration.

Mike Jennings, a spokesman for Public Service Enterprise Group, New Jersey's largest utility and the operator of several coal-fired plants in New Jersey and elsewhere, could not say Thursday what the regulations could mean for the company. The company generally has supported measures to control pollutants that cross state lines.

EPA data show New Jersey, which has 36 coal-fired power plants, contributes to pollution



largely in Connecticut and New York.

One of New Jersey's main environmentalists, state Sierra Club Director Jeff Tittel, said the rule is needed because New Jersey receives so much pollution from elsewhere. He said the Portland Generating Station in Northampton County, Pa., is the single biggest cause of air pollution in northwestern New Jersey.

"This rule is really going to help people in New Jersey breathe better," he said. "We have some of the worst air pollution in the United States."

## **EPA to impose new power plant rules**

The Washington Post

Thursday, July 7, 10:54 AM

By Juliet Eilperin

The Environmental Protection Agency will finalize rules Thursday that will compel 28 states and the District to curb air pollution that travels across states, according to sources briefed on the matter, the first in a series of federal restrictions aimed at improving the air Americans breathe.

The Cross State Air Pollution Rule, which replaces a Bush-era regulation thrown out by federal courts in 2008, targets coal-fired power plants mainly in the eastern United States. The measure, along with a proposal aimed at cutting summertime smog in the Midwest, will cost the utility industry roughly \$2.4 billion in pollution control upgrades over several years.

The EPA estimates the two proposals will yield \$120 to \$280 billion in annual benefits, including preventing 13,000 to 34,000 premature deaths of Americans who otherwise would have succumbed to heart and lung disease.

A federal judge vacated the Bush administration's Clean Air Interstate Rule (CAIR) for several reasons, questioning in part whether the emissions trading system it established would do enough to bring all states into compliance with federal air quality standards.

Frank O'Donnell, who directs the advocacy group Clean Air Watch, said the measures are "a good first step in cleaning up the air" but are less significant than upcoming guidelines for acceptable smog and soot levels across the country.

S. William Becker, executive director of the National Association of Clean Air Agencies, said the new regulations impose tighter restrictions than did the Bush rules on sulfur dioxide emissions that create fine particles known as soot. But they resemble the former rules, he said, in that they are using an outdated smog standard that the EPA is expected to tighten as soon as this month.

EPA officials declined to comment in advance of a noon announcement on the regulations.

Utilities in several states, including Virginia and Maryland, have already begun to cut the nitrogen oxide and sulfur dioxide emissions linked to both soot and smog-forming ozone. The EPA estimates that the power sector has spent \$1.6 billion so far to install pollution controls that

helped bring emissions in line with the Bush measure.

“The utilities are basically already meeting this,” said Michael Dowd, who directs the air quality division at Virginia’s Department of Environmental Quality. He added that while the Cross State measure was helpful because it “locks into place” slightly stricter standards than the CAIR rule, “it’s probably not going to bring any substantial real reductions from what we’re seeing now.”

James L. Connaughton, who chaired the Council on Environmental Quality under George W. Bush and now serves as executive vice president for public policy at Constellation Energy, said Constellation has spent \$1 billion on pollution upgrades at facilities such as Maryland’s Brandon Shores power plant.

“We just went ahead and did it,” Connaughton said, adding it was unfortunate the court ruled that the Bush proposal could not go into effect. “We lost a couple of years in air quality improvement and investment, but we’re now back on track.”

Some utility officials said the new rules and others that the Obama administration plans to enact in the coming months could force the retirement of several coal plants. That, in turn, will raise electricity costs for consumers, said American Electric Power spokesman Pat Hemlepp .

“We need time to review the rule to see what, if any, changes were made to address comments and concerns submitted by industry and to determine how to comply,” Hemlepp said. “Our most significant concern remains the unrealistic compliance timetables of this and a series of other EPA rules that target coal-fueled generation.”

The rule will likely have its biggest impact on states such as Texas, which has challenged the idea of stricter controls on coal-fired power plants.

Vicki Patton, a senior attorney for the Environmental Defense Fund, said that Texas power plants collectively “are the nation’s largest emitter” of nitrogen oxide and “the second largest emitter” of sulfur dioxide.

“Cleaning up the lethal air pollution from Texas’ coal plants will save over a thousand lives each year and help the children who suffer from this pollution breathe easier,” she said.

## **New EPA rule will clean the air for 240 million Americans**

By RENEE SCHOOF

McClatchy Newspapers

Pollution that blows hundreds of miles from coal-fired power plants into other states will be reduced under a final plan that the Environmental Protection Agency announced Thursday.

The rule, a revision of a Bush administration plan, will require pollution reductions in 27 states from Texas and Minnesota on the west to the East Coast. Cleaner, healthier air is expected as a result in the eastern, central and southern parts of the country, home to 240 million people.

The Clean Air Act requires under a "good neighbor" provision that power plants don't export pollution to other states. Some states, including North Carolina and Delaware, cleaned up their own plants but ended up with unhealthy air days anyway because of pollution from tall power plant smokestacks hundreds of miles away in other states.

"Just because wind and weather will carry pollution away from its source at a local power plant, it doesn't mean the pollution is no longer that plant's responsibility," EPA Administrator Lisa Jackson said. "Pollution that crosses state lines puts a greater burden on states and makes them responsible for cleaning up someone else's mess."

Medical experts say that the fine particles and soot from power plants can be deadly, especially for people with heart and lung conditions. Bad air days also aggravate asthma and are even hazardous for healthy people who exercise outdoors.

The EPA said the new rule would prevent up to 34,000 premature deaths a year when it's phased in by 2014. It also estimated that there would be 15,000 fewer nonfatal heart attacks, 19,000 fewer cases of acute bronchitis and 400,000 fewer cases of worsened asthma each year. The numbers are compared to 2005, before the earlier rule went into effect.

While many of the nation's power plants have installed the equipment needed to reduce the pollution, others have held off.

The equipment was first required under a 2005 rule issued by the Bush administration EPA to solve the interstate pollution problem. The U.S. Circuit Court of Appeals for the District of Columbia struck it down in 2008, however, saying it was "fundamentally flawed" and didn't go far enough. The court left the old rule temporarily in place and gave the EPA a deadline to improve it.

Jackson said the new plan puts firmer caps on pollution. She said that it also gives states flexibility on how to implement the requirements.

The EPA estimated the pollution controls would cost \$1.6 billion per year over 30 years. It projected health benefits of \$280 billion per year. The agency also said that the money spent on pollution controls would create U.S. jobs.

Critics, however, warned of higher electricity rates and lost jobs.

Sen. Jon Cornyn, R-Texas, objected at a recent hearing that the rule would require Texas to reduce sulfur dioxide emissions by almost half in just six months. He said he had concerns about "the projected harm it will do to electricity producers and consumers and job creators in my home state."

Jackson told reporters at a briefing on Thursday that if Texas were not included it would contribute to air pollution affecting thousands of families outside the state. She also said that Texas had cost-effective means to reduce pollution and would be able to continue to burn coal to make electricity.

House Republicans this year have argued that the EPA has gone too far with proposed regulations on air and water pollution. Their proposed appropriations bill for the agency would

cut its budget by 18 percent and restrict its authority.

Conservation and environmental groups applauded the new rule.

Clean Air Watch, an advocacy group, reported this week that 38 states and Washington, D.C., had smoggy days this year, when pollution exceeded the government limit.

"This is a long overdue and much needed step towards protecting the health of people in states downwind of big coal burning power plants. It will prove to be a life saver," Clean Air Watch President Frank O'Donnell said in an email.

The EPA said that the pollution reductions also would improve visibility in parks and reduce acid rain that harms plants and wildlife in forests, lakes and streams.

"This is a historic day for the Adirondack Park, the Catskill Park and the neighboring Appalachian Mountain Range, from Maine to the Great Smoky Mountain National Park," Brian L. Houseal, executive director of the Adirondack Council, said in a statement. The environmental group has been fighting acid rain since 1975.

### **Cleaner air, costlier electricity under new EPA rule**

MSNBC

Environmental agency forces older coal-fired power plants to curb pollution

WASHINGTON— In an effort to curb air pollution in downwind states, the Environmental Protection Agency on Thursday ordered utilities to either clean up or shut down older coal-fired power plants in 27 states in the eastern half of the U.S.

The order, which comes in response to a court ruling, requires utilities to install devices that slash emissions of sulfur dioxide and nitrogen oxides — byproducts of burning coal that react with the atmosphere to form the particles that cause soot and smog.

"No community should have to bear the burden of another community's polluters, or be powerless to prevent air pollution that leads to asthma, heart attacks and other harmful illnesses," EPA chief Lisa Jackson

said in announcing the rule.

While Jackson argues the cleaner air will improve public health, pushback already has come from some states and companies operating older coal-fired power plants.

They say the rule could prove too costly and that the timeline for compliance is too short.

Anticipating the EPA order, Oklahoma sued the agency in May, citing costs of up to \$2.5 billion to install "scrubbers" that would reduce pollution from state coal plants.

That could drive up utility rates by as much as 20 percent, argued Oklahoma Attorney General Scott Pruitt.

Texas also has opposed the rule.

"Both federal and state governments need to focus their resources on real risks, instead of creating false crises that frighten the public and misuse public resources," Bryan Shaw, chairman of the state's environmental agency, testified in Congress last week.

States downwind of power plants mostly support the rule because they end up seeing the haze in their backyards.

The EPA estimates up to \$280 billion in annual benefits from cleaner air in areas that are home to 240 million Americans. It figures each year of cleaner air will prevent "up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 cases of acute bronchitis, 400,000 cases of aggravated asthma and 1.8 million sick days."

*'Flexibility' promised*

Jackson also promised "flexibility" for adopting the rule, including "allowing states to decide how best to decrease dangerous air pollution in the most cost effective way."

The rule aims to cut sulfur dioxide emissions by 73 percent from 2005 levels, and nitrogen oxide emissions by 54 percent.

Rule supporters also note that the old plants were largely exempt from existing Clean Air Act initiatives aimed at making new plants cleaner.

The thinking when those exemptions were granted was the problem would take of itself as older plants were retired, said Pat Cummins with the Western Regional Air Partnership. But some owners have instead extended their lives rather than build new and more expensive plants.

EPA estimates utilities will have to invest \$800 million a year in pollution upgrades starting in 2014, in addition to the \$1.6 billion annually invested by the industry in recent years.

For consumers, the EPA figures that could translate into a roughly 2 percent increase in monthly electricity bills.

Nationwide, more than 300 old coal plants could face required upgrades, said Stephanie Kodish, an attorney with the National Parks Conservation Association, a group that lobbied for the rule as a way to reduce hazy days in wilderness areas.

Tighter standards were first issued in 1999 by the Clinton-era EPA.

President George W. Bush's administration revised those in 2005, but in 2008 a federal appeals court ruled that the revised rule did not meet Clean Air Act requirements.

#### *Similar plan in the West*

Last month, the EPA announced plans for similar action at aging coal-fired power

plants across the West.

A federal judge in Colorado will have to accept or deny the proposed settlement with environmental groups that sued to enforce Clean Air Act provisions. That ruling is expected following a 30-day comment period that ends July 15.

Officials have identified 18 coal plants in the four Western states that would have to be retired, retrofitted with new pollution reduction equipment or otherwise reduce emissions.

Combined, the 18 plants emit more than 200,000 tons of sulfur dioxide and 150,000 tons of nitrogen oxides a year, according to WildEarth Guardians, a plaintiff in the Colorado case along with the Environmental Defense Fund and National Parks Conservation Association. Several cement and soda ash plants also would have to make changes.

David Eskelen with Pacificorps, which operates four coal plants in Wyoming that fall under the haze rule, said his company has spent \$1.2 billion on air quality controls since 2005. But he said it would take 12 years, not five as proposed, to meet the haze requirements.

"We are making excellent progress," Eskelsen said. "If there is a more aggressive reduction schedule, policy makers need to understand this is going to result in significant cost increases to electricity."

*The Associated Press contributed to this report.*

**EPA requires Texas power plants to lower pollution**

Associated Press

By RAMIT PLUSHNICK-MASTI

July 7, 2011, 11:23AM

HOUSTON — New federal rules on how much ozone-causing pollution power plants can emit will force facilities in Texas to monitor sulfur dioxide and nitrogen oxide year-round.

Texas industries backed by the state's environmental regulatory agency have long opposed similar proposals by the U.S. Environmental Protection Agency. Power plants are concerned the federal requirements could require costly improvements to decrease airborne pollution.

Texas and the EPA have a long-running battle that has evolved from a fight over environmental regulation into a tiff over states' rights. This rule could further anger Gov. Rick Perry, who is viewed as a potential GOP presidential candidate.

Earlier EPA proposals included a weaker plan that would have only required plants in the Lone Star State to monitor nitrogen oxide in the summer.

### **Tough new clean-air rules will target drifting pollution**

USA TODAY

By Elizabeth Weise

Environmental Protection Agency Administrator Lisa Jackson is expected to announce tough new regulations Thursday that seek to significantly reduce emissions from many coal-fired power plants.

The new measures will cover plants in as many as 28 states whose pollution blows into other states. They are expected to save 14,000 to 36,000 lives a year, says Janice Nolen of the American Lung Association. But various business groups and some congressional Republicans are calling them job-killing and unnecessary.

The Clean Air Transport Rule addresses the problem of coal-fired power plants in some states creating pollution that drifts into other states, which EPA is required to address under the Clean Air Act. Under the regulation, plants in affected states will begin reducing emissions in 2012.

By 2014 the new regulations are expected to reduce sulfur dioxide by 73% and reduce nitrogen oxides by 54% from 2005 levels. These emissions can form fine-particle pollution and smog, both of which are particularly dangerous to people with lung and heart disease.

The new regulations will likely inflame already heated opposition in some quarters to EPA regulations.

A policy rider announced Wednesday by House Republicans would prevent EPA from regulating greenhouse gas emissions from power plants for one year. Rep. Mike



Simpson, R-Idaho, chairman of the House Appropriations Committee's Interior, Environment and Related Agencies panel, said the provision was necessary to rein in out-of-control and job-killing regulation.

But EPA says reduced emissions will lead to \$280 billion in lower health and environmental costs a year, which the agency says far outweighs the annual cost of compliance of \$800 million.

How much is cheap energy worth, asks the American Lung Association's Nolen. "Is it worth 36,000 American lives a year? That's a pretty significant price to pay."

Are EPA's estimates of \$280 billion in health and environmental savings realistic?

While it's difficult to correctly estimate the benefits and costs of such regulations, says Ted Gayer, an expert on energy economics at the Brookings Institution in Washington, D.C., sulfur dioxide reductions generally result in big health care savings compared with costs. But that's only if they're done in a cost-effective manner using market-friendly trading systems that let companies with emission levels below what's required to sell rights to those emissions to other firms. The exact mechanism EPA will use isn't known.

EPA has estimated that the benefits will outweigh the costs by a factor of between 40 and 100 to one.

The standards replace the Clean Air Interstate Rule, originally proposed by the Bush administration in 2005, which was tossed out in 2008 when the U.S. Court of Appeals for the District of Columbia ordered it revised, saying it did not meet the requirements of the Clean Air Act.

## **Environmental Protection Agency Cracks Down On Power Plants, Air Pollution Downwind**

The Huffington Post

By DINA CAPPIELLO

WASHINGTON -- The Environmental Protection Agency is clamping down on pollution from power plants in 27 states that contributes to unhealthy air downwind.

EPA Administrator Lisa Jackson announced on Thursday a plan to clean up smog, soot and acid rain in downwind states – where they combine with locally produced pollution, making it impossible for those states to meet air quality standards on their own.

The rule differs from one proposed in July. Power plants in the District of Columbia and five states – Delaware, Connecticut, Florida, Louisiana and Massachusetts – will no longer have to control for two pollutants – sulfur dioxide, responsible for acid rain, and nitrogen oxides, which contribute to smog and soot.

Texas, by contrast, will have to reduce more pollution than the initial proposal.

The regulation replaces a 2005 Bush administration proposal that was rejected by a federal court.

Jackson, in a call with reporters Thursday, said the regulation would make sure no community has to bear the burden of another community's polluters. She said just because pollution drifts far from a power plant, "doesn't mean pollution is no longer that plant's responsibility."

"Pollution that crosses state lines places a greater burden on (downwind) states and makes them responsible for cleaning up someone else's mess," she said.

The rule, which will start going into effect next year, will cost power companies \$800 million annually in 2014. That's in addition to the \$1.6 billion spent per year to comply with the Bush rule that was still in effect until the government drafted a new one. The agency said that cost would be far outweighed by the public health benefits.

### **EPA finalizes coal plant emission rule: sources**

Reuters

Thu Jul 7, 2011 11:57am EDT

U.S. environmental regulators finalized a rule on Thursday to slash air pollution from power plants east of the Rocky Mountains, government sources said.

The measure, the Cross State Air Pollution Rule, will add costs for some coal-fired power plants, but should cut healthcare bills for Americans. Industry sources said it resembled a draft rule issued by the Environmental Protection Agency last year, industry sources said.

The EPA would reduce power plant sulfur dioxide emissions by 73 percent by 2014, from 2005 levels, when combined with state environmental laws. It will cut nitrogen oxide emissions by 54 percent by 2014.

(Reporting by Timothy Gardner and Tom Doggett; Editing by David Gregorio)

### **EPA Aims to Cut Pollution in Downwind States**

Fox News (AP)

Published July 07, 2011

WASHINGTON -- The Environmental Protection Agency is clamping down on pollution from power plants in 27 states that contributes to unhealthy air downwind.

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rain in downwind states -- where they combine with locally produced pollution, making it impossible for those states to meet air quality standards on their own.

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### **EPA finalizes rules for cross-state air pollution**

The Hill

By Andrew Restuccia - 07/07/11 12:41 PM ET

The Environmental Protection Agency issued final regulations Thursday aimed at slashing toxic power plant air pollution that crosses state lines and potentially puts thousands of lives at risk.

The regulations put new limits on sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NO<sub>x</sub>) emissions from power plant smokestacks in 27 eastern states. The power plant emissions, EPA says, travel across state lines, threatening the health of thousands of people.

"No community should have to bear the burden of another community's polluters, or be powerless to prevent air pollution that leads to asthma, heart attacks and other harmful illnesses," EPA Administrator Lisa Jackson said Thursday. "These Clean Air Act safeguards will help protect the health of millions of Americans and save lives by preventing smog and soot pollution from traveling hundreds of miles and contaminating the air they breathe."

It's the latest effort by EPA to reduce air pollution. The agency is targeting pollution from industrial boilers as well as greenhouse gases, mercury and other air toxics from power plants. EPA says it will unveil long-delayed ozone standards in July.

But Republicans and some Democrats are working to block or delay EPA's regulations, arguing they are overly burdensome.

The states covered by Thursday's rule will work with power plants to install technology to reduce SO<sub>2</sub> and NO<sub>x</sub> emissions, which contribute to ozone and fine-particle pollution. EPA says many power plants have already begun installing the necessary equipment.

By 2014, the regulations will cut SO<sub>2</sub> emissions by 73 percent and NO<sub>x</sub> emissions by 55 percent below 2005 levels, EPA says. That will prevent 34,000 premature deaths, 15,000 heart attacks and 40,000 cases of asthma starting in 2014 – health benefits that amount to \$280 billion a year, according to the agency.

Fewer states are covered under the final regulations. A proposed rule unveiled by the agency last year covered 31 states.

The so-called clean air transport rule – which EPA has renamed the cross-state air pollution rule – replaces a set of 2005 Bush administration regulations that were struck down by the courts.

Jackson said Thursday that the regulations will have the added benefit of increasing visibility in many state and national parks, and improving the health of streams and lakes.

Environmental and public health groups applauded the regulations Thursday.

“Today's finalization of the Cross-State Air Pollution Rule is a vital component of the EPA's effort to protect the health of millions of Americans who live downwind of power plants that belch out life-threatening pollution,” said Albert Rizzo, national volunteer chair at the American Lung Association, in a statement.

Still, some groups said the rule is not stringent enough.

“But as significant as today's action is, it represents only a step toward a greater goal with respect to transported air pollution,” said National Association of Clean Air Agencies Executive Director Bill Becker. “The NO<sub>x</sub> emissions cap is simply not sufficient to control the magnitude of emissions that come from power plants.”

Industry groups, for their part, blasted the regulations.

“The EPA is ignoring the cumulative economic damage new regulations will cause,” American Coalition for Clean Coal Electricity President Steve Miller said in a statement. “America's coal-fueled electric industry has been doing its part for the environment and the economy, but our industry needs adequate time to install clean coal technologies to comply with new regulations. Unfortunately, EPA doesn't seem to care.”

## **EPA Unveils Clean Air Transport Rule**

Environmental Leader

July 7, 2011

The Environmental Protection Agency today finalized widely anticipated Clean Air Act regulations on pollution that crosses state lines.

In an announcement shortly before noon Eastern, the EPA said the Clean Air Transport Rule will cut hundreds of thousands of tons of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxide (NO<sub>x</sub>) emissions that form soot and smog. These threaten the 240 million Americans living downwind of smokestacks, the agency said.

It predicted that the rule, along with other state and EPA actions, will reduce SO<sub>2</sub> emissions by 73 percent from 2005 levels. NO<sub>x</sub> emissions will drop by 54 percent, the agency said.

The Cross-State Air Pollution Rule, as it is formally known, replaces and strengthens the 2005 Clean Air Interstate Rule (CAIR), which the U.S. Court of Appeals for the D.C. Circuit ordered EPA to revise in 2008. The court allowed CAIR to remain in place temporarily while the EPA worked to finalize today's replacement rule, the agency said.

Under today's rule-making, 27 states in the eastern U.S. will work with power plants to cut air pollution. The EPA said the rule ensures flexibility by helping states to develop cost-effective emissions-reductions actions.

And in a supplemental rulemaking, the EPA is also proposing to require sources in Iowa, Kansas, Michigan, Missouri, Oklahoma, and Wisconsin to reduce NO<sub>x</sub> emissions during the summertime ozone season.

The EPA said that the regulations announced today will prevent up to 34,000 premature deaths, 15,000 nonfatal heart attacks, 19,000 cases of acute bronchitis, 400,000 cases of aggravated asthma, and 1.8 million sick days a year beginning in 2014 – achieving up to \$280 billion in annual health benefits.

“These clean air standards for power plant pollution will provide some of the greatest human health protections in our nation's history,” Environmental Defense Fund president Fred Krupp said. “Today's clean air protections will help eastern states restore healthy air in communities hard hit by air pollution, and will help all of us live longer and healthier lives.”

The proposal is open for public review and comment for 45 days after publication in the Federal Register.

More information on the regulations is available [here](#).

## **New EPA regulation targets Texas' coal-fired power plants**

Dallas News

Washington Bureau

Published 07 July 2011 11:58 AM

By DAVE MICHAELS

WASHINGTON — The Obama administration announced Thursday that Texas' coal-fired power plants will be regulated by a new rule that requires them to cut pollution that worsens air quality for neighboring states.

The announcement is likely to spark outcry from Texans in Congress and some Texas electricity generators, which say the Environmental Protection Agency didn't give the state enough opportunity to explain why it should be exempt from the rule.

The companies say the regulation, which would require them to install pollution-control equipment known as scrubbers, could force the closure of old coal-fired power plants, many built in the 1970s. Those plants are responsible for nearly half of the state's sulfur dioxide emissions, according to EPA data.

EPA Administrator Lisa Jackson said Texas' power plants could have increased pollution levels if its plants were left out of the regulation.

The emissions of sulfur dioxide and nitrogen oxide, emitted by tall smokestacks, travels downwind and makes it more difficult for nearby states to meet air-quality standards, according to the EPA.

Texas will have to cut its emissions of sulfur dioxide, a key air pollutant that aggravates asthma and causes other respiratory diseases, by almost 50 percent.

Three of the coal plants are located in East Texas and are owned by Dallas-based Luminant, the wholesale unit of Energy Future Holdings. The company mines lignite, a type of coal that generally contains higher amounts of sulfur than other forms of coal.

“Without this rule, Texas power plants will contribute significantly to air pollution in downwind states, tribes and local communities,” Jackson said.

“Texas has an ample range of cost-effective emission reduction options for complying with the requirements of this rule without threatening reliability or the continued operation of coal-burning units, including those that burn lignite from local mining operations,” she said.

Environmental groups say the rule is long overdue and praised the EPA for issuing it.

The regulation is certain to prompt more friction between the EPA and Republican lawmakers in Congress, who complain the agency's regulations are too expensive and aren't justified by science.

Nearly 30 Texans in Congress, including several Democrats, wrote the EPA last month to argue the state needed more notice about the rule because it requires “drastic” pollution cuts.

## **EPA announces new rules on cross-state air pollution**

By Pittsburgh Tribune-Review

July 7, 2011

Pennsylvania is among 27 states that will be affected by new rules to control cross-state air pollution the U.S. Environmental Protection Agency announced today.

Allegheny County officials have long complained that pollution from Ohio power plants has been a major contributor to air pollution in the Pittsburgh area. The new federal regulations are aimed at forcing power plants to take more responsibility for cross-state air pollution by installing pollution control technology. More than 240 million Americans will benefit under the rules, according to the EPA.

There are 19 sources of out-of-state pollution that harm Pennsylvania that will have to improve their pollution controls, according to the agency's website. But Pennsylvania also has 12 pollution creators contributing to problems in other states that it will have to help monitor.

## **EPA moves to curb interstate pollution**

Louisville Courier-Journal

July 7, 2011, 11:52 AM

James Bruggers

The U.S. Environmental Protection Agency on Thursday unveiled a final rule that will require power plants in 27 states including Kentucky and Indiana to reduce pollution that fouls the air of communities hundreds of miles away from the smokestacks.

The agency posted an announcement late Thursday morning that it would unveil the Cross-State Air Pollution Rule.

Local and state air regulators said Thursday morning they were waiting for details on the rule, which was designed to replace a 2005 Bush administration rule that was struck down in 2008 and then partially restored. Louisville officials had counted on the Bush rule to help the metro area meet federal health standards for ozone and fine particle standards.

The EPA predicts the cross-state rule will avoid 13,000 to 34,000 premature deaths, 15,000 non-fatal heart attacks and 19,000 hospital and emergency room visits. Utilities say new EPA actions planned for coming months will drive up the cost of electricity.

LG&E in May announced that it wants to raise residential electric bills by about 19 percent by 2016 to pay for upgrading its coal-fired power plants to meet stricter federal environmental regulations. The company said the monthly bill of a typical residential customer — using 1,000 kilowatt hours a month — would increase \$1.96 next year, and more each successive year, reaching \$16.33 by 2016.

The higher rates — which need approval from the Kentucky Public Service Commission — would

go toward \$2.5 billion in improvements to four plants operated by LG&E and sister company Kentucky Utilities, including the 29-year-old Mill Creek Station in southwestern Jefferson County.

(This story will be updated.)

Reporter James Bruggers can be reached at (502) 582-4645.



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

07/08/2011 11:58 AM

To Betsaida Alcantara

cc Al Armendariz, Alisha Johnson, Andra Belknap, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Curt Spalding, Daniel Kanninen, Diane Thompson, Dru Ealons, Gina McCarthy, Gwendolyn KeyesFleming, Heidi Ellis, Janet McCabe, Janet Woodka, Jose Lozano, Judith Enck, Laura Vaught, Mathy Stanislaus, Michael Goo, Nancy Stoner, Paul Anastas, Richard Windsor, Seth Oster, Shawn Garvin, Stephanie Owens, Steve Owens, Susan Hedman

bcc

Subject NPR Interview with Administrator: EPA Issues New Standards For Coal-Burning Plants

To listen to the NPR interview with Administrator Jackson click here:

<http://www.npr.org/2011/07/07/137681222/epa-issues-new-standards-for-coal-burning-plants>

EPA Issues New Standards For Coal-Burning Plants

by Elizabeth Shogren

July 7, 2011

The Environmental Protection Agency sent a strong message Thursday to power plants that burn coal. It's time to clean up dirty exhausts that travel long distances, and 75 percent of Americans will breathe healthier air as a result.

The new EPA transport rule is designed to clean up the pollution that blows from power plants into other states. EPA Administrator Lisa Jackson says it's about fairness.

"This is EPA, the federal government, doing what the federal government should and has a responsibility to all Americans to do. And that's leveling the playing field, ensuring that one community doesn't put out smog and soot at the expense of the residents downwind," she says.

The new rule replaces a similar Bush administration regulation that was struck down by a court that deemed it too lenient. The new rule will cut almost 2 million more tons of pollution per year than the Bush administration program.

States from Texas to New York will have to slash 70 percent of sulfur dioxide emissions and 50 percent of nitrogen oxides from power plants, compared with 2005 pollution levels.

Scientists say the fine particles and ozone from these plants contribute to deadly heart and lung failures.

The agency estimates the rule will be so potent that within three years, it will prevent as many as 34,000 premature deaths each year.

It's also expected to reduce hundreds of thousands of asthma attacks per year. That really resonates with Jackson, whose sons both had asthma when they were small. Her younger son still carries a rescue inhaler.

Jackson says she wants every parent with an asthmatic child to have "as close to a normal experience in childhood as possible."

She says less power plant pollution will mean fewer days when parents have to tell their kids they can't play outside because the air is bad.

"When you talk about asthma attacks, every single one can mean hours – if not days – of caring for a sick child or family member. It can mean hospitalization," she says.

That adds up to lots of costs for families and society. Jackson says that's part of why the new rule is

projected to provide billions of dollars in public health benefits.

Some power companies complain the deadlines are too tough to allow them time to install pollution control equipment. So, they will have no choice but to shut down some older coal-fired power plants.

Pat Hemlepp represents American Electric Power, which is one of the country's biggest power companies, with plants in 11 states from Texas to Michigan.

"Taking power plants out of service like this pulls tax dollars out of the communities, pulls jobs out of communities, in addition to increasing electricity costs," Hemlepp says. "This is a region of the country that's struggling to recover from the economic downturn, and doing this on such a short timeline is an economic hit that could be avoided."

But overall, Harvard Economist Robert Stavins says, the new regulation is a real winner for the economy.

"It doesn't mean that there are no costs, but the benefits of the transport rule in terms of human health protection tremendously outweigh the costs of this," he says.

Stavins says even in parts of the country where electricity costs will increase a little bit, health care savings in those same communities will more than compensate.

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

02/09/2012 11:21 AM

To Betsaida Alcantara

cc Alisha Johnson, Andra Belknap, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Cynthia Giles-AA, David Bloomgren, Diane Thompson, Dru Ealons, Laura Vaught, Nancy Stoner, Richard Windsor, Stephanie Owens

bcc

Subject West Virginia Metro News: Morgantown to Reconsider Support of EPA

It was too good to last...

Morgantown to Reconsider Support of EPA

West Virginia Metro News  
February 8, 2012

Morgantown Mayor Jim Manilla has scheduled an emergency meeting of City Council to reconsider a resolution passed Tuesday that supports U.S. Environmental Protection Agency Administrator Lisa Jackson's efforts in "reducing greenhouse gas pollution under the Clean Air Act."

During Tuesday's regular meeting, council members did not discuss the resolution before passing it on a unanimous vote.

Manilla said he and other councilors overlooked the resolution Tuesday because they were focused on myriad other agenda items.

"We didn't give it much consideration," Manilla said. "There was not much discussion about it. Really, it should have been put on the Committee of the Whole (agenda) for discussion."

The resolution passed despite recent decisions by the EPA to further regulate coal-fired power plants. Jackson is routinely criticized by state officials for the agency's stance on greenhouse gas emissions and the permitting process for coal mines.

Council members' approval of the resolution came at an unpropitious time. Only hours following the vote, FirstEnergy Corp. cited new EPA regulations in the closing of three coal-fired plants in West Virginia, including one in Preston County and one in Marion County.

Manilla -- who himself voted in favor of the resolution Tuesday -- said he regrets not taking more time on the issue. On Wednesday, he said he wanted to clarify that he did not support the EPA's stance on coal-fired plants.

"It just hurts the coal industry and the state of West Virginia," Manilla said. "This is something we needed to discuss more, and it just slipped by us. We're bringing it up again, and hopefully we can correct this."

Manilla said similar resolutions are generally talked about during council's Committee of the Whole meetings, where council members discuss city issues. No actions are taken at those meetings, but Manilla said that's typically where council members decide whether they want to move forward with resolutions.

