

**Betsaida
Alcantara/DC/USEPA/US**
08/25/2011 03:37 PM

To: Brendan Gilfillan, Richard Windsor
cc: Seth Oster
bcc:

Subject: Re: Fw: WSJ: SEC Bears Down on Fracking

We're reaching out to her to fix it. She left one voicemail, so if she really wanted a response she would have followed up with at least an email.

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 08/25/2011 03:34 PM EDT
To: Richard Windsor
Cc: Betsaida Alcantara; Seth Oster
Subject: Re: Fw: WSJ: SEC Bears Down on Fracking

She did reach out to me at some point and I missed it, so I dropped the ball there. Not "requests," though.

Richard Windsor [The EPA didn't respond to requests fo...](#) 08/25/2011 02:58:26 PM

From: Richard Windsor/DC/USEPA/US
To: Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA
Date: 08/25/2011 02:58 PM
Subject: Fw: WSJ: SEC Bears Down on Fracking

The EPA didn't respond to requests for comment?

----- Forwarded by Richard Windsor/DC/USEPA/US on 08/25/2011 02:58 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, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Al Armendariz/R6/USEPA/US@EPA, Jim Martin/R8/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Paul Anastas/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Michael Goo/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Bicky Corman/DC/USEPA/US@EPA
Date: 08/25/2011 02:47 PM
Subject: WSJ: SEC Bears Down on Fracking

SEC Bears Down on Fracking
Wall Street Journal
By DEBORAH SOLOMON

WASHINGTON—The Securities and Exchange Commission is asking oil and gas companies to provide it with detailed information—including chemicals used and efforts to minimize environmental impact—about their use of a controversial drilling process used to crack open natural gas trapped in rocks.

The federal government's investor-and-markets watchdog is stepping into the heated environmental debate surrounding hydraulic fracturing, or "fracking," according to government and industry officials, even as state and federal environmental officials have begun to bring greater pressure on the industry. The process, which involves pumping water, chemicals and sand underground to free difficult-to-reach natural gas in shale basins, has come under criticism from environmental groups and some lawmakers over concerns toxins in the mix may contaminate air and water.

The SEC move shows the broad interest among Washington regulators in taking a closer look at fracking and suggests companies that are betting billions of dollars on the technology will increasingly need to weigh disclosing techniques they often consider proprietary. Battles over disclosure have already broken out at the state level, including in states such as New York and Pennsylvania that sit on the giant Marcellus Shale, an underground formation that has become a fracking hotbed because of the large quantities of natural gas there. Just last week, Noble Energy Inc. paid \$3.4 billion for a stake in developing 663,350 acres there.

Regulators in several states have identified cases in which drilling—although not necessarily the fracturing process in particular—has allowed natural gas to seep into residential water wells, and at least one scientific study has linked drilling and gas contamination more broadly. But there have been few if any documented cases of contamination by the chemicals used in hydraulic fracturing. The industry acknowledges that improperly constructed wells can allow gas to escape, but says such cases are rare and aren't directly tied to fracturing itself.

In the past, the SEC has trained its attention on other areas of concern, such as subprime mortgages and credit-default swaps, and has asked companies to provide additional information to investors. Government officials said the SEC's interest in fracking is in ensuring investors are being told about risks a company may face related to its operations, such as lawsuits, compliance costs or other uncertainties. Other federal agencies like the Environmental Protection Agency are collecting information about fracking, but those efforts are separate from the SEC.

For the moment, the SEC isn't requiring broad, standardized disclosure of fracking information to the public. Instead, oil and gas companies are being asked by the agency's office that oversees corporate disclosure to supply information confidentially to the SEC, and the agency, in turn, will likely require them to publicly disclose some of that information, according to government officials.

"If there's something in [a company's] field of operation that creates uncertainty, that's something they may want to talk about" with investors, said a government official.

The SEC's requests drew criticism from some in the industry about potential regulatory overkill.

"While our industry absolutely supports common sense disclosure and transparency measures, such duplicative inquiries that may fall outside of an agency's core mission, are troubling and counter to what our nation needs at this time," said Kathryn Klaber, president of Marcellus Shale Coalition, an industry group.

An SEC spokesman said "in the course of our filing reviews staff will ask questions related to the areas disclosed in the company's filings." The EPA didn't respond to requests for comment.

The SEC's foray into the issue comes as the Obama administration is trying to find a middle ground between environmental concerns over fracking and an industry that is creating jobs and increasing domestic supplies of an alternative energy source to coal. Natural gas currently provides about 25% of total U.S. energy and is projected to increase to 45% by 2035, according to the U.S. Energy Information Administration. In addition to a fracking study being conducted by the EPA, the Department of Energy and the Interior Department have also been examining the practice. Some states have fined drilling companies for environmental problems.

For securities regulators, two recent energy-related disasters are fresh in their minds: the crippling of Tokyo Electric Power Co.'s Fukushima Daiichi nuclear-power plant in March and last year's BP PLC oil spill in the Gulf of Mexico. In both cases, some investors were surprised at the risk to which the companies were exposed, and their share prices fell sharply.

The SEC's questions in recent letters include which chemicals are being injected into the ground, what companies are doing to minimize water usage and what steps they are taking to minimize environmental impact, according to copies reviewed by The Wall Street Journal.

The questions are already prompting some companies to disclose more. SandRidge Energy, a small, Oklahoma company, beefed up disclosure related to fracking operations after the SEC asked a series of questions in connection with a public offering of a trust SandRidge completed last week. For instance, the company said in a recent financial filing that its fracking fluid contains 99% fresh water, and the remainder includes the food additive guar, enzymes and other chemicals, which it didn't name.

Fracking fluids include some toxic chemicals, based on company disclosures of chemicals such as benzene and formaldehyde for congressional reports and at voluntary disclosure sites.

Kevin White, senior vice president of SandRidge, said "responding to those comments would be easier than what other companies might face" because the firm doesn't use many chemicals in its fracking fluid.

Industry representatives said much depends on how specific the SEC wants companies to be and cautioned they would resist revealing proprietary information.

"While we support disclosing our ingredients, it is critical to our business that we protect our proprietary information, including the recipes of our products," said spokeswoman Tara Mullee Agard of Halliburton Co., one of the largest providers of hydraulic-fracturing services to the energy industry.

Already some companies have said they will voluntarily publicize their chemicals online at FracFocus.org, and several states, including Wyoming, Texas and Arkansas, have recently passed mandatory disclosure rules. The companies will make the information public through state registries.

Fracking is primarily regulated by states and is largely exempt from some federal statutes, such as the Safe Water Drinking Act. The EPA's study on whether fracking affects drinking water is to be released at the end of 2012. For the study, nine companies provided information on the chemicals they use after an agency request last year.

The SEC has also been investigating whether companies are overstating the long-term productivity of their natural-gas wells and has issued subpoenas to at least two firms, according to company financial disclosures earlier this month. The agency subpoenaed Quicksilver Resources Inc. and ExCo Resources Inc. The New York attorney general's office, meanwhile, has also issued subpoenas this month to various companies, including Range Resources Corp., Goodrich Petroleum Corp. and Cabot Oil & Gas Corp., over their estimates.

Jim Smith, a partner at Houston law firm Porter Hedges LLP specializing in environmental law, questioned whether the type of fracking information the SEC is requesting is material to a company. "I have not heard of companies in relatively recent times having significant environmental liabilities associated with hydraulic fracturing that in any way affected their reported worth," he said.

Investors, including the \$129.4 billion New York State Common Retirement Fund, have begun agitating for enhanced disclosure of fracking operations over the past few years and have successfully included shareholder proposals at 16 companies. Though none have passed, proponents at Chevron Corp. got 41% support, backers at Exxon Mobil Corp. got 28% and Williams Cos. holders got 42%. Some companies, such as Williams and Cabot, have increased disclosure of their fracking operations as a result of the proposals.

New York State Comptroller Thomas P. DiNapoli, who runs the New York State Common Retirement Fund, said some companies drilling in the Marcellus Shale in Pennsylvania have had to pay large fines and suffered reputational damage over fracking problems. Chesapeake Energy and Cabot have paid fines there. "Only through appropriate disclosure do you get the information you need to make informed and sound investment decisions," he said.

**Betsaida
Alcantara/DC/USEPA/US**
09/28/2011 09:28 AM

To Brendan Gilfillan
cc "Arvin Ganesan", "Gina McCarthy", Oster.Seth, "Stephanie
Owens", Perciasepe.Bob, Sussman.Bob, Thompson.Diane,
"Laura Vaught", Windsor.Richard
bcc
Subject Frank O'Donnell Blog: Inhofe's kooky climate nitpicking at
taxpayer's expense

<http://www.blogforcleanair.blogspot.com/>

Wednesday, September 28, 2011

Inhofe's kooky climate nitpicking at taxpayer 's expense

Senator James Inhofe (R-OK) is out with a kooky blast this morning
<http://1.usa.gov/omfpEm>
assailing the US EPA's "endangerment" finding that global warming poses a threat to health and the environment.

As you may recall, the EPA finding triggered new greenhouse gas standards for motor vehicles and other EPA climate requirements.

Inhofe, the Senate's most infamous climate science skeptic, launched his new attack after receiving a still-unpublished report by EPA's Inspector General -- a report that Inhofe himself asked for. (Taxpayers paid \$300,000 for this report, by the way.) The report is supposed to come out later today, but Inhofe has already used it, with some success, as a pr vehicle.

The report purports to challenge the process EPA used to make its finding. EPA, as you may recall, reviewed prior reports by the National Research Council and other experts.

Once you cut through all the bs, this is just silly bureaucratic nitpicking. And it's particularly ironic given that Inhofe loves to bash bureaucrats. I guess not when he is using the bureaucracy and taxpayer's dollars for his own pr purposes.

The report notes, by the way, that EPA

EPA fulfilled the statutory requirements for notice and comment rulemakings mandated in the Administrative Procedure Act and in Section 307 of the CAA [Clean Air Act]

and that the Office of Management and Budget

believes that EPA reasonably interpreted its requirements.

Posted by Frank O'Donnell, Clean Air Watch at 5:48 AM 0 comments

Betsaida
Alcantara/DC/USEPA/US
02/29/2012 09:47 AM

To Diane Thompson
cc Alisha Johnson, Andra Belknap, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Gina McCarthy, Janet Woodka, Joseph Goffman, Michael Goo, Michael Moats, Richard Windsor, Stephanie Epner, Stephanie Owens
bcc
Subject AFP: More Americans believe in climate change: poll

More Americans believe in climate change: poll

http://www.google.com/hostednews/afp/article/ALeqM5hXv72I7nx7ZTg_QuI3Ix1c3i3uXw?docId=CNG.dca855da9e6c393c07dda475a1590504.e41

WASHINGTON — Nearly two-thirds of Americans believe that climate change is real -- the highest level in two years -- as the public trusted its own observations of rising temperatures, a poll said Tuesday.

The growing acceptance of global warming comes despite fierce political division over the issue in the world's largest economy, with proposals to mandate cuts on carbon emissions failing in Congress.

Sixty-two percent of Americans agree that there is solid evidence that the Earth's average temperature has been getting warmer over the past four decades, according to the survey by the University of Michigan's Gerald Ford School of Public Policy and the Muhlenberg College Institute of Public Opinion.

Twenty-six percent said they did not believe there was evidence of global warming, while the remaining 12 percent said they were unsure, the poll said.

In the survey, almost half of Americans who accepted global warming said that they were primarily convinced by personal observations of warmer temperature or weather changes.

Nine of the 10 warmest years in history have taken place since 2000, according to US space agency NASA.

Last year broke records for severe weather in the United States, with extreme events such as tornadoes and tropical storms causing more than \$55 billion in damage, according to the National Oceanic and Atmospheric Administration.

The poll showed a sharp gap depending on ideology, with 78 percent of supporters of President Barack Obama's Democratic Party saying there is solid evidence of climate change compared with 47 percent of supporters of the rival Republican Party saying so.

Some leading Republicans including candidates seeking to replace Obama doubt that human

activity is causing climate change, with some lawmakers arguing that environmentalists want to hurt business interests.

The survey had found that 65 percent believed in climate change in fall 2009, with the figure slipping to 52 percent the following spring amid staunch opposition in the Senate to a proposal on fighting climate change.

The latest survey took opinions by telephone of 887 US residents in December, with a margin of error of 3.5 percentage points.

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

10/23/2009 05:12 PM

To Richard Windsor

cc

bcc

Subject Voice of America: U.S. Environmental Protection Agency
Policy Maker Charts New Course

fyi - this was from the VOA interview you did a couple of weeks ago...

U.S. Environmental Protection Agency Policy Maker Charts New Course

By Rosanne Skirble

Voice of America

Washington, DC - 23 October 2009

Every time EPA Administrator Lisa P. Jackson walks into her office, she remembers her father. That's because the building was once headquarters for the U.S. Postal Service and the great seal of the Postal Service is on the floor. "My father was a letter carrier in New Orleans," a job which offered good benefits for the family, Jackson says. "It instilled in me the sense of real service to the community."

Jackson's parents stressed the value of education

Lisa Jackson was adopted shortly after her birth in 1962 and raised in New Orleans' Lower Ninth Ward, a poor, largely African American neighborhood. Recently, she told high school students in North Carolina what it was like to enter kindergarten just a few years after school segregation had ended. "And my family, like many families, had its share of struggles to deal with, but they knew about the value of education," Jackson says.

She says her parents made sure she recognized the importance of school too. A degree in chemistry, a graduate degree in chemical engineering and a passion for the environment would lead her in 1986 to the U.S. Environmental Protection Agency. What she thought would be a job that would last a few years instead turned into an extraordinary career.

Jackson gains experience overseeing environmental policy Jackson worked first in Washington D.C. and then in the EPA's New York region on regulations, directing hazardous waste cleanup and hazardous waste enforcement. In 2002, after 16 years with the agency, she left to become assistant commissioner for compliance and enforcement in the New Jersey Department of Environmental Protection. By 2006 she was its commissioner, overseeing 2,900 employees.

At Jackson's urging, New Jersey became one of a handful of states to pass a global warming law mandating steep emissions cuts. In 2008, New Jersey governor Jon Corzine tapped Jackson to be his chief of staff, a job she would hold for just two weeks before then President-Elect Barack Obama asked her to join his cabinet as administrator of the U.S. Environmental Protection Agency.

As a cabinet member, Jackson advocates for environmental protections

Early in her tenure, Jackson sent a letter to the 18,000 EPA employees indicating that the agency would renew its efforts to serve poor and underserved communities. "I did that quite selfishly because I believed that if we do that we take care of everybody else. It is not us or them. It is not a pie that has to be split," she says. Jackson believes that empowering the poor, the underserved and those disproportionately impacted, "adds real meaning to our work."

Her position at EPA gives Jackson a unique platform for environmental advocacy. She wants people around the world to become more engaged in protecting their local land, air and water. "Clean air, clean water - here and abroad - are rights, basic rights," she says. "I hope that it becomes the bipartisan populist issue," not unlike 1970s activism that produced the Clean Water and Clean Air Acts and the U.S.

Environmental Protection Agency, she says.

Jackson also hopes to infuse the Environmental Protection Agency with the new urgency for change that swept Barack Obama into office. She says the President supports a "clean energy, climate changing endeavor," which she says is "crucial to our future as a nation, our prosperity, jobs for our people[and] security."

Jackson says the EPA must move forcefully to reduce climate changing emissions, improve air quality, manage chemical risks, clean up hazardous waste sites and protect America's water all within the context of fair environmental protection under the law.

**Betsaida
Alcantara/DC/USEPA/US**
09/09/2009 02:30 PM

To Richard Windsor
cc
bcc
Subject Cap and Trade in Senate Limbo as Obama Makes All-Out
Push on Health Care

long article that gives an overview of where we are with climate bill. this was published on nytimes.com through climatewire. mentions you and quotes some of your stuff from Diane Rehm show....

September 8, 2009

Cap and Trade in Senate Limbo as Obama Makes All-Out Push on Health Care

By DARREN SAMUELSON of [ClimateWire](#)

President Obama's energy and global warming agenda stands at a major crossroads as lawmakers return today from their monthlong summer break amid an all-out push to pass health care legislation.

Senate Democrats originally intended to roll out their version of a cap-and-trade climate bill this week, but they have since delayed that schedule until later this month in part because of the brewing battle over health care.

Gone is the immediacy for action on global warming, and there is even talk that passing a climate bill this year has faded to third place on the administration's agenda behind financial reform legislation that responds to last year's Wall Street meltdown.

Asked last week about prospects for the Senate climate bill, White House spokesman Robert Gibbs changed the subject and instead predicted a "major push" from Obama and Congress to pass a bill that heads off any future financial crisis.

"I think that will be a very important part of the legislative agenda moving forward in the fall in strong hopes that by the end of the year we have new rules of the road going forward so that something like this doesn't happen under the same circumstances again," Gibbs told reporters Aug. 31.

Yet significant questions remain about just how much success can be had on financial reform, let alone the health care bill that gets center stage tomorrow night when Obama delivers a nationally televised speech before a joint session of Congress.

All sides of the global warming debate will be watching Obama close to see if their issue even merits a mention.

"If I were betting, he'll probably slip in a line about climate change," said Jeff Holmstead, a

former U.S. EPA air pollution chief for President George W. Bush. "Because there'll be some people who are core constituents who will want to see that. The political calculus is the president will need to show he's still interested."

Democrats have been juggling health care and climate change since Obama took office. Earlier this year, House Speaker Nancy Pelosi (D-Calif.) and White House chief of staff Rahm Emanuel agreed to take on both issues simultaneously, which helped result in a House-passed climate bill just before the July 4 recess.

But many moderate Democrats complained about that strategy, and sources tracking the debate say Obama's political advisers are now in agreement that the climate issue now belongs on the back burner.

Several Capitol Hill aides said last week that they were confused about their mission -- especially as they continue to get a push to act by some Obama Cabinet members and White House energy adviser Carol Browner.

"It seems like there's a little bit of a gap somewhere," said one Democratic staffer who is working on the climate bill.

U.S. EPA Administrator Lisa Jackson said last week that she did not have a problem with Congress putting its emphasis this fall on health care.

"Certainly, the Senate rightfully is spending an awful lot of time looking at that issue," Jackson said in an appearance Thursday on NPR's "The Diane Rehm Show." "Clean energy is no less important. But rightfully, they want to finish their work on health care.

"All along, we've understood that for something on the order of clean energy, but also health care, they probably needed to be done in sequence," Jackson added.

Environmentalists insist that Democrats and the White House should keep pushing for a climate bill given scientific warnings about irreversible global warming, as well as mounting international pressure headed into U.N. negotiations this December in Copenhagen.

"Congress is capable of and staffed to do more than two important things at once," said David Doniger, policy director of the Natural Resources Defense Council's climate center.

But Manik Roy of the Pew Center on Global Climate Change said that Obama and Congress need to resolve health care before anything else can get traction.

"They can't disengage on health care," Roy said. "Win, lose or draw, they have to see it through. And only once that has played out can we turn to other issues."

EPA chief 'not concerned yet'

All that said, climate change legislation remains on the radar for some important committees and

lawmakers.

The Senate Agriculture Committee holds a hearing tomorrow on the regulation of carbon markets, with a panel of witnesses dedicated to the views of farmers and agriculture groups. The House Select Committee on Energy Independence and Global Warming also plans a hearing Thursday with Obama's State Department climate envoy, Todd Stern, on preparations for the summit in Copenhagen, Denmark.

And later today, Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) and Foreign Relations Chairman John Kerry (D-Mass.) are scheduled to meet for the first time in person since the recess -- with an eye on mapping out the legislative road ahead.

The senators gave several reasons last week for why they delayed release of their legislation: Kerry's hip surgery, the death of Sen. Ted Kennedy (D-Mass.) and ongoing action in the Finance Committee to pass health care legislation.

Boxer and Kerry said they would use the extra time to "work on the final details of our bill, and to reach out to colleagues and important stakeholders."

Senate Majority Leader Harry Reid (D-Nev.) has scratched a Sept. 28 deadline that he had originally set out for work to be done on the climate bill in the EPW Committee and five other panels.

Reid spokesman Jim Manley said there is no new deadline for the committees to finish their work, only a call to pass climate legislation "as quickly as possible."

"They are working diligently to craft a well-balanced bill, and Senator Reid fully expects the Senate to have ample time to consider this comprehensive clean energy and climate legislation before the end of the year," Manley said.

Senate Democrats have twice this year pushed back their schedule for acting on a climate bill. Boxer had told reporters during the House climate debate that she would introduce a bill before the August recess. But she punted on that goal shortly after the 219-212 House vote.

Reid and other Senate Democratic leaders have also publicly acknowledged they are shy of the 60 votes needed to pass a bill -- with some of the pushback coming from within their own caucus.

Off Capitol Hill, perspectives vary on the significance of the latest Senate schedule change.

"I'm not concerned yet," EPA's Jackson said on NPR. "I think the delay announced this week is understandable. It is a piece of legislation that's very complex. ... I just think it needs a little bit more time."

"You can introduce a losing bill anytime you want," added Jeremy Symons, vice president of the National Wildlife Federation. "Introducing a winning bill, however, needs to be done at the right

time after the right consultations. So the new schedule doesn't change the fact that all signs are pointing to Senate action this fall."

By contrast, EPW Committee ranking member James Inhofe (R-Okla.) predicted the climate bill's demise as Democrats battle amongst themselves over a costly new program.

"The delay is emblematic of the division and disarray in the Democratic party over cap-and-trade and health care legislation, both of which are big government schemes for which the public has expressed overwhelming opposition," Inhofe said.

Seeking cover for Copenhagen

Absent additional progress on Capitol Hill, Obama will need to turn to other aspects of his environmental agenda as he prepares for the U.N. climate negotiations. Sources tracking the issue say the administration has several obvious choices, starting with the clean energy components included in the \$787 billion economic stimulus package.

Also coming soon: U.S. EPA rules to control greenhouse gas emissions from motor vehicles and power plants -- regulations that are more than a decade in the making and premised on the 2007 Supreme Court decision in *Massachusetts v. EPA* .

"You can take a big bite out of the U.S. global warming pollution under the existing law," Doniger said, who added that it would not be too difficult to quantify the emission reductions from combining the new federal rules.

Obama's diplomatic portfolio also may get a boost when he visits China in November as administration officials work behind the scenes to reach a bilateral agreement on global warming with Beijing.

Sen. Maria Cantwell (D-Wash.), touring China last week, told reporters she would put "higher odds" on a bilateral agreement than she would on a deal in Copenhagen, or on the Senate passing a climate bill.

"If you are producing 40 percent of emissions -- which is what China and the United States are together -- what a legacy, and what a great relationship you could create by saying that's what these two great countries stepped up to do," Cantwell said, according to Reuters.

EPA's Jackson said Obama would also prefer action by the Senate on cap-and-trade legislation before Copenhagen. But she also indicated that a law was not necessary.

"What we need to do is also keep our eye on the president's position," Jackson said. "Climate discussions have been part of the agenda on clean energy from the very beginning."

Most environmental groups would prefer a new U.S. cap-and-trade law before Copenhagen. But there is also significant apprehension that a losing vote in the Senate could be a huge blow to the international talks given the stock already placed in the United States returning to the negotiation

table after eight years battling President George W. Bush.

"The real issue is showing progress and momentum," Doniger said. So while it is better if Obama has more concrete actions, Doniger explained that "a bad vote probably hurts the most."

He added, "And there's a lot of space in between."

Leave it to Reid

Boxer's Environment and Public Works Committee remains a key battleground as the climate debate advances. But there is now no clear timetable for when she will mark up a bill.

To date, Boxer has revealed a select number of details about what her bill will look like. She has said she is interested in setting a 20 percent limit on greenhouse gases for 2020 -- a more aggressive level than the House bill. And Boxer is also under pressure from environmental groups to keep EPA's authority for regulating power plant emissions -- something the House legislation surrendered.

From the other direction, Boxer before the August break said she would yield to an industry-driven demand for some type of price collar on greenhouse gas allowances.

Still, without legislative text, many different conclusions are being drawn about the direction Boxer wants to take the climate debate.

"On the issues most important to environmentalists, they'll go to the left," Holmstead said. "And on issues more important to business, she'll go to the right. People are interpreting that in different ways."

Andrew Wheeler, former Republican staff director for the Environment and Public Works Committee, said Boxer will need to make some tough decisions in the weeks and months ahead.

"You can't make it better for both sides," he said. "Somebody has to be told it's not getting better for you."

There are also number of unresolved issues still ahead.

Boxer and Finance Chairman Max Baucus (D-Mont.), for example, remain at loggerheads over who writes the allocation of hundreds of billions of dollars in emission allowances.

Reid is expected to play a key role in resolving the committee dispute, as well as other battles over nuclear power, international trade with developing countries and agriculture.

So with plenty of time still to go, few are showing all of their cards.

"This is at least a three-stage process," said Roy. "There's the EPW process. There's the majority leader's process. And there's what happens on the floor. People are planning with each of these

events in mind."

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

10/14/2011 10:33 AM

To Richard Windsor

cc

bcc

Subject Fw: Jackson through with resignation talk after ozone decision

Here's the full article they've posted so far. And below that are posts they sent while while you were speaking. I'll keep you posted on any other coverage.

Jackson through with resignation talk after ozone decision

By Darren Goode

10/14/11 10:08 AM EDT

EPA Administrator Lisa Jackson said she is through talking about President Barack Obama's decision to punt a highly anticipated ozone rule until 2013 and whether she was close to resigning over the decision.

"I'm actually somewhat embarrassed" that the speculation of her resigning over the decision keeps popping up, she said when asked about it at a POLITICO Pro Energy Breakfast Briefing on Friday.

"All I can tell you is here I sit," Jackson said. "I'm not going to dissect to anybody my thoughts" on the matter, adding, "We've actually talked enough about it."

Jackson said Obama "at the end of the day ... made a tough call" on delaying the decision. The ozone rule was a major priority for Jackson, whose teenage son suffers from asthma.

But she said she doesn't have time to give it much thought in the midst of dealing with upcoming air toxics controls for power plants and other agency rules.

"I don't really have a whole lot of time to worry," she said. The EPA, she said, is "deep in the middle ... of some of the most important rules this country has ever seen."

Jackson said she plans to do more traveling around the country to clear up "lots of myths" regarding EPA regulations, including fears over regulating dust on farms. She plans to "talk about what's really happening inside the four walls of the EPA" and "about the actual state of the regulatory process," she said.

"It is always harder to go back and talk to people after they are frightened and worried about what you might do," she said. "At the end of the day, it is getting to know them outside of the Beltway."

Inside of the Beltway, of course, Republicans continue to hammer at EPA regulations, including a bill on the House floor Friday regarding regulating coal ash.

Of those congressional attacks, Jackson said that “there are areas where there isn’t enough understanding or enough communication” about what the EPA is doing and the benefit of the agency’s rules. But she added, “I think the real communication isn’t down Pennsylvania Avenue but with their constituencies.”

Jackson says climate change discussion not going away

10/14/11 8:53 AM EDT

The national discussion on climate change will rear its head again despite the failure of cap-and-trade legislation and voices on the right questioning the science, EPA Administrator Lisa Jackson said at a POLITICO Pro Energy breakfast Friday. "I think we'll have that discussion again," she said. "I don't think most people have moved from the belief in the science."

Jackson: Obama 'made a tough call' on ozone standard

10/14/11 8:41 AM EDT

EPA Administrator Lisa Jackson said President Obama "at the end of the day ... made a tough call" on delaying an ozone standard until 2013. But she added at a POLITICO Pro Energy breakfast Friday that she doesn't "have a whole lot of time to worry" about such delays as the agency is "deep in the middle" of addressing mercury and other air toxics controls for power plants amid "some of the most important rules this country has ever seen."

Jackson wants to 'clear up myths'

10/14/11 8:35 AM EDT

EPA Administrator Lisa Jackson said Friday at a POLITICO Pro Energy breakfast that she plans to spend more time traveling the country to clear up "lots of myths" regarding EPA regulations, including fears over regulating dust on farms. She plans to "talk about what's really happening inside the four walls of the EPA" and "about the actual state of the regulatory process is," she said.

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

09/22/2010 12:56 PM

To Richard Windsor

cc

bcc

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

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

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

Gabriel Nelson, E&E reporter

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

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

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

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

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

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

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

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

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

Today's meeting was also attended by Nancy Sutley, chairwoman of the White House Council on Environmental Quality; Carol Browner, the White House climate and energy adviser and a former EPA director; John Holdren, director of the White House Office of Science and Technology Policy; Melody Barnes, director of the White House Office of Domestic Policy; and Martha Johnson, head of the General Services Administration.

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

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

04/20/2012 01:57 PM

To Richard Windsor

cc

bcc

Subject Nytimes editorial: Clean Air and Natural Gas

Clean Air and Natural Gas

The Obama administration's new rules aimed at cutting harmful emissions from natural gas wells<
http://www.nytimes.com/2012/04/19/science/earth/epa-caps-emissions-at-gas-and-oil-wells.html?_r=1>
are a win for the environment, for the public and for industry. And despite what Republican politicians claim, the rules will not impose major new costs or slow what has been a remarkable boom in natural gas production.

The rules, announced on Wednesday by the Environmental Protection Agency, are the first federal effort to address air pollution problems associated with hydraulic fracturing. They will require drillers to capture toxic and smog-forming pollutants, along with methane, a powerful greenhouse gas, before they escape into the air.

James Inhofe of Oklahoma, the top Republican on the Senate Environment and Public Works Committee, immediately denounced the rules as one more administration effort to regulate gas production "out of existence." This followed Mitt Romney's absurd charge that President Obama was determined to use environmental regulations to "slow down the development of our own resources." The new rules would do nothing of the sort; even the American Petroleum Institute said it could live with them.

Roughly 13,000 wells are "fractured" each year. The rules would require drillers to undertake so-called green completions, in which gases emerging at the wellhead are captured and stored in trailer-mounted tanks and routed back into pipelines. Colorado and Wyoming already require green completions. And several major producers are making money by recapturing gas and reselling it, which more than offsets the costs of the new equipment.

Mr. Obama has repeatedly said that he favors robust exploration for natural gas, in part because it is plentiful and cheap and in part because it produces only about half the greenhouse gas emissions that coal does. Coal produces nearly half the country's electricity. But natural gas's share, now a little over one-fifth, is rising as more supplies are found and prices drop.

There are still legitimate concerns about hydrofracturing's potential impact on water supplies – an E.P.A. study is due next year. But the rules should ease concerns about the process's effect on air pollution and global warming. Far from presenting new obstacles to drilling, the rules could win supporters for hydrofracturing.

A version of this editorial appeared in print on April 20, 2012, on page A22 of the New York edition with the headline: Clean Air and Natural Gas.

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 04/20/2012 01:40 PM EDT

To: Richard Windsor; "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>

Subject: Re: Can u forward the text of the WSJ editorial? Tx.

Appeared today on A12

http://online.wsj.com/article/SB10001424052702303513404577353892948803190.html?mod=googlenews_wsj

The EPA's Fracking Miracle

Behold, the agency shows restraint on shale gas regulation.

The Environmental Protection Agency once again invited itself to do tangible economic harm—this time to the hydraulic fracturing that is transforming American energy—and somehow . . . it didn't. In the annals of the unlikely, the EPA's new fracking rules fall somewhere between a Nobel Peace Prize for George W. Bush and a supply-side tax plan from Warren Buffett.

The first-ever federal fracking rule that the EPA released on Wednesday is also the first time the agency has shown restraint under the Clean Air Act since at least 2005 or 2006, about when the Bush Administration gave up on environmental regulatory reform. Given the agency's track record, any self-control is notable—though in particular on the unconventional oil and gas extraction that the green lobby would prefer to shut down because those fuels contain demon carbon.

After a shale well has been tapped, trace amounts of natural gas, fracking fluids or a combination of both can escape, and the EPA's standards are targeted at such traditional air pollutants as methane or volatile organic compounds. Starting in 2015, the 588-page rule requires drillers to use technologies and practices that result in so-called "green completions" that limit emissions.

The EPA is basically requiring operators to do what they're doing anyway: Most wellheads and pipelines already exceed the EPA benchmark. One reason is that methane is the largest component of natural gas, so emitting more methane means losing more of the product that companies are trying to sell. The pollution control technologies the EPA is mandating didn't exist a few years ago and were developed by the industry for economic reasons.

The reality is that as fracking booms through the Appalachian basin, the South and mountain West, the early wildcatting days are over. Operators are professional and best practices are spreading. The industry understands that the environmentalists and political class don't need much pretext to impose a moratorium, as New York state liberals have.

The EPA has a habit of abusing the Clean Air Act, a notoriously costly and flawed law to begin with, and why it didn't here is something of a mystery. Our guess is that the White House exercised adult supervision amid re-election season, knowing that another assault on the domestic oil and gas surge could be a political loser. The Obamateers already gave at the political office with their anticoal campaign and killing the Keystone XL pipeline, so the greens can't really complain, though as always they will.

The main problem with the rule is precedent. The Clean Air Act is designed to encourage environmental groups to sue the EPA, and after they do the EPA then files more stringent rules that the bureaucracy favored in the first place in order to get the greens to drop their suits. Rinse and repeat. That may be the longer post-election game the EPA has in mind against fracking.

These drilling operations have also traditionally been regulated by the states, which can point with pride to a generally sound record. Try as the EPA has, the fracking pollution the agency has claimed to uncover in Wyoming and elsewhere has turned out to be either small or hyped. But with this new rule, 10 separate federal agencies on top of the EPA will add a second layer of oversight. The EPA's rules may be achievable, but they're redundant.

The agency nonetheless had the opportunity to ruin or substantially damage the most important U.S. energy breakthrough in decades. The astonishing news is that it didn't.

A version of this article appeared April 20, 2012, on page A12 in some U.S. editions of The Wall Street Journal, with the headline: The EPA's Fracking Miracle.

Richard Windsor

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From: Richard Windsor

Sent: 04/20/2012 01:23 PM EDT

To: "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>

Subject: Can u forward the text of the WSJ editorial? Tx.

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

04/20/2012 02:03 PM

To Richard Windsor

cc

bcc

Subject Re: Nytimes editorial: Clean Air and Natural Gas

Made sure Fox knows about us finalizing these rules
Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 04/20/2012 01:57 PM EDT

To: Richard Windsor

Subject: Nytimes editorial: Clean Air and Natural Gas

Clean Air and Natural Gas

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http://www.nytimes.com/2012/04/19/science/earth/epa-caps-emissions-at-gas-and-oil-wells.html?_r=1>
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To: Richard Windsor; "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>
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Appeared today on A12

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Richard Windsor

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From: Richard Windsor
Sent: 04/20/2012 01:23 PM EDT

To: "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>

Subject: Can u forward the text of the WSJ editorial? Tx.

**Betsaida
Alcantara/DC/USEPA/US**
12/26/2011 03:42 PM

To Richard Windsor
cc
bcc
Subject Re: NYTIMES: Springtime for Toxics

Pretty cool xmas present for epa!
Richard Windsor

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

From: Richard Windsor
Sent: 12/26/2011 03:40 PM EST
To: Betsaida Alcantara
Subject: Re: NYTIMES: Springtime for Toxics

Nice!

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 12/26/2011 03:15 PM EST
To: Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Arvin Ganesan; Janet Woodka; Brendan Gilfillan; Stephanie Owens; Laura Vaught; David Bloomgren; Michael Goo; Alisha Johnson; Andra Belknap; Jose Lozano; Elizabeth Ashwell; Noah Dubin; Ryan Robison; Bicky Corman; Gina McCarthy; Janet McCabe; Joseph Goffman
Subject: NYTIMES: Springtime for Toxics

December 25, 2011

Springtime for Toxics

By PAUL KRUGMAN<

<http://topics.nytimes.com/top/opinion/editorialsandoped/oped/columnists/paulkrugman/index.html?inline=nyt-per>>

Here's what I wanted for Christmas: something that would make us both healthier and richer. And since I was just making a wish, why not ask that Americans get smarter, too?

Surprise: I got my wish, in the form of new Environmental Protection Agency standards on mercury and air toxics for power plants. These rules are long overdue: we were supposed to start regulating mercury more than 20 years ago. But the rules are finally here, and will deliver huge benefits at only modest cost.

So, naturally, Republicans are furious. But before I get to the politics, let's talk about what a good thing the E.P.A. just did.

As far as I can tell, even opponents of environmental regulation admit that mercury is nasty stuff. It's a potent neurotoxicant: the expression "mad as a hatter" emerged in the 19th century because hat makers of the time treated fur with mercury compounds, and often suffered nerve and mental damage as a result.

Hat makers no longer use mercury (and who wears hats these days?), but a lot of mercury gets into the atmosphere from old coal-burning power plants that lack modern pollution controls. From there it gets into the water, where microbes turn it into methylmercury, which builds up in fish. And what happens then? The E.P.A. explains: "Methylmercury exposure is a particular concern for women of childbearing age, unborn babies and young children, because studies have linked high levels of methylmercury to

damage to the developing nervous system, which can impair children's ability to think and learn."

That sort of sounds like something we should regulate, doesn't it?

The new rules would also have the effect of reducing fine particle pollution, which is a known source of many health problems, from asthma to heart attacks. In fact, the benefits of reduced fine particle pollution account for most of the quantifiable gains from the new rules. The key word here is "quantifiable": E.P.A.'s cost-benefit analysis only considers one benefit of mercury regulation, the reduced loss in future wages for children whose I.Q.'s are damaged by eating fish caught by freshwater anglers. There are without doubt many other benefits to cutting mercury emissions, but at this point the agency doesn't know how to put a dollar figure on those benefits.

Even so, the payoff to the new rules is huge: up to \$90 billion a year in benefits compared with around \$10 billion a year of costs in the form of slightly higher electricity prices. This is, as David Roberts of Grist says, a very big deal.

And it's a deal Republicans very much want to kill.

With everything else that has been going on in U.S. politics recently, the G.O.P.'s radical anti-environmental turn hasn't gotten the attention it deserves. But something remarkable has happened on this front. Only a few years ago, it seemed possible to be both a Republican in good standing and a serious environmentalist; during the 2008 campaign John McCain warned of the dangers of global warming and proposed a cap-and-trade system for carbon emissions. Today, however, the party line is that we must not only avoid any new environmental regulations but roll back the protection we already have.

And I'm not exaggerating: during the fight over the debt ceiling, Republicans tried to attach riders that, as Time magazine put it, would essentially have blocked the E.P.A. and the Interior Department from doing their jobs.

Oh, by the way, you may have heard reports to the effect that Jon Huntsman is different. And he did indeed once say: "Conservation is conservative. I'm not ashamed to be a conservationist." Never mind: he, too, has been assimilated by the anti-environmental Borg, denouncing the E.P.A.'s "regulatory reign of terror," and predicting that the new rules will cause blackouts by next summer, which would be a neat trick considering that the rules won't even have taken effect yet.

More generally, whenever you hear dire predictions about the effects of pollution regulation, you should know that special interests always make such predictions, and are always wrong. For example, power companies claimed that rules on acid rain would disrupt electricity supply and lead to soaring rates; none of that happened, and the acid rain program has become a shining example of how environmentalism and economic growth can go hand in hand.

But again, never mind: mindless opposition to "job killing" regulations is now part of what it means to be a Republican. And I have to admit that this puts something of a damper on my mood: the E.P.A. has just done a very good thing, but if a Republican – any Republican – wins next year's election, he or she will surely try to undo this good work.

Still, for now at least, those who care about the health of their fellow citizens, and especially of the nation's children, have something to celebrate.

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

05/20/2011 11:44 AM

To Richard Windsor

cc

bcc

Subject Re: The Hill Blog: EPA has broad support outside the Beltway, agency's chief says

Will do

Richard Windsor

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

From: Richard Windsor

Sent: 05/20/2011 11:40 AM EDT

To: Betsaida Alcantara

Subject: Re: The Hill Blog: EPA has broad support outside the Beltway, agency's chief says

If we readily have the Gallup documentation for the 95%, you might want to send to Ben German.

Betsaida Alcantara

[EPA has broad support outside the...](#)

05/20/2011 11:39:04 AM

From: Betsaida Alcantara/DC/USEPA/US
To: Windsor.Richard@epamail.epa.gov, Perciasepe.Bob@epamail.epa.gov, Sussman.Bob@epamail.epa.gov, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, Thompson.Diane@epamail.epa.gov, Kanninen.Daniel@epamail.epa.gov, Owens.Stephanie@epamail.epa.gov, Ealons.Dru@epamail.epa.gov, Ganesan.Arvin@epamail.epa.gov, McIntosh.David@epamail.epa.gov
Cc: "Seth Oster" <Oster.Seth@epamail.epa.gov>, "Brendan Gilfillan" <Gilfillan.Brendan@epamail.epa.gov>, "Alisha Johnson" <Johnson.Alisha@epamail.epa.gov>, "Andra Belknap" <Belknap.Andra@epamail.epa.gov>
Date: 05/20/2011 11:39 AM
Subject: The Hill Blog: EPA has broad support outside the Beltway, agency's chief says

EPA has broad support outside the Beltway, agency's chief says
By Ben Geman - 05/20/11 10:10 AM ET

Environmental Protection Agency (EPA) chief Lisa Jackson is firing back at Capitol Hill critics by casting their attacks as Beltway talking points at odds with public views about the environment.

Jackson, in a Thursday night appearance on "The Daily Show," responded to largely GOP claims that EPA is overzealously pursuing regulations that will throttle the economy.

"It is definitely an inside-the-Beltway line of reasoning," Jackson said. She said Washington is a place where industry interests peddle a narrative that transforms the Beltway into a "fact-free zone."

"Outside Washington, 95 percent of the American people say they want government – they see one of the roles of government is protecting their air and their water," she said in the interview, posted on the show's website.

Jackson noted that environmental improvements have for decades coincided with economic growth. She also said environmental protections produce large savings in healthcare costs.

Jackson's comments come at a time when top Capitol Hill Republicans are pushing to delay or scuttle EPA rules or policies on climate change, air toxins, mountaintop-removal mining and other areas.

"Time and time again we are having to go onto the Hill, oftentimes with people who privately tell me, 'Hey, I am for the environment,' and then they say 'but,' and the 'but' is a set of talking points from industry that really is shortsighted, that really isn't about our children and our future," Jackson said.

But EPA is also facing criticism from the left, most recently over its decision this week to delay new air toxics standards for industrial boilers.

Jackson said the standards – which had come under attack from an array of industry groups and Capitol Hill Republicans – would be delayed for a “very limited period of time” and that a schedule would be announced soon.

“We are committed to the rule. I know people are worried,” Jackson said. “We will finalize that rule.”

Jackson said the decision to put the wide-ranging industrial boiler rules on hold was not political, but rather to ensure it’s done right to withstand legal challenges.

“No one in that White House is saying to me, ‘Don’t do a boiler rule,’ ” she said. Jackson more broadly defended President Obama’s environmental commitment.

She credited him for the six-month spending deal with Republicans last month that omitted GOP proposals to thwart various EPA rules, noting the negotiations “knocked out every one of those riders that would have stopped EPA.”

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 05/20/2011 08:22 AM EDT

To: Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Diane Thompson; Daniel Kanninen; Stephanie Owens; Dru Ealons; Arvin Ganesan; David McIntosh

Cc: Seth Oster; Brendan Gilfillan; Alisha Johnson; Andra Belknap

Subject: Politico Pro: Jackson defends rule delay on 'The Daily Show'
Jackson defends rule delay on 'The Daily Show'

By Robin Bravender
POLITICO Pro
5/20/11 8:13 AM EDT

EPA chief Lisa Jackson doesn’t want anyone to worry that her agency is backing off controversial air toxics rules for boilers.

The agency sparked outcry<<https://www.politicopro.com/story/energy/?id=3423>> from the left earlier this week by announcing that, in response to the industry’s request, the agency would indefinitely stall the so-called boiler MACT rules while it reconsiders the standards for mercury and other air toxics.

“We agreed to do that and to stay it for a very limited period of time – we will be announcing a schedule soon – but we are committed to the rule,” she said in an appearance Thursday on Comedy Central’s “The Daily Show.”

“I know people are worried,” Jackson added. “We will finalize that rule because it’s important.”

The boiler MACT rules, which require boilers to install maximum achievable control technologies to curb mercury and other pollutants, have come under attack from industry and critics on Capitol Hill. The EPA estimated the rules it finalized in March would prevent up to 6,600 premature deaths annually.

Amid the policy talk, Jon Stewart still found time in his interview with Jackson for a few pokes at the agency’s critics. “What is the type of pressure that you face?” the comedian asked. “Lobbyists? Phone calls at night? You get, let’s say, a tuna head in your bed ...”

Watch the full interview here<<http://bit.ly/18d6v>>.

Patrick Reis contributed to this report.

To read and comment online:

<https://www.politicopro.com/go/?id=3459><<https://www.politicopro.com/go/?id=3459>>

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 05/20/2011 06:43 AM EDT

To: Richard Windsor

Cc: Seth Oster; Brendan Gilfillan

Subject: Politico Morning Energy Blog: Jackson to greens: Calm down

In today's Morning Energy.

HUSH, BABY, HUSH – Environmental groups have been in a tizzy ever since the EPA agreed to indefinitely delay air pollution rules for industrial boilers, but agency chief Lisa Jackson told Jon Stewart last night that she has no intention of abandoning the rules. The controversy: <http://politico.pro/mdTFXc> <#story3423>

“We agreed to ... stay [the rules] for a very limited period of time – we will be announcing a schedule soon – but we are committed to the rule,” she said during an appearance on “The Daily Show.”

Jackson acknowledged that greens are worried that the agency will abandon the rules in the face of industry and Republican opposition, but countered with a big promise: “We will finalize that rule because it's important.”

**Betsaida
Alcantara/DC/USEPA/US**
12/17/2011 09:22 AM

To Richard Windsor
cc
bcc
Subject Re: Washington Post: EPA finalizes tough new rules on
emissions by power plants

We're working on a statement that we'll share soon. Reporters are asking me this morning whether it means its signed.

Richard Windsor

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

From: Richard Windsor
Sent: 12/17/2011 09:21 AM EST
To: Betsaida Alcantara
Subject: Re: Washington Post: EPA finalizes tough new rules on emissions
by power plants

Tx

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 12/17/2011 09:20 AM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan;
Scott Fulton; Gina McCarthy; Arvin Ganesan
Subject: Washington Post: EPA finalizes tough new rules on emissions by
power plants

EPA finalizes tough new rules on emissions by power plants

By Juliet Eilperin and Steven Mufson,

The Obama administration finished crafting tough new rules Friday curbing mercury and other poisons emitted by coal-fired utilities, according to several people briefed on the decision, culminating more than two decades of work to clean up the nation's dirtiest power plants.

As part of last-minute negotiations between the White House and the Environmental Protection Agency, the regulations give some flexibility to power plant operators who argued they could not meet the three-year deadline for compliance outlined by the EPA. Several individuals familiar with the details declined to be identified because the agency will not announce the rules until next week.

140

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The new rules will cost utilities \$10.6 billion by 2016 for the installation of control equipment known as scrubbers, according to EPA estimates. But the EPA said those costs would be far offset by health benefits. The agency estimates that as of 2016, lowering emissions would save \$59 billion to \$140 billion in annual health costs, preventing 17,000 premature deaths a year along with illnesses and lost workdays.

The Obama administration is attempting to deliver on some key priorities for environmentalists without alienating the business community. President Obama angered environmentalists in September by pulling back stricter smog standards the EPA had proposed, and he had to make several environmental concessions to congressional Republicans late Friday as part of a deal to extend the payroll tax cut. Senate leaders agreed Friday night on a provision that would accelerate the Keystone XL pipeline permitting decision as part of a deal to extend cuts in the Social Security tax.

The administration was also making deals Friday on another environmental front: Alaska. As part of the spending bill negotiations, the administration agreed to transfer the authority to issue air permits for offshore Arctic drilling rigs from the EPA to the Interior Department, which many industry executives think would have more lax standards. Separately, the Interior Department gave conditional approval Friday to Shell Oil's exploration plan for Alaska's Chukchi Sea, where the oil giant hopes to drill several wells in the summer.

Several experts said the new controls on mercury, acid gas and other pollutants represent one of the most significant public health and environmental measures in years. The rules will prevent 91 percent of the mercury in coal from entering the air and much of the soot as well. According to EPA estimates, they will prevent 11,000 heart attacks and 120,000 asthma attacks annually by 2016.

"I think this will prove to be the signature environmental accomplishment of the Obama administration," said Frank O'Donnell, who heads the advocacy group Clean Air Watch. "It will soon mean the end of the smoke-spewing coal power plant as we know it today. At the same time, the administration is trying to add a bit of flexibility to extinguish the bogus claim that these standards could mean lights out."

The debate over the rules has also split the nation's utility sector. Some companies, such as New Jersey-based Public Service Enterprise Group and Illinois-based Exelon, say they could meet the new standards easily and have already spent hundreds of millions of dollars to do so. PSEG has also switched from coal to natural gas.

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

09/23/2010 01:42 PM

To Richard Windsor

cc

bcc

Subject The Grio: Environmental justice group to fight 'biggest contributor' to short black lifespan

here;s the final piece from our pitching yesterday

The Grio

Environmental justice group to fight 'biggest contributor' to short black lifespan

By Joy-Ann Reid

6:07 AM on 09/23/2010

Leaders of the environmental justice movement cheered the convening of the Interagency Working Group on Environmental Justice (EJ IWG) on Wednesday. The one-hour meeting, which included five members of President Barack Obama's cabinet, was the first such meeting in 10 years. It was meant to revive the goals of a 1994 executive order signed by President Bill Clinton.

Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," stated that federal agencies, including the Environmental Protection Agency, the Department of Housing and Urban Development and the Justice Department, should make environmental justice part of their policy-making.

"Pollution like dirty air and contaminated water can have significant economic impacts on overburdened and low-income communities, driving away investment in new development and new jobs and exposing residents to potentially costly health threats," the EPA said in a statement.

"From the beginning of the administration, one of the things that I wanted to do and that Council on Environmental Quality Chair Nancy Sutley wanted to do was to reconstitute this interagency working group," said EPA Administrator Lisa Jackson in an interview with theGrio following Wednesday's meeting.

Environmental justice advocates like Vernice Miller-Travis call exposure to toxins in the air and water "the biggest contributor" to the shorter life spans of African-Americans, as well as indigenous and low income people, linked to increased incidences or virulence of certain cancers, asthma, respiratory diseases, and even increasing the intensity of cycle sell disease.

"One of the things I have done has been to communicate with leaders in the African-American community the importance of addressing environmental quality, as it impacts our communities, and our children," said Jackson, the first African-American to lead the EPA.

Industry groups have long been wary of environmental justice approaches to industry regulation. The U.S. Chamber of Commerce in July cited worries that forcing federal agencies to consider environmental justice could restrict commercial activity, create regulatory uncertainty, and preclude economic development in communities that badly need job creation.

Jackson said that while she understands that while African-Americans, like all Americans, are mostly focused on the economy and jobs, the issues of jobs and environmental quality are not mutually exclusive.

"If we had zero unemployment, but also are consuming dirty water and breathing contaminated air we would not be stronger or better off as a community," Jackson said.

And she added: "if we want jobs, especially in this green jobs economy, we have to begin to address environmental quality," she said.

Wednesday's meeting was chaired by Jackson, and attended by Attorney General Eric Holder, Interior Secretary Ken Salazar, Department of Housing and Urban Development Secretary Shaun Donovan, Transportation Secretary Ray LaHood, General Services Administration Administrator Martha Johnson, along with White House energy and climate Change senior advisor Carol Browner, John Holdren, who directs the White House Office of Science and Technology Policy; White House Office of Domestic Policy Director Melody Barnes, and representatives from the Labor, Health and Human Services, Energy, Education, Agricultural Homeland Security and Commerce Departments, plus officials from the U.S. Army and Department of Defense.

Miller-Travis, who was director of the Environmental Justice Initiative at the National Resources Defense Counsel in 1994 and who is now vice chair of the Maryland Commission On Environmental Justice And Sustainable Communities, was present when Clinton signed the executive order, and was pleased to see the issue revived.

"We had a report that had been published by the United Church of Christ Commission for Racial Justice in 1987, called 'Toxic Waste and Race in the United States,' and one of the many recommendations from the report was that the [Environmental Protection] Agency and the White House needed to think about a national policy to address this issue of environmental and racial justice," Miller-Travis said.

The report was not acted on by the first Bush administration, she added, "but it did lay the foundation for ongoing discussions with the White House."

Miller-Travis said the issue of environmental justice took off during the Clinton administration, when environmental justice advocates "began a concerted dialogue with the administration that they needed to put the weight of the White House and the federal government into addressing these disparities and not letting these communities languish outside the bounds of federal law, which was happening then and which is still happening." She credits the administration, including Vice President Al Gore, with taking the issue seriously.

But she said the movement fell into a "black hole" during the George W. Bush administration, whose EPA she said tried to rescind or renege on aspects of the executive order, including by "trying to redefine environmental justice so race, income and class would no longer be a part of the definition.

"If you're not talking about poor people, indigenous people and people of color, who are you talking about?" she added.

Still, Miller-Travis expressed faith in Jackson, and relief at the renewed vigor she said the EPA administrator, Attorney General Holder and other agency heads have displayed in addressing the problems of communities at the greatest risk of environmental exposure.

"Today was about the Obama administration's formal commitment across the breadth of government to say we rededicate ourselves to the executive order and the things we were tasked to do in 1994," she said.

Jackson said the inter-agency work was just beginning.

"We realize that a one hour meeting isn't going to solve the many issues that communities are facing, but we wanted to make a start," she said.

The working group will convene again in about a month.

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

11/10/2009 02:28 PM

To Richard Windsor

cc Adora Andy

bcc

Subject AP: Obama Will Go To Copenhagen If It Will Close The Deal
On Climate Agreements

AP: Obama Will Go To Copenhagen If It Will Close The Deal On Climate Agreements
WASHINGTON — President Barack Obama said Monday that he'd be willing to attend an international climate summit in Copenhagen next month if it appears a deal is in the offing and his presence there would help clinch it.

Nations are preparing to meet in Denmark to hammer out a new international treaty to slow climate change, but the talks have been hampered by disputes between rich countries and developing ones.

"If I am confident that all of the countries involved are bargaining in good faith and we are on the brink of a meaningful agreement and my presence in Copenhagen will make a difference in tipping us over the edge, then certainly that's something that I will do," Obama said in an interview with Reuters.

It was Obama's strongest statement to date that he may attend the Dec. 7-18 U.N. conference. White House officials previously have declined to say whether Obama would attend the summit. In the interview, previewing his trip to Asia that begins Thursday, the president said he expected to sign a new nuclear arms reduction pact with Russia by December. He also rejected criticism that he's too soft on human rights issues in his dealings with China.

"I don't find the critics credible," Obama said. "If you look at my statements, they have been entirely consistent. We believe in the values of freedom of speech, freedom of press, freedom of religion that are not just core America values but we believe are universal values."

Obama has been criticized for delaying a meeting with the Dalai Lama, the exiled Tibetan Buddhist spiritual leader, until after he meets with Chinese President Hu Jintao during the Asia trip. China views the Dalai Lama as anti-China and pressures foreign governments not to meet with him. The Obama administration needs China's support for its top foreign policy, economic and environmental goals.

Obama also said he expected the U.S. and Russia would sign a new nuclear arms reduction treaty by December.

Obama and Russian President Dmitry Medvedev agreed this year to reach a new nuclear arms reduction treaty to replace the 1991 Strategic Arms Reduction Treaty, or START, that expires Dec. 5.

Obama told Reuters that on the issue of global nuclear nonproliferation "I would strongly argue that we have made more progress on this issue over the last several months than we have seen in the last several years."

On climate change, U.N. Secretary-General Ban Ki-moon was headed to Washington on Tuesday to meet with key senators and White House officials to discuss the issue.

Ban and Janos Pasztor, the director of his Climate Change Support Team, were originally campaigning for agreement on a new treaty at Copenhagen. But both have scaled back expectations in the past month, focusing instead on getting a political deal on the key elements that can be turned into a treaty, hopefully next year.

At the final round of negotiations in Barcelona that ended last week, the U.S. was universally seen as the linchpin to a political deal, but it has been unable to present its position or pledge

emissions targets because of slow progress on climate legislation in Congress. Last week, Senate Democrats sidestepped a Republican boycott and pushed a climate bill out of a key committee. But at least five other committees must still have their say.

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

01/14/2010 05:03 PM

To Richard Windsor

cc Adora Andy

bcc

Subject Dow Jones Newswires: EPA Chief: Coal Waste Can Be Safely Recycled To Make Cement

so apparently we did make news

EPA Chief: Coal Waste Can Be Safely Recycled To Make Cement

By Siobhan Hughes

Dow Jones Newswires

WASHINGTON -(Dow Jones)- The U.S. Environmental Protection Agency's chief challenged criticism that a pending coal-waste proposal would damage the building-materials industry, saying Thursday that the waste produced by coal-fired power plants may be safely recycled into products such as cement.

"There seems to be genuine agreement that the use of coal ash in concrete and concrete-like products does not cause a threat to human health and the environment," EPA Administrator Lisa Jackson said in remarks to the Woman's National Democratic Club. "The threats associated with coal-ash waste are from leaching," she said, "which is not a problem from a concrete perspective."

The Obama administration is walking a fine line as it seeks to regulate coal ash after a December 2008 spill from a Tennessee Valley Authority facility sent about a billion gallons of ash and water over as many as 300 acres. That raised public health fears, since coal ash contains arsenic, selenium, and other contaminants that can be damaging. The EPA found elevated levels of metals such as arsenic after the spill, though it said that municipal drinking water was safe.

Companies such as LaFarge SA (LG), the world's biggest cement maker, have gone to the White House to warn that regulating coal-waste as a hazardous material would create a stigma around reusing the waste for other purposes, even if the EPA decides to exempt coal ash when it is recycled into other products. More than 40% of coal waste is recycled, added to products such as cement and drywall, a practice known as "beneficial reuse." The rest is disposed of in landfills or retention ponds.

The White House has held weekly meetings on the subject, a review that has delayed release of the EPA proposal, which was supposed to happen by December. The issue has also prompted lobbying by the American Coal Ash Association, which has lined up support in Congress and warned against "events in Washington" that threaten "the very survival of a multibillion dollar industry."

"There has been a lot of hullabaloo over coal ash, and I'm disappointed that some of the folks, especially on the industry side, haven't taken the time to wait and let us try to craft rulemaking," Jackson said. "I think we agree that coal ash can be reused--in fact we would love to incentivize the reuse of coal."

She didn't say whether coal waste could be safely used in other products, such as drywall, or added to the soil as "fill" material.

The EPA is trying to find a middle ground between business and environmentalists. If the EPA decides to treat coal ash as a hazardous waste, it would lead to the first nationwide standards and could potentially force power plants to shift to landfills instead of holding ponds. Retention ponds are considered riskier by environmentalists because of the chances that the waste can ooze out into water supplies.

Environmentalists for years had pressed the EPA to do more, saying that leaving regulation up to states would put the public at risk. In 2000, the Clinton administration's EPA decided against treating the sludge produced by generators and electric utilities as hazardous. It said that characterizing coal waste as a hazardous material might stigmatize the "beneficial reuse" of the waste. The EPA also said that states had been improving their regulations of the disposal of waste.

Betsaida
Alcantara/DC/USEPA/US
09/11/2009 04:16 PM

To Richard Windsor
cc Adora Andy
bcc
Subject mountain top mining press clips

Below you have Reuters, AP, WSJ and Bloomberg coverage

EPA puts 79 coal mine permits up for more review

REUTERS - Fri Sep 11, 2009 1:26pm EDT

NEW YORK (Reuters) - The U.S. Environmental Protection Agency has put 79 proposed mountaintop coal-mine permits in Appalachian states up for further review, according to a statement released on Friday.

"Release of this preliminary list is the first step in a process to assure that the environmental concerns raised by the 79 permit applications are addressed and that permits issued are protective of water quality and affected ecosystems," EPA Administrator Lisa Jackson said in the statement.

The EPA will work with the Army Corps of Engineers to ensure that permits for the mining will not unleash practices that would harm water supplies.

In mountaintop mining, companies blast the tops of mountains with dynamite to get to coal seams. Often the resulting rubble is pushed off the mountain into valleys below and can bury streams.

Environmentalists praised the EPA's move on Friday.

"By recommending these permits not be approved, the EPA and the Army Corps has demonstrated their intention to fulfill a promise to provide science-based oversight which will limit the devastating environmental impacts of mountaintop removal mining," Willa Mays, executive director for Appalachian Voices, said in a release.

In the next 15 days, the EPA will evaluate the preliminary list of projects slated for further review and transmit a final list to the Army Corps. Then environmental issues over particular permit applications will be addressed during a 60-day review process triggered when the Corps informs EPA that a particular permit is ready for discussion.

EPA identifies 79 coal mine permits for review

By TIM HUBER (AP) – 1 hour ago

CHARLESTON, W.Va. — The Obama administration on Friday stepped up its efforts to curb environmental damage from surface coal mining, announcing plans to give 79 permit applications in four states additional scrutiny.

The U.S. Environmental Protection Agency said it wants to make certain the proposed mines won't cause water pollution and violate the Clean Water Act before permits are issued by the U.S. Army Corps of Engineers.

Most of the permits are for mines in Kentucky, the nation's No. 3 coal-producing state. Also on the list are operations in No. 2 coal producer West Virginia, Ohio and one mine in Tennessee.

The action targets a practice known as mountaintop removal mining. The highly efficient mining method involves blasting away mountaintops to expose multiple coal seams and, in most cases, burying intermittent streams with excess rock.

"Release of this preliminary list is the first step in a process to assure that the environmental concerns raised by the 79 permit applications are addressed," EPA Administrator Lisa Jackson said in a statement. "We look forward to working closely with the Army Corps of Engineers, with the involvement of the mining companies, to achieve a resolution of EPA's concerns that avoids harmful environmental impacts and meets our energy and economic needs."

Environmental groups cheered the administration, which they've been criticizing for not banning mountaintop mining altogether.

"We applaud this action by the Obama Administration to return the rule of law to the Appalachian coalfields," Sierra Club spokeswoman Mary Anne Hitt said in a statement. "The next step in the administration's review process should confirm that these permits cannot be issued."

The coal industry blasted the decision, saying it jeopardizes tens of thousands of jobs.

"By deciding to hold up for still further review coal mining permits pending in West Virginia, Kentucky, Ohio and Tennessee, the agency damages a weak economy struggling to recover in the worst recession in postwar history," National Mining Association President Hal Quinn said in a statement.

EPA Reviews 79 Mountaintop Removal Coal Permits

By Jim Efstathiou Jr.

BLOOMBERG

Sept. 11 (Bloomberg) -- The Environmental Protection Agency said today that 79 permits to mine coal by removing mountain tops and discarding the debris in neighboring streams must be held for further review.

In a preliminary decision involving sites mainly in Kentucky and West Virginia, the EPA found unresolved water quality issues near the mining projects, the U.S. agency said today in a news release. Earlier this year the EPA said it would review all pending permits for mountaintop removal in the Appalachia region, citing concerns over water pollution and the health of nearby rivers, streams and aquifers.

The announcement comes as President Barack Obama takes steps to dismantle Bush-era environmental rules that have made it easier for mining companies to lop the tops off mineral-rich mountains to expose coal deposits. The technique accounts for about 6 percent of U.S. demand for coal, which provides electricity.

"The EPA did not oppose a single permit during the Bush administration and now the EPA is expressing their concerns about 79 permits issued by the Army Corps of Engineers," Mary Anne Hitt, deputy director of the Sierra Club's "beyond coal" campaign said in an interview. "This is a sea change in enforcement."

Aquatic Ecosystem Concerns

The majority of permits flagged for further review failed to demonstrate how the mining operation would minimize impacts on the aquatic ecosystem, the EPA said. Efforts to mitigate the impact of filling streams with mining debris "may not be adequate to offset proposed impacts," the EPA statement said.

The EPA within two weeks must issue a final decision on the pending permits. At that point, projects that meet the agency's environmental criteria may move forward.

Today's decision will damage economies in the region as they struggle to recover from the recession, according to the Washington-based National Mining Association, a trade group for mining companies.

"EPA's announcement today to halt 79 coal mining permits continues the moratorium on Eastern coal mining that jeopardizes the livelihoods of tens of thousands of American workers and their communities," Hal Quinn, president of the group, said in a statement.

The permits are for mountaintop removal projects in Kentucky, Ohio, Tennessee and West Virginia. Dynamiting or bull-dozing peaks is the least expensive method to extract coal and the most damaging to the surroundings, according to the Sierra Club, a San Francisco-based environmental advocate.

Among the projects still pending in the EPA list are ones in Kentucky with Consol Energy Inc., Apex Energy and CAM Mining.

Today's EPA decision reflects the agency's concerns over violations of the Clean Water Act, a 1972 law that's the cornerstone of rules protecting surface water in the U.S.

"Now that the EPA has been freed up to actually do their job, they're finding that these projects don't comply with the Clean Water Act," Hitt said.

EPA Puts Mountaintop-Mining Permits Under Review

By SIOBHAN HUGHES

WALL STREET JOURNAL – Sept. 11, 2009

WASHINGTON -- The Obama administration on Friday put on hold dozens of permits necessary to mine for coal in the Appalachian mountains, escalating a battle with the coal industry over whether the activities damage water quality.

The Environmental Protection Agency said that it would carry out an extensive review of 79 proposed projects, with its initial evaluation taking 15 days. After that, additional concerns will be addressed following consultation with the U.S. Army Corps of Engineers. The EPA has the power to veto the permits, which are issued by the Corps. (Read more about the permits from the EPA.)

Environmentalists welcomed the decision but said that the EPA needed to stop mountaintop mining outright. The coal industry warned that the EPA had imposed a moratorium on new coal mining in West Virginia, Kentucky, Ohio and Tennessee -- and suggested that it might consider taking legal action against the EPA.

"This is among several options under consideration," said Luke Popovich, a spokesman for the National Mining Association, in an email.

Mountaintop mining involves blasting the tops off mountains in order to get at coal seams underneath. The technique has become increasingly common -- surface mining operations in central Appalachia account for about 10% of U.S. coal production. But the EPA says that the

process damages streams and forests, as rock and other debris spills into sensitive areas.

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

03/11/2011 11:52 AM

To Richard Windsor

cc Adora Andy, Alisha Johnson, Andra Belknap, Arvin Ganesan, David McIntosh, Dru Ealons, Lawrence Elworth, Michael Moats, Seth Oster, Shira Sternberg, Stephanie Owens, Vicki Ekstrom

bcc

Subject Additional Clips from Ag Hearing Yesterday

Agriculture Hearing Clips :

Agri-Pulse: Calm under fire, Administrator Jackson defends EPA actions

By Jon H. Harsch

WASHINGTON, March 10 - EPA Administrator Lisa Jackson opened her testimony in Thursday's House Agriculture Committee hearing on "the Impact of EPA Regulation on Agriculture" by voicing her "profound respect for the invaluable contribution that farmers make to our economy by producing food, fiber, and fuel for our country and the world" and for "the critical work that farmers are doing to protect our soil, air, and water resources."

SouthWest Farm Press: EPA administrator says 'myths' dogging agency's steps

Lisa Jackson testifies before House Agriculture Committee; defends agency from reports it is overzealous in its regulatory efforts

Mar. 10, 2011 6:30pm

Today, Committee Chairman Frank Lucas convened a hearing at which EPA Administrator Lisa P. Jackson and others were called to testify about the agency's efforts to regulate air and water. Administrator Jackson said EPA's work and its impact on agriculture has been "mischaracterized" and that myths about the agency's aims are preventing it from addressing the nation's environmental problems.

DesMointes Register: EPA's Jackson; no cow tax

by Dan Piller

U.S. Environmental Protection Agency administrator Lisa Jackson appeared before the U.S. House Agriculture Committee Thursday and in prepared remarks declared there will be no "cow tax" on farmers.

The so-called Cow Tax had been a point of contention from Farm State representatives who had suggested that the EPA intended to regulate the methane emissions from cows as part of its environmental oversight. Jackson called the Cow Tax "a mischaracterization."

[[FULL TEXT BELOW]]

Agri-Pulse: Calm under fire, Administrator Jackson defends EPA actions

By Jon H. Harsch

WASHINGTON, March 10 - EPA Administrator Lisa Jackson opened her testimony in Thursday's House Agriculture Committee hearing on "the Impact of EPA Regulation on Agriculture" by voicing her "profound respect for the invaluable contribution that farmers make to our economy by producing food, fiber, and fuel for our country and the world" and for "the critical work that farmers are doing to protect our soil, air, and water resources."

Jackson also acknowledged that "farmers operate under unique and challenging circumstances - small margins, international competition, and the difficulties of operating a small business - that complicate the task of making a living on the land." Under questioning, she admitted she's a "city girl" from New Orleans. But she said she's been working closely with Agriculture Secretary Tom Vilsack, making it a point to familiarize herself with farm issues and to increase "EPA's

interaction with agriculture and the concerns of farmers across the country.”



EPA Administrator Lisa Jackson testifying in a House Agriculture Committee hearing Thursday. Photo: Agri-Pulse.

Next, Jackson focused on the need “to dispel certain myths about EPA's work and its impact on agriculture.” She said the myths “prevent real dialogue to address our greatest problems” and that Congress and EPA share “a responsibility to ensure that the American people have facts . . . particularly when the fictions are pushed by special interests.” She gave five examples of fact vs popular myth:

#1. The “cow tax” myth “was started in 2008 by a lobbyist . . . The truth is EPA has proposed to reduce greenhouse gas emissions in a responsible, careful manner and we have exempted agricultural sources from that regulation.”

#2. As for the myth that EPA will expand regulation of farm dust, “We have no plans to do so.”

#3. On pesticide spray drift, “While no one supports pesticides wafting into our schools and communities, EPA does not support a no spray zone policy . . . but the incorrect belief that EPA is promulgating a no-drift policy persists.”

#4. Dismissing “the false notion that EPA is planning on mandating federal numeric nutrient limits for various states,” Jackson said “Let me be clear. EPA is not working on any federal numeric nutrient limits.” She noted that “the case in Florida is unique. The last administration made a determination that federal numeric nutrient standards were necessary.”

#5. The myth that EPA will regulate spilled milk in the same way as spilled oil “is simply incorrect.” Instead, she explained, EPA on its own initiative has provided a specific exemption for spilled milk “because the law passed by Congress was written broadly enough to cover milk containment.”

When Reps. Bob Goodlatte, R-Va., Tim Holden, D-Pa., and other congressmen pressed Jackson on the burdens that cleaning up Chesapeake Bay places on farmers, Jackson acknowledged that “agriculture has made real strides in reducing nutrient pollution.” But she

added that "there's more to be done" and that it can be done best when states and farm groups work with EPA to come up with the best possible solutions.

Despite Jackson's assurances and her attempts to dispel myths, Rep. Tim Johnson, R-III., charged that EPA "has grossly violated and overstepped any reasonable limitations . . . your agency is the poster child for usurpation of legislative authority."

After testifying in a series of congressional hearings over the past week with the prospect of many more to come, Jackson calmly repeated many of her answers and on several occasions noted that decisions and policies which congressmen complained about were "made by the Bush administration" or were "part of a Bush administration settlement." In another frequent refrain when members complained that the EPA hasn't been thorough enough in counting all costs in its cost/benefit calculations, Jackson repeatedly pointed to "preventive medicine" benefits which far outweigh costs.

As one example of benefits, Jackson pointed to new Boiler MACT rules announced in February for boilers and some incinerators. She said that with these new rules to cut toxic air emissions, "EPA estimates that for every dollar spent to cut these pollutants, the public will see between \$10 to \$24 in health benefits, including avoiding between 2,600 and 6,600 premature deaths, preventing 4,100 heart attacks and averting 42,000 asthma attacks per year."

To read more about Thursday's House Agriculture hearing on "the Impact of EPA Regulation on Agriculture," with Lisa Jackson as the sole witness , click [HERE](#).

SouthWest Farm Press: EPA administrator says 'myths' dogging agency's steps

Lisa Jackson testifies before House Agriculture Committee; defends agency from reports it is overzealous in its regulatory efforts

Forrest Laws

Mar. 10, 2011 6:30pmRSS Comments 0 Print Save Email Share

Today, Committee Chairman Frank Lucas convened a hearing at which EPA Administrator Lisa P. Jackson and others were called to testify about the agency's efforts to regulate air and water. Administrator Jackson said EPA's work and its impact on agriculture has been "mischaracterized" and that myths about the agency's aims are preventing it from addressing the nation's environmental problems.

Administrator Lisa P. Jackson says EPA's work and its impact on agriculture has been "mischaracterized" and that myths about the agency's aims are preventing it from addressing the nation's environmental problems.

Jackson, testifying before the full House Agriculture Committee this afternoon, identified five areas where she said "myths" have proven to be a hindrance to her agency fulfilling its mission to protect the nation's air and water.

Yesterday, the committee passed legislation that would eliminate the requirement for a National Pollutant Discharge Elimination System or NPDES permit for pesticides approved for use under the Federal Insecticide, Fungicide and Rodenticide Act. Committee members said the requirement would have negative economic consequences.

The hearing was convened by Chairman Frank Lucas, a Republican from Oklahoma, but Democrats on the committee have also criticized the agency for being overzealous in its regulation of farming and farming practices.

Jackson did not address the NPDES permitting issue, which EPA is seeking a delay in

implementing from the federal courts. But she did talk about five other examples that have embroiled the agency in controversy:

Myth No. 1 - EPA intends to regulate the emissions from cows - what is commonly referred to as a "Cow Tax. "This myth was started in 2008 by a lobbyist and -quickly de-bunked by the non-partisan, independent group fact-check.org it - but it still lives on. The truth is EPA is proposing to reduce greenhouse gas emissions in a responsible, careful manner and we have even exempted agricultural sources from regulation."

Myth No. 2 - EPA is attempting to expand regulation of dust from farms. "We have no plans to do so, but let me be clear, the Clean Air Act passed by Congress mandates that the Agency routinely review the science of various pollutants, including Particulate Matter, which is directly responsible for heart attacks and premature deaths," she said. "EPA's independent science panel is currently reviewing that science, and at my direction EPA staff is conducting meetings to engage with and listen to farmers and ranchers well before we even propose any rule."

Myth No. 3 - Spray drift. "While no one supports pesticides wafting into our schools and communities, EPA does not support a 'no-spray drift policy.' EPA has been on the record numerous times saying this, but the incorrect belief that EPA desires to regulate all spray drift persists."

Myth No. 4 - The false notion that EPA is planning on mandating Federal numeric nutrient limits on various states. "Again, let me be clear: EPA is not working on any federal numeric nutrient limits. We will soon be releasing a framework memo to our regional offices that makes it clear that addressing nitrogen and phosphorus pollution - which is a major problem - is best addressed by the states, through numerous tools, including proven conservation practices." (She did say the case of Florida is unique. The Bush Administration made a determination that federal numeric nutrient standards were necessary in Florida, requiring EPA to develop such standards.)

Myth No. 5 - EPA intends to treat spilled milk in the same way as spilled oil. "This is simply incorrect. Rather, EPA has proposed, and is on the verge of finalizing an exemption for milk and dairy containers. This exemption needed to be finalized because the law passed by Congress was written broadly enough to cover milk containers. It was our work with the dairy industry that prompted EPA to develop an exemption and make sure the standards of the law are met in a commonsense way."

DesMoines Register: EPA's Jackson; no cow tax

1:53 PM, Mar 10, 2011 | by Dan Piller

U.S. Environmental Protection Agency administrator Lisa Jackson appeared before the U.S. House Agriculture Committee Thursday and in prepared remarks declared there will be no "cow tax" on farmers.

The so-called Cow Tax had been a point of contention from Farm State representatives who had suggested that the EPA intended to regulate the methane emissions from cows as part of its environmental oversight. Jackson called the Cow Tax "a mischaracterization.

Her full remarks:

As prepared for delivery.

Chairman Lucas, Ranking Member Peterson and Members of this committee, thank you for inviting me to testify. I'm pleased to be here today.

I have great respect for the oversight role of Congress and believe that this ongoing dialogue is

central to the commitment I have made to the American people to conduct EPA's business transparently and with accountability.

I also believe an important part of that commitment is to dispel certain myths about EPA's work and its impact on agriculture. These mischaracterizations are more than simple distractions; they prevent real dialogue to address our greatest problems. And so, today, I would like to spend a few minutes addressing some of them directly.

Let me begin, though, with one simple fact that I proudly embrace: farmers and ranchers are an essential part of our economy. They give us food, fiber, and fuel. The innovators in American agriculture deserve great credit for the significant steps they've taken to protect the environment while feeding millions of people.

With that recognition in mind, my direction to EPA has been to establish a consistent dialogue with the agriculture community, which is crucial to our work.

This is why I would like to take a moment today to address some of the mischaracterizations that have been, at times, unaddressed, or that need to be addressed again. As I'm sure you would agree, Mr. Chairman, facts matter and we all have a responsibility to ensure that the American people have facts and the truth in front of them, particularly when fictions are pushed by special interests with an investment in the outcome.

Let me give you five examples:

One is the notion that EPA intends to regulate the emissions from cows - what is commonly referred to as a "Cow Tax." This myth was started in 2008 by a lobbyist and -quickly de-bunked by the non-partisan, independent group fact-check.org - it still lives on. The truth is - EPA is proposing to reduce greenhouse gas emissions in a responsible, careful manner and we have even exempted agricultural sources from regulation.

Another mischaracterization is the claim that EPA is attempting to expand regulation of dust from farms. We have no plans to do so, but let me be clear, the Clean Air Act passed by Congress mandates that the Agency routinely review the science of various pollutants, including Particulate Matter, which is directly responsible for heart attacks and premature deaths. EPA's independent science panel is currently reviewing that science, and at my direction EPA staff is conducting meetings to engage with and listen to farmers and ranchers well before we even propose any rule.

Another example involves spray drift. While no one supports pesticides wafting into our schools and communities, EPA does not support a "no-spray drift policy." EPA has been on the record numerous times saying this, but the incorrect belief that EPA desires to regulate all spray drift persists. We have reached out to National Association of State Departments of Agriculture and other key stakeholders. Working with them, we have been able to identify critical issues and we will continue our efforts to resolve them.

Yet another mischaracterization is the false notion that EPA is planning on mandating Federal numeric nutrient limits on various States. Again, let me be clear: EPA is not working on any federal numeric nutrient limits. We will soon be releasing a framework memo to our regional offices that makes it clear that addressing nitrogen and phosphorus pollution - which is a major problem - is best addressed by the States, through numerous tools, including proven conservation practices. The case of Florida is unique - the last Administration made a determination that federal numeric nutrient standards were necessary in Florida, requiring EPA

to develop such standards.

And finally is the notion that EPA intends to treat spilled milk in the same way as spilled oil. This is simply incorrect. Rather, EPA has proposed, and is on the verge of finalizing an exemption for milk and dairy containers. This exemption needed to be finalized because the law passed by Congress was written broadly enough to cover milk containers. It was our work with the dairy industry that prompted EPA to develop an exemption and make sure the standards of the law are met in a commonsense way. All of EPA's actions have been to exempt these containers. And we expect this to become final very shortly.

Contrary to the myths is the reality I spoke of earlier. EPA is in close consultation with America's farmers and ranchers. We have listened to their concerns and made them a part of the work we do. Let me give just one example that is very important to this committee.

When EPA proposed higher renewable fuels production mandates under RFS 2, we heard - again through extensive public comments and direct conversations - the ethanol industry's concerns with the analysis of greenhouse gas impacts, which EPA was conducting under a requirement from Congress. We addressed their concerns, and we now have a rule that encourages vast innovation, respects the needs of agricultural communities, and is expected to create jobs and increase farmers' incomes by \$13 billion annually by 2022.

Mr. Chairman, everyone in this room, has the same desire - to have safe water, air and land for our children - and to do so in a way that maintains our economic strengths. EPA will continue to work with this committee, as well as our partners in the States and the agricultural community to achieve the goals we have set together, and to serve the values we all share. Thank you.

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

05/11/2011 02:07 PM

To Richard Windsor

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

bcc

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

**Betsaida
Alcantara/DC/USEPA/US**
04/01/2010 03:54 PM

To Richard Windsor
cc Adora Andy, Seth Oster
bcc
Subject MTM Clips Part 1 of 2

they'll be more later from WaPo and Dow Jones. This is what's out for now.

MTM Clips Part 1 of 2

AP: New Mining Policy Would Protect Water Quality, EPA Says

Associated Press

CHARLESTON, W.Va.—The Obama administration spelled out tighter water-quality standards for surface coal mining permits across Central Appalachia.

Environmental Protection Agency Administrator Lisa Jackson announced Thursday a policy EPA hopes will clarify the water permitting process for mountaintop removal mines in the region.

The agency also released two reports that discuss the damage to watersheds by the mining practice.

WTRF-TV: EPA Sets Standards for Water Quality Below Mining Operations

Agency's chief said the guidelines all but stop new valley fills.

Story by Pam Kasey -

Valley fills may be all but stopped by new U.S. Environmental Protection Agency guidance on acceptable levels of salinity in streams below Appalachian surface mining operations.

“You’re talking about no or very few valley fills that would meet the standards,” said EPA Administrator Lisa Jackson in an April 1 announcement.

The new guidance, released to EPA regional offices that have responsibility for permitting in Appalachian states, sets a provisional in-stream maximum level of conductivity — a measure of salinity — of 500 microSiemens per cubic centimeter.

“Science supports our determination that conductivities above 500 ... are not protective,” Jackson said.

[[FULL TEXT BELOW]]

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The agency also released two reports that discuss the damage to watersheds by the mining practice.

EPA says the practice of burying streams with mine wastes increases salt levels in waterways downstream, hurting fish and other aquatic life. Officials say the new policy is designed to protect 95% of aquatic life and streams in the region.

Sierra Club Executive Director Michael Brune said the tough new standards should severely limit surface mining.

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“Science supports our determination that conductivities above 500 ... are not protective,” Jackson said.

“We’ll use 300 to 500 to guide our permits under Sections 402 and 404 of the Clean Water Act,” she continued, referring to the sections covering water pollution permits and valley fills. “This prevents irreversible damage to the physical and geological integrity of Appalachian streams and protects 95 percent of aquatic organisms in them.”

The guidance recognizes the growing body of science on stream health below surface mining operations in Appalachia, Jackson said.

While it is becoming clear that a conductivity level of 500 creates irreversible stream damage, she said, evidence shows that even a level of 300 may be too high.

She said the agency has seen conductivity levels of 5,000 below mountaintop mining operations.

The agency is soliciting public comment on the guidance while implementing this range in its permit reviews.

The guidance is prospective, Jackson said, and does not apply to existing permits.

However, it may be applied not only to mountaintop mining permits but to other surface and deep-mining operations as well, she said.

She made specific reference to Dunkard Creek at the West Virginia-Pennsylvania border, where conductivities as high as 33,800 last fall contributed to the death of all fish and mussels in the stream.

The EPA concurrently is releasing for public comment two scientific reports prepared by its Office of Research and Development.

One summarizes the aquatic impacts of mountaintop mining and valley fills.

The other, based on more than 2,000 stream samples in West Virginia, establishes the scientific benchmark for unacceptable levels of conductivity that threaten stream life in surface waters.

The agency also is creating a permit tracking Web site to inform the public about the status of mining permits under review, according to a media release.

**Betsaida
Alcantara/DC/USEPA/US**
04/02/2010 01:19 PM

To Richard Windsor
cc Adora Andy, Seth Oster
bcc
Subject MTM Clips Part 3 of 3

MTM Clips Part 3 of 3

NYTIMES : E.P.A. to Limit Water Pollution From Mining

April 1, 2010

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."

REUTERS: US toughens process on mountain coal mine permits

Thu Apr 1, 2010 11:29pm BST

* EPA to crack down on permitting by regional offices

* Analyst sees up to 70 mln tons of lost coal output

By Timothy Gardner

WASHINGTON, April 1 (Reuters) - U.S. environmental regulators took steps on Thursday to make it harder for companies to get mountaintop coal mining permits, which analysts said could reduce output of the fuel burned in power plants.

In mountaintop mining, companies blow up sharp Appalachian peaks across Virginia, West Virginia, Kentucky and Tennessee with explosives to get to the coal seams below. Then they push the resulting rubble into valleys below.

The Environmental Protection Agency said it would send guidance to its regional offices with permitting responsibility in Appalachian states to ensure future mining will not cause significant environmental, water quality and human health problems.

[[FULL TEXT BELOW]]

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"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.

REUTERS: US toughens process on mountain coal mine permits

Thu Apr 1, 2010 11:29pm BST

* EPA to crack down on permitting by regional offices

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Virginia, Kentucky and Tennessee with explosives to get to the coal seams below. Then they push the resulting rubble into valleys below.

The Environmental Protection Agency said it would send guidance to its regional offices with permitting responsibility in Appalachian states to ensure future mining will not cause significant environmental, water quality and human health problems.