Still, the mayor said city leaders are responsible for passing the resolution.

"We're to blame for this. This is important. We didn't realize how important this was," Manilla said. "It slipped by us. I apologize."

"It's very, very important."

After looking into the language of the resolution more thoroughly Wednesday, Manilla said he firmly is against it. He called on City Manager Terrence Moore to be more selective in what is placed on the regular agenda.

"Our city manager should have sent this to the Committee of the Whole for discussion and not put on the agenda until we discussed it," Manilla said.

Morgantown environmentalist James Kotcon praised council's actions Tuesday, saying the city was an environmental leader in West Virginia.

Manilla said council will have a special meeting at 6 p.m. Monday to discuss the resolution. He said he hopes the resolution is rescinded, but it's possible council again passes the resolution.

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

09/29/2011 09:31 AM

To Betsaida Alcantara

cc Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Heidi Ellis, Laura Vaught, Richard Windsor, Seth Oster, Stephanie Owens

bcc

Subject Huffington Post: EPA Pushes Back Against Report Alleging Agency Cut Corners On Climate Finding

EPA Pushes Back Against Report Alleging Agency Cut Corners On Climate Finding  
Updated: 9/28/11 09:52 PM ET

WASHINGTON -- The Environmental Protection Agency on Wednesday pushed back against an inspector general report alleging the White House cut corners in concluding that greenhouse gasses pose a threat to human health, a finding that helped form the legal basis for the EPA's climate change regulations.

"The report does not question or even address the science used or the conclusions reached – by the EPA under this and the previous administration – that greenhouse gas pollution pose a threat to the health and welfare of the American people," said EPA in a statement on Wednesday. "Instead, the report is focused on questions of process and procedure."

The investigation, requested by Sen. James Inhofe (R-Okla.), set aside the science behind the EPA's conclusion that greenhouse gases threaten humans, instead probing whether the EPA should have engaged in a more thorough process of review before reaching its conclusion. Specifically at issue is whether the EPA followed the necessary procedures for reviewing scientific material, as required under White House Office of Management and Budget guidelines.

"While it may be debatable what impact, if any, this had on EPA's finding, it is clear that EPA did not follow all the required steps," Inspector Arthur A. Elkins, Jr. said in a Wednesday statement. Neither the EPA nor OMB support the inspector general's claim.

The EPA said in a Wednesday statement that the agency "undertook a thorough and deliberate process in the development of this finding, including a careful review of the wide range of peer-reviewed science."

"Since EPA finalized the endangerment finding in December of 2009, the vast body of peer reviewed science that EPA relied on to make its determination has undergone further examination by a wide range of independent scientific bodies," the statement continued. "All of those reviews have upheld the validity of the science."

Even though the report focused on procedure and not science, it may provide ammunition for climate deniers like Inhofe, who said in a statement Wednesday that the inspector general's report showed "the very foundation of President Obama's job-destroying agenda was rushed, biased and flawed."

Environmentalists were quick to join the regulatory agency in striking back against opponents of emissions controls like Inhofe.

"The EPA Inspector General in no way questions the science underlying the endangerment finding," said Sen. Barbara Boxer (D-Calif.), chair of the Environment and Public Works Committee. "It is time to move on to protect the American people from the impacts of climate change, which we are already beginning to see."

The report comes just two days after a Daily Caller reporter erroneously reported that in phasing in carbon emissions regulations, the EPA was looking to vastly expand its power, "asking taxpayers to fund up to 230,000 new government workers."

The story seemed wrong -- there are only 17,000 employees at EPA, for starters -- and it was. Yet Daily Caller editor David Martosko is defending it, not because the numbers are at all accurate, but because he thinks it plays into a compelling narrative, and one that's likely to appeal to opponents of the EPA's greenhouse gas regulations.

"The EPA is well-known for expanding its reach, especially regarding greenhouse gas emissions. What's 'comically wrong' is the idea that half of Washington won't admit it. The EPA's own court filing speaks volumes," Martosko said in an email.

"What's more likely: that the Obama administration's EPA wants to limit its own power, or that it's interested in dramatically increasing its reach and budget? Anyone who has spent more than a few months in Washington knows the answer."

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

09/29/2011 09:06 AM

To Betsaida Alcantara

cc Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Heidi Ellis, Laura Vaught, Richard Windsor, Seth Oster, Stephanie Owens

bcc

Subject Washington Post: Report questions EPA on greenhouse gases

Report questions EPA on greenhouse gases

The Environmental Protection Agency should have conducted a more detailed scientific review before determining two years ago that greenhouse-gas emissions pose a threat to public health and welfare, according to a report issued Wednesday by the agency's Office of Inspector General.

"This review did not meet all [Office of Management and Budget] requirements for peer review of a highly influential scientific assessment primarily because the review results and EPA's response were not publicly reported, and because 1 of the 12 reviewers was an EPA employee," the study said.

Although the IG probe — requested by the top Republican on the Senate Environment and Public Works Committee, James M. Inhofe (Okla.) — will do little to affect federal climate regulation, it provides fodder to those who question the government's role in addressing global warming.

The investigation did not examine the scientific evidence underpinning the EPA finding of a connection between human activity and global warming over the past half-century.

However, Inhofe said, the IG's conclusions raised the question of whether the administration should have concluded that carbon dioxide and other greenhouse gases qualify as pollutants under the Clean Air Act.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Inhofe said in a statement. "It calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the endangerment finding."

EPA spokeswoman Betsaida Alcantara defended the agency's approach.

"While we will consider the specific recommendations, we disagree strongly with the Inspector General's findings and followed all the appropriate guidance in preparing this finding," Alcantara wrote in an e-mail. "EPA undertook a thorough and deliberate process in the development of this finding, including a careful review of the wide range of peer-reviewed science."

The IG report concluded, however, that the agency met the legal requirements for issuing its "endangerment finding," which provides the basis for federal limits on carbon dioxide from power plants and big emitters. It focused largely on a technical question of whether the supporting material for the rule amounts to a "highly

influential scientific assessment" as defined by the OMB.

Both the EPA and the OMB, which establishes peer-review guidance for such rules, said the Technical Support Document did not meet the threshold for a "highly influential scientific assessment, because it did not cover new science.

It is unclear whether the report will affect a legal challenge to the endangerment finding that several industries affected by the regulation have mounted in federal court.

Two lawyers representing greenhouse-gas emitters in Washington who are not litigants in the federal court case said that the IG's findings could damage the EPA. Joe Stanko, who heads government relations for the law firm Hunton and Williams, noted that the EPA described the Technical Support Document "as the underlying basis for its endangerment finding, so failure to follow peer review procedures could come back to haunt EPA in the [greenhouse gas] litigation."

But Vermont Law School environmental law professor Patrick A. Parenteau said in an interview that he did not think this would bolster the plaintiffs' case, because "the IG has concluded EPA has followed all the rulemaking procedures, and its decision is supported by the underlying science."

Beyond the court case, House oversight committee Chairman Darrell Issa (R-Calif.) indicated that he might hold hearings. "This report raises serious questions that our committee and staff will further review," he said in a statement.



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

09/28/2011 05:38 PM

To Betsaida Alcantara

cc Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Laura Vaught, Richard Windsor, Seth Oster, Stephanie Owens

bcc

Subject Dow Jones: EPA Criticized Over Greenhouse-Gas Findings

EPA Criticized Over Greenhouse-Gas Findings

By TENNILLE TRACY

WASHINGTON—Internal investigators at the Environmental Protection Agency said the agency failed to follow peer-review guidelines when developing a key scientific document that underpins its greenhouse-gas regulations.

The findings are likely to stoke Republican opposition to the EPA's efforts to regulate greenhouse gases and could arm industry groups that are fighting the regulations in court. One prominent Republican is already calling for congressional hearings on the issue.

EPA said it "disagree[s] strongly" with the findings. An EPA spokeswoman said the findings focus on "wonky" government processes and do nothing to cast doubt on the underlying science.

The document in question was developed by the EPA and used to support its 2009 "endangerment finding." That finding concluded that greenhouse gases—including carbon dioxide, methane and nitrous oxide—pose a threat to public health. It paved the way for the EPA to begin developing greenhouse-gas standards for refiners, power plants and other large emitters.

In a report released Wednesday, the EPA's inspector general said the agency didn't follow federal guidelines for peer review when developing a 200-page scientific document to support its findings. While EPA had the document reviewed by a dozen federal climate-change scientists, the agency did not publicly report the results of the review, the inspector general says.

The inspector general didn't evaluate the quality of the EPA's science. It only reviewed the process the agency used for developing it.

"EPA undertook a thorough and deliberate process in the development of this finding, including a careful review of the wide range of peer-reviewed science," the EPA said in a statement.

The impact of the inspector general's report on the agency's ability to develop new greenhouse-gas rules, or to enforce existing rules, is unclear.

Sen. James Inhofe (R., Okla.), a climate-change skeptic and the ranking Republican on the Senate's environment committee, is already calling for a congressional hearing to examine the findings.

The inspector general's report "confirms that the endangerment finding, the very foundation of President [Barack] Obama's job-destroying regulatory agenda, was rushed, biased and flawed," Mr. Inhofe said in a statement.

The inspector general notes that the National Research Council, one of the agencies that supplied the EPA with scientific data, recently said in a report that "a strong, credible body of scientific evidence shows that climate change is occurring, is caused largely by human activities, and poses significant risks for a broad range of human and natural systems."

Write to Tennille Tracy at [tennille.tracy@dowjones.com](mailto:tennille.tracy@dowjones.com)

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

09/28/2011 05:53 PM

To Betsaida Alcantara

cc Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Laura Vaught, Richard Windsor, Seth Oster, Stephanie Owens, Heidi Ellis

bcc

Subject Reuters: US watchdog: EPA missed steps on climate finding

apologies copied and pasted the headline incorrectly:

US watchdog: EPA missed steps on climate finding

Wed Sep 28, 2011 10:44pm BST

\* Report centers on EPA's 2009 endangerment finding

\* Inspector General does not question EPA CO2 rules

\* Republican: report was "rushed, biased, and flawed"

\* White House's OMB says EPA followed protocol (Rewrites lead, adds more EPA quotes, cost of report)

By Timothy Gardner

WASHINGTON, Sept 28 (Reuters) - The U.S. Environmental Protection Agency may not have met White House guidelines in laying the groundwork to regulate carbon emissions, a government watchdog said in a report that could fuel Republican efforts to block the agency's new rules on climate.

The EPA's Inspector General on Wednesday accused the agency of not following White House procedures in peer reviewing its so-called "endangerment finding" issued in 2009 that found greenhouse gas emissions were harming human health.

The watchdog said one of the 12 panelists who had reviewed the finding was an EPA employee, something that was not allowed for a so-called "highly influential scientific assessment."

In addition, it said some of the panel's findings were not released to the public, something that was also required.

But the EPA said it did not consider the finding to be classified as a "highly influential" document in part because it relied on information that had already been peer reviewed by the National Academy of Sciences.

The White House's Office of Management and Budget agreed with the EPA. "OMB -- the author of the guidance -- is confident that EPA reasonably interpreted the direction provided and is complying appropriately," Meg Reilly, a spokeswoman at the office said in an email.

Nevertheless, Republican Senator Jim Inhofe, the minority member of the Senate's environment panel who called for the report, said it showed the endangerment finding was inadequate and violated the agency's peer review procedures.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Inhofe said in a release about the report which cost nearly \$300,000. Inhofe, a longtime climate skeptic who is writing a book on global warming called "The Hoax," said he was calling for immediate hearings on the EPA issue.

The EPA said on Wednesday it would consider the inspector general's recommendations to revise its

Peer Review Handbook and establish requirements for assessing data.

But it was adamant the science it relied on, from the U.S. Climate Change Science Program, the National Research Council, and the U.N.'s Intergovernmental Panel on Climate Change, was sound.

#### SCIENCE NOT QUESTIONED

"The report importantly does not question or even address the science used or the conclusions reached -- by the EPA under this and the previous administration -- that greenhouse gas pollution pose a threat to the health and welfare of the American people," an EPA source said.

Senator Inhofe said that the EPA relied heavily on the U.N.'s climate science panel to make the finding, a claim rejected by EPA administrator Lisa Jackson who has pointed out it also relied on the National Academy of Sciences, the National Research Council and others.

The EPA issued its endangerment finding after the Supreme Court ruled in 2007 the agency could regulate the emissions under the Clean Air Act. The agency had to conclude the emissions were harmful before regulating them.

Since then the EPA has embarked on rules to reduce the emissions from sources including power plants, oil refineries and vehicles.

Last week the Republican-controlled House passed a bill to block the EPA rules, saying they would cost industry billions of dollars and kill jobs. But the measure faces an uphill battle in the Senate and President Barack Obama has vowed to veto it. [ID:nS1E78M1HT]

Environmentalists said the report did nothing to question the science.

"Nothing in this report questions the agency's ability to move forward with global warming emissions rules," said Francesca Grifo, the science integrity director at the Union of Concerned Scientists.

"The inspector general made it clear that EPA followed current guidelines for ensuring that it based its decision on robust scientific analysis."

(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)

Betsaida Alcantara [another updated story UPDATE Re...](#) 09/28/2011 05:52:08 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA  
Date: 09/28/2011 05:52 PM  
Subject: Reuters: EPA missed steps on climate finding

another updated story

## UPDATE Reuters: EPA missed steps on climate finding

10:44pm BST

- \* Report centers on EPA's 2009 endangerment finding
- \* Inspector General does not question EPA CO2 rules
- \* Republican: report was "rushed, biased, and flawed"
- \* White House's OMB says EPA followed protocol (Rewrites lead, adds more EPA quotes, cost of report)

By [Timothy Gardner](#)

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(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)

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

09/29/2011 08:36 AM

To Betsaida Alcantara

cc Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Laura Vaught, Richard Windsor, Seth Oster, Stephanie Owens, Heidi Ellis

bcc

Subject E&E News: Boxer, EPA strike back against IG report

Boxer, EPA strike back against IG report  
E&E News PM

A key senator said today that a new inspector general report questioning the review process that led to U.S. EPA's climate change regulations did nothing to shake their scientific foundation.

"The EPA Inspector General in no way questions the science underlying the endangerment finding," noted Sen. Barbara Boxer (D-Calif.), who heads the committee that oversees EPA.

"It is time to move on to protect the American people from the impacts of climate change, which we are already beginning to see," she added in a statement.

Boxer's Republican counterpart on the Environment and Public Works Committee, Sen. James Inhofe (R-Okla.), requested the IG report, which was released today and questioned the rigor of the review process that led to the 2009 finding that greenhouse gas emissions endanger public health.

Nothing in the report called into question the science of man-made climate change, and both EPA and the Office of Management and Budget say that EPA conducted sufficient review of the science, as well.

One EPA official expressed frustration that the report was garnering so much attention.

"This is a \$300,000 report about differing interpretations of bureaucratic minutia," the official said.

"It boils down to whether we followed OMB guidance and sufficiently peer review the most heavily scrutinized and peer-reviewed body of science in history -- OMB says yes, and it's their guidance, so we'll take their word for it."

But Inhofe, who famously called climate change "the greatest hoax ever perpetrated on the American public," has called for committee hearings to examine the IG report. Boxer's office did not respond to a request for comment on whether the committee would schedule a hearing on the matter.

Inhofe said earlier today that the report called into question the Obama administration's claims to be guided by science when crafting its air quality rules.

"One asks, what happened to Administrator [Lisa] Jackson's vows in 2009 that the Agency would commit to high standards of transparency because 'The success of our environmental efforts depends on earning and maintaining the trust of the public we serve,'" Inhofe said.

"Given what has come to light in this report, it appears that the Obama EPA cannot be trusted on the most consequential decision the agency has ever made," he said.

Rep. Darrell Issa (R-Calif.), who heads the House Oversight and Government Reform Committee, also promised "further review."

Issa said the IG report "validates what the Oversight and Government Reform Committee and others have said about regulations pushed through the Obama EPA: They are done quickly, in a sloppy fashion that seems more intent on forced outcomes than on following the fair and open rulemaking process established by Congress and without consideration for their job-killing implications."

Issa added a regulatory regime with as broad implications as the EPA carbon dioxide program "should not be undertaken in haste, without rigorous adherence to the peer review and rulemaking process, including a thorough cost benefit analysis."

The House passed legislation last week that would require EPA to consider the cost of air quality standards before setting them, though its prospects for passage in the Senate are less certain.

Environmentalists and scientists say that EPA in fact conducted adequate review of the science it relied on for the endangerment finding -- which had already been vetted by several other review boards -- and the fault lies with the IG's understanding of the scientific review process, not the quality of the evidence supporting climate change.

Reporter Emily Yehle contributed.  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 06:04 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Diane Thompson; Gina McCarthy; Laura Vaught; Richard Windsor; Seth Oster; Stephanie Owens; Heidi Ellis  
**Subject:** Media Matters: Conservative Media Join Inhofe's Anti-EPA Fishing Expedition

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Media Matters

1 hour and 59 minutes ago —

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We recommend that EPA (1) revise its *Peer Review Handbook* to accurately reflect OMB requirements for peer review of highly influential scientific assessments, (2) instruct program offices to state in proposed and final rules whether the action is supported by influential scientific information or a highly influential scientific assessment, and (3) revise its assessment factors guidance to establish minimum review and documentation requirements for assessing and accepting data from other organizations. EPA stated that its response to the final report will address our recommendations. [EPA Office of Inspector General report, [9/26/11](#)]

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As legal scholar Wendy Wagner of the University of Texas argued in a recent article entitled "The 'Bad Science' Fiction," there's little real evidence to support the notion that

government agencies churn out "junk science"-a frequent industry accusation-or that their existing peer review protocols are inadequate. So it's no surprise that scientific heavyweights like the American Public Health Association and American Association for the Advancement of Science announced their concerns over Graham's initial proposal, which would have required review of all "significant regulatory information," and an additionally laborious review process for data with "a possible impact of more than \$100 million in any year."

Most significantly, perhaps, the proposal would have blocked academic scientists from serving as reviewers if they had obtained or were seeking "substantial" research funding from the government agency in question-a condition likely to exclude leading academic experts in a field-yet showed little concern about the participation of industry scientists. Graham's office subsequently softened the proposal, and removed this most objectionable of requirements.

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Furthermore, concern about onerous and unnecessary intrusions into the regulatory process remain warranted. The process for vetting "highly influential scientific assessments" under the new peer review plan remains quite burdensome, requiring the preparation of a peer review report that must be made public and a written response from the agency.

Such procedures will only further ossify an already sluggish regulatory process. And as "peer review" critic Sidney A. Shapiro, of the Wake Forest University School of Law, has observed, these procedures are required even for "routine information" that is not "complex, controversial, or novel."

Such objections notwithstanding, in December of last year Graham's office finalized the peer review plan. Its provisions for "highly influential scientific assessments" took effect on June 16. The media hardly noticed. Below the radar, as always, expansion of the Data Quality Act continues apace. [*Boston Globe* , 8/28/05, via Nexis]

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bcc

Subject Greenwire: New IG Report Faults Process in EPA's Greenhouse Gas Assessments

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By EMILY YEHLER AND JEAN CHEMNICK of [Greenwire](#)

In a report with wide-reaching political implications, U.S. EPA's inspector general has found that the scientific assessment backing U.S. EPA's finding that greenhouse gases are dangerous did not go through sufficient peer review for a document of its importance.

The new report, released today, examines only federal requirements for EPA's "technical support document" and not the accuracy of the scientific studies included within it. But its conclusions have nevertheless reinvigorated GOP criticism of EPA's endangerment finding, which enabled the agency to regulate greenhouse gas emissions under the Clean Air Act.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Sen. James Inhofe (R-Okla.) said in a statement. "It calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the endangerment finding."

Inhofe, the top Republican on the Environment and Public Works Committee, called for "immediate hearings" on the issue, accusing EPA of circumventing its own rules that ensure impartiality. The committee's majority office did not immediately respond to a request for comment this morning.

According to the IG report, EPA failed to follow the Office of Management and Budget's peer review procedures for a "highly influential scientific assessment," which is defined as an assessment that could have an impact of more than \$500 million in one year and is "novel, controversial, or precedent setting."

In particular, the document was reviewed by a 12-member panel that included an EPA employee, violating rules on neutrality. EPA also did not make the review results public, as required, or certify whether it complied with internal or OMB requirements.

In a statement, IG Arthur Elkins Jr. emphasized that his office "did not test the validity of the scientific or technical information used to support the endangerment finding."

"While it may be debatable what impact, if any, this had on EPA's finding, it is clear that EPA did not follow all required steps for a highly influential scientific assessment," he said. "We also

noted that documentation of events and analyses could be improved."

But EPA and OMB officials say the document did not qualify as highly influential, since it merely compiled outside scientific assessments that had already undergone peer review. In their view, the assessment was a "reader-friendly" version of the underlying science.

IG auditors reject this stance; EPA, they write, "had to weigh the conclusions and information in those assessments in deciding which information to present."

"In our opinion, the [technical support document] met the definition of a scientific assessment in that it evaluated a body of scientific knowledge and synthesized multiple factual inputs," they wrote. "While we agree that the primary information EPA relied upon were scientific assessments, these assessments were voluminous and numerous."

Environmentalists and climate scientists said today that the IG had missed the point completely: that the technical support document was not a new scientific assessment with new findings deserving of extra layers of review, but a summary of the established scientific findings that have already been thoroughly vetted.

"The key difference here was that they didn't create new science," said Francesca Grifo, a scientist who heads the Scientific Integrity Program at the Union of Concerned Scientists. "And typically, when you call something a highly influential scientific assessment, you actually added some other data, or used grey literature, or did something that hadn't already been fully reviewed."

"And they didn't in this case. Everything they used had been multiply peer-reviewed," she added.

Grifo noted that OMB told the IG that EPA had used its guidance correctly when deciding how much review to conduct prior to issuing the endangerment finding. The IG report, which was requested by Inhofe, amounts to "\$300,000 that was spent on bureaucratic nonsense," she said.

"There is nothing in this report that would give any reason to think that another procedure would add value or find anything different," said David Doniger, policy director at the Natural Resources Defense Council's climate center.

Like Grifo, Doniger said that the "highly influential scientific assessments" in the case were actually the thousands of scientific reports and publications the TSD relied on, not the TSD itself. And those had all been thoroughly reviewed, he said, unlike many of the dissenting scholars that Inhofe relies on.

"I would ask what peer-review procedures Senator Inhofe uses before he posts things on his website," he said. "There's an absurdity here that deserves calling out."

Climate scientist Kevin Trenberth said the IG report made "a mountain out of a molehill."

"This has nothing to do with the science that justifies the endangerment finding and everything to do with politics," Trenberth said, adding that the IG's criticisms focused only on process and not the quality of science EPA is using. "There is nothing here that undermines the EPA's way forward."

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09/28/2011 05:52 PM

To Betsaida Alcantara  
cc Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Laura Vaught, Richard Windsor, Seth Oster, Stephanie Owens, Heidi Ellis  
bcc  
Subject Reuters: EPA missed steps on climate finding

another updated story

## **UPDATE Reuters: EPA missed steps on climate finding**

10:44pm BST

- \* Report centers on EPA's 2009 endangerment finding
- \* Inspector General does not question EPA CO2 rules
- \* Republican: report was "rushed, biased, and flawed"
- \* White House's OMB says EPA followed protocol (Rewrites lead, adds more EPA quotes, cost of report)

By [Timothy Gardner](#)

WASHINGTON, Sept 28 (Reuters) - The U.S. Environmental Protection Agency may not have met White House guidelines in laying the groundwork to regulate carbon emissions, a government watchdog said in a report that could fuel Republican efforts to block the agency's new rules on climate.

The EPA's Inspector General on Wednesday accused the agency of not following White House procedures in peer reviewing its so-called "endangerment finding" issued in 2009 that found greenhouse gas emissions were harming human health.

The watchdog said one of the 12 panelists who had reviewed the finding was an EPA employee, something that was not allowed for a so-called "highly influential scientific assessment."

In addition, it said some of the panel's findings were not released to the public, something that was also required.

But the EPA said it did not consider the finding to be classified as a "highly influential" document in part because it relied on information that had already been peer reviewed by the National Academy of Sciences.

The White House's Office of Management and Budget agreed with the EPA. "OMB -- the

author of the guidance -- is confident that EPA reasonably interpreted the direction provided and is complying appropriately," Meg Reilly, a spokeswoman at the office said in an email.

Nevertheless, Republican Senator Jim Inhofe, the minority member of the Senate's environment panel who called for the report, said it showed the endangerment finding was inadequate and violated the agency's peer review procedures.

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Inhofe said in a release about the report which cost nearly \$300,000. Inhofe, a longtime climate skeptic who is writing a book on global warming called "The Hoax," said he was calling for immediate hearings on the EPA issue.

The EPA said on Wednesday it would consider the inspector general's recommendations to revise its Peer Review Handbook and establish requirements for assessing data.

But it was adamant the science it relied on, from the U.S. Climate Change Science Program, the National Research Council, and the U.N.'s Intergovernmental Panel on Climate Change, was sound.

#### SCIENCE NOT QUESTIONED

"The report importantly does not question or even address the science used or the conclusions reached -- by the EPA under this and the previous administration -- that greenhouse gas pollution pose a threat to the health and welfare of the American people," an EPA source said.

Senator Inhofe said that the EPA relied heavily on the U.N.'s climate science panel to make the finding, a claim rejected by EPA administrator Lisa Jackson who has pointed out it also relied on the National Academy of Sciences, the National Research Council and others.

The EPA issued its endangerment finding after the Supreme Court ruled in 2007 the agency could regulate the emissions under the Clean Air Act. The agency had to conclude the emissions were harmful before regulating them.

Since then the EPA has embarked on rules to reduce the emissions from sources including power plants, oil refineries and vehicles.

Last week the Republican-controlled House passed a bill to block the EPA rules, saying they would cost industry billions of dollars and kill jobs. But the measure faces an uphill battle in the Senate and President Barack Obama has vowed to veto it. [ID:nS1E78M1HT]

Environmentalists said the report did nothing to question the science.

"Nothing in this report questions the agency's ability to move forward with global warming emissions rules," said Francesca Grifo, the science integrity director at the Union of Concerned Scientists.

"The inspector general made it clear that EPA followed current guidelines for ensuring that it based its decision on robust scientific analysis."

(Reporting by Timothy Gardner; Editing by David Gregorio and Bob Burgdorfer)



**Betsaida  
Alcantara/DC/USEPA/US**  
10/12/2011 01:32 PM

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cc Arvin Ganesan, Bob Perciasepe, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Dru Ealons, Gina McCarthy, Heidi Ellis, Janet Woodka, Laura Vaught, Richard Windsor, Seth Oster, Stephanie Owens  
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Subject Politico: Poll: EPA's cross-state and utility rules a hit with voters

More on this

## **Poll: EPA's cross-state and utility rules a hit with voters**

By Alex Guillen  
10/12/11 1:10 PM EDT

The vast majority of voters, including many Republicans, support the EPA's Cross-State Air Pollution Rule and the agency's utility MACT, according to bipartisan poll results released Wednesday.

The [poll](#) found that respondents support implementing CSAPR by 67 percent to 16 percent and the utility MACT by 77 percent to 9 percent.

The survey was commissioned by Ceres, a coalition of investors and environmental advocacy groups, and conducted by the Democratic polling firm Hart Research Associates and the Republican pollsters GS Strategy Group.

"There aren't that many issues these days that cross party lines quite like this one does," Geoff Garin of Hart Research said in a teleconference with reporters.

The measures enjoyed near-unanimous support from Democratic respondents and even got strong support from Republicans. For example, 63 percent of GOP respondents said they support the utility MACT, while just 20 percent oppose it. The cross-state air rule got support from a plurality of Republicans — 48 percent — versus the 30 percent who opposed it.

"As the Republican in the project, I feel it was my responsibility to poke holes in the arguments to see if they can withstand the public debate," Greg Strimple of the GS Strategy Group said.

But he couldn't find any. "Public support stands very firm on behalf of these new rules," he added.

Even when directly presented information about the potential costs of implementing the new rules — which industry and many Republicans have criticized as exorbitantly high — respondents had mixed reactions.

Fifty-eight percent said the argument that the rules may increase their utility bills is convincing. Further, 52 percent called it convincing that the rules would worsen unemployment and hurt the

economy.

Strimple said that while those numbers break into the majority, they don't pass his usual rule of thumb for declaring an argument highly effective.

"I always look for an argument to pass 60 percent or better to say, 'Wow, this is going to work for me.' And right now the best we could do was 58 percent," he said. "People understand this may increase rates in some areas, but they're still overwhelmingly in favor of it."

Strimple said congressional Republicans have oversimplified the issue by painting the EPA with a broad stroke.

"All of the EPA rules are getting kind of put together in one big bunch and I think the Republican view to stop the advance of government has created an inability to separate the good from the bad," he said. "I think it's a missed opportunity at this point more than it is a political liability."

Among the poll's other findings, 75 percent said the EPA, rather than Congress, should determine new standards. Even those who identified their feelings toward the EPA as negative preferred the agency over Congress 52 percent to 48 percent.

Also, the most important factor in support of the rules was public health, with 54 percent identifying that as their primary concern.

Betsaida Alcantara [The Hill: On EPA rules, let the publi...](#) 10/12/2011 12:18:06 PM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA  
Date: 10/12/2011 12:18 PM  
Subject: The Hill: On EPA rules, let the public clean the air

The Hill: On EPA rules, let the public clean the air  
By: Geoffrey Garin  
October 12, 2011

Every shred of public polling shows that the American voter is unhappy with Congress. However, an area that has historically been a clear point of partisanship is surprisingly bi-partisan according to a poll we released today. By a wide margin, voters of both political parties disagree with Congress' anti-Environmental Protection Agency (EPA) agenda and support the EPA's new rules to limit air pollution from coal-fired power plants.

The poll, conducted on behalf of Ceres from Aug. 31 to Sept. 7, gauged voters' feelings about two EPA clean air rules - the Cross State Air Pollution Rule (CSAPR) and the Mercury and Air Toxics Standards Rule (also known as the Utility MACT). The first rule will require significant reductions in harmful power plant emissions, mostly from coal-fired generators, that drift hundreds of miles downwind and across state lines. The second rule will require power plants to curb toxic emissions of mercury, lead, arsenic and acid gases by 2015. Many of the power plants impacted by these rules are more than 50 years old.

The numbers speak for themselves. Out of 1,400 voters we surveyed across the country, 67% of voters support the CSAPR and 77% of voters support the Toxics rule. Overwhelming, Americans think these rules will have a beneficial impact on health, and say that health should be the driving determinant on whether the rules go forward. A plurality says the rules will have a positive impact on jobs.

Surprisingly, our poll found that support for the EPA air pollution rules extends across the political spectrum. By three to one –75 percent– the public believes that the EPA, not Congress, should determine whether stricter limits are needed on air pollution from electric power plants. This is a view supported by members of all parties, with 85 percent of Democrats, 62 percent of Republicans, and 79 percent of Independents in agreement. Additionally, 88 percent of Democrats, 85 percent of Independents, and 58 percent of Republicans oppose Congressional efforts to stop the EPA from enacting these new limits on air pollution from electric power plants. Our research clearly demonstrates that Republican voters are willing to support new rules to reduce harmful emissions in order to improve public health. As it turns out, Republicans like clean air, too. While it's true many Republican voters are unhappy with the Administration's slew of new regulations, new pollution standards are the exception. The Republicans in Congress who have voted lockstep to block the Administration's new regulations should listen to voters and make an exception for these new air pollution standards.

A full 75 percent of voters believe a good reason to implement these rules is the boost they will provide to local economies and the thousands of new jobs that will be created from investments to meet the regulations. As a University of Massachusetts study for Ceres found earlier this year, voters are accurate in this assumption - that research found that 1.4 million new jobs would be created over the next five years through investments in pollution controls, new plant construction, and the retirement of older, less efficient coal plants as the country transitions to a cleaner, modernized generation fleet.

Additionally, you hear a lot of the "costs versus the benefits" argument surrounding EPA rules; we found that voters clearly see the value of the clean air rules. Sixty-five percent of voters surveyed are confident that the health and environmental benefits of air pollution standards outweigh the costs of complying with them, and 79 percent of voters agree that the rules are important to enact for health reasons. Rightly so, as power plant pollution is responsible for more than 53,000 premature deaths, 26,000 non-fatal heart attacks, and more than 520,000 asthma attacks each year.

In a time of extreme polarization in politics, it's refreshing and rare to see the public in agreement on something. Voters not only overwhelmingly support the EPA's clean air rules, but they also firmly believe that the EPA should be allowed to do its job without interference from Congress.

*Geoffrey Garin is the president of Hart Research Associates, one of the nation's leading survey research firms. Group, a nationally recognized public opinion research firm based in Boise, ID.*

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12/16/2011 04:58 PM

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cc Arvin Ganesan, Bob Perciasepe, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Laura Vaught, Richard Windsor, Seth Oster

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Subject Bloomberg: Coal Industry Drive Against EPA Will Shadow Obama's Campaign

interesting information below. also something of note at the end of the article: "In fact, Obama's re-election campaign is already taking credit for the regulation, saying on its website that, under Obama, the EPA "has set the first national standards for mercury emissions" from power plants."

## STORY

### Coal Industry Drive Against EPA Will Shadow Obama's Campaign

By Julie Bykowicz and Mark Drajem - Dec 16, 2011 12:01 AM ET  
Bloomberg

As President Barack Obama toured an International Brotherhood of Electrical Workers training center in Pennsylvania on Oct. 11, two television commercials made their debuts on local Pittsburgh stations. Both criticized the U.S. Environmental Protection Agency's pending regulations on reducing mercury emissions and accused the administration of backing a job-killing new rule. Both were sponsored by the American Coalition for Clean Coal Electricity.

They were among the first wave of commercials opposing the EPA aired by the coal industry in a multimillion-dollar lobbying effort that will shadow Obama's re-election campaign in 2012.

Two months later, Pittsburgh residents got a look at another commercial, this one embracing the new emission limits. It was sponsored by the American Lung Association, a long-standing charitable health organization, and underwritten in part by Chesapeake Energy Corp. (CHK), the most active U.S. oil and natural gas driller and a coal industry competitor.

"If the ads had listed Chesapeake as a sponsor, that would have raised obvious red flags," said Glenn Hansen, director of the Political Communication Center at the University of Oklahoma.

The lung association's partnership with the natural gas company has evened the field in what may be a protracted fight over the new EPA regulations. The rules are to be released as soon as today and could become a matter for Congress or the courts.

#### Millions Already Spent

The lung association has run about 2,000 commercials this year, at a cost of about \$2.6 million; the coal industry has aired about 2,500 commercials, spending an estimated \$3.8 million, according to data compiled by CMAG/Kantar Media, a New York based company that tracks political spending.

Charles Connor, the lung group's president, attended the unveiling of the mercury emissions proposal by EPA Administrator Lisa Jackson on March 16.

"That was the first tipoff we got that the lung association was going to be spokesman in chief for the EPA," said Scott Segal, an attorney at Washington-based Bracewell & Giuliani LLP, which represents energy companies. "You add it all up and it stinks."

The forthcoming regulations, which mandate a 90 percent reduction in mercury emissions, is estimated by the EPA to cost power plants \$11 billion in 2015, the year they take effect.

#### Court Order

The new regulation was ordered after a federal court threw out standards issued under the Bush administration. Under the EPA proposal, plants must install pollution controls to curb mercury, arsenic and acid gases that are released when coal is burned.

The EPA says the rule would save lives and create 9,000 more jobs than would be lost, as power plants invest billions of dollars to install pollution scrubbing systems or build cleaner natural gas plants. It estimates the regulation could prevent 17,000 premature deaths from toxic emissions.

The lung association's new ads, airing now in Washington, Boston, Philadelphia and other U.S. cities, show children wheezing and coughing against a backdrop of coal ash and coal-fired plants. One features

a red baby carriage in front of a smokestack and a mound of coal.

#### Commercials Feature Children

In another, a boy runs through what appears to be a snowfall toward a waiting school bus. He sticks his tongue out and catches a flake. It dissolves into a black spot, and he expels a gray cloud.

"Air pollution from other states is hurting our kids, especially those with asthma, and corporate polluters are trying to block EPA scientists from cleaning it up," a female narrator says.

"We're trying to convey what's at stake, and our kids' health is at stake," said Peter Iwanowicz, the association's Healthy Air Campaign director. "We think the image conveys that quite well. The emotional impact has stimulated people to get into the fight."

Oklahoma City-based Chesapeake donated to the effort to enable "communications campaigns that promote clean-air initiatives," Jim Gipson, a Chesapeake spokesman, said in an e-mail.

#### Existing Relationship

Financial ties between Chesapeake and the lung association date to at least 2010, when the natural gas company "generously funded" the Fighting for Air public-service campaign, according to the association's annual report.

The association and Chesapeake wouldn't disclose the amount of money the natural gas company invested in the public relations campaign. Chesapeake didn't influence the content of the ads or the public-service campaign, Gipson said.

Compared to the average air emissions from coal-fired generation, natural gas produces half as much carbon dioxide, less than a third as much nitrogen oxides and 1 percent as much sulfur oxides, according to the EPA. Mercury emissions from gas plants are "negligible," the EPA says on its website.

"Natural gas has already achieved significant market share gains in the electrical generation market at the expense of coal; largely on the basis of price, but also because of environmental issues," Aubrey McClendon, Chesapeake's chief executive officer, said during a Feb. 23 earnings call. "Certainly, the social and political acceptance of burning coal in the U.S. will become more challenging in the years ahead."

#### Market Shares

This year, coal accounted for 43 percent of electricity power generation, while natural gas was 24 percent, according to the U.S. Energy Information Administration.

The American Coalition for Clean Coal Electricity, which represents American Electric Power (AEP) Co., Southern Co. and coal producers such as Arch Coal Inc. (ACI), is dedicating its largest budget since the group was formed 15 years ago to blocking or mitigating EPA action, said Lisa Miller, a spokeswoman.

"They've got coal in their sights," Miller said. "There is a whole alphabet soup coming our way, and this is going to be a political issue going into next year."

A coal industry ad depicts a rodeo, with a nurse, a businessman and a construction worker struggling to stay atop bucking bulls.

"Today, too many Americans are just trying to hang on to their jobs," a male narrator says. "So why is the EPA in a rush to push regulations that would saddle Americans with higher energy costs and throw even more of us out of work? The EPA needs to slow down. Tell Congress to make sure they do."

Unlike an EPA proposal on ozone, which Obama scrapped in September, the mercury regulations could become a political winner, said Frank O'Donnell, president of Clean Air Watch in Washington.

"The opposition is nowhere near as broad nor as intense" as it was to the smog rules, O'Donnell said in an interview. "And the White House would like to keep health and environmental groups on its side."

In fact, Obama's re-election campaign is already taking credit for the regulation, saying on its website that, under Obama, the EPA "has set the first national standards for mercury emissions" from power plants.

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

12/16/2011 11:07 AM

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cc Arvin Ganesan, Bob Perciasepe, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Laura Vaught, Richard Windsor, Seth Oster

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Subject Politico: EPA's boiler MACT may escape noose

## **EPA's boiler MACT may escape noose**

By Erica Martinson

12/16/11 10:45 AM EST

Conference report language included in the omnibus bill agreed upon late Thursday night indicates that the House GOP might not succeed in using the payroll tax bill as a weapon to halt EPA's mercury emission standards for boilers.

“The conferees are encouraged by the outcome of EPA's reconsideration of the Boiler MACT rule and offer no directives regarding boiler MACT standards,” the conference report says. “The proposed rule addresses substantive concerns by including additional flexibility with respect to compliance costs and a biomass exemption.”

It is unclear yet whether the supporters of using the payroll tax bill to attack the boiler MACT have given up. But the kind words about EPA's revised rule don't seem to bode well for the legislative strategy.

The payroll tax bill's boiler language would delay for 15 months EPA's proposed boiler MACT rule, shift requirements to focus on the least costly option available and extend the compliance period.

But the updated rule the EPA [proposed](#) on Dec. 2 has limited some Senate opposition. The EPA has touted its renegotiated requirements as more affordable and practical than an earlier version: They take into account the variety of types of boilers, and the EPA peeled back some previously considered standards that the agency agreed were more onerous than effective.

And in October, EPA Administrator Lisa Jackson [sent a letter to 10 senators](#) agreeing to revise its final rules identifying the types of nonhazardous secondary materials that can be burned in boilers or solid waste incinerators. The decision was a win for senators who were concerned, in particular, about how the requirements could affect the pulp and paper industry and feared it could deter use of alternative fuels.

The rule clarifies that some biomass and other alternative fuels are to be treated as fuels rather than as waste. Those include agricultural and forest-based biomass, clean urban wood debris, sawdust and wood pellets and cellulosic biofuels.

Under the proposed rule, 86 percent of boilers are exempt from the rule, and 0.4 percent — or 5,500 of 1.3 million — will face strict new requirements. Those affected by EPA's boiler MACT

rule are largely manufacturers: chemical manufacturers, food processing plants and petroleum refineries.

But for those affected, the requirements could be quite costly, as some companies may have upward of 15 boilers and would be required to spend millions of dollars.

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12/16/2011 11:54 AM

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Subject Politico: Omnibus skips EPA riders

## **Omnibus skips EPA riders**

By Erica Martinson

12/16/11 11:43 AM EST

Despite an almost single-minded focus on the EPA by House Republicans this year, the omnibus spending [bill](#) doesn't include many environmental riders for the agency.

The House and Senate arrived at an agreement late Thursday night to avoid a government shutdown. It would cut a relatively modest \$219 million from the EPA's \$8.68 billion enacted fiscal year 2011 budget, bringing the agency in at \$8.46 billion.

House Republican leadership said Thursday that the EPA's "unparalleled" budget has led to regulatory overreach.

This year, House Republicans voted 191 times to "weaken environmental protections," including 27 votes blocking climate change action, 77 votes on the Clean Air Act, 28 on the Clean Water Act and 47 on public lands and coastal waters, according to a [report](#) released Thursday by Rep. Henry Waxman (D-Calif.). The EPA was the focus of 114 of these votes, the report says.

Yet almost none of the language to pull back EPA's mercury emissions rules, halt Clean Water Act expansion or dramatically overhaul the regulatory process made it into the omnibus spending bill.

The bill has some compromise language, but for the most part it did not hit on the more contentious EPA requirements.

A few riders would affect EPA programs:

One rider would keep the EPA from requiring states to permit storm water runoff from logging roads for the rest of the fiscal year, though the agency is not yet doing that. The language is aimed at a federal appeals court ruling; the Supreme Court is currently considering hearing the case.

And while delays of some EPA health assessments were taken out of the bill, conference report language would require EPA to consider some of an advisory board's concerns about its assessment for formaldehyde — a longtime issue for Sen. David Vitter (R-La.).

The bill continues provisions from previous years blocking the EPA from requiring permits for



emissions from livestock production and from requiring greenhouse gas reporting on manure management systems.

Senate Democrats did agree to language that would “change the responsibility for issuing air permits for the Outer Continental Shelf from the EPA to the Department of the Interior. All of the Clean Air Act and the Department of Interior’s requirements for permits would remain intact,” said the office of Norm Dicks (D-Wash.), ranking member of the House Appropriations Committee.

And one rider that made it on could be a harbinger of things to come: EPA, the Forest Service and the Interior Department must, within 60 days, provide the House and Senate appropriations committees with information on how much they spend on court settlements.

Some GOP members have regularly accused the EPA of encouraging environmentalists to sue, only to settle the cases out of court.

Though there were several regulatory riders attached to the last-minute funding bill, few of them were for EPA initiatives, and the concessions were extremely limited compared with earlier GOP efforts.

Dicks said in a statement Thursday night: “I am pleased that we were able to resolve the major disagreements that Democrats expressed regarding legislative provisions inserted by House Republicans into several of these bills. These contentious policy riders had no place in our annual appropriations bills, and it was encouraging that we were able to remove nearly all of them from the final version of this bill.”

Dicks released a long list of riders that were rejected from Appropriations late Thursday night.

Members went after greenhouse gas emissions requirements, seeking to block the EPA from regulating greenhouse gases through the Clean Air Act, from developing greenhouse gas standards for [automobiles](#) after model year 2016 and from disapproving air permitting plans in Texas, where the agency has begun implementing greenhouse gas permitting for new [power plants](#).

Other riders aimed to block mercury rules for [cement kilns](#) and regulation of particulate matter under the [Clean Air Act](#).

And House Republicans also sought to bar EPA regulation of coal ash as a [hazardous waste](#), add a slew of Endangered Species Act limitations and keep EPA’s Office of Surface Mining from regulating mountaintop removal mining by updating the stream buffer rule.

Republicans also sought to attach riders to alter the Clean Water Act, preventing EPA from creating or enforcing rules for cooling water intake structures at factories and power plants and blocking a planned expansion of the storm water discharge program. The agency would also have been prohibited from implementing strict new water quality standards in Florida — although EPA already [agreed](#) not to do that.

Other water act riders would have blocked Great Lakes funding if the states adopted strict ballast water standards and cut out statutory requirements for chemical companies and agriculture operations to get water permits for pesticides applications.

Democrats also fought back amendments that would have barred the U.S. Army Corps of Engineers from updating Clean Water Act regulatory guidance — a contentious issue on the scope of the law's regulatory authority, stemming from two confusing Supreme Court rulings.

And in an earlier outline of the House omnibus plan, appropriators claimed a surgical cut that would carve out \$4 million in funding for EPA's oversight of Appalachian mining permits.

But even before the final negotiations package was out, Natural Resources Defense Council senior attorney Jon Devine said the claim seemed dubious.

In a close examination of the bill, he could "find no provision that attacks EPA's implementation of the Clean Water Act with respect to mountaintop removal coal mining. There is nothing explicit on mountaintop removal, and even though the EPA funding is cut, I see no \$4 million item ... with respect to mountaintop removal." To that end, "we would still fully expect EPA to enforce the Clean Water Act and to closely scrutinize proposed mining projects and waste dumps," Devine said.

So is this the House conceding? Were the Republicans not serious about how necessary it is to stop environmental regulations from weighing on the economy? Is it proof that their regulatory agenda has no legs?

Or are they just up against a wall, where congressional approval ratings are so low that a shutdown would be an even bigger political disaster than failing to complete their stated agenda?

"We're pleased that the riders were dropped," NRDC Director of Government Affairs David Goldston said. He said the move is the result of a strong-handed approach from the president and Democratic leaders in both houses of Congress "against loading this up with riders."

The environmental community has long argued that "unrelated, unpopular measures ... shouldn't be slipped through in the last minute," Goldston said.

While he expects that the EPA-related measures will be back next year, "at some point they'll get the sense that this is not a winning way to do business," Goldston said.

Rep. Greg Walden (R-Ore.) said he wasn't upset by the loss of the EPA riders. "We control, on a good day, one-third of the process when we have our votes in the House lined up," he told POLITICO. "I think we came out of this in really good shape. There are no earmarks. There are some good policy changes. I think we got as much as we can get.

"You live to fight another day in this business," Walden added.

While many of the EPA riders were gone, Rep. Steve Scalise (R-La.) said there were many silver linings in the omnibus when it comes to overall funding that cut the EPA and the Energy Department, which saw \$180 million sliced out for loan guarantees. "We're not getting everything we want," he said in an interview. "But we're reducing spending and we're improving our ability to keep the pressure on to rein these agencies in."

But Scalise said language in the EPA spending bill could allow the House GOP to make more targeted cuts in the future on greenhouse gases.

"I do think there was language that was put in that requires them to identify every area in the federal government where they're spending money to do studies on greenhouse gases and global warming, because right now they've not been able to give us a list of areas where they are doing that," Scalise said.

The bill "requires the president to submit a report to the Committees on Appropriations no later than 120 days after submission of the fiscal year 2013 budget request describing Federal agency obligations and expenditures for climate change programs in fiscal year 2011," the Interior-EPA managers statement says.

Scalise said: "This requires them to do that. That'll give us real information to know where we need to go to eliminate that funding in the future. We didn't get everything we wanted but we got more than what's ever been obtained before."

*Darren Samuelson contributed to this report.*

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

12/16/2011 10:54 AM

To Betsaida Alcantara

cc Arvin Ganesan, Bob Perciasepe, Brendan Gilfillan, Diane Thompson, Gina McCarthy, Laura Vaught, Richard Windsor, Seth Oster

bcc

Subject Time blog: Clean Air At Last: The EPA Cracks Down on Coal Pollution

Clean Air At Last: The EPA Cracks Down on Coal Pollution

By BRYAN WALSH | | December 16, 2011 |

During his career as a running back for the Pittsburgh Steelers, Jerome Bettis made a habit of running over opponents—that's why they called him "the Bus." Now the Environmental Protection Agency (EPA) is hoping that Bettis can handle conservative lawmakers the way he used to brush aside opposing linebackers. Bettis was in Washington on Thursday to meet with EPA head Lisa Jackson and to film a public service announcement about the need for new rules that will limit emissions of mercury and other toxics from power plants. Bettis—who was diagnosed with asthma at age 15—told POLITICO that Jackson was grateful for his work:

"She wanted to thank me for the support that I'm lending to this issue. She said this is a very important issue, and it's going to meet some resistance."

Jackson's right. The mercury rule has been in the works for two decades, and year after year the power industry has managed to stave off implementation. But on Friday—under a court order—the EPA is expected to finally issue new regulations that will require power plants to reduce emissions of mercury and other toxics within the next three years. The utility industry is already fighting back, claiming that the rules will destroy jobs, raise electricity prices and even lead to blackouts—so Jackson knows she has a fight on her hands.

Mercury is a neurotoxin—one that's especially dangerous to children—and trace amounts of it can be found in some forms of coal, especially from the West. When that coal is burned, the mercury is released into the air, where it can attack us directly, or wind its way up the food chain, often through fish. (Concerns about mercury levels is one reason that pregnant women are often advised to avoid sushi and other seafood.) The EPA has been looking at regulating mercury since the Clean Air Amendments of 1990 were passed—with remarkably bipartisan support—but the agency dragged its feet, issuing its first study in 1998 and the first attempt at regulations under former President George W. Bush in 2005. But those rules were considered so lax that a federal court threw them out and ordered the agency to come up with something more stringent. Now—seven years later—the EPA is on the brink of doing just that.

The new rules are expected to be similar to draft regulations the EPA first announced early this year, and would require mercury reductions beginning in 2014, giving industry about three years to comply. (Although 2014 will be 24 years after the EPA was first directed to investigate the risks of mercury pollution.) Like any regulation, it will have benefits—and it will have costs too. The EPA says that the new rules could have public health benefits ranging from \$53 to \$140 billion, while imposing costs of \$11 billion. That means benefits to all of us—again, especially vulnerable children—for every \$5 to \$14 dollars industry is forced to spend cleaning up.

The power plant industry—with coal plants being hardest hit by the new rules—isn't happy, claiming that the new rules could cost far more than the EPA has predicted, with vast increases in energy and the potential for rolling blackouts. As Evan Tracey of the American Coalition for Clean Coal Electricity—a power industry trade group—said recently:

EPA's proposal would kick the economy when it's down. Utility MACT is the most expensive rule ever written for power plants and will make it even more difficult for families, businesses and industry to recover in these rough economic times. The EPA's heavy-handed Utility MACT rule must be fixed by the

President before our hope of economic recovery is dimmed further. If the President won't fix the rule, we hope Congress will step in and pass legislation that achieves environmental results without wrecking the economy.

Is that true? The EPA has tangled with the Federal Energy Regulatory Commission (FERC) over the impact that the new rules will have on electricity reliability, with some FERC staff worrying that the MACT rule will push too many coal plants into retirement, imperiling the utility service. That's an argument that coal-dominated utilities like American Electric and Southern Company have made as well, as they ask for more time to adjust to the new rules. But the power industry has known for years that these mercury regulations were on their way, and many utilities are on record saying they're already prepared. What no one can doubt is that cutting back on mercury will be a boon for public health—and will even help the climate by pushing out older, polluting coal plants. The Bus is right—it's time to do something about mercury.

Read more:

<http://ecocentric.blogs.time.com/2011/12/16/clean-air-at-last-the-epa-cracks-down-on-coal-pollution/#ixzz1gilWLErZ>

Betsaida Alcantara EPA set to impose tough mercury li... 12/16/2011 10:40:12 AM

From: Betsaida Alcantara/DC/USEPA/US  
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA  
Date: 12/16/2011 10:40 AM  
Subject: LA Times: EPA set to impose tough mercury limit at power plants

#### EPA set to impose tough mercury limit at power plants

The Environmental Protection Agency is expected to approve a stringent cap on emissions of mercury and scores of other toxic substances from power plants, sources say. Utilities are expected to push back. By Neela Banerjee, Washington Bureau

8:21 PM PST, December 15, 2011

Reporting from Washington

The Environmental Protection Agency is expected Friday to approve a tough new rule to limit emissions of mercury, arsenic and other toxic substances from the country's power plants, according to people with knowledge of the new standard.

Though mercury is a known neurotoxin that can be profoundly harmful to children and pregnant women, the air pollution rule has been more than 20 years in the making, repeatedly stymied because of objections from coal-burning utilities about the cost of installing pollution-control equipment.

The new regulation is not expected to differ markedly in its rigorous emissions targets and timetable from a draft rule proposed by the EPA in March, said people who were briefed in broad terms about it. Scheduled to be formally announced Monday, the rule follows on the heels of several Obama administration decisions to shelve environmental standards to mollify a sharply critical business community, including a high-profile decision this summer to halt new standards to cut smog.

Some analysts cautioned that the rule still could be delayed if it got caught up in the political horse-trading in Washington to pass spending legislation. Still, if it lands as expected, the long-awaited rule governing toxic substances is sure to rile powerful utilities and their congressional allies who have doggedly lobbied the administration over the last few weeks to weaken or delay the standards.

"Clean air will be the biggest environmental accomplishment of the Obama administration, and the forthcoming mercury rule will be the crowning achievement of an already strong clean-air resume," said John Walke, director of the Natural Resources Defense Council's Clean Air Program.

Scott Segal, director of the Electric Reliability Coordinating Council, an industry lobbying group, said the sweeping implications of the new rule mean that utilities would not accept them easily.

"In the history of the Clean Air Act, there has never been a greater intervention into the power sector than with this regulation," Segal said. "So it stands to reason that we will likely see a substantial amount of litigation around this."

The EPA and the administration declined to comment on the pending rule.

The fight to dilute the new regulation has centered on the amount of mercury that can be emitted and the timetable to install pollution control equipment. In its draft rule, the EPA determined that the industry standard should be 1.2 pounds of mercury per million BTUs of energy produced. Industry wants 1.4 pounds. But the EPA arrived at its figure based on a formula set out under the Clean Air Act, and analysts said the agency therefore cannot deviate from it.

The act would give companies three years to clean up their emissions of mercury and about 70 other toxic substances, and utilities could appeal for at least one more year as they install the necessary equipment. Much of industry has argued that the timetable is too tight and could lead to rolling blackouts. One group, the American Public Power Assn., told the White House that its members needed more than seven years to comply with the mercury rule.

Over the last few weeks, however, the timetable argument has been undermined by dissension within industry. Most notably, Ralph Izzo, chairman of the Newark, N.J.-based utility Public Service Enterprise Group, wrote a letter to the Wall Street Journal in which he said that companies have known for decades that the mercury rule would take effect and some, like his, have already installed the needed equipment at their coal-fired plants.

"EPA's proposed clean-air rules will have a modest impact on plant retirements," Izzo wrote in his rebuttal to a story in the newspaper. "Regulations are not the death knell you would have everyone believe, but provide a clear path for responsible coal generation. Action is long overdue."

About a dozen states have already approved rules to cut mercury and other toxic substances. Industry has argued that the health benefits of reducing mercury through a federal standard are overstated.

But Walke of the Natural Resources Defense Council said the estimated public health effects had played a considerable role so far in getting the administration to stick to the standards it proposed in March. People get exposed to mercury mainly by eating contaminated fish. Mercury exposure damages the developing brains of fetuses and children.

The EPA estimates that by 2016, the proposed rules could avert between 6,800 to 17,000 premature deaths annually, a greater benefit than most other federal health and environmental rules are estimated to achieve.

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

11/09/2010 05:03 PM

To Betsaida Alcantara

cc Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Cynthia Giles-AA, Diane Thompson, Mathy Stanislaus, Paul Anastas, Peter Silva, Richard Windsor, Seth Oster

bcc

Subject LA Times: EPA subpoenas Halliburton over natural gas extraction method

## LA TIMES BLOG:

EPA subpoenas Halliburton over natural gas extraction method

November 9, 2010 | 1:17 pm PST

The Environmental Protection Agency issued a subpoena to compel Halliburton Co., the nation's largest oil field services company, to provide complete information on hydraulic fracturing, a controversial method the company pioneered to extract natural gas by injecting fluids into tight rock formations deep underground.

Halliburton remained the only company of nine that did not fully comply with a September request to provide the information voluntarily, according to EPA. The others either complied or "made unconditional commitments" to provide the information expeditiously, the EPA said.

"As a result, and as part of the agency's effort to move forward as quickly as possible, today EPA issued a subpoena to the company requiring submission of the requested information that has yet to be provided," a statement from the agency said.

The EPA is under a congressional mandate to study potential adverse effects on drinking water and public health posed by hydraulic fracturing, which has been used extensively in the west and is part of plans to develop shale gas fields in Colorado, Pennsylvania, Texas, Louisiana and other states.

"The agency is under a tight deadline to provide initial results by the end of 2012 and the thoroughness of the study depends on timely access to detailed information about the methods used for fracturing," the EPA said.

The agency is seeking information on the chemical ingredients of fluids used in the process, as well as data on the effects of the chemicals on human health and the environment, standard operating procedures at hydraulic fracturing sites and the locations of sites where fracturing has been conducted.

A Halliburton spokeswoman said the company had already turned over 5,000 pages to the EPA and was "disappointed" with the EPA's decision, but was working with the agency to narrow the scope of its request:

"Halliburton has been working in good faith in an effort to respond to EPA's September 2010 request for information on our hydraulic fracturing operations over a five-year period. Because the agency's request was so broad, potentially requiring the company to prepare approximately 50,000 spreadsheets, we have met with the agency and had several additional discussions with EPA personnel in order to help narrow the focus of their unreasonable demands so that we could provide the agency what it needs to complete its study of hydraulic fracturing. We have turned over nearly 5,000 pages of documents as recently as last Friday, Nov. 5, 2010. We are disappointed by the EPA's decision today. Halliburton welcomes any federal court's examination of our good faith efforts with the EPA to date."

Halliburton has attracted ample scrutiny over the years over hydraulic fracturing and contracts in Iraq, particularly during the tenure of Vice President Dick Cheney, who led the company from

1995 to 2000, and had a leading role in formulating the Bush administration's energy policy. A Times investigation revealed that as vice president, Cheney's office helped back hydraulic fracturing as part of the Bush Administration's energy policy. An EPA report that concluded there was no danger to drinking water from hydraulic fracturing in coal-bed methane deposits in Wyoming was criticized as flawed by agency staffers, prompting an ongoing investigation by the EPA inspector general's office. The Bush administration worked to keep the practice from being regulated under the federal Clean Water Act.

From the Times article:

The ingredients used in fracturing vary with the job and the terrain. Most of them are as benign as food additives, but they can include toxic chemicals. In every case, the fluid includes water and a "propping agent" -- usually fine sand or ceramics mixed with a chemical gel -- that is pumped into the cracks to keep them open. A second chemical mixture liquefies the gel so that much of the injected water and chemicals can be removed before the gas is extracted.

But some of the fluid remains in the ground, a cause for concern in heavily drilled areas.

Energy companies say there is not a single proven case that fracturing fluids caused contamination.

Greater attention has been paid recently to fracturing in 34 states after the airing by HBO of a documentary, "Gasland," chronicling allegations that the practice has contaminated drinking water in several areas.

About 28,000 wells are "fractured" every year. Backers of the method note that it can increase the yield from such wells by as much as a third.

President Obama has noted that development of the nation's "terrific natural gas resources" is among the elements that could become part of negotiations with a Republican-dominated House of Representatives over energy policy. The Marcellus shale formation that underlies New York, Pennsylvania, Ohio, West Virginia and Virginia has been referred to as "The Saudi Arabia of natural gas."

"We've got, I think, broad agreement that we've got terrific natural gas resources in this country," Obama said during a press conference after last week's Republican victories in the congressional elections. "Are we doing everything we can to develop those? ..."



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

12/09/2011 09:01 AM

To Betsaida Alcantara

cc Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Jim Martin, Paul Anastas, Richard Windsor, Seth Oster

bcc

Subject Politico: Does EPA's Wyoming study blow a hole in fracking's safety record?

Governor and encana are quoted here..

Does EPA's Wyoming study blow a hole in fracking's safety record?

By Talia Buford  
12/9/11 5:36 AM EST

A draft EPA report<<http://www.epa.gov/region8/superfund/wy/pavillion/index.html>> released Thursday may finally offer the ammunition that environmentalists need to torpedo the natural gas industry's oft-repeated statement that hydraulic fracturing has never contaminated underground drinking water.

That assertion – repeated everywhere from the Hill to industry reports and speeches – had already suffered a blow this summer with the discovery<<https://www.politicopro.com/story/energy/?id=5077>> of a 1987 EPA report tying hydraulic fracturing to a tainted drinking-water well in West Virginia.

Now Thursday's EPA report points to evidence of fracking contamination of groundwater in Pavillion, Wyo.

"This definitely puts to sleep the idea that fracking is completely safe and there's nothing to worry about," said Amy Mall, a senior analyst for the Natural Resources Defense Council. "But more than that, it opens up a model for scientific inquiries so we can actually get a better understanding of what the risks are and how we can prevent them."

Dusty Horwitt, senior public lands analyst for the Environmental Working Group, said the new report "feels like a case of déjà vu."

"Almost a quarter-century ago, EPA concluded that hydraulic fracturing can contaminate groundwater," Horwitt said. "The new finding points to the need for broader testing to determine how fracking endangers groundwater and what steps can be taken to prevent toxic pollution by gas drilling."

Still, the EPA report contains a number of caveats. And agency officials said the results apply only to Pavillion – and should not be extrapolated to other regions of the country where hydraulic fracturing is occurring under different circumstances.

Industry representatives were quick to point out the uncertainties.

"I think we certainly first of all believe it's not a conclusion," said Douglas Hock, spokesman for Encana Corp., the Canadian company that drilled the gas wells in Pavillion. "What they've come out with here is a probability, and we'd say it's a very poor one based on the facts."

The report uses words such as "likely," "may" and "possible" when linking fracking to the contamination, industry representatives pointed out. Another issue, said Chris Tucker, spokesman for the industry publication Energy In Depth, is that the EPA monitoring wells were drilled into a natural gas reservoir and don't indicate conditions in the wells from which people actually drink.

"Unfortunately, in the funhouse mirror world of anti-fracturing advocacy, some will attempt to use this as a

justification to shut down an entire industry, even if the issues out there have nothing to do with it," Tucker said.

The EPA tested two deep water monitoring wells, as well as sampled water in Pavillion drinking water wells. The draft report found <https://www.politicopro.com/story/energy/?id=7832> that groundwater in the community had traces of compounds associated with fracking chemicals.

The EPA report said the evidence "best supports an explanation that inorganic and organic constituents associated with hydraulic fracturing have contaminated ground water at and below the depth used for domestic water supply." But it said further investigation is needed to tell whether fracturing chemicals actually wound up in people's water wells.

Also bolstering industry argument are previous statements from EPA that no documented cases had shown drinking water contamination caused by fracking.

EPA Administrator Lisa Jackson raised the possibility of contamination by fracking for the first time [http://trib.com/news/state-and-regional/epa-chief-wyoming-water-well-results-of-concern/article\\_0aacd635-c62a-5eae-9f79-e6ae14eb1906.html](http://trib.com/news/state-and-regional/epa-chief-wyoming-water-well-results-of-concern/article_0aacd635-c62a-5eae-9f79-e6ae14eb1906.html) last month, in response to the results from the Wyoming wells, which were released to the public at that time.

"They've got a lot of disparate facts that don't add up," said Hock of Encana. "No, we don't think this indicates there's a problem with hydraulic fracturing. This is a naturally poor aquifer ... it's been poor and it was poor before we ever arrived on the scene. The natural gas components they found in these monitoring wells were put there by nature and not by Encana."