It was the latest move by the Obama administration to crack down on the technique, which a group of scientists have said does irreparable environmental harm and exposes local residents, mostly in Appalachian states, to a higher risk of serious illness. [ID:nN07190667]

"The people of Appalachia shouldn't have to choose between a clean, healthy environment in which to raise their families and the jobs they need to support them," EPA Administrator Lisa Jackson told reporters.

The EPA estimates that almost 2,000 miles (3220 km) of Appalachian headwater streams have been buried by mountaintop coal mining.

An analyst said the move could cut coal output.

"We continue to anticipate that mountaintop mining permits will be increasingly constrained and, due to the relatively short reserve life of coal assets mined in this fashion, longer permitting times will be tantamount to production losses," said Kevin Book, an analyst at ClearView Energy Partners LLC.

Book said the move could reduce U.S. production of low-sulfur coal burned in power plants by as 50 to 70 million tons of low sulfur coal used in power plants within two years.

EPA will solicit public comments on the new guidance. It will be effective immediately on an interim basis, it said. EPA will decide whether to modify the guidance after consideration of public comments and a review of EPA scientific reports.

"Appalachia thanks Lisa Jackson and the EPA for taking the impacts on human health and environmental justice into consideration when issuing permits," Judy Bonds of Coal River Mountain Watch in West Virginia.

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

03/14/2011 03:46 PM

To Richard Windsor, Al Armendariz, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Cynthia Giles-AA, Jim Martin, Judith Enck, Nancy Stoner, Seth Oster, Shawn Garvin, Adora Andy

cc

bcc

Subject Star Ledger Editorial: Halt gas drilling until water safety is assured

Halt gas drilling until water safety is assured
Star-Ledger Editorial Board
Posted: 03/13/2011 6:04 AM

The Delaware River Basin is downstream from planned drillings for natural gas. Pennsylvania Gov. Tom Corbett has instructed his economic development officer to fast-track permits for drilling. About 10,000 wells are expected to be green-lighted, creating jobs, producing clean fuel and lessening our dependence on foreign oil for several decades.

But there's a dark side: The process of drilling, known as hydraulic fracturing — or "fracking" — has the potential to contaminate the Delaware, which provides drinking water for 15 million people, including 3 million in New Jersey. The federal Environmental Protection Agency is investigating the threat, but won't be done until next year. Pennsylvania should not be allowed to proceed until we know it's safe.

New York already has a moratorium and New Jersey should follow suit. Two bills before the state Assembly tomorrow recognize the urgency of the situation: One would put the brakes on drilling until the feds complete their study, and the other asks Congress to no longer exempt fracking from safe water regulations, as it has since 2005, and to require drilling companies to reveal all chemicals used in fracking. "We're asking for transparency," said Assemblywoman Connie Wagner (D-Bergen), the bills' sponsor. Both bills are key to protecting our water supply.

Fracking shatters rock formations to release the gas through high-powered drilling using sand, chemicals and billions of gallons of water. Along with the gas, the chemically contaminated water also is released. The earth's naturally occurring radioactive radium also is disturbed by fracking. Wastewater treatment plants can't scrub clean all the pollutants in Pennsylvania's drilling waste water which, by one account, totaled more than a billion gallons in the past three years.

Preliminary reports by EPA consultants and regulators found it highly likely that toxic water unleashed in Pennsylvania would endanger the Delaware River, and evidence exists that the drilling wastewater also corrodes treatment plants, undermining their ability to break down regular sewage.

The Delaware River Basin Commission, which represents the watershed interests of New Jersey, Pennsylvania, New York and Delaware, is proposing its own regulations for fracking. But the commission should take the advice of 39 New Jersey state legislators, who have asked it to wait until the federal study is complete. Jeff Tittel, of the Sierra Club's New Jersey chapter, says the commission's proposals are deficient because they don't explore the vast clear-cutting of forests and construction of roads that accompany fracking.

The Delaware River has become a precious economic and recreational resource, vital to the economies of towns that thrive along its banks. It's beyond question that the need for clean-energy sources is a pressing national need, but fracking shouldn't proceed unless the safety of our water is guaranteed.

FACTS ABOUT FRACKING

- Hydraulic fracturing is used to recover natural gas from sources such as coal beds and shale gas formations. Shale is sedimentary rock formed by layers of clay. Fracking is prominent in the Marcellus Shale, which spreads across

most of Pennsylvania.

- Fluids, commonly made up of water and chemical additives, are pumped into a geologic formation at high pressure. When the pressure exceeds the rock strength, the fluids open or enlarge fractures that can extend several hundred feet from the well, releasing gas.

- In 2009, shale gas production comprised 14 percent of the total U.S. gas supply. It is projected to be more than 20 percent by 2020, and 45 percent in 2035.

- Approximately 35,000 wells are fractured each year across the country. The annual water requirement may range from 70 billion to 140 billion gallons. This is equivalent to the total amount of water used each year in roughly 40 to 80 cities with a population of 50,000, or about one or two cities of 2.5 million people.

- With the expansion of fracking, there have been increasing concerns about its potential impacts on drinking water resources, public health and the environment in the vicinity of these facilities.

Sources: U.S. Environmental Protection Agency, N.J. Department of Environmental Protection

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

08/10/2011 10:44 AM

To Richard Windsor

cc Alisha Johnson, Andra Belknap, Bicky Corman, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Cynthia Giles-AA, Daniel Kanninen, Diane Thompson, Gina McCarthy, Mathy Stanislaus, Michael Goo, Nancy Stoner, Paul Anastas, Seth Oster, Steve Owens

bcc

Subject Huffington Post: Michele Bachmann Repeatedly Sought Stimulus, EPA, Other Government Funds

Michele Bachmann Repeatedly Sought Stimulus, EPA, Other Government Funds

Huffington Post

August 10, 2011

By: Sam Stein

WASHINGTON -- Few candidates in the Republican presidential primary field have decried the federal government with as much gusto as Rep. Michele Bachmann (R-Minn.). The three-term congresswoman has belittled the stimulus package, deemed the Obama administration both corrupt and "gangster," and lamented the "orgy" of spending she sees happening in Washington.

The contempt has served her well, helping her craft the type of fiscally conservative, anti-government message that has catapulted her into frontrunner status for the Iowa Caucus and, more immediately, Saturday's crucial Ames Straw Poll.

But it's simply not supported by the Minnesota Republican's actual record.

A Freedom of Information Act request filed by The Huffington Post with three separate federal agencies reveals that on at least 16 separate occasions, Bachmann petitioned the federal government for direct financial help or aid. A large chunk of those requests were for funds set aside through President Obama's stimulus program, which Bachmann once labeled "fantasy economics." Bachmann made two more of those requests to the Environmental Protection Agency, an institution that she has suggested she would eliminate if she were in the White House.

Taken as a whole, the letters underscore what Bachmann's critics describe as a glaring distance between her campaign oratory and her actual conduct as a lawmaker. Combined with previous revelations that Bachmann personally relied on a federally subsidized home loan while her husband's business benefited from Medicaid payments, it appears that one of the Tea Party's most cherished members has demonstrated that the government does, in fact, play a constructive role -- at least in her life and district. "It had been a longstanding tradition in Congress to be fiscally conservative in every other district other than your own," said John Feehery President, of QGA Communications and a top adviser to former Speaker of the House J. Dennis Hastert. "Bachmann apparently is being a traditionalist."

A traditionalist, perhaps, but only when the cameras are off. When President Obama crafted a \$787 billion stimulus package that included historic investments in state aid, infrastructure projects, health care and education reforms as well as a large swath of tax breaks, Bachmann led a chorus of conservatives in decrying the policy.

"During the last 100 days we have seen an orgy [of spending]," she said of the stimulus and auto industry bailout during a conference in Minnesota on May 4, 2009. "It would make any local smorgasbord embarrassed."

Less than three weeks later, she went looking for her piece of the pie.

On May 20, 2009, Bachmann wrote Agriculture Secretary Tom Vilsack, asking him to look into an application for aid that the city of Big Lake, Minn., had made to "develop and finance the Big Lake Rail Park," which she described as "an ambitious commercial and industrial complex which will enhance economic development and job opportunities in this rural Minnesota community." Toward the end of the letter, she added: "We must work together to ensure job creators have access to the vital credit they need to make projects like this a success."

On May 22, 2009, she wrote Transportation Secretary Ray LaHood asking for support for the St. Cloud, Minn., Metropolitan Transit Commission's application for federal funds to "replace twenty-three 35-foot transit buses with compressed natural gas (CNG) powered buses."

On June 4, 2009, she wrote LaHood again seeking grant funding to extend the Northstar Corridor commuter service from Big Lake to St. Cloud.

On June 19, 2009, she made an "urgent" request to LaHood to reverse a decision by the Federal Highway Administration that undermined a project in Waite Park, Minn. The project, she noted, had already received \$2.578 million in federal funding through the stimulus package and was "only awaiting the final determination" from the FHWA.

On July 2, 2009, she wrote LaHood again, pleading for money for road improvements in Waite Park. She added that she was "pleased to learn" that Minnesota's Department of Transportation was not going to "pull the nearly \$2.8 million in American Recovery and Reinvestment Act (ARRA) funding set aside for the project."

On Sept. 15, 2009, Bachmann wrote six separate letters to LaHood asking for help funding six projects (the Northstar line among them) through the Transportation Investment Generating Economic Recovery (TIGER) grant program. The Center for Public Integrity and MinnPost has previously reported on those letters.

On Oct. 5, 2009, she wrote Vilsack again, praising him for putting money into the nation's beleaguered pork industry and encouraging him to help "stabilize prices through direct government purchasing." Five days later, she was chastising the concept of government spending in public, saying that the president's efforts to stem the fallout of the recession amounted to a charade. "We hear about fantasy football games. This is fantasy economics," Bachmann said.

That the Department of Transportation was the primary target of Bachmann's quest for federal funds isn't surprising. The congresswoman has a record of trying to protect infrastructure projects from her party's budget cutters, arguing that transportation projects should be exempt from the ban on earmarks that the House of Representatives instituted in November 2010. She was also far from the only conservative who attempted to get her hands on some of the \$12 billion in funds that DOT received under the stimulus. "Some members refuse to take stimulus and won't have anything to do with getting government transit money flowing into their states. Others will say that they are against the idea of the stimulus or federal money flowing into the economy but if the money is there, they are going to try and get that money flowing into their district," said Brian Darling, a senior fellow in government studies at The Heritage Foundation, a conservative think tank.

But that doesn't necessarily absolve Bachmann from attacks from her fellow party members, Darling continued.

"Some conservatives won't like it," he said. "No two ways about it. They will look at it and not like it because they don't want members trying to funnel money back to their state."

Even more problematic, however, could be Bachmann's attempts to get money and assistance from the EPA, an agency that she once said should be "renamed the job-killing organization of America." In February 2007, well before Obama was in office, Bachmann co-signed a letter to the EPA urging its officials to help fund technical assistance programs and rural water initiatives "in small communities across Minnesota." The authors of the letter, which included nearly the entire Minnesota congressional delegation at the time, noted that FY 2006 funding for the National Rural Water Association had been set at \$11 million.

"We need to continue these efforts in 2007," they wrote.

In other communications with the EPA, Bachmann was far colder to agency policy, criticizing spring 2009 federal management standards for coal combustion byproducts and 2008 National Ambient Air Quality standards. But in other instances, Bachmann turned to the EPA for constituent-related problems. In a Feb. 2, 2010, letter to EPA Administrator Lisa Jackson, she asked the agency to support a \$270,806 grant application (filed with the EPA's Clean Diesel Grant Program) that would help a St. Cloud bus company replace two older motor coach vehicles.

"Voigt's Bus Service, with Community Transportation, Incorporated, is committed to bringing long-term

benefits to the environment and the economy and they wish to accomplish this through the Clean Diesel Grant Program," she wrote.

More than the specific funding requests, it is Bachmann's private acknowledgement that the EPA can facilitate positive outcomes for both the environment and the economy that stands out for conservative activists. On her campaign website, after all, Bachmann refers to the EPA as the "Job Killing Agency." "There is a line between representing your district and then trying to lard up on all of this pork spending, pun intended," said Bill Wilson, President of Americans for Limited Government. "There are very few in Congress who have been able to stand strong and say, 'No I'm not going to do this.' And they are, in our view, the heroes ... By not being part of that group [Rep. Bachmann] isn't unique, obviously. But I think that she would owe an explanation to the public as to why she did it. Why she asked for certain things, including things from EPA when she's been very vocal about the overreach of the EPA?"

Both Bachmann's presidential campaign and her congressional office did not return requests for comment for this article. In the past, the congresswoman has tried to draw a distinction between the national message she imparts and her professional responsibilities as a representative from Minnesota.

"It is my obligation as a member of Congress to ensure stimulus dollars are spent on the most worthy projects. I did just that when I supported applications for the TIGER grant program," she said last year. While Bachmann clearly petitioned the federal government for help in multiple venues, she was incredibly unsuccessful in her efforts. Minnesota's sixth congressional district received more than \$234 million in stimulus contracts, grants and loans, according to the Obama administration's Recovery.gov website. That may seem like a hefty bundle, but it ranks last among the state's eight congressional districts. A Department of Transportation official, meanwhile, tells The Huffington Post that the federal government did not end up funding a single one of the projects for which Bachmann solicited help. The department did send funds to the Minnesota state government, which in turn backed transportation initiatives in the state. But the DOT official said that only a small sliver of that pool, if any, was likely to have ended up where Bachmann wanted.

In one instance, moreover, Bachmann wrote LaHood in support of the "Cold Spring Police Department's application for funding through the COPS hiring Recovery Program." That program, the DOT official confirmed, is operated by the Department of Justice. Bachmann was petitioning the wrong agency.

In the end, Bachmann's ineffectiveness in securing federal help for constituents doesn't mitigate the fact that she sought federal help in the first place. And for Republican primary voters, who have been fed a healthy diet of anti-government rhetoric during this election cycle, that may prove to be a blot on her record.

"This will come up in the context of the battle for the Republican nomination and it will be up to Mrs. Bachmann to explain these things adequately," said Craig Shirley, a longtime Republican operative. "The task for any good candidate is to explain why they did such and such which might not conform with party orthodoxy, and then pivot very quickly to convince enough primary voters why it is they who should be the nominee and not the other contenders."

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

08/30/2011 04:50 PM

To Richard Windsor

cc Alisha Johnson, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Daniel Kanninen, Gina McCarthy, Janet Woodka, Laura Vaught, Michael Goo, Sarah Pallone, Seth Oster

bcc

Subject Updated AP on Boehner Response

this story was updated to reflect the information we sent on health benefits and information on court orders....

Obama: 7 proposed regs would each top \$1 billion

By JIM KUHNHENN, Associated Press – 4 hours ago

WASHINGTON (AP) — President Barack Obama says his administration is considering seven new government regulations that would cost the economy more than \$1 billion each a year, a tally Republicans will pounce on to argue that Congress needs the power to approve costly government rules.

In a letter to House Speaker John Boehner, R-Ohio, Obama lists four proposed Environmental Protection Agency rules and three Department of Transportation rules estimated to cost in excess of \$1 billion. One of the proposed EPA rules — an update to the health-based standard for smog — is estimated to cost the economy between \$19 billion and \$90 billion.

The letter, dated Tuesday, comes as the Republican-controlled House prepares to consider legislation that would require congressional approval for any new regulations that would impose a significant cost on industries.

The four environmental regulations, which target air pollution and coal residue primarily from coal-fired power plants, have already been attacked by House Republicans, who have said they would kill jobs and harm the economy.

A federal court ordered the Obama administration to propose two of the four environmental rules.

And while the regulations would be expensive to comply with, EPA officials say they will save billions of dollars in avoided health care costs each year by reducing asthma and other illnesses, such as cancer. In some cases, the cost savings are greater than the upfront expense, according to EPA figures.

Obama's letter was in response to a Boehner request last week for more details from the president on the proposed costs of the most expensive regulations under consideration by his administration. Obama's administration has identified 219 proposed regulations this year with a cost to the economy of more than \$100 million.

Obama said a number of regulations being contemplated are in such preliminary stages of review that they have no reliable cost estimates.

The president said the seven proposals he did identify are not final and that his administration will "give careful consideration" to cost-savings. He said his administration already has made changes that have saved more than \$10 billion in regulatory costs over the next five years, and said new regulations must meet cost-saving requirements that he ordered earlier this year.

He also defended his regulatory record, saying the cost of final rules adopted in 2007 and 2008, during the administration of President George W. Bush, were higher than in the first two years of his administration.

"In 2009 and 2010, the benefits of such rules -- including not only monetary savings but also lives saved and illnesses prevented -- exceeded the costs by tens of billions of dollars," Obama wrote.

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

12/04/2009 10:02 AM

To Richard Windsor

cc Allyn Brooks-LaSure

bcc

Subject POLITICO: Lisa Jackson

Lisa Jackson

By: **Alexander Burns**

December 3, 2009 11:57 PM EST

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

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

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

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

"Even as the president and the members of his Cabinet move forward under existing authority, we continue urging Congress to pass a new clean energy law," Jackson told a Senate panel in late October. "Only new legislation can bring about the comprehensive and integrated changes that are needed to restore America's economic health and keep the nation secure over the long term."

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

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

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

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

01/20/2010 07:20 PM

To Richard Windsor

cc Allyn Brooks-LaSure, Seth Oster, Adora Andy, Brendan
Gilfillan, Michael Moats

bcc

Subject ROLLING STONE: The Eco-Warrior

The Eco-Warrior

President Obama has appointed the most progressive EPA chief in history – and she's moving swiftly to clean up the mess left by Bush

TIM DICKINSON

Posted Jan 20, 2010 11:30 AM



When it comes to passing major legislation – reforming health care, reining in Wall Street, curbing climate change – the Obama administration is under fire from all sides for bowing to special interests and conducting government business behind closed doors. But there's one agency where the hope and hype of the campaign trail have transitioned seamlessly into effective governance: the Environmental Protection Agency.

With a minimum of fanfare, new EPA administrator Lisa Jackson has established herself as the agency's most progressive chief ever – and one of the most powerful members of Obama's Cabinet. In her first year on the job, Jackson has not only turned the page on the industry-friendly and often illegal policies of the Bush era, but has embarked on an aggressive campaign to clean up the nation's air and drinking water. Under her leadership, the EPA has sought stricter limits on toxic pollutants like mercury, moved to scrub emissions of arsenic and heavy metals from coal-fired plants, and revoked a permit for the nation's largest mountaintop-removal coal mine. "The American people can be outraged when we're not living up to the P part of our name," Jackson says. "The protection part."

Even more striking, Jackson has expanded the EPA's mandate to include sweeping new powers to crack down on climate-warming pollution from cars and industry. The move, which has the full backing of the White House, could prove to be the only viable way to stop Big Oil and Big Coal from overheating the planet – especially after the disastrous collapse of climate talks in Copenhagen in December. "If Congress doesn't pass legislation on climate change," says Carol Browner, Obama's climate czar, "EPA

will follow through under the requirements of the Clean Air Act."

Taken together, Jackson's efforts represent a sweeping attempt to revitalize an agency that was gutted during the Bush years. The goal, as she sees it, is to once again base environmental regulations on science and the law – not on the demands of well-connected industries. "Under Jackson, it's a whole new ballgame," says Eric Schaeffer, who resigned as the agency's director of environmental enforcement in protest over Bush policies. "You now have an EPA administrator who has White House support but is still tough enough to provide an independent voice for the environment."

When Jackson was appointed in December 2008, some prominent environmentalists considered her the wrong person for the job. During her tenure as head of New Jersey's Department of Environmental Protection, they pointed out, the state did such a dismal job of cleaning up toxic Superfund sites that even the Bush administration felt compelled to take them over. In a separate case, Jackson's unit discovered that a day-care facility housed in a former thermometer factory was exposing toddlers to mercury pollution, yet failed to alert parents for more than three months. "Under her watch, New Jersey's environment only got dirtier, incredible as that may seem," Jeff Ruch, president of Public Employees for Environmental Responsibility, said at the time. "If past is prologue, one cannot reasonably expect meaningful change if she is appointed to lead EPA."

In the early going, Ruch's warning appeared prescient. Jackson kicked off her tenure at EPA by greenlighting more than two dozen permits for mountaintop removal coal mining that were held over from the Bush administration. "This mining is devastating Appalachia," warned Robert F. Kennedy Jr. "Everyone expected Obama to do something about it. Instead they're saying, 'We're going to let this happen.'"

Jackson herself now admits that those initial approvals were mishandled. "In hindsight, I certainly wish we could have gone through a longer process on some of those," she says. In September, the EPA put 79 permits for mountaintop removal on hold, pending a review to ensure that each complies with the Clean Water Act. In an unprecedented move, the agency also revoked a permit for the Spruce No. 1 mine, Appalachia's largest mountaintop-removal operation, observing that it would destroy seven miles of West Virginia streams already ravaged by mining.

In addition, Jackson tells Rolling Stone, the EPA is reviewing the infamous Bush "fill rule" that allows mining companies to bury streams and lakes with mining rubble in the first place. "Staff is working on it now," she says. "We haven't put anything about it out publicly." Jackson says the primary goal is to reform gold mining in Alaska – where miners have begun dumping toxic waste into a pristine lake near Juneau – but adds that the move may also "curtail" mountaintop-removal mining.

Today, environmentalists who fretted openly about Jackson's nomination are almost unanimous in singing her praises. "Parts of the environmental community were skeptical of her appointment," says Buck Parker, former executive director of the environmental-law firm Earthjustice. "But she's fantastic. Gutsy. Acts in accordance with what she says. She's proving to be one of the bright lights of the administration."

Most afternoons, you can find Jackson at EPA's headquarters in the old Post Office headquarters, a marble art-deco monument to an era when postmasters were kings. Her sprawling office is paneled, floor to ceiling, in old-growth walnut, and decorated with bright abstract art from the National Gallery. Near a copy of *The Lorax*, the Dr. Seuss environmental parable, Jackson keeps a photograph of Sen. James Inhofe, perhaps the most rabid anti-environmental zealot in Congress, surrounded by his grandchildren.

"We don't have rancor," Jackson says of the senator, who gave her the photo. "I keep it here to remind me that you gotta work with people. You gotta figure it out."

Jackson has a master's degree in chemical engineering from Princeton, and nearly two decades of experience directing the cleanup of toxic waste. But from her first day, she discovered, her most important skill was her ability to shift the attitude of staffers who remain stuck in the Bush-era mind-set that the EPA should weaken environmental enforcement to satisfy the demands of big polluters.

"Oftentimes we're in a meeting and somebody starts telling me, 'Well, we already know what this official – usually a local official – really wants.' I tell them I don't want to know that," she says. "I want to know what the science says. Even now they're surprised to hear me say that."

To shift the agency's culture, Jackson has moved swiftly to restore top career staffers who were shunted aside during the Bush years. "We call them 'cryogenically frozen,'" says a top aide to Jackson. "We've reactivated a lot of people who were known to disagree with the Bush administration's politics and were hung up in closets." Veteran staffers who have gotten their old jobs back say privately that they spent eight years under Bush "trying to do something good under the radar" – even as they were forced to design programs that "we all knew the courts were going to throw out."

Under Jackson, the agency is once again basing decisions on science rather than politics. "The science is not something the Obama administration feels they have to guard themselves against," says one clean-air staffer who was sidelined under Bush. "Because they are not trying to protect their industry buddies from environmental regulations."

"They have freed up agency employees to do what they're supposed to do: protect public health and the environment," says Jeremy Symons, the EPA's former climate-policy adviser. "And God knows there's a lot of pent-up work behind the dam that needs to be unleashed."

Much of Jackson's first year at the EPA, in fact, has been eaten up by reversing the worst of the Bush legacy. "It requires that we use our time and resources to look back," she says, "when we absolutely need to be moving ahead."

In one of its final acts, the Bush EPA effectively barred new oversight of oil refineries with a regulatory trick: It covered up the overall impact of a refinery's pollution by measuring every smokestack separately, as if each were operating in isolation. "Imagine if you had 10 smokers in a room and a baby in the middle," says Schaeffer, the former enforcement director. "You're trying to figure the impact on that baby's lungs, but you model the smoke from each cigarette and assume that's all you have in the room. There wasn't any science behind it."

Jackson summarily revoked the oil-friendly rule in October. She also jettisoned lax smog rules set under Bush that flouted the unanimous recommendation of independent scientists and allowed higher pollution levels – effectively sentencing hundreds of people a year to premature death. "This is one of the most important protection measures we can take to safeguard our health," Jackson said in sending the rules back to the drawing board. In January, the agency proposed strict new smog limits that are expected to be finalized later this year.

After having its budget sharply curtailed under Bush, the EPA now has its biggest budget in history – thanks to an increase of \$3 billion under Obama. The additional resources have enabled Jackson to put dozens of new federal cops on the environmental beat, and to crack down on states that fail to enforce the law. Chief among those states is Texas, where Gov. George Bush shifted the state to a system of "flexible permits" that allow oil refineries, chemical plants and other industrial polluters to increase toxic emissions as they modernize their facilities. Last summer, Jackson lowered the boom on Texas – first by sending an order to Gov. Rick Perry that rejected key elements of the state's regulatory implementation plan, then by descending on the state EPA office in person, accompanied by top enforcement officials from Washington.

"It was an army of people – I've never seen anything like that," says Neil Carman, director of clean-air programs for the Texas chapter of the Sierra Club. "We've got the attention of the highest level of people at the EPA, and they're going after it. We've waited 15 years to see this happen."

Advocates of environmental justice are also thrilled by Jackson's emphasis on protecting vulnerable communities that lack lobbying clout. She has started by filling the EPA, long a bastion of whiteness in Washington, with young aides who represent minority groups hard hit by pollution: the nearly three-fourths of Hispanics who live in communities that fail to meet clean-air standards, African-Americans who are more than twice as likely as whites to die from asthma, Native Americans

whose homes lack clean water at almost 10 times the national rate. For Jackson, who grew up in the Ninth Ward of New Orleans, near the toxic corridor known as "Cancer Alley," such realities are a major reason she joined the EPA right out of grad school.

"What I'm trying to do is bring the agency back to being closer to the communities that are fighting for environmental protection," she says. "Because that's how environmental protection gets done – it usually comes from the communities up."

The shift to a more community-focused approach is already having an effect. When Emily Enderle, an environmental-health advocate with Earthjustice, recently petitioned the EPA to protect children exposed to dangerous pesticides, she was amazed to see the agency respond in only three weeks by initiating the process to create a new regulation.

"We didn't have any of the big green groups supporting this," Enderle says. "But they were very supportive of protecting rural kids who've been poisoned by nerve-toxic pesticides."

Jackson has moved with equal dispatch to clean up the nation's drinking water. After a storage facility loaded with coal ash collapsed in Tennessee in 2008 – creating a toxic spill 100 times larger than the Exxon Valdez – the EPA quickly disclosed previously secret information about 44 other "high hazard" storage facilities. The agency has also targeted 104 chemicals to be added to the Safe Drinking Water Act – a move that would more than double the 91 toxic substances currently subject to regulation.

In addition, Jackson is working with Congress to require all chemical manufacturers to prove that their compounds are safe before they enter the environment. "Safety standards cannot be applied without adequate information," says Jackson, "and responsibility for providing that information should rest on industry."

The biggest fight that Jackson faces, however, is her effort to regulate auto exhaust and other climate pollution under the Clean Air Act. While friends of industry have tried to paint Jackson as an unhinged eco-vigilante, her approach to regulating carbon emissions has been as serious as the Bush administration's was slapdash. Jackson has moved incrementally to make sure the agency's rulings stand up to inevitable legal challenges. "One of the worst of the legacies left after the eight years of the Bush administration was the number of regulations that were overturned," she says. "I am not a lawyer by training; I am an engineer. So I am very, very careful about getting good legal advice on the decisions that I am entrusted to make."

In one of the first decisions that Obama entrusted to Jackson, she reversed the Bush EPA and granted California the authority to curb carbon pollution from auto exhaust. That alone, she says, was enough to bring the automakers to the table to negotiate national limits on emissions, rather than face a patchwork of conflicting state regulations. "Once you get to the point where industry asks for regulatory certainty," Jackson says, "that's always a watershed moment in environmental protection." Spurred by the threat of regulation, automakers agreed to raise the fuel efficiency of cars to 35 miles per gallon by 2016, an accord that will reduce future carbon pollution by nearly 1 billion tons.

The EPA followed up in December by issuing an "endangerment finding" that gives the agency the authority to cap carbon pollution under the Clean Air Act. The move was required, Jackson says, by the Supreme Court decision in 2007 that greenhouse gases are a pollutant subject to regulation – a ruling ignored by the Bush White House. Jackson would prefer to curb carbon pollution with the kind of cap-and-trade system being considered by Congress: "Economy-wide, market-based legislation would be a better path," she says. But in the absence of legislative action, Jackson insists that she alone now has the tools to place America on the path to President Obama's target of reducing carbon emissions by 83 percent by 2050.

In January, the EPA began tracking the emissions of the large industrial polluters responsible for 85 percent of America's carbon pollution. That inventory will be completed within a year, paving the way for a first-ever cap on carbon emissions. In the meantime, polluters that want to expand their operations will be required, beginning this spring, to incorporate the "best available methods" for controlling emissions. "I've

tried very hard to make sure regulation is common sense," says Jackson. "Not with an eye to developing some doomsday, all-powerful regulatory scenario, but to show folks once again the tremendous power of the Clean Air Act."

Jackson's critics say it's too soon to judge her true commitment to change. Ruch, who denounced her nomination, downplays the EPA's early accomplishments, saying many hard decisions are simply being "ducked or delayed." Case in point: the agency's extended review of permits for mountaintop-removal mining. On January 5th, the very first mine to make it through the process was approved.

Still, the greatest evidence that Jackson is serious about environmental protection may be those who are trying to curb her power. These days, pro-industry Republicans aren't the only ones trying to stymie the EPA. In a move designed to gain support from coal-state Democrats, the climate bill passed by the House would strip the agency of its authority to restrict climate pollution. Rep. Earl Pomeroy, a Democrat from North Dakota, has introduced stand-alone legislation that would do the same. And Rep. David Obey, the powerful and progressive chairman of the House Appropriations Committee, recently added a last-minute rider to a spending bill that exempted Great Lakes shippers from strict new curbs that the EPA has imposed on diesel emissions from ships. The move – a transparent favor for Murphy Oil, a diesel-fuel refinery in Obey's district – undercuts a rule aimed at saving 12,000 lives a year.

Such maneuvers reveal how difficult it will be for Jackson to move forward on her commitment to craft environmental regulations based on scientific reality, not political favoritism. As with health care reform, a handful of Democrats in Congress could prove influential in undercutting the Obama administration's efforts to defend the environment and safeguard public health. "When it comes to something that threatens the pocketbooks of their own region," says Parker, the former head of Earthjustice, "traditional friends may turn out to be just as bad as Republicans."

[From Issue 1097 – February 4, 2010]

Betsaida
Alcantara/DC/USEPA/US
08/30/2011 05:32 PM

To Richard Windsor, Arvin Ganesan, Bicky Corman, Bob Perciasepe, Bob Sussman, Daniel Kanninen, Gina McCarthy, Janet Woodka, Laura Vaught, Michael Goo, Sarah Pallone, Seth Oster, Brendan Gilfillan, David Bloomgren, Alisha Johnson

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Subject Latest news clips on Obama response to Boehner on Regulations

HEADLINES:

Politico Pro: Obama outlines costly EPA rules

AP: Obama To Boehner: New EPA, Transportation Regulations Would Cost Economy More Than \$1 Billion A Year

ABC News Blog: Obama Rebuffs Boehner Claims on Regulatory Burdens

Politico: Obama to Boehner: Pending EPA rules among priciest

Fox News Blog: Obama and Boehner Square Off on Government Regulation

WSJ Blog: Obama to Boehner: Rules Are Under Review

Washington Post Blog: In letter to Boehner, Obama defends federal regulations

The Hill Blog: Obama hands over list of big-ticket regulations to Boehner, House GOP

Washington Examiner Blog: Obama: 7 regulations could cost \$109.5 bln

USA TODAY: Obama: Seven proposed rules could cost \$1 billion-plus

UPI: Obama: Seven proposed rules top \$1 billion

Business Leader: President Obama's \$90 BILLION Clean Air Regulation

FULL TEXT BELOW

Politico Pro: Obama outlines costly EPA rules

Whiteboard: 8/30/11 1:25 PM EDT

President Barack Obama has responded to House Speaker John Boehner's request to detail pending federal rules with estimated costs more than \$1 billion a year. Four regulations on the list are pending EPA rules on ozone, air toxics from utilities, air toxics from boilers and coal ash.

AP: Obama To Boehner: New EPA, Transportation Regulations Would Cost Economy More Than \$1 Billion A Year

AP

8/30/11

WASHINGTON — President Barack Obama says his administration is considering seven new government regulations that would cost the economy more than \$1 billion each a year, a tally Republicans will pounce on to argue that Congress needs the power to approve costly government rules.

In a letter to House Speaker John Boehner, R-Ohio, Obama lists four proposed Environmental Protection Agency rules and three Department of Transportation rules estimated to cost in excess of \$1 billion. One of the proposed EPA rules – an update to the health-based standard for smog – is estimated to cost the economy between \$19 billion and \$90 billion.

The letter, dated Tuesday, comes as the Republican-controlled House prepares to consider legislation that would require congressional approval for any new regulations that would impose a significant cost on industries.

The four environmental regulations, which target air pollution and coal residue primarily from coal-fired power plants, have already been attacked by House Republicans, who have said they would kill jobs and

harm the economy.

A federal court ordered the Obama administration to propose two of the four environmental rules.

And while the regulations would be expensive to comply with, EPA officials say they will save billions of dollars in avoided health care costs each year by reducing asthma and other illnesses, such as cancer. In some cases, the cost savings are greater than the upfront expense, according to EPA figures.

Obama's letter was in response to a Boehner request last week for more details from the president on the proposed costs of the most expensive regulations under consideration by his administration. Obama's administration has identified 219 proposed regulations this year with a cost to the economy of more than \$100 million.

Obama said a number of regulations being contemplated are in such preliminary stages of review that they have no reliable cost estimates.

The president said the seven proposals he did identify are not final and that his administration will "give careful consideration" to cost-savings. He said his administration already has made changes that have saved more than \$10 billion in regulatory costs over the next five years, and said new regulations must meet cost-saving requirements that he ordered earlier this year.

He also defended his regulatory record, saying the cost of final rules adopted in 2007 and 2008, during the administration of President George W. Bush, were higher than in the first two years of his administration.

"In 2009 and 2010, the benefits of such rules -- including not only monetary savings but also lives saved and illnesses prevented -- exceeded the costs by tens of billions of dollars," Obama wrote.

ABC News Blog: Obama Rebuffs Boehner Claims on Regulatory Burdens

By: Devin Dwyer

President Obama today rebuffed criticism of his regulatory agenda leveled by House Republicans, insisting the administration has created a less burdensome business climate than existed under his predecessor, George W. Bush.

In a letter to House Speaker John Boehner, Obama said that government rules and regulations imposed under his administration have saved tens of billions of dollars, in addition to "lives saved and illnesses prevented."

Obama also refuted a claim, made by Boehner in a letter to Obama last week, that more than 200 pending rules are poised saddle American businesses with billions in new costs and thereby hurt the creation of jobs.

"The agenda is merely a list of rules that are under general contemplation, provided to the public in order to promote transparency," Obama wrote. "Many rules listed on an agenda, in any given year, are not issued."

Of the pending rules, Obama said seven have estimated price tags of more than \$1 billion.

Four EPA air quality regulations, which would limit hazardous pollutants by utility companies and other

sources, could have a combined cost of at least \$33 billion, according to estimates Obama provided. Three Transportation Department rules are reported to have an estimated combined cost of \$5 billion.

“Of course, these rules are merely proposed,” Obama said, “and before finalizing any of them, we will take account of public comments and concerns and give careful consideration to cost-saving possibilities and alternatives.”

Republicans have sought to make the current regulatory climate — particularly the new financial regulatory reform law and health care law — a major line of attack against Obama and his handling of the economy

House Majority Leader Eric Cantor said Monday that House Republicans would focus on repealing federal environmental regulations and labor rules supported by the Obama administration when they return from the August recess, all part of an effort to “focus on jobs.”

Politico: Obama to Boehner: Pending EPA rules among priciest

By Robin Bravender

8/30/11 3:33 PM EDT

President Barack Obama provided House Speaker John Boehner with a list Tuesday of the most expensive rules coming soon from the federal government, including four contentious EPA regulations. In response to a request from Boehner last week, Obama sent a list of seven pending federal rules with estimated costs of more than \$1 billion annually. Four of the seven regulations on the list are EPA rules on ozone, air toxics from utilities, air toxics from boilers and coal ash.

Obama said the rules are “merely proposed, and before finalizing any of them, we will take account of public comments and concerns and give careful consideration to cost-saving possibilities and alternatives.”

Boehner last week charged that planned regulations have jumped in the past year, and called on the administration to calculate and publicize their economic impact.

“This year, the administration’s current regulatory agenda identifies 219 planned new regulations that have estimated annual costs in excess of \$100 million each,” [Boehner wrote](#). “That’s almost a 15 percent increase over last year and appears to contradict public suggestions by the administration this week that the regulatory burden on American job creators is being scaled back.”

Obama countered that the regulatory agenda is “merely a list of rules that are under general contemplation,” and would be subject to review and cost-saving requirements before being issued.

Of the rules on the list, the most expensive is EPA’s pending reconsideration of the George W. Bush administration’s 2008 ozone standard. That proposed rule has an estimated cost between \$19 billion and \$90 billion per year.

The annual estimated cost is \$10 billion for EPA’s air toxics standards for power plants; \$3 billion for the air toxics rule for boilers; and between \$600 million and \$1.5 billion for the coal ash rule.

The other three rules on Obama’s list are from the Transportation Department. They deal with safety standards and hours-of-service requirements that limit when and how long operators of commercial motor vehicles can drive.

The administration’s critics are certain to seize upon the list as they accuse the White House and the EPA of pursuing regulations that hamper job growth. The ozone standard in particular has already drawn the ire of a broad range of industry groups and GOP lawmakers.

But Obama insisted that his administration is working to reduce the regulatory burden on industry through a government-wide initiative to limit costs of new rules and slash outdated existing rules.

Obama said the total costs of major rules reviewed under the George W. Bush administration in 2007 and 2008 were higher than they were during the first two years of his administration. In 2009 and 2010, he said, “the benefits of such rules — including not only monetary savings but also lives saved and illnesses

prevented — exceeded the costs by tens of billions of dollars.”

To read and comment online:

Fox News Blog: Obama and Boehner Square Off on Government Regulation

by Sarah Courtney | August 30, 2011

Responding to a request from House Speaker John Boehner, R-Ohio, for the Obama administration to "provide a list of all pending and planned rulemakings with a projected impact on our economy in excess of \$1 billion," President Barack Obama tells the speaker that his administration has taken steps to minimize regulatory burdens and costs government wide.

In a letter to Boehner, Mr. Obama writes that his executive order earlier this year "called for an ambitious Government-wide review of rules now on the books" which the president says is now complete. He adds that the review led to cuts from 26 agencies, generating more than \$10 billion in savings over 5 years.

President Obama replied Tuesday with a list of seven proposed rules with an estimated economic impact of over \$1 billion. The various proposed regulations apply to the Environmental Protection Agency and Department of Transportation, ranging in rough costs from \$1 billion for DOT hours of service regulations, to as much as \$90 billion for ozone air standards.

Boehner's office answered Obama's letter with a statement Tuesday afternoon bashing the seven regulations.

"The combined cost of these seven new regulatory actions alone could be more than \$100 billion," the statement read. "These costs will be felt by the American people in the form of fewer jobs and slower economic growth."

In his earlier letter, the speaker requested the specific information from the White House be available to Congress when they return from recess in September, so that "as the House considers legislation requiring a congressional review and approval of any proposed federal government regulation that will have a significant impact on the economy as we continue our efforts to remove impediments to job creation and economic growth for the American people."

And the House will take up regulation issues the second week of September, as reflected in the congressional schedule issued by House majority leader Eric Cantor, R-Va. "Our regulatory relief agenda will include repeal of specific regulations, as well as fundamental and structural reform of the rule-making system," Cantor stated in a memo Monday.

Obama explained to Boehner in his correspondence that the rules creating over \$1 billion in estimated economic impacts "are in a highly preliminary state" and promises scrutiny for the potentially costly measures. The president concluded the letter to Boehner by saying that he looks forward to working closely on a regulatory system.

Boehner's office points out 212 smaller regulations it says the administration has in the works and called for more disclosure.

"Given this new information disclosed today, I believe it is the Administration's responsibility to now make public the detailed cost estimates for all 219 of the new 'economically significant' regulatory actions it has planned, so that the American people can see the total cost of these government rules on

private-sector job creation in our country," Boehner's statement said.

Fox's Chad Pergram contributed to this report.

Read more:

<http://politics.blogs.foxnews.com/2011/08/30/obama-and-boehner-square-government-regulation#ixzz1WY8NVyt1>

WSJ Blog: Obama to Boehner: Rules Are Under Review

August 30, 2011

President Barack Obama, responding to Republican criticism of a jump in regulations under his administration, said Tuesday that officials are currently considering seven regulations that would cost over \$1 billion a year. But Mr. Obama tried to play down the cost of pending new regulations by noting that overall they save money.

"A mere fraction of the initiatives described in the plans will save more than \$10 billion over the next 5 years," [Mr. Obama wrote in a letter](#) to House Speaker John Boehner (R., Ohio), "as progress continues, we expect to be able to deliver savings far in excess of that figure."

Mr. Obama was responding to a letter from Mr. Boehner last week criticizing the administration's increase in regulations and asking for an accounting of potential impact on the economy. The regulations issue is emerging as a fight between the White House and Congress this fall, and between Democrats and Republicans in the 2012 election. Mr. Obama's potential GOP opponents have made regulations and the economic uncertainty they're causing, an issue that appears to be resonating with voters.

In his letter to Mr. Boehner, Mr. Obama stressed that his "regulatory agenda includes a large number of rules that are in a highly preliminary state, with no reliable cost estimate."

Four of the seven regulations his administration is considering fall under the Environmental Protection Agency, and three are in the Department of Transportation. Mr. Obama writes that "these rules are merely proposed, and before finalizing any of them, we will take account of public comments and concerns and give careful consideration to cost-saving possibilities and alternatives."

Washington Post Blog: In letter to Boehner, Obama defends federal regulations

By Felicia Sonmez

Posted at 04:44 PM ET, 08/30/2011

(Carolyn Kaster - AP)

This story has been updated.

President Obama on Tuesday wrote a letter to House Speaker John Boehner defending his administration's regulatory agenda, though he acknowledged that only seven proposed regulations have a projected annual cost of more than \$1 billion.

The missive comes four days after Boehner (R-Ohio) sent a letter to Obama requesting information on costly federal rules. It also comes as the White House has begun rolling out a new effort to overhaul government regulations with an eye toward saving as much as \$10 billion over the next five years. Obama first announced the move, Executive Order 13563, in January.

"Executive Order 13563, issued early this year, imposes a series of new requirements designed to reduce regulatory burdens and costs," Obama wrote to Boehner. "As you are undoubtedly aware, this Executive Order also called for an ambitious Government-wide review of rules now on the books. The review was

recently completed, producing reform plans from 26 agencies. A mere fraction of the initiatives described in the plans will save more than \$10 billion over the next 5 years; as progress continues, we expect to be able to deliver savings far in excess of that figure.”

Obama responded to Boehner’s criticism of the cost of government regulations by noting that “the costs of final, economically significant rules reviewed by the Office of Information and Regulatory Affairs were actually higher in 2007 and 2008 than in the first 2 years of my Administration.” He also argued that in 2009 and 2010, the benefits of those rules “exceeded the costs by tens of billions of dollars.”

On the seven rules that are projected to cost \$1 billion or more, Obama argued that the regulations are “merely proposed” and that “before finalizing any of them, we will take account of public comments and concerns and give careful consideration to cost-saving possibilities and alternatives.”

The seven regulations include three Department of Transportation rules and four Environmental Protection Agency rules – including one, the Reconsideration of the 2008 Ozone National Ambient Air Quality Standards, that is projected to cost between \$19 billion and \$90 billion.

Boehner responded Tuesday afternoon by calling on the White House to disclose the projected costs of all of its new significant regulatory actions.

“Given this new information disclosed today, I believe it is the Administration’s responsibility to now make public the detailed cost estimates for all 219 of the new ‘economically significant’ regulatory actions it has planned, so that the American people can see the total cost of these government rules on private-sector job creation in our country,” Boehner said.

The Hill Blog: Obama hands over list of big-ticket regulations to Boehner, House GOP

By Erik Wasson - 08/30/11 04:40 PM ET

President Obama on Tuesday informed House Speaker John Boehner (R-Ohio) that his administration is considering seven regulations that would cost more than \$1 billion.

Boehner asked for the list of costly rules last week as the GOP prepped a fall jobs agenda focused on stopping regulations and cutting taxes.

Four of the regulations Obama listed as costing more than \$1 billion are being considered by the Environmental Protection Agency. The others are from the Department of Transportation.

“I agree that it is extremely important to minimize regulatory burdens and to avoid unjustified regulatory costs, particularly in this difficult economic period,” Obama wrote to Boehner. “I have taken a number of steps to achieve those goals.”

The president noted that he has initiated a review of regulations that is expected to save at least \$10 billion over five years.

"The combined cost of these seven new regulatory actions alone could be more than \$100 billion, according to the information released by the White House today. These costs will be felt by the American people in the form of fewer jobs and slower economic growth," Boehner said in response to the Obama revelation.

"At a time like this, with our economy struggling to create jobs, it's misguided for the federal government to be imposing so many new rules with such enormous costs, even when some of those rules may be well-intentioned."

He called on the president to release exact cost estimates for all 219 proposed regulations that are estimated to cost more than \$100 million.

House Majority Leader Eric Cantor (R-Va.) on Monday revealed that the GOP will target 10 regulations this fall in an effort to provide relief for small businesses. The four EPA regulations that Obama listed were already on the GOP's list of rules to target.

"I think the administration has ... already demonstrated that it is not interested in focusing on private-sector growth," Cantor said Monday after announcing his party's plan on Fox News. "What our list demonstrates is: Washington now has gotten in the way, and we've got to make it easier, finally, for small business people to grow."

The EPA is considering an ozone regulation that could cost \$19 billion to \$90 billion to implement, a coal-and-oil utility regulation costing \$10 billion, a rule for industrial boilers costing \$3 billion and a regulation on coal-fired power plants costing up to \$1.5 billion.

Republicans and industry groups have mounted an aggressive campaign to scuttle the Obama administration's ozone regulations. In recent weeks, the U.S. Chamber of Commerce and the American Petroleum Institute, among others, have met with the White House and the EPA to voice their opposition to the rules, which they say would put a tremendous burden on the economy.

Also on the Obama list are regulations regarding rearview mirrors that would cost \$2 billion, and two involving the hours of service commercial vehicles can perform before maintenance that would cost between \$1 billion and \$2 billion.

Obama noted in the letter to Boehner that the regulatory agenda is by no means final.

"Under both Republican and Democratic administrations, the agenda is merely a list of rules that are under general contemplation, provided to the public in order to promote transparency," the president wrote.

"Of course, these rules are merely proposed, and before finalizing any of them, we will take account of public comments and concerns and give careful consideration to cost-saving possibilities and alternatives," he wrote of the seven that are detailed.

The Cantor list of regulations to be rolled back does not contain the transportation rules mentioned. Instead, Cantor includes a cement regulation, and proposes rolling back parts of healthcare reform as well as limiting two labor regulations from the National Labor Relations Board.

— Andrew Restuccia contributed to this story.

Washington Examiner Blog: Obama: 7 regulations could cost \$109.5 bln

By: Philip Klein Senior Editorial

President Obama, in a letter to House Speaker John Boehner, R-Ohio, said that seven proposed federal regulations could cost a total of \$109.5 billion.

The letter was in response to a request from Boehner for a list of regulations that could cost more than \$1 billion, as Republicans have argued that the growing regulatory burden has hindered job creation.

Obama listed the following seven in his response, the largest being EPA air quality standards regulations that could cost anywhere from \$19 billion to \$90 billion.

USA TODAY: Obama: Seven proposed rules could cost \$1 billion-plus

By Richard Wolf, USA TODAY

Updated 1h 52m ago

President Obama signs the health care overhaul in March 2010.

CAPTION By J. Scott Applewhite, AP President Obama says seven proposed federal regulations could cost \$1 billion or more apiece, but they may not be approved.

Responding to a request from House Speaker John Boehner for a list of proposed regulations that could cost at least \$1 billion a year, Obama wrote that cost estimates are approximate and the rules' final fate in doubt.

Topping the list: the Environmental Protection Agency's proposed changes to ozone standards, which could cost as much as \$90 billion a year. The others, all from the EPA or the Department of Transportation, range from \$1 billion to \$10 billion.

"These rules are merely proposed, and before finalizing any of them, we will take account of public comments and concerns and give careful consideration to cost-saving possibilities and alternatives," Obama wrote.

The dispute over regulations boils down to this: The White House is on a tear to remove old, unnecessary regulations from the books, while Republicans in Congress and the business community are much more concerned about new and proposed rules with higher price tags.

In a letter, Boehner said the number of planned regulations with a cost of \$100 million or more has spiked since last year, from 191 to 219.

"That's almost a 15% increase over last year and appears to contradict public suggestions by the administration this week that the regulatory burden on American job creators is being scaled back," Boehner wrote.

The speaker wasn't any more sanguine Tuesday after receiving Obama's response.

At a time like this, with our economy struggling to create jobs, it's misguided for the federal government to be imposing so many new rules with such enormous costs, even when some of those rules may be well-intentioned," Boehner said. "I believe it is the administration's responsibility to now make public the

detailed cost estimates for all 219 of the new 'economically significant' regulatory actions it has planned, so that the American people can see the total cost of these government rules on private-sector job creation in our country."

The Republican-controlled House plans to consider legislation this fall requiring congressional approval of any proposed federal government regulation that would have a significant impact on the economy.

This week, the White House released a list of more than 500 possible changes to rules that it said could save businesses \$10 billion over five years.

Examples included allowing doctors to practice tele-medicine in rural areas, speeding up Pentagon payments to 60,000 small businesses and changing export rules and visa practices at the State Department.

Those plans were panned by Republicans and business leaders as inadequate in light of new regulations that are costlier than those being wiped off the books.

Boehner's deputy, House Majority Leader Eric Cantor, called the list "underwhelming," and Sen. John Barrasso, R-Wyo., leader of the Senate GOP's regulatory rollback effort, called the potential savings "a drop in the bucket."

UPI: Obama: Seven proposed rules top \$1 billion

Published: Aug. 30, 2011 at 4:39 PM

WASHINGTON, Aug. 30 (UPI) -- Seven proposed regulations would have an estimated annual total cost ranging from \$28 billion to \$109 billion, U.S. President Obama said Tuesday in a letter.

The letter to Republican House Speaker John Boehner of Ohio came a day after House Majority Leader Eric Cantor of Virginia outlined in a memo to rank-and-file members a jobs package that would target 10 existing regulations for elimination and enact one major tax cut for businesses. Cantor's memo said House members also will vote on legislation that would require all major regulations be subject to an up-or-down vote in Congress, and would consider two bills that would change the way regulatory impacts are analyzed.

In his letter to Boehner, Obama said the seven rules under consideration "are merely proposed, and before finalizing any of them, we will take account of public comments and concerns, and give careful consideration to cost-saving possibilities and alternatives."

Boehner last week sent a letter to Obama, asking the administration to provide Congress a list of all newly proposed regulations with a projected economic impact of at least \$1 billion.

Obama's letter said four Environmental Protection Agency proposals and three Transportation Department proposed rules were estimated to price tags in excess of \$1 billion.

"[The] regulatory agenda includes a large number of rules that are in a highly preliminary state, with no reliable cost estimate," Obama said. "I can assure you that all rules that the administration promulgates, including and especially the expensive rules, are very carefully scrutinized for conformity to the law" and

an executive order that called for a government-wide review of rules now on the books.

Business Leader: President Obama's \$90 BILLION Clean Air Regulation

Zeke Miller | Aug. 30, 2011, 5:01 PM | 297 | 4

GOP Plans Weekly Votes To Repeal "Job-Destroying Regulations," New Tax Cuts The Bad Timing Of Obama's Jobs Speech
The Mega-Merger: The United States and Canada

In a letter to Speaker of the House John Boehner today, President Barack Obama revealed that the Environmental Protection Agency is considering a clean air rule that could cost up to \$90 billion to implement.

The proposed regulation, "Reconsideration of the 2008 Ozone National Ambient Air Quality Standard" would lower the allowable concentration of ozone from 0.075 parts-per-million to between 0.060 and 0.070 ppm. According to the EPA, the new standards are required to increase protection for children and "at-risk" populations against respiratory and cardiovascular diseases related to exposure to ozone in the air.

Obama said the primary cost estimate of implementation is between \$19 billion and \$90 billion.

The EPA says most ozone comes from three categories of sources — vehicle engines, industrial processes, and electrical power production. The rule would tighten emissions standards on all three categories — which would require technological changes, that critics say would cost jobs.

House Majority Leader Eric Cantor called it "possibly the most harmful of all the currently anticipated Obama Administration regulations," in a memo to House Republicans Monday, adding he will seek to repeal the legislation this Winter. Cantor said estimates put the cost of the rule at "\$1 trillion or more over a decade and millions of jobs."

The Manufacturers Alliance, a lobbying group for industry, put the cost of meeting the regulation at \$1.013 trillion and 7.3 million jobs between 2020 and 2030 — numbers the Obama administration strongly contests.

Regardless the rule would be among the costliest in recent memory — and has brought a spotlight to other Obama administration regulations.

In a statement, Speaker of the House John Boehner responded to Obama's letter saying "we know from the Administration's own disclosures that there are 212 other regulatory actions in the works, each with an estimated cost to our economy of more than \$100 million." Adding that "at a time like this, with our economy struggling to create jobs, it's misguided for the federal government to be imposing so many new rules with such enormous costs, even when some of those rules may be well-intentioned."

Read more:

<http://www.businessinsider.com/president-obamas-90-billion-regulation-2011-8#ixzz1WYAcOzjS>

Betsaida
Alcantara/DC/USEPA/US
09/23/2011 01:39 PM

To Richard Windsor, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Gina McCarthy, Janet McCabe, Janet Woodka, Laura Vaught, Lawrence Elworth, Sarah Pallone, Seth Oster

cc

bcc

Subject TIME.com: Pro-life Christians Challenge Congressional Republicans on Mercury Regulation

CONGRESS

Pro-life Christians Challenge Congressional Republicans on Mercury Regulation

By **ELIZABETH DIAS** | September 23, 2011 |

You might not expect evangelical Christians to get involved in a political fight over mercury regulations. But when the Environmental Protection Agency proposed in March to tighten limits on industrial mercury emissions, the move caught the attention of an influential group of religious environmentalists who are now butting heads with pro-business Republicans seeking to weaken the regulations with a measure that the House of Representatives is voting on Friday afternoon.

The EPA says its rule would reduce mercury emissions from coal-burning power plants by more than 90%, and also sharply restrict acid gas and sulfur dioxide emissions. The plan delighted leaders of the growing evangelical environmentalist movement, which argues that humans have a Biblical mandate to protect nature. Of particular significance to pro-life evangelicals is the impact the rule could have on unborn children. Medical experts have long warned that high mercury levels in fish like tuna and swordfish can cause pre-natal brain damage and neurological disorders.

Not all Republicans in Congress have met the EPA's rules with open arms, however. The House will vote today on the TRAIN Act, a bill that creates a committee to determine whether the cost of proposed EPA regulations, including its latest mercury standards, is worth the benefit. Republicans argue that a weak economy is not the time for potentially costly changes. Chairman of the House Subcommittee on Energy and Power, Rep. Ed Whitfield of Kentucky, proposed in July to wrap mercury regulations into this yearlong review. "What I have proposed is that we go forward with regulations that are reasonable and workable but which allow a little more time for compliance, so as to temper the job loss impact as well as the increased costs on electricity consumers," he explained to TIME. Michigan Rep. Fred Upton and Joe Barton of Texas have supported the delay on similar grounds. Alaska Senator Lisa Murkowski also sent a letter to the EPA on Sept. 8 asking them to hold off on their regulations, citing energy price increases if non-compliant power plants are forced to close. Since the Federal Energy Regulatory Commission has yet to verify the EPA's findings, her energy spokesman said, delay is imperative. Yet this delay faces strong opposition from the rule's supporters, including evangelicals who argue that mercury pollution is an immediate crisis for the unborn. At the forefront is the Evangelical Environmental Network, a coalition of religious leaders that calls its work "grounded in the Bible's teaching of the responsibility of God's people to 'tend the garden'" of Earth. The group's leader, Rev. Mitch Hescox, is a registered Republican who worked in the utility and coal

industries for 14 years before becoming a pastor.

Taking the fight to Republican critics of the EPA move, the EEN is mounting an ad campaign targeting Republicans Whitfield, Upton and Barton for opposing mercury restrictions while running on pro-life platforms. "I expect members of Congress who claim that they are pro life to use their power to protect the life, especially the unborn," says a local pastor and mother in one of the ads. "I can't understand why Congressman Ed Whitfield is fighting to stop the EPA from enforcing its plan specifically meant to protect the unborn by cleaning up dangerous mercury pollution." The ads have run on 120 Christian and country radio station in Whitfield, Barton and Upton's districts for the week prior to the Train Act vote. More than 100 evangelical pastors and leaders have also signed the "Evangelical Call to Stop The Mercury Poisoning of the Unborn," including representatives from over 10 Christian colleges, National Association of Evangelicals President Leith Anderson and Christianity Today's Editor-in-Chief David Neff. The United States Council of Catholic Bishops submitted similar concerns. "A national standard limiting mercury and other toxic air pollution represents an important opportunity to protect the health and welfare of all people, especially our children and poor and vulnerable communities," wrote Bishop Stephen Blaire. "While there are short-term costs involved in implementing this standard, the health benefits of such a rule outweigh these costs."

Supporters of the regulations cite studies that jobs and costs are not at stake if the regulations go into effect as the EPA hopes. An analysis by the left-leaning Economic Policy Institute analysis shows the toxins rule would create a net 28,000 to 158,000 jobs over the next four years; the Political Economy Research Institute at the University of Massachusetts puts the overall estimate even higher at 1.5 million in positions associated with the new pollution controls. The EPI also argues that the new standards could save \$55 billion to \$146 billion per year in health costs, dwarfing the \$11.3 billion annual cost of imposing the regulations. Some inside the industry also agree the rules should pass soon. Over 30 energy companies, including PSE&G and National Grid, urged Congress in a July 11 letter to follow the EPA's regulations. Concerns about the industry's ability to implement new standards are, they say, "based on assumptions that underestimate the ability of America's electric sector to invest, retrofit, and construct new clean generation."

Even so, some of the Republicans under pressure are suspicious of the EEN's motives. "This is an activist environmental group parading under the banner of evangelical Christianity and the right to life," Whitfield's chief of staff John Sparkman told TIME. "I don't think it will have resonance in our district."

The latest guess is that the TRAIN Act will pass. Evangelical supporters of the regulation hope that a little help from President Obama might tip the balance. In his Sept. 8 jobs speech, Obama specifically referenced the issue: "What I will not do is let this economic crisis be used as an excuse to wipe out the basic protections that Americans have counted on," Obama said. "I reject the argument that says for the economy to grow, we have to roll back [...] rules that keep our kids from being exposed to mercury." While environmentalists complain that Obama is yielding on other fronts to pressure from big business—earlier this month the president halted a planned EPA ozone smog-reduction regulation—the White House affirmed its position on Wednesday with a vow to veto the TRAIN Act if it passes Congress.

That's thrilling news to pro-life evangelical leaders who differ with Obama on plenty of other issues, including abortion and stem cell research. But on this issue, Obama and evangelical environmentalists agree that, as the EEN's Hescox argued, the pro-life position requires protecting children and the unborn from industrial pollution. "Let the little children come to me, and *do not hinder them*, for the kingdom of God belongs to such as these," Hescox said, quoting the Bible with emphasis. "We are denying our children a full and abundant life by threatening them with mercury." If the bill passes the House on Friday, that's a message Hescox and his allies are sure to bring to what they hope will be a more receptive Democratic-led Senate.

Read more:

<http://swampland.time.com/2011/09/23/pro-life-christians-challenge-congressional-republicans-on-mercury-regulation/#ixzz1YnNsUwmz>

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

12/08/2011 10:48 AM

To Richard Windsor, Arvin Ganesan, Bob Sussman

cc Brendan Gilfillan

bcc

Subject Fw: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

See below. Inhofe just put this out. We'll have to move up the time of the press release. I'll start get the ball rolling

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 12/08/2011 10:47 AM -----

From: Mike Soraghan <msoraghan@eenews.net>
To: Betsaida Alcantara/DC/USEPA/US@EPA
Date: 12/08/2011 10:44 AM
Subject: FW: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Uhh ...

From: matt_dempsey@epw.senate.gov [mailto:matt_dempsey@epw.senate.gov]
Sent: Thursday, December 08, 2011 10:43 AM
To: Mike Soraghan
Subject: Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Inhofe Statement on EPA Announcement on Hydraulic Fracturing

Thursday, December 8, 2011

Contacts:

Matt Dempsey Matt_Dempsey@epw.senate.gov (202) 224-9797

Katie Brown Katie_Brown@epw.senate.gov (202) 224-2160

Inhofe Statement on EPA Announcement on Hydraulic Fracturing

[Link to Press Release](#)

[Link to Greenwire: EPA chief's comments on fracking 'contradictory' -- Inhofe](#)

Washington, D.C. - Senator James Inhofe (R-Okla.), Ranking Member of the Senate Committee on Environment and Public Works, commented after speaking with Environmental Protection Agency (EPA) Administrator Lisa Jackson about EPA's announcement today that hydraulic fracturing is the cause of water contamination in Pavillion, Wyoming.

[Link to Video: Inhofe Blasts EPA Announcement on Hydraulic Fracturing, Calls it Irresponsible](#)

"EPA's conclusions are not based on sound science but rather on political science. 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," Senator Inhofe said.

"This announcement is part of President Obama's war on fossil fuels and his determination to shut down natural gas production. Unfortunately for Americans, his agenda destroys good paying jobs in one of the few industries that is thriving, and increases our dependence on foreign oil.

"As recently as November 9, 2011 EPA Regional Administrator James Martin said that the results of the latest round of testing in Pavillion were not significantly different from the first two rounds of testing, which showed no link between hydraulic fracturing and contamination. Yet only a few weeks later, EPA has decided the opposite. EPA is clearly not prepared to be making conclusions.

"There is a pattern emerging here. Just a few months ago, the EPA Inspector General found that EPA cut corners on the endangerment finding to come to what appears to be a predetermined conclusion to regulate greenhouse gases. This most recent study on hydraulic fracturing is apparently more of the same in the Obama Administration's ongoing war on affordable energy.

"It is irresponsible for EPA to release such an explosive announcement without objective peer review. Given the serious flaws in EPA's process, I have asked EPA Administrator Lisa Jackson to release all the data, methodologies and protocols that have been used, and she has made a commitment to do so. Also, because this study is a new scientific inquiry and these methods will be used nationwide, I strongly believe that it should be considered a Highly Influential Scientific Study (HISA) and undergo the required objective peer review process. I hope Administrator Jackson will agree to this, and, as Ranking Member of the Senate Committee on Environment and Public Works, I will continue to ensure that there is rigorous oversight over EPA's process."

[Inhofe EPW Press Blog](#) | [YouTube](#) | [Twitter](#) | [Facebook](#) | [Podcast](#)

###

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(866) 411-4EPA (4372). The TDD number is (866) 489-4900.

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Alcantara/DC/USEPA/US
09/21/2011 03:36 PM

To Richard Windsor, Arvin Ganesan, Laura Vaught, Seth Oster,
Bob Perciasepe, Brendan Gilfillan, Diane Thompson, Alisha
Johnson, Andra Belknap

cc

bcc

Subject Politico pro: Paul says signatures are in for assault on EPA
cross-state rule

Paul says signatures are in for assault on EPA cross-state rule

By Darren Goode
9/21/11 3:29 PM EDT

Sen. Rand Paul said Wednesday that he has collected enough signatures to go to the Senate floor with his plan to use the Congressional Review Act to overturn a contentious EPA rule for power plants.

The Kentucky Republican said he has the necessary signatures from at least 30 senators to fast-track a measure to disapprove of EPA's Cross-State Air Pollution Rule.

"I think we're there," he told reporters in the Capitol, adding that floor action will happen soon.

He did not know whether any Democrats were among the signers of the resolution, which is co-sponsored by Sen. Mike Johanns (R-Neb.).

"There are several Democrats that are interested," he said. "If we get somewhere between five and 10 Democrats we'll win this. And I think we can win it in the House. So it'll be an interesting vote."

He also suggested that this will not be the last time he would use the same tactic to bring resolutions to the Senate floor.

"We haven't used the Congressional Review Act enough as far as I'm concerned," Paul said. "I think we need to use it more."

GOP aides say future CRA attempts may hit EPA greenhouse gas rules, the utility MACT and perhaps a Clean Water Act guidance that critics say the administration is essentially treating as a rule.

By using the CRA, Senate Republicans hope to force moderate Democrats to take tough votes on controversial air rules. The timing of the CRA attempts is also meant to counter the jobs agenda that Senate Democrats are set to kick off next month.

For the resolution against the Cross-State Air Pollution Rule, the timing of the rollout and its consideration on the floor is uncertain.

“Soon, soon,” Paul said, adding that he would bring it up in the next couple of weeks.

The rule is aimed at cutting soot- and smog-forming pollution from power plants in the Eastern United States.

Paul said current regulations are working. The problem is that “the new regulations will cause unemployment to rise, will cause utilities to shut down,” Paul said. “In the midst of a significant recession, you don’t want less electricity, you don’t want more expensive electricity, you don’t want less people working.”

Under the Congressional Review Act, sponsors are guaranteed a floor vote — meaning they can avoid negotiating with Majority Leader Harry Reid. And filibusters aren’t allowed, so only 51 votes would be required to clear the Senate. The CRA can be used for 60 days after federal rules are sent to Congress.

A resolution to nullify EPA’s cross-state pollution rule will still face hurdles clearing the Democrat-led Senate.

The cross-state rule is also one of the two EPA regulations addressed by the proposed TRAIN Act, which would require cumulative economic analyses before regulations are issued. The White House on Wednesday threatened to veto that House bill, which is set for a floor vote Friday.

Lawmakers have successfully used the CRA only once since Congress enacted it in 1996. In 2001, the Republican-controlled Congress used the procedure in overturning the Clinton administration’s ergonomics rule. The resolution was signed by incoming President George W. Bush.

**Betsaida
Alcantara/DC/USEPA/US**
03/26/2010 06:22 PM

To Richard Windsor, Bob Perciasepe
cc Adora Andy
bcc

Subject National Journal and Bloomberg Stories on Spruce

National Journal Blog: EPA May Block Mountaintop Mining Operation

Amy Harder

Friday, March 26, 2010 1:50 PM

<http://energytopic.nationaljournal.com/2010/03/epa-blocks-mountaintop.php>

Updated at 5:20 p.m.

The EPA announced plans today to "significantly restrict or prohibit" one of the largest mountaintop mining operations in central Appalachia by authority of the Clean Water Act. The agency has determined that the mountaintop removal operation, located in West Virginia and known as Spruce No. 1, would be environmentally detrimental to more than seven miles of streams and more than 2,200 acres of forestland.

Spruce No. 1 had been permitted by the Army Corps of Engineers in 2007, but has been caught up in litigation since then. This is the first time that the EPA has ever sought to revoke a permit for a project that was already approved, and only the thirteenth time the agency has vetoed a project under the Clean Water Act, according to an agency release.

The announcement immediately drew fire from Democratic Sen. Jay Rockefeller of West Virginia, who has been spearheading efforts to delay EPA action on greenhouse gas emissions regulations. "I have said this before, and will say it again: it is wrong and unfair for the EPA to change the rules for a permit that is already active," Rockefeller said in a statement today.

Not surprisingly, environmental groups are pleased. "It is good to see the EPA applying more scientifically rigorous analysis to these permits," Sierra Club's director of environmental quality, Ed Hopkins said in a statement. "The best available science tells us that proposed mines like the massive Spruce Mine would pollute waterways, destroy mountains and devastate communities." The Charleston Daily Mail has more on the announcement.

Clarification: The headline of this post has been changed from the original version to clarify that the EPA has not definitely decided to block the Spruce No. 1 mountaintop mining operation.

U.S. EPA Proposes to Veto Arch Coal's Permit for Mine

By Jim Efstathiou Jr. and Mario Parker

<http://www.businessweek.com/news/2010-03-26/u-s-epa-proposes-to-veto-arch-coal-s-permit-for-mine-update2-.html>

March 26 (Bloomberg) -- The Environmental Protection Agency proposed to veto Arch Coal Inc.'s permit to fill streams and valleys with debris from a mountaintop mine in West Virginia. Arch Coal, the second-largest U.S. coal company by output, may lose the right to mine the Spruce No. 1 site in Logan County if the proposal is adopted. The mountaintop-removal mining operations, originally permitted in 2007, would bury more than seven miles of streams and threaten 2,278 acres of forests, the EPA said today in a statement.

Since taking office in 2009, President Barack Obama's EPA has started a review of pending mountaintop mining permits in the Appalachia region because of potential harm to streams and rivers. Companies applying for new mines have been asked to show that filling streams won't

spoil drinking water or kill insects such as mayflies, a food source for fish, birds and small mammals.

“Permits will be severely constrained and, due to the relatively short reserve life of coal assets mined in this fashion, longer permitting times will be tantamount to production losses,” Kevin Book, a managing director at Clearview Energy Partners LLC in Washington, said in an e-mail. Arch Coal said it’s disappointed in the EPA’s “unprecedented action to initiate the veto process.” “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,” the St. Louis-based company said in a statement.

Shares Fall

Arch Coal fell 20 cents to \$22.69 at 4:02 p.m. in New York Stock Exchange composite trading. The shares traded as high as \$23.60 prior to the EPA announcement.

Mountaintop mining in West Virginia, Kentucky, Virginia, Tennessee and parts of Pennsylvania and Ohio account for 6 percent of U.S. coal production. Half of U.S. electricity production comes from burning coal.

In mountaintop mining, peaks are blown away by dynamite to expose coal, a technique that produces millions of tons of crushed shale and sandstone that is dumped in valleys and streams. Rainwater flowing through the debris carries dissolved metals into waters below, a potentially harmful mix for humans and wildlife, the EPA says.

The practice is the least expensive and most environmentally harmful way to extract the fuel, according to the Sierra Club, an environmental advocacy group based in San Francisco.

‘Dangerous Precedent’

The EPA is using its authority under the Clean Water Act as a way to veto Arch Coal’s mining permit. Operations at Spruce would cause “significant degradation” of water quality and adverse impacts to fish and wildlife, the EPA said in the notice.

“This does set a sort of dangerous precedent for surface mining in Central Appalachia,” said Jeremy Sussman, an analyst at Brean Murray Carret & Co. in New York. “When looking at potential M&A transactions one definitely has to handicap this in.”

The proposal is subject to a 60-day public comment period before taking effect.

“It is good to see the EPA applying more scientifically rigorous analysis to these permits,” Ed Hopkins, director of environmental quality for the Sierra Club, said in a statement. “The best available science tells us that proposed mines like the massive Spruce Mine would pollute waterways, destroy mountains and devastate communities.”

--Editors: Romaine Bostick, Steve Geimann.

**Betsaida
Alcantara/DC/USEPA/US**
03/26/2010 04:58 PM

To Richard Windsor, Bob Perciasepe
cc Adora Andy
bcc
Subject Spruce Clips - Part 1 of 2

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

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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**
03/26/2010 04:59 PM

To Richard Windsor, Bob Perciasepe
cc Adora Andy
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Subject Spruce Clips - Part 2 of 2

Spruce Clips – Part 2 of 2

Dow Jones: EPA Denies Arch Coal Permit

Dow Jones Newswire

By IAN TALLEY

The EPA Friday said it plans to block a proposal by Arch Coal Inc. to dig the largest mountaintop coal mine in Central Appalachia, the first time in 37 years the agency has vetoed such a project.

The decision comes as the Obama administration is trying to juggle competing pressures on energy policy, and particularly the role of coal in the U.S. energy mix. Another concern: The company said the project would have added hundreds of jobs and injected \$250 million into a West Virginian economy suffering from an unemployment rate of more than 9%.

The Environmental Protection Agency said its decision to veto a permit for Arch Coal's Spruce No. 1 coal-mining permit came after negotiations with the company to reduce the potential harm to waterways around the project failed. The agency said its decision would "significantly restrict or prohibit" operations at the mine. The proposed permit veto is subject to public comment for 60 days before the agency can finalize the ruling.

Greenwire: EPA Proposes Veto of Permit for Major Mountaintop-Removal Coal Mine

By PATRICK REIS of Greenwire

March 26, 2010

U.S. EPA proposed a veto today of the Clean Water Act permit issued for one of Central Appalachia's largest mountaintop-removal coal mines.

If finalized, the veto would invalidate the Army Corps of Engineers' permit for the Spruce No. 1 surface mine in southern West Virginia that was first issued in 2007.

Arch Coal Inc.'s Spruce No. 1 mine would degrade surrounding water quality, fill more than 7 miles of headwater streams and affect more than 2,000 acres of forest, EPA said.

"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. But we must prevent the significant and irreversible damage that comes from mining pollution -- and the damage from this project would be irreversible," said Shawn Garvin, the EPA's mid-Atlantic regional administrator.

[[FULL TEXT BELOW]]

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The company said it will pursue legal means to defend the permit. "Arch Coal is disappointed that EPA has chosen to take the unprecedented action to initiate the veto process...against a validly issued and existing permit," the company said in a statement.

President Barack Obama has backed legislation to put a price on carbon-dioxide emissions as part of a strategy to reduce U.S. emissions of gases linked to climate change, under a proposed so-called cap-and-trade system. But he has faced pressure—including from Democratic lawmakers who represent coal-producing states—not to sharply raise the cost of coal-generated power or restrict the use of coal.

West Virginia politicians condemned the EPA decision. Democratic Senator Jay Rockefeller said he would push EPA officials to find a long-term solution. Governor Joe Manchin said it would mean a major loss of jobs. "However, it is my understanding that the door is not completely closed on this process and Arch Coal will now need to look at its options on moving forward with continued discussions," Mr. Manchin said.

Mountaintop-removal coal mining, which involves blasting off mountain tops to get at the coal underneath, has been a target of environmental groups, who say the practice is destructive to water supplies and ecosystems. But the coal industry and pro-coal lawmakers have said curbing the practice could cost jobs.

Shawn Garvin, an EPA regional administrator for the Mid-Atlantic, said that while coal and coal mining is part of the nation's future, "we must prevent the significant and irreversible damage that comes from mining pollution, and the damage from this project would be irreversible."

The agency is reviewing dozens of coal-mining permits and has allowed some, including those for mountaintop removal, to go forward.

The EPA put a hold last year on the Spruce No. 1 permit in Logan County, W. Va., raising concerns that the project would result in damage to drinking-water and the surrounding ecosystems as well as nearby communities.

Environmentalists saw the decision as a victory. Industry groups said it raised uncertainty about the future of coal mining in the area.

"It seems that EPA Administrator Jackson's concern over the impacts of mountaintop-removal

coal mining on human health and waterways is now translating into meaningful action," said Amanda Starbuck, global finance campaign director for Rainforest Action Network. The National Mining Association said the EPA's proposed action "adds further uncertainty for jobs and economic security throughout Appalachia. We remain hopeful this and other permitting obstacles can be favorably resolved in the near future."

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"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."

Under the Clean Water Act, EPA has veto power over all Army Corps permits for surface coal mines, but it has used that authority 12 times since 1972. The agency has never before vetoed a previously issued permit.

The proposal will be published in the Federal Register, initiating a 60-day public comment period. EPA has also pledged to hold a field hearing in West Virginia.

St. Louis-based Arch Coal objected to the proposal and said it would consider court action to stop the veto from going forward.

"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, the only permit in the eastern coal fields to ever undergo such review," said the company in a statement. "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."

Environmental groups who have opposed the mine since it was first proposed in the late '90s called on EPA to follow through on the proposed veto.

"It is good to see the EPA applying a more scientifically rigorous analysis to these permits, and we hope that the agency follows through on this recommendation," said Ed Hopkins, director of environmental quality for the Sierra Club. "The administration needs to fix the Bush administration rulemaking that allows mines to fill waterways with waste."

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10/26/2011 10:53 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Arvin Ganesan, Laura Vaught, Seth Oster, Brendan Gilfillan, Diane Thompson, Daniel Kanninen

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Subject Editorials in the Minneapolis Star-Tribune and Detroit Free Press supporting CAA and EPA

Editorial: Assault on the EPA comes at a bad time | StarTribune.com

Star Tribune - Online

October 25, 2011

At a time when Congress is assaulting Environmental Protection Agency regulations designed to keep Americans safe, new studies indicate that mercury levels are on the rise once again for some fish and wildlife, according to the Great Lakes Commission. Rather than softening EPA rules, the Obama administration needs to stand boldly behind the environmental protections demanded by the Clean Air Act.

Unfortunately, House Republicans have voted nearly 170 times this year alone to erode clean air and water laws and thwart other environmental protections. In addition, most GOP presidential candidates are calling for a moratorium on EPA regulations, and Minnesota Congresswoman Michele Bachmann and Georgia's Newt Gingrich want to abolish the agency altogether.

Not only are these views irresponsible, they reflect gross ignorance of the impact that EPA rules make toward safeguarding Americans' quality of life and health. While the Tea Party and GOP leaders may distrust the EPA, the majority of Americans want stringent regulations to protect air and water qualities, according to studies....

Editorial: Polluters have a friend in Attorney General Schuette

Detroit Free Press

October 26, 2011

Who needs Congress to delay improvements to the air you breathe when your state's own attorney general will do it for you?

Michigan Attorney General Bill Schuette took the lead this month in filing a court brief from 25 states asking for a one-year delay in new air rules being written by the U.S. Environmental Protection Agency and due for publication next month.

Schuette also is in court opposing an EPA rule on interstate air pollution, which is sometimes called a good-neighbor rule because it ensures that states enforce good air rules even if their emissions mostly waft outside their own boundaries.

Note that a one-year delay would put the rule's publication after next year's election and perhaps in reach of revocation by a new administration. Note, too, that most of the rules currently under fire are rooted in a 1990 amendment -- yes, 21-year-old legislation -- to the Clean Air Act. The Clinton administration punted, and the Bush administration wrote such bad rules that they all ended up in court. The Obama administration at last has dutifully followed the law.....

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Editorial: Assault on the EPA comes at a bad time | StarTribune.com

Star Tribune

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Not only are these views irresponsible, they reflect gross ignorance of the impact that EPA rules make toward safeguarding Americans' quality of life and health. While the Tea Party and GOP leaders may distrust the EPA, the majority of Americans want stringent regulations to protect air and water qualities, according to studies.

"Several Clean Air Act rules and standards which address acid precipitation [acid rain] and greenhouse gas levels also can impact the health and persistence of fish populations in Minnesota and around the country," said John Lenczewski, executive director of Minnesota Trout Unlimited.

His organization is one of many in Minnesota rightfully calling on Congress to back EPA efforts to regulate air emissions. He notes that most of the mercury pollution contaminating Minnesota's fish and waters comes from outside the state.

It simply isn't right that the good work done by Minnesota and its businesses to protect the state's natural resources is being undermined by out-of-state polluters and congressional leaders willing to look the other way. The Great Lakes Commission found that contamination levels in loons, walleyes and some other species have increased in the past decade, even as mercury emitted from U.S. smokestacks has been declining for years.

Earlier this year, the EPA issued a proposed rule that would further reduce emissions of heavy metals, such as mercury, from coal-fired power plants. These plants are the largest source of mercury emissions.

The negative health impacts of toxic air are well-documented and include bronchitis, asthma and heart disease. When airborne mercury reaches water, it can change to the toxic methylmercury, which is found in tainted fish. Methylmercury is also a concern because of the damage it can cause to the nervous systems of unborn children and young children.

Among the most reckless bills to pass the House this month is the EPA Regulatory Act, which would prohibit the agency from setting new limits on toxic pollutants, including mercury, from industrial boilers and incinerators for 15 months. The act also would eliminate deadlines for compliance with any new standards.

Weakening the EPA's authority now could have a disastrous impact on our air and ecosystems. Sadly, 25 states, largely led by GOP governors, have petitioned a federal court to block the agency's plan for limits on mercury and other air contaminants. Let's hope they'll be stopped.

Editorial: Polluters have a friend in Attorney General Schuette

Detroit Free Press

Who needs Congress to delay improvements to the air you breathe when your state's own attorney general will do it for you?

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Finally, you should know that this isn't completely about air. New controls on mercury emissions are also involved. Mercury, as many Michiganders know, rises with smoke when it is present in fuels, such as coal, and then gets deposited on land with the rain. From there, it washes into rivers and lakes, works its way into the food chain and results in a plethora of fish advisories.

Indeed, recent research reviews have shown that mercury levels appear to be rising again in some of the region's fish and birds. The nation has had good success in stopping the flow of industrial mercury directly into rivers and lakes; what's dropping in from the air now threatens to reverse that progress.

But what Michigan voters really should remember is that their own attorney general has gone to bat for turning a 21-year delay in air regulations into at least a 22-year delay.

Yes, he has cited some practical concerns about the cost of pollution controls and the crimp on electricity supplies if old plants have to be shut too quickly. Pollution controls do not come free.

But an attorney general who really works on behalf of the people might pay more attention to the costs of asthma attacks brought on by bad air, the loss of productivity from missed days at work or in school, and the desire of Michiganders to eat the fish they reel in without having to check how tainted their catch is.

Who needs Congress to delay improvements to the air you breathe when your

state's own attorney general will do it for you? Michigan Attorney General Bill Schuette took the lead this month in filing

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07/13/2011 09:01 AM

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Subject Miami Herald: House attempt to gut EPA's enforcement of clean-water rules is dangerous

House attempt to gut EPA's enforcement of clean-water rules is dangerous

The following editorial appeared in the Miami Herald on Tuesday, July 12:

When you go swimming at the beach, do you mind if there's a little sewage in the water?

Going fishing? Would you mind a few industry contaminants in your favorite river or lake, maybe a little mercury, with that fish fry?

Clean water is not a jobs killer - certainly not in Florida, which counts on its beaches and natural assets to lure millions of tourists and billions of dollars. Yet U.S. Reps. John Mica, an Orlando-area Republican, and Nick Rahall, a West Virginia Democrat, have sponsored a bill that seeks to gut the Environmental Protection Agency's ability to regulate water quality, wetlands protection and the removal of mountain tops in coal mining.

Why? It's all in the name of states' rights. And they blame the Obama administration for toughening enforcement and hurting jobs creation in the states.

Whoa, fellas. Clean water doesn't have state boundaries. The reason the EPA was created and the Clean Water Act was strengthened in 1972 was the confusing patchwork of state-by-state water rules that allowed governors and legislatures to curry favor with big industries in their states and permitted uses with disastrous consequences. Those short-cuts don't just have consequences for a state that allows an industry to dump poisonous chemicals into a stream - but for its neighbors, too.

Consider that the Gulf of Mexico suffered huge dead zones because contaminated water from septic tanks and factories that dumped into the Mississippi River carried such high levels of nitrogen and phosphorus into the Gulf that marine life couldn't survive.

Ohio's Cuyahoga River was so polluted it caught fire back before there were national standards to protect water quality.

Consider, too, closer to home, that the dredging at the Port of Miami needs strict rules to ensure Biscayne Bay's water quality and that islands such as Key Biscayne surrounded by the bay are protected from irresponsible dumpers.

The legislation, HB 2018, is being hailed as a "state-federal partnership" that will help states create jobs. This is laughable if it weren't so frightening.

Fast-tracked through the House Transportation and Infrastructure Committee, the panel passed the bill without even holding a hearing. Now it's scheduled to come before the full House as early as Wednesday.

Make no mistake. This legislation would hamstring the EPA from overruling any state's vague water-quality limits or ensuring dredge permits are feasible even when there is evidence of contamination. Under HB 2018, the misnamed Clean Water Cooperative Federalism Act, the EPA could not veto a state's assessment of a project unless the state agrees. In effect, outdated state rules on water-quality

standards, requirements for dumping waste or trash would no longer have to answer to federal oversight. Even if states failed to meet clean water standards, the EPA would have no hammer to stop them from getting federal funding.

This latest assault on the EPA comes after it nixed a West Virginia mine's attempt to dump mountaintop coal waste into waterways. Downstream North Carolina might have something to worry about.

The GOP-led House, apparently embracing tea-party hysteria about federal overreach, needs a reality check. Surely South Florida House Republican members Ileana Ros-Lehtinen, Mario Diaz-Balart and David Rivera - who have fought for a cleaner Miami River and Biscayne Bay - aren't so clueless as to gut the EPA. Are they?