Wyoming Gov. Matt Mead also said the results' widespread impact should be tempered until more data are collected.

"We believe that the draft study could have a critical impact on the energy industry and on the country, so it is imperative that we not make conclusions based on only four data points," Mead said. "Those familiar with the scientific method recognize that it would not be appropriate to make a judgment without verifying all of the testing that has been done."

That uncertainty, industry officials said, points to the need for more information.

"Environmental protection is critical to our industry," said Kathryn Klaber, president of the Marcellus Shale Coalition. "And we are confident that as the critical peer-review process moves forward, scientists and engineers on the ground in Wyoming will be able to secure more facts. However, it is entirely too early in this process, given the lack of peer-reviewed data, to arrive at any kind of absolute conclusions."

The EPA report likewise calls for more information, as well the implementation of recent recommendations from an Energy Department advisory panel for greater data collection on hydraulic fracturing operations and more public disclosure of the chemicals used. "Implementation of these recommendations would decrease the likelihood of impact to ground water and increase public confidence in the technology," the EPA report said.

The NRDC's Mall said she doesn't expect the industry to stop making its arguments that fracking has a proven safety record.

"The industry will bring it up, but the fact is nobody believes them," Mall said. "They can say that all they want and fewer people believe that every day. They're not gaining any supporters by using that line. They're losing them."

The EPA report will be open for public comment for 45 days, and will also undergo a 30-day peer-review process by independent scientists.

Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 12/08/2011 06:05 PM EST  
**To:** Betsaida Alcantara  
**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster  
**Subject:** Reuters and Bloomberg stories

Reuters: EPA says fracking likely polluted Wyoming water

By: Timothy Gardner

12/8/11

Reuters: EPA says fracking likely polluted Wyoming water

WASHINGTON, Dec 8 (Reuters) - Fluids from a company employing a drilling technique known as "fracking" likely polluted an aquifer in Wyoming, the U.S. Environmental Protection Agency said in a draft report that countered industry claims the technique has never led to water contamination.

The EPA said "the best explanation" for the pollution seen in the deep monitoring wells in Pavillion, Wyoming, is a release of hydraulic fracturing, or fracking, fluids into the aquifer above the production zone. The pollution includes benzene, alcohols and glycols, the report said.

EnCana Corp (ECA.TO: Quote), an energy company that owns the field did not immediately comment on the report, saying it had only just seen it.

In fracking, energy drillers blast large amounts of water, chemicals and sand deep underground to crack rock and release natural gas and oil. The technique has been around for decades but recent improvements have led energy companies to promote the technique as a way of greatly reducing the country's oil and gas imports.

Industry groups have said in the decades that fracking has been developed it has never polluted water supplies, because the drilling occurs far below the water sources.

Environmentalists worry the process will pollute water with dangerous chemicals and air with emissions from fracking sites.

The EPA is issuing the draft report to seek peer review of the research. (Additional reporting by Edward McAllister in New York; editing by Bob Burgdorfer and Marguerita Choy)

Bloomberg: Gas-Fracking Chemicals Detected in Wyoming Aquifer, EPA Says

By: Jim Efstathiou Jr.

12/8/11

Dec. 8 (Bloomberg) -- The U.S. Environmental Protection Agency said for the first time it found chemicals used in extracting natural gas through hydraulic fracturing in a drinking-water aquifer in west-central Wyoming.

Samples taken from two deep water-monitoring wells near a gas field in Pavillion, Wyoming, showed synthetic chemicals such as glycols and alcohols "consistent with gas production and hydraulic-fracturing fluids," the agency said today in an e-mailed statement.

The U.S. gets about one-third of its gas from fracturing, or fracking, in which millions of gallons of chemically treated water and sand are forced underground to break rock and let gas flow. Industry representatives such as Aubrey McClendon, chairman and chief executive officer of Chesapeake Energy Corp., the most active U.S. oil and natural-gas driller among well operators, have said there haven't been proven cases of fracking fluids contaminating drinking water.

"There have been some issues" with wells, McClendon said April 8 at the Society of American Business Editors and Writers conference at Southern Methodist University in Dallas. "They don't come from fracking."

Following complaints from residents of Pavillion, about 230 miles (370 kilometers) northeast of Salt Lake City, the EPA began investigating private drinking water wells about three years ago. Calgary-based Encana Corp., Canada's largest natural-gas producer, is the primary gas operator in the area.

Carol Howes, a spokeswoman for Encana, had no immediate comment.

Deep Monitoring

In 2010, the U.S. Department of Health and Human Services recommended that Pavillion residents use alternate sources of water for drinking and cooking. While testing detected petroleum hydrocarbons in wells and in groundwater, the agency at the time said it couldn't pinpoint the source of the contamination. The EPA dug two deep monitoring wells into the aquifer and found "compounds likely associated with gas-production practices, including hydraulic fracturing," according to today's statement. Levels of the chemicals in the deep wells are "well above" acceptable standards under the Safe Drinking Water Act, the agency said.

"Given the area's complex geology and the proximity of drinking water wells to ground water contamination, EPA is concerned about the movement of contaminants within the aquifer and the safety of drinking-water wells over time," the agency said.

Today's draft findings are specific to Pavillion, where fracking is occurring "in and below the drinking-water aquifer" and close to water wells, the agency said. The findings will be submitted to an independent scientific review panel.

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 12/08/2011 05:52 PM EST

**To:** Betsaida Alcantara

**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster

**Subject:** Msnbc.com: EPA: 'Fracking' likely polluted town's water

EPA: 'Fracking' likely polluted town's water

Pavillion Area Concerned Citizens

Pavillion Area Concerned Citizens released this photo saying it shows a hydraulic fracturing drill site in the Pavillion/Muddy Ridge gas field. The group said it was taken from the porch of its chairman, John Fenton. By msnbc.com staff and news services

A controversial method of drilling for oil and natural gas appears to be the cause of groundwater pollution in a central Wyoming town, the U.S. Environmental Protection Agency said Thursday.

The EPA last month said it had found compounds associated with chemicals used in the drilling process known as hydraulic fracturing, or fracking, in the groundwater beneath Pavillion. Many residents say their well water has reeked of chemicals since the drilling began there and first complained to the EPA in 2008. But until Thursday, the EPA said it could not speculate on where the contaminants came from.

In the draft report (.pdf) released Thursday<

[http://www.epa.gov/region8/superfund/wy/pavillion/EPA\\_ReportOnPavillion\\_Dec-8-2011.pdf](http://www.epa.gov/region8/superfund/wy/pavillion/EPA_ReportOnPavillion_Dec-8-2011.pdf)>, the EPA said that "the explanation best fitting the data ... is that constituents associated with hydraulic fracturing have been released into the Wind River drinking water aquifer."

Health officials had earlier advised residents not to drink their water after the EPA said it had found benzene <<http://www.epa.gov/region8/superfund/wy/pavillion/index.html>> and other hydrocarbons in wells it tested.

The process pumps pressurized water, sand and chemicals underground to open fissures in the rock shale and improve the flow of oil or gas.

The EPA emphasized that the findings are specific to the Pavillion area, noting that the specific type of fracking used there differed from fracking methods used elsewhere in regions with different geological characteristics.

The fracking occurred below the level of the drinking water aquifer and close to water wells, the EPA said. Elsewhere, drilling is more remote and fracking occurs much deeper than the level of groundwater that anybody would use.

The EPA is separately working on a national study of fracking.

Doug Hock, a spokesman for EnCana Corp., which owns rights to the Pavillion-area field, slammed the draft report. "The synthetic chemicals could just have easily come from contamination when the EPA did their sampling, or from how they constructed their monitoring wells."

Pavillion residents who organized to seek the tests welcomed the report.

"We are grateful to the EPA for listening to our concerns and acting on them," said John Fenton, chair of Pavillion Area Concerned Citizens.

Pavillion Area Concerned Citizens

Pavillion Area Concerned Citizens provided this photo of the home of John and Katherine Fenton. It said

the haze was from fracking fluids vaporized in the drilling process and that it lasted for about 10 minutes. Similar releases happened a dozen times over 3 days, it added.

"This investigation proves the importance of having a federal agency that can protect people and the environment," added Fenton, whose home is across from one drill site. "We hope that answers to our on-going health problems and other impacts can now be addressed and that the responsible parties will finally be required to remediate the damages."

The industry contends that fracking is safe and its supporters were quick to blast the EPA.

"EPA's conclusions are not based on sound science but rather on political science," Sen. James Inhofe, R-Okla, said in a statement<

[http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord\\_id=1e3f7689-802a-23ad-483b-b50728332529](http://epw.senate.gov/public/index.cfm?FuseAction=Minority.PressReleases&ContentRecord_id=1e3f7689-802a-23ad-483b-b50728332529)>. "Its findings are premature, given that the agency has not gone through the necessary peer-review process, and there are still serious outstanding questions regarding EPA's data and methodology."

This announcement is part of President Obama's war on fossil fuels and his determination to shut down natural gas production," added Inhofe, the senior Republican on the Senate Committee on Environment and Public Works.

Fracking has opened up areas that were previously considered too costly to drill. The most promising include the Marcellus Shale formation in the Northeast.

Development of the new shale deposits over the last few years has provided the United States with a century's worth of natural gas supply.

Pa. town near fracking fights to get bottled water back<

[http://usnews.msnbc.msn.com/\\_news/2011/12/05/9225542-showdown-this-week-over-fracking-for-natural-gas](http://usnews.msnbc.msn.com/_news/2011/12/05/9225542-showdown-this-week-over-fracking-for-natural-gas)>

In Pennsylvania, production from the Marcellus has led to an energy boom that New York Gov. Andrew Cuomo is keen to replicate by lifting an existing moratorium on using the fracking process.

But hearings on that proposal have been contentious.

At the last hearing last month, protesters gathered in downtown Manhattan to express concern about the safety of water supplies, holding signs saying "Governor Cuomo, don't frack it up" and "Don't frack with New York."

"We have to be literally insane to contemplate fracking," state Sen. Tony Avella told reporters outside the hearings. "Wake up Governor Cuomo, this is not going to provide jobs or revenue, but what it will do is poison the water supply for 17 million New Yorkers."

This article includes reporting by msnbc.com's Miguel Llanos, The Associated Press and Reuters.

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 12/08/2011 04:21 PM EST

**To:** Betsaida Alcantara

**Cc:** Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Daniel Kanninen; Diane Thompson; Jim Martin; Paul Anastas; Richard Windsor; Seth Oster

**Subject:** Updated AP story: AP: EPA theorizes fracking-pollution link updated AP story. best we could get.

**AP:** EPA theorizes fracking-pollution link

By: Mead Gruver

12/8/11

CHEYENNE, Wyo. (AP) – The U.S. Environmental Protection Agency announced Thursday for the first time that fracking – a controversial method of improving the productivity of oil and gas wells – may be to blame for causing groundwater pollution.

The draft finding could have significant implications while states try to determine how to regulate the process. Environmentalists characterized the report as a significant development though it met immediate criticism from the oil and gas industry and a U.S. senator.

The practice is called hydraulic fracturing and involves pumping pressurized water, sand and chemicals underground to open fissures and improve the flow of oil or gas to the surface.

The EPA's found that compounds likely associated with fracking chemicals had been detected in the groundwater beneath Pavillion, a small community in central Wyoming where residents say their well water reeks of chemicals. Health officials last year advised them not to drink their water after the EPA found low levels hydrocarbons in their wells.

The EPA announcement could add to the controversy over fracking, which has played a large role in opening up many gas reserves, including the Marcellus Shale in the eastern U.S. in recent years.

The industry has long contended that fracking is safe, but environmentalists and some residents who live near drilling sites say it has poisoned groundwater.

The EPA said its announcement is the first step in a process of opening up its findings for review by the public and other scientists.

"EPA's highest priority remains ensuring that Pavillion residents have access to safe drinking water," said Jim Martin, EPA regional administrator in Denver. "We look forward to having these findings in the draft report informed by a transparent and public review process."

The EPA also emphasized that the findings are specific to the Pavillion area. The agency said the fracking that occurred in Pavillion differed from fracking methods used elsewhere in regions with different geological characteristics.

The fracking occurred below the level of the drinking water aquifer and close to water wells, the EPA said. Elsewhere, drilling is more remote and fracking occurs much deeper than the level of groundwater that would normally be used.

Environmentalists welcomed the news of the EPA report, calling it an important turning point in the fracking debate.

"This is an important first indication there are potential problems with fracking that can impact domestic water wells. It's I think a clarion call to industry to make sure they take a great deal of care in their drilling practices," said Steve Jones with the Wyoming Outdoor Council.

Pavillion resident John Fenton, chairman of the group Pavillion Area Concerned Citizens, applauded the EPA for listening to the homeowners with contaminated water.

"Those of us who suffer the impacts from the unchecked development in our community are extremely happy the contamination source is being identified," Fenton said.

Calgary, Alberta-based Encana owns the Pavillion gas field. An announced \$45 million sale to Midland, Texas-based Legacy Reserves fell through last month amid what Encana said were Legacy's concerns about the EPA investigation.

Encana spokesman Doug Hock said there was much to question about the draft study.

The compounds EPA said could be associated with fracking, he said, could have had other origins not related to gas development.

"Those could just have likely been brought about by contamination in their sampling process or construction of their well," Hock said.

The low levels of hydrocarbons found in local water wells likewise haven't been linked to gas development and substances such as methane itself are naturally occurring in the area.

"There are still a lot of questions that need to be answered. This is a probability and it is one we believe is incorrect," Hock said.

Sen. James Inhofe said the study was "not based on sound science but rather on political science."

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

12/09/2011 09:29 AM

To Betsaida Alcantara

cc Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Jim Martin, Paul Anastas, Richard Windsor, Seth Oster

bcc

Subject The New York Times: E.P.A. Links Tainted Water in Wyoming to Hydraulic Fracturing for Natural Gas

this one also made into the print version.. A19

December 8, 2011

E.P.A. Links Tainted Water in Wyoming to Hydraulic Fracturing for Natural Gas

By KIRK JOHNSON

DENVER – Chemicals used to hydraulically fracture rocks in drilling for natural gas in a remote valley in central Wyoming are the likely cause of contaminated local water supplies, federal regulators said Thursday.

The draft report, after a three-year study by the Environmental Protection Agency, represents a new scientific and political skirmish line over whether fracking, as it is more commonly known, poses a threat in the dozens of places around the nation where it is now being used to extract previously unreachable energy resources locked within rock.

The study, which was prompted by complaints from local residents about the smell and taste of their water, stressed that local conditions were unusual at the site, called the Pavillion field, in that the gas wells were far shallower than in many other drilling areas around the country. The shallow depth means that natural gas itself can seep upward naturally through the rock, and perhaps into aquifers.

But the suite of chemicals found in two test wells drilled at the site, the report said, could not be explained entirely by natural processes. The agency's analysis of samples taken from deep monitoring wells in the aquifer indicated the presence of synthetic chemicals, like glycols and alcohols consistent with gas production and hydraulic fracturing fluids, benzene concentrations well above standards in the Federal Safe Drinking Water Act standards, and high methane levels.

Also complicating the inquiry is the Pavillion field's long history. The oldest wells there were drilled 40 years ago or more, and chemicals that might have been used were not required to be listed or reported to anyone.

The energy industry has long stressed that fracking and water contamination have never been definitively linked.

"When considered together with other lines of evidence, the data indicates likely impact to ground water that can be explained by hydraulic fracturing," the draft study said. And perhaps just as crucially, the evidence also suggested that seepage of natural gas itself had increased around the drilling sites. Natural gas is often mixed with other elements, including methane, which can taint water supplies.

"Data suggest that enhanced migration of gas has occurred within ground water at depths used for domestic water supply," said the draft study, which will now be sent for scientific peer review and public comment.

A spokesman for Encana Oil & Gas (USA), which bought the Pavillion field in 2004 and drilled some of the approximately 169 wells there, said the E.P.A.'s science was inconclusive. Encana's parent company is based in Calgary.

"What we have here is not a conclusion, but a probability – and based on the facts, not a good probability," said Doug Hock, the company's spokesman. He said that enhanced migration of gas as a

result of drilling was unlikely in the Pavillion field, since drilling had reduced pressure in the underlying rock, thus reducing forces that can lead to gas seepage. And finding methane and benzene in two deep test wells drilled for the study, he said, is what you would expect in a gas-rich zone.

"Encana didn't put those there, nature did," he said.

The governor of Wyoming, Matt Mead, also said in a statement that the E.P.A.'s conclusions were "scientifically questionable" and not based on enough data. Mr. Mead, a Republican, called for more testing by the E.P.A., in conjunction with a state group of residents, state and federal agencies, and Indian tribes already at work looking into questions about Pavillion's water supply.

Wyoming, which is dependent on oil and gas drilling, along with coal mining, as anchors of its economy, will also be among the peer reviewers of the E.P.A.'s draft, the governor's statement said. The chairman of a local Pavillion residents' group – about 200 people, mostly involved in farming and ranching, who live in proximity to the drilling sites – expressed gratitude to the E.P.A., and perhaps a bit of veiled doubt about the zeal of local and state regulators.

"This investigation proves the importance of having a federal agency that can protect people and the environment," said John Fenton, the chairman of Pavillion Area Concerned Citizens. "Those of us who suffer the impacts from the unchecked development in our community are extremely happy the contamination source is being identified."

Gas drilling, using both hydraulic fracturing to release gas and horizontal drilling techniques that can snake underground far from the actual bore holes, is now moving into closer proximity to American population centers than in the past.

From the suburbs of Denver to Pennsylvania and Oklahoma, natural gas reserves, known about but previously unreachable for economic and technological reasons, are being tapped, and anxieties about the hydraulic injection process and its consequences are growing. Wyoming, in 2010, became one of the first states to require petroleum companies or their contractors to disclose the ingredients in their specially formulated fracking fluids. The E.P.A. has also begun a national study on the potential impacts of hydraulic fracturing on drinking water resources.



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

11/10/2011 01:09 PM

To Betsaida Alcantara

cc Bob Perciasepe, Brendan Gilfillan, Cynthia Giles-AA, Diane  
Thompson, Jose Lozano, Richard Windsor, Seth Oster

bcc

Subject Reuters: U.S. to seek new Keystone route, delaying approval

more details coming out....

Exclusive: U.S. to seek new Keystone route, delaying approval  
1:03pm EST

WASHINGTON (Reuters) - The Obama administration plans to announce on Thursday it will explore a new route for a Canada-to-Texas oil pipeline, delaying a final approval beyond the 2012 U.S. election, sources briefed on the matter said.

The decision would be a victory for environmentalists, many of whom oppose the pipeline, and a setback for TransCanada Corp, whose \$7 billion Keystone XL project is seen as the most important North American oil pipeline plan for decades.

One source familiar with the matter said that studying a new route for the pipeline would likely take 12-18 months, putting a final decision after President Barack Obama's bid for re-election on November 6, 2012.

If the administration explores a new route, "it's a huge victory, and it would probably be the biggest environmental gift that President Barack Obama has given us," said Tony Iannarone, a spokesman at the National Wildlife Federation.

Some of Obama's liberal supporters have strongly opposed the project and delaying a decision could allow Obama to avoid antagonizing environmentalists disillusioned with his progress on climate change. However, it could also open up a line of attack from Republicans who could argue that a delay will slow job growth.

(Reporting by Arshad Mohammed and Timothy Gardner; editing by Sandra Maler and Jackie Frank)

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

09/28/2011 05:07 PM

To Betsaida Alcantara

cc Brendan Gilfillan, Arvin Ganesan, Gina McCarthy, Seth Oster, Stephanie Owens, Bob Perciasepe, Bob Sussman, Diane Thompson, Laura Vaught, Richard Windsor

bcc

Subject Bloomberg Businessweek: EPA Climate-Change Procedures Fell Short, Inspector Reports

EPA Climate-Change Procedures Fell Short, Inspector Reports (1)  
2011-09-28 21:01:54.343 GMT

By Mark Drajem

Sept. 28 (Bloomberg) -- The U.S. Environmental Protection Agency failed to follow all needed procedures when deciding whether greenhouse gases pose a danger to the public, the agency's inspector general said.

An EPA employee sat on the 12-member scientific panel reviewing the technical analysis, and the committee's recommendations weren't made public, according to a report released today by the agency watchdog's office.

"It is clear that EPA did not follow all required steps for a highly influential scientific assessment," Inspector General Arthur A. Elkins Jr. said in a statement today.

The report didn't question the scientific studies behind the determination, and the White House Office of Management and Budget, which established the process, disagreed with the inspector general's conclusions.

The budget office "is confident that EPA reasonably interpreted the direction provided and is complying appropriately," Meg Reilly, an OMB spokeswoman, said in an e-mail.

In 2007, the Supreme Court ruled the EPA had authority to regulate greenhouse gases, such as carbon dioxide and methane, under the Clean Air Act if the agency declared them a danger to the public. The EPA issued its so-called endangerment finding in December 2009, clearing the way for the agency to control emissions linked to global climate change from power plants, factories and other sources.

Inhofe, EPA React

"This report confirms that the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed," Senator James Inhofe, an Oklahoma Republican who requested the inspector general's examination, said in a statement. It "undermines the credibility of the endangerment finding."

The EPA said the inspector general's findings on the process shouldn't distract from the results.

"The report importantly does not question or even address the science used or the conclusions reached -- by the EPA under this and the previous administration -- that greenhouse gas pollution poses a threat to the health and welfare of the American people," the agency said in an e-mailed statement.

"The report is focused on questions of process and procedures."

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--Editors: Judy Pasternak, Larry Liebert

To contact the reporter on this story:  
Mark Drajem in Washington at +1-202-624-1964 or  
mdrajem@bloomberg.net

To contact the editor responsible for this story:  
Larry Liebert at +1-202-624-1936 or  
lliebert@bloomberg.net  
Betsaida Alcantara

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

**From:** Betsaida Alcantara  
**Sent:** 09/28/2011 03:46 PM EDT  
**To:** Betsaida Alcantara  
**Cc:** Brendan Gilfillan; Arvin Ganesan; Gina McCarthy; Seth Oster; Stephanie Owens; Bob Perciasepe; Bob Sussman; Diane Thompson; Laura Vaught; Richard Windsor  
**Subject:** Politico: EPA downplays IG report on endangerment finding

## **EPA downplays IG report on endangerment finding**

By Alex Guillen  
9/28/11 3:41 PM EDT

Obama administration officials are defending their work on the EPA's 2009 greenhouse gas endangerment finding following [an EPA inspector general report](#) criticizing the agency's review process on some scientific data.

[The report](#) faults EPA and the Office of Management and Budget for not treating previously peer-reviewed data as a "highly influential scientific assessment," which carries stricter review rules. However, the report does not question the underlying science of the endangerment finding or global warming.

But the EPA says it went above and beyond in assessing the research while maintaining it did not reach the level of a "highly influential" assessment.

"While we will consider the specific recommendations, we disagree strongly with the inspector general's findings and followed all the appropriate guidance in preparing this finding," the EPA said in a statement. "EPA undertook a thorough and deliberate process in the development of this finding, including a careful review of the wide-range of peer-reviewed science."

An EPA official said that, while the agency never classified the research as highly influential, it effectively reviewed it as such in a review process with 12 federal reviewers.

The report cited one of those reviewers, who worked for the EPA, as another procedural violation, although the EPA official said a highly influential assessment review would be performed with 11 reviewers, meaning the EPA scientist was supplementary.

"Did it really take \$300,000 to determine that while we dotted all the i's and crossed all the t's, someone thinks we used the wrong font — especially when OMB says we didn't?" the EPA official said. "It boils down to whether we followed OMB guidance and sufficiently peer review the most heavily scrutinized and peer reviewed body of science in history — OMB says yes, and it's their guidance, so we'll take their word for it."

The OMB, which oversaw the process and maintains rules regarding review, also said the EPA acted according to its mandates.

"As we clearly stated in our letter to the inspector general several months ago, OMB — the author of the guidance — is confident that EPA reasonably interpreted the direction provided and is complying appropriately," OMB spokeswoman Meg Reilly said.

The OMB's letter, included in the IG report, says that OMB considers the document to be a scientific assessment, defined as "an evaluation of a body of scientific or technical knowledge," rather than a highly influential scientific assessment.

After the report came out, EPA Inspector General Arthur Elkins reiterated that, though his office believes procedure was violated, the report will have little or no consequences for the final finding.

"While it may be debatable what impact, if any, this had on EPA's finding, it is clear that EPA did not follow all required steps for a highly influential scientific assessment," he said in a statement.

However, Steve Brown, a vice president at petroleum refiner Tesoro, says the inspector general report could cause legal problems in challenges to the EPA's authority.

Of particular note, according to Brown, is the EPA's proposed tailoring rule, which would limit its greenhouse gas regulatory enforcement to the largest industrial emissions.

"For the purposes of litigation in federal court, it seriously starts to undermine the foundation that the agency relied on for the endangerment finding," Brown said. "And if you couple that with what I think is some pretty weak legal arguments on the tailoring side, I can start to see a scenario where sometime in the second quarter of next year the litigation starts to really work against the administration and their whole house of cards falls apart pretty quick."

Proponents of the law counter that the basic science is not in question and that the matter is a simple procedural dispute that won't hurt the administration in court.

"That doesn't really change anything in the court cases," Sierra Club attorney Craig Segall said. "The science says what it always said, which is unanimous and based on thousands and thousands of peer reviewed studies, that greenhouse gas pollution is a serious threat to American health and welfare."

The IG and the EPA both stressed the report did not question climate science.

“We made no determination regarding the impact that EPA’s information quality control systems may have had on the scientific information used to support the finding,” Elkins said. “We did not test the validity of the scientific or technical information used to support the endangerment finding, nor did we evaluate the merit of EPA’s conclusions or analyses.”

Further research since 2009 has only strengthened the EPA’s scientific position, the agency said.

Sens. Jim Inhofe and John Barrasso have called for a Senate Environment and Public Works Committee hearing on the report. EPW Chairwoman Barbara Boxer issued a statement saying the report “in no way questions the science underlying the endangerment finding” and it is time to “move on.”

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

01/25/2012 11:03 AM

To Betsaida Alcantara

cc Brendan Gilfillan, Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, "Elizabeth Ashwell", Bennett.Barbara, Corman.Bicky, Elworth.Lawrence, Fulton.Scott, Ganesan.Arvin, "Lisa Garcia", Goo.Michael, Kanninen.Daniel, "Jose Lozano", Moats.Michael, "Stephanie Owens", Janet Woodka, Sarah Pallone, Laura Vaught

bcc

Subject The Hill: Obama touts EPA effort to exempt milk from oil-spill rules

Obama touts EPA effort to exempt milk from oil-spill rules

By Andrew Restuccia - 01/24/12 10:00 PM ET

President Obama touted Tuesday his administration's decision to exempt milk from broader oil-spill prevention rules, arguing that he is working to eliminate regulations that "don't make sense."

"We got rid of one rule from 40 years ago that could have forced some dairy farmers to spend \$10,000 a year proving that they could contain a spill - because milk was somehow classified as an oil," Obama said during the third State of the Union address of his presidency. "With a rule like that, I guess it was worth crying over spilled milk."

Obama used the milk exemption to counter GOP claims that his administration is imposing overly stringent regulations that are burdening the economy.

"I've ordered every federal agency to eliminate rules that don't make sense," he said. "We've already announced over 500 reforms, and just a fraction of them will save business and citizens more than \$10 billion over the next five years."

The Environmental Protection Agency last year exempted milk and milk containers from broader oil-spill prevention regulations meant to protect inland waterways.

Republicans and agriculture groups have raised concerns in recent months that the regulations, known as the Oil Spill Prevention, Control and Countermeasure rule, could place restrictions on spilled milk.

EPA Administrator Lisa Jackson and other administration officials insisted that the rules, which were first implemented in the 1970s, were never intended to regulate spilled milk.

Betsaida Alcantara

[Obama Gives Green Light to New...](#)

01/25/2012 10:59:18 AM

From: Betsaida Alcantara/DC/USEPA/US  
To: Brendan Gilfillan/DC/USEPA/US@EPA  
Cc: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, "Elizabeth Ashwell" <Ashwell.Elizabeth@epamail.epa.gov>, Bennett.Barbara@epamail.epa.gov, Corman.Bicky@epamail.epa.gov, Elworth.Lawrence@epamail.epa.gov, Fulton.Scott@epamail.epa.gov, Ganesan.Arvin@epamail.epa.gov, "Lisa Garcia" <Garcia.Lisa@epamail.epa.gov>, Goo.Michael@epamail.epa.gov, Kanninen.Daniel@epamail.epa.gov, "Jose Lozano" <lozano.jose@epa.gov>, Moats.Michael@epamail.epa.gov, "Stephanie Owens" <owens.stephanie@epa.gov>, Janet Woodka/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA  
Date: 01/25/2012 10:59 AM  
Subject: Forbes: Obama Gives Green Light to New Mercury Rules

## Obama Gives Green Light to New Mercury Rules

<http://www.forbes.com/sites/kensilverstein/2012/01/25/obama-gives-green-light-to-new-mercury>

[-rules/](#)

By: Ken Silverstein, Contributor

During President Obama's State of the Union last night, he left no doubt which side of the green line he stood – with the environmental movement. Besides his unwavering support for clean energy, he alluded to the administration's new mercury rule.

Regarding mercury, the nation's coal-fired power plants emit half of all those emissions that are responsible for causing heart attacks, birth defects and delayed childhood development. The White House may have acted to solidify its environmental base but, in doing so, it is following the law and giving modern generators a shot to compete with their older coal cousins.

"I will not back down from protecting our kids from mercury poison," says President Obama, in his State of the Union last night.

On December 21, 2011, the [Environmental Protection Agency carried out its obligation](#) under the 1990 Clean Air Act and demanded that coal-fired power plants implement the available technologies to reduce their emissions by 90 percent. Specifically, the D.C. Court of Appeals ruled in March 2011 that EPA must develop a final rule with respect to mercury emissions by year-end 2011.

The regulations are not a shock to most utilities, which have already taken the steps to implement the necessary tools to make such reductions. The [EPA](#) estimates that of the roughly 1,400 coal-and-oil-fired generators, 60 percent have implemented new technologies while 40 percent, or 600 of them have not.

Of those, it estimates that about 1 percent will choose to shut down their operations as opposed to clean up – a number that is contested by coal-related organizations that argue the ruling will drive up electricity prices and cut jobs.

The EPA determined in 2000 that mercury emissions must be regulated. In 2005 under President George W. Bush, the first-ever such rules were imposed. But environmentalists contested them, calling them weak – something with which the D.C. Circuit Court of Appeals agreed.

EPA estimates that the cost of carrying out the new mercury rules will be about \$9.6 billion annually. But it also says that payback will be as much as \$90 billion by 2016 when all power plants are expected to be in compliance, or closed. The agency expects "small changes" in the average retail electricity rates, noting that the shift to abundant shale-gas will shield consumers.

#### Fighting Back

As expected, the coal industry is fighting back. The [American Coalition for Clean Coal Electricity](#) says that the new mercury rule, in combination with other pending coal-related regulations, will cost 183,000 jobs per year through 2020 and increase electricity prices by \$170 billion.

"Coal helps make electricity affordable for families and businesses," says Steve Miller, chief executive of the coal group. "Unfortunately, this new rule is likely to be the most expensive rule ever imposed on coal-fueled power plants which are responsible for providing affordable electricity."

Those concerns have prompted U.S. lawmakers from coal states to either propose a nullification of the recent standards or a delay. But those efforts are unlikely to garner enough votes to beat back stall tactics or a presidential veto.

The reality of the situation is that the fight is over those coal plants that were constructed 30 to 50 years ago. Their utility operators have a choice as to whether to have them modernized or shut down – a decision compelled not just by the new regulations but also by the onslaught of cleaner and inexpensive shale gas.

Potential new mercury rules have long been swirling around. Because the courts forced official action in 2011, Obama has been able to mobilize his political base while also creating a fairer environment for

those utilities that have already gone to the expense of making changes.



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

09/28/2011 11:41 AM

To Betsaida Alcantara

cc Brendan Gilfillan, "Arvin Ganesan", "Gina McCarthy",  
Oster.Seth, "Stephanie Owens", Perciasepe.Bob,  
Sussman.Bob, Thompson.Diane, "Laura Vaught",  
Windsor.Richard

bcc

Subject Huffington Post: EPA Inspector General Criticizes  
Greenhouse Gas Ruling Procedure

**Huffington Post:** EPA Inspector General Criticizes Greenhouse Gas Ruling Procedure

By: Shawn Lawrence Otto

September 28, 2011

A new report by the Inspector General of the EPA questions the EPA's procedures in making a 2009 endangerment finding about excess greenhouse gas emissions.

The report "calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the endangerment finding," according to Sen James Inhofe, the senate Environment and Public Works committee minority leader.

The report, released today, does not argue the science, but says that the EPA should have conducted further peer review because the ruling was highly influential.

At Issue

In 2007 the supreme court found that greenhouse gases are air pollutants under the Clean Air Act. The court instructed the EPA to determine whether emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare, or whether climate change science is too uncertain to make a reasoned decision.

All of the research the EPA considered in assessing this question was extensively peer reviewed, including the 2007 Intergovernmental Panel on Climate Change (IPCC) report; four reports by the National Research Council (NRC) of the National Academy of Sciences (NAS); 18 independent federal studies; and the international Arctic Climate Impact Assessment.

Since the finding, the NAS has reconfirmed the science, saying in May that it now be regarded as "settled facts" that climate change is occurring, is most likely caused by human activities, and separately, that it poses a significant threat to public health and the environment.

It's not about the science

The IG's findings don't question the science. Instead, the IG questions whether the EPA followed the proper procedure, suggesting the agency should have conducted its own peer review of all the literature, instead of relying on the peer-review processes of the National Research Council and other scientific bodies that issued the underlying reports and studies.

The IG's position contradicts the EPA's own peer review handbook, which in December of 2000 laid out the policy the EPA was to follow:

The goal of the Peer Review Policy and this Handbook is to enhance the quality and credibility of Agency decisions by ensuring that the scientific and technical work products underlying these decisions receive appropriate levels of peer review by *independent* scientific and technical experts. (emphasis added)

The National Academies' work has been the gold standard of scientific research since president

Lincoln signed its charter in 1863. But the body is independent, and members of congress, federal agencies, and others requesting research have no control or influence on its outcome. In a time in the United States in which climate science is denied by leading republicans, this makes the studies the body authors the subject of political attacks.

### **The peer review was already recursive**

In addition to relying on independently peer-reviewed research, the EPA's endangerment finding underwent a technical review by 12 federal climate change experts, and internal EPA review, an interagency review, and a public comment period.

The inspector general argues that the EPA did not follow a set of [peer review guidelines](#) (pdf) issued by the Bush White House Office of Management and Budget for dealing with controversial science, which require agencies to conduct another layer of peer review and exclude any agency employees from review panels when the policy implications of a ruling could exceed \$500 million annually.

### **Attacks on the Endangerment Ruling**

Ten groups--including coal and energy companies, the Competitive Enterprise Institute, and politicians acting on behalf of Texas and Virginia--petitioned the agency to drop the finding, arguing against the agency's procedural handling of the science, and against climate change science itself.

In July 2010, the [EPA rejected the petitions](#), arguing that they were erroneous in fact and science, and that the agency had adequately responded to the concerns raised during its comment period for the new rules.

Since then, other [attempts](#) have been made by republican members of congress to strip EPA of its authority to regulate greenhouse gases, and to [cast doubt](#) on the credibility of the EPA's analysis.

### **The man behind the curtain**

[Sen. James Inhofe](#) requested the IG prepare the report, and leaked it early this morning. Inhofe argues that climate change is a "hoax" and refuses to admit that climate change and its likely human cause are, in the words of the National Academy of Sciences, "settled facts."

In his [request \(pdf\)](#), Inhofe argued that several of the scientists the EPA used lacked impartiality because they had previously made public statements saying that climate change is a fact. By this logic, the vast majority of climate scientists would be unacceptable to Inhofe, and US scientists would be muzzled from talking about the facts of their findings because they had political implications.

The problem with this thinking is that science is independent of scientists - it's based on observations and facts that are laid out for anyone to tear down if they can, and in the case of

climate science, it has withstood withering scrutiny. Whether a scientist has made a public comment is immaterial.

Inhofe then argues that the OMB guidelines says that the EPA's panels should be "balanced" in perspectives; ie "We emphasize that the term "balance" here refers not to balancing of stakeholder or political interests but rather to a broad and diverse representation of respected perspectives and intellectual traditions within the scientific community, as discussed in the NAS policy on committee composition and balance." But climate change is, in the words of the NAS, "so thoroughly examined and tested, and supported by so many independent observations and results, that their likelihood of subsequently being found to be wrong is vanishingly small," so providing the two percent of scientists who are somewhat skeptical a seat on a 12-person review committee would not be "balanced."

This highlights Inhofe's approach to all climate science: to treat it as if it were a battle of opinions, instead of a data-driven conclusion based on multiple lines of facts that all point in the same direction. That places opinion on an equal footing with knowledge, and erodes the basis of our democratic republic.

The inspector general made it clear that EPA followed current guidelines for ensuring that it based its decision on robust science. Nothing in the report questions the agency's ability to move forward with global warming emissions rules. But Inhofe can be expected to continue to loudly proclaim otherwise.

**Betsaida  
Alcantara/DC/USEPA/US**  
09/28/2011 11:10 AM

To Betsaida Alcantara  
cc Brendan Gilfillan, "Arvin Ganesan", "Gina McCarthy",  
Oster.Seth, "Stephanie Owens", Perciasepe.Bob,  
Sussman.Bob, Thompson.Diane, "Laura Vaught",  
Windsor.Richard

bcc

Subject Inhofe Press Release

**US Senate Committee on Environment and Public Works: EPA IG Finds Serious Flaws in  
Centerpiece of Obama Global Warming Agenda**  
Report calls the scientific integrity of EPA's decision-making process into question and  
undermines the credibility of the endangerment finding  
September 28, 2011

Contacts:

Matt Dempsey [Matt\\_Dempsey@epw.senate.gov](mailto:Matt_Dempsey@epw.senate.gov) (202) 224-9797  
Katie Brown [Katie\\_Brown@epw.senate.gov](mailto:Katie_Brown@epw.senate.gov) (202) 224-2160

## **EPA IG Finds Serious Flaws in Centerpiece of Obama Global Warming Agenda**

*Report calls the scientific integrity of EPA's decision-making  
process into question and undermines the credibility of the  
endangerment finding*

Washington, D.C.—Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, today announced that a new government report from the Office of Inspector General (OIG) of the Environmental Protection Agency (EPA) reveals that the scientific assessment underpinning the Obama EPA's endangerment finding for greenhouse gasses was inadequate and in violation of the Agency's own peer review procedures.

The [IG report](#) released today, "**Procedural Review of EPA's Greenhouse Gases Endangerment Finding Data Quality Processes**," was requested by Senator Inhofe in an April 7, 2010 letter to the EPA IG. Senator Inhofe

asked that the OIG conduct an investigation into whether EPA followed the Data Quality Act and its own peer review procedures—which are designed to ensure that EPA makes decisions according to the best possible science—when it issued its finding that greenhouse gases harm public health and welfare, otherwise known as the endangerment finding. The EPA OIG Report finds that EPA failed in this respect.

**“I appreciate the Inspector General conducting a thorough investigation into the Obama-EPA’s handling of the endangerment finding for greenhouse gases,”** Senator Inhofe said. **“This report confirms that the endangerment finding, the very foundation of President Obama’s job-destroying regulatory agenda, was rushed, biased, and flawed. It calls the scientific integrity of EPA’s decision-making process into question and undermines the credibility of the endangerment finding.**

**“The Inspector General’s investigation uncovered that EPA *failed* to engage in the required record-keeping process leading up to the endangerment finding decision, and it also did not follow its own peer review procedures to ensure that the science behind the decision was sound. EPA Administrator Lisa Jackson readily admitted in 2009 that EPA had outsourced its scientific review to the United Nations’ Intergovernmental Panel on Climate Change. This is an institution whose credibility has already been called into question. Even so, EPA still refused to conduct its own independent review of the science. As the EPA Inspector General found, whatever one thinks of the UN science, the EPA is still required - by its own procedures - to conduct an independent review.**

**“The endangerment finding is no small matter: global warming regulations imposed by the Obama-EPA under the Clean Air Act will cost American consumers \$300 to \$400 billion a year, significantly raise energy prices, and destroy hundreds of thousands of jobs. This is not to mention the ‘absurd result’ that EPA will need to hire 230,000 additional employees and spend an additional \$21 billion to implement its greenhouse gas regime. And all of this economic pain is for nothing: as EPA Administrator Jackson also admitted before the EPW committee, these regulations will have no affect on the climate.**

**“One asks, what happened to Administrator Jackson’s vow in 2009 that the Agency would commit to high standards of transparency because ‘The success of our environmental efforts depends on earning and maintaining the trust of the public we serve’ or Obama Advisor John Holdren’s promise that the Administration would make decisions based on the best possible science because, as the President said, ‘The public must be able to trust the science and scientific process informing public policy decisions’? Given what has come to light in this report, it appears**

**that the Obama EPA cannot be trusted on the most consequential decision the agency has ever made.**

**“I am calling for the Senate Committee on Environment and Public Works, the committee of jurisdiction over the EPA, to hold immediate hearings to address EPA’s failure to provide the required documentation and have the science impartially reviewed. EPA needs to explain to the American people why it blatantly circumvented its own procedures to make what appears to be a predetermined endangerment finding.”**

Specifically, the EPA IG found that EPA neglected to identify from the outset if the endangerment finding Technical Support Document (TSD) was a Highly Influential Scientific Assessment, (HISA) which, under the Office of Budget and Management’s *Final Information Quality Bulletin for Peer Review* , requires complete record-keeping of all documents leading up to that decision and a thorough review of the science by an impartial panel.

EPA told the OIG that it did not consider the endangerment finding TSD a HISA, but in the course of its investigation, the OIG determined that the endangerment finding TSD was indeed a HISA and therefore EPA should have engaged in a more rigorous process.

The OIG found that EPA could not produce the required records, and because one of the 12 members of the peer review panel for the endangerment finding TSD was also an EPA employee, OIG also found that the required impartiality of the peer review process under the requirements of a HISA was undermined.

**Highlights from EPA Office of the Inspector General Report:  
“Procedural Review of EPA’s Greenhouse Gases Endangerment Finding  
Data Quality Processes”**

- “EPA’s peer review did not meet all OMB requirements for such documents. EPA had the TSD reviewed by a panel of 12 federal climate change scientists. However, the panel’s findings and EPA’s disposition of the findings were not made available to the public as would be required for reviews of highly influential scientific assessments. Also, this panel did not fully meet the independence requirements for reviews of highly influential scientific assessments because one of the panelists was an EPA employee. Further, in developing its endangerment finding, we found that OAR did not: Include language in its proposed action, final action, or internal memoranda that identified whether the Agency used influential scientific information or highly influential scientific assessments to support the action. OAR also did not certify that the supporting technical information was peer reviewed in accordance with EPA’s peer review policy.”

- “Additionally, EPA’s Peer Review Handbook directs the Agency to include a statement in its action memorandum that the Agency followed its peer review policy with respect to the influential scientific information or highly influential scientific assessments supporting the action.”

- “In our opinion, the endangerment finding TSD is a highly influential scientific assessment that should have been peer reviewed as outlined in Section III of OMB’s Final Information Quality Bulletin for Peer Review. OAR never formally designated the document as either influential scientific information or as a highly influential scientific assessment in the preamble to the proposed and final endangerment findings or in its internal documentation. EPA did not consider the TSD to be a highly influential scientific assessment. Additionally, OAR did not adhere to some of its internal processes established to guide Tier 1 actions. We noted that OAR had completed many of the processes and steps outlined in its guidance to ensure the quality of the information the Administrator used in making her determination. Those processes are intended to help ensure EPA develops quality actions and to provide assurance on data quality. We concluded that the Agency did not complete some of these key requirements and recommended actions. We did not analyze the quality of the scientific information and data used to support the Administrator’s decision.”

- “We found that EPA did not contemporaneously document how it applied and considered the assessment factors in determining whether the IPCC and other assessment reports were of sufficient quality, objectivity, utility, and integrity. EPA described the IPCC review procedures and how they met EPA data quality requirements in the proposed and final rulemakings. However, the Agency did not conduct any independent evaluations of IPCC’s compliance with IPCC procedures, nor did EPA document any specific processes it employed to evaluate the scientific and technical information included in IPCC’s AR4 prior to EPA disseminating that information.”

- “Because EPA used information from other organizations to support its findings, EPA, in evaluating whether to disseminate that information, should have determined whether the assessments referenced in the TSD (e.g., IPCC’s AR4) complied with EPA’s information quality guidelines, and whether the peer reviews of these assessments met OMB’s requirements for peer review of scientific assessments. U.S. government acceptance of the documents did not relieve EPA of its responsibility to determine whether the data met EPA’s information quality guidelines before disseminating the information.”

###

**Betsaida  
Alcantara/DC/USEPA/US**  
09/28/2011 03:46 PM

To Betsaida Alcantara  
cc Brendan Gilfillan, "Arvin Ganesan", "Gina McCarthy",  
Oster.Seth, "Stephanie Owens", Perciasepe.Bob,  
Sussman.Bob, Thompson.Diane, "Laura Vaught",  
Windsor.Richard  
bcc

Subject Politico: EPA downplays IG report on endangerment finding

## **EPA downplays IG report on endangerment finding**

By Alex Guillen  
9/28/11 3:41 PM EDT

Obama administration officials are defending their work on the EPA's 2009 greenhouse gas endangerment finding following [an EPA inspector general report](#) criticizing the agency's review process on some scientific data.

[The report](#) faults EPA and the Office of Management and Budget for not treating previously peer-reviewed data as a "highly influential scientific assessment," which carries stricter review rules. However, the report does not question the underlying science of the endangerment finding or global warming.

But the EPA says it went above and beyond in assessing the research while maintaining it did not reach the level of a "highly influential" assessment.

"While we will consider the specific recommendations, we disagree strongly with the inspector general's findings and followed all the appropriate guidance in preparing this finding," the EPA said in a statement. "EPA undertook a thorough and deliberate process in the development of this finding, including a careful review of the wide-range of peer-reviewed science."

An EPA official said that, while the agency never classified the research as highly influential, it effectively reviewed it as such in a review process with 12 federal reviewers.

The report cited one of those reviewers, who worked for the EPA, as another procedural violation, although the EPA official said a highly influential assessment review would be performed with 11 reviewers, meaning the EPA scientist was supplementary.

"Did it really take \$300,000 to determine that while we dotted all the i's and crossed all the t's, someone thinks we used the wrong font — especially when OMB says we didn't?" the EPA official said. "It boils down to whether we followed OMB guidance and sufficiently peer review the most heavily scrutinized and peer reviewed body of science in history — OMB says yes, and it's their guidance, so we'll take their word for it."

The OMB, which oversaw the process and maintains rules regarding review, also said the EPA acted according to its mandates.



“As we clearly stated in our letter to the inspector general several months ago, OMB — the author of the guidance — is confident that EPA reasonably interpreted the direction provided and is complying appropriately,” OMB spokeswoman Meg Reilly said.

The OMB’s letter, included in the IG report, says that OMB considers the document to be a scientific assessment, defined as “an evaluation of a body of scientific or technical knowledge,” rather than a highly influential scientific assessment.

After the report came out, EPA Inspector General Arthur Elkins reiterated that, though his office believes procedure was violated, the report will have little or no consequences for the final finding.

“While it may be debatable what impact, if any, this had on EPA’s finding, it is clear that EPA did not follow all required steps for a highly influential scientific assessment,” he said in a statement.

However, Steve Brown, a vice president at petroleum refiner Tesoro, says the inspector general report could cause legal problems in challenges to the EPA’s authority.

Of particular note, according to Brown, is the EPA’s proposed tailoring rule, which would limit its greenhouse gas regulatory enforcement to the largest industrial emissions.

“For the purposes of litigation in federal court, it seriously starts to undermine the foundation that the agency relied on for the endangerment finding,” Brown said. “And if you couple that with what I think is some pretty weak legal arguments on the tailoring side, I can start to see a scenario where sometime in the second quarter of next year the litigation starts to really work against the administration and their whole house of cards falls apart pretty quick.”

Proponents of the law counter that the basic science is not in question and that the matter is a simple procedural dispute that won’t hurt the administration in court.

“That doesn’t really change anything in the court cases,” Sierra Club attorney Craig Segall said. “The science says what it always said, which is unanimous and based on thousands and thousands of peer reviewed studies, that greenhouse gas pollution is a serious threat to American health and welfare.”

The IG and the EPA both stressed the report did not question climate science.

“We made no determination regarding the impact that EPA’s information quality control systems may have had on the scientific information used to support the finding,” Elkins said. “We did not test the validity of the scientific or technical information used to support the endangerment finding, nor did we evaluate the merit of EPA’s conclusions or analyses.”

Further research since 2009 has only strengthened the EPA’s scientific position, the agency said.

Sens. Jim Inhofe and John Barrasso have called for a Senate Environment and Public Works Committee hearing on the report. EPW Chairwoman Barbara Boxer issued a statement saying the report “in no way questions the science underlying the endangerment finding” and it is time to “move on.”

**Betsaida  
Alcantara/DC/USEPA/US**  
09/28/2011 02:18 PM

To Betsaida Alcantara  
cc Brendan Gilfillan, "Arvin Ganesan", "Gina McCarthy",  
Oster.Seth, "Stephanie Owens", Perciasepe.Bob,  
Sussman.Bob, Thompson.Diane, "Laura Vaught",  
Windsor.Richard  
bcc  
Subject The Hill: EPA 'strongly disagrees' with inspector general  
finding

**The Hill: EPA 'strongly disagrees' with inspector general finding**  
By: Ben Geman  
September 28, 2011

The Environmental Protection Agency is pushing back against an inspector general report that alleges EPA's peer review rules wasn't robust enough.

The agency and environmental groups are also moving quickly to rebut climate skeptics and opponents of emissions trading covered in detail [here](#) – as ammunition.

“The report importantly does not question or even address the science used or the conclusions reached – by the EPA that air pollution pose a threat to the health and welfare of the American people. Instead, the report is focused on questioning the science.”

The report doesn't wade into the validity of the science EPA relied on to craft its 2009 “endangerment finding” for EPA's climate change regulations.

The IG report does conclude that EPA didn't meet the White House Office of Management and Budget's guidance “document” (TSD) that supported the endangerment finding.

But both EPA and OMB disagree with the IG's conclusion. Here's more of EPA's reaction Wednesday:

While we will consider the specific recommendations, we disagree strongly with the Inspector General's finding. EPA undertook a thorough and deliberate process in the development of this finding, including a careful

Since EPA finalized the endangerment finding in December of 2009, the vast body of peer reviewed science that supported the finding was examined by a wide range of independent scientific bodies. All of those reviews have upheld the validity of the

Much of the report turns on whether the TSD is a “highly influential scientific assessment” under OMB's guidance.

“Although EPA believes the technical summary document is ‘influential scientific information’ (ISI) and not a ‘highly influential scientific assessment’ and went above and beyond for ISI,” EPA said.

Environmental groups, in statements Wednesday, said emphasized that that the IG didn't question the science EPA relied on scientific assessments from the National Research Council and other bodies.

“The process matters, but the science matters more and in this endangerment finding, the science is accurate. Climate change is real and peer-reviewed scientific assessments EPA used back up that claim,” said Francesca Grifo, director of the Union of Concerned Scientists.

The IG report also notes that EPA followed its statutory requirements in issuing the endangerment finding.

“Let’s be clear on what this report does not do: it does not call into question any of the underlying science. And Endangerment Finding,” said Steve Hamburg, chief scientist at Environmental Defense Fund, in a statement.

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

09/28/2011 01:40 PM

To Betsaida Alcantara

cc Brendan Gilfillan, "Arvin Ganesan", "Gina McCarthy",  
Oster.Seth, "Stephanie Owens", Perciasepe.Bob,  
Sussman.Bob, Thompson.Diane, "Laura Vaught",  
Windsor.Richard

bcc

Subject Think Progress: Inhofe Gets Inspector General to Spend  
\$300,000 Confirming EPA Endangerment Finding 'Met  
Statutory Requirements

**Inhofe Gets Inspector General to Spend \$300,000 Confirming EPA Endangerment Finding 'Met  
Statutory Requirements'**

Think Progress

Joe Romm

9/28/2011

EPA Inspector General: EPA met statutory requirements for rulemaking and generally followed requirements and guidance related to ensuring the quality of the supporting technical information.

Here's some background on the denier molehill-to-mountain du jour.

In December 2009, the Environmental Protection Agency reviewed a mountain of scientific evidence and found that "Six greenhouse gases taken in combination endanger both the public health and the public welfare of current and future generations."

In April 2010, the country's most famous climate science denier, Sen James Inhofe (R-OIL) asked for a federal investigation into this rather obvious finding.

In February of this year, Rep. Henry Waxman (D-CA) released a January 2008 letter from then EPA Administrator Stephen Johnson explaining to President Bush that:

... a finding is still required by the Supreme Court case, and the state of the latest climate change science does not permit a negative finding, nor does it permit a credible finding that we need to wait for more research.

Duh.

Today, after spending an estimated \$297,385 in putting together its report, the EPA's Office of Inspector General (OIG) released Procedural Review of EPA's Greenhouse Gases Endangerment Finding Data Quality Processes. The first sentence of that report is above.

Since it spent all that money, I suppose the IG felt obliged to come up with some complaint to satisfy Inhofe. Here is IG's torturous explanation of that complaint:

Whether EPA's review of its endangerment finding TSD [ Technical support document] met Office of Management and Budget (OMB) requirements for peer review depends on whether the TSD is considered a highly influential scientific assessment. In our opinion, the TSD was a highly influential scientific assessment because EPA weighed the strength of the available science by its choices of information, data, studies, and conclusions included in and excluded from the TSD. EPA officials told us they did not consider the TSD a highly influential scientific assessment. EPA noted that the TSD consisted only of science that was previously peer reviewed, and that these reviews were deemed adequate under the Agency's policy. EPA had the TSD reviewed by a panel of 12 federal climate change scientists.

In plain English, the EPA based its assessment on major peer-reviewed reviews of the peer-reviewed

literature, including those by the IPCC and National Research Council. The EPA correctly states that it does not need to do a full peer review of such peer-reviewed reviews of the peer-reviewed literature. The IG's "opinion" is that it should have.

As Climate Progress noted yesterday:

The Agency examined peer-reviewed studies included in the 2007 Intergovernmental Panel on Climate Change (IPCC) report; four reports by the National Research Council, a division of the U.S. National Academy of Sciences; 18 federal government studies; and the international Arctic Climate Impact Assessment. (A description of these entities' peer-review structure and a listing of the data and findings considered by EPA can be found on pages 3-4 of the endangerment finding).

Again, these peer-reviewed studies are themselves primarily reviews of the extensive peer-reviewed literature.

Not surprisingly, the OMB wrote to the OIG explaining that what the EPA did was perfectly fine:

OMB believes that EPA reasonably determined that the Endangerment TSD itself (as opposed to the underlying peer-reviewed scientific assessments of the NRC, IPCC, USGRCP identified and discussed in the TSD) did not have the impacts or characteristics required to meet the OMB Bulletin's definition of a highly influential scientific assessment. In making its endangerment findings, EPA noted that the underlying "scientific assessments of the IPCC, USGRCP, and the NRC represent the best reference materials" on which it was prepared to rely; that it had determined not "to perform a new and independent assessment of all of the underlying climate change science"; and that it had "no reason to believe that putting this significant body of work aside and attempting to develop a new and separate assessment would provide any better basis for making the endangerment decision." Thus, it was not the Endangerment TSD prepared by EPA itself but the conclusions of these three underlying peer-reviewed scientific assessments that informed the agency's decision.

Duh. Has any body of scientific knowledge been more reviewed in recent years than the peer-reviewed climate science literature?

This whole episode is a molehill against the ever-growing mountain of evidence that human-caused warming is a danger to humans.

But the Denier Industrial Complex mountain-building public works effort has a full-employment policy. So, as TP Green notes:

Attempting to create a new scandal, Inhofe highlighted the opinion of the OIG that more rigorous procedures should have been followed, saying that "the endangerment finding, the very foundation of President Obama's job-destroying regulatory agenda, was rushed, biased, and flawed."

Right-wing blogs are trying desperately to twist this confirmation of the endangerment finding's integrity into a story of corruption, using Inhofe's press release to falsely claim "EPA's own inspector general calls greenhouse gas science flawed."

Tragically, the deniers can't stop unrestricted emissions of greenhouse gases from being an ever-growing danger to humans. Ironically, in fact, their success at creating doubt and inaction has dramatically increased the chances that we will see the worst-case impacts. I will have a complete review of the our scientific understanding of likely impacts up shortly.

**Betsaida  
Alcantara/DC/USEPA/US**  
09/07/2011 11:28 AM

To Betsaida Alcantara, Richard Windsor, Arvin Ganesan, Avi Garbow, Barbara Bennett, Bob Perciasepe, Bob Sussman, Dru Ealons, Elizabeth Ashwell, Gina McCarthy, Joseph Goffman, Laura Vaught, Michael Goo, Sarah Pallone, Scott Fulton, Stephanie Owens, David Bloomgren, Alisha Johnson, Heidi Ellis, Janet Woodka, Seth Oster

cc

bcc

Subject Politico: Browner 'disappointed' by ozone move

Browner 'disappointed' by ozone move

By Robin Bravender  
9/7/11 11:09 AM EDT

Add Carol Browner to the list of people dismayed by the White House's backtracking on smog.

"Obviously I was disappointed," said Browner, President Barack Obama's former top energy and environmental adviser, during an energy policy discussion Wednesday hosted by The Atlantic.

"I think that this particular provision of the Clean Air Act is a very important provision," she said, referring to the national air quality standards required for certain air pollutants. "It requires EPA to review the science for the most commonly found air pollutants on a regular basis and set a standard based on the best available science."

Despite her disappointment, Browner said she found a silver lining.

She welcomed the "commitment the president made in the announcement to ensuring that EPA is able to move forward with other important regulations," like the upcoming mercury standard for power plants, which she said "will be very important from a public health perspective."

Browner also said the president made a "valuable point about the fact that there is another review under way" at EPA, and that more science has emerged since the George W. Bush administration's 2008 ozone standard was set.

On Friday<<https://www.politicopro.com/story/energy/?id=5607>>, Obama jettisoned his administration's plans to revise the 2008 smog standard, citing "the importance of reducing regulatory burdens and regulatory uncertainty." Obama also said the EPA should wait to revise the rule until the next scheduled round of review is due in 2013.

The Bush administration's 2008 ozone standard has never actually taken effect, leaving in place a weaker limit set when Browner was EPA administrator during the Clinton administration.

Since stepping down from her White House post this year, Browner has joined the Center for American Progress and the Albright Stonebridge Group.

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 09/07/2011 10:31 AM EDT

**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Alisha Johnson; Heidi Ellis; Janet Woodka; Seth Oster

**Subject:** Politico: Browner Statement  
9/7/11 9:31 AM EDT

"Obviously I was disappointed" with President Barack Obama's decision last week to pull back on tougher ozone standards, former White House climate chief Carol Browner said this morning at The Atlantic's "Women of Washington" event at The Newseum.

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 09/07/2011 09:49 AM EDT

**To:** Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Alisha Johnson; Heidi Ellis; Janet Woodka; Seth Oster

**Subject:** Politico: Ex-EPA official slams Obama on ozone/Boxer: I hope greens sue Obama

### **Ex-EPA official slams Obama on ozone**

By Robin Bravender  
9/7/11 9:44 AM EDT

A former top Obama EPA official is slamming the president's decision to pull the plug on setting a tougher smog rule.

Lisa Heinzerling, who served as chief of the EPA policy office for President Barack Obama before returning to work as a law professor at Georgetown, wrote [a scathing critique](#) Sunday in Grist Magazine, calling Obama's announcement "terribly bad news, and terribly bad policy."

Obama on Friday announced that he had instructed EPA chief Lisa Jackson to withdraw the rule as part of his administration's effort to "underscore the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover."

But pulling the rule for that reason is "unlawful," Heinzerling wrote. The U.S. Supreme Court has "unequivocally held that the Clean Air Act forbids the consideration of economic costs" in setting national air quality standards.

Heinzerling also blasted Obama for keeping the George W. Bush administration's 2008 standard in place after the EPA's independent science advisers had said it didn't go far enough to protect public health.

"It is hard to see how President Obama's decision today reflects an attitude toward science that is any more respectful than the attitude the Bush administration displayed in its 2008 ozone standard," she said.

And in light of Obama's stated commitment to transparency, Heinzerling called for the White House to release the final rule that the EPA sent over to the Office of Management and Budget in July. "[T]here exists a full package from EPA containing the final rule and the explanation for it," she wrote. "The least the White House can do at this point is to release that package."



## **Boxer: I hope greens sue Obama**

By Darren Goode  
9/7/11 8:52 AM EDT

Senate Environment and Public Works Chairwoman Barbara Boxer said she hopes green groups sue President Barack Obama over his decision to punt a regulation curbing smog-creating emissions until at least 2013.

Boxer — whose relatively mild reaction to Obama's surprise announcement Friday was in contrast to heated rebukes by environmental groups — said she will stand by those groups in any litigation to force the administration to issue a final ozone rule that goes beyond what was enacted by President George W. Bush.

Environmental groups charged that Obama made a political calculus by punting on a rule that was a particular target of critics who charge his regulatory agenda has hurt the economy and jobs.

Boxer didn't quite go there. "I'm not making any charge. I'm just saying I disagree, strongly, with their decision," she told reporters Tuesday. She added, "And I hope they'll be sued in court and I hope the court can stand by the Clean Air Act."

Noting that every president regardless of political party has been sued by environmental groups, Boxer said, "And I'm on the side of the environmentalists. If you factor in the health benefits you save so many lives and you prevent so many hospital admissions that it's a big plus for the economy."

Boxer issued a statement Friday saying she was "disappointed" in the decision but also "heartened" by Obama's pledge in his announcement to safeguard the EPA and more specifically the Clean Air Act.

On Tuesday, she defended the milder tone of Friday's statement.

"I'm involved in a hand-to-hand combat with people in the House; they're trying to destroy the EPA, destroy the Clean Air Act," Boxer said, noting she fought a similar battle when GOP presidential candidate Newt Gingrich was House speaker more than a decade ago. "So I was heartened to see that the president went out of his way to address the larger issue of this battle that we're facing."

She added: "So that's why the statement was balanced because I thought what he said was balanced."

Obama — in a letter to House Speaker John Boehner last week — listed the ozone rule at the top of the list of seven regulations whose annual costs top \$1 billion annually. The rule was

estimated to cost between \$19 billion and \$90 billion annually.

Boxer said she would use a hearing called by Sen. Tom Carper (D-Del.) on the ozone rule to “examine the charge that this type of regulation actually harms our economy. I don’t believe that. Because I don’t think they’re factoring in the health benefits.”

**Betsaida  
Alcantara/DC/USEPA/US**  
09/07/2011 10:31 AM

To Betsaida Alcantara, Richard Windsor, Arvin Ganesan, Avi Garbow, Barbara Bennett, Bob Perciasepe, Bob Sussman, Dru Ealons, Elizabeth Ashwell, Gina McCarthy, Joseph Goffman, Laura Vaught, Michael Goo, Sarah Pallone, Scott Fulton, Stephanie Owens, David Bloomgren, Alisha Johnson, Heidi Ellis, Janet Woodka, Seth Oster

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9/7/11 9:31 AM EDT

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Betsaida Alcantara

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**Sent:** 09/07/2011 09:49 AM EDT

**To:** Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Alisha Johnson; Heidi Ellis; Janet Woodka; Seth Oster

**Subject:** Politico: Ex-EPA official slams Obama on ozone/Boxer: I hope greens sue Obama

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9/7/11 9:44 AM EDT

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

09/03/2011 02:03 PM

To Betsaida Alcantara, Richard Windsor, Arvin Ganesan, Avi Garbow, Barbara Bennett, Bob Perciasepe, Bob Sussman, Dru Ealons, Elizabeth Ashwell, Gina McCarthy, Joseph Goffman, Laura Vaught, Michael Goo, Sarah Pallone, Scott Fulton, Stephanie Owens, David Bloomgren, Heidi Ellis, Brendan Gilfillan, Alisha Johnson, Seth Oster

cc

bcc

Subject NYTimes: Stung by the President on Air Quality, Environmentalists Weigh Their Options

Stung by the President on Air Quality, Environmentalists Weigh Their Options

By LESLIE KAUFMAN

Published: September 3, 2011

For environmental groups, it was the final hard slap that brought a long-troubled relationship to the brink.