Read more:

<http://www.miamiherald.com/2011/07/13/2312062/house-attempt-to-gut-epas-enforcement.html#ixzz1RzQnnapF>

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03/07/2012 12:59 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Brendan
Gilfillan, Diane Thompson, Arvin Ganesan, Laura Vaught
cc
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Subject Politico Pro: Shell CEO: Gas industry should embrace
regulation

Shell CEO: Gas industry should embrace regulation

By Darren Goode
3/7/12 11:18 AM EST

HOUSTON — Industry needs to do a better job of explaining the virtues of natural gas and particularly the use of hydraulic fracturing, while insisting on stronger regulation and enforcement, Shell CEO Peter Voser will say Wednesday.

Voser believes that the industry is partly to blame for criticism over the environmental and safety implications of natural gas development, even though not all of the concern and criticism is based “on facts or rational argument.”

“And let’s be honest: As an industry, we have not always done our best to engage in the public debates about these issues,” Voser will say, according to [prepared remarks](#) ahead of a speech at CERAWeek.

“This has resulted in some misconceptions taking root, especially about the impact” of hydraulic fracturing, he says. “We need to do a better job of listening and responding.”

He says that any groundwater contamination associated with fracking has occurred “due to poorly designed wells” and that Shell supports the Obama administration’s call for regulations to disclose chemicals used in hydraulic fracturing fluids.

“Indeed, we support regulations to promote transparency and public engagement by the ... shale gas industry in relation to all of its activities,” Voser says. “As an industry, we should insist on strong regulation and enforcement to ensure everyone in the industry does the job right.”

At the same time, Voser says that the evidence is not there to suggest that shale gas production results in significant methane and other greenhouse gas emissions.

“This is an issue we need to take seriously,” he says, adding, “Clearly more research and hard data are needed to understand the true extent of methane releases from the natural gas industry.”

Shell is among those working with the Environmental Defense Fund “to accurately measure methane emissions from natural gas production” in the U.S., he says. He says it was important to note that shale gas-fired power emitted about half the lifecycle greenhouse gas emissions overall in relation to coal.

Voser says natural gas “likely will play a far more significant role” than previously thought in meeting global energy demand, noting that this year Shell for the first time expects to produce more natural gas than oil.

“While we all recognize the significance of this opportunity, our industry needs to do a better job of convincing the world that natural gas is a force for good,” Voser says.

To read and comment online:

<https://www.politicopro.com/go/?id=9780>

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03/22/2011 09:51 AM

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Subject THE NEW YORK TIMES: Natural Gas Now Viewed as Safer Bet

Natural Gas Now Viewed as Safer Bet
The New York Times
March 21, 2011
JAD MOUAWAD

Natural gas may be having its day, as its rival energy sources come under a cloud.

The serious problems at the nuclear power plant in Japan have raised new doubts about the safety of nuclear energy. New exploration has yet to resume in the Gulf of Mexico after last year's blowout of a BP oil well. And coal plants have been under a shadow because of their contribution to global warming.

Meanwhile, natural gas has overcome two of its biggest hurdles – volatile prices and questionable supplies. In large part because of new discoveries in the United States and abroad that have significantly increased known reserves, natural gas prices have been relatively low in the last two years.

It is far too early to say for sure whether the calamitous events in Japan may roll back the global nuclear revival and lead to a surge in natural gas demand. It is also too early to say whether officials in charge of nuclear policy are just paying lip service to the public's safety concerns in the wake of the unfolding disaster.

Still, with the global demand for energy expected to grow by double digits in coming decades, analysts are anticipating a new boom in gas consumption. Given the growing concerns about nuclear power and the constraints on carbon emissions, one bank, Société Générale, called natural gas the fuel of "no choice."

"At the end of the day, when you look at the risk-reward equation, natural gas comes out as a winner," said Lawrence J. Goldstein, an economist at the Energy Policy Research Foundation. "It's a technical knockout."

Financial markets have already started to price in this new interest in gas. Since the disaster in Japan, uranium prices have dropped by 30 percent, while natural gas prices in Europe and the United States have risen by about 10 percent. Officials from several countries, including China, Germany, Finland and South Africa, said they would review their nuclear strategies.

Utilities are also reconsidering natural gas as a potential source of stable power, a function historically filled by coal and nuclear energy. Utility chiefs have been wary of price fluctuations of natural gas, particularly in the last two decades.

But that may be about to change, according to John Rowe, chairman of Exelon, the biggest nuclear utility in the United States. He argued that building a nuclear power plant would be prohibitively expensive, while new rules limiting carbon emissions by the Environmental Protection Agency would require costly investments to scrub emissions from coal-powered plants. This means that utilities will increasingly switch to natural gas.

"Natural gas is queen," Mr. Rowe told a panel at the American Enterprise Institute in Washington this

month.

That view was endorsed by a report to be released on Tuesday by the Bipartisan Policy Center and the American Clean Skies Foundation, which predicts that natural gas consumption will increase because of an abundance of new supplies, some of them in the United States, that are likely to keep prices relatively low.

Global natural gas production rose by 44 percent in the two decades from 1990 and 2010, while gas reserves grew by 67 percent. After peaking at \$13.58 per thousand cubic feet in 2008, gas prices in the United States averaged \$4.38 last year. What is more, natural gas emits about half as much carbon dioxide as coal when it is burned to produce one kilowatt hour of electricity.

The immediate market for natural gas will likely be Japan, which is looking to raise its fuel imports after a fifth of its nuclear power capacity was shut down, including the troubled Fukushima Daiichi plant. And Tokyo Electric Power says that the rolling blackouts in the country will continue at least into next winter.

Japan already imports a third of global liquefied natural gas shipments and its import terminals, mostly in the south, were not damaged by the earthquake. Nuclear power and coal each accounts for a quarter of Japan's power generation, while natural gas accounts for 30 percent, according to analysts with the Raymond James financial company.

"It could be that the Honshu earthquake is the catalyst which fundamentally reshapes our approach to global energy," Bernstein Research analysts wrote last week.

Many oil companies have anticipated this shift. At Royal Dutch Shell, natural gas production overtook its oil output in recent years. Exxon Mobil bought XTO Energy last year to raise its presence in the growing domestic shale gas market. It has also developed significant resources in Qatar, which holds the third-largest reserves of natural gas in the world, after Russia and Iran.

Huge new projects dedicated to liquefied natural gas – in which gas is frozen, compressed in liquid form for easier shipment, then returned to a gas state at import terminals – have been mushrooming around the world.

In Papua-New Guinea, Exxon is leading a \$15 billion project to build and develop an LNG plant to supply Asian customers. Chevron recently began engineering work on the \$40 billion Gorgon gas project in Australia, along with Shell and Exxon. Russia, for its part, is planning to develop huge new fields in the Arctic.

Natural gas is not without problems. To unlock methane from hard shale rocks in the United States, energy companies use hydraulic fracturing, a method that has been criticized on the grounds of polluting water sources, including rivers and underground aquifers.

But energy policy must balance out these hazards with the concerns about nuclear power, as well as the still unresolved problem of what to do with spent nuclear fuel that remains radioactive for hundreds of years.

"Nuclear power has suddenly found itself going from being (arguably) part of the solution for future green energy to a now dangerous relic of the cold war era," Deutsche Bank said in a report last week.

In the United States, where no new reactor has been built since the Three Mile Island accident in 1979, the attitude toward nuclear power has been ambivalent. Last year, the president asked the Energy Department to provide some financial backing for nuclear operations, including two reactors planned for Georgia.

But in the aftermath of the Japanese disaster, the administration ordered a comprehensive review of safety at nuclear plants.

At the same time, the industry has found it nearly impossible to develop and finance new plants. In December, for example, Exelon dropped its application to build a plant in Victoria County, Tex., in the face of opposition.

Utilities have also faced a challenge in renewing their existing operating licenses. The Pilgrim Nuclear Power Station, in Plymouth, Mass., has been waiting for a new license for five years because of litigation and court delays. State officials in Vermont have been battling to shut down Entergy's Vermont Yankee plant, which began operations in 1972.

There are 104 nuclear reactors in the United States, which contribute 23 percent of the nation's electrical power. Twenty reactors have applications pending with federal regulators to extend the plants' operating lives by as much as two decades, according to Bloomberg News.

"We are likely to do to nuclear licensing what we did to offshore permitting," Mr. Goldstein, of the energy policy foundation, said. "We will delay and stall."

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

10/27/2011 11:54 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Cynthia
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Subject The Hill: EPA on cusp of Keystone pipeline comments

The Hill: EPA on cusp of Keystone pipeline comments

By: Ben Geman

10/27/11

EPA Administrator Lisa Jackson said Thursday that her agency is about to weigh in on the State Department's environmental analysis of the proposed Keystone XL oil sands pipeline.

The upcoming comments on State's August environmental impact statement - which gave the pipeline a favorable review - will be closely watched as the Obama administration decision on whether to permit the project looms. EPA has been very critical of past State analysis.

"We have comments that we are just about completing on the current environmental impact statement," Jackson told a group of student environmental activists from multiple schools at Howard University.

The State Department is leading the administration's review of TransCanada Corp.'s proposed pipeline to bring crude from Alberta's massive oil sands projects to Gulf Coast refineries.

A decision on whether to grant a permit is expected by roughly the end of the year.

Jackson's remarks on the proposed \$7 billion, 1,700-mile pipeline come a day after a protestor interrupted President Obama's speech in Denver to voice opposition to the project.

Obama said he was aware of "deep concern" about the project - an idea that Jackson reiterated Thursday.

"I think the president said it best yesterday. He has certainly heard your voices and he is very much aware of the concerns that have been raised about . . . the pipeline," Jackson said.

She noted concerns about refinery emissions, potential spills and other issues.

Jackson also said the debate on the proposal is a healthy one.

"It is awesome that we are having this conversation in this country," Jackson said, noting the scale of the pipeline that would "bisect" the country. "This should be a moment where we have a really big conversation."

The pipeline review is politically tricky terrain for the White House, which faces pressure from major business groups such as the U.S. Chamber of Commerce who say the project would help boost the economy and enhance energy security.

But the project faces opposition from environmentalists, who are planning another big demonstration at the White House Nov. 6.

Some environmentalists, citing greenhouse gas emissions from the energy-intensive oil sands projects, are casting the decision as a referendum on Obama's commitment to battling climate change.

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

02/10/2012 03:16 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Brendan Gilfillan, Arvin Ganesan, Laura Vaught, Michael Goo, Bicky Corman, Stephanie Owens, Alisha Johnson, Andra Belknap, David Bloomgren, Gina McCarthy

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Subject Bloomberg:Obama Rulemaker: \$25B Outweighed by Benefits

Obama Rulemaker: \$25B Outweighed by Benefits

By Mark Drajem and Elizabeth Dwoskin - Feb 9, 2012 11:10 AM ET

Regulations approved by President Barack Obama over the first 32 months of his term cost businesses an estimated \$25 billion, more than double the total of each of his two predecessors, according to White House data.

Obama signed off on fewer total regulations, however, than Republican President George W. Bush during the same period of his tenure, the data shows.

The administration said the benefits of its regulations outweigh the costs by \$116 billion so far, according to the figures from an unreleased White House report provided to Bloomberg. Judging regulations by cost alone doesn't take into account the economic benefits of healthier children, safer roads or fewer industrial accidents.

"Every new emphasis has to make sure the benefit justifies the cost," Cass Sunstein, the head of the Office of Information and Regulatory Affairs at the White House, said in an interview. "Part of my job is making sure that whatever is done in the regulatory area is consistent with the fundamental goals of economic growth and job creation."

Obama's regulatory policy has been a focal point of criticism from business groups and Republicans, who say that a spate of rules meant to clean up the environment, health care and financial firms is crippling the economy.

'Job-Killing Regulations'

Republican presidential front-runner Mitt Romney says that, if elected, he will put an end to "job-killing regulations." The Republican-led House of Representatives last year voted to stall or block at least a dozen regulations proposed by the Environmental Protection Agency.

Representative Darrell Issa, a California Republican and head of the House Oversight and Government Reform Committee, said in a statement that "an early estimated cost of \$25 billion is a sign of an even more expensive job-killing tsunami that will create more uncertainty for small businesses and put Americans out of work."

Bill Kovacs, vice president of the U.S. Chamber of Commerce in Washington, said the administration is "producing a record number of economically significant regulations, and that's causing unemployment." The result is "projects not getting built and the economy not getting going," Kovacs said in an interview.

Balanced Approach

Sunstein says the administration is taking a balanced approach. It nixed the most expensive rule: an EPA proposal to curb smog, which would have cost as much as \$90 billion.

Obama also ordered a review of old regulations a year ago, and he cited it as a success in his State of the Union address last month. That process will save \$10 billion in its first five years, according to the budget office.

The administration's most expensive rules last year included energy conservation standards for refrigerators, requirements that cargo on passenger aircraft be screened and limits on ozone pollution from coal power plants that crosses state lines.

Sunstein is set to send the full report on the costs and benefits of regulations to Congress in the coming weeks.

In the fiscal year ended in September, the cost of new regulations was about \$9.7 billion, a decrease from 2010, according to the president's Office of Management and Budget.

The estimated and cumulative cost of Obama's regulations through the fiscal year ended Sept. 30 ranged from \$17 billion to \$34 billion, according to the budget office. The estimated midpoint of the rules is \$25 billion.

Clinton, Bush

That compares with as much as \$9.7 billion in regulations issued by Clinton and \$6.7 billion by Bush over the first 32 months of their terms, according to the White House.

An annualized average of the cost of Obama's rules is \$9.4 billion in 2011 dollars.

That is far below the \$20.9 billion one-year high under Republican President George H.W. Bush. In the last year of his term, President Ronald Reagan imposed \$16 billion in regulations in today's dollars. Bloomberg converted all of the regulation totals to 2011 dollars using the U.S. Bureau of Labor Statistics' online calculator.

Regulations also have benefits, and the administration said those total \$116 billion. That compares with \$18 billion in regulatory benefits during the first 32 months of Clinton's term, and \$4.3 billion for Bush, the White House report said.

Missed Work Days

Those benefits are calculated by tallying up a combination of avoided health costs and missed days of work, and also estimates of what citizens are willing to pay to avoid premature death or illness.

Avoiding a heart attack, for example, is measured as the combination of \$127 multiplied by the estimated work days missed, plus \$85,000 for medical treatment.

The EPA values saving a life to be worth more than \$8 million, based on academic surveys from 1976 to 1981 that have been adjusted to reflect inflation and population growth.

"These are real benefits to real people," Gina McCarthy, the assistant administrator of the EPA, told the House Energy and Commerce Committee yesterday.

Critics say those benefits are very different than the tangible, immediate costs to industry of buying new equipment or closing plants.

"The concept of a willingness to pay for improved health or longevity is not illegitimate," Susan Dudley, Sunstein's predecessor and director of the Regulatory Studies Center at George Washington University, said in an interview. "But these benefits are highly uncertain and are not likely to translate to economic growth."

Loss, Gain

Richard Morgenstern, the EPA's director of policy analysis in the Reagan and Clinton administrations and now a researcher with Resources for the Future in Washington, found that for every job lost because of regulatory costs, at least one more was gained.

Because of EPA regulations from 1984 to 1994, four industries shed 14,000 jobs, he said. As those

industries spent money to comply with the laws, they hired workers to clean and retrofit equipment and developed new manufacturing methods. Morgenstern estimates that in the end, spending and innovation put 29,000 people to work.

"The job creation and the job destruction roughly cancel each other out," he said.

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**Betsaida
Alcantara/DC/USEPA/US**
11/18/2011 07:23 PM

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Subject National Journal: The outgoing Exelon chief defends EPA
and talks politics in the world of energy

Q&A

Liberal Energy

The outgoing Exelon chief defends EPA and talks politics in the world of energy.

Updated:

November 17, 2011 | 5:30 p.m.

One of the lessons that Exelon CEO John Rowe has learned over 28 years of leading utility companies and dealing with Washington politics is that liberalism is relative. “The electricity industry is probably the only place where I could be a liberal,” Rowe says with a smile in a recent interview with *National Journal*. “I’m fundamentally very conservative in my economic views. And I never met a big power plant that I didn’t like.” As the chief executive officer of the country’s largest nuclear-reactor operator, he is one of the utility industry’s rare vocal fans of the Obama administration’s clean-air rules; he also ardently supported climate-change legislation. (His company was not at risk: Nuclear power emits virtually no air pollution.) After Exelon merges with Constellation Energy early next year, Rowe will retire. He plans to spend more time teaching history at a Chicago-area charter school he founded. Edited excerpts of the interview follow.

NJ The coal industry criticizes your support of EPA’s clean-air rules. Why have you been so vocal over the years?

ROWE The medical evidence weighed by groups like the National Academy of Sciences is convincing that these are real problems. Second, we know a lot about these [old coal-fired] plants. We used to own some of them, after all. They really are clunkers. We’re not going to make the modern world on clunkers. Third, we think there is a peripheral advantage from reducing carbon emissions. If the EPA regulations are enforced, the oldest coal plants are likely to go, and they’ll mostly be replaced by natural gas, which has about half the carbon content. So you get a climate pickup. And, finally, we make some money, because our power prices go up. We don’t hide that.

NJ Some have criticized President Obama’s injection of \$90 billion into clean-energy jobs in light of Solyndra, the stimulus-backed solar-energy company that went bankrupt in September. What’s your take on the administration’s massive bet on clean energy?

ROWE Government, when it pushes very large amounts of money around, inherently makes mistakes. So do the rest of us. The problem is not that renewables are wrong. The problem is that they get this air of being a holy grail, and people believe they’re cheaper than they are and will provide more jobs than they do.

NJ When do you think Congress will pass some type of climate-change legislation?

ROWE Not in the next five years. I fear that they never will. And, instead, they'll just keep doing more expensive things through their renewable standards and other things instead of doing it the cheap way. One of the things that might change that is this desperate need for federal revenue. I think it's at least possible that in a five-year period—I don't think it's possible in a two- or three-year period—that the combination of evidence on climate change and the need for federal revenue will make some sort of modest carbon tax a possibility.

NJ Already in this presidential-election cycle, you've donated to Obama and to GOP candidates Mitt Romney and Jon Huntsman. What's your political philosophy?

ROWE I'm a fiscal conservative/social moderate. Those people don't have parties. There were lots of things I liked about President Obama. I don't like it when he calls my charitable deductions a loophole. I put \$6 million into charter schools in African-American and Latino neighborhoods, and I don't like people coming along calling that a loophole.

It should be obvious from how I describe myself that just on ideology, I fall more naturally toward the Romney/Huntsman area than I do toward the president or toward [Newt] Gingrich. We tried a lot to help then-Senator Obama in 2008, because the importance of his election to the African-American communities in Chicago and Philadelphia cannot be overstated. There are a great many people—whom my companies sell electricity to, whom my company relies on for political support, from whom we hire employees—who felt this was the most tangible representation that the sin of slavery was slowly being atoned.

NJ Of the lawmakers you've known over the years, whose work do you praise?

ROWE I thought the world of [Rep.] Rick Boucher. I think the world of [Sen.] Lindsey Graham. I'm very fond of [Rep.] John Shimkus. I remember when I was a kid and [Gov.] Bill Scranton of Pennsylvania was running [for the GOP presidential nomination] against [Sen.] Barry Goldwater, and losing badly. Scranton said he was a fiscal conservative/social moderate. Well, easy to say. But he was. And I just wish there were more people like him.

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

02/08/2012 10:17 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Gina McCarthy, Michael Goo, Arvin Ganesan, Laura Vaught, Bicky Corman, Scott Fulton, Janet Woodka, Janet McCabe, Joseph Goffman, Stephanie Owens, Dru Ealons, Heidi Ellis, Jose Lozano, Christopher Busch, Charles Imohiosen

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Subject Bloomberg Fuel Fix Blog: Americans gaining energy independence

Americans gaining energy independence

<http://fuelfix.com/blog/2012/02/07/americans-gaining-energy-independence/>

The U.S. is the closest it has been in almost 20 years to achieving energy self-sufficiency, a goal the nation has been pursuing since the 1973 Arab oil embargo triggered a recession and led to lines at gasoline stations.

Domestic oil output is the highest in eight years. The U.S. is producing so much natural gas that, where the government warned four years ago of a critical need to boost imports, it now may approve an export terminal.

Methanex Corp., the world's biggest methanol maker, said it will dismantle a factory in Chile and reassemble it in Louisiana to take advantage of low natural gas prices. And higher mileage standards and federally mandated ethanol use, along with slow economic growth, have curbed demand.

The result: The U.S. has reversed a two-decade-long decline in energy independence, increasing the proportion of demand met from domestic sources over the last six years to an estimated 81 percent through the first 10 months of 2011, according to data compiled by Bloomberg from the U.S. Department of Energy. That would be the highest level since 1992.

"For 40 years, only politicians and the occasional author in Popular Mechanics magazine talked about achieving energy independence," said Adam Sieminski, who has been nominated by President Barack Obama to head the U.S. Energy Information Administration. "Now it doesn't seem such an outlandish idea."

The transformation, which could see the country become the world's top energy producer by 2020, has implications for the economy and national security — boosting household incomes, jobs and government revenue; cutting the trade deficit; enhancing manufacturers' competitiveness; and allowing greater flexibility in dealing with unrest in the Middle East.

Output Rising

U.S. energy self-sufficiency has been steadily rising since 2005, when it hit a low of 70 percent, the data compiled by Bloomberg show. Domestic crude oil production rose 3.6 percent last year to an average 5.7 million barrels a day, the highest since 2003, according to the Energy Department. Natural gas output climbed to 22.4 trillion cubic feet in 2010 from 20.2 trillion in 2007, when the Federal Energy Regulatory Commission warned of the need for more imports. Prices have fallen more than 80 percent since 2008.

At the same time, the efficiency of the average U.S. passenger vehicle has helped limit demand. It increased to 29.6 miles per gallon in 2011 from 19.9 mpg in 1978, according to the National Highway Traffic Safety Administration.

The last time the U.S. achieved energy independence was in 1952. While it still imported some petroleum, the country's exports, including of coal, more than offset its imports.

Environmental Concern

The expansion in oil and natural gas production isn't without a downside. Environmentalists say hydraulic fracturing, or fracking — in which a mixture of water, sand and chemicals is shot underground to blast apart rock and free fossil fuels — is tainting drinking water.

The drop in natural gas prices is also making the use of alternative energy sources such as solar, wind and nuclear power less attractive, threatening to link the U.S.'s future even more to hydrocarbons to run the world's largest economy.

Still, those concerns probably won't be enough to outweigh the benefits of greater energy independence.

Stepped-up oil output and restrained consumption will lessen demand for imports, cutting the nation's trade deficit and buttressing the dollar, said Sieminski, who is currently chief energy economist at Deutsche Bank AG in Washington.

Cutting Trade Deficit

With the price of a barrel of oil at about \$100, a drop of 4 million barrels a day in oil imports — which he said could happen by 2020, if not before — would shave \$145 billion off the deficit. Through the first 11 months of last year, the trade gap was \$513 billion, according to the Commerce Department. Crude for March delivery settled at \$96.91 a barrel yesterday on the New York Mercantile Exchange.

The impact on national security also could be significant as the U.S. relies less on oil from the Mideast. Persian Gulf countries accounted for 15 percent of U.S. imports of crude oil and petroleum products in 2010, down from 23 percent in 1999.

"The past image of the United States as helplessly dependent on imported oil and gas from politically unstable and unfriendly regions of the world no longer holds," former Central Intelligence Agency Director John Deutch told an energy conference last month.

Arab Oil Embargo

That dependence was underscored in October 1973, when Arab oil producers declared an embargo in retaliation for U.S. help for Israel in the Yom Kippur war. The U.S. economy contracted at an annualized 3.5 percent rate in the first quarter of the next year. Stock prices plunged, with the Standard & Poor's 500 Index dropping more than 40 percent in the year following the embargo.

Car owners were forced to line up at gasoline stations to buy fuel. President Richard Nixon announced in December that because of the energy crisis the lights on the national Christmas tree wouldn't be turned on.

Today, signs of what former North Dakota Senator Byron Dorgan says could be a "new normal" in energy are proliferating. The U.S. likely became a net exporter of refined oil products last year for the first time since 1949. And it will probably become a net exporter of natural gas early in the next decade, said Howard Gruenspecht, the acting administrator of the EIA, the statistical arm of the Energy Department.

Cheniere Energy Partners LP may receive a construction and operating permit as early this month from the Federal Energy Regulatory Commission for the first new plant capable of exporting natural gas by ship to be built since 1969 in the U.S.

Houston-based Cheniere said it expects the \$6 billion plant to export as much as 2.6 billion cubic feet of gas per day.

Mitchell the Pioneer

The shale-gas technology that's boosting U.S. natural gas production was spawned in the Barnett Shale around Dallas and Fort Worth by George P. Mitchell, who was chairman and chief executive officer of Mitchell Energy & Development Corp.

Helped by a provision inserted in the 1980 windfall oil profits tax bill to encourage drilling for unconventional natural gas, the Houston-based oil man pursued a trial-and-error approach for years before succeeding in the late-1990s. The fracking method he devised cracked the rock deep underground, propping open small seams that allowed natural gas trapped in tiny pores to flow into the well and up to the surface.

Recognizing that Mitchell was on to something, Devon Energy Corp. bought his company in 2002 for about \$3.3 billion and combined it with its own expertise in directional drilling, a method derived from offshore exploration.

Hunting for Oil

Traditional vertical drilling bores straight down, like a straw stuck straight in the earth. Directional drilling bends the straw, boring horizontally sometimes a mile or more through the richest layer of rock, allowing more of the trapped fuel to make it into the well. This slice of rock is like the kitchen, where ancient plants and creatures came under so much pressure that they cooked into natural gas and oil.

The oil boom a century ago tapped reservoirs of fuel that rose out of those layers and got trapped in large pockets closer to the earth's surface, or used vertical wells that could get out only a portion of the fuel stored in the rock. The new technology has Devon and its competitors hunting beneath decades-old oil plays long thought depleted.

About an hour's drive north from where Devon's soon-to-be-completed new glass headquarters towers 50 stories above downtown Oklahoma City, the company is exploring for oil in the Mississippian and other formations, where oil majors once made their fortunes. It's racing companies such as Chesapeake Energy Corp. and SandRidge Energy Inc. to buy leases and drill wells.

North Dakota Booming

Crude production in the U.S. is already increasing. Within three years, domestic output could reach 7 million barrels a day, the highest in 20 years, said Andy Lipow, president of Lipow Oil Associates in Houston, a consulting firm. The U.S. produced 5.9 million barrels of crude oil a day in December, while consuming 18.5 million barrels of petroleum products, according to the Energy Department.

North Dakota — the center of the so-called tight-oil transformation — is now the fourth largest oil-producing state, behind Texas, Alaska and California.

The growth in oil and gas output means the U.S. will overtake Russia as the world's largest energy producer in the next eight years, said Jamie Webster, senior manager for the markets and country strategy group at PFC Energy, a Washington-based consultant.

While U.S. consumers would still be susceptible to surges in global oil prices, "we'd end up sending some of that cash to North Dakota" rather than to Saudi Arabia, said Richard Schmalensee, a professor of economics and management at the Massachusetts Institute of Technology in Cambridge.

1.6 Million Jobs

The shale gas expansion is already benefiting the economy. In 2010, the industry supported more than 600,000 jobs, according to a report that consultants IHS Global Insight prepared for America's Natural Gas Alliance, a group that represents companies such as Devon Energy and Chesapeake Energy.

More than half were in the companies directly involved and their suppliers, with the balance coming at restaurants, hotels and other firms. By 2035, the number of jobs supported by the industry will rise to more than 1.6 million, IHS said. Some 360,000 will be directly employed in the shale gas industry.

The oil boom is also pushing up payrolls. Unemployment in North Dakota was 3.3 percent in December, the lowest of any state. Hiring is so frantic that the McDonald's Corp. restaurant in Dickinson is offering \$300 signing bonuses.

State governments are reaping benefits, too. Ohio is considering a new impact fee on drillers and increasing the tax charged on natural gas and other natural resources extracted, Governor John Kasich has said.

In Texas, DeWitt County Judge Daryl Fowler has negotiated an \$8,000-per-well fee from drilling companies to pay for roads in the district, southeast of San Antonio.

Lot of Traffic

"It takes 270 loads of gravel just to build a pad used for drilling a well, which means a lot of truck traffic on a lot of roads that nobody except Grandpa Schultz and some deer hunters may have used in the past," said Fowler, whose non-judicial post gives him administrative control over the county.

The federal government will see tax payments from shale gas rise to \$14.5 billion in 2015 from \$9.6 billion in 2010, according to IHS. Over the period 2010 to 2035, revenue will total \$464.9 billion, it said.

Manufacturing companies, particularly chemical makers, also stand to win as the shale bonanza keeps natural gas

cheaper in the U.S. than in Asia or Europe.

Dow Chemical Co., which spent a decade moving production to the Middle East and Asia, is leading the biggest expansion ever in the U.S. The chemical industry is one of the top consumers of natural gas, using it both as a fuel and feedstock to produce the compounds it sells.

First Since 2001

Midland, Michigan-based Dow is among companies planning to build crackers, industrial plants typically costing \$1.5 billion that process hydrocarbons into ethylene, a plastics ingredient.

The new crackers will be the first in the U.S. since 2001, said John Stekla, a director at Chemical Market Associates Inc., a Houston-based consultant.

Vancouver-based Methanex said last month it plans to take apart the idled Chilean factory and ship it to Louisiana to capitalize on natural gas prices.

The shift to increased energy independence is also the result of government policies to depress oil demand.

"Vehicles are getting more efficient, and people who travel won't be driving more miles," said Daniel Yergin, chairman of IHS Cambridge Energy Research Associates.

Automakers have agreed to raise the fuel economy of the vehicles they sell in the U.S. to a fleetwide average of 54.5 miles per gallon by 2025 under an agreement last year with the Obama administration.

No 'Silver Bullet'

The 2008-09 recession helped lower oil demand, and consumption has lagged even as the economy has recovered, said Judith Dwarkin, director of energy research for ITG Investment Research in Calgary. Coupled with higher domestic output, "this has translated into an import requirement of some 15.4 barrels per person per year — about on par with the mid-1990s."

She cautioned against thinking that rising oil and gas production is a "silver bullet" for solving U.S. economic woes. Michael Feroli, chief U.S. economist at JPMorgan Chase & Co. in New York, agreed, saying in a Jan. 20 note to clients that oil and gas output accounts for just 1 percent of gross domestic production and isn't likely on its own to be able to pull the economy into above-trend growth.

Cooling on Wind

Some companies are hurting from the shale gas glut. With abundant supplies making it the cheapest option for new power generation, Exelon Corp. scrapped plans to expand capacity at two nuclear plants, while Michigan utility CMS Energy Corp. canceled a \$2 billion coal plant after deciding it wasn't financially viable. NextEra Energy Inc., the largest U.S. wind energy producer, shelved plans for new U.S. wind projects next year.

Investors also are cooling on wind investment, partly because of falling power prices. T. Boone Pickens, one of wind power's biggest boosters, decided to focus on promoting natural gas-fueled trucking fleets after dropping plans for a Texas wind farm in 2010.

"Wind on its own without incentives is far from economic unless gas is north of \$6.50," said Travis Miller, a Chicago-based utility analyst at Morningstar Inc. Natural gas for March delivery settled at \$2.55 per million British thermal units on New York Mercantile Exchange yesterday.

When Obama lauded increased energy production in his State of the Union speech on Jan. 24, he drew criticism from some environmentalists opposed to fracking.

Waning Confidence

"We're disappointed in his enthusiasm for shale gas," said Iris Marie Bloom, director of Protecting Our Waters in Philadelphia. Obama "spoke about gas as if it's better for the environment, which it's not."

Deutch, who headed an advisory panel on fracking for the Energy Department, voiced concern that public confidence in the technology will wane if action isn't taken to address environmental concerns. The potential positive impact of

increased North American production are "enormous," he said.

Higher U.S. output lessens the ability of countries like Iran and Russia to use "energy diplomacy" as a means of strengthening their influence, Amy Myers Jaffe, director of the Baker Institute Energy Forum at Rice University, and her colleagues wrote in a report last year.

While the U.S. will still have to pay attention to issues such as Israel's security and Islamic fundamentalism in the Mideast, which could affect oil prices, it won't have to be as worried about its supplies.

Positive 'Shock'

Carlos Pascual, special envoy and coordinator for international energy affairs at the State Department, suggested at a Council on Foreign Relations conference in December that the increased production in the U.S. and elsewhere gives Washington more "maneuverability" in using sanctions to deal with Iran and its nuclear aspirations.

The increased U.S. production of oil and natural gas is a "positive supply shock" for the economy and for national security, said Philip Verleger, a former director of the office of energy policy at the Treasury Department and founder of PKVerleger LLC, a consulting firm in Aspen, Colorado.

"We aren't there yet, but it looks like we're blundering into a solution for the energy problem," he said.

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

11/16/2011 03:10 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Gina McCarthy, Seth Oster, Brendan Gilfillan, Janet Woodka, Scott Fulton, Daniel Kanninen, Avi Garbow, Stephanie Owens, Jose Lozano, Michael Goo, Bicky Corman, Arvin Ganesan, Laura Vaught

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Subject The New York Times: Policy and Politics Collide as Obama Enters Campaign Mode

November 16, 2011

Policy and Politics Collide as Obama Enters Campaign Mode

By JOHN M. BRODER

WASHINGTON – The summons from the president came without warning the Thursday before Labor Day. As she was driven the four blocks to the White House, Lisa P. Jackson, the administrator of the Environmental Protection Agency, suspected that the news would not be good. What she did not see coming was a rare public rebuke the president was about to deliver by rejecting her proposal to tighten the national standard for smog.

The half-hour meeting in the Oval Office was not a negotiation; the president had decided against ratcheting up the ozone rule because of the cost and uncertainty it would impose on industry and local governments. He clearly understood the scientific, legal and political implications. He told Ms. Jackson she would have an opportunity to revisit the Clean Air Act standard in 2013 – if they were still in office. We're just not going to do this now, he said.

The White House announced the decision the next morning, infuriating environmental and public health advocates. They called it a bald surrender to business pressure, an act of political pandering and, most galling, a cold-blooded betrayal of a loyal constituency.

"This was the worst thing a Democratic president had ever done on our issues," said Gene Karpinski, president of the League of Conservation Voters. "Period."

Industry groups and their Republican allies praised the move, which leaves a far more lenient ozone rule in place for at least a year. But then they reeled off a dozen other proposed environmental, labor and health regulations they also wanted killed.

In the weeks since that decision, the administration has made a number of other environmental decisions, sending mixed messages that left both environmentalists and industry lobbyists perplexed. Two major clean air rules have been delayed, at least temporarily. The Interior Department announced a significant expansion of offshore drilling in the Arctic and the Gulf of Mexico over the next five years. Last week, the administration bowed to pressure from protesters, green groups and residents and officials in Nebraska in announcing that it would delay a decision on the bitterly contested Keystone XL oil pipeline until after the 2012 election. Taken together, the moves mark the White House's growing awareness of the costs of environmental regulation in a battered economy.

But the full retreat on the smog standard was the first and most important environmental decision of the presidential campaign season that is now fully under way. This examination of that decision, based on interviews with lobbyists on both sides, former officials and policy makers at the upper reaches of the White House and the E.P.A., illustrates the new calculus on political and policy shifts as the White House sharpens its focus on the president's re-election.

The decision pitted Ms. Jackson, a Princeton-trained chemical engineer and self-described "New Orleans girl," against the White House chief of staff, William M. Daley, a son and brother of bare-knuckled Chicago mayors who was brought in to help repair relations with business and Congress. It also shows the clout of Cass R. Sunstein, the legal powerhouse who serves, mostly behind the scenes, as the president's regulatory czar with the mission of keeping the costs of regulation under control. While Mr. Daley has

recently given up some responsibilities at the White House, he remains the administration's conduit for business interests. The ozone decision was jarring because it was wholly unexpected. Ms. Jackson considered resigning but soon abandoned the idea as a futile gesture.

Many of the president's supporters remain unsettled, fearing that the ozone decision meant he was abandoning environmental issues. But White House officials cite two major vehicle emissions rules, the pipeline delay and the president's stated promise to carry through on other clean air measures as evidence of the administration's devotion to their causes.

Revisiting a Law

In his inaugural address, Mr. Obama promised to "restore science to its rightful place in making government environmental policy." He also pledged to revisit environmental rules set by the George W. Bush administration that his administration felt were too weak.

The standard for ozone was last set in 2008 by the Bush administration at a level of 75 parts per billion, above the range of 60 to 70 recommended by the E.P.A.'s scientific advisory panel at the time, but never enacted. Environmental and public health groups challenged the Bush standard in court, saying it would endanger human health and had been tainted by political interference. Smog levels have declined sharply over the last 40 years, but each incremental improvement comes at a significant cost to business and government.

So Ms. Jackson asked health and environmental groups to hold their lawsuit in abeyance while she reconsidered the ozone standard, a job she expected to complete by the summer of 2010. Until then, an outdated ozone standard of 84 parts per billion, set by the Clinton administration's E.P.A. in 1997, remained the law.

Delay followed delay until the spring of this year, when Ms. Jackson determined that the standard should be set at 65 parts per billion to meet the Clean Air Act's requirement that it be protective of public health "with an adequate margin of safety." At 65 p.p.b., the agency calculated, as many as 7,200 deaths, 11,000 emergency room visits and 38,000 acute cases of asthma would be avoided each year.

Ms. Jackson knew that standard would cause political heartburn at the White House, so before submitting it she met with Mr. Daley at least three times in June to try to deal with any concerns. Mr. Daley, rightly sensing the uproar from business and local governments at the cost of meeting such a standard, sharply questioned the costs and burdens as well as the timing of the new rule but never explicitly asked her to hold off or pull back.

Ms. Jackson went back to her suite in a large office complex off Pennsylvania Avenue to huddle with aides and tweak the proposal.

She returned to Mr. Daley with a compromise, agreeing to settle for a somewhat weaker standard, at the upper limit of the recommendations of the E.P.A.'s scientific advisory board, as well as measures to provide significant flexibility in compliance.

Ms. Jackson thought she had a deal. In early July she sent the White House a 500-page package with a detailed cost-benefit analysis for what she assumed would be routine vetting and approval.

"We were absolutely 100-percent certain we were going to get this ozone rule," one senior E.P.A. official said.

Counteraction

The business community and its Republican allies in Congress went to war.

The ozone rule became a symbol of what opponents called a "regulatory jihad" and brought out a swarm of industry lobbyists and Republicans in Congress who identified it as one of their top targets. They

organized letter-writing campaigns, ran ads in journals seen by Washington policy makers and put the ozone rule at the top of the list of administration environmental initiatives they wanted repealed in the fall. They claimed the rule would cost \$90 billion a year – far above E.P.A.'s estimates – and put much of the industrial heartland out of business. Local and state officials complained to Congress and the White House that they lacked the resources to enforce the new rule. Even some Democratic lawmakers warned the White House that the regulation would damage their re-election prospects.

Against all this, there was no one lobbying strongly within the White House for the tougher standard. Carol M. Browner, a former E.P.A. administrator who had served as the White House coordinator for energy and environmental policy, left this year because of philosophical differences with Mr. Daley and because she sensed those issues were taking a back seat to economic and political concerns.

Mr. Daley abolished her job, leaving no one in the current White House who speaks as forcefully on environmental issues as she did.

Another Voice

In charge of Mr. Obama's effort to reduce regulatory costs and burdens was Mr. Sunstein, on leave from teaching at Harvard and a onetime colleague of Mr. Obama's at the University of Chicago Law School. One of the most respected liberal legal scholars of his generation, he is known for his at-times unconventional thinking on regulation and economic behavior.

Mr. Sunstein had his pick of jobs in the new administration. He chose the obscure regulatory affairs office as a potential laboratory for his sometimes iconoclastic views. He has challenged the utility of command-and-control-style federal regulation and written favorably of programs to "name and shame" polluters as a way of getting them to clean up their operations without enforcement actions or fines. He has sought creative ways to encourage responsible economic and environmental behavior without using the heavy hand of the state.

Mr. Sunstein never really warmed to the proposed ozone rule, not least because it would, by law, be subject to revision again in 2013. He also noted that in nearly half of the E.P.A.'s own case studies, the cost of the new rule would outweigh the benefits, raising additional alarms.

One outside adviser, who watched the process closely but declined to be identified for fear of losing access to policy makers, said the ozone rule provided the perfect opportunity for Mr. Sunstein to make his mark.

"Cass was itching, itching, itching to send a return letter," the adviser said.

Early Objections

Although she was under intense pressure from business and Congressional Republicans over the proposed rule, Ms. Jackson believed the White House would back her. In mid-July, she hosted a delegation of trade group officials at E.P.A. headquarters so they could air their concerns. Among those present were leaders of the U.S. Chamber of Commerce, the National Association of Manufacturers, the Business Roundtable and the American Petroleum Institute.

They tried a hard sell, according to Bruce Josten, the chief lobbyist for the Chamber of Commerce, noting that the new rule would push hundreds of counties out of compliance with the Clean Air Act and force them to devise costly new air pollution control plans. They suggested she wait until the next review in 2013.

"Lisa is very smart, cordial, friendly," Mr. Josten said of Ms. Jackson. "She listened to us, but then talked about how important it was to do this, the lung thing, the asthma thing, the kids' health thing. She felt it was important to go ahead."

Mr. Josten added: "The funny thing was nobody wanted to come right out and say, 'Are you guys thinking

this through? Your boss is up for re-election next year, do you really want to shut down industrial permitting? You're going to have a major negative impact on the economy.”

The executives left frustrated. Ms. Jackson knew their efforts were just beginning.

Maneuvering

The business lobbyists started working the White House, securing a series of meetings with mid-level staff members in July. Mr. Daley and Mr. Sunstein agreed to meet with them on Aug. 16, the same day they were to meet with public health and environmental groups.

For the West Wing gathering that day, Jack Gerard, the pugnacious head of the American Petroleum Institute, brought maps showing the areas that would be out of compliance with the proposed regulation in a vivid swath of red states across the Midwest and along the East Coast, states that Mr. Obama won in 2008. They did not need to spell out the implications.

“The maps were on the table,” said Khary Cauthen, director of federal relations for the petroleum group and a White House environmental adviser in the Bush administration. “One of the C.E.O.’s had a whole spiel he was going to do, ‘This is so bad here, so bad there,’ but Daley shut him up. He was like, ‘I got that.’ ”

John Engler, the former Republican governor of Michigan and president of the Business Roundtable, noted the burden to state and local officials. “I told him, ‘When there’s a cloud over your head about whether you’re going to be able to meet the new standard, you’re likely to lose new business to some other state,’ ” Mr. Engler said.

Mr. Daley was well aware of state and local concerns. One of the strongest appeals came from North Carolina, a state Mr. Obama narrowly won in 2008. The state’s governor, Beverly Perdue, a Democrat, argued against the new ozone rule. Her air quality director, B. Keith Overcash, wrote the E.P.A. pleading for a delay. “Lack of employment, loss of health care, and in some cases, loss of a home, also affect the health of our citizens,” he said.

“The governors had a big role,” Mr. Engler said. “They were very helpful.”

A few hours later, the other side gathered around the same table in the Roosevelt Room. Mr. Daley, Mr. Sunstein and Gina McCarthy, the top clean air official at the E.P.A., sat at the table; a half-dozen more junior aides lined the walls.

Charles D. Connor, president of the American Lung Association and a childhood friend of Mr. Daley’s, opened by discussing the adverse health impacts of ozone. He introduced Monica Kraft, a pulmonologist at Duke University and the president-elect of the American Thoracic Society.

“I told them that we thought a 70 p.p.b. standard was appropriate for health reasons and laid out the statistics on deaths associated with progressively higher levels of ozone,” Dr. Kraft said. She emphasized the damage smog does to the lungs of even healthy young children.

Mr. Daley listened politely, then asked, “What are the health impacts of unemployment?” It was a question straight out of the industry playbook.

Another member of the group introduced polling data showing strong public support for tougher air rules. Mr. Daley cut him off with an expletive, saying he was not interested in polls.

Daniel J. Weiss of the Center for American Progress presented data showing little difference in employment and economic growth in areas required to adopt stricter ozone standards than those that did not. Mr. Daley nodded but said nothing.

As the meeting was breaking up, Mr. Daley said, “As you know, it’s a very difficult economic time.”

Still, the group left believing that the rule would go forward.

The Decision

The timing turned out to be terrible. The White House was locked in an ugly battle with Republicans over raising the debt ceiling, job creation had stalled and the presidential campaign was already under way with a singular focus on Mr. Obama's stewardship of the foundering economy. The president was preparing a speech on job creation to a joint session of Congress even as he was considering a regulation that many – including governors of politically pivotal states like North Carolina and Ohio – warned could cost thousands of jobs.

For the next two weeks, none of the parties, including the E.P.A. leadership, heard anything from the White House about ozone. Mr. Obama returned to Washington from vacation near the end of August with a heavy menu of economic decisions before him. He wanted the ozone matter behind him and called Ms. Jackson into his office on Sept. 1 to break the news.

"There was always a notion that they were looking for a regulation to use as an example of the reform initiative, a poster child, and this was potentially it," said a senior E.P.A. official who asked not to be identified on a matter involving discussions with the White House. "We knew one was coming. We just didn't know which one."

Since Mr. Obama took office, Mr. Sunstein's agency has reviewed more than 1,800 rules. Most were approved with some changes and set into law. About 130, including 11 from the E.P.A., were voluntarily and quietly pulled back for further work.

Only one – the ozone standard – was so publicly rejected.

Mr. Sunstein would not discuss his communications with the president, but Mr. Obama is known to prefer concisely written memos to long oral briefings. The president's brief public statement turning back the proposed ozone rule closely mirrored Mr. Sunstein's letter to Ms. Jackson.

In an interview, Mr. Sunstein said the rejection of the rule resulted from a long and detailed analysis.

"This decision was made on the merits and not on politics," he said. "There isn't an agreement to do things until the process runs its course. There is sometimes a surprise."

In a letter rejecting her standard, he reminded Ms. Jackson of the president's executive order in January that all proposed regulations "must promote predictability and reduce uncertainty."

Although Mr. Sunstein was not present in the Oval Office when Mr. Obama delivered the news to Ms. Jackson, Mr. Daley was there, but stayed mostly silent.

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

08/03/2011 11:45 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Nancy Stoner, Cynthia Giles-AA, Al Armendariz, Shawn Garvin, Jim Martin, Judith Enck, Seth Oster, Brendan Gilfillan, Alisha Johnson, Andra Belknap, Paul Anastas, Arvin Ganesan, Laura Vaught, Sarah Pallone, Michael Goo

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Subject The New York Times: One Tainted Water Well, and Concern There May Be More

August 3, 2011

One Tainted Water Well, and Concern There May Be More

By IAN URBINA

For decades, oil and gas industry executives as well as regulators have maintained that a drilling technique known as hydraulic fracturing, or fracking, that is used for most natural gas wells has never contaminated underground drinking water.

The claim is based in part on a simple fact: fracking, in which water and toxic chemicals are injected at high pressure into the ground to break up rocks and release the gas trapped there, occurs thousands of feet below drinking-water aquifers. Because of that distance, the drilling chemicals pose no risk, industry officials have argued.

“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 from hydraulic fracturing. Not one,” Rex W. Tillerson, the chief executive of ExxonMobil, said last year at a Congressional hearing on drilling.

It is a refrain that not only drilling proponents, but also state and federal lawmakers, even past and present Environmental Protection Agency directors, have repeated often.

But there is in fact a documented case, and the E.P.A. report that discussed it suggests there may be more. Researchers, however, were unable to investigate many suspected cases because their details were sealed from the public when energy companies settled lawsuits with landowners.

Current and former E.P.A. officials say this practice continues to prevent them from fully assessing the risks of certain types of gas drilling.

“I still don’t understand why industry should be allowed to hide problems when public safety is at stake,” said Carla Greathouse, the author of the E.P.A. report that documents a case of drinking water contamination from fracking. “If it’s so safe, let the public review all the cases.”

Eric Wohlschlegel, a spokesman for the American Petroleum Institute, dismissed the assertion that sealed settlements have hidden problems with gas drilling, and he added that countless academic, federal and state investigators successfully conducted extensive research on groundwater contamination issues.

“Settlements are sealed for a variety of reasons, are common in litigation, and are done at the

request of both landowners and operators,” Mr. Wohlschlegel said.

Still, the documented E.P.A. case, which has gone largely unnoticed for decades, includes evidence that many industry representatives were aware of it and also fought the agency’s attempts to include other cases in the final study.

The report is not recent — it was published in 1987, and the contamination was discovered in 1984. Drilling technology and safeguards in well design have improved significantly since then. Nevertheless, the report does contradict what has emerged as a kind of mantra in the industry and in the government.

The report concluded that hydraulic fracturing fluids or gel used by the Kaiser Exploration and Mining Company contaminated a well roughly 600 feet away on the property of James Parsons in Jackson County, W.Va., referring to it as “Mr. Parson’s water well.”

“When fracturing the Kaiser gas well on Mr. James Parson’s property, fractures were created allowing migration of fracture fluid from the gas well to Mr. Parson’s water well,” according to the agency’s summary of the case. “This fracture fluid, along with natural gas was present in Mr. Parson’s water, rendering it unusable.”

Asked about the cause of the incident, Mr. Wohlschlegel emphasized that the important factor was that the driller and the regulator had not known about the nearby aquifer. But in comments submitted to the E.P.A. at the time about the report, the petroleum institute acknowledged that this was indeed a case of drinking water contamination from fracking.

“The damage here,” the institute wrote, referring to Mr. Parsons’ contaminated water well, “results from an accident or malfunction of the fracturing process.”

Mr. Wohlschlegel cautioned however that the comments provided at the time by the institute were not based on its own research and therefore it cannot be sure whether the incident was in fact caused by other factors.

In their report, E.P.A. officials also wrote that Mr. Parsons’ case was highlighted as an “illustrative” example of the hazards created by this type of drilling, and that legal settlements and nondisclosure agreements prevented access to scientific documentation of other incidents.

“This is typical practice, for instance, in Texas,” the report stated. “In some cases, the records of well-publicized damage incidents are almost entirely unavailable for review.”

Bipartisan federal legislation before Congress would require judges to consider public health and safety before sealing court records or approving settlement agreements.

Dan Derkics, a 17-year veteran of the environmental agency who oversaw research for the report, said that hundreds of other cases of drinking water contamination were found, many of which looked from preliminary investigations to have been caused by hydraulic fracturing like the one from West Virginia. But they were unable to learn more about them.

“I can assure you that the Jackson County case was not unique,” said Mr. Derkics, who retired from the agency in 1994. “That is why the drinking water concerns are real.”

The New York Times was made aware of the 1987 E.P.A. report and some of its supporting research materials by Ms. Greathouse, the study’s lead author. Other records pertaining to the well were obtained from state archives or from the agency’s library.

Some industry officials criticized the research behind the report at the time. Their comments were among the dozens submitted by the industry to the agency.

“It is clear from reading the 228 alleged damage cases that E.P.A.’s contractor was careless in its investigation and presentation of this material,” a letter from the American Petroleum Institute said.

The organization faulted a draft of the report as failing to include enough comment from state regulators and energy companies, and as including cases that were poorly documented or outside the scope of the project. In remarks to the agency at the time, the petroleum institute also emphasized that safeguards in West Virginia had improved because of the incident, which the organization referred to as an aberration and said was potentially caused by a malfunction.

“As described in the detail write-up, this is not a normal result of fracturing, as it ruins the productive capability of the wells,” the institute said about the case.

A spokesman for ExxonMobil, Alan T. Jeffers, was asked about Mr. Tillerson’s comments to Congress in light of the documents relating to the West Virginia case. He said that Mr. Tillerson, whose company is the largest producer of natural gas in the United States, was only echoing what various state and federal regulators had said.

On the issue of sealed settlements, Mr. Jeffers said that investigators and regulators could use subpoenas if they really wanted access to the information.

Improvements in fracking have led to a boom in natural gas drilling, enabling energy companies to tap vast reserves of gas in previously inaccessible shale formations deep underground.

Most drilling experts say that contamination of drinking water with fracking liquids is highly improbable. Even critics of fracking tend to agree that if wells are designed properly, drilling fluids should not affect underground drinking water. Industry officials also emphasize that all forms of drilling involve some degree of risk. The question, they say, is what represents an acceptable level. Once chemicals contaminate underground drinking-water sources, they are very difficult to remove, according to federal and industry studies. One E.P.A. official involved with a current study being conducted by the agency on the risks of fracking on drinking water said the agency encountered continuing challenges to get access to current cases because of legal settlements.

“Our hands are tied,” said the official, who spoke anonymously because he is not authorized to

speak to reporters.

Brendan Gilfillan, a spokesman for the agency, said that it had indeed encountered these barriers but that there were still enough alternate cases to study.

A 2004 study by the agency concluded that hydraulic fracturing of one kind of natural gas well — coal-bed methane wells — posed “little or no threat” to underground drinking water supplies. The study was later criticized by some within the agency as being unscientific and unduly influenced by industry.

Asked about the 1987 E.P.A. report and the West Virginia well, Mr. Gilfillan said the agency was reviewing them closely.

While instances of gas bubbling from fracked sites into nearby water wells have been extensively documented, the drilling industry emphasizes that no such cases exist in which fracking caused drilling liquids to contaminate drinking water.

Both types of contamination can render the water unusable. However, contamination from fracking fluids is widely considered more worrisome because the fluids can contain carcinogens like benzene.

The E.P.A.’s 1987 report does not discuss the specific pathway that the fracking fluid or gel took to get to Mr. Parsons’ water well in West Virginia or how those fluids moved from a depth of roughly 4,200 feet, where the natural gas well was fracked, to the water well, which was about 400 feet underground.

However, state records not included in the agency’s final report show the existence of four abandoned wells nearby that were deeper than the fracked gas well. State inspectors and drilling experts suggested in interviews that the contamination in Mr. Parsons’ well might have been caused when fracking pushed chemicals from the gas well into nearby abandoned wells where the fracking pressure might have helped them migrate up toward the water well.

This well was fracked using gas and water, and with far less pressure and water than is commonly used today.

The Environmental Working Group, a research and advocacy organization, studied the Parsons case extensively over the past year, interviewing local residents and former state regulators as well as reviewing state and federal documents.

The organization found at least four abandoned gas wells within 1,700 feet of the gas well Kaiser drilled on Mr. Parsons’ property and roughly the same distance from the water well. All of these abandoned wells had been plugged with cement and other materials but had some of their casing removed, which is common for such wells, according to state records.

“The evidence is pretty clear that the E.P.A. got it right about this being a clear case of drinking water contamination from fracking,” said Dusty Horwitt, a lawyer from the Environmental

Working Group who investigated the Parsons case.

The risk of abandoned wells serving as conduits for contamination is one that the E.P.A. is currently researching as part of its national study on fracking. Many states lack complete records with the number or location of these abandoned wells and they lack the resources to ensure that abandoned and active wells are inspected regularly.

A 1999 report by the Department of Energy said there were about 2.5 million abandoned oil and natural gas wells in the United States at the time.

Mr. Parsons said in a brief interview that he could not comment on the case. Court records indicate that in 1987 he reached a settlement with the drilling company for an undisclosed amount.

Ms. Greathouse, the former environmental research contractor and the lead author of the 1987 E.P.A. report, said that she and her colleagues had found "dozens" of cases specifically involving drinking water contamination related to fracking. But all but the Parsons case were excluded from the E.P.A. study because of pressure from industry representatives who were members of an agency working group overseeing the research.

The justification for excluding the cases was usually that they lacked sufficient documentation or involved a type of contamination that was outside the scope of the study.

Betsaida
Alcantara/DC/USEPA/US
06/23/2011 05:40 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Seth Oster, Arvin Ganesan, Brendan Gilfillan, Adora Andy, Daniel Kanninen, Nancy Stoner, Jim Martin, Paul Anastas, Shawn Garvin, Judith Enck, Michael Goo

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Subject Clips: Fracking Case Studies Announcement

Here are the articles that have posted so far. I'll send an update in the morning.

- The New York Times: Fracking and Water: E.P.A. Zeroes In on 7 Sites
- Reuters : EPA to study natural gas fracking in 5 US states
- The Republic : EPA's multistate study on hydraulic fracturing includes North Dakota
- Platts: EPA announces sites for fracking study, focuses on the Marcellus
- WTRF: Pa. Sites Included in EPA Studies on Hydraulic Fracturing and Drinking Water
- Shreveport Times: DeSoto Parish included in EPA fracking study
- Waterworld: Hydraulic fracturing case study locations selected

FULL STORIES:

The New York Times: Fracking and Water: E.P.A. Zeroes In on 7 Sites
June 23, 2011, 5:26 pm

By LESLIE KAUFMAN

The Environmental Protection Agency has chosen seven natural gas drilling sites where it will conduct case studies to evaluate the impact of hydraulic fracturing on local drinking water.

Hydraulic fracturing, or fracking, involves freeing of natural gas trapped in shale rock by injecting copious amounts of water at very high pressure. It has become increasingly controversial as companies have turned to drilling horizontally at significant depths. Communities fear that this form of drilling may cause serious environmental damage, particularly if the chemicals enter the drinking water supply. Yet companies, arguing that natural gas is a cleaner energy source than coal, are eager to tap these bountiful underground reserves.

Last year Congress mandated that the Environmental Protection Agency study whether the drilling is damaging the environment and to what extent. After a public review process in which 40 places were considered, the agency chose the case study sites by considering the proximity of drinking water supplies to the fracking activity and by striving for geographic diversity. The E.P.A. says the results will be peer-reviewed and made public, and that the data will be contribute to computer modeling and other efforts to evaluate the drilling's impact.

The agency said that two spots — in Haynesville Shale in DeSoto Parish, La., and Marcellus Shale in Washington County, Pa. — were selected because fracking had not yet begun there. Thus the E.P.A. will be able to study the impact of the process through the entire life cycle of a

gas well.

Five places where hydraulic fracturing has already occurred were also chosen: Bakken Shale in Kildeer and Dunn counties, N.D.; Barnett Shale in Wise and Denton Counties, Tex.; Marcellus Shale in Bradford and Susquehanna Counties, Pa.; a different spot in Marcellus Shale in Washington County, Pa.; and Raton Basin in Las Animas County, Colo.

EPA to study natgas fracking in 5 US states

Reuters

Thu Jun 23, 2011

* Prospective case studies in Pennsylvania and Louisiana

* First results of study to be out next year (Adds details, EPA quotes)

WASHINGTON, June 23 (Reuters) - The U.S. Environmental Protection Agency released on Thursday the locations in five states where it will study the safety of a natural gas drilling technique some blame for polluting water.

The EPA expects the initial results from its study on hydraulic fracturing, or fracking, which was mandated by Congress, will be released by the end of next year.

The agency said it will study fracking in the Haynesville Shale formation in DeSoto Parish, Louisiana, and the Marcellus Shale in Washington County, Pennsylvania.

The EPA said it will monitor "key aspects of the hydraulic fracturing process throughout the lifecycle of a well" at these sites.

It will also do retrospective case studies in North Dakota, Texas, Pennsylvania and Colorado. In those studies, the agency will gather information from reviews, data and information from states, industry and communities.

During fracking, drillers blast pressurized water, chemicals and sand deep underground to break rocks and release the gas or oil that is trapped in them.

The technique has been around for decades, but companies have expanded its use in recent years to extract abundant but hard-to-reach reserves of shale gas.

Environmentalists and some lawmakers want more federal regulation of fracking, but many states say they can handle it themselves.

The case studies were selected by the EPA on criteria including the proximity of people and drinking water supplies to fracking sites. For the retrospective studies, concerns about impaired water quality and health and environmental impacts were also taken into account.

The EPA said its retrospective studies will take place in the following locations:

Bakken Shale - Kildeer, and Dunn Counties, N.D.

Barnett Shale - Wise and Denton Counties, Texas

Marcellus Shale - Bradford and Susquehanna Counties, Pa.

Marcellus Shale - Washington County, Pa.

EPA's multistate study on hydraulic fracturing includes North Dakota

The Republic

AP

June 23, 2011 - 1:58 pm

BISMARCK, N.D. — An area in western North Dakota will be included in a study by the Environmental Protection Agency on potential impacts to water sources from hydraulic fracturing that's used to retrieve oil and natural gas from deep underground.

The EPA said Thursday that it has chosen seven sites for the study, including Dunn County and the Killedeer area in North Dakota.

Hydraulic fracturing, or fracking, is a process using pressurized fluid and sand to break open oil and gas bearing rock.

Other tests sites in the congressionally mandated study are in Texas, Louisiana, Pennsylvania, and Colorado.

The EPA said two sites will study the fracking process throughout the lifecycle of a well. The other five studies, including those in North Dakota, will examine areas where fracking has already occurred.

EPA announces sites for fracking study, focuses on the Marcellus

Washington (Platts)

June 23 2011 3:18 pm

Environmental Protection Agency investigators will fan out to oil and gas shales across the country this summer to start the field work for the agency's study of the effects of hydraulic fracturing on drinking water, EPA said Thursday.

Pennsylvania's Marcellus Shale will get the closet look with three counties -- Washington, in southwestern Pennsylvania and Susquehanna and Bradford, in the northeast corner of the state.

DeSoto County, Louisiana, and Pennsylvania's Washington County will be the two locations where the process of fracking will be examined through the entire lifecycle of the well, EPA said.

Five other counties will be studied to see if drilling has had any effect on water supplies, EPA said.

They include the Bakken shale oil play counties of Killdeer and Dunn in North Dakota, as wells as counties in the Barnett, Marcellus and Raton Basin plays.

Pennsylvania's Washington, Bradford, and Susquehanna counties will be checked for drinking water impacts from fracking, as will Texas' Wise and Denton counties (Barnett), and Las Animas

County, New Mexico (Raton Basin), will all be studied for any effects past drilling has had on drinking water, EPA said.

The study, which was ordered two years ago by Congress, is expected to publish interim conclusions by the end of 2012, with final final results in 2014.

Industry testified in public hearings that it wanted a limited study focused on the direct impacts of hydraulic fracturing deep underground on water aquifers close to the surface. But after four public hearings in shale plays across the country, EPA said it would conduct a wider-ranging study to look at the effects on drinking water through the entire life-cycle of a horizontally drilled, hydraulically fractured shale gas or oil shale well.

Pa. Sites Included in EPA Studies on Hydraulic Fracturing and Drinking Water

WTRF

June 23, 2011 ; 02:08

Some work to begin this summer.

The U.S. Environmental Protection Agency announced June 23 seven case studies as part of the assessment of potential impacts of hydraulic fracturing on drinking water resources.

Three of the case studies will take place in Pennsylvania in the Marcellus Shale.

The studies are the next steps in the agency's Congressionally mandated hydraulic fracturing study.

Sites were selected from among more than 40 nominated through extensive input from a range of stakeholders, according to the agency's media release.

Two of the seven sites were selected as prospective case studies, where EPA will monitor key aspects of the hydraulic fracturing process throughout the life cycle of a well. These areas are located in:

- Haynesville Shale - DeSoto Parish, La.
- Marcellus Shale - Washington County, Pa.

Five retrospective case studies will examine areas where hydraulic fracturing has occurred already for any impact on drinking water resources. These areas are located in:

- Bakken Shale - Kildeer and Dunn counties, N.D.
- Barnett Shale - Wise and Denton counties, Texas
- Marcellus Shale - Bradford and Susquehanna counties, Pa.
- Marcellus Shale - Washington County, Pa.
- Raton Basin - Las Animas County, Colo.

The EPA will begin field work in some of the selected regions this summer.

These case studies are part of a broader information gathering effort leading to a comprehensive

assessment of the potential impacts of hydraulic fracturing on drinking water resources.

Case study selection criteria included proximity of population and drinking water supplies, concerns about impaired water quality (retrospective only) and health and environmental impacts (retrospective only), and knowledge gaps that could be filled by the case study. Sites were prioritized based on geographic and geologic diversity, population at risk, site status (planned, active or completed), unique geological or hydrology features, characteristics of water resources, and land use.

DeSoto Parish included in EPA fracking study

Shreveport Times

Jun. 23, 2011 2:59 PM,

DeSoto Parish is one of two regions in the nation where the U.S. Environmental Protection Agency (EPA) will review hydraulic fracturing as part of a congressionally mandated study.

EPA is assessing potential impacts of the process on drinking water sources.

DeSoto Parish was selected because of its position in the heart of the prolific natural gas play known as the Haynesville Shale. Also included is Washington County, Penn., which is in the Marcellus Shale.

Five "retrospective case studies" will be examined in two other communities in the Marcellus Shale and one each in the Bakken Shale, Barnett Shale and Raton Basin.

"This is an important part of a process that will use the best science to help us better understand the potential impacts of hydraulic fracturing on drinking water," said Paul Anastas, assistant administrator for EPA's Office of Research and Development, in a news release. "We've met with community members, state experts and industry and environmental leaders to choose these case studies. This is about using the best possible science to do what the American people expect the EPA to do -- ensure that the health of their communities and families are protected."

The information gathered from these case studies will be part of an approach which includes literature review, collection of data and information from states, industry and communities, laboratory work and computer modeling. The combination of these materials will allow the EPA to do a more comprehensive assessment of the potential impacts of hydraulic fracturing on drinking water resources.

The study will continue to use the best available science, independent sources of information, and will be conducted using a transparent, peer-reviewed process, to better understand any impacts associated with hydraulic fracturing, the agency's news release states.

Hydraulic fracturing case study locations selected

Waterworld

June 23, 2011

WASHINGTON, DC, June 23, 2011 -- The U.S. EPA has identified seven case study sites as the next step in its congressionally mandated [hydraulic fracturing study](#). The sites will help the agency assess potential impacts of [hydraulic fracturing](#) on [drinking water resources](#). EPA will begin field work in some of the selected regions this summer.

The studies will take place in regions across the country and will be broken into two study groups. The first, comprising two of the sites, will be monitored for key aspects of the [hydraulic fracturing](#) process throughout the lifecycle of a well. These sites are located in Haynesville Shale (DeSoto Parish, LA) and Marcellus Shale (Washington County, PA).

The second group, comprising five retrospective case studies, will examine areas where [hydraulic fracturing](#) has occurred for any impact on [drinking water resources](#). These are located in Bakken Shale (Kildeer, and Dunn Counties, ND); Barnett Shale (Wise and Denton Counties, Texas); Marcellus Shale (Bradford and Susquehanna Counties, PA); Marcellus Shale (Washington County, PA); and Raton Basin (Las Animas County, CO).

EPA will use information gathered from these case studies in conjunction with literature review, collection of data and information from states, industry and communities, laboratory work and computer modeling, to develop a comprehensive assessment of the potential impacts of [hydraulic fracturing](#) on [drinking water resources](#).

The draft study plan and additional information: <http://www.epa.gov/hydraulicfracturing>

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

09/15/2011 03:02 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane
Thompson, Seth Oster, Brendan Gilfillan

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Subject Politico: Jackson: Latest EPA rule delay isn't political

Jackson: Latest EPA rule delay isn't political

By Robin Bravender
9/15/11 2:57 PM EDT

Lisa Jackson said the delay in climate rules for power plants wasn't political, despite speculation that the EPA is backing off on major regulations amid intense pressure from industry and the GOP.

"No, not at all," the EPA chief told California's KQED radio Thursday when asked whether the decision to delay the rule was spurred by politics.

Jackson [said Wednesday](#) that her agency would miss its court-ordered Sept. 30 deadline to issue new greenhouse gas standards for power plants, and EPA sources told POLITICO that the delay on the greenhouse gas standard is due to the agency needing more time to work on the proposal.

Environmentalists involved in the lawsuit were surprised to hear news reports of the delay before the agency contacted them about revising the settlement, but Jackson said she hopes to smooth things over with them.

"I got in a bit of trouble because I hadn't talked to the litigants that we settled that case with, a number of environmental groups," she told KQED. "I don't want to say too much more because I want to make that right with them today."

"I want to have a conversation with them, I want us and them to talk and then we'll talk about a new schedule," she added. "I think we can find a place where everyone agrees we're moving forward."

David Doniger, an attorney at the Natural Resources Defense Council involved in the case, said he cares less how he found out about the delay than about what the EPA is proposing.

"Taking a little more time to get it right is one thing," he said. But "we would be very concerned if this is a long-term punt."

Green groups are looking for the Obama administration to stick to its guns on major environmental rules, especially in the wake of the White House decision earlier this month to pull the plug on EPA's plans to tighten the national smog standard.

"It's up to them to demonstrate that they are sticking with the plan," Doniger said of the climate

rule. "Their credibility is at stake; they need to be able to make commitments and stick by them."

Jackson has been largely mum about her reaction to the decision to pull the smog rule, but she said Thursday that she respected President Barack Obama's decision.

"The president made a tough call and you know, I respect it," she said during the radio interview. "I'm working in this administration and we have a huge green agenda. It is one decision. And we're gonna move forward to make sure that first, we don't miss and lose all the incredible progress we have made under this president."

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

10/20/2011 03:27 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Seth Oster, Brendan Gilfillan, Alisha Johnson, Nancy Stoner, Janet Woodka, Stephanie Owens, Heidi Ellis, Brendan Gilfillan, Laura Vaught, Arvin Ganesan, Michael Goo, Daniel Kanninen, Bicky Corman

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Subject Round 1: Clips on Effluent Guidelines Announcement

The Hill: EPA plans water standards for gas 'fracking'

By: Ben Geman

October 20, 2011

Politico: EPA sets timeline for fracking rule

By Talia Buford

October 20, 2011

Reuters: EPA working on new wastewater rules for natgas

October 20, 2011

Market Watch: EPA to develop natural gas wastewater standards

By: Tennille Tracy

October 20, 2011

AP: EPA: To regulate disposal of fracking wastewater

By: Michael Rubinkam

October 20, 2011

FULL TEXT

The Hill: EPA plans water standards for gas 'fracking'

The Environmental Protection Agency said Thursday that it would craft standards for wastewater produced through extraction of natural gas from shale formations — a booming industry that's drawing fears of water pollution as drilling expands.

The planned rules would apply to natural gas developed from shale and coalbed methane formations.

"No comprehensive set of national standards exists at this time for the disposal of wastewater discharged from natural gas extraction activities, and over the coming months EPA will begin the process of developing a proposed standard with the input of stakeholders — including industry and public health groups," EPA said.

The planned Clean Water Act standards come at a time when Republicans and industry groups are alleging that federal regulations, especially EPA rules, are inhibiting the energy industry and other sectors.

They drew quick skepticism from a member of the Senate's GOP leadership team.

"[EPA] just continues to make it more difficult to develop some of these domestic energy supplies," Sen. John Thune (R-S.D.), chairman of the Senate Republican Policy Committee, told The Hill in the Capitol.

Thune cautioned, though, he was just hearing of the planned rule. "While I would like to give them the benefit of the doubt, based on their track record it is hard to do that," Thune said, predicting the rules will make domestic energy development tougher and costlier.

Increasing development of natural gas through the hydraulic fracturing drilling method — dubbed "fracking" — presents politically tricky challenges for the Obama administration, which is seeking to show it backs development while heeding green concerns.

Fracking involves high-pressure injections of water, chemicals and sand into rock formations, which opens cracks that enable trapped gas to flow. The method, combined with other technologies, is enabling increased production in several regions.

The federal Energy Information Administration estimates that gas from shale formations — which energy companies are increasingly tapping in Pennsylvania, Texas and other states — will account for 47 percent of U.S. gas production in 2035, up from 16 percent in 2009.

EPA took pains Thursday to cast itself as supportive of expanded U.S. natural-gas drilling.

"The president has made clear that natural gas has a central role to play in our energy economy. That is why we are taking steps — in coordination with our federal partners and informed by the input of industry experts, states and public health organizations — to make sure the needs of our energy future are met safely and responsibly," EPA Administrator Lisa Jackson said in a statement.

EPA plans to propose rules for shale gas wastewater in 2014, while the coalbed methane rules will be proposed in 2013.

The agency noted Thursday that while some of the wastewater from shale gas extraction is re-injected or reused, some is transported to wastewater treatment plants.

EPA noted in its announcement that because many plants are not properly equipped to handle the water, the standards would address the condition of the water before it is sent to the plants.

A high-profile *New York Times* investigation [published in February](#) explored concerns that wastewater from gas wells that contains toxic and radioactive substances is reaching plants that aren't designed to treat it, and making its way into waterways.

Rep. Edward Markey (D-Mass.), who has pressed EPA on the issue, cheered the planned rules.

"The EPA is right to heed warnings that the extraction of resources buried deep below the earth can lead to the contamination of the waterways above it," Markey, a senior member of the Energy and Commerce Committee, said in a statement. "The public should not have to choose between increased natural gas production and decreased water quality; we can have both with the right rules in place."

Green groups also welcomed the plan to develop wastewater standards.

"EPA's decision today to pursue pre-treatment standards for flowback water from [hydraulic fracturing] sites is good news for the health of our communities and the environment," said Deb Nardone, who directs the Sierra Club's Natural Gas Reform Campaign.

EPA sets timeline for fracking rule

By Talia Buford
10/20/11 2:10 PM EDT

The EPA plans to solidify rules governing wastewater disposal for shale gas and coalbed methane extraction within three years, the agency announced Thursday.

A proposed rule would be ready for public comment for coalbed methane in 2013 and for shale gas in 2014.

[The rules](#) will represent the latest federal regulatory tightening into the natural gas boom and hydraulic fracturing, and will take into account technology and operational advancements that have made extraction more efficient in recent years. The rules will be a part of the effluent guidelines program, which places limits on the things that can be found in wastewater discharged into public waters.

Currently, there is no national standard that controls wastewater discharged from natural gas extraction.

"We can protect the health of American families and communities at the same time we ensure access to all of the important resources that make up our energy economy," EPA Administrator Lisa Jackson said in a statement. "The American people expect and deserve nothing less."

At a POLITICO Pro Energy breakfast last week, Jackson tried to temper expectations that the rules would be implemented immediately. "It takes three to four years for EPA to do rules like that," she said.

"This will set a national floor so there will not be wastewater treatment plant that doesn't meet minimum standards set federally for discharges," said Deborah Goldberg, managing attorney for Earthjustice.

EarthJustice has sent a number of requests to the EPA since 2009 asking for stronger regulations governing wastewater discharges related to natural gas extraction, Goldberg said.

Current standards prohibit shale gas wastewater from being discharged directly into the nation's waters, though some of the water is reused during the extraction process. The water must be treated first, though some treatment plants aren't equipped to treat the water, according to the EPA.

Coalbed methane wastewater discharges are governed by individual states. The coalbed methane guidelines will be released sooner, the EPA said, because it already has data for that

process to guide the rulemaking process. The same amount of data still needs to be collected on shale gas extraction.

"Industry has been a leader in the effective management of produced water through increased recycling efforts," said Reid Porter, spokesman for the American Petroleum Institute. "We hope to have the opportunity to review the proposals as details come in."

In promulgating the rules, the EPA should look at the amount and content of the wastewater produced at natural gas wells, said Deb Nardone, said Director of the Sierra Club's Natural Gas Reform Campaign.

"EPA's decision today to pursue pre-treatment standards for flowback water from frack sites is good news for the health of our communities and the environment," she said. "Proper treatment of this polluted water is vital to ensure clean drinking water for the millions of Americans that share water with the natural gas industry."

Reuters: EPA working on new wastewater rules for natgas
WASHINGTON Oct 20 (Reuters) - The U.S. Environmental Protection Agency said on Thursday it will develop rules for wastewater produced by shale gas drilling that is sent to treatment plants for disposal, as well as national standards for wastewater from coalbed methane extraction.

The EPA will propose rules for coalbed methane wastewater in 2013, and rules for shale gas wastewater in 2014, Administrator Lisa Jackson said in a statement.

The EPA has found "elevated levels of pollutants" in water because of inadequate treatment, the agency said.

Market Watch: EPA to develop natural gas wastewater standards

WASHINGTON (MarketWatch) -- U.S. officials plan to create new environmental standards for natural gas production and coal bed methane extraction.

The Environmental Protection Agency said Thursday that it plans to propose new rules for wastewater associated with shale gas in 2014 and for coal bed methane extraction in 2013.

The EPA said that some wastewater from shale gas extraction is currently taken to treatment plants that are not equipped to properly handle the wastewater. The agency said that wastewater associated with coal bed methane extraction is not currently subject to national standards for discharge into waterways.

AP: EPA: To regulate disposal of fracking wastewater

ALLENTOWN, Pa. (AP) — Federal environmental regulators say they will develop national standards for the disposal of polluted wastewaters generated by hydraulic fracturing for natural gas.

Also known as fracking, the technique uses millions of gallons of water, along with sand and

chemical additives, to unlock gas in deep shale formations in Pennsylvania, Texas and other states. Its use has increased dramatically in recent years, raising concerns about the potential impact on water quality.

The Environmental Protection Agency announced Thursday that it will draft standards for fracking wastewater that drillers would have to meet before sending it to treatment plants.

The industry already recycles much of the wastewater or injects it deep underground, but some of it is sent to treatment plants that are often ill-equipped to handle it.

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

10/07/2011 05:05 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Seth Oster, Brendan Gilfillan, Arvin Ganesan, Laura Vaught

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Subject CNN: Does clean energy kill jobs?

Does clean energy kill jobs?

By Thom Patterson, CNN

updated 10:29 AM EST, Fri October 7, 2011

-Refiners urge energy policy "based on reality"

-Economist: Clean energy investments create more jobs

-Study: Expanding fossil fuel industry would equal 1.1 million jobs by 2020

-White House pledges to take steps toward "clean energy generation"

(CNN) -- Clashing priorities of jobs versus the environment are provoking questions about how far the nation should go to promote clean energy alternatives like solar and wind power.

"The actual debate happening in the United States is not hard to understand," wrote Matthew Yglesias on the Center for American Progress Action Fund's blog. "We're having an argument about whether doubling-down on fossil fuel extraction or promoting efficiency and renewal energy would be better economic policy."

Each side has its experts. On one hand, economists at the University of Massachusetts believe large-scale investment in clean energy would create about three to four times as many jobs as the same money would in fossil fuel industry.

On the other hand, expanding development of oil and natural gas resources would create 1.1 million jobs and \$127 billion in government revenue by 2020, according to a new Wood Mackenzie study cited by the American Petroleum Institute.

Those numbers could benefit the nation's budget and some of America's 14 million unemployed.

Charles T. Drevna of the National Petrochemical & Refiners Association summed up his stance in an editorial for the Washington political web site, The Hill: "It's time for America to develop an energy policy based on reality rather than ideology, grounded in what works rather than in hopes and dreams."

As political pressure rises inside the White House to slash unemployment, Courtney Hight -- a former member of the White House Council on Environmental Quality -- says she doubts now whether President Obama is "seeing the opportunity for job growth within some of these clean energy standards and policies."

Defending Obama's environmental record, White House spokesman Clark Stevens pledged the administration "will continue to take steps to meet the president's important goals of protecting the health of our families, increasing our nation's clean energy generation, reducing our reliance on foreign oil, and supporting American industries and innovation."

Criticism of Obama's clean energy initiatives resulted in the resignation of an administration energy official this week after solar panel maker Solyndra -- which got about a half billion dollars in federal loan guarantees -- went bankrupt. On Thursday, Obama defended government help for clean energy companies because they're "part of that package of technologies of the future that have to be based here in the United States." The president said Europe and China are outpacing the U.S. in clean energy because their governments are offering incentives. Many smaller U.S. clean energy companies, he said, find it difficult to find private investors.

Nonetheless, environmentalists say they're worried about other clean energy issues. The State

Department is poised to decide later this year whether to approve a permit for a Canadian company to build a new oil pipeline from Alberta, Canada, to Texas, which supporters say will increase jobs and energy independence.

In a move last month that angered much of the environmental community, Obama decided to delay implementing EPA rules limiting smog from vehicles, power plants and factories. Business leaders applauded the decision, saying the rules would have killed jobs.

So, what do Americans think? Most (63%) say developing alternative energy sources should be a higher priority than expanding fossil fuel exploration and production, according to a Pew Research Center study. For so-called "main street Republicans," that number is 66%.

Less than half (48%) of all Americans believe global warming is a proven fact caused mostly by cars, power plants and factories, according to a CNN/ORC poll. For self-described independent voters, that number is 38%.

"There's really no evidence at all that most people see a conflict between environmental protection and job creation in fact in many ways they see them going hand in hand," said Democratic pollster Mark Mellman.

As for Election Day politics, Obama is unlikely to lose many votes over his environmental record, Mellman says, because most environmentalists will find themselves with few acceptable alternatives.

Obama's 2012 GOP rivals include candidates who doubt that climate change is real and who favor eliminating the EPA. What Obama does risk is voter turnout and enthusiasm -- key factors that helped him win in 2008.

To what extent will clean energy advocates try to convince their friends, relatives, co-workers and colleagues at the water cooler or at cocktail parties or barbeques that they ought to vote for the president?

"I think many of them will," says Mellman. "The question is, how many of them will? And I think that is influenced to some extent by the administration's policy decisions."

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

11/28/2011 10:23 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Seth Oster, Gina McCarthy, Brendan Gilfillan, Arvin Ganesan, Laura Vaught, Janet Woodka, Daniel Kanninen, David Bloomgren, Jose Lozano, Alisha Johnson, Andra Belknap, Michael Goo, Bicky Corman, Scott Fulton, Avi Garbow

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Subject Politico: Ready or not, here MACT comes

Ready or not, here MACT comes

By Erica Martinson

11/28/11 5:33 AM EST

Most energy companies are prepared to meet the EPA's upcoming mercury and air toxics rule for power plants, a [study](#) to be released Monday says.

The Clean Energy Group, a coalition of utilities in favor of the EPA's regulations, is releasing the updated report assessing the impact of the agency's utility MACT rule on the reliability of the electric grid. The rule is due Dec. 16.

Thirty companies, including Ameren, Constellation, Exelon and NextEra, are quoted in the report — mainly based on corporate quarterly earnings calls this year — as saying they will be able to meet the EPA rule deadlines without problems. Many of the companies say they have been planning for this eventuality for nearly a decade, and others say increased demand stemming from likely coal plant retirements will bolster their profits.

The report argues against a number of contentions that critics have made about the EPA's air rules, including claims that the rules don't allow enough time for plants to upgrade or shut down; that they don't take power reliability concerns seriously; that the rules will be too expensive; or that the rules will leave power customers in the dark.

The EPA's stringent new rule to cut toxic emissions from power plants is expected to be costly for many companies, and too costly for numerous old coal-fired power plants. Most of those plants will be retired in the three-year period allowed to implement the rule.

But some utility critics and energy planners have [charged](#) that the EPA has not done enough to consider whether the rule, along with other upcoming regulations, could affect the ability of power plants to deliver electricity to customers, particularly during peak demand periods.

On the contrary, though, the new report argues that 38 gigawatts of generating capacity is under construction, which will bolster capacity in the face of coal plant shutdowns. While those could typically take two to four years to develop, "demand side resources (e.g., emergency generators)" could be brought online in much shorter time frames if necessary.

Beyond that, the report says the EPA has plenty of authority under the Clean Air Act to allow unit-by-unit extensions of one year to install pollution controls. The EPA has done it before, the report says, noting plants in Maine, North Carolina, Iowa and Washington that were given 10- to 12-month extensions to comply with previous air toxics rules.

Beyond a four-year time frame, the report says, the EPA could enter into consent orders or consent decrees with power plant operators to allow more time to install the controls.

The report also says corporate earnings statements show that at least 30 power generating companies, including 11 of the top 15 largest coal fleet owners in the U.S., have assured investors that they “are well positioned to comply [with EPA air rules] because of earlier investments in their fleets.”

And the report says critics’ contentions that EPA rules will lead to mass power outages are incorrect.

Beyond allowing additional time for plants that are key to some power grids, the report says that reserve margins — capacity above actual used power — are well above targets for most FERC regions. All regions have at least 5 percent additional gigawatts of reserve margin projected for 2014, the report says.

To read and comment online:

<https://www.politicopro.com/go/?id=7526>

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

08/25/2011 02:47 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Diane Thompson, Seth Oster, Shawn Garvin, Al Armendariz, Jim Martin, Nancy Stoner, Paul Anastas, Cynthia Giles-AA, Brendan Gilfillan, Alisha Johnson, Andra Belknap, Arvin Ganesan, Laura Vaught, Michael Goo, Daniel Kanninen, Gina McCarthy, Bicky Corman

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Subject WSJ: SEC Bears Down on Fracking

SEC Bears Down on Fracking

Wall Street Journal

By DEBORAH SOLOMON

WASHINGTON—The Securities and Exchange Commission is asking oil and gas companies to provide it with detailed information—including chemicals used and efforts to minimize environmental impact—about their use of a controversial drilling process used to crack open natural gas trapped in rocks.

The federal government's investor-and-markets watchdog is stepping into the heated environmental debate surrounding hydraulic fracturing, or "fracking," according to government and industry officials, even as state and federal environmental officials have begun to bring greater pressure on the industry. The process, which involves pumping water, chemicals and sand underground to free difficult-to-reach natural gas in shale basins, has come under criticism from environmental groups and some lawmakers over concerns toxins in the mix may contaminate air and water.

The SEC move shows the broad interest among Washington regulators in taking a closer look at fracking and suggests companies that are betting billions of dollars on the technology will increasingly need to weigh disclosing techniques they often consider proprietary. Battles over disclosure have already broken out at the state level, including in states such as New York and Pennsylvania that sit on the giant Marcellus Shale, an underground formation that has become a fracking hotbed because of the large quantities of natural gas there. Just last week, Noble Energy Inc. paid \$3.4 billion for a stake in developing 663,350 acres there.

Regulators in several states have identified cases in which drilling—although not necessarily the fracturing process in particular—has allowed natural gas to seep into residential water wells, and at least one scientific study has linked drilling and gas contamination more broadly. But there have been few if any documented cases of contamination by the chemicals used in hydraulic fracturing. The industry acknowledges that improperly constructed wells can allow gas to escape, but says such cases are rare and aren't directly tied to fracturing itself.

In the past, the SEC has trained its attention on other areas of concern, such as subprime mortgages and credit-default swaps, and has asked companies to provide additional information to investors. Government officials said the SEC's interest in fracking is in ensuring investors are being told about risks a company may face related to its operations, such as lawsuits, compliance costs or other uncertainties. Other federal agencies like the Environmental Protection Agency are collecting information about fracking, but those efforts are separate from the SEC.

For the moment, the SEC isn't requiring broad, standardized disclosure of fracking information to the public. Instead, oil and gas companies are being asked by the agency's office that oversees corporate disclosure to supply information confidentially to the SEC, and the agency, in turn, will likely require them to publicly disclose some of that information, according to government officials.

"If there's something in [a company's] field of operation that creates uncertainty, that's something they may want to talk about" with investors, said a government official.

The SEC's requests drew criticism from some in the industry about potential regulatory overkill.

"While our industry absolutely supports common sense disclosure and transparency measures, such duplicative inquiries that may fall outside of an agency's core mission, are troubling and counter to what our nation needs at this time," said Kathryn Klaber, president of Marcellus Shale Coalition, an industry group.

An SEC spokesman said "in the course of our filing reviews staff will ask questions related to the areas disclosed in the company's filings." The EPA didn't respond to requests for comment.

The SEC's foray into the issue comes as the Obama administration is trying to find a middle ground between environmental concerns over fracking and an industry that is creating jobs and increasing domestic supplies of an alternative energy source to coal. Natural gas currently provides about 25% of total U.S. energy and is projected to increase to 45% by 2035, according to the U.S. Energy Information Administration. In addition to a fracking study being conducted by the EPA, the Department of Energy and the Interior Department have also been examining the practice. Some states have fined drilling companies for environmental problems.

For securities regulators, two recent energy-related disasters are fresh in their minds: the crippling of Tokyo Electric Power Co.'s Fukushima Daiichi nuclear-power plant in March and last year's BP PLC oil spill in the Gulf of Mexico. In both cases, some investors were surprised at the risk to which the companies were exposed, and their share prices fell sharply.

The SEC's questions in recent letters include which chemicals are being injected into the ground, what companies are doing to minimize water usage and what steps they are taking to minimize environmental impact, according to copies reviewed by The Wall Street Journal.

The questions are already prompting some companies to disclose more. SandRidge Energy, a small, Oklahoma company, beefed up disclosure related to fracking operations after the SEC asked a series of questions in connection with a public offering of a trust SandRidge completed last week. For instance, the company said in a recent financial filing that its fracking fluid contains 99% fresh water, and the remainder includes the food additive guar, enzymes and other chemicals, which it didn't name.

Fracking fluids include some toxic chemicals, based on company disclosures of chemicals such as benzene and formaldehyde for congressional reports and at voluntary disclosure sites.

Kevin White, senior vice president of SandRidge, said "responding to those comments would be easier than what other companies might face" because the firm doesn't use many chemicals in its fracking fluid.

Industry representatives said much depends on how specific the SEC wants companies to be and cautioned they would resist revealing proprietary information.

"While we support disclosing our ingredients, it is critical to our business that we protect our proprietary information, including the recipes of our products," said spokeswoman Tara Mullee Agard of Halliburton Co., one of the largest providers of hydraulic-fracturing services to the energy industry.

Already some companies have said they will voluntarily publicize their chemicals online at FracFocus.org, and several states, including Wyoming, Texas and Arkansas, have recently passed mandatory disclosure rules. The companies will make the information public through state registries.

Fracking is primarily regulated by states and is largely exempt from some federal statutes, such as the Safe Water Drinking Act. The EPA's study on whether fracking affects drinking water is to be released at the end of 2012. For the study, nine companies provided information on the chemicals they use after an agency request last year.

The SEC has also been investigating whether companies are overstating the long-term productivity of their natural-gas wells and has issued subpoenas to at least two firms, according to company financial disclosures earlier this month. The agency subpoenaed Quicksilver Resources Inc. and ExCo Resources

Inc. The New York attorney general's office, meanwhile, has also issued subpoenas this month to various companies, including Range Resources Corp., Goodrich Petroleum Corp. and Cabot Oil & Gas Corp., over their estimates.

Jim Smith, a partner at Houston law firm Porter Hedges LLP specializing in environmental law, questioned whether the type of fracking information the SEC is requesting is material to a company. "I have not heard of companies in relatively recent times having significant environmental liabilities associated with hydraulic fracturing that in any way affected their reported worth," he said.

Investors, including the \$129.4 billion New York State Common Retirement Fund, have begun agitating for enhanced disclosure of fracking operations over the past few years and have successfully included shareholder proposals at 16 companies. Though none have passed, proponents at Chevron Corp. got 41% support, backers at Exxon Mobil Corp. got 28% and Williams Cos. holders got 42%. Some companies, such as Williams and Cabot, have increased disclosure of their fracking operations as a result of the proposals.

New York State Comptroller Thomas P. DiNapoli, who runs the New York State Common Retirement Fund, said some companies drilling in the Marcellus Shale in Pennsylvania have had to pay large fines and suffered reputational damage over fracking problems. Chesapeake Energy and Cabot have paid fines there. "Only through appropriate disclosure do you get the information you need to make informed and sound investment decisions," he said.

**Betsaida
Alcantara/DC/USEPA/US**
12/13/2011 03:17 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Gina
McCarthy, Diane Thompson, Arvin Ganesan, Laura Vaught,
Brendan Gilfillan, Seth Oster, Janet Woodka, Daniel
Kanninen, Michael Goo, Bicky Corman, Avi Garbow, Scott
Fulton
cc
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Subject NPR Morning Edition: EPA To Unveil Stricter Rules For
Power Plants

In case you haven't seen this yet, this is a great piece NPR ran this morning ...

NPR Morning Edition: EPA To Unveil Stricter Rules For Power Plants

December 13, 2011

NPR

More than 20 years ago, Congress ordered the Environmental Protection Agency to regulate toxic air pollution. It's done that for most industries, but not the biggest polluters — coal and oil-burning power plants.

The EPA now plans to change that later this week, by setting new rules to limit mercury and other harmful pollution from power plants.

When Congress first told the EPA to regulate toxic air pollution in 1990, pediatrician Lynn Goldman was investigating the impact of mercury from mining operations on Native American families living near a contaminated lake.

"We had children that had levels that were many times higher than levels that are considered to be safe," Goldman says.

Their families caught and ate a lot of local fish, and Goldman says she had to advise them to stop. The fish had too much mercury.

From The Plant To Plate

Goldman, now dean of George Washington University's school of public health, says mercury damages children's developing brains, impairing their verbal ability.

Mercury from mine tailings, medical waste and especially air pollution adds up. It accumulates in the food chain, mostly in fish; pregnant mothers pass it to their children. Studies suggest hundreds of thousands of babies each year are born with high mercury levels.

"Children who live closest to the plants are most affected by them," Goldman says.

Goldman headed the EPA's toxics office during the Clinton administration and worked on limiting mercury. It wasn't easy, and she says the power industry and its supporters resisted.

"I think from day one everybody knew that regulating mercury from especially power plants wasn't going to be easy," she says. "I don't think anybody thought that today, 21 years later, we would still be in a position where this had been controlled."

New Rules

When President George W. Bush took office, the power industry persuaded his EPA to adopt soft limits on mercury, but federal courts said that regulation was too weak, so it never went into effect.

Now, the court has set a deadline of Friday for the EPA to issue a new rule. The language the EPA wants would require quick action, stating that within three years, power plants that burn coal would have to cut more than 90 percent of the mercury from their exhaust.

They'd also have to slash arsenic, acid gases and other pollutants that cause premature deaths, asthma attacks and cancer. But even now, some power companies have been furiously fighting the EPA's rule — especially its deadlines.

"It's physically impossible to build the controls, the generation, the transmission and the pipelines needed in three years," says Anthony Topazi, chief operating officer for Southern Company, which provides electricity to nearly 4 million homes and hundreds of thousands of businesses in the Southeast.

Topazi says electricity rates will go up, putting marginal companies out of business. He says unless his company gets six years, it will not be able to keep the lights on.

"We will experience rolling blackouts or rationing power if we don't have simply the time to comply," Topazi says.

Paul Allen, senior vice president of Constellation Energy, says that's not his company experience. Constellation installed controls for mercury and other pollutants on its big power plant outside Baltimore, and he says it took a little more than two years. At the peak of construction, it put 1,300 people to work as well.

"We don't believe jobs will be destroyed, and we do think that it's time to get on with this work," Allen says.

Allen says the power industry had plenty of warning that this was coming.

About a dozen states — Massachusetts for example — have already required power plants to clean up mercury.

Ken Kimmell, the commissioner of the Massachusetts Department of Environmental Protection, says though power plants in his state have slashed mercury pollution, his department still has to advise people not to eat fish caught in streams and lakes.

"The mercury levels in the fish are still too high for it to be safe to eat and that's because we're still receiving an awful lot of mercury from upwind power plants," Kimmell says.

Those upwind power plants are in other states, and Kimmell says that's why it's so important for the EPA this time to adopt strong nationwide rules with tough deadlines, despite all the political pressure its under not to do so.

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

10/05/2011 11:57 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Gina McCarthy, Laura Vaught, Arvin Ganesan, Brendan Gilfillan, Seth Oster, David Bloomgren, Andra Belknap, Alisha Johnson, Diane Thompson, Daniel Kanninen

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Subject BLOOMBERG: Maryland Cement Plant Meets EPA Rule Industry Says Can't Be Met

Maryland Cement Plant Meets EPA Rule Industry Says Can't Be Met

2011-10-05 04:00:02.1 GMT

By Mark Drajem

Oct. 5 (Bloomberg) -- Lehigh Hanson Inc. wants to head off U.S. pollution rules it says industry can't meet. At a plant in Union Bridge, Maryland, the cement maker has pledged to achieve required mercury standards a year ahead of a 2013 deadline. Lehigh, the U.S. unit of HeidelbergCement AG, is among companies lobbying for legislation scheduled to be debated today in the Republican-led House that would require the Environmental Protection Agency to scrap and rewrite regulations on cement plants, one of the biggest sources of toxic mercury emissions. Meeting the EPA's deadline would cost \$3.4 billion and may lead to shutting down 18 of about 100 U.S. cement plants, according to the Portland Cement Association, a trade group. The EPA says the cost would be no more than \$950 million, and environmental organizations say the industry's claims are belied by actions such as Lehigh's plans in Maryland.

"Cement plants can reduce their emissions when they want to," James Pew, a staff attorney at EarthJustice in Washington, who filed lawsuits pushing for the regulation, said in an interview. "The argument that they can't is purely for political consumption."

In addition to the cement rules to be considered today, the House has on its agenda this week a measure to put off for 15 months EPA regulations for industrial boilers, used at paper plants, hospitals and schools. President Barack Obama's administration issued a veto threat for both measures on Oct. 3.

Behind Coal Plants

Cement plants melt limestone and other minerals to go into concrete, used in roads, bridges and buildings, at temperatures that can exceed 3,000 degrees Fahrenheit (1,649 degrees Celsius), generating mercury pollution that ranks second behind that from coal-fired power plants, according to the EPA.

Mercury, typically ingested by eating contaminated fish, poses the biggest risk to fetuses and children, in whom it can cause long-term damage to thinking, memory and the nervous system, according to the agency.

The EPA rules also mandate cuts in acid gases, sulfur dioxide and particulate matter, which may require different control technology.

Lehigh pledged in 2009 to cut mercury emissions from its

plant in Union Bridge to 86 pounds a year from 400 pounds a year. The agreement with state regulators calls for the facility, located about 40 miles (64 kilometers) from Baltimore, to meet the EPA's standards a year in advance of the federal deadline.

Limestone Quarries

The company is still figuring out how it will deliver on that pledge, and the solution can't simply be replicated from plant to plant, according to Tom Chizmadia, senior vice president for government affairs for the division of HeidelbergCement of Heidelberg, Germany. The company employs 12,000 people in North America.

"Mercury ties back to the composition of the limestone," which is usually drawn from a quarry nearby, Chizmadia said in an interview. "And not all the plants have mercury as their biggest issue. There is no single technology" to meet all the pollution standards, he said.

As it lobbies to get the EPA rules rolled back, the company is working to meet the pollution standards at each of its 11 U.S. plants, he said.

For its cement plant in Cupertino, California, the company installed a carbon-injection system this year, which it said in a letter to local officials would reduce mercury emissions by 30 percent.

Lehigh isn't alone in acting to meet standards it wants Congress to invalidate.

879 Pounds

Ash Grove Cement Co.'s plant in Durkee, Oregon, was the nation's largest emitter of mercury from cement plants, with 879 pounds sent up its smokestack last year, according to EPA data. The company, which supports the House legislation, spent \$20 million on activated-carbon injection equipment that would remove 90 percent of the mercury from its emissions, according to Jacqueline Clark, a spokeswoman.

"We did it proactively, voluntarily ahead of the EPA rule-making," Clark said in an e-mail.

The Portland Cement Association, based in Skokie, Illinois, is lobbying to block the EPA rules on behalf of companies such as Cemex SAB, the largest producer of cement in the U.S., and Holcim Ltd.

Time to Comply

"We're not averse to being regulated, but the rules need to be achievable and we need time to comply," Jason Morin, the U.S.-based vice president for environmental and government affairs for Holcim of Jona, Switzerland, said in an interview.

"And it's coming at a time that is difficult for us as an industry."

House Speaker John Boehner, an Ohio Republican, invited Spencer Weitman, president of National Cement Co. of Alabama, to be his guest when Obama addressed Congress on Sept. 8. The company blamed the EPA rules for its decision to suspend a \$350

million expansion project.

Contractors, road builders and unions, such as the United Brotherhood of Carpenters and Joiners of America, also support the House legislation, saying the EPA rules will raise their concrete costs as they struggle to recover from the housing collapse and recession.

"Cement is the lifeblood of our industry," Sean Thurman, senior manager for policy at the Associated Builders and Contractors Inc. in Arlington, Virginia, said in an interview. The rules "would reduce domestic production and create gaps in supply."

The cement legislation is H.R. 2681.

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10/13/2011 01:00 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Janet Woodka, Alisha Johnson, Andra Belknap, Diane Thompson, Daniel Kanninen, Arvin Ganesan, Laura Vaught
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Subject Media Matters: Fox News' War On The EPA

Fox News' War On The EPA

4 hours and 14 minutes ago —

Harmonizing with the Republican agenda, Fox News and Fox Business have launched a full-scale attack on the Environmental Protection Agency (EPA), labeling the agency "job terrorists" who are "strangling America." What follows is a list of Fox's top 10 lies about the EPA this year.

Fox's Attacks On EPA Coincide With Republican Agenda

Fox's *Regulation Nation* Series Aired After GOP Launched "Regulation Nation" Website.

In mid-September, Fox News and Fox Business began a series of segments critical of government regulations under the banner *Regulation Nation*. The series title echoes the House Republican Conference, which has had its own "Regulation Nation" website since at least June. [GOP.gov, accessed [10/4/11](#)]

Fox's *Regulation Nation* Coincided With Start Of Republican Anti-Regulatory Push.

In an August 29 memo, House Majority Leader Eric Cantor (R-VA) identified ten "job-destroying regulations" that will be the targets of the Republican legislative agenda in the coming months. Seven of the ten are EPA rules. The memo indicated that September 12 would be the start date for Republicans' anti-regulatory push - the same day Fox launched its *Regulation Nation* series. [Majorityleader.gov, [8/29/11](#)] [*Media Matters*, [9/12/11](#)]

Push For Fox Regulation Series Reportedly Came From The Top. In a story for *Newsweek*, Howard Kurtz quoted Fox News president Roger Ailes -- who worked as a Republican consultant for decades before transitioning to television -- stating that he was behind the network's *Regulation Nation* series:

Ailes raises a Fox initiative that he cooked up: "Are our producers on board on this 'Regulation Nation' stuff? Are they ginned up and ready to go?" Ailes, who claims to be "hands off" in developing the series, later boasts that "no other network will cover that subject ... I think regulations are totally out of control," he adds, with bureaucrats hiring Ph.D.s to "sit in the basement and draw up regulations to try to ruin your life." It is a message his troops cannot miss. [*Newsweek*, [9/25/11](#)]

GOP Launched Anti-EPA Offensive After 2010 Midterm Elections. *National Journal*

reported on Republicans' decision to target EPA regulations after the midterm elections:

Once they determined to fight the new rules, coal companies banded together with the Republican Party to strategize, and the 2010 midterm elections offered the perfect battleground. The companies invested heavily in campaigns to elect tea party candidates crusading against the role of Big Government. Industry groups (like the U.S. Chamber of Commerce), tea party groups with deep ties to polluters (like Americans for Prosperity), and so-called super PACs (like Karl Rove's American Crossroads) spent record amounts to help elect the new House Republican majority.

The House freshmen, the influential super PACs, and now the 2012 presidential candidates have all put EPA's "job killing" regulations in their sights as part of an all-out political and legislative offensive against the agency.

[...]

The House leaders listened. House Government Oversight Chairman Darryl Issa sent letters to executives asking them to list the government regulations that would most harm job growth. EPA regulations topped most lists. Planning their agenda, Speaker John Boehner and Cantor decided that bills defunding and reversing EPA's regulatory authority would hit the floor early and often. Even if few of them had a chance to become law, thanks to a Democratic-controlled Senate, they would be political winners. [*National Journal* , [9/22/11](#)]

House Republicans' Budget Proposal Took Direct Aim At EPA's Budget. From a February 14 ClimateWire article on House Republicans' continuing resolution:

First on the House GOP's chopping block: U.S. EPA. The proposed CR takes direct aim at the agency and its role as the cornerstone of the Obama administration's twinned efforts to regulate CO2 emissions and boost climate change-related research.

The new bill would slash the agency's budget by \$3 billion, 29 percent below the fiscal 2010 level of \$10.3 billion. It would also block funds for all current and pending EPA greenhouse gas regulations on stationary sources for the remainder of the fiscal year. [ClimateWire, [2/14/11](#), via NYTimes.com]

**Betsaida
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03/17/2011 04:36 PM

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Subject Reuters: In Its Crusade Against EPA Climate Rules, Has the GOP Gone Too Far?

In Its Crusade Against EPA Climate Rules, Has the GOP Gone Too Far?

March 17, 2011

11:25am EDT

To the puzzlement of many, House Republicans keep using congressional hearings to spread falsehoods that depict EPA as intent on killing U.S. agriculture

By Elizabeth McGowan

WASHINGTON—Lately, the amount of time House Republicans have dedicated to crying over spilled milk would make even the casual observer suspicious.

Fortunately, EPA Administrator Lisa Jackson is savvy enough to detect that particular brand of crocodile tears unique to Capitol Hill.

However, she still might have to consider changing her title to chief EPA mythbuster if representatives keep using congressional hearings as a forum to boo-hoo to her about cooked-up regulations they know are fallacies yet continue to insist her agency is preparing to promulgate.

Though she sometimes cracks a knowing smile from the witness chair, Jackson is always her gracious, measured and down-to-earth self when she patiently explains to one committee or another that the Environmental Protection Agency does not now — and will not in the future — regulate cow flatulence, farm dust or milk spilled on dairy farms.

Those familiar with the hearing room-as-theater scenario in the nation's capital are accustomed to these sorts of ploys. But even hardened veterans are questioning why Republicans are persisting with this sideshow act when they have created a serious firestorm on center stage by trying to slash EPA's budget by one-third for the remainder of the fiscal year and threatening to prevent Jackson from deploying the Clean Air Act to curb emissions from heat-trapping gases.

Environmental law professor Pat Parenteau, who specializes in Congress and the EPA, is mortified by what he's seeing and hearing.

"Not only is it a circus, it's hypocrisy on stilts," he told SolveClimate News in an interview. "It reminds me of the kids in grade school who like to throw spitballs when the teacher's back is turned."

Parenteau thought Jackson summed up the GOP's antics perfectly when she told the House Agriculture Committee March 10: "These mischaracterizations are more than simple distractions. They prevent real dialogue to address our greatest problems."

Repetition Creates Truths

Republicans appear to be subscribing to the school of thought that if you repeat anything enough times, it becomes an accepted truth. Just as the "estate tax" morphed into the "death tax," they are relentless in trying to classify EPA as an activist agency.

What better way to depict that supposed overstepping than depicting EPA authorities as intent on killing American agriculture by forcing farmers to rein in dust loosened by a plow, milk accidentally dumped from a collection tank, or gas that cows emit from both ends?

Don Carr, a Washington-based spokesman for the Environmental Working Group, has heard all three of these fabrications over and over. Like other green organizations, his employer works to dispel lies that he calls "creations of agricultural lobbies that are fearful of any type of regulation."

During her recent committee appearances, Jackson has told her accusing questioners that EPA has not proposed a rule to regulate farm dust. At the March 10 hearing before the agriculture panel, she explained once again that a lobbyist created the oft-derided myth of a "cow tax" back in 2008. The nonpartisan FactCheck.org has exposed that as a sham, Jackson said.

A March 3 exchange with Rep. Jeff Flake was just one of the times Jackson has debunked the idea that the animal fats in spilled milk would be regulated just like leaked oil as part of the Spill Prevention, Control

and Countermeasure rule.

"What's next? Sippy cups in the House cafeteria?" the Arizona Republican asked Jackson sarcastically. "Is this not overreach?"

Jackson responded that while misinformation campaigns often accuse the EPA of overreaching, dairies are indeed off the hook when it comes to designing plans for milk spills. In this case, she said, one of the latest claims about spilled milk regulations appeared in a January 27 Wall Street Journal editorial that contained numerous inaccuracies. Mysteriously, she added, the newspaper has yet to publish a letter to the editor from her agency that corrects those errors.

A draft final exclusion exempting milk storage tanks from the spill rule is on file at the White House, Jackson said, and it will be acted upon this spring.

During a particularly nasty line of inquiry at the March 10 hearing, Illinois Republican Rep. Tim Johnson told Jackson that her agency has been "absolutely the poster child ... for usurpation of legislative authority."

When Johnson asked Jackson if she even had a background in agriculture, she deadpanned: "I eat food and I eat meat and I drink milk."

Both Carr and Parenteau pointed out that agribusiness is one of the least regulated entities on the environmental front. Corporate farms in the Corn Belt, they say, are terrified that the limited anti-pollution measures being asked of their Mid-Atlantic brethren via the Clean Water Act to help restore the Chesapeake Bay might be duplicated across the Midwest and Great Plains.

Getting Down to Business?

When Republicans gained a robust majority in the House after the November midterm election, everybody figured they'd be feeling their oats for a bit before perhaps buckling down to focus on jump-starting the economy and putting people back to work.

"No doubt they had to get that out of their system," Parenteau said. "But now they've indulged themselves and enough is enough. All they want to do is keep everybody in suspense about whether or not EPA is going to be around or not."

The contrast is exceedingly sharp between all of this sound-bite theater and an economic and environmental reality that demands sober and sensible leadership, he emphasized.

For instance, he pointed to a peer-reviewed report the agency released this month focusing on Clean Air Act benefits. Remarkably, it reveals that EPA regulations added to the books between 1990 and 2005 to whittle away at soot and smog pollutants will yield \$2 trillion in benefits by 2020, mostly by preventing premature deaths.

"That report came out and pretty much disappeared," Parenteau said. "The public didn't hear any discussions and there were no oversight hearings. That's because House leadership doesn't want to make the connection to what EPA is accomplishing, and they ought to be called on that."

It's easier to bully the administrator about the minutiae of cow flatulence, he continued, than it is to have probing adult conversations about what slicing \$3 billion from EPA's budget through the end of September would actually mean to the agency's ability to fulfill its mission.

Instead of spewing rhetoric, Parenteau asked, why isn't the House leadership asking the Congressional Budget Office or Government Accountability Office to execute a cost-benefit analysis showing the American public exactly what, if any, impact proposed budget cuts will have.

"Lisa Jackson is not afraid of hard questions," he said. "They could make these hearings a fair exchange by asking her directly whether environmental protection is strengthening or weakening the economy."

Since the 112th Congress convened in January, Jackson has spent an inordinate amount of time testifying before congressional committees and subcommittees. Seven appearances thus far in February and March, according to an EPA spokeswoman, outnumber that of any federal leader considered part of the president's cabinet.

Will Behavior Catch Up with GOP?

Many observers have pointed out that Republicans should be embarrassed by their efforts to erase an estimated \$1.4 trillion deficit and \$14 trillion in accumulated debt on the back of a relatively tiny agency such as the EPA with a budget that barely tips \$10 billion in a flush year.

It's a sign, they say, of an extreme anti-regulatory and anti-environmental ideology.

Parenteau predicts that such venom could force Republicans to pay the piper at the voting booth in November 2012 if they continue counting on tactics designed to intimidate EPA officials and score political points.

If people don't see progress, he said, they are going to be asking Congress how playing repeated 'gotcha

games' of cat and mouse with the EPA administrator are benefiting the environment and the public's health.

"As far as this being some sort of legitimate political strategy, I just don't get it," he said, adding that the public tires of these shenanigans quickly. "This kind of puerile behavior is not likely to win many votes beyond the hard core tea partiers."

**Betsaida
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11/23/2011 02:11 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Michelle DePass, Gina McCarthy, Seth Oster, Brendan Gilfillan, Diane Thompson, Jose Lozano

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Subject The Hill: UK official: Obama needs to 'put his money where his mouth is' on climate

UK official: Obama needs to 'put his money where his mouth is' on climate
By Ben Geman - 11/23/11 10:54 AM ET

A senior official from the United Kingdom is calling out President Obama on climate change, alleging the president hasn't put enough political capital into battling global warming.

The comments by Greg Barker, the minister of state for energy and climate change, are an unusually blunt assessment of the White House's climate record from a key ally.

"We need Obama not just to make speeches, but he needs to put his money where his mouth is and invest political capital domestically," Barker said in London Tuesday, according to Bloomberg.

"Unless the U.S. joins with the rest of the world and shows real leadership on this green agenda, we are not going to get a global agreement," he said.

The comments come ahead of the next round of United Nations climate change talks that begin next week in Durban, South Africa.

The U.S. currently lacks binding greenhouse gas emissions cuts, which have been among the many factors that have sapped hopes for a global climate treaty in recent years.

Obama, speaking in Australia about climate change earlier this month, said cutting emissions can provide economic benefits, while arguing that China and India must also face commitments under any international deal.

"So part of our insistence when we are in multilateral forum – and I will continue to insist on this when we go to Durban – is that if we are taking a series of steps, then it's important that emerging economies like China and India are also part of the bargain," Obama said.

Resistance from China, the world's largest emitter, to binding cuts has been a sticking point in international talks.

"Unless the U.S. joins with the rest of the world and shows real leadership on this green agenda, we are not going to get a global agreement," Barker said.

"There hasn't, I believe, been a concerted political effort by the administration at a time when there was an opportunity potentially to push the agenda forward. Not acting then proved to be a huge loss," Barker said, according to Bloomberg.

Obama has had mixed results on green energy and climate change. Administration officials point to major increases in auto efficiency standards that will reduce emissions, and expanded investment in green energy research and projects, among other accomplishments.

But climate change legislation collapsed in the Senate last year, and some environmentalists felt that Obama didn't put enough political muscle behind the bill.

The Environmental Protection Agency, meanwhile, is moving ahead with greenhouse gas regulations

after the Bush administration refused to do so.

EPA is preparing to float first-time emissions standards for power plants and refineries, but the rules have been delayed. The agency currently plans to propose the power plant rules early next year.

This post was updated at 11:03 a.m.

**Betsaida
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05/11/2011 01:45 PM

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

GOP slams EPA's 'war on coal'

By Darren Samuelsohn
POLITICO Pro

5/11/11 1:32 PM EDT

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

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

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

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

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

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

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

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

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

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

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

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

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

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02/09/2012 11:17 AM

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Subject West Virginia Metro News: Morgantown Council Supports Lisa Jackson / BusinessWeek:BP Said to Seek U.S. Settlement of Spill Pollution Claims

Morgantown Council Supports Lisa Jackson

<http://www.wvmetronews.com/news.cfm?func=displayfullstory&storyid=50839>

Leaders in the city of Morgantown passed a resolution Tuesday supporting U.S. Environmental Protection Agency Administrator Lisa Jackson in "reducing greenhouse gas pollution under the Clean Air Act."

In a state where Jackson is routinely criticized for the EPA's regulation of coal-fired power plants and the agency's permitting process for surface mines, Morgantown Council members unanimously backed the resolution supporting Jackson.

Prior to council's vote, James Kotcon spoke in favor of the resolution. Kotcon is a member of Morgantown Green Team, an advisory board that works with City Council on environmental issues and a longtime member of the Sierra Club.

Kotcon said Morgantown leads the way in West Virginia when it comes to being environmentally friendly.

"It's a symbolic affirmation of Morgantown's leadership on clean air quality and the whole climate change issue," Kotcon said.

The resolution requires no action from council and includes no legally binding support of the EPA.

Still, Kotcon said it's an important statement.

"From an environmental standpoint, it's very clear that we need to take strong action on reducing greenhouse gasses," Kotcon said. "The city's adoption of this resolution is a very nice step in that direction."

BP Said to Seek U.S. Settlement of Spill Pollution Claims

<http://www.businessweek.com/news/2012-02-09/bp-said-to-seek-u-s-settlement-of-spill-pollution-claims.html>

Feb. 9 (Bloomberg) -- BP Plc is negotiating with U.S. officials to settle pollution claims over the 2010 Gulf of Mexico oil spill that may leave the company liable for as much as \$17.6 billion in fines, a person familiar with the talks said.

The government cited the energy company with violations of the federal Clean Water Act for the

offshore spill, the biggest in U.S. history. Officials are seeking fines of as much as \$4,300 for each of the 4.1 million barrels spilled after the explosion of the BP-leased Deepwater Horizon oil rig.

The company is also in settlement talks with other firms tied to the spill, said the person, who declined to be identified because the matter isn't public. BP is set to begin a Feb. 27 trial in New Orleans federal court in which it and other companies will face claims by business owners and residents from the region who had their property and livelihoods damaged or destroyed. The Macondo well blowout killed 11 people, sullied hundreds of miles of coastline and damaged fishing and tourism.

The trial before U.S. District Judge Carl Barbier will unify hundreds of lawsuits by fishermen, tour operators and state and local governments. BP, meanwhile, is seeking to shift some of the blame, and damages claims, onto co-defendant companies which helped drill and operate the well.

The Clean Water Act allows the government to seek fines of \$1,100 per barrel of oil spilled automatically. That can rise to as much as \$4,300 a barrel if a judge finds the company was grossly negligent in allowing the pollution to occur.

Calculating Penalties

At \$1,100 a barrel, the maximum penalty would be \$4.51 billion using the government's estimate of barrels spilled. A finding of gross negligence would boost that to \$17.6 billion.

Daren Beaudou, a BP spokesman, declined to comment on settlement talks.

BP needs to settle Clean Water Act claims before a trial over its level of culpability for the spill, said David Uhlmann, former head of the U.S. Justice Department's environmental-crimes unit.

"There's no rational justification for going to trial," said Uhlmann, now a law professor at the University of Michigan. The incentive for "BP is overwhelming for a settlement."

The settlement cost for London-based BP, Europe's second-largest oil company, may reach \$25 billion on government claims alone, including as much as \$10 billion for Clean Water Act violations, Uhlmann said.

Beyond the Clean Water Act, the company may also pay a \$10 billion criminal fine and another \$5 billion in natural-resource damages payments to the U.S. and the Gulf Coast states, he said.

Already Settled

BP has already settled with Anadarko Petroleum Corp. and Mitsui & Co.'s Moex Offshore LLC unit, partners in the well, and with Cameron International Corp., which provided blowout-prevention equipment. Anadarko agreed to pay \$4 billion to BP, while Moex paid \$1 billion and Cameron \$250 million.

Those settlements let BP lower its reserve to cover costs related to the sinking of the rig to \$37.2 billion from more than \$40 billion, the company said this month.

BP reported Feb. 7 that its fourth-quarter net income rose to \$7.7 billion from \$5.6 billion a year earlier. BP shares, which climbed 1.1 percent to 494.9 pence at 1:55 p.m. in London, had gained 6.4 percent this year before today.

BP will probably resolve all litigation with co-defendants Transocean Ltd. and Halliburton Co.

before trial rather than face them as opponents in court, said Anthony Sabino, a law professor at St. John's University in New York.

"It's always a smart strategy to reduce the number of your adversaries before trial, especially if it's a codefendant that might heap blame upon you," Sabino said. "You settle as soon as you can as best as you can with the adversaries who can do you the most damage."

Hundreds of Lawsuits

The explosion spurred hundreds of lawsuits against BP as well as Transocean, the Vernier, Switzerland-based owner and operator of the Deepwater Horizon drilling rig that exploded; Houston-based Halliburton, which provided cementing services for the project, and the Woodlands, Texas-based Anadarko, which owned 25 percent of the well.

At trial, Barbier is to determine whether BP or any of the other companies engaged in gross negligence or willful misconduct. He won't consider any criminal allegations.

The Justice Department has said it was investigating possible criminal violations related to the blowout and spill. None of the companies has been charged with a crime.

Laura Sweeney, a Justice Department spokeswoman on criminal matters, and Wyn Hornbuckle, a government spokesman on BP civil matters, declined to comment.

Fishermen Sue

If BP settles with the federal government and its co-defendant companies, Barbier may order mediation over the remaining claims scheduled for trial on Feb. 27, said Sabino.

"It makes all the sense in the world to send this to mediation," he said.

BP is prepared to settle with other parties before trial if the conditions are right, Chief Executive Officer Robert Dudley told Bloomberg Television Feb. 7.

"With a reasonable settlement, we will settle," he said. "If it's not a reasonable settlement, we'll go to court."

Beverly Stafford, a spokeswoman for Halliburton, and Jared Allen, a spokesman for Transocean, declined to comment on settlement talks. Transocean and Anadarko also face Clean Water Act violations.

Quick Settlement

The U.S. may also want a quick settlement of the Clean Water Act claims as much as BP -- before Barbier rules on gross negligence, Sabino said.

The government would "hate to have a precedent against them on the books," he said. Even if Barbier ruled for the U.S., the government could lose on appeal, he added.

"An adverse ruling against them would have a bad effect for decades," in terms of U.S. environmental law enforcement, he said. "The smart move is to settle."

The states who have filed lawsuits over the spill, however, may balk at an early settlement of so-called natural-resource damages claims tied to the destruction of the environment in gulf states, according to Alabama Attorney General Luther Strange and Louisiana Attorney General

Buddy Caldwell.

"We are open to settlement if it's fair to Alabama," said Strange in an interview.

Under federal pollution law, responsible companies are required to restore natural resources to a pre-spill condition. The states are trying to avoid settling before the full extent of such costs is known, Caldwell said in an interview.

More Suits

A settlement with the U.S. wouldn't resolve disputes between BP and the other companies over how to apportion blame for the blowout and spill.

"BP's No. 1 priority is to resolve its litigation with Halliburton and Transocean," said David Berg, a Houston-based trial lawyer who doesn't have a stake in the case. BP can't go to trial with codefendants pointing fingers at it, he said. It provides too much ammunition for plaintiffs' attorneys, he said.

Transocean and Halliburton may settle pollution claims by the U.S. government after BP does, using the U.K.-based oil company's payment as a guideline for negotiations, Sabino said.

Barbier has already ruled that provisions in the drilling contract require BP to pay any direct damage claims against Transocean and Halliburton.

Lawsuits by businesses and property owners will be the last to settle, Uhlmann predicted.

"BP will be more than willing to go to trial with victims who have spurned the Gulf Coast Claims Facility and sued," he said. The facility is an out-of-court body set up by BP to resolve claims brought by parties alleging harm from the spill.

Single-Digit Billions

Any compensatory damages for the victims who haven't settled through the facility would probably be "in the single-digit billions," he said.

Punitive damages, meant to punish defendants rather than directly compensate victims, are limited by the amount of compensatory damages, Uhlmann said, citing a U.S. Supreme Court decision in the lawsuit over the 1989 oil spill caused by the grounding of the Exxon Valdez off the coast of Alaska.

BP and the other defendants would be better off settling all the litigation before trial, Berg said. "This is not something that anyone wants to try," he said. "The stakes are too high."

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06/25/2010 06:56 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Seth Oster, Allyn Brooks-LaSure, Adora Andy, Arvin Ganesan, Paul Anastas, Peter Silva

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Subject Vanity Fair: A Colossal Fracking Mess

FYI - Long Vanity Fair article below on hydraulic fracturing. Here are the instances where EPA is mentioned:

"But shale gas and hydraulic fracturing haven't needed much help from the Obama administration. That's because they already got a huge helping hand from the federal government under the Bush administration. Although fracking was never regulated by the federal government when it was a less prevalently used technique, it was granted explicit exemptions—despite dissent within the E.P.A.—from the Safe Drinking Water Act, the Clean Air Act, and the Clean Water Act by the Energy Policy Act of 2005, the wide-ranging energy bill crafted by Dick Cheney in closed-door meetings with oil-and-gas executives. While the average citizen can receive harsh punishment under federal law for dumping a car battery into a pond, gas companies, thanks to what has become known as the Halliburton Loophole, are allowed to pump millions of gallons of fluid containing toxic chemicals into the ground, right next to our aquifers, without even having to identify them."

"While the E.P.A. under Obama is finally undertaking a new review of fracking—a 2001 review commissioned by the Bush administration was tainted by conflicts of interest and suppression of science—that report is not expected to be completed until the end of 2012. Congressional hearings held by the House Energy and Commerce Committee have been taking place since 2009, but proposed legislation to get rid of the Halliburton Loophole has made little progress on Capitol Hill."

"As a New York City-based architect who has worked on infrastructure and water issues for years, 55-year-old Joe Levine, another member of Damascus Citizens, is amazed by the scope of the drilling that could invade the Delaware River Basin as soon as New York State settles on some sort of regulatory framework to allow fracking to go forward. (There is currently a statewide ban on the technique, and a bill has been proposed in the state senate to extend the ban until after the E.P.A. finishes its review, but the Paterson administration has expressed a strong interest in obtaining the tax revenues that drilling would generate.)"

"These are a number of the ways that fracking can conceivably go wrong. Weston Wilson, a former E.P.A. official who blew the whistle on the agency's flawed report on fracking by writing a letter to Congress, likes to talk about the difference between "bad wells" and "good wells gone bad." "Bad wells" are ones that leak because of poor construction or an accident; "good wells gone bad" refers to the possibility that fracking may pose a more fundamental, generalized risk to water supplies, through seepage of the wastewater that remains in the ground. While shale formations are thousands of feet below groundwater levels, geological studies have shown that the Earth is full of cracks at these depths, and no one has ruled out the possibility that fracking may open up arteries for the toxic fluid to seep into groundwater in a more insidious way."

A Colossal Fracking Mess
The dirty truth behind the new natural gas.
By Christopher Bateman
WEB EXCLUSIVE June 21, 2010

A shale-gas drilling and fracking site in Dimock, Pennsylvania.
Early on a spring morning in the town of Damascus, in northeastern Pennsylvania, the fog on the

Delaware River rises to form a mist that hangs above the tree-covered hills on either side. A buzzard swoops in from the northern hills to join a flock ensconced in an evergreen on the river's southern bank.

Stretching some 400 miles, the Delaware is one of the cleanest free-flowing rivers in the United States, home to some of the best fly-fishing in the country. More than 15 million people, including residents of New York City and Philadelphia, get their water from its pristine watershed. To regard its unspoiled beauty on a spring morning, you might be led to believe that the river is safely off limits from the destructive effects of industrialization. Unfortunately, you'd be mistaken. The Delaware is now the most endangered river in the country, according to the conservation group American Rivers.

That's because large swaths of land—private and public—in the watershed have been leased to energy companies eager to drill for natural gas here using a controversial, poorly understood technique called hydraulic fracturing. "Fracking," as it's colloquially known, involves injecting millions of gallons of water, sand, and chemicals, many of them toxic, into the earth at high pressures to break up rock formations and release natural gas trapped inside. Sixty miles west of Damascus, the town of Dimock, population 1,400, makes all too clear the dangers posed by hydraulic fracturing. You don't need to drive around Dimock long to notice how the rolling hills and farmland of this Appalachian town are scarred by barren, square-shaped clearings, jagged, newly constructed roads with 18-wheelers driving up and down them, and colorful freight containers labeled "residual waste." Although there is a moratorium on drilling new wells for the time being, you can still see the occasional active drill site, manned by figures in hazmat suits and surrounded by klieg lights, trailers, and pits of toxic wastewater, the derricks towering over barns, horses, and cows in their shadows.

The real shock that Dimock has undergone, however, is in the aquifer that residents rely on for their fresh water. Dimock is now known as the place where, over the past two years, people's water started turning brown and making them sick, one woman's water well spontaneously combusted, and horses and pets mysteriously began to lose their hair.

Craig and Julie Sautner moved to Dimock from a nearby town in March 2008. They were in the process of renovating their modest but beautifully situated home on tree-canopied Carter Road when land men from Houston-based Cabot Oil & Gas, a midsize player in the energy-exploration industry, came knocking on their door to inquire about leasing the mineral rights to their three and a half acres of land. The Sautners say the land men told them that their neighbors had already signed leases and that the drilling would have no impact whatsoever on their land. (Others in Dimock claim they were told that if they refused to sign a lease, gas would be taken out from under their land anyway, since under Pennsylvania law a well drilled on a leased piece of property can capture gas from neighboring, unleased properties.) They signed the lease, for a onetime payout of \$2,500 per acre—better than the \$250 per acre a neighbor across the street received—plus royalties on each producing well.

Drilling operations near their property commenced in August 2008. Trees were cleared and the ground leveled to make room for a four-acre drilling site less than 1,000 feet away from their land. The Sautners could feel the earth beneath their home shake whenever the well was fracked.

Within a month, their water had turned brown. It was so corrosive that it scarred dishes in their dishwasher and stained their laundry. They complained to Cabot, which eventually installed a water-filtration system in the basement of their home. It seemed to solve the problem, but when the Pennsylvania Department of Environmental Protection came to do further tests, it found that the Sautners' water still contained high levels of methane. More ad hoc pumps and filtration systems were installed. While the Sautners did not drink the water at this point, they continued to use it for other purposes for a full year.

"It was so bad sometimes that my daughter would be in the shower in the morning, and she'd have to get out of the shower and lay on the floor" because of the dizzying effect the chemicals in the water had on her, recalls Craig Sautner, who has worked as a cable splicer for Frontier Communications his whole life. She didn't speak up about it for a while, because she wondered whether she was imagining the problem. But she wasn't the only one in the family suffering. "My son had sores up and down his legs from the water," Craig says. Craig and Julie also experienced frequent headaches and dizziness.

By October 2009, the D.E.P. had taken all the water wells in the Sautners' neighborhood offline. It acknowledged that a major contamination of the aquifer had occurred. In addition to methane, dangerously high levels of iron and aluminum were found in the Sautners' water.

The Sautners now rely on water delivered to them every week by Cabot. The value of their land has been decimated. Their children no longer take showers at home. They desperately want to move but cannot afford to buy a new house on top of their current mortgage.

"Our land is worthless," says Craig. "Who is going to buy this house?"

As drillers seek to commence fracking operations in the Delaware River basin watershed and in other key watersheds in New York State—all of which sit atop large repositories of natural gas trapped in shale rock deep underground—concerned residents, activists, and government officials are pointing to Dimock as an example of what can go wrong when this form of drilling is allowed to take place without proper regulation. Some are pointing to a wave of groundwater-contamination incidents and mysterious health problems out West, in Colorado, New Mexico, and Wyoming, where hydraulic fracturing has been going on for years as part of a massive oil-and-gas boom, and saying that fracking should not be allowed at all in delicate ecosystems like the Delaware River basin.

Damascus and Dimock are both located above a vast rock formation rich in natural gas known as the Marcellus Shale, which stretches along the Appalachians from West Virginia up to the western half of the state of New York. The gas in the Marcellus Shale has been known about for more than 100 years, but it has become accessible and attractive as a resource only in the past two decades, thanks to technological innovation, the depletion of easier-to-reach, "conventional" gas deposits, and increases in the price of natural gas. Shale-gas deposits are dispersed throughout a thin horizontal layer of loose rock (the shale), generally more than a mile below ground. Conventional vertical drilling cannot retrieve shale gas in an economical way, but when combined with hydraulic fracturing, horizontal drilling—whereby a deeply drilled well is bent at an angle to run parallel to the surface of the Earth—changes the equation.

Developed by oil-field-services provider Halliburton, which first implemented the technology commercially in 1949 (and which was famously run by Dick Cheney before he became vice president of the United States), hydraulic fracturing has been used in conventional oil and gas wells for decades to increase production when a well starts to run dry. But its use in unconventional types of drilling, from coal-bed methane to shale gas, is relatively new. When a well is fracked, a small earthquake is produced by the pressurized injection of fluids, fracturing the rock around the well. The gas trapped inside is released and makes its way to the surface along with about half of the "fracking fluid," plus dirt and rock that are occasionally radioactive. From there, the gas is piped to nearby compressor stations that purify it and prepare it to be piped (and sometimes transported in liquefied form) to power plants, manufacturers, and domestic consumers. Volatile organic compounds (carbon-based gaseous substances with a variety of detrimental health effects) and other dangerous chemicals are burned off directly into the air during this on-site compression process. Meanwhile, the returned fracking fluid, now called wastewater, is either trucked off or stored in large, open-air, tarp-lined pits on site, where it is allowed to evaporate. The other portion of the fluid remains deep underground—no one really knows what happens to it.

Fracking is an energy- and resource-intensive process. Every shale-gas well that is fracked requires between three and eight million gallons of water. Fleets of trucks have to make hundreds of trips to carry the fracking fluid to and from each well site.

Due in part to spotty state laws and an absence of federal regulation, the safety record that hydraulic fracturing has amassed to date is deeply disturbing. As use of the technique has spread, it has been followed by incidents of water contamination and environmental degradation, and even devastating health problems. Thousands of complaints have been lodged with state and federal agencies by people all over the country whose lives and communities have been transformed by fracking operations.

In Dimock, where more than 60 gas wells were drilled in a nine-square-mile area, all kinds of ugly things transpired after Cabot came to town. A truck turned over and caused an 800-gallon diesel-fuel spill in April

2009. Up to 8,000 gallons of Halliburton-manufactured fracking fluid leaked from faulty supply pipes, with some seeping into wetlands and a stream, killing fish, in September 2009. Many Dimock residents were having the same problems as the Sautners. A water well belonging to a woman named Norma Fiorentino blew up while she was visiting her daughter. Reports of the havoc appeared in the local press and then gradually trickled into the national media. Reuters and ProPublica were on the story early on; later, everyone from NPR to The New York Times was coming to Dimock.

Over a six-month period Cabot was fined \$360,000 by the D.E.P. for contaminating Dimock's groundwater and failing to fix the leaks that caused the problem. It was also ordered to suspend drilling in Dimock until the situation was resolved. The Sautners are one of more than a dozen Dimock families now suing the company for negligence, breach of contract, and fraudulent misrepresentation, among other charges. Other plaintiffs in the lawsuit include Ron and Jean Carter, who were evacuated after methane levels in their home reached emergency levels, and Victoria Switzer, a schoolteacher who has compiled a grim photo album of spills and leaks around Dimock, including a creek turned Kool-Aid red with diesel fuel. (In a written statement to Vanity Fair, Cabot declined to comment on the lawsuit but said that while it operates its facilities "in full compliance with environmental and oil and gas drilling regulations ... the accidental release of materials has occasionally occurred" during its operations. The company also said that it had created more than 300 full-time jobs in Susquehanna County, where Dimock is located, and that it was working with both the Pennsylvania D.E.P. and the affected families to remediate the situation.)

Even as Dimock was experiencing this series of disasters, Pennsylvania officials assured the public that shale-gas extraction was safe and benefitting the state, providing jobs and millions of dollars in tax revenue. "What do you have to be afraid of? It's only sand and water," said Ron Gillius, the director of the Pennsylvania D.E.P.'s Bureau of Oil and Gas Management, in 2008. "There has never been any evidence of fracking ever causing direct contamination of fresh groundwater in Pennsylvania or anywhere else," said Scott Perry, another Oil and Gas Management official, as recently as April 2010. (John Hanger, secretary of the Pennsylvania D.E.P., now admits that fracking fluid is "nasty, nasty stuff," and the department has announced plans to regulate fracking more closely.)

With natural gas being heavily promoted in TV ads and by politicians and proponents such as oilman and hedge-fund manager T. Boone Pickens, many Americans have come to see the resource in a positive light. Natural gas burns more cleanly than coal and oil do, we are told, and there's an abundance of it right there, under our soil, making it a logical and patriotic energy source for America. We are told that it can help wean us off our dependence on foreign oil as we make the transition to renewable energy. Yet our supplies of natural gas are ultimately finite, and, increasingly, they must be accessed via hydraulic fracturing. In fact, more than 90 percent of natural-gas wells today use fracking.

Shale gas has become a significant part of our energy mix over the past decade. From 1996 to 2006, shale-gas production went from less than 2 percent to 6 percent of all domestic natural-gas production. Some industry analysts predict shale gas will represent a full half of total domestic gas production within 10 years.

It's not just the oil-and-gas industry that's excited about the possibilities. Last year, even a progressive, Washington, D.C.-based think tank, the Center for American Progress Action Fund, desperate for solutions to global warming, touted natural gas as "the single biggest game changer for climate action in the next two decades." President Obama has been supportive of shale gas and says he wants to see an increase in domestic natural-gas production.

But shale gas and hydraulic fracturing haven't needed much help from the Obama administration. That's because they already got a huge helping hand from the federal government under the Bush administration. Although fracking was never regulated by the federal government when it was a less prevalently used technique, it was granted explicit exemptions—despite dissent within the E.P.A.—from the Safe Drinking Water Act, the Clean Air Act, and the Clean Water Act by the Energy Policy Act of 2005, the wide-ranging energy bill crafted by Dick Cheney in closed-door meetings with oil-and-gas executives. While the average citizen can receive harsh punishment under federal law for dumping a car battery into a pond, gas companies, thanks to what has become known as the Halliburton Loophole, are allowed to pump millions of gallons of fluid containing toxic chemicals into the ground, right next to our aquifers,

without even having to identify them.

Claiming that the information is proprietary, drilling companies have still not come out and fully disclosed what fracking fluid is made of. But activists and researchers have been able to identify some of the chemicals used. They include such substances as benzene, ethylbenzene, toluene, boric acid, monoethanolamine, xylene, diesel-range organics, methanol, formaldehyde, hydrochloric acid, ammonium bisulfite, 2-butoxyethanol, and 5-chloro-2-methyl-4-isothiazotin-3-one. (Recently, in congressional testimony, drilling companies have confirmed the presence of many of these chemicals.) According to Theo Colborn, a noted expert on water issues and endocrine disruptors, at least half of the chemicals known to be present in fracking fluid are toxic; many of them are carcinogens, neurotoxins, endocrine disruptors, and mutagens. But Colborn estimates that a third of the chemicals in fracking fluid remain unknown to the public.

While the E.P.A. under Obama is finally undertaking a new review of fracking—a 2001 review commissioned by the Bush administration was tainted by conflicts of interest and suppression of science—that report is not expected to be completed until the end of 2012. Congressional hearings held by the House Energy and Commerce Committee have been taking place since 2009, but proposed legislation to get rid of the Halliburton Loophole has made little progress on Capitol Hill.

All of this is mind-boggling to activists like Pat Carullo. A 56-year-old graphic designer, Carullo is a member of Damascus Citizens for Sustainability, a group that opposes hydraulic fracturing in the Delaware River Watershed. Tan and animated, with a white beard, he has an earthy quality and is wearing an eagle medallion around his neck when I meet him in Damascus.

Carullo and other members of Damascus Citizens have homes in this area. They created the group when it became clear that drilling was poised to begin on leased land in the watershed and were galvanized in 2008 when a large oil-and-gas company, Chesapeake, drilled an exploratory well in their county and signs of a spill—dying trees and vegetation—appeared at the site. (After Damascus Citizens filed a complaint about the matter, the Pennsylvania D.E.P. served Chesapeake a notice of violation, saying that traces of petrochemicals had been detected in the soil around the well site. While Chesapeake director Brian Grove states that “a detailed review of our operations reveals no events or operational deficiencies that would have negatively impacted the environment,” Pennsylvania D.E.P. official Tom Rathbun told Vanity Fair that chlorides from the shale returned as wastewater seem to have been responsible for killing the vegetation.” At the time, the position the group took was radical: no fracking in the Upper Delaware watershed, period. Since then, others have come around to it. Damascus Citizens is now at the center of efforts around the country to spread awareness about the hazards of fracking, study its effects more thoroughly, address the gaping lack of regulation, and slow down the rush of leasing and drilling that has swept so much of the country. A documentary about natural-gas drilling and fracking, Gasland, which won the Special Jury Prize for Documentary at this year’s Sundance Film Festival and debuts on HBO this month, is dedicated to the group.

Still, Carullo and the other activists of Damascus Citizens face an uphill battle because of the corporate and political interests stacked against them, the vast amount of money at stake, and the dynamics of our nation’s energy-policy debate. “What it is we’re doing here is trying to dismantle the whole propaganda machine that the industry is involved in,” says Carullo. “For example, ‘natural gas is the bridge to the future.’ That’s the industry’s claim. Only problem is, there’s nothing natural about this, because it’s the most unnatural thing you can imagine—hauling around tons of chemicals, taking pure water and turning it into the worst industrial waste on the planet!”

To bolster his argument, Carullo points to decisions by the local governments of New York City and Syracuse, New York, to protect their watersheds from fracking, even though large tracts of state and private land in them have already been leased to drillers. Indeed, a New York City study concluded that the risks posed by fracking could be “catastrophic” to the area’s prized water supply, one of only four unfiltered major-metropolitan water systems in the country. If New York City and Syracuse have (for the time being, at least) taken their watersheds off the table, why is the Delaware Watershed not off limits, too? “This watershed is even grander than those,” Carullo says. “It provides water to even more people.”

As a New York City-based architect who has worked on infrastructure and water issues for years, 55-year-old Joe Levine, another member of Damascus Citizens, is amazed by the scope of the drilling that could invade the Delaware River Basin as soon as New York State settles on some sort of regulatory framework to allow fracking to go forward. (There is currently a statewide ban on the technique, and a bill has been proposed in the state senate to extend the ban until after the E.P.A. finishes its review, but the Paterson administration has expressed a strong interest in obtaining the tax revenues that drilling would generate.) "If you take the industry model, there could be more than 40,000 wells in the Marcellus," says Levine, who founded a nonprofit advocacy group, NYH2O, dedicated to protecting New York City's water from gas drilling. "That's what the industry aspires to." Levine provides some perspective as to what that would entail: Two hundred billion gallons of water. The clearing of hundreds of thousands of acres and hundreds of millions of trees.

Levine remembers when the offering price for an acre of Marcellus Shale land was just \$25. That changed quickly as word spread that an old-fashioned gold rush had hit the area, just like the oil booms of the 19th and early-20th centuries. "It was a big deal when it went up to \$200," Levine says. "Now it's about \$5,000 an acre." (The Indian materials and energy conglomerate Reliance Industries recently paid Pennsylvania-based Atlas Energy about \$1.7 billion for 120,000 acres, or more than \$14,000 per acre, to get in on the action.) Many landowners in the Delaware Watershed remain eager to cash in on the royalties they stand to receive, and resent efforts by their neighbors to stop drilling from happening. But Damascus Citizens has found allies such as fishing and hunting advocates in the region, and continues to influence the debate as the Delaware River Basin Commission (the governing body with officers from New York, New Jersey, Pennsylvania, and Delaware that regulates the entire river system) examines the issue and decides how to proceed.

Reports of environmental degradation have come out of many places where natural-gas drilling and fracking are going on. The full extent of the problem is difficult to determine because much of the evidence is anecdotal and because drilling companies have been known to buy people off when things go wrong. In Silt, Colorado, a woman named Laura Amos no longer talks about the adrenal-gland tumor and other health complications she developed after her water was contaminated by a gas well drilled less than 1,000 feet from her home. (A state investigation into the matter concluded that a drilling failure had likely led to intermingling between the gas and water strata in the ground.) She signed a non-disclosure agreement as part of a deal to sell her tainted land to EnCana, the large Canadian gas company that drilled the well. But perusing newspapers from towns where fracking is going on reveals how the issue refuses to die, with headlines like "Fears of Tainted Water Well Up in Colorado," "Collateral Damage: Residents Fear Murky Effects of Energy Boom," and "Worker Believes Cancer Caused by Fracking Fluids" appearing regularly.

A macro look at the way oil and gas drilling has transformed entire landscapes out West, carving them up into patterns resembling those of a transistor board, can be seen by typing "San Juan Basin, New Mexico" into Google Maps and clicking on the satellite view. In Colorado, some 206 chemical fluid spills from oil and gas wells, connected to 48 cases of suspected water contamination, happened in 2008 alone. In New Mexico, toxic fluid had seeped into water supplies at more than 800 oil and gas drilling sites as of July 2008. Clusters of unusual health problems have popped up in some of these drilling hot spots. Kendall Gerdes, a physician in Colorado Springs, tells me of how he and other doctors in the area saw a striking number of patients come to them with chronic dizziness, headaches, and neurological problems after drilling began near their homes. One of Dr. Gerdes's patients, 62-year-old Chris Mobaldi, developed idiopathic hemorrhaging, or spontaneous bleeding, as well as neuropathy, a pituitary gland tumor, and a rare neurological speech impediment after alleged frequent exposure to noxious fumes from drilling. Although her health improved after she moved to another part of Colorado, she continues to have trouble speaking and walking to this day.

And with drilling in the Marcellus Shale, the complaints have spread East. Despite making more than a million dollars in royalties from drilling on his 105-acre farm, Wayne Smith, a farmer in Clearville, Pennsylvania, wishes he'd never signed a lease. Some of his livestock mysteriously dropped dead after having motor-skill breakdowns; a veterinarian said the deaths could be attributed to arsenic, high levels of which were found in water on Smith's property. (Smith also worries about health problems he has developed, such as frequent headaches, abscessed teeth, and other mouth problems.) In Avella,

Pennsylvania, a wastewater impoundment caught fire and exploded on George Zimmermann's 480-acre property, producing a 200-foot-high conflagration that burned for six hours and produced a cloud of thick, black smoke visible 10 miles away. An E.P.A.-accredited environmental-testing company sampled the soil around the well sites on Zimmerman's property and found arsenic at 6,430 times permissible levels and tetrachloroethene, a carcinogen and central-nervous-system suppressant, at 1,417 times permissible levels. (In January, the state of Pennsylvania fined the company that is drilling on Zimmerman's land, Atlas Energy, \$85,000 for environmental violations related to fracking—a drop in the bucket for a corporation that brought in \$1.5 billion in revenue last year. As of press time, Atlas had not provided Vanity Fair with a comment on the matter.)

These are a number of the ways that fracking can conceivably go wrong. Weston Wilson, a former E.P.A. official who blew the whistle on the agency's flawed report on fracking by writing a letter to Congress, likes to talk about the difference between "bad wells" and "good wells gone bad." "Bad wells" are ones that leak because of poor construction or an accident; "good wells gone bad" refers to the possibility that fracking may pose a more fundamental, generalized risk to water supplies, through seepage of the wastewater that remains in the ground. While shale formations are thousands of feet below groundwater levels, geological studies have shown that the Earth is full of cracks at these depths, and no one has ruled out the possibility that fracking may open up arteries for the toxic fluid to seep into groundwater in a more insidious way.

That's not to mention the risks posed by the above-ground handling of return wastewater and the airborne pollution endemic to natural-gas processing. Leaks and spills have occurred at the on-site pits where wastewater is allowed to fester. And the city of Fort Worth, Texas, which sits atop the country's most productive shale-gas formation, demonstrates the dangers that natural-gas processing poses to "airsheds." Chemical emissions from natural-gas processing in and around Fort Worth now match the city's total emissions from cars and trucks, leading to alarming levels of volatile organic compounds and other pollutants in the air.

Facing increasing lawsuits and scrutiny, the gas industry no longer stands by the position it took for years that there's nothing unsafe in fracking fluid. But it still says that shooting fracking fluid into the ground is a safe and sensible practice. (In a written statement to Vanity Fair, American's Natural Gas Alliance, an industry lobbying group, said that the current federal regulation of fracking is adequate.) It continues to hammer home the notion that natural gas is cleaner than its fossil-fuel relatives, coal and oil, and produces lower levels of greenhouse gases.

But a new preliminary assessment by Cornell ecology and environmental-biology professor Robert Howarth of the emissions generated throughout the fracking process suggests that, when the thousands of truck trips required to frack every single well are counted, natural gas obtained by fracking is actually worse than drilling for oil and possibly even coal mining in terms of greenhouse-gas production. While Howarth explains that his estimates are subject to uncertainty because of the lack of complete, concrete data about fracking, he concludes, "There is an urgent need for a comprehensive assessment of the full range of emission of greenhouse gases from using natural gas obtained by high-volume, slick water hydraulic fracturing.... Society should be wary of claims that natural gas is a desirable fuel in terms of the consequences on global warming."

Yet the shale-gas boom, driven by fracking, continues on a global scale. Shale land is already being leased in Western and Central Europe while foreign companies buy up land in the Marcellus Shale. A May 25 memorandum of economic and strategic dialogue between the U.S. and China prominently lists an initiative to help China assess and extract its own shale gas as an item of agreement. In Australia, where fracking has been sweeping the Queensland countryside and where landowners have little or no control over their mineral rights, a furor has been growing over the water contamination happening around drilling locations.

At the same time, the people who have been burned badly by their firsthand experience with what you might call the New Natural Gas, and who have not gone silent, are spreading their message of acute disillusionment, ecological destruction, land-value decimation, and serious health concerns. As I sit and talk with the members of Damascus Citizens for Sustainability, news reports from the tragic Deepwater

Horizon leak in the Gulf pop up from time to time on their computers. The disaster serves as a grim backdrop to our conversation, reinforcing the hazards of pushing forward with experimental forms of drilling whose risks are not well understood.

At one point, we see a news alert revealing the likely cause of the Deepwater explosion: a methane bubble. It's a complication also encountered in land-based gas drilling, and it's just one of the things Carullo fears could precipitate a catastrophe in the Delaware watershed. "This is exactly what we're trying to prevent here," Carullo tells me. "This is exactly what we've been talking about."

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09/29/2011 10:15 AM

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Subject The New York Times: E.P.A. Is Longtime Favorite Target for Perry

September 29, 2011

E.P.A. Is Longtime Favorite Target for Perry

By JOHN M. BRODER and KATE GALBRAITH

Gov. Rick Perry of Texas has built a political career running against Washington, and no agency more symbolizes what he considers the meddlesome and economy-choking evils of the federal government than the Environmental Protection Agency.

Mr. Perry's conservative views on business costs, states' rights, job creation, energy policy and global competitiveness – the core of his governing philosophy – are illuminated most vividly in his clashes with the E.P.A. over issues like pesticide regulation and global warming.

From his earliest days as head of the Texas Department of Agriculture to his current campaign for the Republican presidential nomination, he has struck a consistent anti-regulatory chord.

He brags that he has significantly reduced air pollution over his decade-plus tenure by working with businesses and does not need new overbearing mandates from environmental nannies in Washington.

But E.P.A. officials and more independent analysts outside government said that Mr. Perry was claiming credit for improvements in air quality brought in large measure by the very federal laws he has resisted and railed against, and that air pollution in Texas remains worse than in nearly every other state.

"His constituents are benefitting from the Clean Air Act that the E.P.A. is enforcing," said Janice E. Nolen, assistant vice president for national policy at the American Lung Association. "It's happening in Texas, but not only in Texas, which tells us that it's federal action that is responsible."

David E. Adelman, professor of environmental law at the University of Texas Law School, said the state had made progress in reducing pollution, but still had a long way to go. "For the most part, Texas has lowered its toxic emissions, but so has essentially every other state in the country," he said, referring to airborne toxins like benzene and butadiene. "The key point to recognize is that Texas started so much higher than everyone else."

Catherine Frazier, a Perry campaign spokeswoman, said in an e-mailed statement, "If elected president, the governor's energy priorities will be centered around scaling back the E.P.A.'s intrusive, misguided and job-killing policies, which will empower states to foster their own energy resources without crippling mandates and open the doors for our nation to pursue and strengthen an all-of-the-above energy approach."

Ms. Frazier said that Texas had achieved large reductions in pollution by following its own path and asserted that some federal actions were driven by politics rather than science.

Mr. Perry used more colorful language this month in addressing a Tea Party group in Florida.

"Somebody has to tell the E.P.A. that we don't need you monkeying around and fiddling around and getting in our business with every kind of regulation you can dream up," he said. "You're doing nothing

more than killing jobs. It's a cemetery for jobs at the E.P.A."

The main environmental battles of his governorship have centered on air pollution. Texas, with its large presence of oil refineries, chemical plants, cement kilns and other dirty industries, has struggled with emissions of both toxic pollutants and smog-forming compounds. Mr. Perry has repeatedly challenged federal regulators, in court and in public statements, over enforcement of the Clean Air Act, arguing that the state's unique, flexible, business-friendly approach is more effective than the federal strategy for controlling air quality.

Texas is also the largest emitter of carbon dioxide and other greenhouse gases in the country – and the only state that has refused to abide by nascent federal greenhouse gas regulations. As a result, the E.P.A. seized control of greenhouse gas permits issued in the state early this year.

Republican politicians in Texas have long thrived on lashing out against federal regulation, but critics say Mr. Perry has taken it to new levels, picking fights with the E.P.A. even when it is not in the state's interest.

E.P.A. officials declined to comment on the record about their relations with Mr. Perry, saying they did not want to insert themselves into the presidential campaign. But they say they have worked cooperatively with lower-level Texas officials, who often seek federal technical guidance and money to address environmental problems. Recently, for example, the E.P.A. paid for and installed air-quality monitors near several natural gas wells at the request of Texas officials.

The fights have been so bitter and the progress so hard-won in the Perry years that some environmentalists practically wax nostalgic for Mr. Perry's predecessor, George W. Bush, who as governor signed a bill intended to clean up old coal plants and put Texas on course to becoming the leading wind-power state.

"Bush was far better as governor in terms of his environmental interests," said Tom Smith, the director of the Texas office of the advocacy group Public Citizen.

No one disputes that during Mr. Perry's tenure, the state's air has become much cleaner. Ozone emissions fell by 27 percent from 2000 to 2009 – a greater drop than in any other state, according to the Texas Commission on Environmental Quality, the state's environmental monitor. Air emissions of toxic chemicals fell 41 percent over the same period, the agency said.

Houston, which had the worst smog problem in the nation during Mr. Bush's last years as governor, has substantially cleaned up its air: in 2007 it had just 38 bad ozone days, compared with 100 for Los Angeles. Houston remains out of federal compliance with federal ozone regulations, however, as does Dallas-Fort Worth, and this year the numbers in some cities are expected to be worse than last's years as a result of the extreme heat that much of Texas suffered all summer.

Mr. Perry takes credit for the improvements, attributing them to state programs like flexible permitting, a system in which pollution output is capped according to a plant's entire output rather than smokestack by smokestack. Air quality progress, the governor has said, has come despite what he consistently derides as orders from Washington.

Mr. Perry assailed the clean air rule that a Texas power generation company blamed this month as the reason it will have to close power plant units and lay off 500 workers. "Yet again, this administration is ignoring Texas' proven track record of cleaning our air while creating jobs, opting instead for more stifling red tape," Mr. Perry said in a statement.

Tensions with the E.P.A. have increased strikingly since the Obama administration appointed a new regional chief, Al Armendariz, an El Paso native. Mr. Armendariz, unlike many past regional E.P.A. chiefs, has an engineering background and is a former professor at Southern Methodist University.

"This definitely has been the most confrontational that I've seen in the last couple of decades, almost to

the point of being personal in terms of Perry lashing out at Armendariz," said Ken Kramer, director of the Texas chapter of the Sierra Club.

Mr. Perry and Mr. Armendariz have clashed over flexible permitting, practiced by Texas since the early 1990s. The E.P.A. argued that the permits allowed for too much overall pollution and were impossible to police. Texas has hit back against what Mr. Perry called an intrusive regulatory regime imposed by "environmental statist."

Ultimately, Texas lost the battle, and most of the facilities are now making a transition to standard E.P.A. rules.

Mr. Perry has reserved special wrath for the Obama administration's intention to regulate climate-altering gases. Mr. Perry, who was a supporter of Al Gore's 1988 presidential campaign, has denounced climate scientists as grant-seeking frauds and the effort to control greenhouse gases as a "contrived, phony mess."

Texas led more than a dozen states in suing the E.P.A. to halt its greenhouse gas regulation program and has refused to participate in the federal permitting system that every other state now follows. The case is pending.

John M. Broder reported from Washington, and Kate Galbraith, who writes for The Texas Tribune, which produces a twice-weekly local section in the Texas editions of The New York Times, reported from Austin.

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10/13/2011 03:05 PM

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Subject Administrator Jackson Essay in Time.com : How Politics Hurts the EPA's Important Mission

How Politics Hurts the EPA's Important Mission

Protecting Americans from toxic substances has become a bi-partisan battleground. The EPA chief protests the politicization of pollution

By Lisa Jackson | @lisapjackson | October 12, 2011 |

When a fire erupted at a Texas chemical plant on the morning of Oct. 3, emergency responders were dispatched from the local fire department, city and state governments, and the U.S. Environmental Protection Agency. The EPA was on the scene to monitor air quality around the burning plant and make certain that the nearby area – which includes an elementary school – was safe from toxic pollution. By the afternoon, EPA monitors had detected no public-health threat but remained on duty to ensure the safety of the community.

This is what the EPA does. Whether we're taking part in an emergency response to a chemical fire, or developing long-term efforts to remove mercury – a neurotoxin that can cause serious health problems in children – from our air, our mission is to protect American families from pollution in our environment. Lately, however, that mission has faced serious challenges.

Much of that has come in the form of misleading information. One example is an assertion – made by lobbying and industry groups – that the EPA is putting forward a “train wreck” of regulations that will hobble the U.S. economy. That claim has been repeated in major news outlets and on the floor of Congress. But it's founded on an American Legislative Executive Council report that details regulations the EPA never proposed.

False claims like these have real consequences. In recent months, the U.S. House of Representatives has voted to roll back Clean Air Act protections that would save lives, prevent asthma attacks, foster innovation and new jobs, and safeguard children from harmful pollution. The choices being presented are stark: either setting standards that prevent power plants from sending mercury and other toxins into the air we breathe or leaving ourselves unprotected; either allowing aging coal plants to emit sulfur dioxide and nitrogen dioxide into our skies, or ensuring that every facility in America meets at least the most basic standards for modern pollution control.

Rather than taking up the President's proposals on job creation or offering alternatives of their own, some members of Congress are instead spending their time trying to weaken protections

for the air we breathe. Even successful initiatives like the clean cars program are under threat. That effort will save drivers money, make American vehicles more efficient than ever and keep millions of tons of pollution out of the air we breathe. The program was crafted by auto companies, auto workers, federal and state officials, and environmentalists, who ended years of divisive debate and came together to find a workable solution. Last year, General Motors and Chrysler even announced plans to hire 1,000 new workers – each – to develop fuel-efficient vehicles. Despite the win-win outcome for our economy and our environment, Congress has continued to question the program.

No American wants dirtier air and more polluted water. No one is calling for more childhood asthma, especially when 1 in 10 school-aged children are already fighting the disease. No one believes that we should go back to the way it was before the EPA existed, when rivers were coated with industrial sludge and fouled with untreated sewage.

The challenges we face as a nation deserve a fact-based discussion, not scare tactics. We shouldn't let a lot of hot air in Washington lead to dirty air in your hometown. Yet that's the direction we're headed if we continue to put politics ahead of our health and environmental protection.

Jackson is the head of the Environmental Protection Agency

Link to the article: <http://ideas.time.com/>

Link to photo essay of Administrator Jackson:
http://www.time.com/time/photoessays/10questions/0,30255,2062223_2260647,00.html

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11/14/2011 11:11 AM

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Subject Washington Post: Does government regulation really kill jobs? Economists say overall effect minimal.

This was featured on the front page of the Washington Post this morning

Washington Post: Does government regulation really kill jobs? Yes. And no. Economists say overall effect minimal.

By: Jia Lynn Yang
11/14/11

Beverly, Ohio – The Muskingum River coal-fired power plant in Ohio is nearing the end of its life. AEP, one of the country's biggest coal-based utilities, says it will cut 159 jobs when it shuts the decades-old plant in three years – sooner than it would like – because of new rules from the Environmental Protection Agency.

About an hour's drive north, the life of another power plant is just beginning. In Dresden, Ohio, AEP has hired hundreds to build a natural-gas-fueled plant that will employ 25 people when it starts running early next year – and that will emit far fewer pollutants.

The two plants tell a complex story of what happens when regulations written in Washington ripple through the real economy. Some jobs are lost. Others are created. In the end, say economists who have studied this question, the overall impact on employment is minimal.

"If you're a coal miner in West Virginia, it's not a great comfort that a bunch of guys in Texas are employed doing natural gas," said Roger Noll, an economics professor at Stanford and co-director of the university's program on regulatory policy. "Some people identify with the beneficiaries, others identify with those who bear the cost, and no amount of argument is ever going to change their minds."

The arguing has lately turned into a brawl. In the face of the country's unemployment crisis, many politicians have portrayed regulations as the economy's primary villain.

House Republicans have identified 10 "job-destroying regulations" they want to repeal, and a steady stream of bills have been proposed to block environmental rules governing everything from cement plants to boilers. GOP candidate Mitt Romney has vowed that on his first day as president, he will "tear down the vast edifice of regulations the Obama administration has imposed on the economy." The White House, meanwhile, says it is making a determined effort to assess how rules are affecting jobs.

The critique of regulations fits into a broader conservative narrative about government overreach. But it also comes after a string of disasters in recent years that were tied to government regulators falling short, including the financial crisis of 2008, the BP oil spill and the West Virginia mining accident last year.

Data from the Bureau of Labor Statistics show that very few layoffs are caused principally by tougher rules.

Whenever a firm lays off workers, the bureau asks executives the biggest reason for the job cuts.

In 2010, 0.3 percent of the people who lost their jobs in layoffs were let go because of "government regulations/intervention." By comparison, 25 percent were laid off because of a drop in business demand.

Limits on emissions

Set along a bucolic stretch of road two hours east of Columbus, the smokestacks of the Muskingum River plant rise suddenly from the landscape like skyscrapers. Beside the plant, huge mounds of coal wait to be lifted by a conveyor belt, then dumped into machines to be pulverized into powder before being burned.

Last year, the plant emitted 98,515 tons of sulfur dioxide, the third-highest total in the country, according to data collected by the EPA.

The agency is tightening limits on sulfur dioxide emissions under the Cross-State Air Pollution Rule. To comply, many older coal plants must install enormous devices called scrubbers, which remove sulfur dioxide from the exhaust emitted by the smokestacks.

Built more than 50 years ago, the Muskingum River plant has no scrubbers, and the company says it cannot add them in time to meet the EPA's deadlines.

AEP chief executive Mike Morris said that retrofitting plants would add jobs but that he needs more time from the EPA.

"We have to hire plumbers, electricians, painters, folks who do that kind of work when you retrofit a plant," Morris said. "Jobs are created in the process – no question about that."

Another AEP coal plant in nearby Conesville required more than 1,000 temporary workers to build a scrubber for one of its units. The plant then added 40 full-time employees to monitor the scrubber, which doubled the footprint of the unit. The device requires so much machinery it has its own control room.

Ralph Izzo, chief executive of the New Jersey utility PSE&G, said installing scrubbers at two of his company's coal plants created 1,600 jobs for two years, plus 24 permanent ones.

Critics from groups such as the Environmental Defense Fund say that AEP has had plenty of time to comply with the rules, which have been years in the making, and that some of these coal plants are too old and too dirty to continue operating.

"Everyone has this idea that the EPA could shut a plant down," said Rachael Belz, organizer of the coal program at Ohio Citizen Action. "But these decisions are being made by AEP, or Duke Energy. These are business decisions."

Some of the coal plants are approaching the end of their life spans anyway. And the price of natural gas has plummeted as people have discovered how to unlock gas from shale rock.

"The coal-to-gas switch is already on for pure economic reasons," said Mark Fulton, global head of climate-change investment research at Deutsche Bank.

He recently co-authored a study concluding that, by 2020, the shift to natural gas and renewables will generate a net 500,000 jobs in the United States.

Standing on the construction site of AEP's natural gas plant in Dresden, Ron Borton spoke excitedly about the future.

"I'm making the shift from coal to gas," said Borton, who spent 20 years working at the Conesville coal plant before becoming operations and maintenance superintendent of the Dresden project two years ago.

"I looked at this as an opportunity to learn something new," he said. "You don't hear many people complaining about a gas plant."

But the Dresden plant will require fewer workers. There will be just 25 full-time AEP employees, compared

with the 159 at Muskingum.

"Our level of automation is really heavy," Borton said. "One guy could run this plant."

Attacks on regulation

There is no question that a regulation can add costs for businesses and sap the resources and time of busy executives.

Companies have long complained that spending money following rules means there's less left over to invest in research or expand their businesses.

But recently, more in Washington are making another case. They argue that getting rid of regulations will directly create jobs.

President Obama has heard versions of this argument from powerful business lobbying groups, individual chief executives – including members of his own jobs council – and his rivals on the campaign trail.

Economists who have studied the matter say that there is little evidence that regulations cause massive job loss in the economy, and that rolling them back would not lead to a boom in job creation.

Firms sometimes hire workers to help them comply with new rules. In some cases, more heavily regulated businesses such as coal shrink, giving an opportunity for cleaner industries such as natural gas to grow.

"Based on the available literature, there's not much evidence that EPA regulations are causing major job losses or major job gains," said Richard Morgenstern, a senior fellow at the nonpartisan think tank Resources for the Future who worked at the EPA starting under the Reagan administration and continuing into President Bill Clinton's first term.

A decade ago, in a landmark study, Morgenstern and others looked at the effect of regulations on four heavily polluting industries – pulp and paper mills, plastic manufacturers, petroleum refiners, and iron and steel mills – between 1979 and 1991.

The researchers concluded that higher spending to comply with environment rules does not cause "a significant change" in industry employment. When jobs were lost, they were often made up elsewhere in the same industry. For every \$1 million companies spent, as many as 1 1 / 2 net jobs were added to the economy.

The White House has tried to be particularly sensitive about the burden on businesses when rules are added. This year, Obama issued an executive order that agencies pay close attention to how rules might affect employment.

"This kind of sustained attention to jobs impact is new," said Cass Sunstein, the White House's regulatory chief. "I think it is very important to make sure regulations are compatible with our economic goals. But the idea of brandishing 'job-killing regulations' as a near-epithet is probably less nuanced than is ideal."

Sunstein said he is sensitive to the possibility that when there is higher unemployment, there could be a higher risk that people working in regulated industries may have to wait longer to find new jobs.

Regardless, regulatory experts say that viewing a rule solely through the lens of whether it will cost jobs misses the point.

Noll, the Stanford professor, said the government could outlaw tractors to create \$5-a-day jobs for people working in the fields, but "that would not be a legitimate social goal."

"The notion that we should deregulate everything because we have a recession is completely wrongheaded," he said. "Whether a regulation is a good or bad idea is not a function of employment in the

industry being regulated.

"The right question is: On balance, does our society benefit?"

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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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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 (SO₂) and nitrogen oxide (NO_x) 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 SO₂ and NO_x 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 SO₂ emissions by 73 percent and NO_x 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_x 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 (SO₂) and nitrogen oxide (NO_x) 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 SO₂ emissions by 73 percent from 2005 levels. NO_x 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_x 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**

03/16/2012 10:41 AM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Shawn Garvin, Diane Thompson, Brendan Gilfillan, Arvin Ganesan, Laura Vaught

cc

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Subject Latest clips on Dimock

State Impact: EPA's Test Results Show Safe Drinking Water in Dimock

AP: EPA: Water quality OK in Pa. gas drilling town

Scranton Times Tribune: First 11 Dimock homes sampled by EPA show no health concerns

Bloomberg: EPA Clears Water in Pennsylvania Fracking Town After Complaints

[[full text below]]

State Impact: EPA's Test Results Show Safe Drinking Water in Dimock

March 15, 2012 | 4:49 PM

By Susan Phillips / Statelm-pact PA

The Envi-ron-men-tal Pro-tec-tion Agency says the drink-ing water test results of 11 homes in Dimock, Pa. did not show con-t-a-m-i-na-tion high enough to pose a health threat. Two of the homes tested did show arsenic, but the EPA says the arsenic lev-els are within safe drink-ing water stan-dards. They plan to retest the water from those house-holds. The water sup-plies of six of 11 homes did show sodium, methane, chromium or bac-te-ria. Again, the EPA says the con-cen-tra-tions were within the safe range for drink-ing water.

The EPA says it will con-tinue to pro-vide water to three homes while doing addi-tional sam-pling. The agency says it will re-evaluate send-ing water to those house-holds after con-duct-ing its sec-ond round of test-ing. In the mean-time, the EPA says they will meet with res-i-dents to dis-cuss their health-related concerns.

The EPA stepped in to Dimock's water con-tro-versy after state reg-u-la-tors said Cabot Oil and Gas could halt free water deliv-er-ies to res-i-dents. The head of Pennsylvania's DEP, Michael Krancer, crit-i-cized the fed-eral action. In a state-ment issued by the EPA on Thurs-day, the agency says it con-tin-ues to base its deci-sions on science.

"Our actions will con-tinue to be based on the sci-ence and the law as we work to help get a clear pic-ture of water qual-ity for these homes in Dimock."

Dimock res-i-dent Vic-to-ria Switzer says EPA offi-cials showed up at her door on Wednes-day to hand deliver the results. The tests by the EPA show sodium in Switzer's water but says it poses no health con-cerns. There are no fed-eral drink-ing water stan-dards for either sodium or methane. But EPA spokesman Roy Seneca says they did find methane and sodium above "trig-ger" lev-els in some households.

"This prompted us to do an ear-lier review by a tox-i-col-o-gist and to expe-dite a qual-ity assur-ance review should we need to take an imme-di-ate action to pro-vide water," wrote Seneca in an email response. "EPA con-ducted those reviews and found no health concerns."

Still, Switzer says she has mixed feel-ings about the results.

"I'd like to say it gives me a sense of relief because I can shower and do laun-dry," said Switzer. "But I'm not going to drink my water."

Switzer hasn't drank her water for four years, when she says it came out of her tap gray and foamy. The water is now clear, and she installed a vent to reduce the amount of methane in her well water, which she uses for bathing. But she says her water test results over those four years have fluc-tu-ated between drink-able and non-drinkable. So Switzer says she'll never know when the water could change for the worse.

"I will never feel secure enough to drink that water," she said.

Her neighbor Craig Sautner, agrees. "I would never ever, ever, drink that water again," said Sautner. Sautner and Switzer are two of several residents suing Cabot Oil and Gas over the contamination. But Anne Teel, a neighbor of Switzer and Sautner, says she feels perfectly safe drinking her water. Teel's water well was plugged up with sediment after gas drilling occurred nearby. But Teel says her water tests now show it's clean. Cabot Oil and Gas provided Teel with fresh water, but she says she and her husband have been using their well water for the past two years.

"I don't know how many more times you can test the water," said Teel. "And we've never had anything that's shown we shouldn't continue to drink the water."

Teel and her husband Ron leased their land to Cabot, which drilled its first test wells on their property. The Teels also had the EPA test their water recently, but it's unclear if they have received results yet. The EPA tested about 60 households, but not all of the water tests have been completed. EPA spokesman Ron Seneca says the agency plans to release sets of tests each week for the next three weeks.

Cabot Oil and Gas released a statement saying the company is "steadfastly committed to environmental stewardship" and is happy with the EPA's first 11 test results.