In late August, the State Department gave a crucial go-ahead on a controversial pipeline<<http://www.nytimes.com/2011/08/27/business/energy-environment/us-state-department-to-allow-canadian-pipeline.html>> to bring tar sands oil from Canada to the Gulf Coast. Then on Friday, leading into the holiday weekend, the Obama administration announced without warning that it was walking away from stricter ozone pollution standards<<http://www.nytimes.com/2011/09/03/science/earth/03air.html>> that it had been promising for three years and instead sticking with Bush-era standards.

John D. Walke, clean air director of the Natural Resources Defense Council, an advocacy group based in New York, likened the ozone decision to a "bomb being dropped."

Mr. Walke and representatives of other environmental groups saw the president's actions as brazen political sellouts to business interests and the Republican Party, which regards environmental regulations as job killers and a brick wall to economic recovery.

The question for environmentalists became, what to do next?

"There is shock and chaos here," Mr. Walke said, "so I do not know. I can't answer that question." But he added that his group would resume a smog lawsuit against the government that it had dropped because it had been lulled into believing that this administration would enact tougher regulations without being forced to do so by the courts.

Political analysts watching the Obama administration's pullback from the environmental agenda this past month say that in the current climate there is little chance that environmentalists or their allies will ever side with the Republicans. After all, the Republican-led House of Representatives has been aggressively moving to curtail protections for endangered species and regulations for clean air and water, and most of the Republican presidential candidates have been intensely critical of any government effort to address climate change<<http://topics.nytimes.com/top/news/science/topics/globalwarming/index.html?inline=nyt-classifier>>.

Still, they say, the president could face political repercussions in subtler but nevertheless corrosive ways: from losing volunteer enthusiasm to tying up his allies in fights with him instead of with his enemies.

"Energy from part of the base will now be directed at communicating with the White House and not with the public about the administration's record," said Daniel J. Weiss, director of climate strategy at the Center for American Progress, a liberal research group with close ties to the White House.

And Justin Ruben, executive director of <<http://front.moveon.org/>>MoveOn.org<<http://MoveOn.org>>, a five-million-member online progressive political organization that played a significant role in President

Obama<

[http://topics.nytimes.com/top/reference/timestopics/people/o/barack\\_obama/index.html?inline=nyt-per](http://topics.nytimes.com/top/reference/timestopics/people/o/barack_obama/index.html?inline=nyt-per)>'s election in 2008, said he was sure that his members would be deflated.

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In fact, it is a lesson that some environmental groups have already learned, and they are preparing to act accordingly.

"I think that two-plus years into Obama's presidency is more than enough time for him to have established a clear weak record," said Kierán Suckling, executive director of the Center for Biological Diversity, which has been battling the president on endangered species.

"The environmental movement needs to keep piling the pressure on and realizing playing nicey-nice won't work," Mr. Suckling said, adding that more public actions and lawsuits are the way to get Mr. Obama's attention.

His is not the only group going this way, but so far it is unclear that protests are being heard.

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Betsaida Alcantara

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

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**Sent:** 09/02/2011 06:35 PM EDT

**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster

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9/2/11 5:45 PM EDT

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What they got instead was a rude awakening.

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The environmentalists may have been the last to know, but not by much; an administration official told POLITICO that the White House didn't notify the EPA of the decision until Thursday – and that EPA officials were not involved in the decision-making process.

The EPA was "completely blindsided by this," said John Walke, clean air director at the Natural Resources Defense Council.

As recently as last month, EPA lawyers were asking a federal appellate court in Washington to delay litigation over the Bush-era ozone standard because a new Obama ozone rule was just around the corner.

But on Friday, Obama announced that he was asking EPA Administrator Lisa Jackson to put the new rule on ice – characterizing the decision as part of a larger effort aimed at "reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover."

The about-face has environmentalists and other progressives fuming.

"Many MoveOn members are wondering today how they can ever work for President Obama's reelection, or make the case for him to their neighbors, when he does something like this, after extending the Bush tax cuts for the rich, and giving in to Tea Party demands on the debt deal," MoveOn's executive director, Justin Ruben said in a statement. "This is a decision we'd expect from George W. Bush."

The White House quickly deflected suggestions that the president had caved into Republican pressure with the 2012 election looming. "This has nothing to do with politics, nothing at all," one White House official told reporters Friday on a conference call.

But it's hard to avoid that impression after industry and congressional Republicans launched an aggressive campaign to convince the administration to drop the standards. Major business groups have warned that the ozone rule would be one of the most expensive environmental rules ever imposed on the U.S. economy – with an estimated cost of up to \$90 billion annually – and that a new rule would hurt Obama's reelection bid.

In 2008, the Bush administration tightened the ozone limits from 84 parts per billion to 75 parts per billion, despite scientific advisers' recommendations to issue a standard that would have taken the limits down to the 60 to 70 parts per billion range.

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The EPA sent a final rule to the White House in July for final review. Many observers speculated that the administration would try to appease both sides with a final standard of 70 parts per billion – more than environmentalists wanted, but less than industry feared.



And in fact, an administration source said Friday, the standard the EPA sent to the White House was set at the upper end of the range Obama's EPA had suggested nearly two years ago.

But even that was apparently too much. With Obama's approval ratings sinking, with Republicans on the warpath about the burden of environmental regulations – and on a day the administration had to announce that the economy created no new jobs in August – Obama announced that he was abandoning the new ozone rule.

"I want to be clear: My commitment and the commitment of my administration to protecting public health and the environment is unwavering," he insisted. "I will continue to stand with the hardworking men and women at the EPA as they strive every day to hold polluters accountable and protect our families from harmful pollution. And my administration will continue to vigorously oppose efforts to weaken EPA's authority under the Clean Air Act or dismantle the progress we have made."

Environmentalists are skeptical.

"I think obviously the administration has done some great things," said Tiernan Sittenfeld, the League of Conservation Voters's senior vice president for government affairs. "But there's also been some real disappointments, and today's ozone announcement is at the top of the list."

Industry officials and Republican leaders crowed about the news. "This sudden admission by President Obama that ill-considered regulations do, in fact, have a negative impact upon our economy is a welcome breakthrough," Rep. Fred Upton (R-Mich.), chairman of the House Energy and Commerce Committee, and Ed Whitfield (R-Ky.), chairman of its Energy and Power Subcommittee, said in a statement. "With the president's change of heart on regulations, we welcome his support in having our pro-jobs and pro-growth measures signed into law."

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"I expected that EPA would quietly withdraw the ozone rule without any fanfare," he said in a statement. "The political folks at the White House must believe that the president needs to show that he is concerned about too much regulation from EPA."

The administration could now be put in the awkward position of defending the Bush-era rule in a federal appeals court, despite Jackson's statement that it's "not legally defensible."

Litigation over the 2008 rules has been put on hold while the EPA pledged to reconsider the standards. EPA has repeatedly asked a federal judge to hold off briefing on the issue because it planned to issue the rule soon. Greens and public health advocates said Friday that they intend to push the court to get moving again.

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Darren Goode contributed to this report.

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Betsaida Alcantara

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**Sent:** 09/02/2011 05:22 PM EDT

**To:** Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster

**Subject:** Carper to hold hearing on ozone

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From: POLITICO Pro Whiteboard <proalerts@politicopro.com>  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 09/02/2011 05:11 PM  
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9/2/11 5:11 PM EDT

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

09/03/2011 02:05 PM

To Betsaida Alcantara, Richard Windsor, Arvin Ganesan, Avi Garbow, Barbara Bennett, Bob Perciasepe, Bob Sussman, Dru Ealons, Elizabeth Ashwell, Gina McCarthy, Joseph Goffman, Laura Vaught, Michael Goo, Sarah Pallone, Scott Fulton, Stephanie Owens, David Bloomgren, Heidi Ellis, Brendan Gilfillan, Alisha Johnson, Seth Oster

cc

bcc

Subject The New York Times Editorial: A Bad Call on Ozone

EDITORIAL  
A Bad Call on Ozone

Published: September 03, 2011

President Obama's decision not to proceed with stronger air-quality standards governing ozone is a setback for public health and the environment and a victory for industry and its Republican friends in Congress.

In a terse, three-paragraph statement Friday morning, the president said he did not want to burden industry with new rules at a time of great economic uncertainty, and he pledged to revisit the issue in two years. But since the proposed rules would not have begun to bite for several years, his decision seemed driven more than anything else by politics and his own re-election campaign.

Ozone is the main component of smog, a leading cause of respiratory and other diseases. The standards governing allowable ozone levels of ozone in communities across the country have not changed since 1997. In 2008, the Bush administration proposed a new standard that was a good deal weaker than the recommendations of the E.P.A.'s science advisers and were promptly challenged in courts by state governments and environmental groups.

This summer, Lisa Jackson, the administrator of the Environmental Protection Agency, sent a new and stronger standard to the White House - igniting a fierce lobbying campaign by industry groups asserting that the standards would require impossibly costly investments in new pollution controls and throw people out of work. Industry has made these arguments before. They almost always turn out to be exaggerated. The president sought to assuage Ms. Jackson by reminding her that a host of other environmental rules approved or in the works - including mandating cleaner cars and fewer power plant emissions of mercury and other pollutants - would do much to clean the air. All true. But there is still no excuse for compromising on public health and allowing politics to trump science.

Betsaida Alcantara

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**Subject:** NYTimes: Stung by the President on Air Quality, Environmentalists Weigh Their Options

Stung by the President on Air Quality, Environmentalists Weigh Their Options

By LESLIE KAUFMAN

Published: September 3, 2011

For environmental groups, it was the final hard slap that brought a long-troubled relationship to the brink.

In late August, the State Department gave a crucial go-ahead on a controversial pipeline<  
<http://www.nytimes.com/2011/08/27/business/energy-environment/us-state-department-to-allow-canadian>

-pipeline.html>to bring tar sands oil from Canada to the Gulf Coast. Then on Friday, leading into the holiday weekend, the Obama administration announced without warning that it was walking away from stricter ozone pollution standards<<http://www.nytimes.com/2011/09/03/science/earth/03air.html>> that it had been promising for three years and instead sticking with Bush-era standards.

John D. Walke, clean air director of the Natural Resources Defense Council, an advocacy group based in New York, likened the ozone decision to a "bomb being dropped."

Mr. Walke and representatives of other environmental groups saw the president's actions as brazen political sellouts to business interests and the Republican Party, which regards environmental regulations as job killers and a brick wall to economic recovery.

The question for environmentalists became, what to do next?

"There is shock and chaos here," Mr. Walke said, "so I do not know. I can't answer that question." But he added that his group would resume a smog lawsuit against the government that it had dropped because it had been lulled into believing that this administration would enact tougher regulations without being forced to do so by the courts.

Political analysts watching the Obama administration's pullback from the environmental agenda this past month say that in the current climate there is little chance that environmentalists or their allies will ever side with the Republicans. After all, the Republican-led House of Representatives has been aggressively moving to curtail protections for endangered species and regulations for clean air and water, and most of the Republican presidential candidates have been intensely critical of any government effort to address climate change<  
<http://topics.nytimes.com/top/news/science/topics/globalwarming/index.html?inline=nyt-classifier>>.

Still, they say, the president could face political repercussions in subtler but nevertheless corrosive ways: from losing volunteer enthusiasm to tying up his allies in fights with him instead of with his enemies.

"Energy from part of the base will now be directed at communicating with the White House and not with the public about the administration's record," said Daniel J. Weiss, director of climate strategy at the Center for American Progress, a liberal research group with close ties to the White House.

And Justin Ruben, executive director of <<http://front.moveon.org/>>MoveOn.org<<http://MoveOn.org>>, a five-million-member online progressive political organization that played a significant role in President Obama's  
[http://topics.nytimes.com/top/reference/timestopics/people/o/barack\\_obama/index.html?inline=nyt-per](http://topics.nytimes.com/top/reference/timestopics/people/o/barack_obama/index.html?inline=nyt-per)>'s election in 2008, said he was sure that his members would be deflated.

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

09/05/2011 05:24 PM

To Betsaida Alcantara, Richard Windsor, Arvin Ganesan, Avi Garbow, Barbara Bennett, Bob Perciasepe, Bob Sussman, Dru Ealons, Elizabeth Ashwell, Gina McCarthy, Joseph Goffman, Laura Vaught, Michael Goo, Sarah Pallone, Scott Fulton, Stephanie Owens, David Bloomgren, Heidi Ellis, Brendan Gilfillan, Alisha Johnson, Seth Oster

cc

bcc

Subject The New York Times: A Debate Arises on Job Creation and Environment

Below is a story written by the nytimes environmental reporter and a business reporter on jobs and environmental regulation. We provided a great deal of information on background, including our jobs analysis "white paper" that OP put together for Waxman, the Ceres reports, the Congressional Research Service report, and our analysis of the cement mact which showed a net jobs gain. Several of these pieces were cited in the article.

Story:

A Debate Arises on Job Creation and Environment

By MOTOKO RICH and JOHN BRODER

Published: September 05, 2011

Do environmental regulations kill jobs?

Republicans and business groups say yes, arguing that environmental protection is simply too expensive for a battered economy. They were quick to claim victory Friday after the Obama administration abandoned stricter ozone pollution standards.

Many economists agree that regulation comes with undeniable costs that can affect workers. Factories may close because of the high cost of cleanup, or owners may relocate to countries with weaker regulations.

But many experts say that the effects should be assessed through a nuanced tally of costs and benefits that takes into account both economic and societal factors. Some argue that the costs can be offset as companies develop cheaper ways to clean up pollutants, and others say that regulation is often blamed for job losses that occur for different reasons, like a stagnant economy. As companies develop new technologies to cope with regulatory requirements, some new jobs are created.

What's more, some economists say, previous regulations, like the various amendments to the Clean Air Act, have resulted in far lower costs and job losses than industrial executives initially feared.

For example, when the Environmental Protection Agency first proposed amendments to the Clean Air Act aimed at reducing acid rain caused by power plant emissions, the electric utility industry warned that they would cost \$7.5 billion and tens of thousands of jobs. But the cost of the program has been closer to \$1 billion, said Dallas Burtraw, an economist at Resources for the Future, a nonprofit research group on the environment. And the E.P.A., in a paper published this year, cited studies showing that the law had been a modest net creator of jobs through industry spending on technology to comply with it.

The question of just how much environmental regulation hurts jobs is a particularly delicate one as leaders in Washington debate the best ways to address the nation's stubbornly high unemployment rate. As President Obama prepares for an important speech on Thursday focusing on job creation, Republicans are pushing for a rollback in environmental regulations that they say saddle companies with onerous costs that curtail jobs without leading to significant improvement in environmental or public health.

Part of the problem in evaluating the costs of regulation is that there have been few systematic studies of such costs after regulations are imposed.

"Regulations are put on the books and largely stay there unexamined," said Michael Greenstone, an economist at the Massachusetts Institute of Technology. "This is part of the reason that these debates about regulations have a Groundhog's Day quality to them."

Mr. Greenstone has conducted one of the few studies that actually measure job losses related to environmental rules. In researching the amendments to the Clean Air Act that affected polluting plants

from 1972 and 1987, he found that those companies lost almost 600,000 jobs compared with what would have happened without the regulations.

But Mr. Greenstone has also conducted research showing that clean air regulations have reduced infant mortality and increased housing prices, and indeed many economists argue that job losses should not be considered in isolation. They say the costs of regulations are dwarfed by the gains in lengthened lives, reduced hospitalizations and other health benefits, and by economic gains like the improvement to the real estate market.

Business groups also tend to cite regulation even if other factors are involved, critics say. The cement industry is currently warning that as many as 18 of the 100 cement plants currently operating in the United States could close down because of proposed stricter standards for sulfur dioxide and nitrogen oxide emissions, resulting in the direct loss of 13,000 jobs.

An E.P.A. analysis of the proposed rules projects a much smaller effect, ranging from as few as 600 jobs lost to 1,300 jobs actually added in companies that make cleaner equipment.

Some cement plants could be at risk simply because of the economy. With the housing market on its knees, demand for cement is down by about 40 percent from its prerecession peak. According to Andy O'Hare, vice president for regulatory affairs at the Portland Cement Association, a trade group, about a third of the cement plants in the country are being shut off every other month.

That's precisely why imposing new regulations right now could be tricky. "Even if these rules have benefits that justify the costs, there is still a separate question on when is the right time to impose these regulations," said John Graham, dean of the Indiana University School of Public and Environmental Affairs and the head of the White House Office of Information and Regulatory Affairs under President George W. Bush. "These benefits, which are often quite substantial, tend to be long term before they are incurred. They don't necessarily help in this short-term precarious situation that we're in."

As much as timing, many companies are seeking clarity, saying they are more concerned about knowing what the rules are - and when and how much they will change - than eliminating the rules altogether.

"The environmental regulations are a moving target," said Spencer Weitman, president of the National Cement Company of Alabama, a cement maker in Ragland, Ala. The company has suspended a \$350 million project to build a new kiln because, it says, it cannot figure out which of three proposed standards it must meet. The firm has been cited by House Republicans as a case study in how environmental rules kill jobs, as National Cement estimated that it would take about 1,500 construction workers to build the kiln and then 20 to operate it on a permanent basis.

Mr. Weitman said the company, which has been asking the E.P.A. for clarification, worried that it would not be able to afford the technology required to comply with new standards. But, he said, "we agree that we need to protect the environment and we need regulations in place to make sure that we all do it right. That's not the argument that we're coming up with. We do need regulations that are achievable and that make sense."

For now, the Obama administration is moving ahead with plans for a number of other environmental rules, including regulations governing industrial emissions that cross state lines and toxic air pollution from power plants and factory boilers.

In issuing new regulations, the administration says it weighs job creation and economic growth as carefully as it does health, safety and environmental impacts, a commitment enshrined in an executive order signed by the president earlier this year.

House Republicans say the administration is engaged in a spasm of rule-making that is retarding the nation's economy and exacerbating persistently high unemployment. They have announced plans to review and repeal a catalog of environmental, labor and health care rules beginning this week.

Finding a middle ground is difficult, especially in the midst of heated political wrangling over how to cope with the sputtering economy. Businesses are focusing almost entirely on the costs. Environmental groups, meanwhile, tally up the benefits without paying much heed to the costs.

"My view is that the Republican claim that 'job-killing regulation' is a redundancy is as ridiculous as the left-wing view that 'job-killing regulation' is an oxymoron," said Cass Sunstein, head of the White House Office of Information and Regulatory Affairs. "Both are silly political claims that have no place in a serious discussion."

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 09/03/2011 02:05 PM EDT

**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster

**Subject:** The New York Times Editorial: A Bad Call on Ozone  
EDITORIAL  
A Bad Call on Ozone

Published: September 03, 2011

President Obama's decision not to proceed with stronger air-quality standards governing ozone is a setback for public health and the environment and a victory for industry and its Republican friends in Congress.

In a terse, three-paragraph statement Friday morning, the president said he did not want to burden industry with new rules at a time of great economic uncertainty, and he pledged to revisit the issue in two years. But since the proposed rules would not have begun to bite for several years, his decision seemed driven more than anything else by politics and his own re-election campaign.

Ozone is the main component of smog, a leading cause of respiratory and other diseases. The standards governing allowable ozone levels of ozone in communities across the country have not changed since 1997. In 2008, the Bush administration proposed a new standard that was a good deal weaker than the recommendations of the E.P.A.'s science advisers and were promptly challenged in courts by state governments and environmental groups.

This summer, Lisa Jackson, the administrator of the Environmental Protection Agency, sent a new and stronger standard to the White House - igniting a fierce lobbying campaign by industry groups asserting that the standards would require impossibly costly investments in new pollution controls and throw people out of work. Industry has made these arguments before. They almost always turn out to be exaggerated. The president sought to assuage Ms. Jackson by reminding her that a host of other environmental rules approved or in the works - including mandating cleaner cars and fewer power plant emissions of mercury and other pollutants - would do much to clean the air. All true. But there is still no excuse for compromising on public health and allowing politics to trump science.

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 09/03/2011 02:03 PM EDT

**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster

**Subject:** NYTimes: Stung by the President on Air Quality, Environmentalists Weigh Their Options

Stung by the President on Air Quality, Environmentalists Weigh Their Options

By LESLIE KAUFMAN

Published: September 3, 2011

For environmental groups, it was the final hard slap that brought a long-troubled relationship to the brink.

In late August, the State Department gave a crucial go-ahead on a controversial pipeline<<http://www.nytimes.com/2011/08/27/business/energy-environment/us-state-department-to-allow-canadian-pipeline.html>> to bring tar sands oil from Canada to the Gulf Coast. Then on Friday, leading into the holiday weekend, the Obama administration announced without warning that it was walking away from stricter ozone pollution standards<<http://www.nytimes.com/2011/09/03/science/earth/03air.html>> that it had been promising for three years and instead sticking with Bush-era standards.

John D. Walke, clean air director of the Natural Resources Defense Council, an advocacy group based in

New York, likened the ozone decision to a "bomb being dropped."

Mr. Walke and representatives of other environmental groups saw the president's actions as brazen political sellouts to business interests and the Republican Party, which regards environmental regulations as job killers and a brick wall to economic recovery.

The question for environmentalists became, what to do next?

"There is shock and chaos here," Mr. Walke said, "so I do not know. I can't answer that question." But he added that his group would resume a smog lawsuit against the government that it had dropped because it had been lulled into believing that this administration would enact tougher regulations without being forced to do so by the courts.

Political analysts watching the Obama administration's pullback from the environmental agenda this past month say that in the current climate there is little chance that environmentalists or their allies will ever side with the Republicans. After all, the Republican-led House of Representatives has been aggressively moving to curtail protections for endangered species and regulations for clean air and water, and most of the Republican presidential candidates have been intensely critical of any government effort to address climate change<

<http://topics.nytimes.com/top/news/science/topics/globalwarming/index.html?inline=nyt-classifier>>.

Still, they say, the president could face political repercussions in subtler but nevertheless corrosive ways: from losing volunteer enthusiasm to tying up his allies in fights with him instead of with his enemies.

"Energy from part of the base will now be directed at communicating with the White House and not with the public about the administration's record," said Daniel J. Weiss, director of climate strategy at the Center for American Progress, a liberal research group with close ties to the White House.

And Justin Ruben, executive director of <<http://front.moveon.org/>>MoveOn.org<<http://MoveOn.org>>, a five-million-member online progressive political organization that played a significant role in President Obama<

[http://topics.nytimes.com/top/reference/timestopics/people/o/barack\\_obama/index.html?inline=nyt-per](http://topics.nytimes.com/top/reference/timestopics/people/o/barack_obama/index.html?inline=nyt-per)>'s election in 2008, said he was sure that his members would be deflated.

"How are our members in Ohio and Florida who pounded the pavement in 2008 going to make the case for why this election matters?" Mr. Ruben said. "Stuff like this is devastating to the hope and passion that fuels the volunteers that made the president's 2008 campaign so unique and successful."

Anthony Leiserowitz, director of the Yale Project on Climate Change Communication, who does extensive work on public perception and the environment, said the real threat to the president's reputation stemming from the ozone decision went far beyond environmentalists.

"It could play into an emerging narrative in his own party that he is caving too quickly to Republican pressure," Dr. Leiserowitz said. "It is a dangerous narrative in your own base because it cuts down on enthusiasm and it is a narrative that his opponents will pick up on."

In fact, it is a lesson that some environmental groups have already learned, and they are preparing to act accordingly.

"I think that two-plus years into Obama's presidency is more than enough time for him to have established a clear weak record," said Kierán Suckling, executive director of the Center for Biological Diversity, which has been battling the president on endangered species.

"The environmental movement needs to keep piling the pressure on and realizing playing nicey-nice won't work," Mr. Suckling said, adding that more public actions and lawsuits are the way to get Mr. Obama's attention.

His is not the only group going this way, but so far it is unclear that protests are being heard.

All last week across the street from the White House, Bill McKibben, a founder of <<http://www.350.org/>>350.org<<http://350.org/>>, a grass-roots organization that advocates limiting carbon emissions, staged demonstrations to protest the Keystone XL pipeline, which would bring the tar sands oil from Canada.

As of Friday, Mr. McKibben said, more than a thousand people had been arrested in the previous days of protest, including Obama campaign staff members from 2008. Yet, he said of the White House, "we heard not one word from them."

One of those former campaign workers who was arrested was Courtney Hight, who was the youth vote director in Florida in 2008. She offered an explicit warning: "If the president decides not to permit the pipeline, he will reignite the enthusiasm many of my friends and I felt in 2008. But if he approves it, it is just human nature that the disappointment will sap the enthusiasm that drove us to work so hard last time."

Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 09/02/2011 06:35 PM EDT

**To:** Betsaida Alcantara; Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster

**Subject:** Politico: Obama blindsides enviros - and his own EPA  
Obama blindsides enviros - and his own EPA

By Robin Bravender  
9/2/11 5:45 PM EDT

Leaders of environmental and public health groups arrived at the White House Friday morning for what was supposed to be a look-ahead at the fall energy and environment agenda.

What they got instead was a rude awakening.

Administration officials told the stunned enviros that President Barack Obama was pulling the plug on plans to tighten Bush-era ozone standards – standards Obama's own EPA chief has previously declared "not legally defensible."

The environmentalists may have been the last to know, but not by much; an administration official told POLITICO that the White House didn't notify the EPA of the decision until Thursday – and that EPA officials were not involved in the decision-making process.

The EPA was "completely blindsided by this," said John Walke, clean air director at the Natural Resources Defense Council.

As recently as last month, EPA lawyers were asking a federal appellate court in Washington to delay litigation over the Bush-era ozone standard because a new Obama ozone rule was just around the corner.

But on Friday, Obama announced that he was asking EPA Administrator Lisa Jackson to put the new rule on ice – characterizing the decision as part of a larger effort aimed at "reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover."

The about-face has environmentalists and other progressives fuming.

"Many MoveOn members are wondering today how they can ever work for President Obama's reelection, or make the case for him to their neighbors, when he does something like this, after extending the Bush tax cuts for the rich, and giving in to Tea Party demands on the debt deal," MoveOn's executive director, Justin Ruben said in a statement. "This is a decision we'd expect from George W. Bush."

The White House quickly deflected suggestions that the president had caved into Republican pressure with the 2012 election looming. "This has nothing to do with politics, nothing at all," one White House official told reporters Friday on a conference call.

But it's hard to avoid that impression after industry and congressional Republicans launched an aggressive campaign to convince the administration to drop the standards. Major business groups have warned that the ozone rule would be one of the most expensive environmental rules ever imposed on the U.S. economy – with an estimated cost of up to \$90 billion annually – and that a new rule would hurt Obama's reelection bid.

In 2008, the Bush administration tightened the ozone limits from 84 parts per billion to 75 parts per billion, despite scientific advisers' recommendations to issue a standard that would have taken the limits down to the 60 to 70 parts per billion range.

In January 2010, the Obama EPA proposed moving down to the 60 to 70 parts per billion when averaged over an eight-hour period.

Jackson wrote that she had decided to reconsider the rule based on concerns that the Bush-era standards were "not legally defensible," given the scientific evidence and the recommendations of the EPA's independent science advisers.

The EPA sent a final rule to the White House in July for final review. Many observers speculated that the administration would try to appease both sides with a final standard of 70 parts per billion – more than environmentalists wanted, but less than industry feared.

And in fact, an administration source said Friday, the standard the EPA sent to the White House was set at the upper end of the range Obama's EPA had suggested nearly two years ago.

But even that was apparently too much. With Obama's approval ratings sinking, with Republicans on the warpath about the burden of environmental regulations – and on a day the administration had to announce that the economy created no new jobs in August – Obama announced that he was abandoning the new ozone rule.

"I want to be clear: My commitment and the commitment of my administration to protecting public health and the environment is unwavering," he insisted. "I will continue to stand with the hardworking men and women at the EPA as they strive every day to hold polluters accountable and protect our families from harmful pollution. And my administration will continue to vigorously oppose efforts to weaken EPA's authority under the Clean Air Act or dismantle the progress we have made."

Environmentalists are skeptical.

"I think obviously the administration has done some great things," said Tiernan Sittenfeld, the League of Conservation Voters's senior vice president for government affairs. "But there's also been some real disappointments, and today's ozone announcement is at the top of the list."

Industry officials and Republican leaders crowed about the news. "This sudden admission by President Obama that ill-considered regulations do, in fact, have a negative impact upon our economy is a welcome breakthrough," Rep. Fred Upton (R-Mich.), chairman of the House Energy and Commerce Committee, and Ed Whitfield (R-Ky.), chairman of its Energy and Power Subcommittee, said in a statement. "With the president's change of heart on regulations, we welcome his support in having our pro-jobs and pro-growth measures signed into law."

Jeff Holmstead, an industry attorney and former EPA air chief during the George W. Bush administration, said he was surprised by the fact that Obama took the credit – or the blame – for yanking the rule himself.

"I expected that EPA would quietly withdraw the ozone rule without any fanfare," he said in a statement. "The political folks at the White House must believe that the president needs to show that he is concerned about too much regulation from EPA."

The administration could now be put in the awkward position of defending the Bush-era rule in a federal appeals court, despite Jackson's statement that it's "not legally defensible."

Litigation over the 2008 rules has been put on hold while the EPA pledged to reconsider the standards. EPA has repeatedly asked a federal judge to hold off briefing on the issue because it planned to issue the rule soon. Greens and public health advocates said Friday that they intend to push the court to get moving again.

Calling the White House's decision not to finish reconsidering the ozone standard "inexcusable," American Lung Association President Charles Connor said his group "now intends to revive its participation in litigation with the administration, which was suspended following numerous assurances that the administration was going to complete this reconsideration and obey the law."

Darren Goode contributed to this report.

To read and comment online:

<https://www.politicopro.com/go/?id=5624><<https://www.politicopro.com/go/?id=5624>>

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Betsaida Alcantara

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

**From:** Betsaida Alcantara

**Sent:** 09/02/2011 05:22 PM EDT

**To:** Richard Windsor; Arvin Ganesan; Avi Garbow; Barbara Bennett; Bob Perciasepe; Bob Sussman; Dru Ealons; Elizabeth Ashwell; Gina McCarthy; Joseph Goffman; Laura Vaught; Michael Goo; Sarah Pallone; Scott Fulton; Stephanie Owens; David Bloomgren; Heidi Ellis; Brendan Gilfillan; Alisha Johnson; Seth Oster

**Subject:** Carper to hold hearing on ozone

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 09/02/2011 05:21 PM -----

From: POLITICO Pro Whiteboard <proalerts@politicopro.com>  
To: Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 09/02/2011 05:11 PM  
Subject: Carper to hold hearing on ozone

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9/2/11 5:11 PM EDT

Sen. Tom Carper, chairman of the Environment and Public Works clean air subcommittee, said he intends to hold a hearing on the White House's decision to delay action on an EPA ozone rule. "This decision leaves me with more questions than answers," Carper said in a statement. "To that end, I intend to hold a hearing in the clean air subcommittee with White House officials to explain these actions and the possible ramifications." He added he is "very concerned about the ramifications this action may have on the health of thousands of Delawareans and millions of Americans that are vulnerable to the harmful effects of ozone air pollution."

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**Betsaida  
Alcantara/DC/USEPA/US**  
02/28/2012 05:45 PM

To Betsaida Alcantara  
cc "Andra Belknap", "David Bloomgren", Ganesan.Arvin,  
Gilfillan.Brendan, "Alisha Johnson", McCarthy.Gina,  
"Stephanie Owens", Perciasepe.Bob, Stoner.Nancy,  
Sussman.Bob, Thompson.Diane, "Laura Vaught",  
Windsor.Richard  
bcc  
Subject Washington Post Blog: Can the problems with fracking be  
fixed?