"We are pleased that data released by EPA today on sampling of water in Dimock confirmed earlier findings that Dimock drinking water meets all regulatory standards."

AP: EPA: Water quality OK in Pa. gas drilling town

Federal environmental regulators said Thursday that well water testing at 11 homes in a northeastern Pennsylvania village where a gas driller was accused of polluting the aquifer failed to show elevated levels of contamination.

The Environmental Protection Agency, which is sampling well water at dozens of homes in Dimock, Susquehanna County, said initial test results "did not show levels of contamination that could present a health concern."

Dimock has been at the center of a fierce debate over the environmental and public health impacts of Pennsylvania's Marcellus Shale drilling industry.

State environmental regulators had previously determined that Houston-based Cabot Oil & Gas Corp. contaminated the aquifer underneath homes along Carter Road in Dimock with explosive levels of methane gas. Residents who are suing Cabot assert their water is also polluted with drilling chemicals. Many other residents of Dimock say that the water is clean and that the plaintiffs are exaggerating problems with their wells to help their lawsuit.

The federal environmental agency began testing the water in January, more than a month after the state Department of Environmental Protection allowed Cabot to stop delivering replacement water to about a dozen families.

The EPA said water samples from six of the 11 homes for which it received initial test results showed sodium, methane, chromium or bacteria, but at levels that did not exceed primary or secondary drinking water standards. Arsenic was found in the well water of two homes, but at levels that did not present a health hazard, regulators said.

Of the 11 homes, EPA has been delivering fresh water to three homes where it said prior test results had showed alarming levels of contamination. EPA said it will continue supplying water to the homes "while we perform additional sampling to ensure that the drinking water quality at these homes remains consistent and acceptable for use over time."

Dimock resident Scott Ely, who is among the plaintiffs suing Cabot, disputed the EPA interpretation of his test results. He said the results showed a range of contaminants at unsafe levels, including sodium and arsenic.

"We've had hundreds of tests done out here, and we've had so many different scientists say you have bad water here, there's not a doubt about it. And yet when the state and feds test our water, they say we can drink it," said Ely, who plans to meet with the EPA to review the test results. "Absolutely not."

Cabot said in a statement that it is pleased by the EPA test results and that it is "steadfastly committed to environmental stewardship, collaboration with state regulators, and compliance with all applicable federal, state and local laws."

The EPA is awaiting test results from more homes. Meanwhile, emails obtained by The Associated Press show that borough council members from nearby Montrose opposed an arrangement by which some Dimock residents have been using water drawn from Montrose's municipal supply. In one email, Councilman Sean Granahan wrote to other council members that Dimock residents were "looking to pirate our water and pocket the proceeds from their royalties and settlements."

The email was sent on Feb. 7, one day after council members abruptly walked out on a meeting where

two Dimock residents and two anti-drilling activists showed up to observe and record the council's discussion of the privately owned hydrant. Granahan did not immediately return a phone message left by AP on Thursday.

Scranton Times Tribune: First 11 Dimock homes sampled by EPA show no health concerns

By Laura Legere (Staff Writer)

Published: March 16, 2012

The first 11 Dimock Township water supplies tested by the U.S. Environmental Protection Agency did not reveal levels of contamination that could present a health concern, but the samples indicated the presence of arsenic and other compounds that will require further tests at some homes, the agency said Thursday.

Agency officials hand delivered test results to residents whose wells were sampled during the week of Jan. 23 and will meet again with the families individually to review the results and answer questions.

The first test results reported Thursday represent about a sixth of the data collected by the EPA over weeks of sampling in a nine-square-mile area of Dimock where the agency is investigating the potential impact of nearby natural gas drilling on water supplies.

In a statement Thursday, the EPA said samples from six of the 11 homes showed concentrations of sodium, methane, chromium or bacteria, but all were within the safe range for drinking water. The sampling results also identified arsenic in two homes' water supplies, both of which are being sampled again by the agency.

"Although the (arsenic) levels meet drinking water standards, we will resample to better characterize the water quality of these wells," EPA spokesman Roy Seneca said in the statement.

Three of the 11 homes tested during the first week of sampling are receiving replacement water deliveries from the EPA. Those deliveries will continue "while we perform additional sampling to ensure that the drinking water quality at these homes remains consistent and acceptable for use over time," Seneca said.

The agency began testing about 60 water wells in January after the EPA's review of past tests by the state and other groups raised concerns about contamination from Marcellus Shale drilling.

Seneca said that the agency will share more test results with Dimock homeowners "as further quality assured data becomes available for the remaining homes."

The statement released by the EPA did not include a complete list of the compounds detected in the first 11 water supplies.

In the test results given to the families, the EPA highlighted compounds found at concentrations that exceeded what the agency described as "trigger levels" based on risk-based screening levels or the standards for public drinking water supplies.

Although all of the results were reviewed by a toxicologist before they were presented to residents, compounds above a trigger level were reviewed sooner by toxicologists and processed quicker by the agency "should we need to take an immediate action to provide water," Seneca said.

"EPA conducted those reviews and found no health concerns," he said.

Dimock resident Scott Ely said his test results showed five compounds above their trigger levels, including arsenic, chromium, lithium, sodium and fluoride. The arsenic level in his well water, 7.6 micrograms per liter, was below the federal drinking water standard of 10 micrograms per liter but above the 3 micrograms per liter chronic drinking water screening level for children established by the Agency for Toxic Substances and Disease Registry.

Ely, who has three small children in his home, said the results reveal "nothing surprising: my water is contaminated."

The number of compounds in his water well that triggered an expedited toxicological review "just confirms that we have issues," he said.

The natural gas industry said that the results confirm that their operations have not affected drinking water.

George Stark, a spokesman for Cabot Oil and Gas Corp., the firm drilling extensively in the township, said the company is "pleased that data released by EPA today on sampling of water in Dimock confirmed earlier findings that Dimock drinking water meets all regulatory standards."

He said that the company will continue to work with the EPA as well as state and local regulators to address concerns in Dimock, but he chided federal regulators for intervening in the case.

"We hope that lessons learned from EPA's experience in Dimock will result in the agency improving cooperation with all stakeholders and to establish a firmer basis for agency decision making in the future," he said.

Bloomberg: EPA Clears Water in Pennsylvania Fracking Town After Complaints

By Mark Drajem on March 16, 2012

The water in 11 wells near Dimock, Pennsylvania, is safe, the U.S. Environmental Protection Agency said, disappointing residents and health groups who say the federal government should intervene in a dispute with Cabot Oil & Gas Corp. (COG)

In a statement released late yesterday, the EPA said its tests begun early this year found sodium, methane, chromium or bacteria, but at levels "within the safe range." Two wells were found to have elevated levels of arsenic, and the agency will do a second round of tests of those homes.

"If they say it's safe to drink, I want to see them come drink the water from my well," Craig Sautner, a local resident who is part of a lawsuit against Cabot, said in an interview. Sautner said his water is cloudy, and when he draws from his well he can hear gas gurgling in.

Residents in Dimock complained that hydraulic fracturing operations, or fracking, by Cabot near their homes had put methane in their water and endangered their health. Fracking is a process that injects water, sand and chemicals into deep shale formations to free trapped natural gas.

The residents' plight gained wider attention late last year after Cabot cut off water deliveries and activists such as the actor Mark Ruffalo traveled to the town to make their own deliveries.

Cabot said its tests of the water in the area last year turned up no signs of contaminants beyond legal limits.

Meeting Standards

"We are pleased that data released by EPA today on sampling of water in Dimock confirmed earlier findings that Dimock drinking water meets all regulatory standards," the company said in an e-mail yesterday.

A boom in gas production using hydraulic fracturing helped increase gas supplies, cutting prices 32 percent last year while raising environmental concerns about tainted drinking water. The EPA is studying the effects of fracking on water and weighing a series of nationwide regulations.

Dimock has been a test case for the agency as it interjected itself after state officials had settled with Cabot and allowed water deliveries to cease. The EPA initially pledged to send water to the town, and then reversed itself. A few days later it changed course again and said it would give water to a few households, and those deliveries will continue.

Groups such as the Sierra Club said they were disappointed in the EPA's announcement yesterday.

"EPA should be increasing the alarm about arsenic showing up at elevated levels near gas drilling," Iris Marie Bloom, the head of Protecting Our Waters, an anti-fracking group in Philadelphia, said in an e-mail.

"I would not want to be drinking arsenic, and neither would you."

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

09/16/2011 06:19 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Arvin Ganesan, Laura Vaught, Bob Sussman, Seth Oster, Brendan Gilfillan

cc

bcc

Subject Bloomberg: Obama Backs Pending EPA Rules After Pulling Back on Ozone, Waxman Says

Obama Backs Pending EPA Rules After Pulling Back on Ozone, Waxman Says

By Mark Drajem - Sep 16, 2011

President Barack Obama's administration pledged to move ahead with proposed environmental regulations affecting utilities and manufacturers after pulling back smog rules, a Democratic lawmaker said.

After Obama quashed regulations to lower ozone limits, "I was told by people in the White House that they felt this would give them stronger grounds to stop Republicans who want to delay or postpone or eliminate" additional pollution-control proposals, Representative Henry Waxman, the ranking Democrat on the House Energy and Commerce Committee, said in an interview taped today for C-SPAN's "Newsmakers."

"They are going to hold the line," said Waxman, of California.

Obama told the Environmental Protection Agency on Sept. 2 that tighter standards on ozone, which causes smog, would impose unnecessary regulatory expenses on a weak U.S. economy. The ozone rule, which the White House estimated would cost \$19 billion to \$90 billion, was the most expensive under consideration by the administration.

The Business Roundtable, the National Association of Manufacturers and the U.S. Chamber of Commerce, the largest U.S. industry lobbying group, praised Obama's action on ozone. Representatives of the groups met in August with White House Chief of Staff William Daley to complain about the costs.

Up next on the EPA's agenda are rules designed to cut emissions from coal-fired power plants, cement factories and industrial boilers used by many industries, including paper manufacturing and hospitals.

The Republican leadership in the House of Representatives has promised to delay or derail implementation of six air-pollution standards.

Delaying Measures

A subcommittee of the House Energy and Commerce Committee approved legislation this week that would postpone the cement-plant and boiler regulations. The full House is scheduled to vote as early as next week on bills that would subject all the EPA's rules to an outside economic assessment.

Waxman said that none of those measures would become law because the Senate is unlikely to take them up, "and if they get to the president, I expect him to veto them," he said.

The White House and the EPA didn't respond to e-mails requesting comment.

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

01/31/2012 10:04 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson,
Brendan Gilfillan

cc

bcc

Subject TNR: The Experiment: How Steven Chu lost his battle with
Washington.

The Experiment

How Steven Chu lost his battle with Washington.

Charles Homans

January 25, 2012 | 1:48 pm

Investigations into Solyndra's conduct are still ongoing—including an inquiry by the FBI—and the documents released so far have provided a litany of embarrassments, not to mention a durable Republican line of attack. (The conservative organization Americans for Prosperity has spent more than \$8 million on Solyndra-themed anti-Obama television ads since November.) Even so, in their fixation with catching Chu red-handed, lawmakers appear to have overplayed their hand. Even Chu's opponents found the crusade disappointing. "I think the Hill did a very poor job of going after him," one lobbyist and Chu critic told me. "Everyone was like, 'Fuck, they're just going after a hide.' They didn't do the research they should've done. Everything that I know about [Chu] is that he is not a corrupt guy. He would not have done what they said he did." A Republican Senate staffer who was familiar with the loan program agreed. "I don't think it was necessarily a political thing," she says of the Solyndra deal. "I think this was their first big demonstration of this idea, and they didn't want it to flop."

There was also the fact that Congress had appropriated a \$2.4 billion risk reserve for the program, explicitly authorizing the Energy Department to lose nearly five times what Solyndra had lost. And even Republicans who had voted against the program's 2009 expansion had clamored for more federal funds to support wind farms, solar arrays, and nuclear plants in their own districts. If anything, Chu's department should have been faulted for its caution: A Bloomberg Government report released in December found that 87 percent of the \$16 billion worth of projects underwritten by the program were of minimal risk, not the transformative loans the department was supposed to be making.

If the Solyndra investigation didn't produce a scalp, however, it did make one thing clear: The federal government's foray into venture capitalism was over. The loan guarantee program expired in September, at the height of the Solyndra controversy; virtually nobody I talked to in Washington or Silicon Valley believed it would be revived. Brookings Institution scholar Mark Muro, an authority on renewable energy policy, points to an array of programs due to sunset in the next year that are unlikely to be renewed, some launched through the stimulus and others dating back to the Bush-era Republican Congress. They include not just the loan guarantees but also Treasury Department grants, IRS-administered bonds for clean energy projects, and tax credits for energy efficient appliances and new homes.

Some of the high-tech research programs, particularly Chu's own arpa-e, will probably survive. But absent unlikely congressional action, Muro estimates that as much as 70 percent of the current federal funding for clean energy could vanish by 2014. "I think we are going to exit the clean-tech finance business as a nation," he says.

THE BULK OF THE wall-to-wall coverage of the Solyndra bankruptcy last fall overlooked one salient detail: Washington's second great experiment with clean energy, for all its hiccups, seems to be working. Bloomberg New Energy Finance reported in November that global investment in renewable power plants had for the first time surpassed investment in fossil-fuel-powered facilities. Clean energy technology has proved to be a largely recession-proof, if still small, engine of economic growth in the United States.

Energy Department initiatives have also given U.S. companies a foothold in the manufacturing of advanced batteries, a critical component in electric cars that is projected to grow into a \$100 billion industry by 2030. "A lot of them got their start with money from arpa-e, and they're chasing brilliant advances," says Mike Danaher, a partner at the law firm Wilson Sonsini Goodrich & Rosati who specializes in clean energy technology and works with half a dozen such companies. "The ferment that's going to come out of this is like nothing anyone could imagine." If clean energy's best days lie in the past, it will say less about the flaws of federal policies than it will about the government poised to pull the plug on them.

"I think Steve made a pretty good try," one of Chu's former deputies told me. "But this is hard. Subsidies, economics, regulations have to play together with the technology. I think we all understand that much better now." Signs of retrenchment, meanwhile, have begun to crop up in the fine print of the department's work. In September, the department published the results of its quadrennial technology review. The report speaks mostly of bolstering America's energy security and competitiveness; climate change is mentioned on barely a half dozen of its 152 pages.

This fall, the department shifted the emphasis of its efforts to promote carbon capture and storage—originally intended to reduce emissions from coal-fired power plants—toward using the technology to extract more petroleum from aging oilfields. "Steve's a fairly realistic guy—he has adapted his thinking to the policy scene," the former deputy says. "I think he's responded to advice from many to focus on what *can* get done."

During our interview, I asked Chu if he intended to stay for a second Obama term. "That we will leave up to—" he said, trailing off, before finishing: "We'll see what happens." I asked if it bothered him that Obama—a president who had once declared energy his top domestic priority—had instead invested his political capital in health care reform. "Would I have loved to have a big, global comprehensive energy bill?" Chu replied. "You bet. But I still think there are so many things that I can do in my position here and that we are doing. So I'm not going to wring my hands over coulda, woulda, shoulda."

But I found myself thinking of something Chu had said a year and a half earlier, as the ambitious first act of Obama's presidency was drawing to a close, in a commencement speech at

Washington University in St. Louis. As he had in Las Vegas in 2008, Chu ended his remarks by invoking a famous photograph of the Earth, this time a digital image taken by the *Voyager 1* probe just before it exited the solar system for deep space in 1990. If the *Apollo 8* photograph offsets the precariousness of human life with the warmth of a planet that is recognizably our own, the *Voyager* image conveys only Earth's isolation, the astronomically long odds of a second chance for its inhabitants. The planet is a tiny blue pinpoint, barely a tenth of a pixel in width, set against the immense indifference of space.

The late astronomer Carl Sagan was so moved by the photograph that he dedicated a book to it, and Chu invoked his words to the graduating students. "Our posturing, our imagined self-importance are challenged by this point of pale light," he told them. "Our planet is a lonely speck. In all this vastness, there is no hint that help will come from elsewhere to save us from ourselves."

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

10/27/2011 01:09 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Cynthia
Giles-AA, Seth Oster, Brendan Gilfillan

cc

bcc

Subject Politico Pro: Lisa Jackson: Keystone conversation is
'awesome'/ Bloomberg:EPA Remains Engaged in Keystone
XL Pipeline Talks, Jackson Says

Lisa Jackson: Keystone conversation is 'awesome'

By Erica Martinson

10/27/11 12:41 PM EDT

EPA Administrator Lisa Jackson on Thursday took an artful dodge when asked by a student activist about the Keystone XL pipeline, praising civic engagement and promising that the EPA will “do its job.”

"People ask me all the time, ‘What about this whole issue?’ To me, it’s awesome; it’s awesome that we’re having this conversation in this country. This should be a moment where we’re having a big conversation,” she said.

But, Jackson added a cautionary note: “This is a pipeline that cuts our country literally in half.”

Jackson addressed a Sierra Club meeting of national campus activists, most of whom are focused on shutting down coal-fired power plants on their campuses and on other similar issues.

One student, Jarymar Arana from Texas — who plans to bring up the pipeline again this afternoon when the students visit the White House — thanked the administrator for its previous “robust review” of the pipeline and asked “if you will continue to stand up for the communities affected by Keystone XL.”

“Yes, that’s our job,” Jackson said, speaking of EPA’s obligation under the National Environmental Policy Act to review environmental impact statements.

But, she noted, “Everyone, I think, knows here that the actual decision-makers are the State Department.”

Jackson said the EPA is almost finished with its final comments on the pipeline, but declined to tell reporters when they would be completed.

She noted President Barack Obama's brief mention Wednesday of the controversy, telling the activists that “he’s certainly heard your voices and is very much aware of the concerns you have raised.”

Arana told POLITICO that Sierra Club and its student activists feel that EPA’s last comments

filed on the Keystone XL pipeline essentially rejected the project, and they want to “build on that momentum and ask that they do it again.”

Arana is particularly concerned about family in Brownsville, Texas, near the Gulf Coast, where there may be increased demand for refineries once the pipeline is built, and said she and other activists are concerned about the disproportionate impact on the Hispanic community that could come from the pipeline.

Most of the students at the Sierra Club event at Howard University this morning were focused on coal.

Students at the event said that 17 student groups thus far have won campaigns to retire coal-fired power plants on campus and that last month students held more than 100 events nationwide asking for a transition off of coal at their schools.

Jackson used the event to warn students about congressional assaults on a slew of rules and defend the agency’s recent decisions. “We’re not going to use the current economic crisis to roll back the health and safety people have come to rely on for a decade. ... It would be tragic if we took one step forward, and we end up taking four or five steps back, "she said.

About environmental laws, she added: “None of them are safe right now.”

“We will ... continue to face vote after vote to knock these rules down,” Jackson said. “They’re threatening more votes ... against the Clean Air Act. Against the Clean Water Act ... of course now we hear that the EPA is the enemy.”

She called out an unnamed lawmaker in her speech, noting, “I read a really interesting headline today ... an elected official, I won't say which one, said he needs to protect coal ash from regulation. I thought — 'I thought the job was to protect us from coal ash!' One of the reason that we have regulations and standards was to protect we the people.”

It appears Jackson was referring to Sen. John Hoeven (R-N.D.), and [a story in The Hill](#).

Jackson specifically defended the agency’s agreement with automakers to up standards to 55 miles per gallon by 2025, though she warned students, “There will be an effort to reverse it. ... And it will probably be led by someone from California.” (Rep. Darrell Issa has been a leading critic of the deal.)

Jackson also spoke voraciously of the agency’s upcoming mercury and air toxics standards, due out Dec. 16 after environmental litigants recently granted a one-month extension.

One of the reasons it’s so important to meet the standards, Jackson told the students, is that there are many coal plants that are 40, 50, 60 years old. “We actually have one, I think, approaching 70 years old. And in their entire history ... they've never found the time, or the reason, to clean up their act.”

EPA Remains Engaged in Keystone XL Pipeline Talks , Jackson Says

Bloomberg

By Katarzyna Klimasinska

10/27/2011

The Environmental Protection Agency, which has faulted government reviews of the Keystone XL pipeline, will remain engaged in discussions over TransCanada Corp. (TRP)'s proposed project, administrator Lisa Jackson said.

Jackson, meeting with students at Howard University in Washington today, replied to a question from Jarymar Arana, 23, who asked whether the EPA chief will continue to stand up for the health of communities affected by the pipeline.

"Yes, of course, that's our job," Jackson said. Referring to complaints by environmentalists about threats to health and safety along the pipeline route, she said: "It's awesome that we are having this conversation in this country."

The EPA is "just about completing" a review of a U.S. State Department environmental assessment issued in August, Jackson said today. TransCanada's proposed \$7 billion pipeline from Alberta's oil sands to Gulf Coast refiners poses "no significant impacts to most resources" along its route across six states, the department said on Aug. 26.

The EPA raised concerns last year after the State Department's preliminary review. The agency said more work was needed on potential greenhouse-gas emissions, pipeline safety and impacts on wetlands and migratory birds.

Environmentalists oppose the project, citing greenhouse gases and risks of a spill tainting the Ogallala aquifer in Nebraska's Sand Hills region that supplies drinking water for 2 million people. Senator Mike Johanns, a Nebraska Republican, wants the line rerouted.

Secretary of State Hillary Clinton has final say on the pipeline project because it crosses an international border.

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

12/16/2011 10:40 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Gina
McCarthy, Arvin Ganesan, Laura Vaught, Brendan Gilfillan,
Seth Oster

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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**

10/12/2011 12:18 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Gina McCarthy, Brendan Gilfillan, Stephanie Owens, Dru Ealons, Heidi Ellis, Arvin Ganesan, Laura Vaught, Daniel Kanninen, Janet Woodka

cc

bcc

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.

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

11/30/2011 05:45 PM

To Richard Windsor, Bob Perciasepe, Gina McCarthy, Bob Sussman, Arvin Ganesan, Laura Vaught, Seth Oster, Brendan Gilfillan, Diane Thompson, Jose Lozano, Janet Woodka, Bicky Corman, Michael Goo, Avi Garbow, Scott Fulton

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Subject Reuters:U.S. moves ahead with rule to cut boiler emissions

U.S. moves ahead with rule to cut boiler emissions

4:41pm EST

By Timothy Gardner

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency said it will propose a long-delayed rule this week that aims to slash emissions of mercury, soot and lead from boilers and incinerators, a measure opposed by heavy industry and by Republicans in Congress.

"EPA intends to issue the Boiler MACT rule proposal for public comment on Friday," an agency spokeswoman said in an email on Wednesday.

The rule, which the EPA delayed in May, has been opposed by Republicans and some Democrats in Congress.

The Republican-controlled House of Representatives voted in October to delay the EPA pollution limits on boilers. But the bill faces a difficult fight in the Democratic-led Senate, and the White House has said President Barack Obama would veto the measure.

Industry groups say the rule, which would limit emissions at nearly 14,000 boilers, would cost billions of dollars and kill jobs. The American Forest and Paper Association, for example, said in a paper the rule could cost more than 20,000 jobs.

But the EPA says reducing the harmful emissions would save much more money in health costs and lost work time from asthma and other illnesses.

The administration was slammed by environmentalists after Obama ordered the EPA in September to delay a major rule on smog emissions.

Green groups expressed support for the EPA moving forward with the boiler rule, which would be open to a public comment period before being implemented.

"It's excellent the EPA is opening this process to get as much information as they can from industry to learn how to implement the rule," said Frank O'Donnell, the president of Clean Air Watch.

The boiler rule could also benefit companies that build boilers, such as Babcock and Wilcox Co.

The EPA is expected to finalize a similar rule limiting mercury and other toxic emissions from power plants by December 16.

Separately, the public comment period on an EPA rule to slash smog-forming and benzene emissions from natural gas and oil fracking operations ended on Wednesday. Environmental groups said some

156,000 private citizens filed comments with the EPA over the rule, which the EPA delayed by about a month to get more comments. The EPA is under court order to finalize that rule by April 3, 2012.

(Reporting by Timothy Gardner; Editing by Marguerita Choy)

**Betsaida
Alcantara/DC/USEPA/US**
03/22/2012 01:26 PM

To Richard Windsor, Bob Perciasepe, Gina McCarthy, Shawn
Garvin, Bob Sussman, Diane Thompson, Brendan Gilfillan,
Arvin Ganesan, Laura Vaught

cc

bcc

Subject Bloomberg: EPA Considering Waiving Summer Fuel Rules
for Pennsylvania/The Hill: EPA Chief: No date yet for power
plant carbon rules

Bloomberg
EPA Considering Waiving Summer Fuel Rules for Pennsylvania
By Mark Drajem
March 22, 2012

The Hill
EPA Chief: No date yet for power plant carbon rules
By Ben German
March 22, 2012

FULL TEXT

Bloomberg
EPA Considering Waiving Summer Fuel Rules for Pennsylvania
By Mark Drajem
March 22, 2012

The Environmental Protection Agency is considering a request that it waive stricter U.S. summer pollution rules for [Pennsylvania](#), where idled refineries may prompt seasonal fuel shortages. Given rising gasoline prices, "of course we are considering it," Lisa Jackson, the EPA's administrator, told reporters today.

Jackson earlier told the U.S. Senate Committee on Environment and Public Works at a [hearing](#) that the EPA is in discussions with Pennsylvania state officials following reports of low supplies in the Pittsburgh area because of shuttered refineries.

Pennsylvania Democratic Senator [Bob Casey](#) has asked Jackson to waive the summer pollution rules for the Pittsburgh area. Supplies of the seasonal blend of gasoline are limited and could cause price spikes because of reduced refinery output, Casey said in a letter to Jackson on March 16.

Regular gasoline at the pump in the eastern U.S. was \$3.811 a gallon as of March 19, 7.7 percent higher than a year earlier, Energy Department data show.

The Hill
EPA Chief: No date yet for power plant carbon rules
By Ben German
March 22, 2012

Is EPA's schedule for proposing power plant greenhouse gas standards slipping again? It depends on your definition of "early."

The agency has for months said the rules - which the White House is currently vetting - would be

proposed "early" in 2012 after missing several earlier deadlines.

EPA Administrator Lisa Jackson on Thursday told reporters that there's no date yet for proposing the regulations, which would set first-time standards for new and modified power plants that run on coal, oil and natural gas.

Jackson said the "early" 2012 timeframe remains in effect, but asked when it will no longer be "early" 2012 anymore, she quipped, "you tell me."

"I have no more information and no date to give you. They are in interagency review," Jackson said when asked whether the "early" meant the first quarter (coming at the end of March) or not.

She spoke after testifying before the Senate Environment and Public Works Committee about the agency's fiscal year 2013 budget plan.

The White House Office of Management and Budget has been reviewing the proposal since early November.

The White House faces heavy election-year pressure from Republicans and some conservative Democrats to scuttle the regulations, which EPA crafted under a settlement with states and environmental groups.

**Betsaida
Alcantara/DC/USEPA/US**
11/22/2010 10:52 AM

To Richard Windsor, Bob Sussman, Arvin Ganesan, Adora
Andy, Bob Perciasepe, Peter Silva, Brendan Gilfillan, Alisha
Johnson, Seth Oster, Diane Thompson, David McIntosh,
Daniel Kanninen
cc Gwendolyn KeyesFleming
bcc
Subject FL Nutrients Editorials- Sun Sentinel & St. Petersburg Times

Administrator,

Here are two additional editorials (St. Pete Times and South Florida Sun-Sentinel) that ran this past Sunday defending our nutrients pollution rule.

South Florida Sun-Sentinel.com

Editorial

EPA water rules for Florida long overdue

THE ISSUE: Critics blast EPA water rules.

November 21, 2010

Florida has only itself to blame for the federal intervention, in the form of clean water rules that take effect in 15 months. After all, the rules came about after environmental groups filed a lawsuit demanding that the Environmental Protection Agency enforce the federal Clean Water Act.

Florida will have to limit the amount of phosphorus and nitrogen that gets into waterways from sewage plants, industry and other sources. It's up to the state to determine how it'll meet the new standards, but meet them it must. First for its rivers, lakes and springs, and later, likely beginning in 2012, its estuaries and saltwater bodies.

Opponents of the heightened standards, who include Gov.-elect Rick Scott, U.S. Sen. George LeMieux, House Speaker Dean Cannon and representatives of utility and local-government trade groups, decried the timing of the federal rules, which come when Florida's economy is limping along.

Opponents act like the EPA rule blindsided them. But the EPA received about 22,000 comments from supporters of the rule — and its critics.

Some critics claim the EPA mandate could cost Florida up to \$1.6 billion annually. And that the cost will be passed on to Florida's struggling families.

But the EPA, using data from the state and other sources, pegs the annual cost to comply with the standards at between \$135 million and \$206 million, or about \$3 to \$6 per household per month. A new Florida TaxWatch poll shows about 70 percent of Floridians wouldn't mind paying a little more for clean, renewable energy.

What makes state policymakers think Floridians wouldn't pay a bit more for clean water? And what makes those opposing the EPA rule think their strategies for maintaining Florida's waterways have benefitted the state?

That said, the cost of implementing the rules needs to be watched, and carefully. Fortunately, the EPA doesn't look to be unreasonable. It will allow businesses and communities to propose alternative standards — if they can demonstrate those alternatives would effectively protect the water. And it will allow local governments to skirt the standards if they can prove that higher nutrient levels in a particular river or lake won't harm it.

The standards aren't cast in stone. But you don't hear that from those wanting to sink them.

BOTTOM LINE: Water rules are long overdue.

St. Petersburg Times

A Times Editorial

Florida officials team up to protect water polluters

In Print: Sunday, November 21, 2010

Rick Scott, Pam Bondi and the rest of Florida's newly elected Republican leadership teamed up the other day for a shameful cause — dirtier streams, lakes and drinking water. The pair joined a host of incoming Republican officeholders to blast the new clean water rules announced this month by the Environmental Protection Agency. These leaders need to get their facts — and their priorities — straight. Polluted water endangers public health, threatens the golden geese of property values and tourism and destroys the very environment that attracts residents here. The state should welcome the new standards and work with polluters to clean up the public's waterways.

The new rules are hardly an example of an activist federal government overstepping its authority. The EPA told the states in 1998 to limit nutrient pollution in surface waters by 2004 or it would do the job for them. But 2004 came and went. Finally, in 2008, environmental groups sued the EPA, calling on the agency to intervene in Florida under the Clean Water Act. Last year, the agency settled the case under the stipulation that it adopt specific pollution standards for Florida waterways. The EPA unveiled those standards — for lakes, river and springs — this month. A separate proposal for coastal waters is due by November 2011.

Florida's political and business leaders decried the move as an unprecedented reach and a costly mandate that could stall Florida's recovery — totally ignoring that the EPA and state had dragged their feet for more than a decade while waterways deteriorated further. Industry groups said the measure could cost agriculture, municipal and industrial wastewater plants and pulp and paper manufacturers \$12 billion a year. Barney Bishop, who heads Associated Industries, the powerful business lobby, blamed "radical left-wingers" for imposing regulations that the state might not even need.

Radical left-wingers? These rules were put into motion under the administration of President George W. Bush, after the EPA had worked for a decade with two Republican governors of Florida to write tighter pollution standards. And the standards are not near as draconian or as costly as industrial polluters have claimed. The EPA estimates the rules would affect only a fraction of farmers, plant operators and other polluters. Fewer than half of the wastewater plants and only about one-tenth of farming operations would fall under the plan, according to the EPA. The agency estimates the cleanup would cost between \$135 million and \$206 million annually. And that's before polluters could take advantage of a variance process that could take entire operations or watersheds off the hook from making any changes at all.

Business groups have done a good job camouflaging the issue as a jobs bill and confusing the point: The public's waterways should no longer be a cheap dumping ground for fertilizer, chemicals, livestock manure, stormwater runoff and septic tanks. Nutrient pollution causes harmful algae blooms, which can kill fish, cause infections, rashes and respiratory problems among swimmers and beach-goers and cause huge financial losses in tourism and property values. The state acknowledged in 2008 that nutrient pollution tainted 1,000 miles of rivers, 350,000 acres of lakes and 900 square miles of estuaries in Florida.

The EPA's standards build on what is a Florida solution to a Florida problem. Federal officials have shown good faith by continuing to meet with state regulators and affected industries to ensure that the clean-water standards are reasonable and specific to the local hydrologic conditions. The EPA also stayed the rules for an additional 15 months to give the industry time to prepare. This was after the agency postponed the rules initially at the request of Florida's two U.S. senators, Republican George LeMieux and Democrat Bill Nelson. Florida's political and business leaders need to heed their own call for science, not politics, to drive this process. This is the water that Floridians drink.

**Betsaida
Alcantara/DC/USEPA/US**
02/29/2012 12:20 PM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Diane Thompson, Brendan Gilfillan, Arvin Ganesan, Laura Vaught, Alisha Johnson, Andra Belknap, David Bloomgren

cc

bcc

Subject Clips: House Budget Hearing Part 1

Budget Hearing (February 28) - Clips:

- C-SPAN: EPA Administrator Explains \$8.3 Billion Budget Request**
- Los Angeles Times: EPA chief defends cuts to beach water testing**
- NOLA.com: EPA's Lisa Jackson get cordial questioning from Louisiana congressmen**
- West Virginia State Journal : EPA justifies \$8.3 billion budget to Congressional committee**
- Bloomberg: EPA Greenhouse Gas Rules Under Scrutiny in Two -Day Hearing**
- The Hill: EPA won't finish refinery greenhouse gas rules in 2012**

FULL TEXT

C-SPAN EPA Administrator Explains \$8.3 Billion Budget Request February 28

Appearing before Congress Tuesday, EPA Administrator Lisa Jackson defended her agency's [study](#) of the impact of a natural gas drilling method known as hydraulic fracking on water contamination. Lisa Jackson testified before two House Energy and Commerce Subcommittee's on the President's 2013 budget request. The EPA budget would decrease by 1.2%, totaling \$8.3 billion. In related news, the EPA limits on greenhouse gas emissions are being challenged this week in the U.S. Court of Appeals.

Los Angeles Times EPA chief defends cuts to beach water testing By Tony Barboza

The head of the U.S. Environmental Protection Agency on Tuesday defended the Obama administration's plan to eliminate federal funding for health testing at beaches nationwide, telling lawmakers that it is the role of state or local government to monitor whether water is too contaminated to swim in.

At a House Energy & Commerce Committee hearing, EPA Administrator Lisa P. Jackson faced criticism from coastal area lawmakers over the proposal to do away with \$10 million in grants it has given each year to state and local agencies to test for tainted water.

Jackson called the cuts "one of the tough choices" in the agency's new budget, adding: "This is simply the federal government saying that this really is a state or local function. It's best done

that way ... and that our time for funding this ... is over and it's time for those communities to take over."

Before announcing the cutbacks two weeks ago, the agency had credited its grant program with tripling the number of beaches nationwide that are monitored for pathogens. Local health officials use test results to post warning signs or even close beaches when bacteria levels indicate the water is too contaminated.

"I'm just afraid that without these grants the trend will reverse itself and many states will just choose to stop monitoring many of their beaches," Rep. Frank Pallone Jr. (D-N.J.) told Jackson during Tuesday's hearing.

California, which is eligible for about \$500,000 a year through the federal program, could have to cut back beach testing unless officials find other sources of funding, state officials have said. The proposal would also eliminate the bulk of the money used to test Florida's beaches, the South Florida Sun Sentinel reported.

Rep. Lois Capps (D-Santa Barbara) told Jackson that she found the EPA's justification for the cuts "absurd" and said that without funding, county environmental health officials in California would have to drop testing.

"EPA needs to partner with our local communities, not leave them out to dry," Capps said.

Environmentalists have railed against the cuts, with groups such as the Surfrider Foundation calling them "the single largest attack on marine water quality standards in a decade."

Swimming in polluted water exposes people to pathogens that can cause diarrhea, vomiting, skin rashes and ear, eye and staph infections. Less testing, water quality advocates say, would put swimmers and surfers at greater risk of getting sick.

NOLA.com

EPA's Lisa Jackson get cordial questioning from Louisiana congressmen

By Jonathan Tilove

WASHINGTON -- EPA Administrator Lisa Jackson endured three-and-half hours of often tendentious questioning from Republicans on the House Energy Commerce Committee Tuesday. But her encounters with the two Louisianans on the committee -- Reps. Steve Scalise, R-Jefferson, and Bill Cassidy, R-Baton Rouge -- were unusually cordial.

The Associated Press archive EPA Administrator Lisa Jackson endured three-and-half hours of often tendentious questioning from Republicans on the House Energy Commerce Committee Tuesday. The two Louisiana members were more cordial to her.

Scalise began questioning Jackson, who grew up in New Orleans, by thanking her for her support for the the effort to dedicate 80 percent of the Clean Water Act fines levied against BP for Gulf restoration efforts. Scalise recently won House support for an amendment to accomplish that, which was added to the energy section the surface transportation bill. Jackson, who President Barack Obama named to head the Gulf Coast Ecosystem Restoration Task Force, told the Louisiana lawmaker that, "it is extremely important that those resources return to the Gulf of Mexico, so thank you for your leadership."

In his questioning, Scalise said he hoped that EPA wouldn't seek to interfere with what he said

has been effective state regulation of hydraulic fracturing, and prodded EPA to move quickly to approve the necessary permits for a Nucor Steel plant in Louisiana.

Cassidy opened his questioning by congratulating Jackson for being "unflappable" through a long day of testimony.

"I worry about the other shoe that is about to drop," replied Jackson.

"There is no other shoe," Cassidy assured her.

But Cassidy did, very politely, press Jackson on a few matters.

He said that the president had talked about using natural gas as a transportation fuel, which Cassidy said he thought was a great idea, but wondered what if there was anything the administration was doing to pursue that objective.

"I don't believe there is a legislative initiative right now," said Jackson.

Cassidy asked about the use of methanol from natural gas or wood sources as a fuel additive, and how it is his understanding that the regulatory process would take so many years that, despite its merits, it is not being seriously pursued. Jackson said she would be happy to set up a meeting for Cassidy with EPA's experts.

Cassidy also asked whether community groups that receive EPA funds ever issue environmental claims that may or may not be based on good science. Jackson said that EPA may do a fiscal audit of those groups, but it was unlikely they would audit their press releases. But, she said, "in general, I see your point."

Cassidy said he had no particular case in mind, but Republicans repeatedly questioned her during the hearing about particular grants EPA has given to what sounded, on the surface, like unlikely recipients, including a kinesthetic dance troupe doing environmental justice work in Utah, a camp called Kumbaya, and a Baptist church.

"Why would you give a grant to a Baptist church?" asked Rep. Joe Barton, R-Tex.

"Why not?" replied Jackson.

West Virginia State Journal
EPA justifies \$8.3 billion budget to Congressional committee
By Taylor Kuykendall

Speaking to the environment and economy before the Committee on Energy and Commerce of the U.S. House of Representatives, Environmental Protection Agency Administrator Lisa Jackson stood in defense of her agency's budget Tuesday.

Jackson said the EPA's budget request reflects the "EPA's core mission of protecting public health and the environment" while making necessary sacrifices and "tough decisions" to reduce government spending.

In her prepared remarks to the committee, Jackson does not mention West Virginia's prized coal industry, but she did mention an industry that is quickly becoming a favorite among state leaders and economic developers.

"As I've mentioned before, natural gas is an important resource which is abundant in the United States, but we must make sure that the ways we extract it do not risk the safety of public water supplies," Jackson told lawmakers. "This budget continues EPA's ongoing congressionally directed hydraulic fracturing study, which we have taken great steps to ensure is independent, peer reviewed and based on strong and scientifically defensible data."

The budget includes \$14 million for collaborative work with the United States Geological Survey, the Department of Energy and other organizations to address questions regarding hydraulic fracturing.

Jackson has faced much criticism from the Republican-led U.S. House of Representatives, including from West Virginia House Republicans Rep. Shelley Moore Capito and Rep. David McKinley. During Tuesday's hearing, Rep. Henry Waxman, D-Calif. called the current U.S. House among the least environmentally friendly.

Jackson explained that much of the budget goes toward programs for the U.S. states and tribes through categorical grants. About 15 percent of EPA's budget request is dedicated to categorical grants. About 40 percent of the EPA funding request is directed to the State and Tribal Assistance Grants appropriation.

Another 25 percent of the EPA's budget request is given to states for revolving funds for clean water and drinking water programs.

"The budget also requests support for protection of the Chesapeake Bay, and several other treasured and economically significant water bodies," Jackson told the committee. "The budget reflects the importance of cleaning up contaminated land sites in our communities by requesting \$755 million for continued support of the Superfund cleanup programs and maintains the Agency's emergency preparedness and response capabilities."

Bloomberg: EPA Greenhouse Gas Rules Under Scrutiny in Two -Day Hearing **By Elizabeth Amon**

The U.S. Environmental Protection Agency's limits on vehicle and industrial emissions of greenhouse gases including carbon dioxide are being scrutinized by U.S. judges as a two-day court hearing began in Washington.

The three-judge panel of the U.S. Court of Appeals is considering challenges to the agency's finding that greenhouse gases are pollutants that endanger human health, and to rules determining when states and industries must comply with regulations curtailing their use.

Companies such as Massey Energy Co., business groups including the U.S. Chamber of Commerce and states led by Texas and Virginia are seeking to stop the agency through more than 60 lawsuits. They argue that the agency relied on biased data from outside scientists, including some affiliated with the so-called climategate scandal.

"Everything flows from the endangerment finding," said Robert Brenner, a senior fellow at the Nicholas Institute at Duke University and a former EPA official. Overturning that determination "will be the most difficult for the industry to get a finding from the court."

In 2007, the Supreme Court ruled that 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

public danger. The EPA issued a so-called endangerment finding in December 2009, clearing the way for regulation of emissions from power plants, factories and other sources linked to global climate change.

The arguments have been split into three parts. The panel heard arguments yesterday on the endangerment finding and challenges to a 2010 rule on emissions from motor vehicles that opponents said improperly sets greenhouse-gas standards for stationary sources, such as steel mills and power plants.

Today, the court will consider challenges to the EPA's "tailoring rule," which limits the businesses covered by carbon regulation and phases in controls.

The agency aims to phase in industrial polluters covered by the carbon rules through 2016. Imposing restrictions all at once and without exceptions would be "absurd," EPA Administrator Lisa Jackson has said.

The EPA argued in court filings that the tailoring rule is acceptable under the Clean Air Act and necessary to avoid states being overrun with permit requests.

The case is Coalition for Responsible Regulation Inc. v. Environmental Protection Agency, 09-1322, U.S. Court of Appeals, District of Columbia (Washington).

The Hill

EPA won't finish refinery greenhouse gas rules in 2012

By Ben German

The Environmental Protection Agency is acknowledging it will not complete first-time greenhouse gas standards for oil refineries in 2012.

The agency had already delayed the planned mid-December 2011 rollout of draft rules, and is now confirming that the rules will not be issued in final form this year.

The confirmation that the rules won't be completed in 2012 is not a surprise, given the missed date to float them in draft form. But it nonetheless underscores the stakes of the upcoming elections for climate change advocates because President Obama's main GOP rivals oppose EPA greenhouse gas regulations.

EPA, as part of a late 2010 settlement with several states and environmentalists, had initially hoped to complete the rules by mid-November of 2012.

"EPA expects to need more time to complete work on greenhouse gas pollution standards for oil refineries and does not anticipate," finalizing the standards this year, spokeswoman Betsaida Alcantara said in an email. "EPA continues to work with the litigants to develop a new schedule," she said.

EPA Administrator Lisa Jackson signaled the slow track for the regulations at a House Energy and Commerce Committee hearing Tuesday, telling lawmakers "There are no current rules under development on that issue."

Jackson told reporters that the agency is still planning to craft the standards.

"We have always had plans that we would go from the largest stationary [greenhouse gas

emissions] source, which is utilities ... to the next largest, which is refineries," she said.

Separate greenhouse gas rules for new and modified power plants have also faced delays. But Jackson said Tuesday that the agency still hopes to float those rules - which are under White House review - in draft form "early" in 2012.

Republicans and some conservative Democrats are battling the regulations. The House in 2011 approved GOP-led legislation to strip EPA's power to regulate greenhouse gas emissions, but the measure has not advanced in the Senate.

Industry groups have filed lawsuits challenging EPA's regulatory authority over heat-trapping emissions. The U.S. Court of Appeals for the District of Columbia Circuit will hold the second of two days of oral arguments Wednesday.

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

01/07/2011 09:01 AM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Peter Silva, Seth Oster, Brendan Gilfillan, Adora Andy, Alisha Johnson, Andra Belknap, Diane Thompson, Daniel Kanninen, Arvin Ganesan, David McIntosh

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Subject AP EXCLUSIVE: US Says Too Much Fluoride In Water

<http://www.npr.org/templates/story/story.php?storyId=132732410>

AP EXCLUSIVE: US Says Too Much Fluoride In Water

by The Associated Press

ATLANTA *January 7, 2011, 08:02 am ET*

Fluoride in drinking water – credited with dramatically cutting cavities and tooth decay – may now be too much of a good thing. It's causing spots on some kids' teeth.

A reported increase in the spotting problem is one reason the federal government will announce Friday it plans to lower the recommended limit for fluoride in water supplies – the first such change in nearly 50 years.

About 2 out of 5 adolescents have tooth streaking or spottiness because of too much fluoride, a surprising government study found recently. In some extreme cases, teeth can even be pitted by the mineral – though many cases are so mild only dentists notice it.

Health officials note that most communities have fluoride in their water supplies, and toothpaste has it too. Some kids are even given fluoride supplements.

The U.S. Department of Health and Human Services is announcing a proposal to change the recommended fluoride level to 0.7 milligrams per liter of water. And the Environmental Protection Agency will review whether the maximum cutoff of 4 milligrams per liter is too high.

The standard since 1962 has been a range of 0.7 to 1.2 milligrams per liter.

The Centers for Disease Control and Prevention reports that the splotchy tooth condition, fluorosis, is unexpectedly common in kids ages 12 through 15. And it appears to have grown much more common since the 1980s.

"One of the things that we're most concerned about is exactly that," said an administration official who was not authorized to speak publicly before the release of the report. The official described the government's plans in an interview with The Associated Press.

The government also is expected to release two related EPA studies which look at the ways Americans are exposed to fluoride and the potential health effects. This shift away from government's long-standing praise of the benefits of fluoride is sure to re-energize groups that still oppose it.

Fluoride is a mineral that exists naturally in water and soil. Scientists in the early 1940s discovered that people who lived where water supplies naturally had more fluoride also had fewer cavities. Some locales have naturally occurring fluoridation levels above 1.2.

Today, most public drinking water supplies are fluoridated, especially in larger cities. Counting everyone, including those who live in rural areas, about 64 percent of Americans drink fluoridated water.

Fluoridation has been fought for decades by people who worried about its effects, including conspiracy theorists who feared it was a plot to make people submissive to government power.

Maryland is the most fluoridated state, with nearly every resident on a fluoridated water system. In contrast, only about 11 percent of Hawaii residents are on fluoridated water, according to government statistics.

Drinking water patterns have changed over the years, so that some stark regional differences in fluoride consumption are leveling out. There was initially a range in recommended levels because people in hotter climates drank more water. But with air conditioning and sodas, Americans in the South and Southwest don't necessarily consume more water than those in colder states, said one senior administration official.

Fluorosis is considered the main downside related to fluoridation.

According to the CDC, nearly 23 percent of children ages 12-15 had fluorosis in a study done in 1986 and 1987. That rose to 41 percent in the more recent study, which covered the years 1999 through 2004.

"We're not necessarily surprised to see this slow rise in mild fluorosis," Dr. William Kohn, director of the CDC's division of oral health, said in a recent interview.

Health officials have hesitated to call it a problem, however. In most kids, it's barely noticeable; even dentists have trouble seeing it, and sometimes don't bother to tell their unknowing patients. Except in the most severe cases, health officials considered the discoloring of fluorosis to be a welcome trade-off for the protection fluoride provides against cavities.

"One of water fluoridation's biggest advantages is that it benefits all residents of a community – at home, work, school, or play. And fluoridation's effectiveness in preventing tooth decay is not limited to children, but extends throughout life, resulting in improved oral health," said HHS Assistant Secretary for Health Dr. Howard Koh, in a statement.

Indeed, many health leaders continue to be worried about cavities, particularly among poor families with kids who eat a lot of sweets but don't get much dental care. The American Public Health Association in November adopted a resolution calling for coordinated programs to be established at public health, dental and medical clinics to offer fluoride varnish – a highly concentrated lacquer painted on teeth to prevent cavities.

Secretary Kathleen Sebelius could make a final decision within a few months, the administration official said.

**Betsaida
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10/31/2011 11:41 AM

To Richard Windsor, Bob Sussman, Bob Perciasepe, Seth Oster, Brendan Gilfillan, Diane Thompson, Daniel Kanninen, Arvin Ganesan, Laura Vaught, Andra Belknap, Alisha Johnson

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Subject Politico: Unfinished Cain energy plan to target EPA

This is a first: "we need an attitude adjustment"

Unfinished Cain energy plan to target EPA

By Alex Guillen
10/31/11 11:30 AM EDT

Herman Cain is still dotting the i's and crossing the t's on his energy plan, the Republican presidential contender said Monday, but he knows one thing: EPA needs an "attitude adjustment."

"The specific regulatory changes that we're going to have to make in order to be able to explore these resources responsibly, we don't have all of those identified yet," Cain said during a speech at the American Enterprise Institute.

"But we know that it starts with the EPA," he said. "And in a Cain administration, the EPA will get an attitude adjustment."

Cain's campaign has put out little detail on energy issues, but the former Godfather's Pizza CEO said he will soon put out a more comprehensive energy plan.

In his remarks, Cain indicated his plan centers on increasing domestic production of fossil fuels.

"We want to maximize our oil, our coal, our natural gas, our shale oil. We maximize those resources — and as you know, new resources have been discovered — we can become energy independent," Cain said. "So we will structure it where all of those alternatives will be encouraged to be developed by removing the barriers that are stopping that development right now. The biggest barrier is the regulatory environment and we're going to tackle that head on."

He also criticized the government's loan guarantee program, citing the Solyndra bankruptcy that could have taxpayers out over \$500 million.

"Can anyone say Solyndra?" he asked. "When they get into that business, where does it stop?"

**Betsaida
Alcantara/DC/USEPA/US**
12/07/2010 06:35 PM

To Richard Windsor, Bob Sussman, Seth Oster, Cynthia
Giles-AA, David Bloomgren, David Gray, Al Armendariz,
Adora Andy, Brendan Gilfillan

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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

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.

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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**

12/07/2010 10:54 PM

To Richard Windsor, Bob Sussman, Seth Oster, Cynthia
Giles-AA, David Bloomgren, David Gray, Al Armendariz,
Adora Andy, Brendan Gilfillan

cc

bcc

Subject Re: Region 6 Enforcement Action - Clips

Here are additional clips from AP, bloomberg and WSJ. Here's what RRC chair has been quoted saying: "Texas Railroad commissioner Michael L. Williams called it "Washington politics of the worst kind." "The EPA's act is nothing more than grandstanding in an effort to interject the federal government into Texas business," he said."

Clips

Wall Street Journal: EPA Says Range Resources Contaminated Texas Wells

By RYAN DEZEMBER And ANGEL GONZALEZ

HOUSTON—The U.S. Environmental Protection Agency said Tuesday that oil and natural-gas producer Range Resources Corp. has contaminated a pair of drinking wells in North Texas's Barnett Shale, one of the richest natural-gas reservoirs in the U.S.

Two families living near natural-gas-producing wells owned by Range outside Fort Worth complained to federal regulators about "flammable and bubbling drinking water coming out of their tap" beginning in late August. EPA testing has identified "extremely high levels" of natural gas in the water, the agency said.

AP: Driller denies that it contaminated Texas aquifer

By RAMIT PLUSHNICK-MASTI Associated Press

Dec. 7, 2010, 8:44PM

HOUSTON – The U.S. http://topics.chron.com/topics/United_States Environmental Protection Agency issued an emergency order against a Texas gas driller Tuesday, accusing the company of contaminating an aquifer and giving it 48 hours to provide clean drinking water to affected residents and begin taking steps to resolve the problem.

The order is unprecedented in Texas, partly because the federal body overstepped the state agency responsible for overseeing gas and oil drilling in the state. The EPA's move could ratchet up a bitter fight between Texas and the EPA that has evolved in the past year from a dispute over environmental issues into a pitched battle over states rights.

Bloomberg: Range Resources Must Repair Texas Gas-Well Leak, EPA Says

By Mike Lee - Dec 7, 2010 7:50 PM ET Wed Dec 08 00:50:09 GMT 2010

The U.S. Environmental Protection Agency ordered Range Resources Inc. to fix a gas well leak that it said is contaminating water wells in Texas.

The move is the EPA's first federal action in years against an oil-and-gas operator in the state, said Al Armendariz, an EPA regional administrator who oversees operations in Texas and four other states.

[[FULL TEXT BELOW]]

Wall Street Journal: EPA Says Range Resources Contaminated Texas Wells

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HOUSTON—The U.S. Environmental Protection Agency said Tuesday that oil and natural-gas producer Range Resources Corp. has contaminated a pair of drinking wells in North Texas's Barnett Shale, one of the richest natural-gas reservoirs in the U.S.

Two families living near natural-gas-producing wells owned by Range outside Fort Worth complained to federal regulators about "flammable and bubbling drinking water coming out of their tap" beginning in late August. EPA testing has identified "extremely high levels" of natural gas in the water, the agency said. The water wells are located in the Trinity Aquifer, which underlies 20 Texas counties, the agency said in a court filing.

Regulators said the concentration of natural gas "posed an imminent and substantial risk of explosion or fire." The government also identified other contaminants, including the carcinogen benzene, in the water and has asked a nearby rural water-system operator to test its supplies.

Range spokesman Matt Pitzarella said, "We strongly believe this has no connection to our activities."

The EPA's move comes amid widespread concerns that the process known as hydraulic fracturing, in which high-pressure streams of chemicals and water are injected into tight rock formations known as shales to extract oil and gas, could result in environmental hazards. The technique, also known as "fracking," has been perfected in the last decade, and is at the source of an unprecedented boom in the onshore production of natural gas in North America. The Barnett Shale, located near the heavily populated Dallas-Fort Worth area, is one of the largest shale formations in the U.S., and one of the first to be profitably tapped.

It's unclear, however, whether the contamination is due to the "fracking" process or due to other mechanical and engineering problems with the natural-gas wells drilled by Range. "We have not made a determination whether it was hydraulic fracturing itself that was responsible," said Alfredo Armendariz, regional administrator for EPA's Region 6, in an interview.

In a news release, the EPA said that residents came to the agency after talking to Range and the Texas Railroad Commission, which regulates oil and gas drilling in the state, "but their concerns were not adequately addressed by the state or the company."

The Texas Railroad Commission said that its investigation is "actively ongoing," and no conclusions have been reached. The commission added that no pathways have been found between the shale reservoir and the contaminated water well. In a statement issued late Tuesday, Railroad Commissioner Victor Carrillo called the EPA's action "premature" and "unprecedented in Texas."

Range's Mr. Pitzarella, however, said the Fort Worth company has been working with Texas regulators and residents for several months and has provided the results of its investigation into the matter to the EPA, whose involvement Range says it only recently became aware of.

Range has testimony from area residents who claim that methane-laden ground water predates Range's drilling operations there and the company says it has linked the gas through chemical fingerprinting to a gas formation that sits 400 feet below the surface, just beneath the water table, Pitzarella said in an interview. Range's wells tap into a shale formation about a mile below the shallower gas reservoir, Mr. Pitzarella said. The gas from the shallow reservoir moved into the aquifer through a "natural migration," the spokesman said.

David Pursell, an analyst with energy-research firm Tudor, Pickering, Holt & Co, said that hydraulic fracturing is an unlikely culprit, as the technique was applied thousands of feet below the water reservoir, but natural gas could have seeped into the aquifer if the well wasn't well constructed. "Fracturing is unlikely to be the cause of ground-water contamination, but drilling oil and gas wells is not without risk," he said.

The EPA has ordered Range to take immediate steps to protect homeowners living near Range's operations in Parker County, where the contaminated drinking wells were found. Those steps, the EPA said, include delivering potable water to the two families whose wells were poisoned, studying the soil around the residences, sampling all nearby drinking water to determine the extent of contamination in the aquifer and providing methane monitors to area residents.

Range must also investigate the structural integrity of nearby natural-gas operations to determine if they are the source of the contamination.

Mr. Pitzarella said the company would continue to investigate the matter in a transparent manner. "No one wants to make sure this resource is developed safely more than us," he said.

The EPA's move comes as Eastern states debate the future of their vast shale-bound oil and gas reserves in the Marcellus formation. Last week the New York State Assembly instated a six-month ban on hydraulic fracturing, pending more study. On Tuesday, New Jersey's top environmental official urged the Delaware River Basin Commission to apply strict regulations to fracking operations in neighboring New York and Pennsylvania in order to protect surface drinking water. Without safeguards to ensure water supplies are not contaminated with drilling fluids, "drilling in the Marcellus Shale is unacceptable to New Jersey," Department of Environmental Protection Commissioner Bob Martin said.

AP: Driller denies that it contaminated Texas aquifer

By RAMIT PLUSHNICK-MASTI Associated Press

Dec. 7, 2010, 8:44PM

HOUSTON – The U.S. http://topics.chron.com/topics/United_States Environmental Protection Agency <http://topics.chron.com/topics/United_States_Environmental_Protection_Agency> issued an emergency order against a Texas gas driller Tuesday, accusing the company of contaminating an aquifer and giving it 48 hours to provide clean drinking water to affected residents and begin taking steps to resolve the problem.

The order is unprecedented in Texas, partly because the federal body overstepped the state agency responsible for overseeing gas and oil drilling <http://topics.chron.com/topics/Oil_well> in the state. The EPA's move could ratchet up a bitter fight between Texas and the EPA that has evolved in the past year from a dispute over environmental issues into a pitched battle over states rights.

EPA regional director Al Armendariz said he issued the order against Range Resources of Fort Worth, Texas, because he felt the Texas Railroad Commission <http://topics.chron.com/topics/Railroad_Commission_of_Texas> was not responding quickly enough to contamination found in two water wells <http://topics.chron.com/topics/Water_well> belonging to Parker County residents in North Texas.

The EPA began inspecting the wells in August after receiving complaints from residents who said the Texas commission and Range Resources had not responded to problems they were having with their drinking water. The EPA inspected the wells with the commission, Armendariz said, and found high levels of explosive methane, as well as other contaminants, including cancer-causing benzene.

"We thought what we found in the homes was alarming," Armendariz told The Associated Press.

Range Resources on Tuesday denied being the source of the contamination.

"We've been working with the Railroad Commission as well as the landowners over the last several months," spokesman Matt Pitzarella said. "We believe that the methane in the water has absolutely no connection to our operations in the area. We provided that information to the Railroad Commission, the landowners and to the EPA."

The Railroad Commission issued a statement saying members of its staff also have not reached conclusions about the source of the contamination. It said Range Resources is cooperating with the commission's investigation and already had agreed last week to conduct more tests, as well as to perform soil gas surveys, monitor gas concentrations, and offer a water supply <

http://topics.chron.com/topics/Water_supply> to affected residents.

"If the data indicates oil field activities are responsible for the gas found in the water well, the (commission) will require assessment, cleanup, and evaluate what fines or penalties may be assessed as necessary," the statement said.

But John Blevins, the director of the EPA's compliance assurance and enforcement division, wrote in a letter Tuesday to Range Resources that the contamination findings present "a potential imminent endangerment to the health of persons using those private drinking water wells."

The EPA gave Range Resources 24 hours to inform the agency in writing that it will comply with the federal order. It then had 48 hours to provide impacted families with clean drinking water and install monitors in the homes to ensure methane gas levels don't rise to explosive levels. The company was given five days to begin a thorough survey of the aquifer to determine if other wells and families also could be impacted by contamination.

Range Resources has been using new technologies that make it possible to extract once out-of-reach natural gas<http://topics.chron.com/topics/Natural_gas> reserves. Horizontal drilling, along with the hydraulic fracturing<http://topics.chron.com/topics/Hydraulic_fracturing>, make it possible for drillers to permeate once impenetrable geologic formations called shale. The companies pump high volumes of water and chemicals at great pressure into the well bore to permeate the rock, and there have been complaints in some places – especially in Pennsylvania – that underground aquifers have been contaminated in the process.

This is the first such suspicion in Texas, Armendariz said.

The families in Parker County have not been identified, but Armendariz said they had been using the wells for years and never had issues until Range began drilling nearby in April 2009. One of the greatest fears is of explosion, he said.

The EPA issued the emergency order under the Safe Drinking Water Act. Texas Railroad commissioner Michael L. Williams called it "Washington politics of the worst kind."

"The EPA's act is nothing more than grandstanding in an effort to interject the federal government into Texas business," he said.

Bloomberg: Range Resources Must Repair Texas Gas-Well Leak, EPA Says

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The U.S. Environmental Protection Agency ordered Range Resources Inc.<<http://www.bloomberg.com/apps/quote?ticker=RRS:US>> to fix a gas well leak that it said is contaminating water wells in Texas.

The move is the EPA's first federal action in years against an oil-and-gas operator in the state, said Al Armendariz, an EPA regional administrator who oversees operations in Texas and four other states.

The EPA has the legal authority to investigate groundwater contamination, and typically leaves that job to state regulators, Armendariz said. In this case, the Texas Railroad Commission didn't do enough, he said.

"This is the first time we've used those authorities for an aquifer that has been impacted by oil and gas activity in Texas in recent years," he said. "It is regrettable the Railroad Commission hasn't acted up to this point."

The EPA said Range allowed methane from natural-gas wells in Parker County, west of Fort Worth, to

seep into two families' water wells. The order requires Range to provide safe drinking water for landowners and fix the wells. The company could face a fine of as much as \$16,000 a day, David Gray, an EPA spokesman, said.

Range Resources<<http://www.bloomberg.com/apps/quote?ticker=RRC:US>> has conducted tests which show that the company is not responsible for the contamination, Matt Pitzarella, a company spokesman, said. The test results have been shared with the EPA, Pitzarella said.

"We don't believe the methane that is found in that water has any connection to our activities, not only in that well but in nearby wells in the area," Pitzarella said.

Marcellus Shale

Range, based in Fort Worth, Texas, has operations in the Barnett Shale field in Texas and is one of the largest leaseholders in the Marcellus Shale, the gas field that underlies Pennsylvania and New York. In July, the company began revealing the chemicals it uses in hydraulic fracturing, in which drilling fluid is forced into the earth at high pressure to crack rock.

The EPA is conducting a nationwide study to see if hydraulic fracturing of natural-gas wells contributes to water pollution.

Armendariz said the wells in question were fractured between April and August 2009.

"We confirmed the natural gas that is entering the water wells is the same natural gas that Range is producing," he said. "We don't at this time know whether it was the hydraulic fracturing or a poor cementing job or a faulty casing or a number of other factors."

The Texas Railroad Commission did not immediately respond to requests seeking comment.

Richard Windsor

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

From: Richard Windsor
Sent: 12/07/2010 09:13 PM EST
To: Betsaida Alcantara; Bob Sussman; Seth Oster; Cynthia Giles-AA; David Bloomgren; David Gray; Al Armendariz; Adora Andy; Brendan Gilfillan
Subject: Re: Region 6 Enforcement Action - Clips

Well done!

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 12/07/2010 06:35 PM EST
To: Richard Windsor; Bob Sussman; Seth Oster; Cynthia Giles-AA; David Bloomgren; David Gray; Al Armendariz; Adora Andy; Brendan Gilfillan
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

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[[FULL TEXT BELOW]]

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rloftis@dallasnews.com

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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.

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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**
03/16/2012 03:59 PM

To Richard Windsor
cc Brendan Gilfillan, Andra Belknap, Alisha Johnson
bcc
Subject James Inhofe: EPA Administrator Lisa Jackson Is One Of My
'Favorite Liberals'

http://www.huffingtonpost.com/2012/03/16/james-inohe-lisa-jackson_n_1353610.html

James Inhofe: EPA Administrator Lisa Jackson Is One Of My 'Favorite Liberals'

Posted: 03/16/2012 12:52 pm Updated: 03/16/2012

Sen. James Inhofe (R-Okla.), a longtime foe of the Environmental Protection Agency's efforts to cap carbon dioxide emissions, praised the agency's Administrator Lisa Jackson on Thursday, along with TV's Rachel Maddow and environmental champion Sen. Barbara Boxer (D-Calif.).

During an appearance on Maddow's MSNBC show, the Republican senator from Oklahoma offered kind words for the three left-leaning women.

"[Maddow] and Lisa Jackson and Barbara Boxer are my three favorite liberals, because I enjoy watching you very much," he said. "Lisa, she even has a picture of my 20 kids and grandkids hanging on her wall. She and I get along fine."

The EPA confirmed Inhofe's comment to The Hill.

This is not the first time Inhofe has expressed admiration for Jackson. At a 2010 hearing on the EPA's budget, Inhofe expressed his personal fondness of the agency's head before calling climate change a "hoax."

"I'm going to say in front of all these people: I really do like you," he said to Jackson. "We've spent time in my office, we've talked about our kids and all that, and I just say from my heart that I want you to know that that's true."

Inhofe's affection for Jackson may come as a surprise to many, as the Oklahoma senator is one of Congress' most outspoken critics of manmade climate change theories. He was on Maddow's show to discuss his new book, *The Greatest Hoax: How the Global Warming Conspiracy Threatens Your Future* and the so-called "Climategate" controversy, which posits that climate data used as evidence for global warming trends was manipulated in a scientific conspiracy.

Last fall, Inhofe led an investigation into the EPA's findings that greenhouse gases posed health threats. He has also accused President Obama of attempting to "kill fossil fuels" through the EPA's proposed caps on carbon dioxide emissions.

Inhofe, the ranking member of the Senate Committee on Environment and Public Works, frequently goes several rounds with committee chair Boxer over climate regulations. In 2009,

after news broke that an international climate change agreement would be punted to the following year, Inhofe made headlines with his harsh words for Boxer.

"We won, you lost, get a life," he said during a committee meeting.

Watch Inhofe's full interview with Rachel Maddow:

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

12/14/2011 01:29 PM

To Richard Windsor, Brendan Gilfillan, Dru Ealons, Stephanie Owens, Alisha Johnson, Andra Belknap, Heidi Ellis, Jose Lozano

cc

bcc

Subject Politico: Jerome 'The Bus' Bettis rolls into D.C. to back clean air

Jerome 'The Bus' Bettis rolls into D.C. to back clean air

By Patrick Gavin

12/14/11 1:22 PM EST

In a town already filled with tourist and campaign buses, there's finally one that won't cause locals to roll their eyes: Former NFL player Jerome "The Bus" Bettis is arriving in D.C. on Thursday in an effort to win over hearts and minds regarding clear air and the EPA's MACT rule. Bettis was a running back for the Pittsburgh Steelers from 1996 to 2006, when they won the Super Bowl.

The rule would enact strict clear air requirements and Bettis, who is asthmatic, plans to meet with EPA Administrator Lisa Jackson, as well as Democratic lawmakers, including Sen. Bob Casey of Pennsylvania, and Reps. Mike Doyle of Pennsylvania, and John Dingell and John Conyers of Michigan.

"I understand and appreciate the air we breathe a little more than most," the 39-year-old Bettis told POLITICO. "So when this opportunity was presented to me, I thought this would be a great forum to reach out and speak about the importance of clean air." Bettis, currently splits his time between Atlanta and Pittsburgh and is a businessman and NBC Sports commentator.

The EPA is set to finalize the MACT rule by Friday, but it has come under criticism from The American Coalition for Clean Coal Electricity and GOP Reps. Paul Broun of Georgia and Andy Harris of Maryland for placing extra burdens on businesses during an economic recession.

Bettis will also join Clean Air Council analyst Katie Feeney at a news conference in the Cannon House Office Building. While he's likely to get a warm reception on Capitol Hill — after all, he was a fan favorite during his years as a running back for the Pittsburgh Steelers — he won't be making a second career of politics.

"I've never gotten the request to run," Bettis said. "I don't know if I could do it. I think it's difficult, and I applaud the job that they do, because obviously it's not easy. You have your constituents to reach out to and be accountable. ... For me, the problem is, with football, it's easy: You win or you lose. You give 110 percent every time, and that's it. But in politics, sometimes there's not a clear winner and not a clear loser. There's a lot of gray. So I've lived in a world of black and white, and politics, unfortunately, there's a give and a take. ... It's just an interesting dynamic that I'm not used to."

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

02/09/2012 12:34 PM

To Richard Windsor

cc Brendan Gilfillan, Gina McCarthy

bcc

Subject Re: Fw: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring

article pasted below.

February 8, 2012

3 W.Va. plants latest to close under utility restructuring

By [Ken Ward Jr.](#)

CHARLESTON, W.Va. -- Three FirstEnergy power plants in West Virginia will close in September in the latest move by a utility to shutter decades-old units that can't meet new federal air quality standards that limit mercury and other toxic pollutants.

Akron, Ohio-based FirstEnergy said it would shut down the Albright Power Station in Preston County, the Rivesville Power Station in Marion County and the Willow Island Power Station in Pleasants County.

Together, seven boilers at the three plants have electric generating capacity of about 660 megawatts, about the equivalent of a medium-sized modern coal plant.

All three facilities date back to the 1940s and 1950s. They were not equipped with the latest pollution control devices, and FirstEnergy used all three in recent years on a very limited basis to provide power in times of peak demand.

James R. Haney, president of West Virginia operations for FirstEnergy, cited high costs to implement the U.S. Environmental Protection Agency's Mercury and Air Toxics Standards as the reason for his company's action.

FirstEnergy said 105 employees at the plants are affected, but that some will be considered for openings within the company or may accept special retirement packages.

The EPA air toxics rule has become a new focus for industry officials, coalfield business groups and regional political leaders who complain the Obama administration is waging a "war on coal" aimed at shutting down all mining.

"This is another example of how the EPA is costing us good jobs in West Virginia and throughout Appalachia," Gov. Earl Ray Tomblin said in a prepared statement.

EPA Administrator Lisa P. Jackson says the rule was needed to cut emissions of mercury and toxic air pollutants like arsenic and cyanide. EPA estimates the new standards will prevent up to 96 premature deaths in West Virginia, while creating up to \$790 million in health benefits in 2016.

Also, EPA officials note that proven pollution controls are already available -- and in use at more than half of the nation's power plants -- to meet the new limits.

FirstEnergy, for example, has announced no plans to close three of its much larger plants in West Virginia, Fort Martin Power Station in Monongalia County, Harrison Power Station north of Clarksburg, and Pleasants Power Station, located adjacent to Willow Island.

Each of those facilities has nearly twice the generating capacity of the three plants targeted for closure combined. Each has been outfitted with expensive scrubbers that, while designed to cut sulfur dioxide emissions, help reduce air toxics as well.

"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-storage hydro, natural gas and scrubbed coal units," FirstEnergy said in a prepared statement.

Last month, the West Virginia Sierra Club sponsored a meeting in Preston County, to try to begin a discussion among local citizens and FirstEnergy about the Albright plant's future, the

impact of a potential closure, and other economic opportunities for the area.

FirstEnergy officials did not attend, because the company had not yet announced a final decision on the facility.

"Our goal was to engage FirstEnergy in a discussion about beginning a transition to cleaner energy sources," said the Sierra Club's Jim Kotcon. "There is a lot of concern there. FirstEnergy is a major taxpayer in the county."

Kotcon said the meeting was modeled in part after work the Sierra Club did that led to a deal last year with TransAlta to phase out Washington State's only coal-fired power plant and create a \$60 million fund to help the community there transition away from economic reliance on the facility.

"We think something like that has to happen in a lot of areas," Kotcon said. "We see a continued decision to reduce use of coal-fired electricity as the health impacts become more obvious.

Kotcon noted that FirstEnergy's closure date for the three West Virginia plants, as well as six other plants in Maryland, Ohio and Pennsylvania, was Sept. 1, 2012, two years before the first compliance dates in EPA's new air toxics rule.

FirstEnergy spokesman Mark Durbin said his company chose the closer closure date because it couldn't justify additional capital expenditures for maintenance and other projects at the West Virginia plants if they were going to close in a few years anyway.

But when American Electric Power announced similar plant closures in West Virginia, it set the deadline as Dec. 31, 2014, when the EPA rules were expected to kick in.

Kotcon said public officials and companies in the coalfields need to give workers and communities more time to ease such transitions as coal production drops and more plants move away from coal. "It's important to being the path toward transition so we don't end up with more communities where a company just announces they are closing a plant," Kotcon said.

Richard Windsor [what's really happening on the ground...](#) 02/09/2012 12:14:20 PM

From: Richard Windsor/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA
Date: 02/09/2012 12:14 PM
Subject: Fw: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring

what's really happening on the ground is very different from the doomsday scenarios they are still putting forth. amazing.

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/09/2012 12:13 PM -----

From: articles@cnpapers.com
To: Richard Windsor/DC/USEPA/US@EPA
Date: 02/09/2012 12:01 PM
Subject: [Charleston Newspapers] Article - 3 W.Va. plants latest to close under utility restructuring

windsor.richard@ea.gov sent you this article

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](#)

**Betsaida
Alcantara/DC/USEPA/US**
12/12/2011 02:54 PM

To Richard Windsor, Brendan Gilfillan, Michael Moats, Dru
Ealons, Stephanie Owens, Heidi Ellis, Alisha Johnson, Andra
Belknap
cc
bcc
Subject Fw: Fwd:NFL Legend Jerome Bettis, Sue Tierney to Discuss
Need

nice

----- Original Message -----
From: Emma Post <epost@sloanep.com>
To: epost@sloanep.com
At: 12/12 14:07:55

MEDIA ADVISORY

NFL Legend Jerome Bettis, Clean Air Council and Former Assistant Energy
Secretary Sue Tierney to Discuss Need for Timely Implementation of EPA's
Utility MACT Rule

WHO: Jerome "The Bus" Bettis, Former NFL
All-Pro Player, Asthma Sufferer and Activist

Katie Feeney, Policy Analyst, Clean Air Council

Dr. Sue Tierney, Managing
Principal, Analysis Group and former Assistant Secretary for Policy at the
U.S. Department of Energy

WHAT: Bettis, Feeney and Tierney will discuss
the need for timely implementation of the Utility MACT Rule, and the
life-saving effects the rule will have - especially for those who suffer from
asthma and other respiratory diseases by reducing hazardous emissions from
power plants.

WHY: EPA is expected to sign the final
Utility MACT rule on December 16th. The rule has faced criticism from some in
the utility industry and Republican members of Congress. Bettis and Feeney
are in Washington, D.C. to educate Members about the staggering health
benefits that will come from the rule, including the prevention of 17,000
premature deaths and 120,000 cases of aggravated asthma annually, according to
EPA. Dr. Tierney will speak to how the utility industry can comply with the
rule.

WHERE: Cannon House Office Building, Room 122

WHEN: Thursday, December 15, 2011
1 PM EST

RSVP: Please confirm attendance

Emma Post, 212 446 1878

About Jerome Bettis

The former Pittsburgh Steelers Running Back is one of the greatest running backs in the NFL history (5th overall in rushing). Diagnosed with asthma at age 14, Bettis is a tireless advocate for asthma awareness. Bettis also established "The Bus Stops Here Foundation" in 1996 to help improve the quality of life for disadvantaged and underprivileged children. In 2001, Jerome Bettis was the recipient of the Walter Payton Man of the Year Award.

About Clean Air Council

Clean Air Council is a member-supported, non-profit environmental organization dedicated to protecting everyone's right to breathe clean air. The Council works through public education, community advocacy, and government oversight to ensure enforcement of environmental laws.

#

Emma Post

Sloane & Company

P: 212-446-1878

E: EPost@SloanePR.com<mailto:EPost@SloanePR.com>[attachment "alt_body.html" deleted by Betsaida Alcantara/DC/USEPA/US]

**Betsaida
Alcantara/DC/USEPA/US**
10/21/2011 03:44 PM

To Richard Windsor
cc Brendan Gilfillan, Seth Oster
bcc
Subject NYTIMES (Krugman): Party of Pollution

Just in case you didn't see this. It ran yesterday

October 20, 2011

Party of Pollution

By [PAUL KRUGMAN](#)

Last month President Obama finally unveiled a serious economic stimulus plan — far short of what I'd like to see, but a step in the right direction. Republicans, predictably, have blocked it. But the new plan, combined with the Occupy Wall Street demonstrations, seems to have shifted the national conversation. We are, suddenly, focused on what we should have been talking about all along: jobs.

So what is the G.O.P. jobs plan? The answer, in large part, is to allow more pollution. So what you need to know is that weakening environmental regulations would do little to create jobs and would make us both poorer and sicker.

Now it would be wrong to say that all Republicans see increased pollution as the answer to unemployment. Herman Cain says that the unemployed are responsible for their own plight — a claim that, at Tuesday's presidential debate, was met with wild applause.

Both Rick Perry and Mitt Romney have, however, put weakened environmental protection at the core of their economic proposals, as have Senate Republicans. Mr. Perry has put out a specific number — 1.2 million jobs — that appears to be based on a study released by the American Petroleum Institute, a trade association, claiming favorable employment effects from removing restrictions on oil and gas extraction. The same study lies behind the claims of Senate Republicans.

But does this oil-industry-backed study actually make a serious case for weaker environmental protection as a job-creation strategy? No.

Part of the problem is that the study relies heavily on an assumed "multiplier" effect, in which every new job in energy leads indirectly to the creation of 2.5 jobs elsewhere. Republicans, you may recall, were scornful of claims that government aid that helps avoid layoffs of schoolteachers also indirectly helps save jobs in the private sector. But I guess the laws of economics change when it's an oil company rather than a school district doing the hiring.

Moreover, even if you take the study's claims at face value, it offers little reason to believe that dirtier air and water can solve our current employment crisis. All the big numbers in the report are projections for late this decade. The report predicts fewer than 200,000 jobs next year, and

fewer than 700,000 even by 2015.

You might want to compare these numbers with a couple of other numbers: the 14 million Americans currently unemployed, and the one million to two million jobs that independent estimates suggest the Obama plan would create, not in the distant future, but in 2012.

More pollution, then, isn't the route to full employment. But is there a longer-term economic case for less environmental protection? No. Serious economic analysis actually says that we need more protection, not less.

The important thing to understand is that the case for pollution control isn't based on some kind of aesthetic distaste for industrial society. Pollution does real, measurable damage, especially to human health.

And policy makers should take that damage into account. We need more politicians like the courageous governor who supported environmental controls on a coal-fired power plant, despite warnings that the plant might be closed, because "I will not create jobs or hold jobs that kill people."

Actually, [that was Mitt Romney, back in 2003](#) — the same politician who now demands that we use more coal.

How big are these damages? [A new study by researchers at Yale and Middlebury College](#) brings together data from a variety of sources to put a dollar value on the environmental damage various industries inflict. The estimates are far from comprehensive, since they only consider air pollution, and they make no effort to address longer-term issues such as climate change. Even so, the results are stunning.

For it turns out that there are a number of industries inflicting environmental damage that's worth more than the sum of the wages they pay and the profits they earn — which means, in effect, that they destroy value rather than create it. High on the list, by the way, is coal-fired electricity generation, which the Mitt Romney-that-was used to stand up to.

As the study's authors say, finding that an industry inflicts large environmental damage compared with its apparent economic return doesn't necessarily mean that the industry should be shut down. What it means, instead, is that "the regulated levels of emissions from the industry are too high." That is, environmental regulations aren't strict enough.

Republicans, of course, have strong incentives to claim otherwise: the big value-destroying industries are concentrated in the energy and natural resources sector, which overwhelmingly donates to the G.O.P. But the reality is that more pollution wouldn't solve our jobs problem. All it would do is make us poorer and sicker.

http://www.nytimes.com/2011/10/21/opinion/party-of-pollution.html?_r=3&hp=&pagewanted=print

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

10/21/2011 10:01 AM

To Richard Windsor, Cynthia Giles-AA, Bob Perciasepe, Diane
Thompson, Seth Oster, Brendan Gilfillan

cc

bcc

Subject Politico: Reid to Clinton: Renewables would be better than
Keystone

Reid to Clinton: Renewables would be better than Keystone

By Darren Goode

10/21/11 9:56 AM EDT

Senate Majority Leader Harry Reid has told Secretary of State Hillary Clinton he has “serious concern” about TransCanada’s proposed Keystone XL pipeline.

Reid — in an Oct. 5 [letter](#) to Clinton first [reported](#) on by The Washington Post — weighs in on the pipeline project for the first time and gives critics more ammunition from Capitol Hill in their battle to get the State Department to deny a permit for the project.

Reid has not made his objections public, and his office on Thursday did not return multiple requests from POLITICO for comment on the letter.

In the letter, the Nevada Democrat echoes other Democrats and a range of environmental groups in voicing concern about the potential environmental impacts of the pipeline, which would carry oil sands-based crude oil from Alberta to refineries in Texas.

“The proponents of the pipeline would be wiser to invest instead in job-creating clean energy projects, like renewable power, energy efficiency or advanced vehicles and fuels that could employ thousands of people in the United States rather than increasing our dependency on unsustainable supplies of dirty and polluting oil that could easily be exported,” Reid wrote Clinton. “The fastest and best way to break our addiction to oil and free our country and our economy from the dangerous grip of OPEC is to develop and deploy new technologies and clean affordable alternatives that destroy demand for oil not exacerbate it.”

He goes on to cite those who criticize the department’s final environmental analysis of the pipeline, which said the pipeline would have minimal environmental impact.

“I have been contacted by many people across the nation who believe the Final Environmental Impact Statement fails to adequately consider any meaningful alternatives to the proposed pipeline and the threats it poses to our air, land, water, climate and public health,” Reid wrote. Those critics want the analysis to be rejected and reworked, he wrote.

The letter does not allude to conflict of interest allegations that have subsequently surfaced regarding the department’s selection of Cardno ENTRIX to handle the environmental review.

The New York Times [reported](#) Oct. 7 that the company led the review and has listed TransCanada as a “major client.”

That article led three senators — Bernie Sanders (I-Vt.), Patrick Leahy (D-Vt.) and Ron Wyden (D-Ore.) — and separately 33 House Democrats to write Clinton last week questioning the validity of the review.

Those Democrats are weighing their options as they await a response from the department.

"You can hold hearings. You can ask for various kinds of audits, there are a whole host of things," Wyden told reporters Thursday. "I'm looking at a variety of approaches."

Sanders met [Wednesday](#) on the matter with Kerri-Ann Jones, assistant secretary of state for oceans, energy and science and the point person at the department on the review of the pipeline.

Jones told Sanders that the department has not made a decision on the pipeline and that the environmental review is just one piece of a longer, more complicated analysis, according to the Vermont independent.

The pipeline has its supporters in both parties — including about two dozen House Democrats who wrote President Barack Obama this week touting the veracity of the review and praising the project for helping the economy, jobs, energy supply and national and energy security.

“This thorough and fair review has included an examination of the pipeline’s impact on America’s economy, environment, energy supply, national security, safety and routing,” they wrote. They added: “We are confident that the Department of State’s review process and the project operator’s commitment to employing well-trained union workers will yield the most appropriately routed, safest and environmentally sound pipeline in our nation.”

Labor unions have praised the project as well.

Clinton herself has said there is “no reason to believe” the State Department is biased in favor of the pipeline and has noted that it is better to get oil from a friendly neighbor like Canada than from the Middle East.

Reid, though, is not convinced.

“This pipeline may conceivably improve our nation’s energy security in the near term, if conditioned properly, and may create many thousands of temporary jobs according to the sponsoring company,” he wrote. “But, it should not be considered progress toward the maintenance and enhancement of long-term productivity and protection of the environment, our economy or our national security.”

He added that if the department were to move ahead and approve the pipeline, the administration should consider “imposing any available World Trade Organization-compliant conditions to keep this oil and refined products derived from it in the United States.”

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

08/24/2011 10:58 PM

To Richard Windsor, DePass.Michelle

cc Bicky Corman, Bob Perciasepe, Bob Sussman, Brendan Gilfillan, Daniel Kanninen, Diane Thompson, Michael Goo, Seth Oster, Lozano.Jose, Ellis.Heidi, Belknap.Andra, "Alisha Johnson", "Charles Imohiosen", "Shalini Vajjhala", "Elle Beard", "Erica Jeffries"

bcc

Subject Energy Digital: Government and Business in Rio for Green Development

Government and Business in Rio for Green Development

The U.S. EPA, C40 City leaders, Microsoft, Harvard University, CH2M Hill and others travel to Rio de Janeiro, Brazil to collaborate on green development

24 Aug 2011

By: John Shimkus

http://www.energydigital.com/green_technology/government-business-in-rio-for-green-development

World leaders in green development traveled to Rio de Janeiro, Brazil last week to discuss sustainable infrastructure as the city prepares for the upcoming World Cup and Olympic Games. Participants to the collaboration included representatives from the U.S. Environmental Protection Agency (EPA), leaders from C40 cities such as Philadelphia Mayor Michael Nutter, and businesses like Microsoft, Morgan Stanley, Alcoa, CH2M Hill and even Harvard University. The group intentions were to both learn and share ideas about how Rio de Janeiro will go about its alleged \$200 billion infrastructure upgrade in time for the upcoming events.

The group of business and government leaders visited Rio for three days. The collaborative effort was set up by U.S. President Barack Obama and Brazilian President Dilma Rousseff following a meeting between the two in March.

Among the representatives were leaders of C40 cities—an international group of cities that have aligned on climate change and sustainability issues. Striving to make his city the “greenest in America,” Philadelphia’s Mayor Nutter was selected by the EPA to join the group because of his position as a national leader in urban redevelopment and sustainability. Nutter was the only elected official to attend and the EPA reportedly fronted the bill. Mayor Nutter said Philadelphia “has a lot to learn from Rio,” but believes he can provide them a few lessons as well.

Businesses like Microsoft and CH2M Hill were also on hand. CH2M Hill is currently transforming London into the Olympic city for 2012’s summer games. Holding the majority of development contracts for the newly constructed Olympic facilities in London, CH2M Hill may be eyeing Brazilian contracts in the near future for both the country’s infrastructure upgrades and game facilities development. “Brazil is an important part of CH2M HILL’s international operations, and we are committed not only to expanding our services and resources, but also to fostering an exchange of ideas and talent between Brazil and the United States,” says Lee McIntire, CH2M HILL Chairman and CEO and member of the U.S.-Brazil CEO Forum. “We are grateful to EPA Administrator Lisa Jackson and Presidents Obama and Rousseff for providing opportunities such as this forum to foster a strong and collaborative relationship between the two largest economies of the Americas.”

EPA administrator Lisa Jackson said, “With the significant investments in sustainable urban growth that Rio is making in the next four years, it is essential that we go there to both learn and share our expertise. We want to be part of activities that can create new jobs for American companies and foster cleaner, greener communities for the American people.”

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 08/10/2011 10:44 AM EDT

To: Richard Windsor

Cc: Alisha Johnson; Andra Belknap; Bicky Corman; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Cynthia Giles-AA; Daniel Kanninen; Diane Thompson; Gina McCarthy; Mathy Stanislaus; Michael Goo; Nancy Stoner; Paul Anastas; Seth Oster; Steve Owens

Subject: Huffington Post: Michele Bachmann Repeatedly Sought Stimulus, EPA, Other Government Funds

Michele Bachmann Repeatedly Sought Stimulus, EPA, Other Government Funds

Huffington Post

August 10, 2011

By: Sam Stein

WASHINGTON -- Few candidates in the Republican presidential primary field have decried the federal government with as much gusto as Rep. Michele Bachmann (R-Minn.). The three-term congresswoman has belittled the stimulus package, deemed the Obama administration both corrupt and "gangster," and lamented the "orgy" of spending she sees happening in Washington.

The contempt has served her well, helping her craft the type of fiscally conservative, anti-government message that has catapulted her into frontrunner status for the Iowa Caucus and, more immediately, Saturday's crucial Ames Straw Poll.

But it's simply not supported by the Minnesota Republican's actual record.

A Freedom of Information Act request filed by The Huffington Post with three separate federal agencies reveals that on at least 16 separate occasions, Bachmann petitioned the federal government for direct financial help or aid. A large chunk of those requests were for funds set aside through President Obama's stimulus program, which Bachmann once labeled "fantasy economics." Bachmann made two more of those requests to the Environmental Protection Agency, an institution that she has suggested she would eliminate if she were in the White House.

Taken as a whole, the letters underscore what Bachmann's critics describe as a glaring distance between her campaign oratory and her actual conduct as a lawmaker. Combined with previous revelations that Bachmann personally relied on a federally subsidized home loan while her husband's business benefited from Medicaid payments, it appears that one of the Tea Party's most cherished members has demonstrated that the government does, in fact, play a constructive role -- at least in her life and district.

"It had been a longstanding tradition in Congress to be fiscally conservative in every other district other than your own," said John Feehery President, of QGA Communications and a top adviser to former Speaker of the House J. Dennis Hastert. "Bachmann apparently is being a traditionalist."

A traditionalist, perhaps, but only when the cameras are off. When President Obama crafted a \$787 billion stimulus package that included historic investments in state aid, infrastructure projects, health care and education reforms as well as a large swath of tax breaks, Bachmann led a chorus of conservatives in decrying the policy.

"During the last 100 days we have seen an orgy [of spending]," she said of the stimulus and auto industry bailout during a conference in Minnesota on May 4, 2009. "It would make any local smorgasbord embarrassed."

Less than three weeks later, she went looking for her piece of the pie.

On May 20, 2009, Bachmann wrote Agriculture Secretary Tom Vilsack, asking him to look into an application for aid that the city of Big Lake, Minn., had made to "develop and finance the Big Lake Rail Park," which she described as "an ambitious commercial and industrial

complex which will enhance economic development and job opportunities in this rural Minnesota community." Toward the end of the letter, she added: "We must work together to ensure job creators have access to the vital credit they need to make projects like this a success."

On May 22, 2009, she wrote Transportation Secretary Ray LaHood asking for support for the St. Cloud, Minn., Metropolitan Transit Commission's application for federal funds to "replace twenty-three 35-foot transit buses with compressed natural gas (CNG) powered buses."

On June 4, 2009, she wrote LaHood again seeking grant funding to extend the Northstar Corridor commuter service from Big Lake to St. Cloud.

On June 19, 2009, she made an "urgent" request to LaHood to reverse a decision by the Federal Highway Administration that undermined a project in Waite Park, Minn. The project, she noted, had already received \$2.578 million in federal funding through the stimulus package and was "only awaiting the final determination" from the FHWA.

On July 2, 2009, she wrote LaHood again, pleading for money for road improvements in Waite Park. She added that she was "pleased to learn" that Minnesota's Department of Transportation was not going to "pull the nearly \$2.8 million in American Recovery and Reinvestment Act (ARRA) funding set aside for the project."

On Sept. 15, 2009, Bachmann wrote six separate letters to LaHood asking for help funding six projects (the Northstar line among them) through the Transportation Investment Generating Economic Recovery (TIGER) grant program. The Center for Public Integrity and MinnPost has previously reported on those letters.

On Oct. 5, 2009, she wrote Vilsack again, praising him for putting money into the nation's beleaguered pork industry and encouraging him to help "stabilize prices through direct government purchasing."

Five days later, she was chastising the concept of government spending in public, saying that the president's efforts to stem the fallout of the recession amounted to a charade. "We hear about fantasy football games. This is fantasy economics," Bachmann said.

That the Department of Transportation was the primary target of Bachmann's quest for federal funds isn't surprising. The congresswoman has a record of trying to protect infrastructure projects from her party's budget cutters, arguing that transportation projects should be exempt from the ban on earmarks that the House of Representatives instituted in November 2010. She was also far from the only conservative who attempted to get her hands on some of the \$12 billion in funds that DOT received under the stimulus.

"Some members refuse to take stimulus and won't have anything to do with getting government transit money flowing into their states. Others will say that they are against the idea of the stimulus or federal money flowing into the economy but if the money is there, they are going to try and get that money flowing into their district," said Brian Darling, a senior fellow in government studies at The Heritage Foundation, a conservative think tank.

But that doesn't necessarily absolve Bachmann from attacks from her fellow party members, Darling continued.

"Some conservatives won't like it," he said. "No two ways about it. They will look at it and not like it because they don't want members trying to funnel money back to their state."

Even more problematic, however, could be Bachmann's attempts to get money and assistance from the EPA, an agency that she once said should be "renamed the job-killing organization of America."

In February 2007, well before Obama was in office, Bachmann co-signed a letter to the EPA urging its officials to help fund technical assistance programs and rural water initiatives "in small communities across Minnesota." The authors of the letter, which included nearly the

entire Minnesota congressional delegation at the time, noted that FY 2006 funding for the National Rural Water Association had been set at \$11 million.

"We need to continue these efforts in 2007," they wrote.

In other communications with the EPA, Bachmann was far colder to agency policy, criticizing spring 2009 federal management standards for coal combustion byproducts and 2008 National Ambient Air Quality standards. But in other instances, Bachmann turned to the EPA for constituent-related problems. In a Feb. 2, 2010, letter to EPA Administrator Lisa Jackson, she asked the agency to support a \$270,806 grant application (filed with the EPA's Clean Diesel Grant Program) that would help a St. Cloud bus company replace two older motor coach vehicles.

"Voigt's Bus Service, with Community Transportation, Incorporated, is committed to bringing long-term benefits to the environment and the economy and they wish to accomplish this through the Clean Diesel Grant Program," she wrote.

More than the specific funding requests, it is Bachmann's private acknowledgement that the EPA can facilitate positive outcomes for both the environment and the economy that stands out for conservative activists. On her campaign website, after all, Bachmann refers to the EPA as the "Job Killing Agency."

"There is a line between representing your district and then trying to lard up on all of this pork spending, pun intended," said Bill Wilson, President of Americans for Limited Government. "There are very few in Congress who have been able to stand strong and say, 'No I'm not going to do this.' And they are, in our view, the heroes ... By not being part of that group [Rep. Bachmann] isn't unique, obviously. But I think that she would owe an explanation to the public as to why she did it. Why she asked for certain things, including things from EPA when she's been very vocal about the overreach of the EPA?"

Both Bachmann's presidential campaign and her congressional office did not return requests for comment for this article. In the past, the congresswoman has tried to draw a distinction between the national message she imparts and her professional responsibilities as a representative from Minnesota.

"It is my obligation as a member of Congress to ensure stimulus dollars are spent on the most worthy projects. I did just that when I supported applications for the TIGER grant program," she said last year.

While Bachmann clearly petitioned the federal government for help in multiple venues, she was incredibly unsuccessful in her efforts. Minnesota's sixth congressional district received more than \$234 million in stimulus contracts, grants and loans, according to the Obama administration's Recovery.gov website. That may seem like a hefty bundle, but it ranks last among the state's eight congressional districts.

A Department of Transportation official, meanwhile, tells The Huffington Post that the federal government did not end up funding a single one of the projects for which Bachmann solicited help. The department did send funds to the Minnesota state government, which in turn backed transportation initiatives in the state. But the DOT official said that only a small sliver of that pool, if any, was likely to have ended up where Bachmann wanted.

In one instance, moreover, Bachmann wrote LaHood in support of the "Cold Spring Police Department's application for funding through the COPS hiring Recovery Program." That program, the DOT official confirmed, is operated by the Department of Justice. Bachmann was petitioning the wrong agency.

In the end, Bachmann's ineffectiveness in securing federal help for constituents doesn't mitigate the fact that she sought federal help in the first place. And for Republican primary voters, who have been fed a healthy diet of anti-government rhetoric during this election

cycle, that may prove to be a blot on her record.

"This will come up in the context of the battle for the Republican nomination and it will be up to Mrs. Bachmann to explain these things adequately," said Craig Shirley, a longtime Republican operative. "The task for any good candidate is to explain why they did such and such which might not conform with party orthodoxy, and then pivot very quickly to convince enough primary voters why it is they who should be the nominee and not the other contenders."

Betsaida
Alcantara/DC/USEPA/US
02/06/2012 05:02 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Arvin Ganesan, Laura Vaught, Elizabeth Ashwell, Jose Lozano, Brendan Gilfillan, Alisha Johnson, Andra Belknap, David Bloomgren, Stephanie Owens, Dru Ealons, Heidi Ellis, Sarah Pallone, Marcus McClendon, Kate Bluhm, Ryan Robison, Noah Dubin

cc

bcc

Subject News Clips: Lisa Jackson Visits Mission Motors

SAN FRANCISCO PRESS CLIPS

Broadcast and Print

1. KTVU News video story available: <http://vimeo.com/36301430>
Administrator Jackson Tours Mission Motors
Thu Feb 02, 2012

2. KTSF
EPA official visits local green business that's growing
By Jessie Liang
Thu Feb 02, 2012

3. Bay City News
EPA Head Tours SOMA Business
Dan McMenamin,
February 2, 2012 10:10 PM

4. KCBS
EPA Head Tours Bay Area Electric Car Company
Susan Leigh Taylor
February 3, 2012 8:51 AM

5. Paddock Talk
Presidential Cabinet Member Jackson Tours SF Electric Vehicle Company That Plans To Double Workforce
Feb 02, 2012 - 06:09 PM

6. You Can't Outsource Retrofitting a Window
Just how important is the green jobs debate?
Katherine Tweed, Jonathan Morgenstein
FEBRUARY 3, 2012

FULL TEXT

KTSF
EPA official visits local green business that's growing
By Jessie Liang
Thu Feb 02, 2012

President Obama expects to have 1 million electric vehicles on U.S. roads by 2015 and new cars

averaging 54.5 miles per gallon by 2025. Obama's goal has been a boom for the clean technology. Jackson says, "As the president said, we can't go back to the old economies. We have to build a new economy. And this is what the future of not just America, but the world is going to be." Chris Moe, Chief Financial Officer for Mission Motors adds, "We wouldn't be able to employ these people, raise the capital we have, or go in the direction we're going in without those regulations."

Mission Motors started 3 years ago with 4 people. Now the company has 40 employees and plans to double its workforce this year. President Obama stressed in his State of the Union address that he will continue to create more green jobs. But according to an audit by the Department of Labor, Obama's \$500 million in green job training grants only reached 10% of its job-placement goal. House Republicans are expanding their probe into Obama's green job training programs because they believe it's wasting money.

EPA Region 9 Administrator Jared Blumenfeld explains that industrial development and job creation are not going to happen overnight but job training is still critical to people who don't have those skills.

Bay City News
EPA Head Tours SOMA Business
Dan McMnamin,
February 2, 2012 10:10 PM

The head of the U.S. Environmental Protection Agency toured an electric vehicle technology company in San Francisco today as part of a nationwide tour to promote green jobs to boost the nation's economy.

EPA Administrator Lisa Jackson visited Mission Motors, a company located on Harrison Street in the city's South of Market neighborhood that specializes in building battery packs and other technology for electric and hybrid vehicles.

The company had just four employees in 2008 but has grown to more than 40 currently and plans to double in size by the end of the year, chief financial officer Chris Moe said.

Jackson said, "I believe that green businesses like Mission Motors are what will be the very foundation of an America built to last," echoing the title of President Obama's recent State of the Union address.

She said federal clean car and fuel efficiency standards instituted during Obama's administration have created opportunities for businesses like Mission Motors.

"That's some of the need that this company is filling ... from manufacturers looking for ways not to sacrifice performance but use less fuel," Jackson said.

The company specializes in electric motorcycles and set the land speed record for that type of vehicle at a race at the Bonneville Salt Flats in Utah in 2009 and has also matched the performance of gas-powered motorcycles at a recent race at Laguna Seca in Salinas.

"That turned a lot of heads ... it was one of the first times there was parity between gas and electric," said Jon Wagner, the company's chief technology officer.

A lone protester stood outside the company before the tour, handing out a flier by the organization Greenaction that criticized the EPA's handling of toxic contamination at San Francisco's Hunters Point Naval Shipyard, which is currently being redeveloped as a residential area, among other complaints against the agency.

KCBS

EPA Head Tours Bay Area Electric Car Company
Susan Leigh Taylor
February 3, 2012 8:51 AM

SAN FRANCISCO (KCBS) – The head of the Environmental Protection Agency is in the Bay Area Thursday and planned to tour an electric vehicle company. It's an industry that has really benefited from the auto-bailout and the stimulus package because a big chunk of that money went to making batteries for electric cars.

EPA administrator Lisa Jackson's visit to Mission Motors in San Francisco comes the same week that President Barack Obama touted the strong return of the nation's auto industry. His comments came during a tour of the Washington Auto Show, as he viewed more than a dozen new electric and hybrid cars, unveiled with the help of the auto-bailout and the stimulus package.

"There was about \$2.4 billion in grants, and currently we're in the process of building about 30 factories in the US – Many of them in Michigan, to produce batteries and their parts for electric vehicles," said Michael Grabell, author of "Money Well Spent?...The Truth Behind the Trillion Dollar Stimulus and the Biggest Economic Recovery in History."

He said that he talked to four or five of the manufacturers involved, and all said that were it not for the stimulus money, they would have gone overseas. That means that jobs were created as well.

Despite the \$2.4 billion investment, we're still not the world's top battery maker.

"Korea has made a promise to invest five times that over the next decade, and China has also announced a much larger investment," said Grabell.

But the biggest question remains: Will the demand for electric cars and their batteries be there?

"The results so far have been lackluster, or less than expected," said Grabell.

Paddock Talk
Presidential Cabinet Member Jackson Tours SF Electric Vehicle Company That Plans To Double Workforce
Feb 02, 2012 - 06:09 PM

U.S. Environmental Protection Agency Administrator Lisa P. Jackson will visit San Francisco today, on the heels of President Obama's State of the Union Address, to discuss the future of "green" jobs in the Bay Area at a company that will announce plans to double their San Francisco workforce.

Jackson will discuss the local impact of issues laid out in the President's speech during a tour of Mission Motors, a local SF green business that provides powertrain components for hybrid and electric vehicles. Mission is at the center of American ingenuity and clean technologies President Obama discussed in his State of the Union Address.

Mission Motors started with three entrepreneurs looking to offer a small run of high-performance electric motorcycles. With the roots of a San Francisco startup, the company has emerged as a tier 1 provider of electric powertrains to major vehicle manufacturers of all types, from powersports to automotive to heavy equipment. The company has driven innovation in the EV sector, using expert design and software to create reliable powertrain systems that are smaller and lighter than current offerings on the market.

Mission is now poised to have a much bigger positive impact on the economy and the environment, with a goal of selling tens of thousands of electric and hybrid powertrains in the coming years. This year, the company plans to double its workforce in the Bay Area.

During the tour of the Mission Motors facility, Jackson will talk about Obama administration efforts that benefit both public health and the economy. The tour continues Administrator Jackson's ongoing efforts to speak with Americans across the country about EPA's work to protect people's health and the environment and support job growth.

**You Can't Outsource Retrofitting a Window
Just how important is the green jobs debate?
Katherine Tweed, Jonathan Morgenstein
FEBRUARY 3, 2012**

Lisa Jackson, the administrator for the U.S. Environmental Protection Agency, headed to Mission Motors in San Francisco on Thursday to talk about clean jobs.

The company, which plans to double its workforce this year, is being highlighted as a shining example of using American ingenuity to build something -- in this case, electric powertrains for motorcycles and vehicles -- that contributes to a "green" economy and "green" jobs.

But there are opportunities far outside of the Bay Area. At a panel on Tuesday night, "Financing Greentech in the Post-ARRA Era: No Money, No Problems?" the panelists all spoke of the opportunities in efficiency -- in particular, in building efficiency and the shipping industry -- that are everywhere.

"I think energy retrofits are a perfect example," said Ann Davlin, director of development at the Carbon War Room. "You can't outsource retrofitting a window."

She is not the first one to make that statement; it is an often-repeated refrain in the building energy efficiency space. But it is one that is only slowly seeping into policy. The Obama administration is working on passing HOMESTAR legislation that would help homeowners finance retrofits and a \$4 billion "Better Building Initiative" that would make commercial facilities 20 percent more efficient by 2020.

But companies shouldn't wait around, warned Davlin. "One of the challenges is that companies are waiting for regulation rather than making the market work for them today," she noted.

The lack of supportive legislation at the federal level doesn't mean that government cannot, or has not, been useful. In fact, this has in some way helped drive legislative and administrative innovation and creativity at the state and local level. Nonetheless, the federal government will eventually need to get on board.

At one point during the discussion, some contention arose over the issue of the role of government and the importance of the green jobs issue. "This is the dumbest part of the debate," said Jason Scott, a partner with EKO Asset Management Partners. "What do you mean, are we just going to stand still? Are we not going to become a more efficient society?"

In exasperation, Scott went on to call the Solyndra debate even stupider than the jobs debate, noting that the collapsing price for solar has been a boon to other companies, not to mention installers. "It just matters what part of the solar industry you're in," he said. "We either move forward or stand still."

The panelists were all bullish on cleantech, especially the possibilities in efficiency. Although Scott argued that the further you look out into the future, the more it makes sense, he said there were opportunities today that won't take decades to achieve payback.

While they were on the topic of red herrings, the discussion naturally turned to subsidies. "Without a doubt," said the moderator, Michael Molnar of Greentech Capital Advisors, "there are no free markets in energy."

Besides the externalities like health problems with some generation sources, such as coal, Davlin also

noted that water use isn't fully analyzed when comparing generation. But no one on the panel was waiting around for governments to install carbon taxes or impose heftier pollution fines.

The praise for the entrepreneur and America's risk-taking culture was a thread running through the discussion and the evening, concluding with the panelists all praising the need for such innovators to individually persevere in the face of adversity.

There was a consensus that 2012 might not be "the rosier year" for companies seeking to get financing for cleantech and efficiency projects. But with renewable portfolio standards and emerging energy benchmarking programs in the U.S., there will be endless winners at both the high-tech and low-tech level. "This is the greatest wealth-creating opportunity of our lifetime," said Davlin. "I encourage people to stick with it."

Betsaida
Alcantara/DC/USEPA/US
10/18/2011 05:15 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Bob Sussman, Seth Oster, Brendan Gilfillan, Stephanie Owens, Dru Ealons, Janet Woodka, Bicky Corman, Arvin Ganesan, Laura Vaught, Michael Goo, Alisha Johnson, Andra Belknap, David Bloomgren

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Subject Politico: 'Health deniers' sow doubt about EPA science

'Health deniers' sow doubt about EPA science

By Erica Martinson
10/18/11 4:21 PM EDT

Environmentalists have a new nickname for members of Congress questioning the public health benefits of the EPA's proposed air rules: health deniers.

It's a "new wing of climate science ... now denying the medical science," said Peter Iwanowicz, vice president of National Policy and Advocacy at the American Lung Association. "They believe that EPA has made this all up."

As the job creation conversation has taken over national political discourse, EPA and environmentalists have fought back against rhetoric that the EPA is a "job-killing" agency — and the accompanying slew of legislation aimed at EPA regulations — by arguing that upcoming air regulations are needed to save lives, and that translates into massive national costs.

The "health denier" campaign takes the effort to another level and comes as critics of EPA air regulations have sought to undermine the science behind EPA and environmentalist estimates of risks to human health posed by toxic air pollution.

Members of Congress who are also medical professionals — six doctors and one dentist — recently wrote [a letter](#) to EPA Administrator Lisa Jackson, calling the public health claims accompanying EPA's proposed regulation to regulate hazardous air pollutants at utilities "dubious."

"Our strong concern is that EPA has been double counting particulate health benefits — taking credit for them in the context of this proposed rule when it well knows that past rule makings already address these concerns," the lawmakers wrote.

Jeff Holmstead, an EPA official under George W. Bush and current industry attorney, lays out the argument: "There are some real problems with EPA's claims, and in some ways ... the way they are used by EPA's supporters." Holmstead argues that "95-98 percent of the benefits that they claim are ... going to be saving lives [are] of people who live in areas that already meet" air quality standards requirements.

Holmstead believes the real push behind utility rules is to shut down coal-fired power plants.

The EPA has not formally responded to the letter from the lawmakers but told POLITICO in an email that “for every dollar spent to reduce this pollution, Americans get \$5-\$13 in health benefits in lives saved, asthma and emergency room visits avoided and more.” The agency notes that the new standards will apply only to about 44 percent of coal-fired plants that do not already meet the requirements.

In 2016, proposed air rules would help prevent: “6,800-17,000 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,” the agency said.

The game of questioning EPA regulations has long been pushed by Rep. Joe Barton (R-Texas), former Energy and Commerce Committee chairman, who this spring charged, “I think the EPA numbers are pulled out of the thin air.”

And at an Energy and Commerce hearing on Sept. 22, Rep. Steve Scalise (R-La.) argued that “it seems like there are arbitrary numbers being thrown out just to justify a radical regulation that really has nothing to do with improving health and safety.”

House members have acted on these concerns too: In the past several weeks, they passed the TRAIN Act, which would allow for review of the costs and benefits of EPA rules for power plants, gasoline and industry sectors, delay upcoming mercury standards for power plants and the agency’s regulation of smog and particulate pollution across state lines, as well as bills to halt or limit EPA regulations for boilers and incinerators, cement plants, power plants and coal ash impoundments.

“The Clean Air Act, make no mistake about it, is under attack,” Iwanowicz said Monday in a press call aimed at calling attention to the inclusion of 25 state attorneys general in [a lawsuit](#) asking for a one-year extension to EPA’s Utility MACT standard for power plants that is due to be finalized Nov. 16.

“I think what they’re doing here is trying to sow that same kind of doubt” as critics of global warming science do,” he said.

Meanwhile, Rep. Henry Waxman, ranking member of the Energy and Commerce Committee, is on a tear to paint the House GOP as anti-environment. Last month, the California Democrat unveiled a searchable database of anti-environment votes in the 112th Congress — at press time, the count was 168 votes. That includes 71 to block pollution prevention regulations and 61 aimed at the Clean Air Act.

And EPA is making plans to promote its scientific beliefs further: Jackson announced Monday in [a USA Today op-ed](#) that she and Health and Human Services Secretary Kathleen Sebelius are launching a new initiative to provide environmental exposure information to local doctors.

In the joint op-ed, Jackson and Sebelius said that “one in every 12 Americans — and one in 10 children, suffers from asthma, which is worsened by air pollution. In total, our children’s exposure to air pollution and toxic chemicals costs America more than \$75 billion every year.” They go on to note that economically distressed and minority communities have a significantly greater risk of health problems because of pollution exposure.

Beyond focusing on environmental justice issues, the two agencies plan to combine their data “to give local policymakers access to detailed information on environmental factors and health disparities,” so that local officials can see the correlation between, for instance, air quality and asthma hospitalization data.

A spokeswoman with HHS said the agency is reviewing a report released earlier this month that addresses “how to promote the inclusion of occupational and environmental exposure histories into” electronic health records, as well as public comments received on the draft strategy.

An [August report](#) by nonpartisan publication American Economic Review measures gross external damages caused by industry via pollution, compared with value added to the economy, and found that in 2002 the aggregate pollution damages across all industries were \$184 billion, with the heaviest polluters coming from the agriculture and utilities sectors, the latter being the cause of \$63 billion in damages.

The study found “air pollution damages ... are greater than their net contribution to output” for seven industries: stone quarrying, solid waste incineration, sewage treatment plants, oil- and coal-fired power plants, marinas, and petroleum-coal product manufacturing. And “five industries stand out as large air polluters: coal-fired power plants, crop production, truck transportation, livestock production and highway street-bridge construction.”

Of its analysis, the study says, “At an intuitive level, it indicates that the regulated levels of emissions from the industry are too high.” But there are a number of uncertainties, the report notes, including “the value of mortality risks, the relationship of this value to age, the mortality effect of fine particulates and the social cost of CO2 emissions. Sensitivity analyses using alternative values for these parameters change the magnitude of the results significantly.”

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**Betsaida
Alcantara/DC/USEPA/US**
03/17/2011 03:48 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Gina
McCarthy, Seth Oster, Brendan Gilfillan, Adora Andy,
Stephanie Owens, Dru Ealons, Adora Andy
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Subject Specialty Media Clips - Mercury and Air Toxics
Announcement

Administrator,
Here are the specialty media clips on yesterday's announcement that have posted online so far .

Specialty Media Clips – Mercury and Air Toxics Announcement

Indian Country Today: EPA Releases Emissions Rules for Coal-fired Power Plants

March 16, 2011

By: ICT Staff

The federal Environmental Protection Agency (EPA) on Wednesday issued the first-ever U.S. regulations limiting mercury emissions from coal-fired power plants, a move that officials said would reduce 91 percent of the mercury in coal from being released into the air, improving public health.

“Today we’re taking an important step forward in EPA’s efforts to safeguard the health of millions of Americans,” EPA Administrator Lisa Jackson said at a press conference to sign the new order. “Under the Clean Air Act these standards will require American power plants to put in place proven and widely available pollution technologies to control and cut harmful emissions like mercury, arsenic, chromium, nickel and acid gases.”

El Vocero: Plantas de energía tendrán que reducir la contaminación del aire

Por: Carmen Arroyo (marzo 16, 2011)

PUERTO RICO - De acuerdo a las nuevas normas de contaminación de mercurio, arsénico y otros tóxicos, las plantas de energía tendrán que reducir la contaminación del aire que es responsables miles de muertes año, según informó la Agencia Federal de Protección Ambiental (EPA, por sus siglas en inglés).

En Estados Unidos casi 30 millones de latinos viven áreas que no cumplen con los estándares de contaminación de aire. Las nuevas guías ayudarán a esta población, en especial a los niños puertorriqueños ya que el 20 por ciento de estos padece de asma.

La EPA presentó hoy las primeras normas nacionales para el mercurio, arsénico y otros tóxicos emitidos al aire por plantas de energía como les fue requerido por una orden judicial en el 2008 y que invalidó las reglas anteriores. Sin embargo, el reglamento sobre Los Nuevos Estándares de Mercurio y Tóxicos en el Aire para Plantas Energéticas estaría listo en noviembre de este año.

“Esta declaración hoy día lleva 20 años bajo desarrollo y marca un hito en la larga lista de éxitos sin precedencia que la Ley de Aire Limpio ha logrado al asegurar que nuestros niños estén protegidos de los efectos dañinos de la contaminación de aire”, indicó la administradora de EPA,

Lisa P. Jackson.

NOTIBLOG Onda Verde (NRDC): EPA propone primeros estándares nacionales para combatir contaminación de mercurio emitida por plantas energéticas

Por: Adrianna Quintero

16 de Marzo 2011

WASHINGTON - Hoy, EPA propuso los primeros estándares nacionales para combatir la contaminación de mercurio emitida por plantas energéticas. Estándares de mercurio y tóxicos en el aire representa una de las protecciones de salud pública más fuertes desde que entro en vigor la Ley de Aire Limpio; tendrá grandes implicaciones para comunidad latina

Con casi 30 millones de latinos—que representan más del 70 por ciento de la población hispana en estados unidos—viviendo en lugares que no cumplen con los estándares de contaminación en el aire, estos estándares ofrecerán mayor protección a nuestras comunidades. Los niños hispanos se beneficiarán, ya que el 20 por ciento de los niños puertorriqueños y el 8 por ciento de los menores hispanos en general, sufren de asma en este país. Esta condición es provocada por el aire de calidad inferior.

[[FULL TEXT BELOW]]

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The new rules will apply to all 1,350 of the country’s coal and oil-fired units that are in 525 power plants. These emit harmful pollutants that include mercury, arsenic, other toxic metals, acid gases and organic air toxics such as dioxin, the EPA said in summarizing the plan.

Two of the three industry sectors that contribute the bulk of mercury pollution—medical waste incinerators and municipal waste combustors—have already reduced their emissions by more than 95 percent, the EPA said. But power plants, as the largest source of several harmful pollutants, are responsible for 50 percent of the emissions, more than 50 percent of acid gas emissions and about 25 percent of toxic metal emissions in the U.S.

As for mercury, coal-fired power plants emit 99 percent of it and most of the other power-sector

pollutants, the federal agency said.

Although dozens already meet at least some part of the proposed standards, 44 percent of the coal plants lack the advanced pollution-control equipment that these limits require.

“The updated standards will provide certainty and level the playing field so that all power plants will have to limit their toxic emissions,” the EPA said. Facilities have up to four years to meet the standards.

Coal-fired power plants are scattered on Native lands all across the U.S. The Navajo Nation has three, including the Navajo Generating Station, which according to the Grand Canyon Trust produces about a fifth of Arizona’s greenhouse gases, as well as being a major source of mercury and nitrogen pollution.

Read more about the Clean Air Act and today’s regulations at Grist.

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Este reglamento sería vital en la prevención de hasta 17 mil muertes prematuras y 11 mil ataques al corazón cada año, informó la EPA en un comunicado de prensa.

En Estados Unidos casi 30 millones de latinos viven áreas que no cumplen con los estándares de contaminación de aire. Las nuevas guías ayudarán a esta población, en especial a los niños puertorriqueños ya que el 20 por ciento de estos padece de asma.

“Esta declaración hoy día lleva 20 años bajo desarrollo y marca un hito en la larga lista de éxitos sin precedencia que la Ley de Aire Limpio ha logrado al asegurar que nuestros niños estén protegidos de los efectos dañinos de la contaminación de aire”, indicó la administradora de EPA, Lisa P. Jackson.

Los contaminantes tóxicos de las plantas de energía pueden causar problemas neurológicos, incluyendo capacidad intelectual. Las emisiones de metales tóxicos como el arsénico, cromo y níquel están vinculados al cáncer. El mercurio y otros contaminantes tóxicos afectan además los recursos naturales, informó la EPA.

“Con la ayuda de tecnologías que ya existen, podremos tomar pasos razonables que

dramáticamente aumentarán la protección de nuestros hijos y seres queridos y prevendrá muertes prematuras, ataques del corazón, y ataques de asma”, agregó Jackson.

El anuncio de las guías se hizo en Washington ayer y la Asociación Americana del Pulmón avaló esta medida. “Cuando finalmente se establezca, esta regla de limpieza del aire que EPA está promoviendo hoy salvará vidas, protegerá la salud de millones de personas en EE.UU. y finalmente efectuará algo que ha demorado 20 años por cumplir. Esto tiene que desempeñarse”, afirmó Charles D. Connor, presidente de la Asociación.

Según el comunicado de prensa de la EPA, las plantas de energía son la mayor fuente de contaminante del aire. Son responsables por la mitad del mercurio y más de la mitad de las emisiones de gases ácidos en Estados Unidos.

Los nuevos estándares de contaminación se hacen necesarios porque en la actualidad no existe una norma para emisiones de mercurio en las plantas energéticas.

La EPA publicará las nuevas normas y en vías de obtener el insumo del público de cara al informe final se podrán hacer recomendaciones a las guías. La Agencia Federal también llevará a cabo audiencias públicas sobre esta propuesta.

NOTIBLOG Onda Verde: EPA propone primeros estándares nacionales para combatir contaminación de mercurio emitida por plantas energéticas

Por: Adrianna Quintero

16 de Marzo 2011

Hoy, EPA propuso los primeros estándares nacionales para combatir la contaminación de mercurio emitida por plantas energéticas. Estándares de mercurio y tóxicos en el aire representa una de las protecciones de salud pública más fuertes desde que entro en vigor la Ley de Aire Limpio; tendrá grandes implicaciones para comunidad latina

WASHINGTON—En respuesta a la fecha límite impuesta por una orden judicial, hoy la Agencia de Protección Ambiental de EE.UU. (EPA, por sus siglas en inglés) propuso las primeras normas nacionales para el mercurio, arsénico y otros tóxicos emitidos al aire por plantas de energía. Los Nuevos Estándares de Mercurio y Tóxicos en el Aire para Plantas Energéticas--los cuales aclaran 20 años de incertidumbre para las industrias--requerirían en muchas plantas la instalación de tecnología accesible y probada para reducir la contaminación del mercurio, arsénica, cromo, níquel, y gases ácidos mientras a la vez prevendría la muerte de hasta 17,000 muertes prematuras y 11,000 ataques del corazón cada año.

Con casi 30 millones de latinos—que representan más del 70 por ciento de la población hispana en estados unidos—viviendo en lugares que no cumplen con los estándares de contaminación en el aire, estos estándares ofrecerán mayor protección a nuestras comunidades. Los niños hispanos se beneficiarán, ya que el 20 por ciento de los niños puertorriqueños y el 8 por ciento de los menores hispanos en general, sufren de asma en este país. Esta condición es provocada por el aire de calidad inferior.

Este reglamento también proporcionará empleo para miles de personas con el apoyo de 31,000 trabajos de construcción de corto-plazo y 9,000 trabajos de servicios públicos de electricidad a

largo-plazo.

Esta declaración hoy día lleva 20 años bajo desarrollo y marca un hito en la larga lista de éxitos sin precedencia que la Ley de Aire Limpio ha logrado al asegurar que nuestros niños estén protegidos de los efectos dañinos de la contaminación de aire," dijo la administradora de EPA, Lisa P. Jackson. "Con la ayuda de tecnologías que ya existen, podremos tomar pasos razonables que dramáticamente aumentarán la protección de nuestros hijos y seres queridos y prevendrá muertes prematuras, ataques del corazón, y ataques de asma."

Los contaminantes tóxicos como el mercurio de las plantas de energía que queman carbón y petróleo han mostrado causar problemas neurológicos, incluyendo capacidad intelectual disminuida en niños que han sido expuestos durante el embarazo y los primeros años de vida. Los estándares también abordan las emisiones de otros metales tóxicos vinculados al cáncer, tales como el arsénico, cromo, y níquel. El mercurio y muchos otros contaminantes tóxicos pueden también dañar el medio ambiente y contaminar nuestros lagos, ríos, y peces. Además, los recortes en este tipo de polución también reducen la contaminación de partículas finas, que causan muertes prematuras, enfermedades del corazón, días hábiles perdidos por enfermedad, y asma.

La Asociación Americana del Pulmón aplaude esta medida razonable para la salud pública. Cuando finalmente se establezca, esta regla de limpieza del aire que EPA está promoviendo hoy salvará vidas, protegerá la salud de millones de personas en EE.UU. y finalmente efectuará algo que ha demorado 20 años por cumplir. Esto tiene que desempeñarse," dijo Charles D. Connor, presidente de la Asociación Americana del Pulmón.

Las plantas de energía son las mayores fuentes de varios tóxicos en el aire--responsables por la mitad del mercurio y más de la mitad de las emisiones de gases ácidos en este país. Sólo en el sector energético, las plantas de energía que queman carbón son responsables por el 99 por ciento de las emisiones de mercurio. Actualmente, más de la mitad de todas las centrales energéticas que queman carbón ya emplean tecnología existente que permite cumplir con estos estándares importantes. Una vez finalizado, estos estándares asegurarán que las demás plantas energéticas que queman carbón, aproximadamente el 44 por ciento, tomen pasos similares para reducir estos contaminantes peligrosos.

Los estándares actualizados proporcionarán por primera vez igualdad entre las centrales eléctricas por toda la nación, de manera que todas las plantas estén bajo las mismas normas y a la vez haya más certeza para las empresas. Este reglamento propuesto le permite hasta cuatro años para que las instalaciones cumplan con los estándares y una vez implementado, evitará que el 91 por ciento del mercurio en el carbón sea emitido al aire.

Hace más de 20 años, las enmiendas del año 1990 a la Ley de Aire Limpio obligaron a EPA imponer el control de emisiones tóxicas de aire, tal como el mercurio. Desde ese entonces, EPA ha tomado medidas para reducir las emisiones de mercurio de muchas grandes fuentes—sin embargo, en la actualidad aún no existe una norma nacional para emisiones de mercurio en las plantas energéticas. El anuncio de hoy se ha esperado durante mucho tiempo. Se ha pronunciado 11 años después de que EPA declarara que establecería dichos estándares para las plantas de energía y luego de una decisión judicial en febrero del 2008 que invalidó el reglamento de mercurio de la anterior administración. En octubre del 2009, EPA entró en un acuerdo de consentimiento que requirió que se firmara una propuesta antes del 16 de marzo del 2011, y que se finalizara un reglamento final antes de noviembre de 2011.

Los Estándares de Mercurio y Tóxicos en el Aire para Plantas Energéticas propuestos son consistentes con la Orden Ejecutiva del Presidente Obama sobre reforma regulatoria. Son

basados en los datos más actualizados y le proveen a las industrias la mayor flexibilidad en implementación escalonada utilizando tecnología ya existente.

Los estándares propuestos también aseguran que los beneficios al público y a la economía sobrepasan los costos de implementación. EPA estima que por cada dólar que se gaste para reducir la contaminación de las centrales de energía, el público estadounidense y las empresas gozarán de \$13 en beneficios a la salud y economía. Se estima que los beneficios totales de estos estándares en cuanto a salud y economía podrían ascender a \$140 mil millones anualmente.

Además, conforme a la orden ejecutiva del presidente, el propuesto estándar valora el insumo de todos aquellos que puedan contribuir al estándar final. El periodo de comentario público será de 60 días a partir de ser publicado en el Registro Federal. Esto le permitirá que todas aquellas partes interesadas incluyendo el público, industria, y sectores de salud pública puedan ofrecer su insumo. Esto asegura que el estándar final disponga del máximo beneficio a la salud pública al menor costo posible.

Como parte del proceso de comentario público, EPA también llevará a cabo audiencias públicas sobre esta propuesta. Detalles adicionales acerca de estos eventos serán divulgados en un futuro. Más información (en inglés): <http://www.epa.gov/airquality/powerplanttoxics/>

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

01/27/2012 01:11 PM

To Richard Windsor, Gina McCarthy, Bob Perciasepe, Janet Woodka, Joseph Goffman, Bob Sussman, Brendan Gilfillan, Stephanie Owens, Arvin Ganesan, Michael Goo, Alisha Johnson, Andra Belknap, Michael Moats, Stephanie Epner

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Subject The New York Times: Popular Criticism Cracks China's Wall of Denial About Pollution

January 27, 2012

Popular Criticism Cracks China's Wall of Denial About Pollution

By SHARON LaFRANIERE

BEIJING — Weary of waiting for the authorities to alert residents to the city's most pernicious air pollutant, citizen activists last May took matters here into their own hands: they bought their own \$4,000 air-quality monitor and started posting its daily readings on the Internet.

That began a chain reaction. Volunteers in Shanghai and Guangzhou purchased monitors in December, followed by citizens in Wenzhou, who are selling oranges to finance their device. Wenzhou donated \$50 to volunteers in Wuhan, 140 miles inland, to get them started.

Officials have claimed for years that the air quality in fast-growing China is constantly improving. Beijing, for example, was said to have experienced a record 274 "blue sky" days in 2011, a statistic belied by the heavy smog smothering the city for much of the year.

But faced with an Internet-led brushfire of criticism, the edifice of environmental propaganda is collapsing. The government recently reversed course and began to track the most pernicious measure of urban air pollution — particulates 2.5 micrometers in diameter or less, or PM 2.5. It decreed that about 30 major cities must begin monitoring the particulates this year, followed by about 80 more next year.

The Ministry of Environmental Protection also promised to set health standards for such fine particulates "as soon as possible." Last week, after years of concealing its data on such pollutants, Beijing began publishing hourly readings from one monitoring station.

Ma Jun, director of the Institute of Public and Environmental Affairs, a nonprofit Beijing group, credits the Chinese public for the breakthroughs. "At the beginning of last year, we had almost lost hope that the PM 2.5 would be integrated into the standards," Mr. Ma said in a telephone interview. "But at the end of the day, the people spoke so loudly that they made their voice heard."

The fine particulates, caused by dust or emissions from vehicles, coal combustion, factories and construction sites, are among the most hazardous because they easily

penetrate lungs and enter the bloodstream. Chronic exposure increases the risk of cardiovascular ailments, respiratory disease and lung cancer. The Chinese government has monitored exposure levels in 20 cities and 14 other sites, reportedly for as long as five years, but has kept the data secret.

It sought 18 months ago to silence the American Embassy in Beijing as well, arguing that American officials had insulted the Chinese government by posting readings from its PM 2.5 monitor atop the embassy on Twitter. A Foreign Ministry official warned that the embassy's data could lead to "social consequences" in China and asked the embassy to restrict access to it. The embassy refused, and Chinese citizens now translate and disseminate the readings widely. While China has made some progress in limiting some other airborne toxins, the PM 2.5 data is far from reassuring in a country that annually suffers hundreds of thousands of premature deaths related to air pollution. In an unreleased December report relying on Chinese government statistics, the World Bank said average annual PM 2.5 concentrations in northern Chinese cities exceeded American limits by five to six times as much, and two to four times as much in southern Chinese cities.

Nine of 13 major cities failed more than half the time to meet even the initial annual mean target for developing countries set by the World Health Organization. Environmental advocates here expect China to adopt that target as its PM 2.5 standard.

Wang Yuesi, the chief air-pollution scientist at the Institute of Atmospheric Physics of the Chinese Academy of Sciences, estimated this month that Beijing needed at least 20 years to reach that goal. The embassy's monitor showed that fine particulate concentrations over the past two years averaged nearly three times that level, and 10 times the World Health Organization's guideline, said Steven Q. Andrews, an environmental consultant based in Beijing.

In fact, Mr. Wang told Outlook Weekly, a magazine owned by China's official news agency, Xinhua, that Beijing's PM 2.5 concentrations have been increasing by 3 to 4 percent annually since 1998. Mr. Wang said the finer particulates absorbed more light, explaining why Beijing so often is enveloped in a haze thick enough to obscure even nearby buildings. Air pollution in the city and in nearby Tianjin is so severe that "something must be done to control it," he wrote in a Jan. 10 blog entry.

Such sentiments are increasingly common on weibos, the Chinese version of microblogs like Twitter, especially among elites. International schools here are doming their athletic fields because pollution so often requires that students stay indoors.

In November, Pan Shiyi, a Beijing real estate tycoon, asked his seven million

microblog followers whether China should employ stricter air-quality standard. Shi Yigong, a noted molecular biologist who left Princeton University in 2008 to lead Tsinghua University's life sciences department, complained in a December blog post that air pollution was the single "most upsetting and painful thing" about his return to China.

Some Chinese citizens remain stoic or unaware. One afternoon last week when smog cloaked Beijing and the American Embassy monitor edged toward the top of the chart, parents flocked to the Capital Institute of Pediatrics, a children's hospital in downtown Beijing, towing children with respiratory ailments.

One mother of a 6-year-old awaiting treatment for her child's chronic cough said: "I think it's good for the child's immune system to be exposed to tough weather like today's. It will make them tougher."

Chinese government statistics indicate that urban air quality has improved over the past decade as cities have relocated factories, reduced coal burning and adopted stricter vehicle emission standards. The World Bank's analysis of the government's data found that average concentrations of particulates measuring 10 micrometers or less — a group that includes both fine and coarser particulates — fell 31 percent from 2003 to 2009 in 113 major cities.

Still, only a few cities managed to meet China's own toughest standard, which is twice as loose as the World Health Organization guideline. Mr. Wang, the researcher with the Chinese Academy of Sciences, contends that while Beijing's PM 10 level fell nearly a third between 2006 to 2009, it has been edging up ever since.

Whether government statistics are reliable is another matter. While some argue that the release of ever more detailed data makes fudging ever harder, Mr. Andrews, the environmental researcher, contends that the government systematically manipulated data and standards to create more "blue sky" days. Although attention focuses on Beijing, at least 16 other Chinese cities are more polluted, the World Bank report states. Their efforts to clean up the air are partly offset by rising populations, an avalanche of vehicles and never-ending construction.

Some experts contend that the Chinese government deliberately shies away from epidemiological studies on pollution's health impact. "They are really unwilling to match it to the health data because that would be much more alarming," said one specialist who spoke anonymously for fear of angering Chinese officials. "They want to get the counts down first."

The World Health Organization estimated in 2007 that 656,000 Chinese died prematurely each year from ailments caused by indoor and outdoor air pollution. The World Bank placed deaths related to outdoor pollution at 350,000 to 400,000, but excised those figures from a 2007 report under government pressure.

Zhong Nanshan, a respiratory expert at the Chinese Academy of Engineering, told China Daily last month that without intervention, PM 2.5 particulates would replace smoking as China's top cause of lung cancer. Beijing health experts told the newspaper that while smoking rates were flat, the city's lung-cancer rate had risen 60 percent in the past decade, probably as a result of air pollution.

Feng Yongfeng, a Beijing father of a 3-year-old who founded a nonprofit environmental group called Green Beagle in 2009, argues that the Chinese should protect themselves by investigating their surroundings.

"If the data is real, officials keep it to themselves," said Mr. Feng, whose organization began this July to lend two PM 2.5 monitors to anyone who completes an online application. "You should not wait for the ministry to tell you the truth. You can find it out for yourself."

Only 30 people accepted the offer in the first five months. But Wang Quixia, the project manager, said interest had skyrocketed since a burst of publicity made PM 2.5 a household phrase in Beijing.

Now there is a two-month waiting list.

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

03/28/2011 08:22 PM

To Richard Windsor, Janet Woodka

cc Bob Sussman, Nancy Stoner, Adora Andy, Arvin Ganesan, Bob Perciasepe, David McIntosh, Dru Ealons, "Judith Enck", "gilfillan brendan", "Daniel Kanninen", Sarah Pallone, Scott Fulton, Seth Oster, Stephanie Owens, "Diane Thompson", "Lisa Jackson", Michael Goo

bcc

Subject Bloomberg: EPA Proposes Water Rules for Power Plants to Protect Fish and Dow Jones:

These wire stories will be updated in the morning with more info.

Bloomberg: EPA Proposes Water Rules for Power Plants to Protect Fish (1)
2011-03-28 22:46:14.256 GMT

By Kim Chipman

March 28 (Bloomberg) -- The U.S. Environmental Protection Agency said it proposed water standards aimed at protecting millions of fish drawn each year into cooling water systems at more than 1,200 power plants and factories.

The rules proposed under the federal Clean Water Act will save about 615 million fish and shellfish a year at an annual cost to industry of \$384 million, the EPA said today in an e-mailed statement.

The agency is complying with a court order to issue rules for industrial facilities that withdraw water from rivers or lakes to cool machinery. The standards will give companies two options to meet the requirements and reduce the number of fish

killed when pinned against screens covering intake pipes. The EPA said it will review public comments when crafting the rule. "The input we receive will make certain that we end up with a flexible and effective rule to protect the health of our waters and ecosystems," Nancy Stoner, the acting assistant administrator for the EPA Office of Water, said in a statement.

The EPA has been criticized by industry groups and Republican lawmakers who said the agency is burdening businesses with overly stringent and costly rules.

Representative Fred Upton, a Michigan Republican, in December had said the EPA's rule might affect more than 400

power plants and cost as much as \$300 million per site for coal-fired utilities and as much as \$1 billion for nuclear-powered generators, exceeding the agency's projections.

The EPA said about 1,260 industrial operations will be covered by the rule, including 670 power plants and about 590 factories.

Dow Jones: EPA Proposes Regulations For Water Intake At Power Plants, Factories

By Ryan Tracy, OF DOW JONES NEWSWIRE

WASHINGTON -(Dow Jones)- The Environmental Protection Agency Monday proposed new regulations affecting power plants and factories that use water for cooling as part of their operations.

The proposed rule, which is designed to protect fish, would impact an estimated 1,260 facilities in the U.S. and could require upgrades at many of them. Power plants, food processors, and manufacturers of paper, chemicals, and steel are among the industries most likely to be impacted by the rules, EPA said.

The rule would require plants to show their water intake systems are killing less than a set number of fish and shellfish, which can die when they get sucked into an intake system or trapped against a screen where the facilities draws in water.

Alternatively, the facilities would be allowed to reduce the velocity of their water intakes to a level that EPA says would allow most fish to swim away safely.

Existing plants that add electrical generation capacity would be required to use so-called closed-cycle cooling, or a technology that has an equal impact on aquatic life. In contrast to "once-through" cooling systems, closed-cycle cooling systems recycle water in order to withdraw less from an outside water body.

Large facilities that withdraw more than 125 million gallons of water per day would be required to conduct studies on how their water intake system is impacting aquatic life so that regulators can assess each of them on a site-by-site basis. EPA will soon begin accepting public comment on the rules and must finalize them by July 2012.

-By Ryan Tracy, Dow Jones Newswires; 202-862-9245; ryan.tracy@dowjones.com
Richard Windsor

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

From: Richard Windsor
Sent: 03/28/2011 05:59 PM EDT
To: Betsaida Alcantara; Janet Woodka
Cc: Bob Sussman; Nancy Stoner; Adora Andy; Arvin Ganesan; Bob Perciasepe; David McIntosh; Dru Ealons; "Judith Enck" <enck.judith@epa.gov>; "gilfillan brendan" <gilfillan.brendan@epa.gov>; "Daniel Kanninen" <Kanninen.Daniel@epa.gov>; Sarah Pallone; Scott Fulton; Seth Oster; Stephanie Owens; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>; Michael Goo
Subject: Re: 316b Press Release is out

Tx all

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 03/28/2011 05:58 PM EDT
To: Janet Woodka
Cc: Bob Sussman; Nancy Stoner; Adora Andy; Arvin Ganesan; Bob Perciasepe; David McIntosh; Dru Ealons; enck.judith@epa.gov; gilfillan.brendan@epa.gov; kanninen.daniel@epa.gov; Sarah Pallone; Scott Fulton; Seth Oster; Stephanie Owens; thompson.diane@epa.gov; windsor.richard@epa.gov; Michael Goo
Subject: 316b Press Release is out

Here are all the final materials, internal and external.

[attachment "032811 - Final Press Release 316b.docx" deleted by Richard Windsor/DC/USEPA/US]

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[attachment "032811 - External Qs and As 316b.doc" deleted by Richard Windsor/DC/USEPA/US]

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

03/29/2011 06:20 AM

To Richard Windsor, Janet Woodka

cc Bob Sussman, Nancy Stoner, Adora Andy, Arvin Ganesan, Bob Perciasepe, David McIntosh, Dru Ealons, "Judith Enck", "gilfillan brendan", "Daniel Kanninen", Sarah Pallone, Scott Fulton, Seth Oster, Stephanie Owens, "Diane Thompson", "Lisa Jackson", Michael Goo

bcc

Subject Final Bloomberg Story: Power Generators Must Protect Fish Under U.S. EPA Rules for Cooling Water

Power Generators Must Protect Fish Under U.S. EPA Rules for Cooling Water

By Kim Chipman - Mar 29, 2011 12:00 AM GMT-0400



Power plants and factories face U.S. rules aimed at preventing fish from being sucked into cooling-water systems, helping anglers and costing industry \$384 million a year, the Environmental Protection Agency said.

The Obama administration's proposal issued yesterday under the Clean Water Act will affect more than 1,200 facilities and save billions of aquatic organisms, including 615 million fish and shellfish a year, the agency said in an e-mailed statement.

The EPA is complying with a court order to issue rules for plants and factories that withdraw water from rivers or lakes to cool machinery. The standards will give existing facilities options to meet the requirements and reduce the number of fish killed when pinned against screens covering intake pipes. The EPA said it will work to improve its proposal through public suggestions.

"The input we receive will make certain that we end up with a flexible and effective rule to protect the health of our waters and ecosystems," Nancy Stoner, the acting assistant administrator for the EPA Office of Water, said in the statement.

The public has 90 days to comment, according to the EPA. The agency must take final action by July 27, 2012.

The Natural Resources Defense Council and Riverkeeper, two environmental groups, said the EPA rule shifts the issue to the states and won't stop plants from killing billions of fish.

"Instead of moving toward modernizing America's power plants and protecting our water resources, the draft rule moves us backwards," Steve Fleischli, a senior attorney in the water program at the New York-based NRDC, said yesterday in a statement. "EPA has chosen the path of least resistance by caving into industry pressure and punting this issue to state agencies."

Entergy Concerns

Companies such as Entergy Corp. (ETR), owner of coal-fired and nuclear-generated power plants, had said they were worried the EPA would require plants to take an overly strict approach to installing technology aimed at complying with the rule.

The EPA said yesterday that existing facilities will have flexibility in determining what controls to use.

Operators using more than 2 million gallons a day must limit the number fish killed, or reduce the velocity of water pulled into cooling systems, which would let fish swim away, the agency said. A facility drawing in at least 125 million gallons a day must develop "site-specific" controls, the EPA said.

Plants that add electrical generation at an existing site would be required to install technology equivalent

to a "closed-cycle" system that reuses water. A closed cycle typically refers to cooling towers, according to the EPA.

Closed-Cycle Systems

Closed-cycle cooling for new units would cost about \$14.7 million a year, according to the agency. The cost to a household electric bill once the rule has been in place for several years would average less than \$2 a year, the EPA said.

The EPA has been criticized by industry groups and Republican lawmakers who said the agency is burdening businesses with overly stringent and costly rules.

New Orleans-based Entergy said last month that it was worried the EPA rule would force it to spend \$1.2 billion building two cooling towers at its plant along the Hudson River north of Manhattan.

Representative Fred Upton, a Michigan Republican, in December had said the EPA's cooling water rule might cost utilities as much as \$300 million per site for coal-fired power plants and as much as \$1 billion for nuclear-powered generators, exceeding the agency's projections.

The EPA said about 1,260 industrial operations will be covered by the rule, including 670 power plants and about 590 factories.

To contact the reporter on this story: Kim Chipman in Washington at kchipman@bloomberg.net

To contact the editor responsible for this story: Larry Liebert at lliebert@bloomberg.net
Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 03/28/2011 08:25 PM EDT
To: Richard Windsor; Janet Woodka
Cc: Bob Sussman; Nancy Stoner; Adora Andy; Arvin Ganesan; Bob Perciasepe; David McIntosh; Dru Ealons; "Judith Enck" <enck.judith@epa.gov>; "gilfillan brendan" <gilfillan.brendan@epa.gov>; "Daniel Kanninen" <Kanninen.Daniel@epa.gov>; Sarah Pallone; Scott Fulton; Seth Oster; Stephanie Owens; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>; Michael Goo
Subject: Riverkeeper Press Release

FYI
FOR IMMEDIATE RELEASE

Contact: Suzanne Struglinski, NRDC, (202) 423-6004, sstruglinski@nrdc.org<
<mailto:sstruglinski@nrdc.org>>

Tina Posterli, Riverkeeper, (914) 478-4501 x 239, tposterli@riverkeeper.org<
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Dead Fish, Fouled Water, EPA Misses Opportunity to Fix Power Plant Damage

Proposed EPA Rule Allows Plant to Continue Environmental Devastation

WASHINGTON (March 28, 2011) -- The Environmental Protection Agency's proposed cooling water rule will allow power plants and other large industrial facilities to continue destroying billions of fish and overheating trillions of gallons of water from the nation's rivers, lakes, estuaries and marine waters.

The proposed rule, released this evening, was supposed to modernize the way power plants take in and release water used for cooling. Instead, EPA will leave it up to state agencies to figure out requirements for plants, but decades of experience have shown that states lack the resources and expertise to make these decisions on a case-by-case basis and have complained to EPA of the extreme burden of having to do so.

"We expected more out of the EPA to protect the country's waterways from power plants' destructive impacts," said Riverkeeper's Executive Director, Paul Gallay. "A case-by-case approach will simply not work. Instead, it will continue an endless cycle of paperwork and litigation that will leave water bodies across the country unprotected and countless species at risk."

In the absence of a national cooling water rule for nearly 40 years, the country's waterways have been subjected to case-by-case determinations by individual permit writers, typically state agencies, exercising "best professional judgment" when deciding what cooling system a plant can use.

In 2001, EPA identified closed-cycle recirculating cooling systems as the best technology available for new power plants to use, but this did not extend to existing plants.

With nearly 500 U.S. power plants still relying on the antiquated and destructive" once-through cooling system," each plant can withdraw at least 50 million (and often, more than a billion) gallons of cooling water. This water goes through a condenser where it absorbs heat from the boiler steam, and then is discharged back into the water at higher temperatures. Not only does this super-heated water kill marine life but billions of fish are sucked in with the water and killed with this system.

Environmental groups want all power and manufacturing plants, new or old, to use closed-cycle cooling systems. This would generally reduce that amount of water taken in by 95 percent when compared with once-through cooling, leaving trillions of gallons of water untouched every year and fish out of cooling systems. Some plants have voluntarily moved to this system but other still refuse to make the move.

"EPA has the ability to set national standards that would protect the environment with readily-available and affordable technology, but has instead abdicated the responsibility to state agencies who are simply not equipped to make these decisions alone," said Reed Super, an attorney representing Riverkeeper and others, who has worked on the cooling water rule since 2000. "Unfortunately, EPA's proposal will perpetuate the unacceptable status quo that has allowed antiquated plants to withdraw nearly 100 trillion gallons from our waters each year and indiscriminately kill fish and wildlife, instead of recycling their cooling water as modern plants have for the last three decades."

Today's proposed rule, under public review for the next 90 days, results from a 2004 lawsuit by Riverkeeper and the Natural Resources Defense Council.

"Instead of moving toward modernizing America's power plants and protecting our water resources, the draft rule moves us backward," said Steve Fleischli, senior attorney in the water program at the Natural Resources Defense Council. "EPA has chosen the path of least resistance by caving into industry pressure and punting this issue to state agencies that too often lack the resources and the will to stand up to industry on this issue."

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Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 03/28/2011 08:22 PM EDT

To: Richard Windsor; Janet Woodka

Cc: Bob Sussman; Nancy Stoner; Adora Andy; Arvin Ganesan; Bob Perciasepe;

David McIntosh; Dru Ealons; "Judith Enck" <enck.judith@epa.gov>; "gilfillan brendan" <gilfillan.brendan@epa.gov>; "Daniel Kanninen" <Kanninen.Daniel@epa.gov>; Sarah Pallone; Scott Fulton; Seth Oster; Stephanie Owens; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>; Michael Goo

Subject: Bloomberg: EPA Proposes Water Rules for Power Plants to Protect Fish and Dow Jones:

These wire stories will be updated in the morning with more info.

Bloomberg: EPA Proposes Water Rules for Power Plants to Protect Fish (1)
2011-03-28 22:46:14.256 GMT

By Kim Chipman

March 28 (Bloomberg) -- The U.S. Environmental Protection Agency said it proposed water standards aimed at protecting millions of fish drawn each year into cooling water systems at more than 1,200 power plants and factories.

The rules proposed under the federal Clean Water Act will save about 615 million fish and shellfish a year at an annual cost to industry of \$384 million, the EPA said today in an e-mailed statement.

The agency is complying with a court order to issue rules for industrial facilities that withdraw water from rivers or lakes to cool machinery. The standards will give companies two options to meet the requirements and reduce the number of fish killed when pinned against screens covering intake pipes. The EPA said it will review public comments when crafting the rule. "The input we receive will make certain that we end up with a flexible and effective rule to protect the health of our waters and ecosystems," Nancy Stoner, the acting assistant administrator for the EPA Office of Water, said in a statement.

The EPA has been criticized by industry groups and Republican lawmakers who said the agency is burdening businesses with overly stringent and costly rules.

Representative Fred Upton, a Michigan Republican, in December had said the EPA's rule might affect more than 400

power plants and cost as much as \$300 million per site for coal-fired utilities and as much as \$1 billion for nuclear-powered generators, exceeding the agency's projections.

The EPA said about 1,260 industrial operations will be covered by the rule, including 670 power plants and about 590 factories.

Dow Jones: EPA Proposes Regulations For Water Intake At Power Plants, Factories

By Ryan Tracy, OF DOW JONES NEWSWIRES

WASHINGTON -(Dow Jones)- The Environmental Protection Agency Monday proposed new regulations affecting power plants and factories that use water for cooling as part of their operations.

The proposed rule, which is designed to protect fish, would impact an estimated 1,260 facilities in the U.S. and could require upgrades at many of them. Power plants, food processors, and manufacturers of paper, chemicals, and steel are among the industries most likely to be impacted by the rules, EPA said.

The rule would require plants to show their water intake systems are killing less than a set number of fish and shellfish, which can die when they get sucked into an intake system or trapped against a screen where the facilities draws in water.

Alternatively, the facilities would be allowed to reduce the velocity of their water intakes to a level that EPA says would allow most fish to swim away safely.

Existing plants that add electrical generation capacity would be required to use so-called closed-cycle

cooling, or a technology that has an equal impact on aquatic life. In contrast to "once-through" cooling systems, closed-cycle cooling systems recycle water in order to withdraw less from an outside water body.

Large facilities that withdraw more than 125 million gallons of water per day would be required to conduct studies on how their water intake system is impacting aquatic life so that regulators can assess each of them on a site-by-site basis. EPA will soon begin accepting public comment on the rules and must finalize them by July 2012.

-By Ryan Tracy, Dow Jones Newswires; 202-862-9245; ryan.tracy@dowjones.com
Richard Windsor

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

From: Richard Windsor
Sent: 03/28/2011 05:59 PM EDT
To: Betsaida Alcantara; Janet Woodka
Cc: Bob Sussman; Nancy Stoner; Adora Andy; Arvin Ganesan; Bob Perciasepe; David McIntosh; Dru Ealons; "Judith Enck" <enck.judith@epa.gov>; "gilfillan brendan" <gilfillan.brendan@epa.gov>; "Daniel Kanninen" <Kanninen.Daniel@epa.gov>; Sarah Pallone; Scott Fulton; Seth Oster; Stephanie Owens; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>; Michael Goo
Subject: Re: 316b Press Release is out

Tx all

Betsaida Alcantara

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From: Betsaida Alcantara
Sent: 03/28/2011 05:58 PM EDT
To: Janet Woodka
Cc: Bob Sussman; Nancy Stoner; Adora Andy; Arvin Ganesan; Bob Perciasepe; David McIntosh; Dru Ealons; enck.judith@epa.gov; gilfillan.brendan@epa.gov; kanninen.daniel@epa.gov; Sarah Pallone; Scott Fulton; Seth Oster; Stephanie Owens; thompson.diane@epa.gov; windsor.richard@epa.gov; Michael Goo
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Here are all the final materials, internal and external.

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[attachment "032811 - External Qs and As 316b.doc" deleted by Richard Windsor/DC/USEPA/US]

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

03/29/2011 05:56 PM

To Richard Windsor, Janet Woodka

cc Bob Sussman, Nancy Stoner, Adora Andy, Arvin Ganesan, Bob Perciasepe, David McIntosh, Dru Ealons, "Judith Enck", "gilfillan brendan", "Daniel Kanninen", Sarah Pallone, Scott Fulton, Seth Oster, Stephanie Owens, "Diane Thompson", "Lisa Jackson", Michael Goo

bcc

Subject Final Bloomberg: EPA Proposes Water Rules for Power Plants to Protect Fish and Dow Jones:

Final bloomberg story with comments from exelon and others

Power Plants Face EPA Cooling-Water Rules to Protect Fish (2)
2011-03-29 21:38:49.316 GMT

(Updates with comment from Exelon in seventh paragraph.)

By Kim Chipman

March 29 (Bloomberg) -- Utilities such as Entergy Corp. face U.S. rules aimed at preventing fish from being sucked into cooling-water systems and costing industry \$384 million a year, the Environmental Protection Agency said.

The Obama administration's proposal introduced yesterday will affect more than 1,200 facilities and save billions of aquatic organisms, including 615 million fish and shellfish a year, the agency said in an e-mailed statement.

The EPA rule, part of a court settlement with environmental groups, will cover power plants and factories that pull water from rivers or lakes to cool machines. Existing facilities will work with states to determine how to meet the requirements while new units will have to use closed-cycle cooling, a system that draws less water and ensnares fewer fish.

"The EPA's approach is likely to minimize the industry's cost of compliance," Hugh Wynne, an analyst at Sanford Bernstein & Co. in New York, wrote today in a report to clients.

The EPA's pending proposal under the Clean Water Act had been singled out by energy companies, industry groups and Republican lawmakers as a regulation that may burden electric utilities and cause some coal-fired power plants to shut down.

Representative Fred Upton, a Michigan Republican, in December said the rule might cost utilities as much as \$300 million per site for coal-fired plants and as much as \$1 billion for nuclear generators, exceeding the EPA's projections.

Exelon Corp., owner of the most U.S. nuclear plants, said today the EPA's proposed standard doesn't require existing plants to build costly cooling towers.

Exelon 'Encouraged'

"Exelon is encouraged that the rule doesn't mandate cooling towers as a 'one-size-fits-all' technology and allows consideration of site-specific factors, as well as costs and benefits for some of the rule's requirements," the Chicago-

based company said today in a statement.

Exelon rejected claims from some companies that the EPA rule, along with proposed limits on air toxins from coal-fired power plants, will be detrimental to business.

"Rumors of a train wreck caused by new EPA regulations are simply false," Joseph Dominguez, senior vice president of federal regulatory affairs, public policy and communications, said today in a statement. "EPA has done a good job listening to the industry and moving the ball forward."

The Edison Electric Institute, a Washington-based trade group representing the utility industry, criticized the plan, arguing that the agency will have states following guidelines that favor closed-cycle cooling technology, such as towers.

Higher Costs

"EPA's proposal could result in premature plant retirements, capacity shortfalls and higher costs for customers," the group said today in a statement.

Entergy, a New Orleans-based owner of coal-fired and nuclear power plants, had said the cooling-water rule may force it to spend \$1.2 billion building two cooling towers at its Indian Point plant on the Hudson River north of New York City.

The EPA said installing closed-cycle cooling for new units would cost about \$14.7 million a year. The cost to a household electric bill once the rule has been in place for several years would average less than \$2 a year, according to the EPA.

Entergy is reviewing the proposal and has no comment, said Alex Schott, a spokesman.

The agency said it will work to improve its proposal through outside suggestions.

Public Comments

"The input we receive will make certain that we end up with a flexible and effective rule to protect the health of our waters and ecosystems," said Nancy Stoner, acting assistant administrator for the EPA Office of Water, in the statement.

The public has 90 days to comment and the agency must take final action by July 27, 2012, according to the EPA.

The rule will cover about 1,260 industrial operations, including 670 power plants and about 590 factories, according to the agency.

Two environmental groups, the Natural Resources Defense Council and Riverkeeper, criticized the EPA for shifting the matter to the states. The proposal won't stop plants from harming billions of fish that get pinned against screens covering water intake pipes, according to the organizations.

"Instead of moving toward modernizing America's power plants and protecting our water resources, the draft rule moves us backwards," Steve Fleischli, a senior attorney in the water program at the New York-based NRDC, said yesterday in a statement. "EPA has chosen the path of least resistance by caving into industry pressure and punting this issue to state agencies."

Fish Kills Limited

Existing facilities using more than 2 million gallons of water a day must limit the number fish killed, or slow the pace of water pulled into cooling systems, which lets fish swim away.

A facility drawing in at least 125 million gallons a day must develop "site-specific" controls, the EPA said.

Plants that add electrical generation at an existing site would be required to install technology equivalent to a "closed-cycle" system that reuses water. A closed cycle typically refers to cooling towers, according to the EPA.

The EPA's proposal follows rules issued in 2004 by President George W. Bush's EPA. Those standards, the first national cooling water rules for existing plants, were suspended by the EPA three years later amid litigation. The Bush rules didn't require a "closed cycle" cooling tower approach the agency had previously mandated for new plants.

Some plants, such as Entergy's Indian Point, use "once through" systems, which take in water directly and then spew it back out at higher temperatures.

Bush's EPA said closed-cycle systems would be unduly expensive and that other technologies would achieve close to the same results.

In a victory for industry, the Supreme Court ruled in 2009 that the EPA may balance business costs against benefits in deciding whether to impose the new requirements on power plants, overturning a lower court decision.

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 03/28/2011 08:22 PM EDT

To: Richard Windsor; Janet Woodka

Cc: Bob Sussman; Nancy Stoner; Adora Andy; Arvin Ganesan; Bob Perciasepe; David McIntosh; Dru Ealons; "Judith Enck" <enck.judith@epa.gov>; "gilfillan brendan" <gilfillan.brendan@epa.gov>; "Daniel Kanninen" <Kanninen.Daniel@epa.gov>; Sarah Pallone; Scott Fulton; Seth Oster; Stephanie Owens; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>; Michael Goo

Subject: Bloomberg: EPA Proposes Water Rules for Power Plants to Protect Fish and Dow Jones:

These wire stories will be updated in the morning with more info.

Bloomberg: EPA Proposes Water Rules for Power Plants to Protect Fish (1)
2011-03-28 22:46:14.256 GMT

By Kim Chipman

March 28 (Bloomberg) -- The U.S. Environmental Protection Agency said it proposed water standards aimed at protecting millions of fish drawn each year into cooling water systems at more than 1,200 power plants and factories.

The rules proposed under the federal Clean Water Act will save about 615 million fish and shellfish a year at an annual cost to industry of \$384 million, the EPA said today in an e-mailed statement.

The agency is complying with a court order to issue rules for industrial facilities that withdraw water from rivers or lakes to cool machinery. The standards will give companies two options to meet the requirements and reduce the number of fish killed when pinned against screens covering intake pipes. The EPA said it will review public comments when crafting the rule. "The input we receive will make certain that we end up with a flexible and effective

rule to protect the health of our waters and ecosystems," Nancy Stoner, the acting assistant administrator for the EPA Office of Water, said in a statement. The EPA has been criticized by industry groups and Republican lawmakers who said the agency is burdening businesses with overly stringent and costly rules. Representative Fred Upton, a Michigan Republican, in December had said the EPA's rule might affect more than 400 power plants and cost as much as \$300 million per site for coal-fired utilities and as much as \$1 billion for nuclear-powered generators, exceeding the agency's projections. The EPA said about 1,260 industrial operations will be covered by the rule, including 670 power plants and about 590 factories.

Dow Jones: EPA Proposes Regulations For Water Intake At Power Plants, Factories

By Ryan Tracy, OF DOW JONES NEWSWIRES

WASHINGTON -(Dow Jones)- The Environmental Protection Agency Monday proposed new regulations affecting power plants and factories that use water for cooling as part of their operations.

The proposed rule, which is designed to protect fish, would impact an estimated 1,260 facilities in the U.S. and could require upgrades at many of them. Power plants, food processors, and manufacturers of paper, chemicals, and steel are among the industries most likely to be impacted by the rules, EPA said.

The rule would require plants to show their water intake systems are killing less than a set number of fish and shellfish, which can die when they get sucked into an intake system or trapped against a screen where the facilities draws in water.

Alternatively, the facilities would be allowed to reduce the velocity of their water intakes to a level that EPA says would allow most fish to swim away safely.

Existing plants that add electrical generation capacity would be required to use so-called closed-cycle cooling, or a technology that has an equal impact on aquatic life. In contrast to "once-through" cooling systems, closed-cycle cooling systems recycle water in order to withdraw less from an outside water body.

Large facilities that withdraw more than 125 million gallons of water per day would be required to conduct studies on how their water intake system is impacting aquatic life so that regulators can assess each of them on a site-by- site basis. EPA will soon begin accepting public comment on the rules and must finalize them by July 2012.

-By Ryan Tracy, Dow Jones Newswires; 202-862-9245; ryan.tracy@dowjones.com
Richard Windsor

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From: Richard Windsor

Sent: 03/28/2011 05:59 PM EDT

To: Betsaida Alcantara; Janet Woodka

Cc: Bob Sussman; Nancy Stoner; Adora Andy; Arvin Ganesan; Bob Perciasepe; David McIntosh; Dru Ealons; "Judith Enck" <enck.judith@epa.gov>; "gilfillan brendan" <gilfillan.brendan@epa.gov>; "Daniel Kanninen" <Kanninen.Daniel@epa.gov>; Sarah Pallone; Scott Fulton; Seth Oster; Stephanie Owens; "Diane Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>; Michael Goo

Subject: Re: 316b Press Release is out

Tx all

Betsaida Alcantara

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From: Betsaida Alcantara

Sent: 03/28/2011 05:58 PM EDT

To: Janet Woodka

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[attachment "032811 - Topline Messages 316b.docx" deleted by Richard Windsor/DC/USEPA/US]

[attachment "032811 - Internal Qs and As 316b.doc" deleted by Richard Windsor/DC/USEPA/US]

[attachment "032811 - External Qs and As 316b.doc" deleted by Richard Windsor/DC/USEPA/US]

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

03/28/2011 08:25 PM

To Richard Windsor, Janet Woodka

cc Bob Sussman, Nancy Stoner, Adora Andy, Arvin Ganesan, Bob Perciasepe, David McIntosh, Dru Ealons, "Judith Enck", "gilfillan brendan", "Daniel Kanninen", Sarah Pallone, Scott Fulton, Seth Oster, Stephanie Owens, "Diane Thompson", "Lisa Jackson", Michael Goo

bcc

Subject Riverkeeper Press Release

FYI
FOR IMMEDIATE RELEASE

Contact: Suzanne Struglinski, NRDC, (202) 423-6004, sstruglinski@nrdc.org<
<mailto:sstruglinski@nrdc.org>>

Tina Posterli, Riverkeeper, (914) 478-4501 x 239, tposterli@riverkeeper.org<
<mailto:tposterli@riverkeeper.org>>

Dead Fish, Fouled Water, EPA Misses Opportunity to Fix Power Plant Damage

Proposed EPA Rule Allows Plant to Continue Environmental Devastation

WASHINGTON (March 28, 2011) -- The Environmental Protection Agency's proposed cooling water rule will allow power plants and other large industrial facilities to continue destroying billions of fish and overheating trillions of gallons of water from the nation's rivers, lakes, estuaries and marine waters.

The proposed rule, released this evening, was supposed to modernize the way power plants take in and release water used for cooling. Instead, EPA will leave it up to state agencies to figure out requirements for plants, but decades of experience have shown that states lack the resources and expertise to make these decisions on a case-by-case basis and have complained to EPA of the extreme burden of having to do so.

"We expected more out of the EPA to protect the country's waterways from power plants' destructive impacts," said Riverkeeper's Executive Director, Paul Gally. "A case-by-case approach will simply not work. Instead, it will continue an endless cycle of paperwork and litigation that will leave water bodies across the country unprotected and countless species at risk."

In the absence of a national cooling water rule for nearly 40 years, the country's waterways have been subjected to case-by-case determinations by individual permit writers, typically state agencies, exercising "best professional judgment" when deciding what cooling system a plant can use.

In 2001, EPA identified closed-cycle recirculating cooling systems as the best technology available for new power plants to use, but this did not extend to existing plants.

With nearly 500 U.S. power plants still relying on the antiquated and destructive "once-through cooling system," each plant can withdraw at least 50 million (and often, more than a billion) gallons of cooling water. This water goes through a condenser where it absorbs heat from the boiler steam, and then is discharged back into the water at higher temperatures. Not only does this super-heated water kill marine life but billions of fish are sucked in with the water and killed with this system.

Environmental groups want all power and manufacturing plants, new or old, to use closed-cycle cooling systems. This would generally reduce that amount of water taken in by 95 percent when compared with

once-through cooling, leaving trillions of gallons of water untouched every year and fish out of cooling systems. Some plants have voluntarily moved to this system but other still refuse to make the move.

"EPA has the ability to set national standards that would protect the environment with readily-available and affordable technology, but has instead abdicated the responsibility to state agencies who are simply not equipped to make these decisions alone," said Reed Super, an attorney representing Riverkeeper and others, who has worked on the cooling water rule since 2000. "Unfortunately, EPA's proposal will perpetuate the unacceptable status quo that has allowed antiquated plants to withdraw nearly 100 trillion gallons from our waters each year and indiscriminately kill fish and wildlife, instead of recycling their cooling water as modern plants have for the last three decades."

Today's proposed rule, under public review for the next 90 days, results from a 2004 lawsuit by Riverkeeper and the Natural Resources Defense Council.

"Instead of moving toward modernizing America's power plants and protecting our water resources, the draft rule moves us backward," said Steve Fleischli, senior attorney in the water program at the Natural Resources Defense Council. "EPA has chosen the path of least resistance by caving into industry pressure and punting this issue to state agencies that too often lack the resources and the will to stand up to industry on this issue."

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Betsaida Alcantara

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Richard Windsor

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[attachment "032811 - External Qs and As 316b.doc" deleted by Richard Windsor/DC/USEPA/US]

**Betsaida
Alcantara/DC/USEPA/US**
06/23/2010 07:36 PM

To Richard Windsor
cc Seth Oster, Adora Andy
bcc
Subject FYI - W.Va. apologizes for 'pay the price' EPA remark

LPJ,
FYI see article below with Huffman retraction . We will probably use this statement reactively.

"Mr. Huffman has apologized and we take him at his word that he regrets the use of what we believe are inappropriate remarks. Communities in this region deserve the full protection of our Clean Water laws and we are confident that our proposal is legally sound."

W.Va. apologizes for 'pay the price' EPA remark

By VICKI SMITH
Associated Press Writer

MORGANTOWN, W.Va. (AP) -- Though he believes West Virginia will end up in litigation with the Environmental Protection Agency over tough new standards for surface mine permits, the state's top environmental official apologized Wednesday for saying federal regulators would "pay the price" for illegal or unfair enforcement.

Department of Environmental Protection Secretary Randy Huffman called the EPA to apologize for the tone of remarks he made in an interview with The Associated Press, DEP spokeswoman Kathy Cosco said.

Huffman contended in the interview that the EPA is holding West Virginia to greater scrutiny in strip mine permitting than any of the other five states it's targeted, and he predicted the continuing conflict over the new standards may end up in court.

Several DEP employees were attending a meeting with EPA staff in Pittsburgh on Wednesday and Thursday over new water-quality standards imposed April 1 on six states. Huffman argues the standards are not only unattainable, but also being unfairly enforced.

"They are wrong on a lot of levels," Huffman said of federal regulators, whose rules also apply to Kentucky, Pennsylvania, Ohio, Virginia and Tennessee.

"None of the other five states are feeling this pain. No one is being scrutinized like we are," he said in his AP interview. "If what EPA is doing is illegal, they will pay the price."

Huffman said his staff will "do more listening and asking questions than talking" to EPA officials this week. "I can promise you, there will be much that will be said in this two-day meeting that will be held against them later."

Cosco said "frank exchanges" between DEP and EPA are not uncommon. The Region 3 administrator is familiar with Huffman's argument that rules should be applied universally, "and that one state and one industry should not be unfairly targeted," she said.

Huffman also issued a follow-up statement, saying it's easy to forget that both agencies want to protect the state's water quality.

"Regardless of what I say about the process, I have not forgotten that and I will not forget it," he said.

EPA spokeswoman Terri White said the guidance was intended to provide a consistent review framework

for the regional offices and to prevent "significant and irreversible damage to Appalachian watersheds at risk from mining."

EPA ensures the new standards are applied "fairly and consistently" across the six states by holding weekly conference calls between headquarters and staff in regional offices, she said.

White said this week's meeting, which grew out of an annual meeting of state program managers in May, will include representatives from environmental agencies in West Virginia, Virginia, Maryland and Pennsylvania, as well as officials with the U.S. Fish and Wildlife Service, the Office of Surface Mining and the Army Corps of Engineers.

Officials from Kentucky, Tennessee and Ohio are not attending the Pittsburgh meeting.

The EPA's new policy, which is open for public comment through Dec. 1, could curtail mountaintop removal mining, a highly efficient and destructive form of strip mining that blasts apart mountaintops to expose multiple seams of coal. The resulting waste is dumped into valleys, covering intermittent streams.

EPA says burying streams increases salt levels in waterways downstream, hurting fish and other aquatic life. It says its new standards would protect 95 percent of aquatic life.

The industry argues the new standards would effectively shut down strip mining, devastating coal companies and communities that depend on the jobs. The National Mining Association says the six targeted states produced more than 150 million tons of coal and employed nearly 20,500 people in 2008.

Huffman said the rules have essentially brought permitting in West Virginia to a halt. Bruce Scott, commissioner of Kentucky's Department for Environmental Protection, said his state is feeling it, too.

More than a dozen Kentucky projects are in limbo, and operators lined up behind them for permit approvals are also forced to wait.

"The practical result is, it's slowed things down considerably," he said.

Kentucky has many more mines than West Virginia, but most are considerably smaller, Scott said. Many have already been forced to shut down and lay off workers.

Kentucky adopted new stream-monitoring requirements in anticipation of new EPA policies, and its system focuses on testing for contaminants after the fact. It gives the Kentucky DEP the ability to revisit permits if testing shows effluent is likely to harm water quality or aquatic life.

"The difference, then, is that EPA's approach presumes an impact," Scott said. "The Kentucky approach says, 'Let's determine whether there's an impact, then go back and assess what to do.'"

Kentucky considers its approach reasonable, but the likelihood of litigation over the federal approach "depends on what EPA's ultimate line in the sand is," Scott said. "One of the avenues ahead for everybody is litigation."

If West Virginia isn't the first state to sue, Huffman said it will quickly follow whoever does - whether it be another state, an industry association or an individual operator affected by the new rules.

While DEP agrees with much of what EPA has to say, Huffman said, "they have taken it to such an extreme that it makes it an impossible standard for the industry to meet.

"The disagreement is not about the big picture," he said. "It's about details."

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

07/11/2011 10:41 AM

To Richard Windsor, Seth Oster, Adora Andy, Diane Thompson

cc

bcc

Subject Politico: Browner re-teams with Albright

Browner re-teams with Albright

By Bob King

7/11/11 10:35 AM EDT

Carol Browner's post-White House life is getting even busier.

President Barack Obama's former climate chief is joining the D.C.-based strategy consulting firm Albright Stonebridge Group, which announced today that she will be a senior member providing "strategic counsel to clients in the areas of environmental protection, energy conservation, resource scarcity and climate change."

Browner is a former founding member and principal of one of the firm's predecessors, The Albright Group, where she landed after serving as EPA administrator under Bill Clinton. (The firm merged with a rival in 2009.) Albright Stonebridge Group's chairs are former Secretary of State Madeleine Albright and ex-National Security Adviser Sandy Berger — also Clinton alums — as well as former Sen. Warren Rudman.

Last month, Browner also announced she was [rejoining the board of directors at the League of Conservation Voters](#). She signed on earlier this year as a senior fellow and board member at the liberal Center for American Progress.