**Can the problems with fracking be fixed?**

**By Brad Plumer, Tuesday, February 28, 3:16 PM**

**In the New York Times, Joe Nocera says that natural-gas fracking is inevitable and just needs a few tweaks — like plugging methane leaks from wells. But that’s not as simple as it sounds. Recent research suggests that fracking could be disastrous, climate-wise, if those leaks aren’t fixed.**

**On the surface, natural gas looks like a relatively clean fossil fuel — burning the stuff emits about half as much carbon dioxide as burning coal. That’s why some environmentalists have lauded it as a “bridge fuel” en route to a zero-carbon future. But there’s a catch: Using hydraulic fracturing to extract gas from shale rock is bound to cause some methane to leak out. And methane is a very potent heat-trapping gas when it escapes into the air, about 21 times as powerful as carbon dioxide. Some of this methane seeps out from underground wells. Some of it gets purposefully flared off or vented by the drillers. And some of it wafts out of loosely fitted distribution pipes. If enough of this methane escapes, then natural gas could, conceivably, cause as much global warming as coal.**

**Modeling studies have suggested that if more than 2 percent of the methane from natural-gas production is escaping out into the air, then natural gas’ climate advantage over coal starts to disappear. One recent paper, led by Tom Wigley of the Center for Atmospheric research, found that switching from coal to natural gas could actually prove worse for the planet if leakage rates are above 2.5 percent. (Michael Levi of the Council on Foreign Relations offers some caveats on Wigley’s study, noting that this isn’t as pressing a concern if natural gas use is phased out in fairly short order. But that’s not a given.)**

**So how much methane is actually escaping from existing shale-gas wells? That’s a tricky question, because industry groups tend not to share their data on this topic. Officially, the EPA estimates the leakage rate is around 2 percent. One hotly debated study from Cornell’s Robert Howarth, meanwhile, found that the leakage rate could be as high as 7.8 percent, which would make natural gas considerably more effective at cooking the planet than coal. A more recent study led by researchers at the National Oceanic and Atmospheric Administration sampled air over natural-gas wells in the Denver-Julesburg Basin and it found that methane leakage was at least 4 percent (and that didn’t include leaks from pipelines).**

**Now, there’s still a lot of uncertainty in these estimates — it would help if industry data were more readily available. And it’s true, as Nocera says, that companies are experimenting with cost-effective ways to capture this methane and plug these leaks, though it’s conceivable that regulations would be needed to force their adoption. But right now, the whole environmental rationale behind natural gas — that it’s cleaner than coal for electricity generation — very much depends on these leakage rates. And those remain a big question mark.**

**On a separate note, Nocera’s column overlooked some of the noisiest controversies surrounding**

**natural gas fracking — namely, whether the drilling process itself is contaminating nearby water supplies. So far, the evidence that fracking (in which drillers inject underground shale wells with water, chemicals and sand to extract the gas) poses serious risks to human health is relatively scant and much-disputed. For instance, one study found that drinking wells near the Marcellus Shale contained 17 times as much methane as those half a mile away, but it's hard to know whether the methane came from the fracking site itself or from shallower deposits.**

**Still, this is a major reason why fracking has run into so much opposition in parts of Pennsylvania and New York, and it's a big reason why environmentalists have soured on natural gas in recent years. Bill McKibben has a long, comprehensive piece charting the green disillusionment with natural gas in the New York Review of Books, and Pete Aldhous has a piece in New Scientist looking at the public-health science that surrounds fracking. Aldhous notes that, although the evidence on this subject is still patchy, concerns about water contamination “could even bring the shale gas bandwagon to a halt.”**

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

09/15/2011 09:26 AM

To Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Diane  
Thompson, Richard Windsor, Seth Oster

cc

bcc

Subject Inside EPA: EPA May Limit Power Plant GHG Performance  
Standards To New Facilities

Daily News

## **EPA May Limit Power Plant GHG Performance Standards To New Facilities**

Posted: September 14, 2011

EPA could be leaning toward limiting its highly anticipated proposed power plant greenhouse gas (GHG) emissions rules to new facilities and defer limits on existing facilities, sources say, a move industry would welcome but is likely at odds with clean air advocates' push to tighten the rule by requiring carbon capture as a GHG control technology.

The suggestion that EPA could try to narrow the scope of the pending new source performance standard (NSPS) comes as sources also question whether the agency will meet its Sept. 30 settlement deadline for issuing the proposed rule. EPA has yet to send a proposal for White House Office of Management & Budget (OMB) review, a crucial process before the agency can publish the rule in the *Federal Register*, and one which usually takes 60 to 90 days.

Industry sources say that one of the struggles EPA is facing in trying to craft a proposal is identifying GHG emissions controls options for existing power plants. Issuing a proposal that limits the rule's applicability only to new power plants could be one way to eliminate that major stumbling block, according to the sources.

But activists say they would fight such a move, as they see the NSPS as one of the only opportunities for the Obama administration to send a clear signal that it is serious about reaching an 80 percent cut in GHGs by 2050, given the death of climate legislation and the lack of any other substantial GHG regulations from federal agencies.

EPA would likely need to seek permission from the litigants to change the scope of the rule as envisioned by the settlement with states and activists setting deadlines for proposing and finalizing the NSPS. The settlement specifically states that EPA will regulate new sources under Clean Air Act section 111(b) and existing sources under section 111(d). NSPS allows two different sets of requirements -- stringent rules for new facilities and less onerous requirements for existing sources. EPA must issue a proposal by Sept. 30, and a final rule by May 26, 2012, under the agreement.

EPA did not respond to requests for comment and environmentalists involved in the settlement would not confirm whether the agency is seeking to modify its terms. "I don't have any news on that," one source says.

An industry source says any plan to limit the NSPS to new facilities “would be more palatable to industry” and would be something that “frankly I don't think would have a great impact because all new [power plants] are going to be as efficient as possible. . . . Whereas if they [regulate] under section 111(d), EPA would have to figure out what is the appropriate efficiency standard . . . and those are all over the map. It is a much more difficult thing to do.”

A second industry source says limiting the NSPS “would not surprise me at all.” The NSPS follow EPA's first-time “tailoring” rule setting GHG permit requirements for some large facilities -- a rule that Republicans and many in industry criticized as imposing massive costs, but which to date has not resulted in aggressive GHG controls.

A Republican strategist says, “I suspect that the story [of the NSPS rule] will look a lot like the [GHG permit requirements]; lots of sound and fury, but at the end of the day the agency was forced to acknowledge that there is no technology to control carbon. Same here. You can't mandate what doesn't exist.”

### **Delaying Requirements**

Other sources say it would be relatively easy for EPA to delay GHG NSPS requirements at existing facilities. One source explains that those facilities are regulated via a process similar to state implementation plans, which are air quality blueprints that states craft for attaining EPA's national ambient air quality standards.

“So presumably EPA would issue guidance to the states and the states would develop a process to implement the guidance regarding source responsibilities. This should take some time to do . . . both developing the guidance and for the state to implement,” one source says of any attempt to limit the scope of the NSPS.

Another source agrees, noting that this process could defer for at least nine months the need for states to apply the rule to existing facilities, while EPA would apply them to new sources immediately.

EPA's efforts to possibly limit the scope of the NSPS could in part explain why the agency has not sent the proposed rule for OMB review, sources say. The fact that the rule is not yet under OMB review is prompting sources to believe that the agency will miss its Sept. 30 deadline. It would be the second missed deadline for the proposal, after EPA won an extension from the settlement's original July 26 deadline.

“I have only heard nothing had gone over yet” to the White House, “and that some things would be phrased as questions . . . so [it] sounds like it may be delayed for a bit,” a second environmentalist says.

The industry source adds it is “very significant” that EPA has not yet sent the rule to OMB. This source adds that officials in EPA's air office are still planning on meeting the deadline but recognize outside complicating factors, including the fact that the pending climate proposal

“might be politically sensitive.”

The source explains that because the settlement is between EPA and the litigants, and was never approved by the court, any failure by EPA to meet its terms “would be a breach” of the agreement.

But the only option litigants would have -- if EPA misses the deadline without winning approval from environmentalist and states for an extension to the deadline -- would be to revise their lawsuit and “it would be some time before they could get a court order requiring [EPA] to do something,” the source says.

The source adds that EPA's Office of Air & Radiation is also consumed with other issues, including finalizing a proposed utility air toxics rule by mid-November and addressing reconsideration petitions for its power plant cap-and-trade rule. “They are a little bit overwhelmed right now and my sense is as much as this is a political issue they've also got a resource issue . . . and I am not sure they have the ability to get a GHG proposal out in time.”

Also fueling speculation that the proposal will be delayed or scaled back is President Obama's controversial announcement earlier this month to scrap EPA's plan to tighten its health-based ozone standard.

A delay for the utility climate NSPS “is certainly a fair concern, given the ozone standard,” one state source says, who adds it would be “possible” for EPA to also limit the scope of the rule to new facilities.

### **Commercializing CCS**

However, EPA is also facing pressure from environmentalists to send a signal through the proposed NSPS that the rule will ultimately drive requirements to commercialize carbon capture and sequestration (CCS) as a GHG emissions control technology, not just for coal plants but also for natural gas-fired facilities.

A source with the Clean Air Task Force (CATF) says that group “would be greatly concerned about a delay in proposing GHG performance standards for existing fossil plants.” The source adds, “It is far from clear that EPA will finalize a stronger standard for existing fossil plants if the proposal is further delayed.”

CATF is instead urging the administration to “send a clear signal that the U.S. is transitioning to a cleaner energy economy over time and that the [NSPS] should be a significant step in this direction.”

The source adds that the Obama administration has committed to the goal of cutting GHGs by 80 percent in 2050 and notes the only way this goal can be met is with widespread adoption of CCS. “A performance standard on fossil power plants stringent enough to require carbon capture on an increasing number of existing fossil units over time may provide the last best hope in the near-term for reaching these goals,” the source says.

Lending urgency to this argument, the National Center for Atmospheric Research (NCAR), a federally funded research center, announced Sept. 8 it would publish a paper next month showing that switching from coal to natural gas would not significantly slow climate change, due in part to methane leakages from natural gas operations. A greater reliance on natural gas would “slightly accelerate” climate change through at least 2050 even if no methane leaked, and through as late as 2140 if there were substantial leaks, according to the NCAR research. The results will appear in the October issue of the peer-reviewed journal *Climate Change Letters* .

Meanwhile, sources familiar with EPA's ongoing small business review panel for the NSPS power plant rule say panelists have asked for a third meeting this month after having productive sessions this summer.

EPA agreed to convene the panel to limit the impacts of the rule on small business after facing fierce scrutiny for failing to do so for its GHG tailoring rule. -- *Dawn Reeves* ( [dreeves@iwppnews.com](mailto:dreeves@iwppnews.com) This e-mail address is being protected from spambots. You need JavaScript enabled to view it )

**Betsaida  
Alcantara/DC/USEPA/US**  
07/11/2011 09:20 AM

To Bob Sussman, Adora Andy  
cc "Betsaida Alcantara", Andra Belknap, Dru Ealons, Vicki Ekstrom, Scott Fulton, "Arvin Ganesan", "Brendan Gilfillan", Alisha Johnson, Daniel Kanninen, David McIntosh, Michael Moats, "Seth Oster", Stephanie Owens, Bob Perciasepe, Sarah Pallone, Shira Sternberg, "Bob Sussman", Diane Thompson, "Richard Windsor"  
bcc

Subject Re: St. Pete Times: Republicans take dead aim on EPA

Thx Bob. We'll reach out to the writer. This is an opinion piece by an individual writer, not an editorial fyi  
Bob Sussman

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


**From:** Bob Sussman  
**Sent:** 07/11/2011 08:42 AM EDT  
**To:** Adora Andy

**Cc:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Andra Belknap; Dru Ealons; Vicki Ekstrom; Scott Fulton; "Arvin Ganesan" <ganesan.arvin@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Alisha Johnson; Daniel Kanninen; David McIntosh; Michael Moats; "Seth Oster" <oster.seth@epa.gov>; Stephanie Owens; Bob Perciasepe; Sarah Pallone; Shira Sternberg; "Bob Sussman" <sussman.bob@epa.gov>; Diane Thompson; "Richard Windsor" <windsor.richard@epa.gov>

**Subject:** Re: St. Pete Times: Republicans take dead aim on EPA

This is a great editorial but it misstates what we're doing on Florida NNC.

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

Adora Andy  Appeared in: St. Petersburg Times a... 07/11/2011 07:20:47 AM

**From:** Adora Andy/DC/USEPA/US  
**To:** "Scott Fulton" <Fulton.Scott@epamail.epa.gov>, "Daniel Kanninen" <Kanninen.Daniel@epamail.epa.gov>, "Richard Windsor" <windsor.richard@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, Sarah Pallone/DC/USEPA/US@EPA  
**Cc:** "Stephanie Owens" <Owens.Stephanie@epamail.epa.gov>, "Shira Sternberg" <Sternberg.Shira@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>, "Dru Ealons" <Ealons.Dru@epamail.epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Andra Belknap" <Belknap.Andra@epamail.epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>, "Vicki Ekstrom" <Ekstrom.Vicki@epamail.epa.gov>, "Seth Oster" <oster.seth@epa.gov>  
**Date:** 07/11/2011 07:20 AM  
**Subject:** St. Pete Times: Republicans take dead aim on EPA



Appeared in: St. Petersburg Times and Pocono Record

Republicans take dead aim on EPA

By Robyn Blumner

July 11, 2011 12:00 AM

The best way to appreciate the benefits of environmental regulation is to travel internationally. I don't mean to First World cities like Toronto or Paris but to places where government is unable or unwilling to rein in polluters.

When I was in Beijing about 10 years ago, travelers could expect days of thick smog and locals sporting facemasks to protect their lungs. What I saw in Lagos, Nigeria, were waterways piled high with garbage, while children played nearby. And the tap water? Don't even brush your teeth with it. In my experience, anywhere pollution was allowed to exist, it did, ruining the outdoors, not to mention the health of human beings.

But in America we have the Environmental Protection Agency.

Yes, the EPA, the great "Job-Killing Organization of America" as Republican presidential candidate Michele Bachmann dubbed it. She'd repeal it if she could. So would former House Speaker Newt Gingrich, another GOP presidential hopeful, who would replace it with the "Environmental Solutions Agency," that would work cooperatively with industry. Because that's worked so well in the past.

The EPA is under assault right now by Republicans on the campaign trail as well as in Congress. Last week, House Republicans outlined new cuts they will seek, representing an 18 percent reduction from current spending. EPA administrator Lisa Jackson has been called before a congressional energy subcommittee to be pilloried by its chairman Rep. Edward Whitfield, R-Ky. She's a Republican punching bag.

There is a fever pitch of hysteria coming from conservatives against a host of regulations that would tighten rules on harmful emissions from coal-burning power plants, mining operations and vehicles. The new rules are needed in light of the latest scientific data on the dangers posed to human health by various pollutants. Even former Republican EPA administrators, William Ruckelshaus and Christine Todd Whitman, have been publicly defending the Obama administration's efforts, including on the regulation of greenhouse gas emissions.

But current congressional Republicans, representing their industry donors and climate-change deniers, are in full-attack mode. As always, the science is irrelevant, and when profits are at risk, so is human health.

What a far cry from the bipartisanship that surrounded the EPA's beginnings in 1970, when Republican President Richard Nixon established it. That year, a Democratic controlled Congress passed the Clean Air Act by a vote of 73-to-0 in the Senate, and 374-to-1 in the House. Everyone understood that the time had come to put the Earth first.

America desperately needed heavy-handed, top-down environmental regulation. As Ruckelshaus and Whitman noted in a Washington Post op-ed, air in major cities was so smog-filled that Bob Hope joked, "I don't trust air I can't see." The Cuyahoga River in Cleveland, Ohio, caught fire in 1969, and Lake Erie was declared dead a year later.

Obviously, the concept of leaving industry to police itself was an unmitigated failure. Even free market proponents realized that, without government-imposed pollution controls, businesses won't invest in clean technologies since they'd be at a competitive disadvantage. The state-by-state approach didn't work either. Powerful industries simply co-opted local politicians.

Last year marked the EPA's 40th anniversary. A report card issued by the nonpartisan Aspen Institute highlighted 10 ways the agency has strengthened America. These include removing lead from gasoline, as well as from the air, controlling car emissions, managing toxic chemicals such as DDT and asbestos, and cleaning the water. We all live stunningly better lives due to the agency's work.



But there are signs that the Obama EPA is bowing to the constant haranguing. In Florida, the agency just dropped its years-long effort to establish clean water standards for the state's waterways, leaving it to the state to police nutrient runoff from farms and industrial plants. The backward lesson is, create enough of a ruckus over cost, and polluters win.

And around the world, when polluters win, life is miserable. In China, thousands of villagers and their children suffer from exposure to lead released from nearby factories. Without a robust government regulator, it can happen here, too. Again.

You can respond to Robyn's column at [blumner@sptimes.com](mailto:blumner@sptimes.com)

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

05/05/2010 09:39 AM

To Bob Sussman

cc Bob Perciasepe, Diane Thompson, Lisa Feldt, Lisa  
Heinzerling, Mathy Stanislaus, Richard Windsor, Seth Oster,  
Adora Andy

bcc

Subject New York Times: E.P.A.'s Plan to Regulate Coal Ash Draws  
Criticism

This is in the clips today, but wanted to make sure this group saw the NYT piece

E.P.A.'s Plan to Regulate Coal Ash Draws Criticism (New York Times)

By SHAILA DEWAN

The Environmental Protection Agency issued a long-awaited proposal Tuesday to regulate coal ash, the toxic byproduct of burning coal to produce power. But the agency deferred a decision on whether to treat it as hazardous waste, drawing criticism from environmentalists who had hoped for a stronger stance. Instead, the agency offered two alternatives, one that would regulate coal ash under strict hazardous-waste rules, and a weaker and less expensive option that would regulate it under the same framework that governs household garbage. The agency will choose between the options sometime after a 90-day comment period.

Either proposal would represent the first time that coal ash, which contains arsenic, mercury and other toxic substances, has been federally regulated, Lisa P. Jackson, the E.P.A. administrator, said in a conference call. "Both proposals reflect a major step forward at the national level in reducing the risk of improper coal ash disposal," Ms. Jackson said.

That risk was made clear in late 2008, when a coal ash pond at the Tennessee Valley Authority's Kingston Fossil Plant in eastern Tennessee ruptured, spilling 5.4 million cubic yards of ash across 300 acres, prompting the E.P.A. to renew a decades-old promise to issue coal ash regulations. The cleanup will cost an estimated \$1.2 billion.

Environmental groups said the disaster made clear the need for strict oversight.

"We are disappointed that the rule brings forward two dramatically different regulatory options," Scott Slesinger, legislative director for the Natural Resources Defense Council, said in a statement. "We expect E.P.A. to choose the option that adequately protects the public, particularly our precious groundwater, and treats this hazardous waste as a hazardous waste."

But other environmental groups praised the agency for acknowledging the elevated risk of cancer and other health effects of coal ash. Industry groups, meanwhile, urged the E.P.A. to take the less strict route. "We believe there's only one prudent course of action — federal regulation of coal ash as a nonhazardous waste," said Jim Roewer, the executive director of the Utility Solid Waste Activities Group, which has argued that the industry has voluntarily begun to improve ash disposal practices and that hazardous-waste regulation is expensive and unnecessary.

Power plants and other industries in the United States produce more than 136 million tons of ash and other coal combustion byproducts every year. Most of that is dumped in dry landfills or in far riskier storage ponds, also called surface impoundments, like the one at Kingston. The agency has identified at least 71 cases where coal ash leaking from dump sites contaminated nearby ground- or surface water.

Under the E.P.A.'s hazardous-waste proposal, surface impoundments would be phased out over five years, Ms. Jackson said. The regulations, which would also require safeguards like liners in new dry landfills and groundwater monitoring at both new and old landfills, could be enforced by the agency. Under the nonhazardous designation, existing surface impoundments would have to be retrofitted with liners and new surface impoundments and landfills would require liners, but the rules would be essentially recommendations that could not be enforced except by citizens filing lawsuits. States would not be required to adopt the new guidelines as law.

The agency estimated that the first option would cost the industry \$1.5 billion a year, while the second would cost \$600 million a year. Both would allow certain types of "beneficial reuse," or recycling, of coal ash as an additive in cement, concrete and asphalt, for example.

Bob Sussman

[I know that this is from INSIDE EPA but...](#)

05/05/2010 08:45:08 AM

From: Bob Sussman/DC/USEPA/US  
To: Mathy Stanislaus/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA  
Date: 05/05/2010 08:45 AM  
Subject: Coal Ash

---

I know that this is from INSIDE EPA but it's by far the best description of the analysis underlying our proposal -- which of course OMB approved in the end.

## **Despite Neutral Proposal, EPA Seen Preferring Hazardous Coal Ash Rules**

EPA in its just-released proposal for first-time Resource Conservation & Recovery Act (RCRA) coal ash rules appears to prefer and lay the groundwork for hazardous waste rules by including cost-benefit estimates and other data bolstering the strict approach, in contrast to EPA's other option of regulating coal ash less strictly as solid waste.

Further, EPA officials on a May 4 press conference call announcing [the new proposal](#) defended a RCRA hazardous subtitle C regulatory option from industry criticisms that it would decimate industries that beneficially reuse ash in products such as cement. The officials also noted that under a RCRA subtitle D solid waste approach, EPA would lack federal enforcement authority for coal ash controls -- a concern raised by activists who favor subtitle C.

“EPA has paved two roads but all signs point to a hazardous waste management scheme,” Earthjustice attorney Lisa Evans said on a separate May 4 conference call organized by environmentalists. Evans added that the “necessity” for pursuing coal combustion waste regulation under subtitle C “is set out in EPA's proposal today.”

EPA notes that under a hazardous subtitle C approach, wet storage in surface impoundments would be phased out and closed, so that all coal ash would have to be stored in dry landfills after five years. Under a subtitle D approach, surface impoundments could be retrofitted to continue operations or else they would have to close within five years.

But EPA also notes that it lacks federal enforcement authority under a subtitle D approach, which is implemented by states, and as such estimates far less compliance with the national requirements under solid waste rules.

EPA's cost-benefit analysis for the two approaches also appears to dramatically favor a hazardous classification, with the agency estimating benefits of subtitle C rules of between \$87 billion and \$102 billion over 50 years, compared to benefits under a D approach of between \$35 billion and \$42 billion. EPA estimates the costs to industry over the same time period to be \$20.3 billion under subtitle C and \$8.1 billion under subtitle D.

“The major difference in the cost estimates for the two options is largely the result of compliance rates and the retrofit requirement for subtitle C. With respect to compliance rates, the analysis assumes a 48 percent compliance rate under subtitle D (where we have no

enforcement authority) versus a 100 percent compliance rate under subtitle C,” EPA says in a fact sheet for the proposal, which will appear in the *Federal Register* in the coming days.

Estimated benefits from a hazardous waste regulatory plan include groundwater protection, preventing future catastrophic impoundment failures such as the December 2008 ash spill at a Tennessee Valley Authority (TVA) site that was the impetus for the rule, and the “induced effect of RCRA regulation of [coal combustion residues (CCR)] disposal on future beneficial CCR reuse (including increased incentives for the beneficial use of CCR) and all of the environmental and monetary benefits that accompany such anticipated increases,” the fact sheet says.

EPA's proposal says whatever final approach the agency selects “will need to ensure that catastrophic releases such as occurred at the [TVA site] do not occur and that other types of damage cases associated with CCR surface impoundments and landfills are prevented.”

### **Coal Ash Risk Assessment**

Earthjustice's Evans also pointed to the proposal's inclusion of EPA's 2007 coal ash risk assessment, which lists a 1 in 50 cancer risk from exposure, a number Evans called “off the charts;” and EPA's use of a new leaching toxicity test which provides “groundbreaking” results showing the waste leaches far more readily and with far more toxicity than had previously been acknowledged. She also noted the growing number of citizen lawsuit damage cases being filed over ash spills, such as an April 8 case filed by Sierra Club against a New Mexico power plant and mine operation.

The Center for Progressive Reform (CPR) also described the subtitle C approach as the “EPA/environmentalist” plan in contrast to the subtitle D approach it says the White House regulatory review office and industry are pushing. But CPR noted EPA has yet to formally propose its preferred option, instead seeking comment on the two approaches.

On the press call, EPA Administrator Lisa Jackson acknowledged that the draft rule faced unprecedented scrutiny by White House Office of Management & Budget regulatory review officials who held many meetings with opponents to the agency's preferred RCRA hazardous subtitle C approach, but she said it was time to officially propose the rule and “get on with this regulatory process. We've heard from elected officials, members of Congress, states and private industry. I'd like to hear from private citizens about what they think is the most protective rule.”

Jackson also rejected industry's claims that a hazardous classification would decimate the beneficial reuse industry, noting that neither approach would impose any new restrictions on reuse. She said the agency believes coal ash can be reused in ways that are environmentally beneficial and that EPA and other agencies will continue to study applications of concern. “Under either of the two options, we believe safe reuse will continue,” she said.

Another agency official on the call highlighted stark differences between the two proposed regulatory options. For example, if groundwater monitoring finds contamination, then the

agency would require corrective action remediation under both C and D classifications. But under subtitle C the action would be subject to agency oversight. "Under D it would be more self implementing," the official said. "You will see the proposal lays out very specifically the differences between C and D, and one of the differences is that there is federal enforcement of C requirements and there is not federal enforcement of D requirements. The position we're taking is that one [has] federal enforcement and the other [doesn't], and we're specifically asking for comment on the impact of that difference."

EPA is also considering a possible modification to the proposed subtitle D approach, called "D prime," which the agency describes as one where existing surface impoundments would not have to close or install composite liners but could continue to operate "for their useful life," according to the proposal.

The industry Utility Solid Waste Activities Group said in a statement it was pleased to see that EPA "is keeping an open mind" by proposing nonhazardous rules. The group also continues to strongly oppose any hazardous regulatory approach, including requiring closure of impoundments. And the Council of Industrial Boiler Owners says it plans to demonstrate to EPA during comments that a nonhazardous approach is the only sensible option.

EPA will take public comment on the plan for 90 days after it is published in the *Federal Register*. -- Dawn Reeves

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

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

09/07/2011 12:41 PM

To Bob Sussman, Seth Oster, Brendan Gilfillan, Arvin Ganesan

cc "Bob Perciasepe", "Diane Thompson", "Richard Windsor"

bcc

Subject Re: Fw: Think Progress: No White House Reg Reform  
Moratorium, NYT Report False

here's the full nytimes article, relevant graph: "The frustration has led to internal divisions among some advisers over the scope of his economic address to a joint session of Congress on Thursday night. The president intends to offer at least some progressive proposals to help regain a fighting posture that he has not had since the health care debate, but a provision is also being discussed to place a new moratorium on some regulations that affect the economy, excluding health care and financial rules. The proposals are likely to infuriate an already unhappy Democratic base."

ARTICLE:

A Campaign Challenge: Defining Obama

By JEFF ZELENY

LOS ANGELES – President Obama may have escaped the burden of a Democratic primary challenger. Yet the battle to define him is rapidly escalating – not only by Republicans competing to run against him, but also within his own team inside the White House.

A Republican presidential debate on Wednesday, followed by the president's economic address to Congress on Thursday, offers a window into the dueling efforts to provide voters a view of Mr. Obama and his record at a time when polling shows that he is increasingly vulnerable politically and that Americans feel the country is careering down the wrong track.

The White House is in the midst of rebranding the president as a pragmatic problem solver prepared to set aside ideology to address a compelling need (see last week's concession on ozone regulations), a reasonable man in an era dominated by extreme views. But they also emphasize that he is willing to draw distinctions with conservatives, reflecting a central tension that has defined him as a candidate and as president: that in trying to lay claim to a broad swath of the electorate, as he succeeded in doing in 2008, he risks pleasing neither the center nor the left, the story of much of his time in office.

The Republican candidates, collectively and in distinctive ways, continue to cast him as the foil against whom they ran so successfully in 2010: a big-government liberal who has expanded regulations, created uncertainty for business and failed to revive the economy, with millions more Americans out of work than when he took office. They portray him as an unsteady leader who is unequipped to turn around a country in economic crisis.

The outcome of the presidential race over the next 14 months could well hinge to a large degree on which side prevails in the minds of moderate and independent voters.

While the president will not directly confront the Republican nominee until well into next year, his advisers believe that the next three months are critical to improving his standing and reversing his downward trajectory. He is frustrated – particularly at Republicans on Capitol Hill, but also at some of his own aides, according to people who have spoken to him recently – that he has been unable to rise above the morass of Washington and recapture the spirit that helped him win election.

The frustration has led to internal divisions among some advisers over the scope of his economic address to a joint session of Congress on Thursday night. The president intends to offer at least some progressive proposals to help regain a fighting posture that he has not had since the health care debate, but a provision is also being discussed to place a new moratorium on some regulations that affect the economy, excluding health care and financial rules. The proposals are likely to infuriate an already unhappy Democratic base.

"He's erred on the side of trying to reason with unreasonable people, which seems to be the wrong strategy," said Andy Stern, the former president of the Service Employees International Union, who has advised the White House and is a senior fellow at Georgetown University. "There is not a clear understanding in most people's minds of what is his philosophy. In Republicans there is a clear understanding."

Senator Barbara Boxer, Democrat of California, said she "felt great disappointment" with the president's decision last week to abandon new air pollution rules, but added that she was heartened by his pledge to

protect the Clean Air Act. She wants to see him revive the "fighting spirit that I know he has."

Mr. Obama stands at a precarious moment of his term. Public pessimism is at its highest point in nearly three years, and his approval rating has fallen to its lowest, according to the latest Washington Post-ABC News Poll, which also found that more than 60 percent of those surveyed disapprove of how he is handling the economy and jobs.

The White House can no longer take comfort in comparing the approval ratings for Mr. Obama with Ronald Reagan's or Bill Clinton's in the months after their stinging midterm election defeats. By the time their re-election efforts were intensifying after Labor Day, their respective repositioning had helped elevate their approval above 50 percent.

But the mood of the American public is so dour toward Washington – Congressional Republicans fare even worse than the president – it remains an open question whether Mr. Obama can present a job-creation agenda that can break through among voters. For that matter, it is not clear that the conservative argument against Mr. Obama's leadership will be enough for the nation to turn the White House over to a Republican.

"If this is just a referendum on economic conditions, then any incumbent is going to struggle with that, but it's not just that. It's a contest about what to do about it," said David Axelrod, the chief strategist to the president's re-election campaign. "I'd be more worried if I saw some compelling new argument for how to lead the country, but these guys are carrying the same old water."

The Republican candidates are increasingly trying to introduce themselves to primary voters through a sharp critique of Mr. Obama's performance on the economy. The Republican argument will be amplified on Wednesday night during a televised debate in California at the Ronald Reagan Presidential Library. On the eve of the debate, Mitt Romney, a former governor of Massachusetts, presented a 59-point economic plan during a speech at a trucking company in Nevada. He proposed a "Reagan economic zone," which would seek to open trade with countries that agreed to offer greater protections to intellectual property.

When Gov. Rick Perry of Texas promotes his job-creation record in Texas, he starts off with a direct criticism of the Obama administration, telling an audience last weekend in New Hampshire: "He's lost more than a million jobs while he's been president. I've created a million jobs since I've been the governor."

The president's advisers, and occasionally the president himself, are paying increasing attention to the comments from the leading Republican candidates. An aide said Mr. Obama would not be watching the debate on Wednesday evening, but rather would be preparing to have the last word – for this week, at least – the next night in the Capitol.

Bob Sussman

----- Original Message ----- From: Dan...