Betsaida
Alcantara/DC/USEPA/US
10/12/2011 05:36 PM

To Richard Windsor, Seth Oster, Bob Perciasepe, Bob Sussman, Arvin Ganesan, Laura Vaught, Daniel Kanninen, Brendan Gilfillan, Stephanie Owens, Dru Ealons, Andra Belknap, Alisha Johnson, Diane Thompson, Gina McCarthy, Janet Woodka, David Bloomgren, Alisha Johnson

cc

bcc

Subject Reuters: Most Republican voters back clean air rules: poll

Most Republican voters back clean air rules: poll

4:35pm EDT

By [Timothy Gardner](#)

WASHINGTON (Reuters) - Most Republican U.S. voters oppose congressional efforts to dismantle the Environmental Protection Agency's air pollution rules, according to a survey conducted by two pollsters released on Wednesday.

Republicans in the House of Representatives have fought against EPA rules on emissions of everything from mercury to greenhouse gases, saying the regulations will kill jobs and saddle heavy industry and power plants with billions of dollars in costs at the worst possible time.

Former pizza executive Herman Cain, who polls show in second place in the race for the 2012 Republican presidential nomination, has said he would eliminate the EPA and start it over.

When Republican voters were asked in the survey how they felt about a proposal in Congress to stop the EPA from enacting new limits on air pollution from power plants, 58 percent said they opposed the effort, along with 88 percent of Democratic voters.

The poll was conducted by Hart Research Associates, a Democratic pollster, and GS Strategy Group, a Republican pollster. It was paid for by CERES, a Boston-based coalition of environmentalists and institutional investors.

It also found 51 percent of Republican voters did not want Congress to delay the air pollution rules.

"The research clearly demonstrates Republican voters are willing to support new rules to reduce harmful emissions in order to improve public health," said Greg Strimple of GS Strategy. "Republicans like clean air too."

The online national survey of 1,400 voters conducted between August 31 to September 7 showed 67 percent of voters from both parties supported the EPA's Cross State Air Pollution

Rule, that would cut smog and soot from coal-fired plants to protect people downwind from them. The survey, which was unique in its specificity about particular EPA rules, e-mailed the questions directly to participants.

Some 77 percent of voters also supported the EPA's Mercury and Air Toxics Standards Rule that would reduce emissions of mercury, which accumulates in fish and can harm the nervous systems of babies who drink the milk of mothers who consume the contaminated fish.

On September 23 the House passed the Transparency in Regulatory Analysis of Impacts on the Nation, or Train Act, that would delay both of those rules.

The bill faces an uphill battle in the Senate and the White House has said President Barack Obama would veto it.

Lisa Jackson, the EPA administrator, has said the rules will save billions of dollars more in healthcare costs than they will cost heavy industry and power generators. In addition the rules will create jobs in pollution control technologies, she has said.

(Reporting by Timothy Gardner; editing by [Christopher Wilson](#))

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

11/04/2011 12:28 PM

To Richard Windsor, Seth Oster, Bob Perciasepe, Bob Sussman, Diane Thompson, Brendan Gilfillan, Arvin Ganesan, Laura Vaught, Daniel Kanninen, Alisha Johnson, Andra Belknap, David Bloomgren, Janet Woodka, Sarah Pallone

cc

bcc

Subject Newsweek: Obama's Big Green Gun

Obama's Big Green Gun

EPA chief Lisa Jackson won't apologize for forcing polluting industries to clean up their act.

by Michelle Cottle | November 1, 2011 11:10 PM EDT

<http://www.thedailybeast.com/articles/2011/11/01/chief-lisa-jackson-battles-polluters-wins-accolades-for-style.print.html>

Alone at the congressional witness table in her nubby black jacket and feathery, leopard-print skirt, Environmental Protection Agency administrator Lisa Jackson calmly thumbs her briefing book and pours a cup of water. Her cherubic face doesn't flinch as the Republican onslaught begins.

Even before Jackson is sworn in to testify, Rep. Joe Barton of Texas suggests she's an "evil genie." Rep. Brian Bilbray of California accuses her of running the "Economic Destruction Agency." As the hearing stretches toward three hours, lawmaker after GOP lawmaker seizes the mike to portray Jackson as the leading edge of a Democratic effort to destroy the American economy with reckless, job-killing environmental regulations.

No matter how antagonistic the question or the barb, Jackson keeps a low voice and a respectful tone. There are a lot of "no sirs" and "yes ma'ams" from this Ivy League-educated New Orleans native. But don't expect any apologies for her ambitious anti-pollution agenda.

"Anyone who assumes I'm going to let this one go without the fight of my life is underestimating me," Jackson tells The Daily Beast when asked about GOP efforts to curtail her agency's authority to enforce the Clean Air Act, the primary regulatory tool to address air pollutants.

Jackson, the first African-American to head the EPA, has emerged as this administration's fiercest, and arguably most effective, business bully: a hard-charging eco-warrior unafraid to pick fights with the mostly white, mostly male business lobby or use regulatory fiat to do what Congress won't. (Her efforts to regulate greenhouse gases have already spurred some utilities to consider accelerating the close of old, coal-fired plants.) In many ways, she is the antithesis of President Obama's aloof, pointy headed image as compromiser-in-chief.

Even in this town, she observes, "one-on-one, very few people can really be mean to you." But those who confuse friendliness with weakness are misreading Jackson.

Environmental Protection Agency Administrator Lisa Jackson testifies before the Senate Committee on Environment and Public Works regarding the Clean Air Act and Public Health on Capitol Hill in Washington, June 15, 2011. , Charles Dharapak / AP Photo

The smiley, 49-year-old mother of two may seem an unlikely chief antagonist of America's industrial polluters and the designated punching bag for their Republican allies in Congress. But Jackson has very clear ideas about what should be done to protect public health, at time outpacing even her administration colleagues.

Cut back greenhouse emissions? Check. Compel old coal-burning power plants to clean up their mercury emissions? On it. Take on water pollution from strip mining? In progress, despite political opposition in

West Virginia. Toughen ozone pollution standards? Well under way until her boss, President Obama, ordered her to stand down. And for the past year, Jackson's EPA has been pushing back against efforts by Hillary Clinton's team at the State Department to bring oil sands crude from Canada to Gulf Coast refineries.

In a city where political murkiness and obfuscation often reign, Jackson's positions are as clear as a glass of spring water.

"I think her aggressiveness has really been unprecedented when you consider the regulations she's put out just this year," says Rep. Ed Whitfield (R-KY), a key antagonist on the House Energy and Commerce Committee.

Jackson's numbers indeed stand in dramatic contrast with the more laid-back Bush administration: According to the liberal OMB Watch, her agency issued 42 "significant rules"—those with a price tag upward of \$100 million—on air pollution and finalized 30 during Obama's first 18 months in office, compared with 16 proposed and only six finalized during the same period under Bush.

But in an era of political meanness and vendetta, Jackson also stands as a rare model of politeness in the often uncivil debate over climate change and the economic consequences of regulating the environment and protecting public health.

"I've always liked her," says Sen. Jim Inhofe, ranking Republican on the Senate Environment and Public Works Committee and perhaps Congress's biggest skeptic of the global warming Jackson is trying to curb through clean air regulations. "There's something about her. She's very lovable—a very personable person."

And while the two could not be further apart ideologically, Inhofe respects Jackson's honesty. "A lot of people in the Clinton and Obama administrations don't tell you the truth," he says. "She always does."

Jackson has even sat down to breakfast a couple of times with Chamber of Commerce president Tom Donahue, one of her agency's chief antagonists. The administrator says she's told Donahue "to his face" that this long-standing tango in which "the EPA does something and the Chamber comes out against it" serves no one well.

"There must be more enlightened conversations to have," she says with evident frustration. "On the other hand," she smiles, "he's fun to have a meal with."

Not even Jackson's harshest detractors question her qualifications for the job.

With a B.S. in chemical engineering from Tulane and a master's in the same from Princeton, Jackson spent 16 years as a staff scientist for EPA, before serving six years as deputy commissioner and then commissioner of New Jersey's Department of Environmental Protection. The woman knows her science, and she knows how to take a political punch.

"She took a lot of flak from Republicans in New Jersey," says former Gov. Jon Corzine, her one-time boss.

But even that state's bare-knuckle politics couldn't fully prepare Jackson for what awaited her when she took over as Obama's top environmental cop in 2009.

"I can't say that I understood what it was going to be entirely," she admits, kicking back in a hotel room in late September after a day of speeches, press conferences, and site tours that started in Chicago and wound its way north to Milwaukee. "I thought that I had sort of seen rough and tumble," she says. "But, in my mind, this is more partisan."

A glass of pinot grigio at her elbow and the TV tuned to a recap of the previous night's Emmys, Jackson sighs to recall how quickly the optimism surrounding Obama's presidency fell to partisan nastiness.

"I think there's been any amount of people who are disappointed and maybe a little surprised at how quickly the climate—bad word—but the atmosphere—bad word—of the place kind of changed around," she says. "It has taken a while for people to realize that the atmosphere on the Hill is not conducive to getting anything done there."

Undeterred, Jackson is not shy about using executive powers to get the job done. Under her command, EPA has issued the first new sulfur-dioxide standards in 40 years, pushed for tighter limits on emissions from industrial boilers, begun the first regulation of greenhouse gas emissions, and dramatically raised fuel efficiency standards for both passenger vehicles (54.5 mpg by 2025) and the trucking industry.

The courts have backed her up, especially on the issue of regulating greenhouse gases as a matter of public health. Even the conservative-leaning Supreme Court sided with the EPA.

The more Jackson pushes, the quicker the counterpunches come. She has been sued countless times by business challenging her regulatory agenda. Both the business lobby and its congressional allies have cast her as a jobs-busting zealot, so consumed with slashing pollution she is willing to destroy entire industries and derail the fragile economic recovery. Since reclaiming the House in the 2010 midterms, thanks in part to its anti-regulatory message, the GOP has used its new investigative powers to unleash a new wave of fury on Jackson and her agency, summoning her to testify 16 times in the past year.

And still the administrator sticks to her message: public health and pollution can be addressed without hurting the economy.

For Jackson, the link between the environment and public health is more than academic. One of her two teenage sons has asthma, a condition that led to some heart-stopping moments when he was young.

"I will never forget how it felt to be in the hospital with my child wondering if he was going to breathe," she recalls. Even now, hearing a child struggling with that croupy rattle hits her in the gut. "I will never forget that sound."

Jackson also has raised environmental protection as an issue of racial and economic fairness. The first African-American to head the EPA, Jackson grew up in New Orleans's Ninth Ward. She knows the environmental challenges faced by poor communities, and she has made environmental justice a priority, calling attention to it with a series of bus tours in hard-hit urban and rural areas. She is eager to dispel the notion that the environment is something only rich white folks should care about.

"If our young people and particularly young people of color don't come to embrace it and have a passion about it, we're going to lose progress," she asserts. People laugh when she talks about "spending my time modeling that you can be fly, smart, black, and an environmentalist," says Jackson, "but it's important. We have to break through to the next generation."

To some degree, the firestorm Jackson has faced was to be expected, says one of her most famous predecessors. Even in good economic times, "the people impacted always say the world is coming to an end," chuckles William Ruckelshaus, who served as the agency's first chief under President Nixon and then did a return tour under Reagan. During a downturn, notes Ruckelshaus, things get downright ugly. "People who are opposed to what the EPA is doing can paint it as the environment versus the economy."

This summer, however, Jackson ran headfirst into a more surprising obstacle: her own boss. Facing fierce opposition from GOP lawmakers and the business lobby regarding Jackson's efforts to tighten ozone emissions, Obama ordered the plan shelved. It was a stinging defeat for the administrator and stoked speculation about her departure.

Jackson and her staff spent the next several weeks pushing back against the rumors.

"I'm a big girl," she tells The Daily Beast. "I try not to be overly emotional. I understood and understand today and respect the decision that the president made. I've moved on, and part of the reason is that the pressures of the day have moved on."

The day after Jackson's House subcommittee testimony, House Republicans passed the TRAIN Act, a bill aimed at gutting EPA's authority to regulate pollution under the Clean Air Act. In addition to pushing ahead with new regulation, Jackson finds herself defending existing rules from rollback attempts.

The perpetual battle with Republicans and big business might leave one with the impression that Jackson is all fight and no compromise. But her grandest achievement was the result of behind-the-scenes negotiations that resulted in a pair of unprecedented increases in the fuel efficiency of American vehicles. By 2025, the average auto will need to drive 54.5 miles per gallon, nearly double the limit when Obama took office.

The deals required not only beating back political opposition, but critical negotiations with automakers, the Department of Transportation, and various state agencies, most notably the formidable California Air Resources Board. Getting all those groups pulling together was "huge," marvels Tom Linebarger, president of engine maker Cummins Inc., who notes that "government departments are historically not that good at finding common ground on these things."

Sociability is part of Jackson's nature. "She has a wonderful Southern charm," says Democratic strategist Donna Brazile, a friend and fellow Louisianan.

It is also smart politics. "One of my sort of mantras from the beginning of my career is that we can't stop talking to each other," Jackson says. Even in this town, she observes, "one-on-one, very few people can really be mean to you."

But those who confuse friendliness with weakness are misreading Jackson.

Case in point: In mid-September, the Texas power company Luminant announced that it was closing multiple facilities in response to air pollution rules being proposed by EPA. Word around the state and in the business press, however, was that Luminant had been in bad financial shape for years, for reasons unrelated to regulatory burdens.

Aware of the company's PR plans, Jackson and her people put together a mini war room. A handful of staffers were assigned to track every statement issued by Luminant—both in the press and on the web site the company had set up to fight the rule—and issue a point-by-point response. Similarly, during Jackson's subcommittee appearance, when Rep. Barton cited Luminant as a victim of EPA overreach, the administrator came back at him with details of the company's troubled history.

"We are determined to put the facts out there," Jackson asserts. "People or institutions that think they can win the skirmish by putting forth bad information, we're going to put forth the correct information."

Jackson seems set on sticking around for more of the battles—despite the looming presidential election promising to make the political climate ever trickier.

"We're going to have to fight," she says of upcoming regulatory issues. "But I don't think we'll be fighting with the president or his White House."

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

01/13/2011 11:44 AM

To Richard Windsor, Seth Oster, Bob Perciasepe, Bob Sussman, Peter Silva, Nancy Stoner, Arvin Ganesan, David McIntosh, Brendan Gilfillan, Diane Thompson, Daniel Kanninen, Paul Anastas, Mathy Stanislaus, Gina McCarthy, Cynthia Giles-AA, Scott Fulton, Avi Garbow, Stephanie Owens, Dru Ealons

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Subject Spruce announcement clips (1st round)

1. New York Times: Agency Revokes Permit for Major Coal Mining Project/ By JOHN M. BRODER
2. Wall Street Journal: EPA Revokes Permit for Arch Coal Mine/ By STEPHEN POWER And TENNILLE TRACY
3. Associated Press: EPA vetoes water permit for W.Va. mountaintop mine/ VICKI SMITH
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5. Charleston Gazette (Coal Tattoo Blog): Breaking news: EPA vetoes Spruce Mine permit/ Ken Ward Jr.
6. WVNS-TV 59 (Beckley, WV): EPA Retroactively Vetoes Spruce No. 1 Mine Permit
7. West Virginia Metro News: Permit Pulled For Spruce Mine Project

New York Times

Agency Revokes Permit for Major Coal Mining Project

By JOHN M. BRODER

13 January 2010

WASHINGTON – The Environmental Protection Agency revoked the permit for one of the nation's largest mountaintop-removal coal mining projects on Thursday, saying the mine would have done unacceptable damage to rivers, wildlife and communities in West Virginia.

Arch Coal's proposed Spruce No. 1 Mine in Logan County has been the subject of controversy since the Bush administration approved its construction in 2007, issuing a permit required under the Clean Water Act. Environmentalists and local residents strongly opposed the sprawling project, and the Obama administration moved last year to rescind the permit, prompting lawsuits by the state of West Virginia and the coal company.

The agency's action on Thursday is certain to provoke an outcry from West Virginia politicians, the coal industry and other businesses that have raised objections to what they consider economically damaging regulatory overreach by the E.P.A.

The coal mining project would have involved dynamiting the tops off mountains over an area of 2,278 acres to get at the rich coal deposits beneath. The resulting rubble, known as spoil, would be dumped into nearby valleys and streams, killing fish, salamanders and other wildlife. The agency said that disposal of the mining material would also pollute the streams and endanger human health and the environment downstream.

The agency said it was using its authority under the Clean Water Act to revoke the permit, an action it has taken only 12 times in the past 40 years. The agency said in a release that it reserves this authority only for "unacceptable cases."

"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 S. Silva, the agency's assistant administrator for water. "Coal and coal mining are part of our nation's energy future and E.P.A. 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."

Anticipating the decision, a group of regulated industries wrote to the White House earlier this week asking that the mine be allowed to proceed, and seeking clarification on when the administration intended to use its Clean Water Act authority to block industrial and agricultural projects.

Groups including the National Realtors Association, the American Road and Transportation Builders Association and the National Cattlemen's Beef Association wrote to Nancy Sutley, the chairwoman of the White House Council on Environmental Quality, asking that the Spruce Mine permit be approved.

The groups said in their letter that if the agency revoked the coal mining permit, "every similarly valid permit held by any entity – businesses, public works agencies and individual citizens – will be in increased regulatory limbo and potentially subject to the same unilateral, after-the-fact revocation."

"The implications could be staggering," they added, "reaching all areas of the U.S. economy including but not limited to the agriculture, home building, mining, transportation and energy sectors."

Arch Coal, based in St. Louis, has said it would spend \$250 million on the project, creating 250 jobs and tens of millions of dollars in tax revenue for a struggling region. Last fall, when the environmental agency's regional administrator recommended killing the mine project, an Arch spokeswoman said the action would deal a "serious blow" to the regional economy.

"Beyond that," said Kim Link, the company spokeswoman, "every business in the nation would be put on notice that any lawfully issued permit – Clean Water Act 404 or otherwise – can be revoked at any time, according to the whims of the federal government." She was referring to the provision of federal law under which the original permit was issued, and then later revoked by Thursday's action.

An agency official said that though the current design for the Spruce No. 1 project had been rejected, the company was free to submit a new proposal, as long as it addressed the potential environmental harm.

Senator Joe Manchin, Democrat of West Virginia, who until recently was the state's governor,

issued a blistering statement opposing the agency's determination to kill the mining project.

"Today's E.P.A. 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," Mr. Manchin said. "While the E.P.A. decision hurts West Virginia today, it has negative ramifications for every state in our nation, and I strongly urge every senator and every member Congress to voice their opposition."

He added, "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."

Wall Street Journal

EPA Revokes Permit for Arch Coal Mine

By STEPHEN POWER And TENNILLE TRACY

13 January 2010

WASHINGTON—The Environmental Protection Agency has vetoed a controversial mountaintop-removal coal-mining project that would be one of the largest in Appalachia.

The EPA did so by pulling back a federal clean-water permit issued to Arch Coal Inc.'s Spruce No. 1 coal mine four years ago by the U.S. Army Corps of Engineers.

The EPA's decision—widely expected for months—marks a major turning point in a brewing battle between the Obama administration and the coal-mining industry over mountaintop mining, a common practice in Appalachia that involves blasting off the tops of mountains to access coal seams and dumping debris in nearby valleys. It is the first time in the agency's 40-year history that it has canceled a federal water permit for a project after it was issued.

"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 Assistant Administrator for Water Peter S. Silva said in a written 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."

The decision immediately drew criticism from a Democratic congressman who represents the area around the mining site.

"It's an insult to integrity of the [federal permitting] process and it has a sobering effect upon the ability of industry to negotiate in good faith in order to obtain future permits," said Rep. Nick Rahall, a Democrat whose district is home to the project.

Mr. Rahall, who said he was informed of the EPA's decision early Thursday in a voice-mail message left by EPA Administrator Lisa Jackson, predicted there would be efforts in Congress to overturn the EPA's decision.

The EPA's handling of the matter has been closely watched for months by many industry groups, who fear their own federal water permits could be vulnerable to challenge if the EPA was allowed to revoke Arch's permit.

Earlier this week, nearly two dozen industry groups—including the National Realtors Association, the American Road and Transportation Builders Association, and the National Cattlemen's Beef Association—urged the White House in a joint letter to stop the EPA from yanking the Spruce mine's water permit, noting that clean-water permits such as the one issued to Arch by the Army Corps of Engineers support roughly \$220 billion in economic activity each year.

"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. She deserves enormous credit for changing policies to protect Appalachia's health, land and water," Michael Brune, executive director of the Sierra Club, said Thursday.

Arch has said canceling the permit would effectively kill the project, which it estimated would employ about 250 people.

The Spruce mine has been a flashpoint for years in the broader conflict between environmentalists and the coal industry over mountaintop mining. The Army Corps of Engineers issued a permit for the Spruce mine in 2007, and the EPA—then led by an appointee of President George W. Bush—chose not to object.

Under President Barack Obama, the EPA has taken a more critical stance on the mine, and mountaintop mining generally. The EPA proposed vetoing the mine's permit in March 2010, saying the project would bury over seven miles of headwater streams and degrade water quality in streams adjacent to the mine.

Spokesmen for Arch couldn't immediately be reached for comment. The EPA has said previously that its proposed revocation of the Spruce mine's permit was "an exceptional occurrence brought about by exceptional circumstances," specifically "harmful impacts on the environment, wildlife and water quality on an enormous scale."

Associated Press

EPA vetoes water permit for W.Va. mountaintop mine

By VICKI SMITH

13 January 2010

The Environmental Protection Agency said Thursday it is revoking a crucial water permit for West Virginia's largest mountaintop removal mine, formalizing an action it first threatened nine months ago.

Assistant Administrator for Water Peter S. Silva said Arch Coal's Spruce No. 1 mine in Logan County would use "destructive and unsustainable" mining practices that jeopardize the health of Appalachian communities and cause irreparable damage to the environment.

Arch did not immediately comment.

The nearly 2,300-acre operation would bury 7 miles of streams, and EPA has previously ruled it would likely harm downstream water quality.

EPA said it was acting within its legal authority in revoking a permit issued by the U.S. Army Corps of Engineers in 2007 and "using the best science" to protect water quality, wildlife and people.

"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. "We have a responsibility under the law to protect water quality and safeguard the people who rely on clean water."

Michael Brune, executive director of the Sierra Club, praised the ruling as "a strong commitment to the law, the science and the principles of environmental justice."

National Mining Association President Hal Quinn said EPA's action threatens the certainty of all similar permits that have been issued, "weakening the trust U.S. businesses and workers need to make investments and secure jobs."

Spruce No. 1 went through a "robust 10-year review" process, he said, and the project has complied with every permit requirement.

St. Louis-based Arch has long argued that killing the project would hurt West Virginia's economy and tax base, and have a chilling effect on the industry.

The EPA said this is only the 13th time it has intervened after the corps issued a permit and that it reserves that power "for only unacceptable cases."

Online: EPA's final decision on permit:
<http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/404c-index.cfm>

The Hill

EPA vetoes major mountaintop removal mining project

By Andrew Restuccia

13 January 2011

The Environmental Protection Agency vetoed on Thursday one of the Appalachian regions' largest mountaintop removal mining projects, arguing that the project pollutes nearby streams and rivers.

EPA made its decision to veto the Spruce No. 1 Mine's project after conducting a scientific review of the environmental impacts of the West Virginia project, the largest proposed mountaintop removal project in the state. The agency also said it reviewed 50,000 public comments.

"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," Peter Silva, EPA assistant administrator for water, said in a statement.

It's the first time that EPA has used its veto authority under the Clean Water Act to stop a project that has already been approved. The project was approved in 2007 by the U.S. Army Corps of Engineers, but has been caught up in litigation for years. It's also the latest effort by the Obama administration to take turn a critical eye toward mountaintop removal mining.

In mountaintop removal, portions of a mountain are blown off using dynamite to expose valuable coal reserves. The rock and sediment from the mine often falls into nearby rivers, raising water quality concerns.

The mining industry is already objecting to EPA's decision. "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," National Mining Association President Hal Quinn said in a statement. 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."

EPA notes it is only the 13th time it has ever exercised its veto authority.

Charleston Gazette (Coal Tattoo Blog)

Breaking news: EPA vetoes Spruce Mine permit

by Ken Ward Jr.

13 January 2011

Word is just coming down that the U.S. Environmental Protection Agency has vetoed the largest single mountaintop removal permit in West Virginia history.

The move is part of an Obama administration crackdown aimed at reducing the effects of mountaintop removal coal-mining on the environment and on coalfield communities in Appalachian – impacts that scientists are increasingly finding to be pervasive and irreversible.

The final EPA decision document is available here. EPA has also now posted some appendices to that document, including a response to comments.

EPA officials this morning were alerting West Virginia's congressional delegation to their action, and undoubtedly preparing for a huge backlash from the mining industry and its friends among coalfield political leaders.

In making its decision to veto the U.S. Army Corps of Engineers' approval of the 2,300-acre mine proposed for the Blair area of Logan County, EPA noted that it reviewed more than 50,000 public comments and held a major public hearing in West Virginia. EPA officials said their agency is "acting under the law and using the best science available to protect water quality,

wildlife and Appalachian communities who rely on clean waters for drinking, fishing and swimming.”

Peter S. Silva, EPA's assistant administrator for water, 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. 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.

The agency also said:

EPA's final determination on the Spruce Mine comes after discussions with the company spanning more than a year failed to produce an agreement that would lead to a significant decrease in impacts to the environment and Appalachian communities. The action prevents the mine from disposing the waste into streams unless the company identifies an alternative mining design that would avoid irreversible damage to water quality and meets the requirements of the law. Despite EPA's willingness to consider alternatives, Mingo Logan did not offer any new proposed mining configurations in response to EPA's Recommended Determination.

In addition, EPA argued:

EPA believes that companies can design their operations to make them more sustainable and compliant with the law. Last year, EPA worked closely with a mining company in West Virginia to eliminate nearly 50 percent of their water impacts and reduce contamination while at the same time increasing their coal production. These are the kinds of success stories that can be achieved through collaboration and willingness to reduce the impact on mining pollution on our waters. Those changes helped permanently protect local waters, maximize coal recovery and reduce costs for the operators.

Readers will recall that the Obama EPA began looking more closely at the Spruce Mine in September 2009. But debate over the proposed operation dates back to the late 1990s, when then-U.S. District Judge Charles H. Haden II issued an injunction that blocked the mine, which then was proposed for more than 3,000 acres. After the Haden ruling, the company reduced the size of its proposal and the operation underwent much more intense scrutiny, in the form of a full-blown Environmental Impact Statement by the Corps of Engineers, which approved the new mining configuration in January 2007.

EPA began the veto process in October 2009 and issued in March 2010 a preliminary determination that the mine would cause unacceptable impacts. EPA held a public hearing in May 2010, and EPA Regional Administrator Shawn Garvin issued the formal recommended veto in October 2010.

In today's announcement, EPA outlined these concerns that the proposed mining operation would have:

- Disposed of 110 million cubic yards of coal mine waste into streams.

- Buried more than six miles of high-quality streams in Logan County, West Virginia with millions of tons of mining waste from the dynamiting of more than 2,200 acres of mountains and

forestlands.

- Buried more than 35,000 feet of high-quality streams under mining waste, which will eliminate all fish, small invertebrates, salamanders, and other wildlife that live in them.
- Polluted downstream waters as a result of burying these streams, which will lead to unhealthy levels of salinity and toxic levels of selenium that turn fresh water into salty water. The resulting waste that then fills valleys and streams can significantly compromise water quality, often causing permanent damage to ecosystems and streams.
- Caused downstream watershed degradation that will kill wildlife, impact birdlife, reduce habitat value, and increase susceptibility to toxic algal blooms.
- Inadequately mitigated for the mine's environmental impacts by not replacing streams being buried, and attempting to use stormwater ditches as compensation for natural stream losses.

UPDATE: It's important to clarify this from EPA:

... EPA's decision prohibits five proposed valley fills in two streams, Pigeonroost Branch, and Oldhouse Branch, and their tributaries. Mining activities at the Spruce site are underway in Seng Camp Creek as a result of a prior agreement reached in the active litigation with the Mingo Logan Coal Company. EPA's Final Determination does not affect current mining in Seng Camp Creek.

Reactions began coming almost immediately after EPA made its announcement.

Joe Lovett, director of the Appalachian Center for the Economy and the Environment, said:

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. Unfortunately, the Spruce Mine's impacts are not unique. Although we are grateful for the EPA's action today, EPA must follow through by vetoing the scores of other Corps permits that violate the Clean Water Act and that would allow mountaintop mines to lay waste to our mountains and streams.

The Ohio Valley Environmental Coalition said:

We breathe a huge sigh of relief today and we thank the EPA and the Obama Administration for enforcing the Clean Water Act. We are so pleased that this historic veto of the Spruce No. 1 Mine permit halts the destruction of Pigeon Roost Hollow.

Spruce No. 1 is the only individual permit to have undergone a full Environmental Impact Statement (EIS). The science completely validates what we have been saying for more than a decade: These types of mining operations are destroying our streams and forests and nearby residents' health, and even driving entire communities to extinction. This type of steep slope coal mining is destroying our cultural heritage and our future.

We will continue our work to halt other illegal permits, both in-progress and pending. These other permits should also be subject to an EIS.

W.Va. Senator Joe Manchin said:

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.

While the EPA decision hurts West Virginia today, it has negative ramifications for every state in our nation, and I strongly urge every Senator and every Member of Congress to voice their opposition.

The National Mining Association said:

EPA's veto of an existing, valid permit for the Spruce No. 1 mine threatens the certainty of all Section 404 permits—weakening the trust U.S. businesses and workers need to make investments and secure jobs. The Spruce permit was issued after a robust 10-year review, including an exhaustive Environmental Impact Statement. EPA participated fully in the comprehensive permitting process, and the project has abided by every permit requirement.

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. 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.

WVNS-TV 59 (Beckley, WV)

EPA Retroactively Vetoes Spruce No. 1 Mine Permit

13 January 2010

The U.S. Environmental Protection Agency Thursday retroactively vetoed a coal mining permit for the Spruce No. 1 Mine in Logan County.

The agency awarded the Mingo Logan Coal Co. a permit for a mountaintop removal coal mine on the site in 2007 after a 10-year permitting process, according to a statement from U.S. Sen. Joe Manchin, D-W.Va. Now, the EPA has rescinded that decision.

The move is unprecedented, Manchin said.

"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 the news release. "While the EPA decision hurts West Virginia today, it has negative ramifications for every state in our nation, and I strongly urge every Senator and every Member of Congress to voice their opposition.

"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."

Mingo Logan Coal has invested \$250 million in the project, Manchin said. The decision to

revoke the permit sets a dangerous precedent, he said.

"The EPA is setting a dangerous precedent with this decision," Manchin said in the news release. "According to the EPA, it doesn't matter if you did everything right, if you followed all of the rules. Why? They just change the rules. But what the EPA doesn't seem to understand is that this decision has ramifications that reach far beyond coal mining in West Virginia. The EPA is jeopardizing thousands of jobs and essentially sending a message to every business and industry that the federal government has no intention of honoring past promises and that no investment is safe. That message will destroy not only our jobs, but our way of life."

West Virginia Metro News

Permit Pulled For Spruce Mine Project

13 January 2010

The federal Environmental Protection Agency has officially withdrawn the Clean Water Act permit that had already been issued for an expansion at Arch Coal's Spruce Number One surface mine in Logan County.

Acting Governor Earl Ray Tomblin's Chief of Staff Rob Alsop says state officials received notice of the EPA's decision on Thursday morning.

It marks the first time the EPA has pulled a permit after it was already approved.

"It's just devastating news," Alsop said on Thursday's MetroNews Talkline. "Businesses, they need stability. They need to know the rules of the game and, a decision like this, it's devastating."

He says the Acting Governor is planning to take whatever steps are possible to try to have the decision reversed. There have been indications from the EPA over the past several months that the withdrawal decision was imminent.

"It's disappointing and it's devastating for the workers on this site, but it comes as no surprise. We fully expected EPA to take this action, unfortunately," said state Department of Environmental Protection Secretary Randy Huffman.

The project has been going through the regulatory process for ten years.

West Virginia Coal Association President Bill Raney says the EPA is acting like a bully. "They say, 'Let's just pull the plug on it. We don't care about West Virginia,'" Raney said.

Those with the Ohio Valley Environmental Coalition, though, applauded the decision.

"We breathe a huge sigh of relief today and we thank the EPA and the Obama Administration for enforcing the Clean Water Act," OVEC Executive Director Janet Keating said in a statement.

"The science completely validates what we have been saying for more than a decade: These types of mining operations are destroying our streams and forests and nearby residents' health,

and even driving entire communities to extinction."

Huffman, though, says the project was well vetted before the permit was approved.

"It came together after a lot of study and a lot of hard work and all the people, all the environmental experts involved, put this thing together and it was okay in 2007 and, then in 2009, it wasn't," Huffman said.

EPA officials say the project would bury almost seven miles of streams, leading to pollution in other areas. Even after talks with Arch Coal, federal regulators say the environmental impact of the project is still too great to allow it to continue.

The Spruce Number One project was the largest ever proposed in Central Appalachia.

**Betsaida
Alcantara/DC/USEPA/US**
09/26/2011 09:18 AM

To Richard Windsor, Seth Oster, Bob Sussman, Bob
Perciasepe, Brendan Gilfillan, Diane Thompson, Stephanie
Owens

cc

bcc

Subject Politico Pro: Obama slams Perry on climate

Obama slams Perry on climate

By Dan Berman
9/26/11 9:13 AM EDT

President Barack Obama lit into Rick Perry on Sunday night, calling out the Texas governor for — among other things — being a climate skeptic.

Obama didn't call out Perry by name, according to the White House pool report from Wall Street Journal reporter Carol E. Lee, but the president referred to several recent GOP presidential debates.

"Some of you here may be folks who actually used to be Republicans but are puzzled by what's happened to that party, are puzzled by what's happening to that party," Obama said at a San Jose, Calif., fundraiser. "I mean, has anybody been watching the debates lately?"

"You've got a governor whose state is on fire denying climate change," Obama said. "It's true. You've got audiences cheering at the prospect of somebody dying because they don't have health care and booing a service member in Iraq because they're gay.

"That's not reflective of who we are," Obama added "This is a choice about the fundamental direction of our country. 2008 was an important direction. 2012 is a more important election."

Obama also suggested that his supporters may need to put out some fires on the left — including on environmental issues. Obama said he hasn't been able to do everything he wanted on the environmental front because of the economy, the pool report states.

"And in some cases I may need you to have some arguments with our progressive friends," Obama said.

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

07/11/2011 12:56 PM

To Richard Windsor, Seth Oster, Bob Sussman, Bob
Perciasepe, Diane Thompson, Adora Andy, Arvin Ganesan

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Subject WSJ Editorial: The EPA Doesn't Love New York

Administrator,

This is the Journal piece discussed in the morning meeting. We wanted to make sure you saw it. Sussman will be speaking to Judith about it. We're thinking through how to respond, if any.

The EPA Doesn't Love New York

Wall Street Journal

July 11, 2011

You can lead the Environmental Protection Agency to water, but you can't make it think. That's what New York City has learned after suggesting changes to costly, needless regulations that the federal government is imposing on Gotham.

The regulations will cost billions, are "truly burdensome" and almost entirely useless, says New York City environmental commissioner Cas Holloway, who wrote a 15-page letter to the EPA explaining what is wrong with its analysis.

Take the mandate governing Hillview, a 90-acre, 900-million gallon reservoir in Yonkers, north of the city. The EPA wants the city to build a \$1.6 billion-plus cover to prevent contamination by cryptosporidium, a water-born pathogen that causes diarrhea.

There's one problem. The pathogen hasn't been found in the reservoir despite years of tests and is barely present in the city, with about 100 confirmed cases of illness each year due to the little critter. Mr. Holloway says the EPA "inexplicably" claims that covering the reservoir would prevent between 112,000 and 365,000 cases annually, which is "off by several incidents of magnitude." Such wildly inflated estimates are an EPA staple, intended to scare the public.

Gotham has already spent nearly \$15 billion since 2002 for federally-mandated water projects, with the feds chipping in less than 1% of the cost. Next year it will finish building a \$1.6 billion ultraviolet facility—the largest in the world—to disinfect water even more than it already does. City water rates have increased by 134% since 2002, more than 91% since 2006, and they will rise further if the EPA doesn't bend. None of this seems to matter to Administrator Lisa Jackson.

Perhaps you are wondering how all of this squares with President Obama's Executive Order 13563, issued to great media fanfare in January, asking all federal agencies to rethink regulations. "The goal of my administration has been to strike the right balance" between regulation and economic growth, Mr. Obama wrote in these pages on January 18.

Thinking he meant what he said, New York and the U.S. Conference of Mayors proposed recommendations in March that included cost-benefit analyses for such projects. The EPA ignored nearly all of the suggestions. The EPA prefers to haul the city before a federal judge, a process that gives it leverage to impose the EPA's rules. Mr. Holloway's lament that "a one-size-fits-all approach isn't appropriate" is almost quaint in its naivete about EPA methods.

We sympathize with Mr. Holloway for trying to be rational about clean drinking water, but he might want to ask where are New York's politicians when he needs them? The liberals who dominate Gotham's political class have built their careers denouncing anyone who challenges the EPA as an enemy of public health. They're doing it now in Congress as Ms. Jackson tries to wipe out the coal industry and impose vast new costs on utilities. New Yorkers are learning what it's like to be an American business.

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

09/15/2011 09:25 AM

To Richard Windsor, Seth Oster, Bob Sussman, Bob
Perciasepe, Diane Thompson, Brendan Gilfillan

cc

bcc

Subject E&E News: Greens, industry wait impatiently for upcoming
GHG standards

Greens, industry wait impatiently for upcoming GHG standards

E&E News PM

As the month draws slowly to a close, the first-ever standards to control greenhouse gas emissions from fossil-fueled power plants have been shrouded in mystery, eluding environmentalists and industry players alike.

The New Source Performance Standards (NSPS) will dictate how many tons of greenhouse gases power plants are permitted under the Clean Air Act. They are possibly the biggest test on climate change the administration will face, said Conrad Schneider, advocacy director with the Clean Air Task Force.

"Less than 20 days from a court-ordered date, we're not where we should be," said Schneider in an interview with ClimateWire. The Office of Management and Budget has yet to see the draft of the proposed NSPS from U.S. EPA, a document that should have arrived months ago, said Schneider.

NSPS standards were first defined under the Clean Air Act extension of 1970, and refer to pollution controls of air from new and existing stationary sources, given the best available current technology to clean up the pollution. EPA agreed to create the rules for the power sector as part of a settlement from a lawsuit filed by 11 states, as well as Washington, D.C., New York City, the Natural Resources Defense Council and the Environmental Defense Fund (Greenwire, Dec. 23, 2010).

But environmental and energy players are puzzled by how these greenhouse gas emissions will be curtailed. Some believe EPA will push efficiency measures through co-firing with biomass or building clean-burning coal plants. Others guess the standards will seek to incentivize carbon capture and storage -- a promising but nascent technology to siphon carbon emissions from smokestacks to be placed underground.

"Nobody is really talking about it; it's just really a mystery," said Richard Alonso, a partner in Bracewell & Giuliani's Environmental Strategies Group, whose clients represent the power sector.

"The agency is finding themselves in a black hole," added Alonso. "There's not a lot of talk; there's not a lot of dialogue."

Flying blind

In June, EPA extended the deadline for the standards from July 26 to Sept. 30, saying the agency needed more time to craft the rule. A final rule is set to be released May 26, 2012.

"EPA has engaged in an extensive and open public process to gather the latest and best information prior to proposing carbon pollution standards for fossil fuel-fired power plants," wrote EPA press secretary Brendan Gilfillan in an email in June. "A wide range of stakeholders have presented the agency with important input which deserves to be fully

considered as the agency works to develop smart, cost-effective and protective standards" (E&ENews PM, June 13).

Not so, said Alonso.

"[EPA] is not asking industry what they need to make the rule; they haven't contacted industry in any meaningful way," he said. Despite this, Alonso doesn't see the agency postponing its decision once more. "I don't expect another delay," he said. "I think EPA is going to issue a proposal that doesn't reflect the real-life situation ... they're flying blind."

Representatives from industry groups and companies also said they had low expectations for the rules.

"Under NSPS, they have the possibility to propose almost anything," said Luke Popovich, a spokesman for the National Mining Association, adding that efficiency improvements should form the backbone of the standards.

Spokespeople for Southern Co. and American Electric Power, two of the biggest power companies in the country, said they could not comment or speculate on the rule before its publication.

Expectations could be disappointed

Michael Livermore, executive director at the Institute for Policy Integrity at the New York University School of Law, says EPA's behavior is not unusual for an agency. Keeping one's cards close to the vest, as he put it, helps shutter special interests out of the rulemaking process.

But it is strange, he adds, that OMB has yet to receive the rule.

"It's a little odd," said Livermore. "It's a big rule, and I would think that OMB would need some time to work on it."

Livermore expects the rule to focus on basic efficiency standards. He will be looking to see whether the proposal will offer flexibility mechanisms to individual plants -- an allowance to trade emission credits under a statewide cap-and-trade scheme, for example -- to avoid stringent penalties.

Schneider expects the proposal numbers to hover around 1,900 to 2,000 pounds of carbon dioxide per megawatt-hour. That range is not enough to reduce total greenhouse gas emissions by 80 percent from 1990 levels by 2050.

"That would be a big disappointment," said Schneider. "We would like it to be 1,000 or less."

That rate would be achievable if carbon capture and storage (CCS) could capture 50 to 65 percent of emissions. Come Sept. 30, Schneider will be looking for incentive programs for CCS. These include programs that promote enhanced oil recovery, the practice of pumping CO2 underground to loosen stubborn oil deposits in old wells.

Highly efficient plants must be emphasized over CCS, said Popovich, because the technology is still immature. Carbon capture is not yet available on a commercial scale.

"Given the dearth of technology [despite] some of the grandiose ambitions that some

greens have, they should foster efficiency," he said.

David Doniger, policy director of the Climate Center at the Natural Resources Defense Council, said his organization will seek a combination of production and end-use efficiency improvement. This would mean operating at a rate of 800 pounds of CO2 per megawatt-hour for new plants, and a 15 percent reduction in emissions for existing plants.

"We've been advocating that the standard for new sources should reflect a performance from the best new plants that have been built over the past year," said Doniger, "namely, gas plants."

Natural gas plants, whose carbon emissions are lower than those of coal plants, have been steadily replacing coal-fired power. Southern Co. has seen its coal fleet drop from 70 percent to 51 percent in four years, said Stephanie Kirijan, a spokeswoman for the company.

"What EPA needs to have is a demonstrably achievable, affordable path to meet the standards," said Doniger.

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

11/22/2010 04:10 PM

To Richard Windsor, Seth Oster, Bob Sussman, Bob Perciasepe, Peter Silva, Gina McCarthy, Brendan Gilfillan, Adora Andy, Alisha Johnson, Diane Thompson, David McIntosh, Arvin Ganesan, Daniel Kanninen

cc

bcc

Subject EPA Carbon Storage Rules Clips 11/22/10

EPA Carbon Storage Rules Clips 11/22/10

AP: EPA sets new rules for carbon dioxide storage

By MATTHEW DALY

The Associated Press

Monday, November 22, 2010; 3:45 PM

WASHINGTON -- The Obama administration is imposing new rules to protect drinking water and track the amount of carbon dioxide stored underground by "clean coal" technology.

The rules, announced Monday, cover an experimental technique to store underground the carbon dioxide emissions from coal-fired power plants and other sources. The technique, which involves injecting carbon dioxide in stable geologic formations, is designed to reduce greenhouse gases that contribute to global warming.

Bloomberg :Carbon-Storage Rules for U.S. Coal Plants Issued to Shield Drinking Water

By Simon Lomax - Nov 22, 2010

The U.S. Environmental Protection Agency issued rules to protect drinking-water supplies from future efforts to bury pollution from coal-fired power plants.

The regulation is a major step in the federal government's effort to promote a "promising technology" capturing carbon dioxide that otherwise would be emitted from smokestacks and injecting it into geologic formations such as deep-saline aquifers and depleted oil reservoirs, EPA administrator Lisa Jackson said today in an e-mailed statement.

[FULL TEXT BELOW]

AP: EPA sets new rules for carbon dioxide storage

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Monday, November 22, 2010; 3:45 PM

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Lisa Jackson, administrator of the Environmental Protection Agency, said the rules clarify standards for carbon storage, so industry knows what is required as it develops the technology.

"We're taking a major step toward path-breaking innovations that will reduce greenhouse gases

and put America in the forefront of the clean energy economy," Jackson said.

The administration wants to encourage carbon storage while overcoming liability obstacles that could hinder its development.

A sudden release of large amounts of carbon dioxide can kill by asphyxiation. In 1986, 1,700 people died when a cloud of carbon dioxide escaped from a volcanic lake in Cameroon.

In a report this summer, an administration task force advised against the government taking on unlimited liability for underground storage of carbon dioxide. The task force said the government could take it on at closed sites if federal regulators certify that the carbon dioxide is safely sequestered and will remain that way indefinitely.

The Energy Department has estimated that there are hundreds to thousands of years of potential carbon storage in geologic formations in North America.

Ann Weeks, senior counsel for the Clean Air Task Force, an advocacy group, called the new rules a critical step in the battle to curb global climate change.

"The early and environmentally safe deployment of innovative technologies like carbon capture and sequestration that allow deep reductions in greenhouse gas emissions is critical to our country's ability to avoid the worst consequences of climate change," she said.

The new rule concerning greenhouse gas emissions takes effect Dec. 31. The rule on drinking water takes effect next summer.

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The drinking-water regulation governs the way carbon-dioxide injection wells are located, built, tested, monitored and closed. A task force of 14 U.S. agencies said in August that carbon-capture technology is currently too expensive to be used without financial and regulatory support from the federal government.

Rules governing the "environmental soundness of injecting and storing carbon dioxide underground" must be part of a federal plan to "facilitate widespread cost-effective deployment" of the pollution-control technology after 2020, according to the task force.

A separate EPA rule also released today deals with measuring the amount of carbon dioxide that's captured and stored.

U.S. legislation requiring power plants to pay a price for carbon dioxide they release into the air must also be passed to create a "stable framework for investment" in carbon-capture technology, the task force said. Legislation to put a price on carbon narrowly passed the House last year and

stalled in the Senate.

Carbon dioxide is among greenhouse gases that scientists have linked to climate change. President Barack Obama has said the U.S. should aim to cut greenhouse-gas emissions about 17 percent from their 2005 level by 2020.

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

01/25/2011 12:06 PM

To Richard Windsor, Seth Oster, Brendan Gilfillan, Adora Andy, Bob Perciasepe, Bob Sussman, David McIntosh, Arvin Ganesan, Diane Thompson

cc

bcc

Subject TIME Blog: Will the Departure of White House Climate Czar Carol Browner Make a Difference?

**Administrator,
Please see the last paragraph .**

Politics: Will the Departure of White House Climate Czar Carol Browner Make a Difference?

Posted by Bryan Walsh Tuesday, January 25, 2011 at 11:00 am

TIME

As Politico first reported last night, Carol Browner will be stepping down from her post as White House climate and energy czar. Browner, an Environmental Protection Agency (EPA) administrator in the Clinton Administration, was a key member of the "Green Dream Team" of cabinet appointees and White House aides who accompanied President Obama into office two years ago, and a strong voice for the environment inside a West Wing that was usually dominated by centrists like former chief of staff Rahm Emanuel. From her perch in the White House, Browner helped push for climate and energy legislation in Congress—and since cap-and-trade failed, for lots of reasons, greens are worried that Browner's exit could signal the West Wing's surrender on climate. As Mike Allen and Darren Samuelsohn report:

Even so, some of Obama's allies on and off Capitol Hill who two years ago considered Browner the leader of a dream team on their issues said they were concerned about the latest shakeup on the eve of a State of the Union where the president is expected to move to the center.

"This does strike me as a quiet kill, so to speak," said a House Democratic aide who works on energy and environmental issues, including the 2009 cap-and-trade bill. "If there were a sacrificial lamb, it could have been on health care, financial issues, on a whole number of other things. But it's the climate czar that's going down.

"I don't know the exact circumstances of it, but the circumstantial evidence, I think the timing is frankly fairly frightening," the staffer added.

How big a difference will Browner's departure make? There are some clues in that quote. While the Obama Administration obviously had a bumpy first two years, leading to that shellacking in the midterm elections, the White House managed to push through both health care and financial reform legislation. Though cap-and-trade legislation passed the House in a close vote in 2009, it never came up for a vote in the Senate, where the need for 60 votes and the resistance of conservative Democrats (not to mention just about every Republican) proved an insurmountable barrier. Now with the Republicans in firm control of the House and the Democratic majority even weaker in the Senate, it's virtually impossible to imagine new climate and energy legislation going through the Congress. If anything is likely to be done, it will almost certainly come through the EPA, which has begun the controversial process of regulating greenhouse gas emissions, perhaps along with smaller initiatives from the Department of Energy (DOE). If Browner's job chiefly was to liaise with Congress on climate and energy, it's not clear she'd have much of a portfolio left.

That doesn't mean her departure is meaningless. Early on in 2009, Browner scored a victory when she presided over successful negotiations with the auto industry to vastly improve fuel efficiency requirements, and she was also front and center for the Administration's response to the BP oil spill, which was better than many critics gave it credit for. (I remember speaking to Browner in the early days of the spill, and she was able to make the clear connection between the disaster and America's oil addiction—though that relationship was lost as the spill dragged on.) Symbolism matters in the White

House—the appointment of Browner and other heavyweights like DOE Secretary Steven Chu in 2009 was viewed by greens as evidence that Obama was really going to make climate and energy a priority. (There's a reason TIME made them all Heroes of the Environment in 2009.) But even if it's possible that ambitious climate legislation was doomed from the start, it's tough to make the argument that this issue was high enough on the agenda for President Obama. Greens are already feeling left out—Browner's departure will likely only deepen that sense, especially with pro-business figures like new chief of staff William Daley on the rise in the West Wing.

Practically, though, the battle lines had already moved. The real fight for climate, energy and the environment will be between the EPA and Republicans in the House, who seem dedicated to making agency administrator Lisa Jackson's life as miserable as possible. You can expect Jackson, a New Orleans native tempered in the unfriendly fields of New Jersey state politics, to play tough. Just since the beginning of 2011, the EPA has continued with the process of greenhouse gas regulations (though they remain limited), and made a controversial decision to deny a permit for a mountaintop removal mine. The question is whether the White House and President Obama will stand behind her. (So far it looks like they will, with the Department of Justice making the defense of greenhouse gas regulations a top priority.) That should matter more to greens than whether we see another White House climate czar.

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

10/14/2011 12:17 PM

To Richard Windsor, Seth Oster, Diane Thompson, Brendan Giffilan, Bob Perciasepe, Bob Sussman, Stephanie Owens, Dru Ealons, Alisha Johnson, Andra Belknap, Janet Woodka, Heidi Ellis, Gina McCarthy, Arvin Ganesan, Laura Vaught

cc

bcc

Subject Bloomberg: EPA's Jackson Says House Measures Would Gut Clean-Air Act

EPA's Jackson Says House Measures Would Gut Clean-Air Act

October 14, 2011, 10:02 AM EDT

By Mark Drajem

(Updates with comments from Jackson in second, sixth paragraphs.)

Oct. 14 (Bloomberg) -- Lisa Jackson, administrator of the Environmental Protection Agency, said efforts to limit her powers are "unprecedented" and pledged that rules aimed at coal-powered power plants won't harm electric reliability.

Proposed legislation, such as a measure being considered in the U.S. House to block pollution controls on coal ash, would result in "gutting the heart of the Clean Air Act," Jackson said today at an event sponsored by Politico in Washington. The EPA regulations have health effects "that are big, and it's not theoretical, although you wouldn't hear that from some of the rhetoric in this town."

The House of Representatives is voting on a series of measures to roll back EPA rules that lawmakers say are harming the American economy and impeding business investment.

Yesterday the House voted to block regulation of industrial boilers, used in paper mills and hospitals, and last week passed legislation to scrap rules limiting mercury emissions from cement plants.

President Barack Obama's administration has said it opposes the cement and boiler measures, and Jackson said today that her top priority is to fend off such legislation.

The EPA has proposed regulations to cut pollution from power plants, and those standards will result in some coal-fired plants closing, Jackson said.

"What will have to happen is that really old clunkers that have never had pollution-control technology installed on them" will need to be shut, Jackson said. EPA's flexibility to delay its standards, if necessary, and expanded demand for low-cost natural gas will ensure that electric reliability won't suffer, she said.

--Editors: Steve Geimann, Judy Pasternak

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

11/18/2011 02:44 PM

To Richard Windsor, Stephanie Owens, Seth Oster, Brendan Gilfillan

cc

bcc

Subject Carl Pope leaving Sierra Club: Energy Breaking News

LATIMES story pasted below

----- Forwarded by Betsaida Alcantara/DC/USEPA/US on 11/18/2011 02:43 PM -----

From: POLITICO Pro <politicoemail@politicopro.com>
To: Betsaida Alcantara/DC/USEPA/US@EPA
Date: 11/18/2011 02:41 PM
Subject: Energy Breaking News

Carl Pope, chairman of the Sierra Club since 1992, is resigning and will be replaced as chairman by Michael Brune, the Los Angeles Times [reports](#).

Sierra Club leader departs amid discontent over group's direction

Sierra Club Chairman Carl Pope, whose leadership has stirred dissent, steps down. Some believe the organization has compromised its core principals.

By Louis Sahagun, Los Angeles Times

11:28 AM PST, November 18, 2011

Advertiseme
nt

The leader of the Sierra Club, one of the nation's most influential environmental groups, has stepped down after 18 years amid discontent that the group founded by 19th Century wilderness evangelist John Muir has strayed from the woods and into to corporate boardrooms and has compromised its core principals.

The departure of Carl Pope, 66, chairman of the club and a member for more than 40 years, comes as the nonprofit group faces declining membership, internal dissent, well-organized opponents, a weak economy and hostile forces in Congress trying to take the teeth out of environmental regulations.

He has been replaced by Michael Brune, 40, a veteran of smaller, tightly focused activist groups, who has pledged to focus leadership on grass-roots organizing, recruiting new members and focusing on issues such as coal-fired power plants. "We have different approaches," Brune said

of his relationship with his predecessor.

Pope said he will leave his position as chairman to devote most of his time to "revitalizing the manufacturing sector" by working with organized labor and corporations. That focus during his tenure caused schisms in the club, most notably when he hammered out a million-dollar deal with household chemical manufacturer Clorox to use the club's emblem on a line of "green" products, and more recently with its unflagging support of utility-scale solar arrays in the Mojave Desert, the type of wild place the club made its reputation protecting.

"I'm a big-tent guy, " Pope said in an interview in the group's San Francisco headquarters. "We're not going to save the world if we rely only on those who agree with the Sierra Club. There aren't enough of them. My aim is getting it right for the long term. I can't get anything accomplished if people think: 'This guy is not an honest broker. He's with the Sierra Club.' "

Pope led the Sierra Club's efforts to help protect 10 million acres of wilderness, including California's Giant Sequoia National Monument, and brought litigation challenging the right of then-Vice President Dick Cheney's energy task force to secretly hash out energy policy with major oil companies. Pope also co-authored California's Prop 65, which allowed citizens to sue polluters if they failed to comply with the law. More recently, he helped block 150 proposed coal-fired power plants.

But his tenure was marked by controversial decisions that revealed the costs and political consequences behind the brand of environmental activism he practiced. Acrimony remains over the 2008 Clorox deal, which brought the club \$1.3 million over the four-year term of the contract, according to Pope.

Many of the rank and file felt Pope diminished the role of chapter experts and volunteers who have sustained the organization since Muir first championed California's Sierra Nevada and an expanding list of American wild places, favoring paid staffers and attorneys and chumming with political players such as United Steel Workers President Leo Gerard and attorney Robert F. Kennedy Jr.

The longest-serving executive director in club history, Pope pulled the group closer to large donors, and re-focused efforts toward fighting climate change, over narrowly focused campaigns to protect wild places. The group's unflagging support for utility-scale solar development, which threatens such species as the desert tortoise, captures the philosophical shift that occurred under Pope.

"If we don't save the planet, there won't be any tortoises left to save," Pope said.

The 66-year-old Harvard graduate acknowledged that big challenges await his successor, who will manage a budget of nearly \$100 million and a staff of about 600. Pope earned a salary of \$207,374 in 2010, the last year for which figures were available.

The Sierra Club leadership, which is appointed by members, sought to minimize the issue of philosophical differences between Pope and Brune, and focus on a smooth transition.

"We're fortunate that the two of them work so well together, and that Carl has done such a great job of passing the torch," said Sierra Club Board President Robin Mann, who praised Pope's "groundbreaking work," including developing alliances with labor that "put us in a whole different position in terms of influence."

Brune, who has undergraduate degrees in economics and finance, previously worked for the Rainforest Action Network and Greenpeace, groups known for scrappy and theatrical anti-corporate tactics. That background emerges in his view of the group's relationship with Clorox, a company that has had a checkered environmental past.

"We're done with Clorox," Brune said in an interview. "The contract with Clorox runs out in December, and by mutual consent it will not be renewed."

"I'm not going to bring any deals to the board that would negatively impact the Sierra Club brand," he added. "Nor will we associate with any company that has a green product line and also produces products that can damage the environment in ways they are not willing to address."

Pope had blunt words for critics of the Clorox decision: "I could predict with 90% certainty where somebody would stand on the Clorox controversy by knowing one bit of demographic data. The people in the Sierra Club who had significant concerns were between 50 and 68. They were people who cut their teeth on the counter culture-greening-of-America-anti-business stuff of the 1970s."

That assessment rankled Brune, who will have to address a decline in paid membership, from 714,000 in 2005 to 616,000 today.

"Over the next year we will be adding a million members and supporters," Brune said. "In order to get off coal, one of the biggest sources of greenhouse emissions, we'll need an army of well-trained volunteers, as well as lobbyists and lawyers. Our members will be finding new members as tenacious and devoted to finding solutions as they are. We'll be activating and inspiring everyday people who genuinely care about the environment."

That kind of talk "is refreshing," said Joan Taylor, a Sierra Club activist of 40 years.

"We desert activists felt the club had abandoned the desert in the name of ramping up utility-scale renewable energy projects," Taylor said. "We don't need the club beholden to big labor and big corporations. That's a huge error in judgment. Eventually, it can't help but affect what you can say and what you can do."

Ed Mainland, co-chair of Sierra Club California's energy-climate committee said, "I'm hopeful there will be a change of course. We shouldn't be in bed with industry and utilities. Big donors start dictating policy."

Pope agreed, to a point.

"The biggest source of legitimate unhappiness," Pope said, "has been that after 9/11 the Sierra Club and all other membership organizations started getting less and less individual donations — so we became more reliant on money that came with strings. That's the reality of the world."

The club has received hefty financial contributions over the past two decades, including more than \$100 million from clean energy investor David Gelbaum. In July, New York Mayor Michael R. Bloomberg's main charitable organization announced it would donate \$50 million over four years to the club's campaign to shut down coal-fired power plants.

Pope acknowledged that many people in the organization disagreed with his fund-raising philosophy. "But my view and the view of the board," Pope said, "was that accepting some loss of flexibility for some increase in clout was a risk worth taking."

**Betsaida
Alcantara/DC/USEPA/US**
11/03/2011 06:22 PM

To Richard Windsor
cc "Betsaida Alcantara", Bob Perciasepe, Cynthia Giles-AA,
"Brendan Gilfillan", Seth Oster, "Diane Thompson", "Lisa
Jackson"
bcc
Subject Re: Huffington Post: Keystone XL: Haste And Inexperience
Hampered State Department's Environmental Review

Yes. Overall no major flags for EPA. The only new thing here for us is this former EPA employee's comments.

Richard Windsor	All good. Right?	----- Original Mess...	11/03/2011 05:41:31 PM
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From: Richard Windsor/DC/USEPA/US
To: Betsaida Alcantara/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
Cc: "Betsaida Alcantara" <Alcantara.Betsaida@epa.gov>, Cynthia Giles-AA/DC/USEPA/US@EPA,
"Brendan Gilfillan" <gilfillan.brendan@epa.gov>, Bob Perciasepe/DC/USEPA/US@EPA, "Diane
Thompson" <thompson.diane@epa.gov>, "Lisa Jackson" <windsor.richard@epa.gov>
Date: 11/03/2011 05:41 PM
Subject: Re: Huffington Post: Keystone XL: Haste And Inexperience Hampered State Department's
Environmental Review

All good. Right?

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 11/03/2011 05:39 PM EDT
To: Seth Oster
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Cynthia Giles-AA;
"Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Bob Perciasepe; "Diane
Thompson" <thompson.diane@epa.gov>; "Lisa Jackson" <windsor.richard@epa.gov>
Subject: Huffington Post: Keystone XL: Haste And Inexperience Hampered
State Department's Environmental Review

Long investigative piece below but copying a pasting here the parts that mention EPA:

1. EPA told HuffPost that the agency "has worked closely with the State Department" through the process and was "actively reviewing" the final EIS.

2. Two weeks later, the EPA published the most damning assessment yet, deeming the analysis of the Keystone XL's necessity "unduly narrow" and asserting that the environmental impacts had not been "fully analyzed." EPA also charged that the State Department had not fully considered the impacts of a potential oil spill along the pipeline or proposed sufficient alternative routes. "As with all projects that have not addressed potentially significant impacts, this proposal is a potential candidate for referral to [CEQ]," the report concluded. The EPA's final grade for the draft EIS: "Inadequate."

3. Larry Svoboda, a retired EPA official who helped oversee his agency's NEPA compliance review for Keystone 1 from a field office in Colorado, said he thinks one reason the State Department had been taken aback by the uproar over KXL was because the EPA had altered its approach under the Obama administration.

"There was a huge policy shift to look intensively at the climate change issues," Svoboda said. "I don't blame State for being astounded. They didn't change, we did."

4. State has also ordered a pair of new studies: one, by a firm called ICF International, to look into EPA concerns about greenhouse gases; the other, by Department of Energy contractor Ensys, to investigate whether the pipeline is truly necessary. And inside the department, officials say, more staffers have been assigned to work on Keystone XL and consultations have expanded, growing to include a weekly Friday staff meeting with top officials and relevant experts.

FULL STORY:

Keystone XL: Haste And Inexperience Hampered State Department's Environmental Review
First Posted: 11/3/11 03:39 PM ET Updated: 11/3/11 03:58 PM ET

This is the first of two articles about the controversy surrounding the development of the Keystone XL oil pipeline.

Earlier this year, top officials with the Environmental Protection Agency, the Department of Energy and the Department of Justice hauled a handful of senior State Department officials into a White House meeting.

The gathering was the governmental equivalent of being called into the principal's office. The energy regulators wanted to know why State -- which had the power to approve a controversial oil pipeline project called Keystone XL -- hadn't demanded the completion of an important task: the evaluation of alternative pipeline routes between Canada and the Gulf Coast that would avoid the Nebraska sand hills, a hotbed of environmental concern and local outrage.

A Canadian company, TransCanada, planned to use Keystone to deliver "tar sands" crude through the American heartland and -- as with nearly every major interstate infrastructure project -- the pipeline's approval hinged on its ability to pass an environmental review. Because this pipeline crossed an international border, oversight for that process fell to State.

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

11/03/2011 05:39 PM

To Seth Oster

cc "Betsaida Alcantara", Cynthia Giles-AA, "Brendan Gilfillan",
"Bob Perciasepe", "Diane Thompson", "Lisa Jackson"

bcc

Subject Huffington Post: Keystone XL: Haste And Inexperience
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Long investigative piece below but copying a pasting here the parts that mention EPA:

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FULL STORY:

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First Posted: 11/3/11 03:39 PM ET Updated: 11/3/11 03:58 PM ET

This is the first of two articles about the controversy surrounding the development of the Keystone XL oil pipeline.

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

08/15/2011 09:55 AM

To Windsor.Richard, DePass.Michelle
cc Gilfillan.Brendan, Oster.Seth, "Shalini Vajjhala", "Jose Lozano", "Heidi Ellis", "Elle Beard", "Gina McCarthy"
bcc

Subject Washington Post: Obama administration encounters opposition to international climate agenda [REDACTED]

Administrator,

See Juliet Eilperin's story on Obama's intl climate agenda being derailed. We'll have tps for you on this topic in case you get asked here.

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By: Juliet Eilperin

August 14

President Obama spoke of lofty intentions to help the world reduce greenhouse gases when he addressed delegates to United Nations talks in Copenhagen in 2009. We have charted our course, we have made our commitments, and we will do what we say, he said. Now, I believe that its time for the nations and people of the world to come together behind a common purpose. But the Obama administration is on track to fall more than \$200 million short on its \$1 billion pledge to help prevent the cutting and burning of tropical rainforests. Lawmakers have slashed requests on everything from promoting clean energy to helping developing nations cope with the effects of global warming. And although the United States is putting into place standards for autos and trucks that will drastically reduce emissions, its negotiators are fighting with European Union officials over their attempt to regulate U.S. airline carbon emissions.

Any clear indication on where the United States is headed in this arena will have to wait until after the 2012 election, if not later, said Robert N. Stavins, director of the Harvard Environmental Economics Program at the John F. Kennedy School of Government. In terms of explicit climate policy, the administration will not be able to deliver, at least between now and 2013, he said. The administration responds that it is pressing ahead with regulations to cut emissions from cars and light trucks dramatically by 2025. And greenhouse-gas emissions in the United States have dropped 8 percent between 2005 and 2009, according to the Environmental Protection Agency, although the economic downturn accounts for at least part of the decline.

The United States pledged during U.N. talks to reduce its greenhouse-gas emissions by 17 percent from 2005 levels by 2020. We obviously would have liked to get energy and climate legislation done last year, but no one should think this administration isnt acting, said Todd Stern, the U.S. special envoy for climate change. We are acting with landmark provisions on vehicle efficiency and \$90 billion of investments to spur efficiency, renewable energy, an electric-car industry, and a smart grid investments that make us cleaner, more competitive and less carbon-intensive. Delivering on international climate assistance has proved more challenging. The administration promised in Copenhagen to provide \$1 billion between 2010 and 2012 to prevent tropical deforestation, which accounts for about 15 percent of the worlds annual greenhouse-gas emissions. It also promised to contribute an unspecified share of a broader commitment by rich nations to provide \$30 billion in fast start financing during that time to the developing world.

What is clear is that the Obama administration has gotten much less than it wants from Congress to fund its climate initiatives. The United States provided \$1.7 billion in international climate aid in fiscal 2010, \$400 million of which came from U.S. development finance and export credit agencies. It asked for \$1.9 billion in fiscal 2011, and administration officials said they were crunching numbers but the total was likely to be lower than 2010s. The Congressional Research Service puts core climate funds for fiscal 2011 at \$946 million, but administration officials predicted other funding would raise the total significantly above that.

House Republicans are seeking even deeper reductions for fiscal 2012. The House Appropriations subcommittee on state, foreign operations and related programs cut all but \$70 million for international climate assistance, while the House Foreign Relations Committee eliminated climate funding last month as part of an authorization bill. Were in a tough fiscal environment, but if you look at all forms of U.S. support to promote clean-energy development, prevent deforestation and build resilience against extreme weather support that helps us as well as other countries were not doing badly, Stern said. Nigel Purvis, executive director of the bipartisan commission on climate and tropical forests, estimated that the United States will fall more than \$200 million, and maybe as much as \$320 million, short of its forestry pledge by the end of this fiscal year unless an independent U.S. foreign aid agency, the Millennium Challenge Corp., approves a massive grant to Indonesia. Unlike other parts of the climate issue, forest conservation is supported by liberals and conservatives, alike, because saving forests strengthens local communities, reduces societal instability and protects wildlife, Purvis said. This is an area of climate policy where the United States can and should do more. Last year, the administration funded international projects including a \$1.5 million solar energy-powered pump project in Uganda and \$3 million to enhance the low-lying Republic of Maldives ability to cope with rising sea levels and drinking water access.

But the United States has sought to block the E.U. from forcing all foreign carriers as of Jan. 1 to buy pollution allowances for flights to and from Europe if their own countries didnt regulate carbon emissions. Unilaterally including our carriers in an emissions trading system is the wrong way to achieve the right objective, Krishna R. Urs, the State Departments deputy assistant secretary for transportation affairs, testified before the House Transportation and Infrastructure Committee .

The U.S. airline industry including the Air Transport Association, United Continental Holdings and AMR Corp. is challenging the policy before the European Court of Justice, which heard arguments on it last month. If the E.U. is allowed to go forward with this and regulate in our airspace, that would change the face of international aviation, said Nancy Young, ATAs vice president for environment.

Isaac Valero-Ladron, E.U. spokesman for Climate Action Commissioner Connie Hedegaard, said in a phone interview that European officials would prefer that the Obama administration introduce a bill to reduce emissions from aviation, instead of trying to block the only legislation that is trying to address the global problem of aviation emissions. Jake Schmidt, international climate policy director for the Natural Resource Defense Council, said the airlines case could undermine Americas negotiating position when it comes to global climate policy. This is the United States telling another nation not to regulate an emission that the U.S. cant do anything about. But Heritage Foundation policy analyst Nicholas Loris, who opposes a cap on carbon as well as an international climate treaty, said the United States was better off if it was not party to a global warming pact

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

08/16/2011 07:47 AM

To Windsor.Richard, DePass.Michelle, Oster.Seth,
Perciasepe.Bob, Sussman.Bob, Thompson.Diane,
Vajjhala.Shalini, Gilfillan.Brendan, Beard.Elle,
Johnson.Alisha, Belknap.Andra, "Stephanie Owens", "Dru
Ealons", "Michael Moats", "Vicki Ekstrom", "Daniel Kanninen"

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Subject Nutter in Rio with EPA to teach, learn about green
development

Nutter in Rio with EPA to teach, learn about green development

Posted: 08/16/2011 6:44 AM

By Sandy Bauers

Philadelphia Inquirer Staff Writer

Mayor Nutter and the head of the U.S. Environmental Protection Agency are in Rio de Janeiro this week to listen, learn, and lend their expertise on green development as one of the world's premier cities embarks on a \$200 billion reinvention of its infrastructure.

With Brazil set to host the 2014 World Cup, Rio picked as the site of the 2016 Olympics, and mammoth road and sewer projects in the works, officials see the meeting as a platform to push sustainability and the benefits of a green economy.

Government, industry, academic, and nonprofit officials from both countries will meet for three days - among them EPA Administrator Lisa P. Jackson, Philadelphia Water Commissioner Howard Neukrug, and Philadelphia Deputy Mayor for Transportation Rina Cutler - to exchange information and ideas.

"This is EPA working with our sister government to really explore a perfect example of environmental priorities and economic priorities coming together," Jackson said Monday in a telephone interview from Rio.

The forum was prompted by the presidents of both countries.

In March, President Obama traveled to Brazil and met with President Dilma Rousseff. They agreed on a number of measures, including a decision to work together on the issue of sustainability for urban infrastructure - the physical guts of a city, everything from roads to water pipes.

"With the significant investments in sustainable urban growth that Rio is making in the next four years, it is essential that we go there to both learn and share our expertise," Jackson said in an EPA news release Monday. "We want to be part of activities that can create new jobs for American companies and foster cleaner, greener communities for the American people."

Jackson said Nutter was selected because he was a national leader in urban redevelopment and sustainability. He is the only elected official on the trip, and the EPA is picking up the tab.

"Everyone knows what's going on in Philadelphia," she said.

Nutter often says he wants to make Philadelphia the greenest city in the country. His 100-page Greenworks Philadelphia plan sets dozens of ambitious goals for the city, including reducing energy consumption, creating green space, and improving public transportation.

Nutter said the city has "a lot to learn from Rio," but can also offer its own lessons.

Noting Rio's "huge population" - 11.7 million - Nutter said, "How do you deal with managing your water supply? How do you serve such a large population?"

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Other members of the group include representatives of Morgan Stanley, Microsoft Corp., Alcoa, Harvard University, the global construction company CH2M HILL, and C40 Cities, an international group of cities seeking to tackle climate change.

After the hours-long plane ride, Jackson and Nutter decided they needed to stretch their legs. Jackson joked that on one of the most famous beaches in the world, "here he is looking at the streets and the bike lanes."

The mayor noticed the separate areas for pedestrians, bicycles and vehicles - an initiative that in Philadelphia has drawn some heat. Cyclists want more dedicated lanes, but drivers resent losing traffic lanes and parking.

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

08/17/2011 06:38 AM

To Windsor.Richard, DePass.Michelle, Oster.Seth,
Perciasepe.Bob, Sussman.Bob, Thompson.Diane, "Shalini
Vajjhala", Gilfillan.Brendan, Beard.Elle, Johnson.Alisha,
Belknap.Andra, Owens.Stephanie, Ealons.Dru, "Michael
Moats", Ekstrom.Vicki, Kanninen.Daniel

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Subject BNA: U.S., Brazil to Promote Urban Sustainability In Projects
Related to World Cup, Olympics

U.S., Brazil to Promote Urban Sustainability In Projects Related to World Cup, Olympics

http://news.bna.com/ieln/IELNWB/split_display.adp?fedfid=21723005&vname=inernotallissues&wsn=500086000&fn=21723005&split=0

RIO DE JANEIRO—The United States and Brazil Aug. 16 launched a joint initiative to stimulate investment in urban sustainability in connection with Brazil's hosting of the 2014 World Cup in 17 cities and the 2016 Olympics in Rio.

U.S. Environmental Protection Agency Administrator Lisa P. Jackson and Izabella Teixeira, Brazil's environment minister, made the announcement at a news conference in Rio.

"Games-related investments from 2011-2016 are expected to reach \$200 billion in infrastructure and construction projects," said an EPA statement on the Joint Initiative on Urban Sustainability (JIUS).

The initiative will encourage construction of sustainable infrastructure for the sporting events, such as buildings with energy-efficient heating, ventilation and air-conditioning, lighting, and water use. It also will promote clean energy, such as the use of environmentally friendly generators at stadiums.

After the press conference, Jackson told BNA, "We're not just talking about building sustainable stadiums and airports, but about smaller-scale projects, like installing wastewater plants in areas to be impacted by the sporting events, retrofitting existing sporting event buildings to be more energy efficient, and recovering land cleared for the events by planting trees."

Delegates from Microsoft, Alcoa, Morgan-Stanley Bank, and the Rockefeller Foundation represented the U.S. private sector at the launch. Philadelphia Mayor Michael Nutter also attended.

Initiative Will Explore Financing Possibilities

Jackson told BNA that "the Brazilian government, not the JIUS, will decide how to incorporate urban sustainability into both sporting events. The JIUS will simply facilitate such decisions by, say, exploring ways of financing sustainable projects, many of which will be undertaken by public/private sector partnerships."

The joint initiative will be overseen by a board of 24 members representing the public sector, private sector, and civil society who have experience in environmental finance, policymaking and infrastructure development, EPA said. Work groups will be created to identify public/private partnership opportunities for promoting urban sustainability.

The sustainability initiative is an outgrowth of the U.S.-Brazil Strategic Energy Dialogue, a partnership announced by U.S. President Barack Obama and Brazilian President Dilma Rousseff in March to foster the development of safe, secure, and affordable energy in an environmentally sound way, including energy from oil, natural gas, biofuels, alternative energy sources, and civilian nuclear energy.

That initiative continued Aug. 15, when U.S. Deputy Secretary of Energy Daniel Poneman said during a

visit to São Paulo that the two countries would work together to build a larger global market for biofuels. (See related story <http://news.bna.com/ieln/display/link_res.adp?fedfid=22363171&fname=a0c8u7g0d0&vname=inernotallisues>.)

EPA said the sustainability initiative will showcase some of its achievements at the U.N. Conference on Sustainable Development, dubbed Rio + 20 <<http://www.uncsd2012.org/rio20/Rio>>, in June 2012.

By Michael Kepp <<mailto:correspondents@bna.com>>

More information on the U.S.-Brazil Joint Initiative on Urban Sustainability is available, in English, at <http://www.epa.gov/international/jius.html> <<http://www.epa.gov/international/jius.html>>.

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 08/16/2011 07:47 AM EDT

To: Richard Windsor; Michelle DePass; Seth Oster; Bob Perciasepe; Bob Sussman; Diane Thompson; Shalini Vajjhala; Brendan Gilfillan; Elle Beard; Alisha Johnson; Andra Belknap; Stephanie Owens; Dru Ealons; Michael Moats; Vicki Ekstrom; Daniel Kanninen

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Posted: 08/16/2011 6:44 AM

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Philadelphia Inquirer Staff Writer

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

12/14/2011 02:57 PM

To Windsor.Richard, Ganesan.Arvin, Gilfillan.Brendan,
Owens.Stephanie, "Alisha Johnson", "Andra Belknap", "David
Bloomgren", "Laura Vaught", "Bob Perciasepe"

cc

bcc

Subject From Politico

LAWMAKERS WANT MERCURY PROTECTIONS: Forty-one Democratic congresswomen sent a letter Tuesday to the White House supporting EPA's upcoming mercury and air toxics standards for utilities, calling the planned rule "one of the most significant improvements in public health safeguards since the passage of the Clean Air Act Amendments in 1990." The letter was signed by all women, in an effort to highlight the particular impact mercury can have on women and children, and they also noted that the "standards will prevent 91 percent of the mercury in coal burned in power plants from being emitted to the air," saving 17,000 lives by 2016. The letter: <http://1.usa.gov/tsqLpJ><<http://1.usa.gov/tsqLpJ>>

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

06/06/2011 04:22 PM

To Windsor.Richard, Ganesan.Arvin, Perciasepe.Bob,
Sussman.Bob, Oster.Seth, "Brendan Gilfillan", Andy.Adora,
McIntosh.David, "Diane Thompson", "Daniel Kanninen",
"Alisha Johnson", "Andra Belknap", "Gina McCarthy"

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Subject Politico: Obama won't revise U.S. climate goals before
election

Obama won't revise U.S. climate goals before election

By Darren Samuelsohn
6/6/11 12:59 PM EDT

President Barack Obama won't update his international commitments on climate change until 2013 – if he's back for a second term.

U.S. deputy climate envoy Jonathan Pershing spelled out<
http://unfccc2.meta-fusion.com/kongresse/110606_SB34/templ/play.php?id_kongresssession=3569&the_me=unfccc> the timetable for Obama's next big update Monday in Bonn, Germany, at the start of a two-week U.N. conference on the issue.

Pershing's remarks came when asked by a reporter whether the United States planned to rethink its pledge to curb emissions 17 percent below 2005 levels by 2020 in light of a discouraging report last month by the International Energy Agency. The IEA said<http://www.iea.org/index_info.asp?id=1959> greenhouse gases are building up in the atmosphere at higher-than-expected rates and that not enough is being done globally to stop it.

"I think we're not going to make a judgment about how we'd do something differently without more information about how we are doing on the commitments we have just now undertaken," Pershing replied. "We just did this about six months ago. The notion that six months later we're throwing the whole thing over and starting again doesn't seem like the right approach.

"The right approach seems to be slightly more measured," Pershing added. "Not too measured. We've given ourselves only a couple of years. 2013 is not that far down the road to then examine how we've done and how we move forward."

Along with other major greenhouse gas emitters, U.S. officials agreed in December at U.N. talks in Cancun, Mexico, on a 2013-15 schedule for updating its commitments, Pershing said.

The United States is not budging from its existing promises even though Obama was unable to get a cap-and-trade bill through Congress, Pershing said, citing a "whole range of policies and programs" to meet its goals.

Also Monday, the top U.N. climate official acknowledged that an agreement won't be reached on how to extend the Kyoto Protocol before its current commitment period closes at the end of 2012.

"We would assume that there is no time to do that between Durban and the end of 2012," Christiana Figueres told reporters, referring to the South African city that will host the next big round of U.N. climate negotiations Nov. 28 to Dec. 9.

The United States is the only industrialized nation that has never ratified the Kyoto Protocol, so it is not directly involved in those negotiations. But the lack of action in Washington has prompted some to point a finger at Obama for the sluggish nature of the overall effort.

Pershing, however, said the United States isn't to blame considering it stands by the work it promised to

do. Instead, he said he was more concerned about developing countries that are projected to produce a much larger share of future emissions.

Many have made pledges to grow in a more sustainable way but have resisted talks on figuring out ways to monitor and police their promises.

"That remains to be part of a negotiation, but the fact it's such a difficult battle, that there's so much of an uphill discussion about it, suggests to me the problem is not the U.S. but others who are not yet ready to move forward on commitments that they've made," he said.

**Betsaida
Alcantara/DC/USEPA/US**
04/17/2012 07:52 PM

To Windsor.Richard, Gilfillan.Brendan, "Stephanie Owens",
"Diane Thompson", "Arvin Ganesan", "Bob Perciasepe",
"Alisha Johnson"

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bcc

Subject Politico Pro: Exclusive: Sierra Club, big green groups to
endorse Obama

Full story below...

Exclusive: Sierra Club, big green groups to endorse Obama

By Darren Samuelsohn and Darren Goode
4/17/12 7:49 PM EDT

President Barack Obama will receive endorsements Wednesday from the Sierra Club, League of Conservation Voters, Clean Water Action and Environment America, according to an environmental political operative and a House Democratic source.

Officials at the environmental groups were mum, though they did tip their hands by announcing a 9 a.m. conference call with reporters to "make a major endorsement announcement for the 2012 election."

"I can tell you that we will not be endorsing Rick Santorum," Sierra Club Executive Director Michael Brune told POLITICO on Tuesday.

For the Sierra Club, the Obama endorsement will be the earliest ever given in a presidential contest. It backed John Kerry in May 2004 but didn't get behind President Bill Clinton's reelection bid until September 1996, a late date due to unhappiness over his signing of a 1995 budget bill including logging language green groups opposed.

The Sierra Club also endorsed Clinton's initial White House run in September 1992. It made its first presidential endorsement in its nearly 100-year history for Democrat Walter Mondale in September 1984.

LCV endorsed Kerry ahead of the New Hampshire primary in January 2004 — which is still the earliest endorsement since the group was founded in 1969.

In 2008, Obama received Sierra Club's endorsement in June and LCV's in July after his primary fight against Hillary Clinton.

While it's no surprise greens will back Obama, he still had some work to do to mend fences after failing to pass a comprehensive climate bill and then punting new smog limits.

Obama has thus far rebuked Republican efforts to expedite permitting of the Keystone XL pipeline, issuing repeated veto threats and calling Democratic senators to twist arms ahead of a key vote earlier this year.

On Tuesday, Obama again said he would reject a 90-day House Republican surface transportation law extension that would authorize TransCanada's proposed 1,700-mile project carrying crude oil from Alberta oil sands to Texas refineries.

The Sierra Club's Brune said it would be "a shot straight to the gut" if Obama were to fall on his sword and sign any measure authorizing the pipeline project.

"Our members would be furious and would express themselves," Brune said. "But it's not something that we expect will happen as the president indicated today."

Jonathan Allen contributed to this report.

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<https://www.politicopro.com/go/?id=10810><<https://www.politicopro.com/go/?id=10810>>

From: Betsaida Alcantara
Sent: 04/17/2012 07:24 PM EDT
To: Richard Windsor; Brendan Gilfillan; Stephanie Owens; Diane Thompson; Arvin Ganesan; Bob Perciasepe; Alisha Johnson
Subject: Energy Breaking News

FYI

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From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 04/17/2012 07:11 PM AST
To: Betsaida Alcantara
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**Betsaida
Alcantara/DC/USEPA/US**

09/22/2011 08:39 AM

To Windsor.Richard, Oster.Seth, Ganesan.Arvin,
Perciasepe.Bob, Thompson.Diane, Vaught.Laura,
Gilfillan.Brendan, "Alisha Johnson", "Janet Woodka", "Daniel
Kanninen", "Andra Belknap", "Bob Sussman"

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bcc

Subject The Hill: For Jackson, it's not easy being green

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.”

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

09/19/2011 02:52 PM

To Windsor.Richard

cc Oster.Seth, Perciasepe.Bob, Owens.Stephanie, Ealons.Dru,
"Diane Thompson", "Brendan Gilfillan", "Arvin Ganesan",
"Laura Vaught"

bcc

Subject Greenwire: Evangelicals press Republicans to drop EPA
mercury fight

AIR POLLUTION:

Evangelicals press Republicans to drop EPA mercury fight

Jean Chemnick, E&E reporter

Published: Monday, September 19, 2011

House opponents of U.S. EPA regulations for mercury and air toxics are getting push-back from an unusual source: pro-life Christian evangelicals, with whom they are often allied politically.

The Evangelical Environmental Network has run radio spots last week and this week in three markets, targeting a trio of Energy and Commerce Committee senior Republicans -- Reps. Fred Upton of Michigan, Ed Whitfield of Kentucky and Joe Barton of Texas.

The ads focus on the effect of mercury on the health and neurological development of unborn children.