09/07/2011 12:20:10 PM

From: Bob Sussman/DC/USEPA/US  
To: "Betsaida Alcantara" <Alcantara.Betsaida@epamail.epa.gov>, "Richard Windsor" <Windsor.Richard@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>  
Date: 09/07/2011 12:20 PM  
Subject: Fw: Think Progress: No White House Reg Reform Moratorium, NYT Report False

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**From:** Dan Weiss [dweiss@americanprogress.org]

**Sent:** 09/07/2011 12:01 PM AST

**To:** undisclosed-recipients:

**Subject:** Think Progress: No White House Reg Reform Moratorium, NYT Report False

Daniel J. Weiss

Senior Fellow and Director of Climate Strategy  
Center for American Progress  
Center for American Progress Action Fund  
202-481-8123 O  
202-390-1807 M  
[dweiss@americanprogress.org](mailto:dweiss@americanprogress.org)

## [White House Says New York Times Report On Potential New Regulations Moratorium Is 'False'](#) by Faiz Shakir

By **Faiz Shakir** on Sep 7, 2011 at 11:20 am

In today's New York Times, Jeff Zeleny writes that the White House is considering "a new moratorium" on regulations that affect the economy. Zeleny predicts the proposal could sow discord between Obama and his base of progressive supporters:

The president intends to offer at least some progressive proposals to help regain a fighting posture that he has not had since the health care debate, but **a provision is also being discussed to place a new moratorium on some regulations that affect the economy, excluding health care and financial rules.** The proposals are likely to infuriate an already unhappy Democratic base.

Such a proposal would — if true — further anger progressive policy advocates who rightly note smart regulations have helped make the country stronger (ie, child labor laws, the Clean Air Act, and protections against hidden credit card fees).

But in a statement issued today, White House spokesman Clark Stevens flatly denied the Times' reporting:

**Those reports are false.** The Administration has a strong record of implementing smart, sensible steps that protect consumers, public health, and the environment. While the President has made clear that we must continue to ensure that new regulations are based on common sense, and implemented in ways that do not impede our economic recovery, he has also made clear that he will not accept the false choice of either having prosperity or clean air, clean water, and safe food. Americans deserve both, and we will continue to take steps that provide those protections, while fostering economic growth.

Earlier this year, President Obama signed an executive order that mandated a "government-wide review" to "remove outdated regulations that stifle job creation and make our economy less competitive."

If what Obama announces is simply a progressive approach of streamlining duplicative, outdated, or ineffective regulations, then the proposals are unlikely to "infuriate" the base, as Zeleny predicts. But following an ill-conceived decision to overrule his EPA on an ozone



pollution standard, progressives do have reason to be concerned and are watching with a careful eye.

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

06/27/2011 10:56 AM

To Brendan Gilfillan

cc Al Armendariz, "Betsaida Alcantara", "Paul Anastas", Bob Perciasepe, Bob Sussman, "Judith Enck", "Arvin Ganesan", "Brendan Gilfillan", Paul Anastas, Seth Oster, Shawn Garvin, Stephanie Owens, "Lisa Jackson"

bcc

Subject Nytimes: Behind Veneer, Doubt on Future of Natural Gas

Second article by Ian Urbina, ran this morning, this one about internal Energy Information Administration emails voicing scepticisms about shale gas industry.

### Behind Veneer, Doubt on Future of Natural Gas

The New York Times

June 26, 2011

By IAN URBINA

Energy companies have worked hard to promote the idea that natural gas is the fossil fuel of tomorrow, and they have found reliable allies among policy makers in Washington.

"The potential for natural gas is enormous," President Obama said in a speech this year, having cited it as an issue on which Democrats and Republicans can agree.

The Department of Energy boasts in news releases about helping jump-start the boom in drilling by financing some research that made it possible to tap the gas trapped in shale formations deep underground.

In its annual forecasting reports, the United States Energy Information Administration, a division of the Energy Department, has steadily increased its estimates of domestic supplies of natural gas, and investors and the oil and gas industry have repeated them widely to make their case about a prosperous future.

But not everyone in the Energy Information Administration agrees. In scores of internal e-mails and documents, officials within the Energy Information Administration, or E.I.A., voice skepticism about the shale gas industry.

One official says the shale industry may be "set up for failure." "It is quite likely that many of these companies will go bankrupt," a senior adviser to the Energy Information Administration administrator predicts. Several officials echo concerns raised during previous bubbles, in housing and in technology stocks, for example, that ended in a bust.

Energy Information Administration employees also explain in e-mails and documents, copies of which were obtained by The New York Times, that industry estimates might overstate the amount of gas that companies can affordably get out of the ground.

They discuss the uncertainties about how long the wells will be productive as well as the high prices some companies paid during the land rush to lease mineral rights. They also raise concerns about the unpredictability of shale gas drilling.

One senior Energy Information Administration official describes an "irrational exuberance" around shale gas. An internal Energy Information Administration document says companies have exaggerated "the appearance of shale gas well profitability," are highlighting the performance of only their best wells and may be using overly optimistic models for projecting the wells' productivity over the next several decades. While there are environmental and economic benefits to natural gas compared with other fossil fuels, its widespread popularity as an energy source is relatively new. As a result, it has not received the same level of scrutiny, according to some environmentalists and energy economists.

The Energy Information Administration e-mails indicate that some of these difficult questions are being raised.

"Am I just totally crazy, or does it seem like everyone and their mothers are endorsing shale gas without getting a really good understanding of the economics at the business level?" an energy analyst at the Energy Information Administration wrote in an April 27 e-mail to a colleague.

Another e-mail expresses similar doubts. "I agree with your concerns regarding the euphoria for shale gas

and oil,"wrote a senior officialin the forecasting division of the Energy Information Administration in an April 13 e-mail to a colleague at the administration.

"We might be in a 'gold rush' wherein a few folks have developed 'monster' wells," he wrote, "so everyone assumes that all the wells will be 'monsters.' "

The Energy Information Administration's annual reports are widely followed by investors, companies and policy makers because they are considered scientifically rigorous and independent from industry. They also inform legislators' initiatives. Congress, for example, has been considering major subsidies to promote vehicles fueled by natural gas and cutting taxes for the industry.

In any organization as big as the Energy Information Administration, with its 370 or so employees, there inevitably will be differences of opinion, particularly in private e-mails shared among colleagues. A spokesman for the agency said that it stands by its reports, and that it has been clear about the uncertainties of shale gas production.

"One guiding principle that we employ is, 'look at the data,' " said Michael Schaal, director of the Office of Petroleum, Natural Gas and Biofuels Analysis within the Energy Information Administration. "It is clear the data shows that shale gas has become a significant source of domestic natural gas supply."

But the doubts and concerns expressed in the e-mails and correspondence obtained by The Times are noteworthy because they are shared by many employees, some of them in senior roles. The documents and e-mails, which were provided to The Times by industry consultants, federal energy officials and Congressional researchers, show skepticism about shale gas economics, sometimes even from senior agency officials.

The e-mails were provided by several people to The Times under the condition that the names of those sending and receiving them would not be used.

Some of the e-mails suggest frustrations among the staff members in their attempt to push for a more accurate discussion of shale gas. One federal analyst, describing an Energy Information Administration publication on shale gas, complained that the administration shared the industry's optimism. "It seems that science is pointing in one direction and industry PR is pointing in another," wrote the analyst about shale gas drilling in an e-mail. "We still have to present the middle, even if the middle neglects to point out the strengths of scientific evidence over PR."

The Energy Information Administration, with its mission of providing "independent and impartial energy information to promote sound policymaking" and "efficient markets," was created in response to the energy crisis of the 1970s because lawmakers believed that sound data could help the country avoid similar crises in the future.

As a protection from industry or political pressure, the Energy Information Administration's reports, by law, are supposed to be independent and do not require approval by any other arm of government.

Its administrator, Richard G. Newell, who announced this month his plans to resign to take a job at Duke University, has hailed the prospects for shale gas, calling it a "game changer" in the United States energy mix. "The energy outlook for natural gas has changed dramatically over the past several years," Mr. Newell told the Natural Gas Roundtable, a nonprofit group tied to the American Gas Association. "The most significant story is the transformative role played by shale gas."

A number of factors have also helped create more interest in shale gas. The nuclear disaster in Japan in March has focused attention on the promise of natural gas as a safer energy source.

And last year, as energy market analysts warned about tougher federal regulations on oil and coal, particularly after the BP oil spill and the Massey coal mining accident, they also pointed to natural gas as a more attractive investment.

But a look at the Energy Information Administration's methods raises questions about its independence from energy companies, since the industry lends a helping hand to the government to compile those bullish reports.

The Energy Information Administration, for example, relies on research from outside consultants with ties to the industry. And some of those consultants pull the data they supply to the government from energy company news releases, according to Energy Information Administration e-mails. Projections about future supplies of natural gas are based not just on science but also some guesswork and modeling.

Two of the primary contractors, Intek and Advanced Resources International, provided shale gas estimates and data for the Energy Information Administration's major annual forecasting reports on domestic and foreign oil and gas resources. Both of them have major clients in the oil and gas industry, according to corporate tax records from the contractors. The president of Advanced Resources, Vello A. Kuuskraa, is also a stockholder and board member of Southwestern Energy, an energy company heavily involved in drilling for gas in the Fayetteville shale formation in Arkansas.

The contractors said they did not see any conflict of interest. "Firstly, the report is an extremely transparent assessment," said Tyler Van Leeuwen, an analyst at Advanced Resources, adding that many experts agreed with its conclusions and that by identifying promising areas, the report heightened competition for Southwestern.

Intek verified that it produced data for Energy Information Administration reports but declined to comment on questions about whether, given its ties to industry, it had a conflict of interest.

Some government watchdog groups, however, faulted the Energy Information Administration for not maintaining more independence from industry.

"E.I.A.'s heavy reliance on industry for their analysis fundamentally undermines the agency's mission to provide independent expertise," said Danielle Brian, the executive director of the Project on Government Oversight, a group that investigates federal agencies and Congress.

"The Chemical Safety Board and the National Transportation Safety Board both show that government agencies can conduct complex, niche analysis without being captured or heavily relying upon industry expertise," Ms. Brian added, referring to two independent federal agencies that conduct investigations of accidents.

These sorts of concerns have also led to complaints within the administration itself.

In an April 27 e-mail, a senior petroleum geologist who works for the Energy Information Administration wrote that upper management relied too heavily on outside contractors and used "incomplete/selective and all too often unreal data," much of which comes from industry news releases

"E.I.A., irrespective of what or how many 'specialty' contractors are hired, is NOT TECHNICALLY COMPETENT to estimate the undiscovered resources of anything made by Mother Nature, period," he wrote.

Energy officials have also quietly criticized in internal e-mails the department's shale gas primer, a source of information for the public, saying it may be "on the rosy side."

The primer is written by the Ground Water Protection Council, a research group that, according to tax records, is partly financed by industry.

The Ground Water Protection Council declined to respond to questions.

Tiffany Edwards, a spokeswoman for the Department of Energy, said that the shale gas primer was never intended as a comprehensive review and that further study was continuing.

Asked about the views expressed in the internal e-mails, Mr. Schaal says his administration has been very explicit in acknowledging the uncertainties surrounding shale gas development.

He said news reports and company presentations were included among a range of information sources used in Energy Information Administration studies. Though the administration depends on contractors with specialized expertise, he added, it conforms with all relevant federal rules.

And while production from shale gas has not slowed down and may not any time soon, he said, a lively debate continues within the administration about shale gas prospects.

Robbie Brown contributed reporting from Atlanta. Kitty Bennett contributed research.

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

**From:** Paul Anastas

**Sent:** 06/26/2011 06:07 AM EDT

**To:** Seth Oster; "Lisa Jackson" <windsor.richard@epa.gov>; Bob Sussman; Bob Perciasepe; "Paul Anastas" <anastas.paul@epa.gov>; Al Armendariz; "Judith Enck" <enck.judith@epa.gov>; Shawn Garvin

**Cc:** "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Stephanie Owens; "Arvin Ganesan" <ganesan.arvin@epa.gov>

**Subject:** Re: WSJ Editorial on Fracking

Thanks Seth

We should discuss further. As you know, Bob and I are appearing before the DOE Advisory Panel on Tuesday and these issues are likely to be raised

Seth Oster

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

**From:** Seth Oster

**Sent:** 06/25/2011 10:09 PM EDT

**To:** "Lisa Jackson" <windsor.richard@epa.gov>; Bob Sussman; Bob Perciasepe;

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

11/28/2011 11:18 AM

To Brendan Gilfillan, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Diane Thompson, Dru Ealons, Laura Vaught, Michael Goo, Richard Windsor, Seth Oster, Stephanie Owens

cc

bcc

Subject The New Yorker: Burning Love

**The New Yorker: BURNING LOVE**

By: Elizabeth Kolbert

12/5/11

Americans have never met a hydrocarbon they didn't like. Oil, natural gas, liquefied natural gas, tar-sands oil, coal-bed methane, and coal, which is, mostly, carbon—the country loves them all, not wisely, but too well. To the extent that the United States has an energy policy, it is perhaps best summed up as: if you've got it, burn it.

America's latest hydrocarbon crush is shale gas. Shale gas has been around for a long time—the Marcellus Shale, which underlies much of Pennsylvania and western New York, dates back to the mid-Devonian period, almost four hundred million years ago—and geologists have been aware of its potential as a fuel source for many decades. But it wasn't until recently that, owing to advances in drilling technology, extracting the gas became a lucrative proposition. The result has been what National Geographic has called "the great shale gas rush." In the past ten months alone, some sixteen hundred new wells have been drilled in Pennsylvania; it is projected that the total number in the state could eventually grow to more than a hundred thousand. Nationally, shale-gas production has increased by a factor of twelve in the past ten years.

Like many rushes before it, the shale-gas version has made some people wealthy and others miserable. Landowners in shale-rich areas have received thousands of dollars an acre in up-front payments for the right to drill under their property, with the promise of thousands more to come in royalties. A new term has been invented to describe them: "shaleionaires."

Meanwhile, some of their neighbors—who are, perhaps, also shaleionaires—have watched their tap water turn brown and, on occasion, explode. Shale gas is embedded in dense rock, so drillers use a mixture of water, sand, and chemicals to open up fissures in the stone through which it can escape. (This is the process known as "hydraulic fracturing," or, more colloquially, "fracking.") In the 2005 energy bill, largely crafted by Vice-President Dick Cheney, fracking was explicitly exempted from federal review under the Safe Drinking Water Act. As a result of this dispensation, which has been dubbed the Halliburton Loophole, drilling companies are under no obligation to make public which chemicals they use. Likely candidates include such recognized or suspected carcinogens as benzene and formaldehyde. Shale gas is found deep underground; most of the Marcellus Shale sits a mile or more beneath the surface, far below the level of groundwater. Industry officials argue that the depth of the formations makes it impossible for fracking to pollute drinking-water supplies. "There have been over a million wells hydraulically fractured in the history of the industry, and there is not one—not one—reported case of a freshwater aquifer having ever been contaminated," Rex Tillerson, the chairman and C.E.O. of ExxonMobil, declared at a congressional hearing last year.

Nevertheless, as the Times recently reported, contamination with fracking fluid has occurred. (Details of contamination cases are difficult to get, because most of the records have been sealed in litigation.) And, just a few weeks ago, the Environmental Protection Agency reported that drinking water in Pavillion, Wyoming, contained a chemical that is commonly found in fracking fluid, although the agency has not yet determined whether fracking was the source. The E.P.A. is also investigating several cases of suspected contamination in the town of Dimock, Pennsylvania.

Shale gas itself presents another potential problem. A recent study by researchers at Duke University showed that methane frequently leaks into drinking water near active fracking sites, which probably

explains why some homeowners have been able to set their tap water on fire. Yet another possible source of contamination is so-called "flowback" water. Huge quantities of water are used in fracking, and as much as forty per cent of it can come back up out of the gas wells, bringing with it corrosive salts, volatile organic compounds, and radioactive elements, such as radium. Citing public-health concerns, Pennsylvania recently asked drillers to stop taking flowback water to municipal treatment plants.

New York State currently has a moratorium on fracking permits, pending the adoption of new regulations. Anxiety about New York City's drinking-water supply has prompted the state's Department of Environmental Conservation to recommend, in a set of draft rules, that the practice be prohibited in the city's upstate watershed. (The department is holding a hearing on the proposed regulations this week in Manhattan; a similar hearing, held earlier this month in Binghamton, drew nearly two thousand people.) There is also a moratorium on fracking in the Delaware River Basin, which spans parts of New York, New Jersey, Delaware, and Pennsylvania and is the source of drinking water for fifteen million people. The Delaware River Basin Commission, the body charged with protecting water quality in the region, was expected to lift that moratorium last week; however, the decision was put off after Delaware's governor, Jack Markell, a commission member, announced that he would vote against the move. "Once hydrofracturing begins in the basin, the proverbial 'faucet' cannot be turned off, with any damage to our freshwater supplies likely requiring generations of effort to clean up," Markell wrote in a letter explaining his decision.

Every kind of energy extraction, of course, poses risks. Mountaintop-removal mining, as the name suggests, involves "removing" entire mountaintops, usually with explosives, to get at a layer of coal. Coal plants, meanwhile, produce almost twice the volume of greenhouse gases as natural-gas plants per unit of energy generated. In the end, the best case to be made for fracking is that much of what is already being done is probably even worse.

The trouble with this sort of argument is that, in the absence of a rational energy policy, there's no reason to substitute shale gas for coal. We can combust them both! The way things now stand, there's nothing to prevent us from getting wasted mountains and polluted drinking water, and a ruined climate to boot. In the coming decades, ever-improving technologies will almost certainly make new sources of hydrocarbons accessible. At some point, either we will outgrow our infatuation or we will burn our way to a very dark place. □

Read more [http://www.newyorker.com/talk/comment/2011/12/05/111205taco\\_talk\\_kolbert#ixzz1f0xVwere](http://www.newyorker.com/talk/comment/2011/12/05/111205taco_talk_kolbert#ixzz1f0xVwere)

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

01/25/2012 10:59 AM

To Brendan Gilfillan

cc Richard Windsor, Bob Perciasepe, Diane Thompson, Bob Sussman, "Elizabeth Ashwell", Bennett.Barbara, Corman.Bicky, Elworth.Lawrence, Fulton.Scott, Ganesan.Arvin, "Lisa Garcia", Goo.Michael, Kanninen.Daniel, "Jose Lozano", Moats.Michael, "Stephanie Owens", Janet Woodka, Sarah Pallone, Laura Vaught

bcc

Subject Forbes: Obama Gives Green Light to New Mercury Rules

## Obama Gives Green Light to New Mercury Rules

<http://www.forbes.com/sites/kensilverstein/2012/01/25/obama-gives-green-light-to-new-mercury-rules/>

By: Ken Silverstein, Contributor

During President Obama's State of the Union last night, he left no doubt which side of the green line he stood – with the environmental movement. Besides his unwavering support for clean energy, he alluded to the administration's new mercury rule.

Regarding mercury, the nation's coal-fired power plants emit half of all those emissions that are responsible for causing heart attacks, birth defects and delayed childhood development. The White House may have acted to solidify its environmental base but, in doing so, it is following the law and giving modern generators a shot to compete with their older coal cousins.

"I will not back down from protecting our kids from mercury poison," says President Obama, in his State of the Union last night.

On December 21, 2011, the [Environmental Protection Agency carried out its obligation](#) under the 1990 Clean Air Act and demanded that coal-fired power plants implement the available technologies to reduce their emissions by 90 percent. Specifically, the D.C. Court of Appeals ruled in March 2011 that EPA must develop a final rule with respect to mercury emissions by year-end 2011.

The regulations are not a shock to most utilities, which have already taken the steps to implement the necessary tools to make such reductions. The [EPA](#) estimates that of the roughly 1,400 coal-and-oil-fired generators, 60 percent have implemented new technologies while 40 percent, or 600 of them have not.

Of those, it estimates that about 1 percent will choose to shut down their operations as opposed to clean up – a number that is contested by coal-related organizations that argue the ruling will drive up electricity prices and cut jobs.

The EPA determined in 2000 that mercury emissions must be regulated. In 2005 under President George W. Bush, the first-ever such rules were imposed. But environmentalists contested them, calling them weak – something with which the D.C. Circuit Court of Appeals agreed.

EPA estimates that the cost of carrying out the new mercury rules will be about \$9.6 billion annually. But it also says that payback will be as much as \$90 billion by 2016 when all power plants are expected to be in compliance, or closed. The agency expects "small changes" in the average retail electricity rates, noting that the shift to abundant shale-gas will shield consumers.

### Fighting Back

As expected, the coal industry is fighting back. The [American Coalition for Clean Coal Electricity](#) says that the new mercury rule, in combination with other pending coal-related regulations, will cost 183,000 jobs per year through 2020 and increase electricity prices by \$170 billion.

"Coal helps make electricity affordable for families and businesses," says Steve Miller, chief executive of

the coal group. "Unfortunately, this new rule is likely to be the most expensive rule ever imposed on coal-fueled power plants which are responsible for providing affordable electricity."

Those concerns have prompted U.S. lawmakers from coal states to either propose a nullification of the recent standards or a delay. But those efforts are unlikely to garner enough votes to beat back stall tactics or a presidential veto.

The reality of the situation is that the fight is over those coal plants that were constructed 30 to 50 years ago. Their utility operators have a choice as to whether to have them modernized or shut down – a decision compelled not just by the new regulations but also by the onslaught of cleaner and inexpensive shale gas.

Potential new mercury rules have long been swirling around. Because the courts forced official action in 2011, Obama has been able to mobilize his political base while also creating a fairer environment for those utilities that have already gone to the expense of making changes.



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

09/10/2011 04:33 PM

To: Brendan Gilfillan, Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster

cc

bcc

Subject: Times Picayune: Lisa Jackson urged to remain as EPA administrator

Lisa Jackson urged to remain as EPA administrator  
Times-Picayune Staff  
Posted: 09/10/2011 12:02 PM

A coalition of environmental groups is urging Environmental Protection Agency Administrator Lisa Jackson to stay on the job, despite her apparent disappointment that President Barack Obama had rejected her agency's plan to toughen anti-smog standards.

Supporters of Jackson, who was raised in New Orleans and graduated from Tulane University, call her the "environmental conscience" of the Obama administration on a new website, [Americaneedslisajackson.com](http://Americaneedslisajackson.com).

"We have no inside information," says a message on the website created by the Earth Day Network. "We know nothing about Ms. Jackson's actual state of mind. But we know Lisa Jackson's departure would be a genuine tragedy for the health and well-being of all Americans."

Bruce Alpert can be reached at [balpert@timespicayune.com](mailto:balpert@timespicayune.com) or 202.450.1406. Jonathan Tilove can be reached at [jtilove@timespicayune.com](mailto:jtilove@timespicayune.com) or 202.450.1404.

Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 09/09/2011 05:00 PM EDT

**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster

**Cc:** Betsaida Alcantara

**Subject:** Greenwire: Greens Urge Lisa Jackson Not to Quit EPA Over Obama's Ozone Stand

## **Greens Urge Lisa Jackson Not to Quit EPA Over Obama's Ozone Stand**

By GABRIEL NELSON of [Greenwire](#)

There's no evidence U.S. EPA Administrator Lisa Jackson plans to leave the agency anytime soon, but a group of environmentalists has started a new campaign urging her to stay put despite last week's rebuke from the White House on smog.

A new website, [americaneedslisajackson.com](http://americaneedslisajackson.com), was launched yesterday by the Earth Day Network in an effort to quiet what has become a noisy rumor inside the Beltway since President Obama announced that he was ordering Jackson to scrap her two-year-old plan to tighten the national limit on ozone in the air.

There is rampant speculation among the "chattering classes" on Capitol Hill, the website says,

referencing a recent *Politico* article that questioned whether Jackson would stay. In that article, an anonymous White House official says Obama expects Jackson to remain with the administration, while some greens said they suspected she was on the way out.

Kathleen Rogers, president of Earth Day Network, said Jackson is needed at EPA because no one else with her environmental science background has President Obama's ear. Rogers said in an interview that the calls for Jackson's resignation have been distracting.

"The chatterers began to talk about it, and that's one of those things that can take on a life of its own," Rogers said.

Jackson has not publicly addressed the rumors, but "she's aware of this groundswell of support, and it's something she appreciates," a source close to the administrator told *Greenwire* when asked about the new campaign, which includes a petition drive.

And considering the amount of gridlock in the Senate to confirm even routine nominees, Jackson would be near-impossible to replace.

Republicans have made the EPA a symbol of their opposition to new regulations and blacklisted most officials with ties to green groups -- President Obama's Commerce Secretary nominee John Bryson, who co-founded the Natural Resources Defense Council before becoming CEO of the utility Edison International and serving on the boards of Boeing and Disney, has been awaiting a vote for months since Sen. James Inhofe (R-Okla.) put a hold on his nomination.

But that has not dissuaded environmentalists such as Thomas McGarity, a law professor at the University of Texas and a scholar at the environment-focused Center for Progressive Reform, who wrote a widely circulated article arguing that Jackson should take a stand.

"Realistically, it is not very likely that Jackson will violate a direct order of the president to put the standard aside until after the election," McGarity wrote. "If not, she should therefore do the honorable thing and resign."

McGarity said doing otherwise would be breaking the law because the Clean Air Act says air quality standards must be set at a level that protects even the most vulnerable Americans. Agency scientists found that current limits are not good enough, saying a stricter standard would prevent as many as 2,200 heart attacks and 4,300 deaths per year, as well as tens of thousands of asthma attacks.

President Obama, who issued an executive order earlier this year telling agencies to be more mindful of the burdens of their regulations, raised those sorts of concerns when he told EPA to wait for the next ozone review deadline in 2013. But in last night's jobs speech to Congress, he signaled he won't back away from other pollution rules assailed by Republicans and business groups.

Jackson was sitting in the audience next to White House chief of staff Bill Daley when Obama mentioned the need to limit mercury.

The agency has recently targeted mercury in new rules for boilers and cement kilns and plans to clamp down on the largest mercury source -- coal-fired power plants -- in rules that are scheduled to be finalized later this year.

"We were heartened that he recognized the awkward position he's put scientists in general, and maybe Lisa Jackson especially, in with the ozone rule, by stating that among the thousands of regulations he was talking about, that one wasn't going anywhere," Rogers said.

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

01/10/2012 07:20 PM

To Brendan Gilfillan, Richard Windsor, Bob Perciasepe, Diane Thompson, Stephanie Owens, Dru Ealons, Arvin Ganesan, Laura Vaught, Jose Lozano, Daniel Kanninen, Janet Woodka, Bob Sussman, Michael Goo, Bicky Corman

cc

bcc

Subject NY Times Green Blog: Obama Drops by the E.P.A./Washington Post: Obama gives embattled EPA a pep talk

Obama Drops by the E.P.A.  
By JOHN M. BRODER

Getty Images

President Obama told E.P.A. employees on Tuesday that he champions their work.

President Obama, who has been both applauded and jeered for his record on environmental issues, paid a brief visit to the headquarters of the Environmental Protection Agency in Washington on Tuesday to try to raise spirits at an agency that has been under siege for the past year.

All the Republican presidential candidates and the House Republican majority have criticized the agency for what they cast as intrusive environmental regulations that cost jobs and harm the economy. Several of the candidates have vowed to do away with the E.P.A. or sharply trim its authority. House Republicans have passed a series of bills that would block or reverse E.P.A. measures to control air, water and coal mining pollution.

Mr. Obama, in a nine-minute address to E.P.A. employees, said he was proud of his administration's actions to improve car and truck efficiency, reduce toxic emissions from power plants and clean up rivers and streams. He said the nation did not have to choose between jobs and a clean environment.

"I do not buy the notion that we have to make a choice between having clean air and clean water and growing this economy in a robust way," he said. "I think that is a false debate."

Mr. Obama did not mention the two most controversial environmental actions he has undertaken – halting the E.P.A.'s efforts to tighten its smog standard and to take steps to regulate carbon dioxide and other greenhouse gases that contribute to the warming of the planet.

His decision in September to reject the proposed smog rule stunned E.P.A. officials and infuriated environmental advocates. The greenhouse gas rules, which have not yet been issued, are widely opposed by business and utilities and are likely to provoke a major backlash when they are proposed later this year.

Mr. Obama kept his message short and upbeat. "The main reason I'm here is simple," he said. "I just want to say, 'Thank you.'"

He closed by saying, "You've got a president who is grateful for your work and will stand with you every inch of the way as you carry out your mission to make sure that we've got a cleaner world."

WASHINGTON POST

Obama gives embattled EPA a pep talk

By David Nakamura

On a day when Republican presidential candidates stumped for votes in New Hampshire, President Obama paid a visit Tuesday afternoon to the employees of the embattled Environmental Protection Agency, which has been the target of GOP disdain.

Obama joined EPA Administrator Lisa P. Jackson to make brief remarks to an estimated crowd of more

than 200 workers, telling them that the environment is safer and the country stronger because of their work.

The EPA has been denounced by Republican presidential candidates as an agency whose dense regulatory requirements have stifled businesses and curtailed economic growth. Last month, Mitt Romney called the agency "a tool in the hands of the president to crush the private enterprise system."

Obama deflected those attacks. "When I hear folks grumbling about environmental policy, you almost want to do a 'Back to the Future,'" Obama told the crowd, and remind people "what happened when we didn't have a strong EPA." He cited the Chicago River, saying that decades ago one couldn't "find anything alive in there."

Yet Republicans aren't the only ones making EPA employees squirm. In September, Obama abruptly overruled Jackson, pulling back proposed new federal smog regulations that would have compelled states and communities to reduce local air pollution or face federal penalties.

That move, which came in the face of a public relations blitz from businesses opposed to the new standards, angered environmentalists, who feared that the president was allowing politics to trump policy with his reelection campaign in mind.

Obama appeared to refer to that tension obliquely.

"What's good for the environment can also be good for our economy," he said. "Now, that doesn't mean that there aren't going to be some tensions. That doesn't mean that there aren't going to be legitimate debates that take place."

More recently, Obama won praise from environmentalists when the administration finalized tough new rules to curb emissions of mercury and other toxins from coal-fired utilities. He also delayed a decision on the Keystone XL oil sands pipeline, which Republicans and union leaders have said will create jobs but environmentalists fear will harm natural resources.

In the end, Obama tried to strike a common bond with the workers, commiserating with them over the often long hours they put in at a job that can sometimes appear thankless.

"I know that sometimes spending time getting these policies right means less time at home than you'd like, and you're missing birthday parties, or you're missing a soccer game, and the spouse is not happy with you," the president said, drawing laughs. "I know a little bit about that sometimes. I know these jobs are demanding."

Brendan Gilfillan

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

**From:** Brendan Gilfillan

**Sent:** 01/10/2012 03:46 PM EST

**To:** Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; Stephanie Owens; Dru Ealons; Arvin Ganesan; Laura Vaught; Jose Lozano; Daniel Kanninen; Janet Woodka; Bob Sussman; Michael Goo; Bicky Corman

**Subject:** Obama Praises "Vital" Work of EPA

Obama praises 'vital' work of EPA

By DINA CAPPIELLO, Associated Press – 36 minutes ago

WASHINGTON (AP) — President Barack Obama is defending the work of the Environmental Protection Agency, saying it performs a vital role protecting the environment and moving the country toward energy independence.

Obama spoke Tuesday during his first-ever visit to the EPA, seeking to boost morale at an agency that has been a target for Republicans. Several GOP presidential candidates have questioned the science of global warming and said they'd overturn EPA regulations that harm the economy.

The president said that improving the environment and improving the economy shouldn't be contradictory goals, and he questioned those who say regulations are not needed.

He said environmental regulations are responsible for cleaning up badly polluted sites, and he said the EPA should be commended for making vehicles more fuel efficient and promoting clean air and water.

### **Obama leads EPA pep rally**

By Dan Berman  
1/10/12 3:16 PM EST

President Barack Obama took a short ride to EPA headquarters Tuesday to deliver a short morale boost for an agency constantly under fire from Capitol Hill and GOP presidential candidates.

“The main reason I’m here is simple: I just want to say ‘thank you,’” Obama said during a nine-minute speech.

Obama didn’t call out any of EPA’s critics by name, but said he didn’t understand efforts to roll back environmental laws given the improvements in clean air and water since the agency was founded by President Richard Nixon in the early 1970s.

“There are so many things we now take for granted,” Obama said. “When I hear folks grumbling about environmental policy, you almost want to do a ‘Back to the Future’ kind of reminder of folks to remind them when we didn’t have a strong EPA.”

Obama cited the fires in the Cuyahoga River in Ohio and lead emissions from automobiles. He also alluded to pollution in the Chicago River.

“In my hometown, the Chicago River, you probably could not find anything alive in there,” he said.

The president also twice said he disagreed with suggestions that EPA is harming the nation’s economy.

“Safeguarding our environment is also about strengthening our economy. I do not buy the notion we have to make a choice between clean air and clean water and growing the economy,” he said. “I think that is a false debate.”