"I expect members of Congress who claim that they are pro-life to use their power to protect life, especially the unborn," said Tracey Bianchi, a Chicago-area pastor, in the radio ads targeting Energy and Commerce Chairman Upton and Energy and Power Subcommittee head Whitfield. She adds that she "can't understand" why the congressmen are advancing legislation to disarm the so-called Utility MACT rule.

The rule is due to be finalized in November, and Whitfield and Upton plan to advance legislation to delay and tweak the rule, saying it would result in the closing of many coal-fired power plants across the country.

Advertisement

But members of the network said that advocates for the unborn had been waiting for limits on mercury for 20 years and would fight any effort to further delay its implementation.

Mitchell Hescox, president and CEO of the Evangelical Environmental Network, said that evangelicals are concerned that 1 in 6 children in the United States are being born with dangerous levels of mercury poisoning in their blood, exposing them to increased risk for developmental disabilities and neurological damage.

"We believe that children are entitled to abundant life," Hescox said, quoting a passage from Matthew's Gospel in which Jesus says, "Do nothing to hinder our children."

"And we believe that mercury offers a significant potential for hindering our children from developing a pure and wonderful life," he added.

The network has also delivered letters earlier this month to the offices of House and Senate members of the pro-life caucuses.

Hescox said his group had received a response from Whitfield's office, but the congressman's office did not immediately respond to requests for details this morning.

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

08/30/2011 09:40 AM

To Windsor.Richard, Oster.Seth, Perciasepe.Bob, Sussman.Bob, Thompson.Diane, McCarthy.Gina, Giles-AA.Cynthia, Ganesan.Arvin, Vaught.Laura, Owens.Steve, Stanislaus.Mathy, Goo.Michael, Corman.Bicky, Moats.Michael, Owens.Stephanie, "Dru Ealons", "Paul Anastas", "Sarah Pallone", "Janet Woodka", "Heidi Ellis"

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Subject Washington Post: The Republican jobs plan: stop environmental regulations

This also ran on print version today is this headline: What's the GOP plan beyond 'anti-EPA'?

The Republican jobs plan: stop environmental regulations

By Stephen Stromberg (Deputy Opinions Editor)

In the 2010 midterm elections Republicans ran on a platform of repeal and replace – cancel President Obama's signature health-care law, and replace it with a GOP plan. After taking the House, the Republican majority passed a repeal of the health-care law, but they haven't unified behind a proposal to replace it. The status quo before the law, critics rightly point out, is hardly an alternative. The GOP can attack what it doesn't like, but can it govern?

Now, Republicans have outlined a jobs agenda<

http://www.washingtonpost.com/politics/house-gop-revs-up-a-repeal-reduce-and-rein-in-agenda-for-the-fall/2011/08/28/gIQAWNmolJ_story.html> <

http://www.washingtonpost.com/politics/house-gop-revs-up-a-repeal-reduce-and-rein-in-agenda-for-the-fall/2011/08/28/gIQAWNmolJ_story.html>that mainly consists of eviscerating federal regulations they don't

like, with a particular focus on rules designed to protect the environment. House Majority Leader Eric Cantor (R-Va.) released a memorandum to GOP lawmakers on Monday that targets the ten most "job-destroying" regulations in the federal register. Seven of them are rules the Environmental Protection Agency (EPA) is on track to impose.

But what's the GOP alternative to EPA restrictions on mercury, acid gases, ozone and greenhouse emissions? Cantor's memo only talks about delaying and weakening proposed rules, not some different approach to environmental protection. Maybe we just don't need any more of that?

There are undoubted costs to environmental regulations. But there are also large benefits. Cantor's document just doesn't mention any. A recent Office of Management and Budget review<

http://www.whitehouse.gov/sites/default/files/omb/inforeg/2011_cb/2011_cba_report.pdf> <

http://www.whitehouse.gov/sites/default/files/omb/inforeg/2011_cb/2011_cba_report.pdf>found that existing EPA regulations, particularly those dealing with the air, are among the costliest to comply with – but also among the most valuable, with benefits often vastly exceeding costs, dollar for dollar. In fact, part of the reason the price of environmental regulation is known is that EPA must run rigorous cost-benefit analyses on its rules before finalizing them. That's how it reckons that every dollar spent on some of the measures Cantor is targeting – those cutting cross-state particulate and ozone pollution – will result in \$30 in economic benefits<

http://www.washingtonpost.com/opinions/an-overblown-attack-on-epa-emissions-rules/2011/06/24/AGtjmZvH_story.html> from employees taking fewer sick days, a lower incidence of many chronic illnesses, and fewer early deaths<

http://www.washingtonpost.com/opinions/an-overblown-attack-on-epa-emissions-rules/2011/06/24/AGtjmZvH_story.html>. And let's not even get into climate change.

Nevertheless, Republicans would do the country a service if they made a serious case that the EPA isn't maximizing the net benefits of its regulations, or if they argued that government standard-setting is an expensive way to achieve the valuable ends of air and water protection, and then proposed an alternative that cut out the bureaucrats. The question of just how the government should intervene to protect air and water isn't settled. But they explicitly oppose more decentralized, market-based anti-pollution measures, too.

If Republicans block putting a price on carbon emissions or other pollutants, and if they criticize federal money spent on things such as clean energy research, they leave anyone concerned with global warming

or ambient air and water quality with few choices but to press for robust executive-branch regulation already allowed under the Clean Air and Clean Water Acts. It might not be pretty, and it might not be cheap. But it's almost certainly better than doing little or nothing, which seems to be the GOP's plan. UPDATE, 5:34 p.m.: In response to a question on whether the GOP has an alternative plan for environmental protection, a Cantor spokesperson e-mails: "Regardless of the regulation, House Republicans believe they should be written in a way that will not have a negative impact on the economy or make it harder for businesses small and large to create jobs."

By Stephen Stromberg<

http://www.washingtonpost.com/stephen-stromberg/2011/02/24/ABUFa8O_page.html>

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

07/06/2011 12:35 PM

To Windsor.Richard, Oster.Seth, Perciasepe.Bob,
Sussman.Bob, Thompson.Diane, Stoner.Nancy,
Ganesan.Arvin, "Daniel Kanninen", "Brendan Gilfillan",
"Adora Andy", "Alisha Johnson", "Andra Belknap"

cc

bcc

Subject Greenwire: After illness, Inhofe jokes he was attacked by the environment

After illness, Inhofe jokes he was attacked by the environment (07/06/2011)

Sarah Abruzzese, E&E reporter

Sen. James Inhofe (R-Okla.) joked last week that he was "attacked by the environment" following an illness he believes was caused by toxic algae bloom.

The 76-year-old ranking member of the Environment and Public Works Committee, a frequent critic of environmentalists, fell ill after taking a dip near his home on Grand Lake early last week.

"That night, Monday night, I was just deathly sick," Inhofe told the Tulsa World newspaper about the respiratory illness he contracted.

Inhofe had reportedly asked his 13-year-old granddaughter to join him for a swim, but she demurred.

"She didn't want to get in that green stuff," he said.

Officials in the Sooner State have issued multiple warnings about the blooms of blue-green algae formally known as cyanobacteria. The blooms have been linked to illnesses around the world.

The algae can look "like thick pea soup, green, bluish, brownish, or reddish-green paint. When it washes up on shore, it may look like a thick green mat," according to the state's environmental office.

The Republican joked about some possible responses to his illness with the Tulsa paper saying "the environment strikes back" or "Inhofe is attacked by the environment."

Inhofe, who has famously called climate change "the greatest hoax ever perpetrated on the American people," was forced by his illness to cancel an appearance last week at the sixth Heartland Institute Conference on Climate -- a gathering of climate science skeptics in Washington.

Stephen Lacey of the blog Climate Progress highlighted the issue in a posting yesterday, saying that "irony can be so ironic."

Scientists have blamed the growth of algae blooms on climate change as well as phosphorus and nitrogen run-off. Algae blooms grow more quickly in warmer environments, and it is thought that nutrient runoff feeds the blooms.

Oklahoma is experiencing record hot weather. At the same time officials in the state said the lake is experiencing the largest bloom the state has ever seen.

Inhofe, who own a house on the northeastern Oklahoma lake with his wife, told the World that he has never seen algae like that on the lake.

The Grand River Dam Authority (GRDA), which generates hydroelectric power from a dam at the end of the lake, and the Oklahoma Department of Environmental Quality issued a warning for swimmers late last week.

"We strongly discourage any body contact with the water at this point," said GRDA corporate

communications director Justin Alberty in a news release announcing the decision. "That means no swimming or any other activities that would bring you into contact with lake water."

Not only did the GRDA warn residents not to swim in water it said that pets and livestock should not drink or swim in the water, either.

Inhofe returned to the Capitol yesterday and participated in the Senate's late afternoon voting session.

Asked last night if Inhofe's respiratory illness would affect the senator's thoughts on the host of environmental issues wrapped up with algae blooms, Inhofe's spokesman, Matt Dempsey, replied simply, "Why would it?"

**Betsaida
Alcantara/DC/USEPA/US**
06/09/2011 09:33 AM

To Windsor.Richard, Perciasepe.Bob, Owens.Stephanie,
McCarthy.Gina, Sussman.Bob, Oster.Seth, Ealons.Dru,
Thompson.Diane, "Brendan Gilfillan", Andy.Adora, "Alisha
Johnson", "Andra Belknap", "Nancy Stoner", "Cynthia
Giles-AA", "Arvin Ganesan", "David McIntosh"

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bcc

Subject Politico: MIT study: Natural gas boom needs regulation

MIT study: Natural gas boom needs regulation

By Bob King
6/9/11 5:35 AM EDT

The boom in U.S. natural gas supplies can deliver sizable benefits for the economy, the climate and national security – but also calls for the kind of environmental regulation the industry has been resisting, according to a study<<http://web.mit.edu/press/2011/alert-natural-gas.html>> the Massachusetts Institute of Technology's Energy Initiative is set to release Thursday.

For starters, increased use of existing combined-cycle natural gas power plants – instead of coal – could reduce the U.S. power sector's carbon dioxide emissions as much as 20 percent at relatively little cost, according to a summary provided to POLITICO<<https://www.politicopro.com/f/?f=3237&inb>>.

Further gains are possible by replacing coal-fired and older gas-fired boilers with newer, more efficient natural gas models, and by pairing gas plants with renewable sources such as wind for electricity generation, the study found. And continued high oil prices could allow gas to grab an increasing share of the market for fuel in vehicles.

Meanwhile, the environmental impacts of shale gas extraction are "challenging but manageable," the authors say, but with a caveat: "Research and regulation, both state and federal, are needed to minimize the environmental consequences."

The study also points to the kind of policies that could "maximize" the value of the nation's surging gas supply: "A CO2 emissions price for all fuels without subsidies or other preferential policy treatment." It also calls for the U.S. to encourage the development of the global gas market and "promote sharing of know-how for strategic global expansion of unconventional gas production."

The authors of the study are Ernest Moniz, director of the energy initiative and a former Clinton-era undersecretary of energy; Henry Jacoby, a professor at MIT's Sloan School of Management; and Tony Meggs, an MIT visiting engineer.

The university said the study also addresses questions such as:

- How much natural gas is there in the world, and how expensive is it to develop?
 - What is the role of natural gas in a carbon-restrained economy?
 - Could natural gas, in one form or another, be a viable substitute for gasoline or diesel?
 - What is the geopolitical significance of the ever-expanding role of natural gas in the global economy?
- Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 06/08/2011 10:19 PM EDT

To: Richard Windsor; Bob Perciasepe; Stephanie Owens; Gina McCarthy; Bob Sussman; Seth Oster; Dru Ealons; Diane Thompson; Brendan Gilfillan; Adora Andy; Alisha Johnson; Andra Belknap; Lisa Garcia

Subject: LA Times: Latino groups push Obama on ozone standards
Latino groups push Obama on ozone standards

June 8, 2011 | 4:23 pm

[REDACTED]

[REDACTED] On the heels of a scathing critique by former Interior Secretary Bruce Babbitt on Wednesday, President Obama faced pressure from a burgeoning environmental justice coalition demanding stronger action on ozone, a component of smog, in predominantly Latino communities.

Fourteen groups sent a letter to Obama expressing dismay at missed opportunities and delays in bringing permissible ozone levels down to between 60 and 70 parts per billion:

The EPA estimates that the strongest standard of 60 parts per billion would avoid as many as 12,000 deaths and 58,000 asthma attacks per year. Implementing a weaker standard would mean more lives lost and more asthma attacks – costs that Latinos would disproportionately bear.

The Latino community has faced many challenges over the past few years. We've seen missed opportunities, delays and more. With lives at stake, we hope that we won't see yet another burden if polluting industries succeed in blocking EPA's efforts to protect us from smog.

This is a chance to fix a costly mistake by the Bush administration, which in 2008 disregarded science and set smog standards too high to adequately protect public health. This issue is too important to have mistakes like this repeated.

EPA announced proposed ozone standards of 60-70 ppb in January 2010, but delayed implementing them and in December, said it would submit the issue to a scientific advisory panel. That panel since has endorsed the lower limits. The agency is slated to establish new standards in July.

The George W. Bush administration had lowered the limit from 85 to 75 ppb. No urban area of California meets even the 1997 federal standard of 80 ppb. If states fail to meet federal standards, the government can withhold highway funding.

The Latino groups that signed the letter, from California, Texas and other states, are part of a growing environmental movement centered around some of the nation's most polluted urban areas. Signatories included the Comite del Valle from Brawley, in California's Central Valley, and the Latino Coalition for a Healthy California.

Groups such as East Yard Communities in Los Angeles have been pushing for help with unhealthful air in their working-class neighborhoods, surrounded by freeways and large rail yards.

In San Bernardino, air pollution authorities on Wednesday announced a major study of communities around large rail facilities that serve as a main inland hub of goods shipped across the U.S. The study will examine rates of cancer and asthma in those low-income communities.

The study comes two years after the California Air Resources Board determined that diesel emissions from locomotives, big rigs and other equipment at the facility posed a significant health risk to thousands of residents living near the site, and that the facility posed the greatest cancer risk of any rail yard in California.

Related:

**Betsaida
Alcantara/DC/USEPA/US**
05/20/2011 08:22 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
McCarthy.Gina, Thompson.Diane, Kanninen.Daniel,
"Stephanie Owens", "Dru Ealons", "Arvin Ganesan", "David
McIntosh"
cc Oster.Seth, "Brendan Gilfillan", "Alisha Johnson", "Andra
Belknap"
bcc
Subject Politico Pro: Jackson defends rule delay on 'The Daily Show'

Jackson defends rule delay on 'The Daily Show'

By Robin Bravender
POLITICO Pro
5/20/11 8:13 AM EDT

EPA chief Lisa Jackson doesn't want anyone to worry that her agency is backing off controversial air toxics rules for boilers.

The agency sparked outcry<<https://www.politicopro.com/story/energy/?id=3423>> from the left earlier this week by announcing that, in response to the industry's request, the agency would indefinitely stall the so-called boiler MACT rules while it reconsiders the standards for mercury and other air toxics.

"We agreed to do that and to stay it for a very limited period of time – we will be announcing a schedule soon – but we are committed to the rule," she said in an appearance Thursday on Comedy Central's "The Daily Show."

"I know people are worried," Jackson added. "We will finalize that rule because it's important."

The boiler MACT rules, which require boilers to install maximum achievable control technologies to curb mercury and other pollutants, have come under attack from industry and critics on Capitol Hill. The EPA estimated the rules it finalized in March would prevent up to 6,600 premature deaths annually.

Amid the policy talk, Jon Stewart still found time in his interview with Jackson for a few pokes at the agency's critics. "What is the type of pressure that you face?" the comedian asked. "Lobbyists? Phone calls at night? You get, let's say, a tuna head in your bed ..."

Watch the full interview here<<http://bit.ly/18d6v>>.

Patrick Reis contributed to this report.

To read and comment online:
<https://www.politicopro.com/go/?id=3459><<https://www.politicopro.com/go/?id=3459>>
Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 05/20/2011 06:43 AM EDT
To: Richard Windsor
Cc: Seth Oster; Brendan Gilfillan
Subject: Politico Morning Energy Blog: Jackson to greens: Calm down

In today's Morning Energy.

HUSH, BABY, HUSH – Environmental groups have been in a tizzy ever since the EPA agreed to indefinitely delay air pollution rules for industrial boilers, but agency chief Lisa Jackson told Jon Stewart last night that she has no intention of abandoning the rules. The controversy: <http://politico.pro/mdTFXc>

<#story3423>

"We agreed to ... stay [the rules] for a very limited period of time – we will be announcing a schedule soon – but we are committed to the rule," she said during an appearance on "The Daily Show."

Jackson acknowledged that greens are worried that the agency will abandon the rules in the face of industry and Republican opposition, but countered with a big promise: "We will finalize that rule because it's important."

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

09/22/2011 10:01 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Oster.Seth, Gilfillan.Brendan, Thompson.Diane,
Ganesan.Arvin, Vaught.Laura, Goo.Michael,
Kanninen.Daniel, Johnson.Alisha, Belknap.Andra,
Owens.Stephanie, "Dru Ealons", "Janet Woodka", "Bicky
Corman", "Sarah Pallone", "Marcus McClendon"

cc

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Subject Fox News: Regulation Nation: EPA Chief Rejects GOP
Charges She's Imposing Job-Killing Rules

Regulation Nation: EPA Chief Rejects GOP Charges She's Imposing Job-Killing Rules

By James Rosen

Published September 22, 2011 FoxNews.com

Across an often contentious three-hour congressional hearing Thursday, Environmental Protection Agency Administrator Lisa Jackson vigorously defended her agency's policies promoting cleaner air and water, and rejected suggestions by Republican lawmakers that the EPA is a chief factor in the country's stagnant economic recovery.

"The American people have a right to know whether the air they breathe is healthy or unhealthy," Jackson said during her appearance before a subcommittee of the House Energy and Commerce Committee.

Time and again, she dismissed the notion that stubbornly high unemployment should prompt policymakers to roll back robust environmental protections.

"It is analogous to a doctor not giving a diagnosis to a patient because the patient might not be able to afford the treatment," she said.

GOP members cast Jackson as an über-regulator, oblivious to the economic hardship her policies have created in their home districts. "We have focused on cracking down on the private sector, on the job generators," lamented Rep. Brian Bilbray, R-Calif.

Rep. Marsha Blackburn, R-Tenn., cited the example of Buckman Laboratories International, a Memphis-based chemical manufacturer with 1,500 employees worldwide and estimated annual sales of \$500 million.

According to Blackburn, the company was recently forced to change 4,000 labels on its containers, in order to comply with new EPA rules - but did not have to change the contents of the microbicides in the containers. And the firm received a new demand from the agency on Wednesday, Blackburn said, to change an additional five labels.

"Do you have any understanding of how the uncertainty that your agency is causing is affecting the businesses that are in my state?" Blackburn asked Jackson.

"I would not argue that regulations and standard-setting for safety don't have impacts on business," Jackson replied. "But remember: The pesticide laws and regulations are for the safety of the users of those pesticides."

"Ms. Jackson, we are all for clean air, clean water, and a safe environment," Blackburn shot back. "There is no argument about that. What we are looking at is the cost-benefit analysis of this."

It was Jackson's 29th turn as a congressional witness since taking office, and her ninth since Republicans assumed control of the House 10 months ago. By contrast, her predecessor under the Bush

administration, Stephen Johnson, made only four such appearances in a comparable two-and-a-half-year time frame.

The hearing came three weeks after President Obama stunned environmental activists and other members of his liberal base by rejecting an EPA proposal to toughen ozone standards. Republicans seized on that decision as evidence that Jackson has overreached during her tenure as EPA administrator.

"While you may want to carry out your agenda, even the president has acknowledged that you've gone too far," said Rep. Steven Scalise, R-La.

Pressed about the president's decision, Jackson maintained that Obama remains committed to vigorous enforcement of anti-pollution measures.

At one point, Jackson invoked last year's deadly BP oil spill in the Gulf Coast to rebut Republicans' calls for the dismantlement of the nation's environmental regulatory regime.

"Not every deregulatory push works out well for the country or the environment," she told lawmakers. "In 2009, a company called another federal agency's rules an unnecessary burden. That agency wasn't EPA; it was the Minerals Management Service. And that company was Transocean; and we know what happened."

Since the Obama administration began, the EPA has announced stricter rules for the emission of mercury and other toxins from coal-burning power plants, and ordered 27 states to curb power plant emission because strong winds carry pollution from those states to others.

Jackson testified that these measures will save lives and money in the long run, and also create new jobs to handle the transition process for plants that must retrofit their facilities to meet the new standards.

Specifically, she claimed the administration's anti-pollution controls will prevent an estimated 11,000 heart attacks; 11,000 cases of acute childhood bronchitis; 12,000 emergency room visits and hospital admissions; 17,000 premature deaths; 120,000 cases of childhood asthma; and 850,000 days of work missed due to illness.

Energy industry analysts call the Obama-era EPA rules the most expensive ever imposed. A study funded by the American Coalition for Clean Coal Electricity estimated that if fully enacted, EPA's pending rules would cost the country 1.4 million jobs by decade's end, and raise retail electricity prices by an average of 12 percent by 2016.

Confronted with similarly dire assessments of the impact of her work, Jackson told lawmakers the energy industry overstated by a multiple of four the costs associated with efforts to combat "acid rain" in the 1990s.

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

09/25/2011 09:49 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Oster.Seth, Thompson.Diane, Gilfillan.Brendan,
Ganesan.Arvin, Vaught.Laura, "Michael Goo", "Alisha
Johnson", "Andra Belknap", "Bicky Corman", "Janet Woodka"

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Subject WSJ Editorial: Inside the EPA

Inside the EPA

Memos show that even other regulators worry about its rule-making.

September 26

The Environmental Protection Agency claims that the critics of its campaign to remake U.S. electricity are partisans, but it turns out that they include other regulators and even some in the Obama Administration. In particular, a trove of documents uncovered by Congressional investigators reveals that these internal critics think the EPA is undermining the security and reliability of the U.S. electric power supply.

With its unprecedented wave of rules, the EPA is abusing traditional air-quality laws to force a large share of the coal-fired fleet to shut down. Amid these sacrifices on the anticarbon altar, Alaska Republican Lisa Murkowski and several House committees have been asking, well, what happens after as much as 8% of U.S. generating capacity is taken off the grid?

A special focus of their inquiry has been the Federal Energy Regulatory Commission, or FERC, which since 2005 has been charged with ensuring that the (compact florescent) lights stay on. That 8% figure comes from FERC itself in a confidential 2010 assessment of the EPA's regulatory bender—or about 81 gigawatts that FERC's Office of Electric Reliability estimated is "very likely" or "likely" to enter involuntary retirement over the next several years. FERC disclosed the estimate in August in response to Senator Murkowski's questions, along with a slew of memos and emails.

FERC Chairman Jon Wellinghoff, a Democrat, has since disavowed the study as nothing more than back-of-the-envelope scribbles that are now "irrelevant," as he told a recent House hearing. OK, but then could FERC come up with a relevant number? Since he made the study public, Mr. Wellinghoff has disowned responsibility for scrutinizing the EPA rules and now says that FERC will only protect electric reliability ex post facto once the rules are permanent, somehow.

This abdication is all the more striking because the documents show that EPA's blandishments about reliability can't be trusted. In its initial 2010 analysis—a rigorous document—FERC notes in a "next steps" section that the reliability office and industry must "assess the reliability and adequacy impacts of retirement of at risk units." In part, this was because the office believed the EPA analyses to be deficient. One undated memo specifies multiple weaknesses in EPA reliability modelling.

However much power is lost, whether 81 gigawatts or something else, the electric grid is highly local. Even subtracting a small plant could have much larger effects for regions, such as blackouts. The older and less efficient coal plants that are slated for closure are often the crucial nodes that connect the hubs and spokes of the grid. If these "sensitive" interconnections are taken out, as the memo puts it, the power system becomes less stable, harder to manage and may not be able to meet peak-load demand or withstand unexpected disturbances.

When large swaths of Arizona, New Mexico and parts of southern California including San Diego went dark this month, preliminary reports blamed it on a Homer Simpson who flipped the wrong switch. But the incident shows that even minor mistakes or degraded systems can ramify throughout the grid. The EPA scanted these technical, regional issues when writing the rules, even though another "summary of interagency working comments" within the Administration explicitly told the EPA that reliability needed "more discussion."

And according to the FERC minutes of a 2010 meeting between its reliability office and the EPA, EPA staffers waved off those concerns. "The EPA concluded the discussion by stating that it felt the Clean Air Transport Rule and Mercury MACT rule"—two of the most destructive new regulations—"were the highest priority given that these regulations were more finalized." In other words, the agency's green political goals are more important than the real-world outcomes, never mind the danger.

For our part, we've opposed this "highest priority" because the rules are written in a way that maximizes

the economic costs, with terrible effects on growth, hiring, investment and consumer prices. And well, well: More than a few people in the Administration seem to agree.

The interagency memo explains that the EPA used its "discretion" to structure one rule so that it is more "stringent" than it needs to be. The agency could achieve the same environmental benefits with "substantial" cost-savings, which "would be far more preferable to the proposed approach," says the memo. It sensibly adds that, "The current economic climate dictates a balancing of economic and environmental interests."

Under pressure from Democrats and the EPA to disavow his own agency's analysis, Mr. Wellinghoff now says that FERC favors only a "safety valve" that would give it the authority to overrule the EPA on a case-by-case basis if its regulations might lead to blackouts. But even this is a tacit admission of EPA's overkill. You don't need a safety valve if there isn't a threat to safety.

The best option would be for the EPA to write less destructive rules that don't jeopardize reliability in the first place. Failing that, we should at least know the risks before it is too late. In a letter to Mr. Wellinghoff last week, Mrs. Murkowski simply asks that FERC undertake some kind of study of the EPA's agenda in line with its statutory obligations and the warnings of its own experts. If FERC won't do it, someone else should.

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

01/18/2011 07:58 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Oster.Seth, "Gina McCarthy", "David McIntosh", "Diane
Thompson", "Brendan Gilfillan", "Daniel Kanninen"

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Subject The Hill Blog: EPA 'confident' Obama reg policy won't affect
new climate rules

EPA 'confident' Obama reg policy won't affect new climate rules

The Hill blog

The Environmental Protection Agency (EPA) is "confident" it will not have to alter current or pending environmental regulations, including upcoming climate rules, as part of the new regulatory review framework President Obama outlined Tuesday.

"EPA is confident that our recent and upcoming steps to address GHG emissions under the Clean Air Act comfortably pass muster under the sensible standards the president has laid out," an EPA official told The Hill in a statement Tuesday.

The official said this includes EPA's current rules, including tighter fuel economy standards, as well as upcoming greenhouse gas standards for power plants and refineries. Both the current and pending regulations "have all been characterized by broad public participation, extensive transparency and thorough analysis," the official said.

Under the new framework, announced by Obama on Tuesday, federal agencies must review current regulations and ensure upcoming regulations meet new standards regarding transparency, science and economic impact.

Industry and business groups cited the new framework Tuesday in calling on Obama to overturn or alter a number of the administration's regulations. The National Association of Manufacturers said Tuesday that the administration should halt upcoming climate regulations under the regulatory policy.

A senior administration official said earlier Tuesday that EPA's climate rules would be subject to additional analysis, including cost-benefit analysis and efforts to reduce the burden on affected industries.

President Obama, in a Wall Street Journal op-ed Tuesday previewing his framework, argued that the benefits of the administration's environmental regulations outweigh the costs.

EPA spokeswoman Betsaida Alcantara, in a statement, said the agency has already been following many of the protocols formalized Tuesday in Obama's framework.

OMB's announcement formalizes what we at EPA have been doing under this new administration: using common sense and transparency to review regulations while rooting them in science, the law and the mission to protect Americans' health," Alcantara said. "In fact, EPA's rules consistently yield billions in cost savings that make them among the most cost-effective in the government.

Betsaida
Alcantara/DC/USEPA/US
01/21/2011 08:25 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Silva.Peter, Stoner.Nancy, Oster.Seth, Gilfillan.Brendan,
Andy.Adora, "Alisha Johnson", "Diane Thompson",
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Subject Nytimes editorial: A Clear No for the Spruce Mine

Nytimes editorial:A Clear No for the Spruce Mine

January 20, 2011

If the Obama administration stays the course, the Environmental Protection Agency's decision last week to revoke a permit for one of the nation's biggest mountaintop-removal mining projects could be the beginning of the end of a mining practice that has caused huge environmental harm across Appalachia. The decision is a tribute to the agency, which faced fierce political opposition and a victory for the West Virginians who worked long and hard to block the mine. It should also be a warning to the mining industry that the days of getting its way, no matter the cost, are over.

The Spruce No. 1 Mine, owned by Arch Coal, would have required dynamiting the tops off mountains over an area of 2,278 acres to reach subsurface coal seams. The resulting rubble, known as spoil, would then be dumped into the valleys and streams below – ruining, by the E.P.A.'s estimate, six miles of high-quality streams and causing "unacceptable" damage to the environment.

Thousands of miles of streams in Appalachia have already been poisoned in this manner in clear violation of the Clean Water Act.

The mine received a final permit from the Army Corps of Engineers in 2007. The E.P.A. has long had the power to veto such permits but has used it only once before. This decision provoked predictably outraged responses from industry and its political friends, including West Virginia's two Democratic senators, John Rockefeller IV and Joe Manchin III, a former governor.

The Clinton and Bush administrations gave the industry much of what it wanted, but President Obama's E.P.A. has raised the bar. First, it agreed to review existing permits, including the Spruce Mine; then it tightened standards for new permits by insisting on a more rigorous scientific analysis of a proposed mine's downstream impact on fish and other aquatic life.

Arch Coal has vowed a court fight, which Mr. Manchin says he will support. A far better use of their energies would be to find a less destructive way to mine coal.

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

12/26/2011 03:15 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
Thompson.Diane, Ganesan.Arvin, Woodka.Janet,
Gilfillan.Brendan, Owens.Stephanie, Vaught.Laura,
Bloomgren.David, Goo.Michael, Johnson.Alisha,
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Dubin.Noah, "Ryan Robison", "Bicky Corman", "Gina
McCarthy", "Janet McCabe", "Joseph Goffman"

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Subject NYTIMES: Springtime for Toxics

December 25, 2011

Springtime for Toxics

By PAUL KRUGMAN<

<http://topics.nytimes.com/top/opinion/editorialsandoped/oped/columnists/paulkrugman/index.html?inline=nyt-per>>

Here's what I wanted for Christmas: something that would make us both healthier and richer. And since I was just making a wish, why not ask that Americans get smarter, too?

Surprise: I got my wish, in the form of new Environmental Protection Agency standards on mercury and air toxics for power plants. These rules are long overdue: we were supposed to start regulating mercury more than 20 years ago. But the rules are finally here, and will deliver huge benefits at only modest cost.

So, naturally, Republicans are furious. But before I get to the politics, let's talk about what a good thing the E.P.A. just did.

As far as I can tell, even opponents of environmental regulation admit that mercury is nasty stuff. It's a potent neurotoxicant: the expression "mad as a hatter" emerged in the 19th century because hat makers of the time treated fur with mercury compounds, and often suffered nerve and mental damage as a result.

Hat makers no longer use mercury (and who wears hats these days?), but a lot of mercury gets into the atmosphere from old coal-burning power plants that lack modern pollution controls. From there it gets into the water, where microbes turn it into methylmercury, which builds up in fish. And what happens then? The E.P.A. explains: "Methylmercury exposure is a particular concern for women of childbearing age, unborn babies and young children, because studies have linked high levels of methylmercury to damage to the developing nervous system, which can impair children's ability to think and learn."

That sort of sounds like something we should regulate, doesn't it?

The new rules would also have the effect of reducing fine particle pollution, which is a known source of many health problems, from asthma to heart attacks. In fact, the benefits of reduced fine particle pollution account for most of the quantifiable gains from the new rules. The key word here is "quantifiable": E.P.A.'s cost-benefit analysis only considers one benefit of mercury regulation, the reduced loss in future wages for children whose I.Q.'s are damaged by eating fish caught by freshwater anglers. There are without doubt many other benefits to cutting mercury emissions, but at this point the agency doesn't know how to put a dollar figure on those benefits.

Even so, the payoff to the new rules is huge: up to \$90 billion a year in benefits compared with around \$10 billion a year of costs in the form of slightly higher electricity prices. This is, as David Roberts of Grist says, a very big deal.

And it's a deal Republicans very much want to kill.

With everything else that has been going on in U.S. politics recently, the G.O.P.'s radical anti-environmental turn hasn't gotten the attention it deserves. But something remarkable has happened on this front. Only a few years ago, it seemed possible to be both a Republican in good standing and a serious environmentalist; during the 2008 campaign John McCain warned of the dangers of global warming and proposed a cap-and-trade system for carbon emissions. Today, however, the party line is that we must not only avoid any new environmental regulations but roll back the protection we already have.

And I'm not exaggerating: during the fight over the debt ceiling, Republicans tried to attach riders that, as Time magazine put it, would essentially have blocked the E.P.A. and the Interior Department from doing their jobs.

Oh, by the way, you may have heard reports to the effect that Jon Huntsman is different. And he did indeed once say: "Conservation is conservative. I'm not ashamed to be a conservationist." Never mind: he, too, has been assimilated by the anti-environmental Borg, denouncing the E.P.A.'s "regulatory reign of terror," and predicting that the new rules will cause blackouts by next summer, which would be a neat trick considering that the rules won't even have taken effect yet.

More generally, whenever you hear dire predictions about the effects of pollution regulation, you should know that special interests always make such predictions, and are always wrong. For example, power companies claimed that rules on acid rain would disrupt electricity supply and lead to soaring rates; none of that happened, and the acid rain program has become a shining example of how environmentalism and economic growth can go hand in hand.

But again, never mind: mindless opposition to "job killing" regulations is now part of what it means to be a Republican. And I have to admit that this puts something of a damper on my mood: the E.P.A. has just done a very good thing, but if a Republican – any Republican – wins next year's election, he or she will surely try to undo this good work.

Still, for now at least, those who care about the health of their fellow citizens, and especially of the nation's children, have something to celebrate.

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

03/31/2012 10:40 AM

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Subject WSJ: EPA Backpedals on Fracking Contamination

EPA Backpedals on Fracking Contamination
Texas Water-Pollution Suit Dropped; Third Recent Setback on Drilling for Agency

By DANIEL GILBERT And RUSSELL GOLD

The Environmental Protection Agency has dropped its claim that an energy company contaminated drinking water in Texas, the third time in recent months that the agency has backtracked on high-profile local allegations linking natural-gas drilling and water pollution.

On Friday, the agency told a federal judge it withdrew an administrative order that alleged Range Resources Corp. had polluted water wells in a rural Texas county west of Fort Worth. Under an agreement filed in U.S. court in Dallas, the EPA will also drop the lawsuit it filed in January 2011 against Range, and Range will end its appeal of the administrative order.

In addition to dropping the case in Texas, the EPA has agreed to substantial retesting of water in Wyoming after its methods were questioned. And in Pennsylvania, it has angered state officials by conducting its own analysis of well water—only to confirm the state's finding that water once tainted by gas was safe.

Taken together, some experts say, these misfires could hurt the agency's credibility at a time when federal and state regulators seek ways to ensure that natural-gas drilling is done safely.

A growing number of industry, academic and environmental experts say that while drilling can cause water contamination, that can be avoided by proper use of cement seals and other safety measures.

By year's end, the EPA is set to release initial results of a study on the impact on water of hydrofracturing, or fracking, which involves using a high-pressure mixture of water, sand and chemicals to break apart energy-rich rocks. State officials contend they are in a better position to evaluate drilling procedures and safety in their areas, but they have been accused of laxity by environmentalists and local governments officials.

EPA officials declined to comment on their broader efforts to regulate gas drilling. But in a statement, the agency said that settling with Range "allows EPA to shift the agency's focus in this particular case away from litigation and toward a joint effort on the science and safety of energy extraction." The agency said it and Range would continue to monitor water wells and share data.

Range is pleased the EPA has not found that its drilling was responsible for gas in water wells, said Matt Pitzarella, a Range spokesman.

Michael Webber, an energy and environment professor at the University of Texas in Austin, said the EPA's retreat in the Range case would give critics more ammunition and complicate the process of proposing rules for fracking.

"This is damaging to the EPA," he said, though he thinks the agency will move ahead with regulations.

On Dec. 7, 2010, the EPA publicly accused Range of causing natural gas to seep into water wells near

some of its gas wells in north Texas. The agency largely based its decision on an analysis that compared the chemical makeup of the gas in Range's production wells and the gas found in private water wells, concluding they matched.

The EPA bypassed the Texas Railroad Commission, which it said failed to address an "imminent and substantial endangerment" to public health. It ordered Range to supply water to the affected residents, identify how gas was migrating into the aquifer, stop the flow and clean up the water.

After the EPA sued Range for not complying with its order, Range appealed, arguing that the agency's analysis was inconclusive. It pointed to nearby water wells that were known to contain high concentrations of gas long before it began drilling.

The railroad agency, which regulates oil and gas, concluded last year that gas most likely seeped into the aquifer from a shallow pocket of gas nearby, not the Barnett Shale, thousands of feet underground, from which Range was producing gas.

On Friday, the commission accused the EPA of "fear mongering, gross negligence and severe mishandling" of the case, calling for the firing of Al Armendariz, administrator of the region that covers Texas. The EPA would not make Mr. Armendariz available for an interview, and he did not respond to an e-mailed request for comment.

Kate Sinding, a senior attorney with the Natural Resources Defense Council, said the EPA's decision not to pursue a case against Range showed how important it is to test water quality before drilling begins. "This points out why it is so critically important to get a regulatory structure in place where companies are required to do thorough, publicly available baseline testing before they get in ground," she said.

In Pennsylvania, state regulators fined Cabot Oil & Gas Corp., COG +3.04% a Houston company that was found responsible for gas escaping into an aquifer in Dimock and that agreed to take remedial steps to clean up the water. After residents complained the efforts weren't good enough, the EPA in January said it would test drinking water at about 60 homes.

Earlier this month, the EPA released results from well water testing at 11 homes in Dimock and said the results "did not show levels of contamination that could present a health concern." This finding has been criticized by environmental groups, which argue that tests have found unsafe levels of gas and arsenic.

The EPA is also facing scrutiny from the gas industry and Wyoming's governor over an investigation of possible water contamination related to fracking near Pavillion, Wyo.

In December, the EPA released draft findings that groundwater there contained unsafe levels of benzene, a carcinogen, and other chemicals "consistent with gas production and hydraulic fracturing fluids."

But state officials and others disputed the findings, and the EPA has agreed to take more water samples and postpone a peer review of the findings. This process could take several more months, according to a spokesman for Republican Gov. Matt Mead.

Write to Daniel Gilbert at daniel.gilbert@wsj.com and Russell Gold at russell.gold@wsj.com

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

02/28/2012 10:48 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
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Johnson", "Andra Belknap", "David Bloomgren", "Stephanie
Owens"

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Subject NYTIMES Nocera on Fracking

OP-ED COLUMNIST

How to Frack Responsibly

By JOE NOCERA

Published: February 28, 2012

Fracking isn't going away.

To put it another way, the technique of hydraulic fracturing, used to extract natural gas from once-impossible-to-get-at reservoirs like the Marcellus Shale that lies beneath New York and Pennsylvania, has more than proved its value. At this point, shale gas, as it's called, makes up more than 30 percent of the country's natural gas supply, up from 2 percent in 2001 - a figure that is sure to keep rising. Fracking's enemies can stamp their feet all they want, but that gas is too important to leave it in the ground.

Fred Krupp, the president of the Environmental Defense Fund, understands this as well as anyone. Last summer, he was a member of a small federal advisory panel that was charged by Steven Chu, the secretary of energy, with assessing the problems associated with fracking. The group came up with a long list of environmental issues. But it also concluded that "the U.S. shale gas resource has enormous potential to provide economic and environmental benefits for the country."

One thing I've always liked about the Environmental Defense Fund is its hardheaded approach. Founded by scientists, it believes in data, not hysteria. It promotes market incentives to change behavior and isn't afraid to work with industry. Utterly nonpartisan, it is oriented toward practical policy solutions.

And that has been its approach to fracking. When I spoke to him recently, Krupp didn't back away from the idea that domestic natural gas could be the "bridge fuel" that helps bring us toward a renewable energy future. Unlike others in the environmental movement, he and his colleagues at the Environmental Defense Fund don't want to shut down fracking; rather, their goal is to work with the states where most of the shale gas lies and help devise smart regulations that would make fracking environmentally safer. Let's take one example: the problem of methane leaks. Every natural gas well leaks methane - methane is natural gas, after all - and while the natural gas that winds up being burned as fuel is, indeed, relatively clean, methane that escapes into the air is potent. Though it eventually disintegrates, for several decades methane can add significantly to greenhouse gas emissions.

Question No. 1: How much methane leaks into the air as a result of fracking? Incredibly, nobody knows. The Environmental Protection Agency has estimated the leak rate at a little more than 2 percent, but a recent study suggested it might be twice that. And a controversial Cornell University study last year said it was closer to 6 percent. Clearly, it is critical to know the answer, which is why the Environmental Defenses Fund is currently participating in a study that is expected to provide one.

Question No. 2: How big a difference will it make to the environment if industry can minimize methane leaks? A lot. To illustrate the point, Steven Hamburg, the group's chief scientist, showed me a model he had devised. It allowed me to see the effect on greenhouse gas emissions as methane leaks were reduced. Suppose, for instance, the current leak rate turns out to be 4 percent. Suppose we then reduce it in half. That would mean an immediate reduction in overall U.S. greenhouse gases by - are you sitting down for this? - 9 percent. If the leaks are reduced to 1 percent, the decrease in greenhouse gases jumps to 14 percent. (That number eventually gets smaller as the potency of the methane wears off.) Meanwhile, failing to reduce methane leaks largely eliminates the environmental advantage of natural gas over coal. You can plug in different estimates and get different results, but the point is this: There is no denying the huge difference it can make to the environment to reduce methane gas leaks.

Nor is this some kind of impossible dream. "There are cost-effective ways to reduce methane leaks," says Michael Levi, an energy expert at the Council on Foreign Relations. In fact, a number of the better producers, like Shell, are already employing technology to minimize leaks and taking other steps to drill

for natural gas in a responsible fashion. Nor is there much doubt that the outcry by environmentalists over fracking helped awaken the industry to the problems.

But, of course, not all drillers can be counted on to drill responsibly, which is why regulation is so critical.

"Wouldn't it be better," I asked Krupp, "for fracking to be regulated by the federal government rather than by the states? Wouldn't that mean better, more uniform regulation and tougher enforcement?"

Krupp frowned. "Given the dysfunction in D.C., a state-by-state approach will be more effective," he said.

"We need to focus on getting the rules right, and complied with, in the 14 states which have 85 percent of the onshore gas reserves."

Here's hoping that the anti-frackers someday join him.

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

10/29/2011 01:44 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
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Subject National Journal: Turned Off by Obama, Young Enviro Look
to EPA for Salvation

Turned Off by Obama, Young Enviro Look to EPA for Salvation
National Journal ^ | October 29, 2011 | Olga Belogolova
Posted on Oct 29, 2011 01:11 PM by markomalley

For Arielle Klagsbrun, the Keystone XL pipeline is President Obama's last chance.

Klagsbrun went door to door to elect Obama in 2008. On her 18th birthday, she voted for him. "When President Obama was elected, I was probably one of the most excited people in the whole world," she told National Journal.

Three years later, Klagsbrun isn't so excited. "It's just not the same feeling as it was in 2008," she said.

At a fundraiser in St. Louis earlier this month, she wasn't listening to Obama anymore. She was interrupting him. Klagsbrun and a fellow student shouted at the president to stop the \$7 billion Keystone XL pipeline, a controversial 1,700-mile project to bring carbon-heavy tar-sands oil from Alberta, Canada, to refineries on the Gulf Coast of Texas.

"The Keystone XL is the moment for Obama to say, 'Yes I am the person that you voted for,'" said Klagsbrun. "Should he veto the pipeline, a whole generation will be reinspired all around."

The youth vote was critical to Obama's election. An estimated 22 million Americans under the age of 30 voted in 2008 - the third-highest showing of young voters in U.S. history, according to the Center for Information and Research on Civic Learning and Engagement. Young voters preferred Obama by a 2-1 margin.

Environmental activists oppose the pipeline project because extraction and production of tar-sands oil is much more damaging to the environment and emits more greenhouse gases than the processes for obtaining and processing conventional oil. Proponents argue that it would slash U.S. dependence on foreign oil and create thousands of U.S. jobs.

All signs point to the administration's approval of the controversial project.

"We're looking at it right now," Obama told protesters who interrupted his speech on Wednesday at the University of Colorado in Denver. "No decision has been made. And I know your deep concern about it. So we will address it."

In a tough political environment and leading up to the 2012 election in which the primary issue is jobs, experts and insiders say there's no way the president will reject the project. A combined 91 percent of National Journal's Energy and Environment Insiders said earlier this month that Obama will give it the green light, with more than 70 percent predicting it would happen before the end of the year.

The State Department, which must decide whether to approve the project because it crosses international borders, held hearings across the country and in Washington this fall and hopes to make a decision by the end of the year.

"There's going to be a huge uproar if the administration approves the pipeline," said Stewart Boss, cochairman of the Sierra Student Coalition at the University of North Carolina. Though Boss, a junior at

UNC, was too young to vote in 2008, he was certainly not short on the optimism and hope that drove his generation to the polls. Pending and past decisions such as the pipeline project, expanded drilling in the Arctic, and the Environmental Protection Agency's stalled ozone-pollution rule, Boss said, are cases in which Obama doesn't have the excuse of a divided government.

Boss and other environmentalists are putting their faith in the EPA instead of the White House. "More than any other person, [EPA Administrator] Lisa Jackson has been standing her ground on these climate and energy issues," said Boss.

Jackson said this week that the EPA is close to completing its review of the State Department's final environmental impact statement for the Keystone project. The EPA found an earlier draft "inadequate."

"This is a pipeline that cuts our country literally in half," Jackson told a meeting of young environmental activists at Howard University on Thursday.

Many of these young activists regard Jackson as a true champion of environmental issues.

"We stand behind Lisa Jackson and the EPA and we are pushing for President Obama to stand behind her," said Maura Friedman, a University of Georgia student who organized the university's Beyond Coal campaign.

"We were promised a lot of things by President Obama on environment that haven't been delivered," Friedman added. "These are things that we're going to remember when we go to the polls."

**Betsaida
Alcantara/DC/USEPA/US**
01/19/2012 08:28 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob,
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"Gina McCarthy", "Arvin Ganesan", "Laura Vaught"

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Subject Politico: Lisa Jackson: EPA right to consider Keystone
climate impact/EPA won't enforce 2011 boiler rule

Two articles blw

Lisa Jackson: EPA right to consider Keystone climate impact

By Dan Berman
1/19/12 8:22 AM EST

EPA Administrator Lisa Jackson told the Canadian government in 2010 the U.S. government was correct in considering the climate impact of the proposed Keystone XL pipeline.

In a letter to Canada's U.S. Ambassador Gary Doer, Jackson explained that because climate change is a global issue, the EPA wouldn't agree to Canadian requests to drop that factor from its study of the pipeline.

"Given that the possible consequences of greenhouse gas emissions are global in nature, they include potential impacts on the United States, and we believe it is appropriate that the State Department consider these upstream greenhouse gas emissions in its evaluation," Jackson wrote in a Dec. 7, 2010, letter obtained by Postmedia News<
<http://www.canada.com/business/urged+disregard+oilsands+emissions+Keystone+decision+letters/6015341/story.html>> under Canadian open records laws.

The potential carbon dioxide emissions from the oil sands development and impact on global warming became a key factor in the push by environmentalists to block the proposal.

Jackson's letter was in response to Canadian efforts to leave the EPA's analysis of oil sands-related greenhouse gas emissions out of the record.

Postmedia News reports that a recently released secret presentation from Environment Canada states that, "the oil sands are Canada's fastest growing source" of greenhouse gas emissions.

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<<https://www.politicopro.com/f/?f=6963&inb>> 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<
<https://www.politicopro.com/story/energy/?id=8342>>.

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<<https://www.politicopro.com/story/energy/?id=7692>> 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."

To read and comment online:

<https://www.politicopro.com/go/?id=8530><<https://www.politicopro.com/go/?id=8530>>

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03/04/2011 08:52 AM

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Subject NYTIMES blog: Federal Officials Say They'll Examine Fracking Practices

Federal Officials Say They'll Examine Fracking Practices
The New York Times
JOHN COLLINS RDOLF
MARCH 3, 2011

Stephen Crowley/The New York Times Lisa P. Jackson, the administrator of the Environmental Protection Agency, at microphone, testifying before a House Appropriations subcommittee on Thursday. At her side was Barbara Bennett, the agency's chief financial officer.

Testifying before Congress on Thursday, Obama administration officials said they planned to scrutinize the waste disposal practices of natural gas producers after reports that drilling wastewater containing radioactive material was being dumped in public waters without proper monitoring or treatment.

Lisa P. Jackson, the Environmental Protection Agency administrator, appearing at a hearing of the House Appropriations Subcommittee on the Environment, said she would order testing for radioactivity at water treatment plants that receive drilling wastewater as well as intake sites for public drinking water downstream from such plants.

An investigative series in The Times has documented how wastewater from natural gas wells is commonly released into public waterways without being treated for the presence of naturally occurring radioactive isotopes.

"The E.P.A. is very interested in ensuring that we get data on radioactivity," Ms. Jackson said, responding to questions from Representative Maurice Hinchey, Democrat of New York. "I do believe additional information is due the public as a result of that series."

Mr. Hinchey further voiced concerns, also aired in the latest article in the series, that warnings from federal scientists about the safety of the drilling technique, known as hydraulic fracturing, or fracking, have been muffled by political considerations.

"What we see here are deliberate attempts to shield from the public additional concerns expressed by E.P.A. scientists," he said.

Ms. Jackson said that she would investigate the reported stifling of agency scientists' views, which she contended were "really located in Philadelphia."

"I intend to go tomorrow to our office in Pennsylvania to have those discussions," she said.

Meanwhile, at a hearing of the House Committee on Natural Resources, Interior Secretary Ken Salazar said his department was conducting its own review of the reports that radioactive material from drilling wastewater was ending up in rivers and streams.

Mr. Salazar added that his agency was weighing new regulations requiring drillers to disclose the chemicals that they use in fracking, which involves the high-pressure injection of water and chemicals underground to free up previously inaccessible gas.

"We're going to have a huge backlash from the American public if we continue to inject chemicals and fluids into ground without people knowing what it is that's being injected," Reuters quoted Mr. Salazar as

telling reporters after the hearing.

In other developments on Thursday, two House Democrats sent a letter to the E.P.A. requesting information on the scope of a major national study by the agency on the safety of fracking. The letter, from Representatives Edward J. Markey of Massachusetts and Rush Holt of New Jersey, specifically asked whether the agency had excluded plans to study radioactivity in drilling waste.

"When a technology involves potential contamination of drinking water in American homes, not completing the assignment is not an option," Mr. Markey said in a statement.

In her testimony on Thursday, Ms. Jackson denied that the agency had excluded radioactivity from the study, however.

"We are looking at radionuclides," she said.

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 03/03/2011 07:04 PM EST

To: Richard Windsor; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; Adora Andy; Seth Oster; Paul Anastas; Nancy Stoner; Mathy Stanislaus; Steve Owens; Diane Thompson; Arvin Ganesan; David McIntosh; Daniel Kanninen

Subject: Politico: The GOP's secret EPA love

The GOP's secret EPA love

[OBJ]

For all their talk about the 'job-killing' EPA, Republicans have a dirty little secret.

By ROBIN BRAVENDER | 3/3/11 5:32 PM EST

[OBJ]

Republicans have spent a lot of time this year criticizing the EPA, so one would think that President Barack Obama's proposal to cut \$1.3 billion from its budget would be well-received.

Not quite.

For all their talk about the "job-killing" EPA, Republicans have a dirty little secret: They actually like many of the agency's efforts, particularly bread-and-butter programs aimed at cleaning up drinking water and air pollution in their districts.

It's in those areas where Obama has suggested the most budget pain, putting Republicans in the position of defending EPA and accusing the White House of playing politics.

Sen. Jim Inhofe (R-Okla.), Washington's top climate skeptic and most vocal opponent of EPA regulations, took issue with the proposal to slash nearly \$1 billion from state revolving loan funds – cash that gets doled out to local drinking water and wastewater infrastructure projects.

"You can bet these cuts will be restored, because many of my colleagues believe these are worthwhile programs," Inhofe told EPA Administrator Lisa Jackson at a hearing Wednesday.

Inhofe also accused the administration of performing a "fiscal bait and switch" by proposing cuts to those well-liked programs instead of slashing programs "that don't deserve funding."

Rep. Mike Simpson (R-Idaho), who chairs the House appropriations subcommittee that includes EPA, said Obama is "either playing politics with his budget or this further illustrates that the EPA is simply out of

touch.”

The White House proposed cutting state revolving funds for clean water and drinking water projects by \$950 million from fiscal 2010 levels, which still would leave the EPA with \$2.5 billion to fund state and tribal infrastructure projects. Republicans proposed to cut nearly twice as much as the Obama administration – about \$2 billion – in the continuing resolution that passed the House last month.

That Obama might seek to dare lawmakers to cut programs they like is no surprise. Previous administrations often called for cuts to water infrastructure programs – which used to be highly earmarked – with confidence Congress wouldn’t go along.

“In terms of voting records and public support, investments in water infrastructure are something that is able to rise above the traditional partisan discourse,” said John Krohn, manager of legislative affairs at the National Association of Clean Water Agencies. That’s in part because lawmakers get a lot of pressure from state regulators, local communities, conservation groups and others to keep the funds flowing home, he added.

Obama also took aim at one of Simpson’s favorite programs – calling to cut \$60 million from an initiative that seeks to reduce diesel emissions from older vehicles.

“I question the rationale for some of the 2012 proposals, most notably eliminating diesel emissions reductions grants to retrofit old diesel engines while proposing to start new programs to regulate greenhouse gases,” Simpson said at a hearing Thursday with Jackson. The diesel program had “clear, proven, quantifiable benefits” and “broad bipartisan support,” Simpson added.

Inhofe, too, had some kind words for the diesel program. “When it comes to real pollution, such as sulfur dioxide and particulate matter, EPA’s budget falls short,” he said. He added that the diesel program has broad bipartisan support and would help reduce “real” pollutants.

The White House budget would also cut the interagency Great Lakes Restoration Initiative by \$125 million to \$350 million. The program – championed by Great Lakes lawmakers – is aimed at fighting invasive species and reducing pollution in the lakes.

Another one of the EPA’s vocal critics in the House, Rep. Steve LaTourette (R-Ohio) lavished praise Thursday upon the agency’s cleanup activities in the Great Lakes.

“On the issue of the Great Lakes, I want to commend the president,” LaTourette said, going on to applaud the administration’s efforts to “put real money behind the Great Lakes cleanup initiatives” through the interagency restoration program aimed at targeting invasive species and cleaning up pollution.

Democrats haven’t embraced the cuts either, and Jackson had a tough time this week defending the proposals, telling House and Senate lawmakers the budget is a “tough, tough budget full of tough choices.”

She noted that both the water infrastructure programs and the diesel retrofit program received funding under the stimulus program that’s still being doled out.

Simpson wasn’t thrilled with her response, however, noting that Republicans came under fire for proposing to cut funding to water infrastructure programs back to the 2008 funding level – a cut of about \$2 billion – in the 2011 continuing resolution.

“We were criticized as undermining and destroying the state revolving loan funds,” he said, asking Jackson whether the EPA’s fiscal 2012 proposal – which aims to cut those funds by about \$1 billion – would “destroy” the programs.

“Half as much as you,” she joked, to general laughter in the hearing room.

"Is that your answer, so you are destroying it?" Simpson said.

"Destroying, I don't know what that word means," Jackson said, adding that the cuts were a "tough decision," but that the programs had been bolstered by the economic stimulus bill.

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

03/03/2011 07:04 PM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob, "Brendan Gilfillan", Andy.Adora, Oster.Seth, Anastas.Paul, Stoner.Nancy, Stanislaus.Mathy, "Steve Owens", "Diane Thompson", "Arvin Ganesan", "David McIntosh", "Daniel Kanninen"

cc

bcc

Subject Politico: The GOP's secret EPA love

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[REDACTED]

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By ROBIN BRAVENDER | 3/3/11 5:32 PM EST

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

05/20/2011 11:48 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob, "Gina
McCarthy", Thompson.Diane, Kanninen.Daniel,
Owens.Stephanie, Ealons.Dru, Ganesan.Arvin,
McIntosh.David

cc "Seth Oster", "Brendan Gilfillan", "Alisha Johnson", "Andra
Belknap"

bcc

Subject Politico: Jackson defends Obama's green cred on 'Daily
Show'

Jackson defends Obama's green cred on 'Daily Show'

By Robin Bravender
POLITICO Pro
5/20/11 11:40 AM EDT

EPA Administrator Lisa Jackson thinks President Barack Obama deserves more credit for his environmental record.

Jackson said Thursday that Obama has had her agency's back amid an onslaught of criticism from industry and Capitol Hill. "And I think he doesn't get enough credit for it," she told "The Daily Show" comedian Jon Stewart in an extended interview posted online.

"This is a president in his State of the Union who said, amongst all the other big issues, 'But we're not gonna sacrifice the clean air and healthy water that is part of being American.' It's a president whose continuing resolution negotiations knocked out every one of those riders that would have stopped EPA."

The embattled EPA chief also lamented how controversial her agency has become in Washington.

"I sometimes call it the fact-free zone," Jackson said of Washington. "Outside Washington, 95 percent of the American people say they want government – they see one of the roles of government as protecting their air and their water.

"And yet, time and time again, we're having to go onto the Hill, oftentimes with people who privately tell me, 'Hey I'm for the environment.' And then they say, 'But...,' and the 'but' is a set of talking points from industry that really is short-sighted."

Obama has taken heat from the left after his administration failed to shepherd a cap-and-trade bill through a Democrat-controlled Congress and after the EPA delayed several major environmental regulations that were fiercely opposed by industry.

But Jackson insisted that the EPA's latest rule delay – a decision Monday to stall a controversial air toxics rule for boilers – didn't come at the direction of the White House.

"And I can say unequivocally that no one in that White House is saying to me, 'Don't do a boiler rule,'" Jackson said. "EPA pulled the boiler rule because when we do it, it's going to be right. It's going to withstand court challenges because we also know they're coming."

To read and comment online:

<https://www.politicopro.com/go/?id=3460><<https://www.politicopro.com/go/?id=3460>>

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 05/20/2011 11:39 AM EDT
To: Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Diane Thompson; Daniel Kanninen; Stephanie Owens; Dru Ealons; Arvin Ganesan; David McIntosh
Cc: Seth Oster; Brendan Gilfillan; Alisha Johnson; Andra Belknap
Subject: The Hill Blog: EPA has broad support outside the Beltway, agency's chief says
EPA has broad support outside the Beltway, agency's chief says
By Ben Geman - 05/20/11 10:10 AM ET

Environmental Protection Agency (EPA) chief Lisa Jackson is firing back at Capitol Hill critics by casting their attacks as Beltway talking points at odds with public views about the environment.

Jackson, in a Thursday night appearance on "The Daily Show," responded to largely GOP claims that EPA is overzealously pursuing regulations that will throttle the economy.

"It is definitely an inside-the-Beltway line of reasoning," Jackson said. She said Washington is a place where industry interests peddle a narrative that transforms the Beltway into a "fact-free zone."

"Outside Washington, 95 percent of the American people say they want government – they see one of the roles of government is protecting their air and their water," she said in the interview, posted on the show's website.

Jackson noted that environmental improvements have for decades coincided with economic growth. She also said environmental protections produce large savings in healthcare costs.

Jackson's comments come at a time when top Capitol Hill Republicans are pushing to delay or scuttle EPA rules or policies on climate change, air toxins, mountaintop-removal mining and other areas.

"Time and time again we are having to go onto the Hill, oftentimes with people who privately tell me, 'Hey, I am for the environment,' and then they say 'but,' and the 'but' is a set of talking points from industry that really is shortsighted, that really isn't about our children and our future," Jackson said.

But EPA is also facing criticism from the left, most recently over its decision this week to delay new air toxics standards for industrial boilers.

Jackson said the standards – which had come under attack from an array of industry groups and Capitol Hill Republicans – would be delayed for a "very limited period of time" and that a schedule would be announced soon.

"We are committed to the rule. I know people are worried," Jackson said. "We will finalize that rule."

Jackson said the decision to put the wide-ranging industrial boiler rules on hold was not political, but rather to ensure it's done right to withstand legal challenges.

"No one in that White House is saying to me, 'Don't do a boiler rule,'" she said. Jackson more broadly defended President Obama's environmental commitment.

She credited him for the six-month spending deal with Republicans last month that omitted GOP proposals to thwart various EPA rules, noting the negotiations "knocked out every one of those riders that would have stopped EPA."

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 05/20/2011 08:22 AM EDT

To: Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Diane Thompson; Daniel Kanninen; Stephanie Owens; Dru Ealons; Arvin Ganesan; David McIntosh

Cc: Seth Oster; Brendan Gilfillan; Alisha Johnson; Andra Belknap

Subject: Politico Pro: Jackson defends rule delay on 'The Daily Show'
Jackson defends rule delay on 'The Daily Show'

By Robin Bravender
POLITICO Pro
5/20/11 8:13 AM EDT

EPA chief Lisa Jackson doesn't want anyone to worry that her agency is backing off controversial air toxics rules for boilers.

The agency sparked outcry<<https://www.politicopro.com/story/energy/?id=3423>> from the left earlier this week by announcing that, in response to the industry's request, the agency would indefinitely stall the so-called boiler MACT rules while it reconsiders the standards for mercury and other air toxics.

"We agreed to do that and to stay it for a very limited period of time – we will be announcing a schedule soon – but we are committed to the rule," she said in an appearance Thursday on Comedy Central's "The Daily Show."

"I know people are worried," Jackson added. "We will finalize that rule because it's important."

The boiler MACT rules, which require boilers to install maximum achievable control technologies to curb mercury and other pollutants, have come under attack from industry and critics on Capitol Hill. The EPA estimated the rules it finalized in March would prevent up to 6,600 premature deaths annually.

Amid the policy talk, Jon Stewart still found time in his interview with Jackson for a few pokes at the agency's critics. "What is the type of pressure that you face?" the comedian asked. "Lobbyists? Phone calls at night? You get, let's say, a tuna head in your bed ..."

Watch the full interview here<<http://bit.ly/18d6v>>.

Patrick Reis contributed to this report.

To read and comment online:

<https://www.politicopro.com/go/?id=3459><<https://www.politicopro.com/go/?id=3459>>

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 05/20/2011 06:43 AM EDT

To: Richard Windsor

Cc: Seth Oster; Brendan Gilfillan

Subject: Politico Morning Energy Blog: Jackson to greens: Calm down

In today's Morning Energy.

HUSH, BABY, HUSH – Environmental groups have been in a tizzy ever since the EPA agreed to indefinitely delay air pollution rules for industrial boilers, but agency chief Lisa Jackson told Jon Stewart last night that she has no intention of abandoning the rules. The controversy: <http://politico.pro/mdTFXc> <#story3423>

"We agreed to ... stay [the rules] for a very limited period of time – we will be announcing a schedule soon – but we are committed to the rule," she said during an appearance on "The Daily Show."

Jackson acknowledged that greens are worried that the agency will abandon the rules in the face of

industry and Republican opposition, but countered with a big promise: "We will finalize that rule because it's important."

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

05/20/2011 11:39 AM

To Windsor.Richard, Perciasepe.Bob, Sussman.Bob, "Gina McCarthy", Thompson.Diane, Kanninen.Daniel, Owens.Stephanie, Ealons.Dru, Ganesan.Arvin, McIntosh.David

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Jackson's comments come at a time when top Capitol Hill Republicans are pushing to delay or scuttle EPA rules or policies on climate change, air toxins, mountaintop-removal mining and other areas.

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But EPA is also facing criticism from the left, most recently over its decision this week to delay new air toxics standards for industrial boilers.

Jackson said the standards – which had come under attack from an array of industry groups and Capitol Hill Republicans – would be delayed for a "very limited period of time" and that a schedule would be announced soon.

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To: Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Diane Thompson; Daniel Kanninen; Stephanie Owens; Dru Ealons; Arvin Ganesan; David McIntosh
Cc: Seth Oster; Brendan Gilfillan; Alisha Johnson; Andra Belknap
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5/20/11 8:13 AM EDT

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

12/19/2011 07:25 AM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Gilfillan.Brendan, Fulton.Scott, McCarthy.Gina,
Ganesan.Arvin

cc

bcc

Subject Politico Pro: All eyes on EPA mercury rule rollout

All eyes on EPA mercury rule rollout

By Erica Martinson
12/19/11 5:33 AM EST

This week, the EPA will formally announce its finalized mercury and air toxics emissions rule for power plants in what could be a critical move for the administration in a difficult year for environmental issues.

Although the court-ordered deadline to sign the rule was Friday, EPA skipped the traditional pre-weekend news dump<

http://www.washingtonpost.com/politics/the-storied-friday-night-media-dump-now-proven-real/2011/11/10/gIQAiHYo9M_story.html> and instead plans to unveil it in an event early this week, even with a celebrity PSA<<https://www.politicopro.com/story/energy/?id=8032>> from former NFL running back Jerome Bettis.

The EPA says the air toxics rule – for the first time limiting mercury and some other toxic air pollution from power plants – will prevent 17,000 premature deaths each year, and hundreds of thousands of other illnesses, including asthma.

The rule comes as the Obama administration ends a difficult year with environmentalists, after pulling back on the smog rule<<https://www.politicopro.com/story/energy/?id=7221>>, and as EPA rules repeatedly came under fire on Capitol Hill.

The mercury rule for power plants has been in the making since the 1990 Clean Air Act amendments, and will replace a Bush-administration rule – the Clean Air Mercury Rule – that was thrown out by the courts.

"I expect them to hang tough and do something that's defensible," said Sue Tierney, former Department of Energy official and managing principal at Analysis Group.

But it seems that there is nothing that could come from the agency this week that could satisfy the rule's critics, given statutory requirements of the Clean Air Act for the rule's implementation.

The stringent new requirements to cut toxic emissions from power plants will be costly for many companies, and too costly for many older coal-fired power plants that will, as a result, shut down.

Many states, however, already have similar requirements, and their utilities will not need to make changes. And those that rely more on natural gas, hydro-power and nuclear power will have fewer difficulties than the parts of the country – particularly in the Midwest and the South – that have many coal-fired power plants.

Some of the rule's critics – power companies are split on the issue – have charged<<http://www.politico.com/news/stories/1111/68969.html>> that the EPA has not done enough to consider whether the rule, along with other upcoming regulations, could affect the ability of power plants to deliver electricity to customers, particularly during peak demand periods.

The reliability issue is tied directly to a key concern of those opposed to the rule: the timeline.

The rule that will come out this week will likely require implementation within three years. And states could provide an extra year where there are concerns about reliability. These timelines are statutory – meaning

there's little the agency could do to extend them.

According to The Washington Post<

http://www.washingtonpost.com/national/health-science/epa-finalizes-tough-new-rules-on-emissions-by-power-plants/2011/12/16/gIQAc2WTzO_story.html>, EPA and the White House agreed in eleventh hour talks to give some flexibility to power plant operators who argued they could not meet the three-year compliance deadline.

Many companies have said in earnings statements to investors that they will have no problem meeting the deadlines – that they have been planning for nearly a decade for this eventuality. But others argue it's impossible.

If a plant can't meet the deadline, companies can enter into a consent decree with the agency – a legally binding agreement that would be more costly for the company and usually involve extra fines, extra projects and time in court.

Critics of the rule argue that three years is simply not enough time.

"Billion dollar improvements – times hundreds of units – are not built in three years; the country's energy customers simply can't absorb those costs," said Jane Montgomery, utility attorney and partner at Schiff Hardin.

The work requires an extensive planning process, and "something that doesn't happen in three years," she said.

Permitting times can also be difficult, Montgomery noted. While they can move fast enough to be done within three years, the ability of permitting authorities varies. "So when you go in for a permit, you put yourself in the hands of a bureaucrat."

Times can also vary from state to state due to the state-level statutory requirements for public involvement in the permitting process.

But Montgomery admits there's not much the EPA can do when it's following the law. The "only solution is to have Congress do something differently," she said.

"I suppose in the end there are going to be a lot of consent decrees," Montgomery predicted, noting though that utilities are unlikely to enter them voluntarily – meaning EPA will have to sue companies that are not meeting the timeline requirements of the Utility MACT rule.

Consent decrees open up the possibility for substantial penalties and supplemental environmental projects, Montgomery said.

SEPs are like court-ordered community service for environmental violators: They are voluntary agreements to do related projects in lieu of some penalties. For instance, a power company may agree to install energy efficient housing materials in low-income neighborhoods to reduce energy consumption.

"They get creative," Montgomery said.

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 12/17/2011 09:20 AM EST

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Brendan Gilfillan; Scott Fulton; Gina McCarthy; Arvin Ganesan

Subject: Washington Post: EPA finalizes tough new rules on emissions by power plants

EPA finalizes tough new rules on emissions by power plants

By Juliet Eilperin and Steven Mufson,

The Obama administration finished crafting tough new rules Friday curbing mercury and other poisons emitted by coal-fired utilities, according to several people briefed on the decision, culminating more than two decades of work to clean up the nation's dirtiest power plants.

As part of last-minute negotiations between the White House and the Environmental Protection Agency, the regulations give some flexibility to power plant operators who argued they could not meet the three-year deadline for compliance outlined by the EPA. Several individuals familiar with the details declined to be identified because the agency will not announce the rules until next week.

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The Obama administration is attempting to deliver on some key priorities for environmentalists without alienating the business community. President Obama angered environmentalists in September by pulling back stricter smog standards the EPA had proposed, and he had to make several environmental concessions to congressional Republicans late Friday as part of a deal to extend the payroll tax cut. Senate leaders agreed Friday night on a provision that would accelerate the Keystone XL pipeline permitting decision as part of a deal to extend cuts in the Social Security tax.

The administration was also making deals Friday on another environmental front: Alaska. As part of the spending bill negotiations, the administration agreed to transfer the authority to issue air permits for offshore Arctic drilling rigs from the EPA to the Interior Department, which many industry executives think would have more lax standards. Separately, the Interior Department gave conditional approval Friday to Shell Oil's exploration plan for Alaska's Chukchi Sea, where the oil giant hopes to drill several wells in the summer.

Several experts said the new controls on mercury, acid gas and other pollutants represent one of the most significant public health and environmental measures in years. The rules will prevent 91 percent of the mercury in coal from entering the air and much of the soot as well: According to EPA estimates, they will prevent 11,000 heart attacks and 120,000 asthma attacks annually by 2016.

"I think this will prove to be the signature environmental accomplishment of the Obama administration," said Frank O'Donnell, who heads the advocacy group Clean Air Watch. "It will soon mean the end of the smoke-spewing coal power plant as we know it today. At the same time, the administration is trying to add a bit of flexibility to extinguish the bogus claim that these standards could mean lights out."

The debate over the rules has also split the nation's utility sector. Some companies, such as New Jersey-based Public Service Enterprise Group and Illinois-based Exelon, say they could meet the new standards easily and have already spent hundreds of millions of dollars to do so. PSEG has also switched from coal to natural gas.

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

12/17/2011 01:06 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Gilfillan.Brendan, Fulton.Scott, McCarthy.Gina,
Ganesan.Arvin

cc

bcc

Subject Re: Washington Post: EPA finalizes tough new rules on
emissions by power plants

Fyi this story is on the front page of WaPo
Betsaida Alcantara

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Alcantara/DC/USEPA/US**
12/17/2011 01:06 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Gilfillan.Brendan, Fulton.Scott, McCarthy.Gina,
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cc

bcc

Subject Re: Washington Post: EPA finalizes tough new rules on
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Print edition

Betsaida Alcantara

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

10/09/2011 03:20 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Sussman.Bob, Oster.Seth, Ganesan.Arvin,
Owens.Stephanie, Ealons.Dru, Vaught.Laura,
Gilfillan.Brendan, Sternberg.Shira, Belknap.Andra,
Johnson.Alisha, Bloomgren.David, Goo.Michael,
Corman.Bicky, "Nancy Stoner", "Gina McCarthy", "Cynthia
Giles-AA", "Steve Owens", "Mathy Stanislaus"

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Subject Huffington Post: War On The EPA: Republican Bills Would
Erase Decades Of Protection

Fyi- this post includes a video interview with Waxman and a clip of a press conference with Boxer. The article includes more than 6,000 comments from huffington post readers.

War On The EPA: Republican Bills Would Erase Decades Of Protection

http://www.huffingtonpost.com/2011/10/09/epa-republican-war-defund_n_1000664.html

First Posted: 10/9/11 09:38 AM ET Updated: 10/9/11 02:07 PM ET

By: Huffington post reporters

WASHINGTON -- America's environmental protections are under a sweeping, concerted assault in Congress that could effectively roll back the federal government's ability to safeguard air and water more than 100 years, Democrats and advocates say.

The headlines have not been dramatic, and the individual attacks on relatively obscure rules seldom generate much attention beyond those who are most intently focused on environmental regulation. But taken together, the separate moves -- led by House Republicans -- add up to a stunning campaign against governmental regulatory authority that is now surprisingly close to succeeding.

In just the year since the GOP took control of the House, there have been at least 159 votes held against environmental protections -- including 83 targeting the Environmental Protection Agency -- on the House floor alone, according to a list compiled by Democrats on the House Energy and Commerce Committee. "Republicans have made an assault on all environmental issues," said Rep. Henry Waxman (D-Calif.), the top Democrat on the committee. "This is, without doubt, the most anti-environmental Congress in history." Some of the efforts are broad-based, like the TRAIN Act, which would install overseers for the EPA and require cost considerations to trump health and science concerns for new rules. Another such effort is the REINS Act, which essentially requires Congress to approve all new regulations, essentially granting each chamber the ability to veto the executive branch.

Both have passed the House and are pending in the Senate. Still another proposed measure that would have all-encompassing reach is the Regulatory Accountability Act, which would make cost the top consideration for all federal regulations.

"It single-handedly amends probably more laws of the United States than any law ever introduced in Congress," said John Walke, a lawyer with the Natural Resources Defense Council.

Taken together, the measures would so hamstring regulators that they would effectively return the nation to the 1880s era of the nation's first modern-style regulator, the Interstate Commerce Commission, advocates say.

"This is a departure not just from recent political thinking but literally would be a reversal," said NRDC's David Goldston. "The last time this was a situation that prevailed was the 1890s."

"It shows just a profound disgust and disdain for the regulatory state that is unhinged from any facts or concerns for the benefits from those rules," said Walke.

The ongoing anti-regulation crusade was on display in the House this week -- and will be again next week -- with some smaller bore bills. On Thursday, the House passed a measure that will delay regulations of cement factories that were aimed at implementing court-mandated controls on mercury and other pollutants.

Next week, the House is expected to pass a similar measure to halt rules on boilers and incinerators.

While Republicans argue that both measures are merely "time-outs" to allow for deeper study on the impacts on jobs, environmental advocates note that in the case of the boiler bill there is a repeal of restrictions on burning hazardous wastes.

"What the bill does is codify a deregulatory Bush administration rule that was issued in 2001 and overturned in the courts," said Walke. "And it allows all of these nasty hazardous wastes -- oil residue, chemicals and plastics, to be burned in boilers and not subject to any control standard, monitoring or reporting."

In fact, while Republicans have argued that the Obama administration is running wild passing new regulations -- and therefore needs to be checked -- many of the measures coming up in the current Congress are aimed overturning laws first written in 1990. Many of the regulations required were delayed or rewritten by the George W. Bush White House, and then reinstated by courts, often with scathing verdicts.

The boiler rules are a prime example, where the Bush administration argued that "any" didn't mean "any," but "none" or "some."

With the wretched economy, Republicans have made the need to protect jobs their prime justification for delaying environmental and health protections. And they've made it a consistent part of their campaign push, as well.

After Democrats voted Thursday against delaying regulations of cement plants -- the third-largest source of mercury pollution, according to the EPA -- the National Republican Campaign Committee blasted out a release targeting dozens of Democrats for voting "to risk 23,000 jobs with more job-killing red tape from Washington."

"The people of America understand that the EPA is in fact killing jobs," said Rep. Morgan Griffith (R-Va.), a Tea Party freshman who sponsored the boiler measure. He added that the bill would make sure "regulations are reasonable and effective" and "make sure that we protect the jobs of the United States of America while we go forward protecting the environment as well."

While Republicans estimate the cement rule could cost 23,000 jobs, EPA scientists say it would prevent 12,500 pollution-related deaths and 7,500 heart attacks. The agency estimates the boiler bill will kill 20,000 people prematurely.

Democrats are pushing back on the GOP by highlighting numbers like this, but they also take issue with the idea that regulations harm the economy.

Sen. Barbara Boxer (D-Calif.), chairman of the Environment and Public Works Committee, released a report at a press event Thursday that she would "explode the myth that a clean environment is antithetical to a strong economy."

The report, citing Commerce Department data, says that in more than 40 years since the creation of the EPA, an estimated 1.7 million jobs and \$300 billion in revenues have been generated by industries that support environmental protection. Further, it says, clean air protections will produce an estimated \$2 trillion in annual health benefits by 2020, and for every \$1 billion invested in infrastructure to reduce water pollution and treat drinking water, up to 26,669 jobs are created.

"The Environmental Protection Agency and the nation's landmark environmental safeguards were created with overwhelming bipartisan consensus in Congress and support from Republican and Democratic presidents," the report argues. "Forty years of achievements are now threatened by partisan attacks."

For the moment, it will be difficult for many of the House's bills to get through the Senate, where Boxer plans to stop them. The White House also has promised vetoes of the measures.

Still, once anti-EPA legislation is written, it can wind up attached must-pass bills, or at least used to try and embarrass Democrats. Thursday night, Senate Minority Leader Mitch McConnell (R-Ky.) tried to attach a measure to a bill on Chinese currency manipulation that ostensibly aimed to stop the EPA from regulating farm dust. But the measure's language doesn't actually mention "farm dust" after its title. Instead, it targets soot regulation. Democrats successfully blocked it.

More troubling to environmental advocates is that they see the attempts to roll back regulations as a sustained effort that will not go away, and likely could pick up steam -- especially if Republicans take back the Senate in 2012.

"I think it certainly will continue through the 2012 election," said Goldston. "I think it's partly an attack on Obama but I think much is a broader part of a Tea Party effort to question the role of government in providing public health protections across the board and funding that."

And he predicted the range of attacks would only get broader.

"This can play out in spending; this can play out in the series of efforts to block any additional protections, not only in the clean air area, but more broadly, there are bills that have been pending in the house and

the senate ... that would change the entire structure necessary to create protections," Goldston said. The anti-EPA campaign has born some fruit already for the GOP, with President Obama delaying planned new regulations of ozone and citing economic reasons.

The political climate has left Democrats wary -- and concerned they could lose some battles -- but they also think the GOP could pay a price.

Sen. Ben Cardin (D-Md.), chairman of the Water and Wildlife Subcommittee, expressed relief that so far lawmakers had successfully blocked EPA-targeted legislation in the Senate. But, he added, environmental protections remain vulnerable.

"It's an area where the current Republican leadership sees an opportunity to express frustration with government and regulation," Cardin said. "It's consistent with their philosophy -- less government -- and that's what they're moving forward. I find it extremely disappointing because environmental issues have always been either nonpartisan or bipartisan. Some of our most amazing advancements on environment happened under Republican leadership. So I think this is very disappointing. But I think I understand their strategy, and I think it will backfire because Americans want clean water and clean air, and they think that clean water and clean air are important for our economy."

Betsaida
Alcantara/DC/USEPA/US
08/08/2011 09:02 AM

To Windsor.Richard, Perciasepe.Bob, "Bob Sussman",
Thompson.Diane, Oster.Seth, "Brendan Gilfillan",
Stanislaus.Mathy, Stoner.Nancy, Giles-AA.Cynthia,
McCarthy.Gina, Anastas.Paul, Owens.Steve, "Michael Goo",
Corman.Bicky, "Daniel Kanninen", "Alisha Johnson", "Andra
Belknap"

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Subject Politico: The art of criticizing EPA rules, real or not

The art of criticizing EPA rules, real or not

Politico

By Robin Bravender
8/8/11 5:39 AM EDT

No EPA rules can escape the wrath of House Republicans, even those that don't exist.

The EPA has become a favorite target for GOP lawmakers looking to lash out against the White House. And beyond efforts to block pending EPA rules for climate change, water pollution and other controversial policies, Republicans are also trying to handcuff the agency on rules it might issue someday.

Republicans have no qualms with that approach and say they're eager to tie the EPA's hands before it can issue rules they warn could hurt industries across the country.

"I think you need to send a signal to agencies like the EPA that they should not proceed down the wrong track," House Agriculture Chairman Frank Lucas (R-Okla.) said in a recent interview. Lucas and other farm state lawmakers have been particularly outspoken about the need to rein in EPA rules.

Among the non-rules that have taken heat from the GOP: potential EPA efforts to clamp down on farm dust, a "cow tax" on farmers for the greenhouse gases emitted by livestock and limits for ammonia and ammonium under clean air rules.

Republicans have offered various bills and appropriations riders aimed at halting EPA work on those efforts, despite the Obama administration's attempts to assure Congress that it won't issue such rules.

For example, in her first two major legislative actions in the House, freshman Republican Rep. Kristi Noem of South Dakota introduced an amendment and a stand-alone bill to limit the EPA's authority to regulate dust on farms.

EPA Administrator Lisa Jackson has repeatedly insisted that the agency has no plans to regulate farm dust, and she said recently that the cow tax rumor was a myth started by a lobbyist. And the EPA's clean air rules for nitrogen oxides and sulfur oxides last month didn't include limits for ammonia or other reduced forms of nitrogen.

Jackson expressed frustration in March with what she called the "myths" surrounding her agency's policies. "These mischaracterizations are more than simply a distraction," she said. "They could prevent real dialogue to address our greatest problems."

Still, Lucas said he remained dubious about EPA rules after Jackson appeared before his committee. After telling lawmakers a list of things she didn't plan to do, Lucas said, "When asked if she had the authority to do all those things, she said 'yes.'"

The GOP's pre-emptive strike has drawn the ire of top Democrats, who accuse Republicans of trying to fuel fears about the EPA by complaining about mythical regulations.

Rep. Jim Moran, the top Democrat on the subpanel that oversees the EPA's annual spending bill, berated Oklahoma Republican Rep. Tom Cole last month for offering a spending bill rider to block the EPA from regulating ammonia and ammonium emissions like those created by agricultural operations.

"EPA has no intention of regulating ammonia" under rules for nitrogen oxides and sulfur oxides, Moran said. "So what we're doing is feeding into the hysteria of certain industries by going after regulations that don't exist." Cole's amendment was adopted by the Appropriations Committee.

Rep. Mike Simpson (R-Idaho), the chairman of the EPA spending subcommittee, said there's no harm in blocking rules the agency isn't going to issue anyway.

"If we fully trusted the EPA, maybe [Moran's] argument would be right. But the hysteria is justified, quite frankly, because I frankly don't trust what they're going to do. And if they're not going to regulate it, then there's no problem with having it in the bill. So I would just as soon say, 'trust but verify,'" he said.

"We're not making this stuff up," Simpson added. "This comes from our constituents; people all across this country have concerns about the EPA and what is happening and what they are proposing to do."

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

10/26/2011 08:47 AM

To Windsor.Richard, Perciasepe.Bob, "Cynthia Giles-AA",
"Diane Thompson", "Seth Oster", "Brendan Gilfillan", "David
Bloomgren"

cc

bcc

Subject Reuters: U.S. may miss year-end goal for Keystone oil line

U.S. may miss year-end goal for Keystone oil line
Tue, Oct 25 19:32 PM EDT

By Arshad Mohammed

WASHINGTON (Reuters) - The State Department may miss a year-end target to approve TransCanada Corp's Canada-to-Texas Keystone oil sands pipeline, a U.S. official told Reuters on Tuesday, risking a further delay to the most important new crude oil conduit in decades.

The official, who spoke on condition of anonymity, said the State Department still hoped to make a decision by the end of this year, which has been its target, but that its highest priority was to carry out a thorough, rigorous review. The decision has already been pushed back once.

A further delay would not only be a blow to TransCanada, it could also prolong a massive gap between U.S. and global oil prices because oil traders are counting on Keystone's 700,000 barrel-per-day capacity to relieve a build-up of crude in the Midwest, which doesn't have enough pipelines to ship growing Canadian output to Gulf Coast refineries for use around the United States.

The ruling, which falls to the State Department because the line crosses national borders, is forcing President Barack Obama into a decision that effectively pits environmental safety against job creation and energy security.

"While we still hope to make a decision by the end of the year, we are first and foremost committed to a thorough, transparent and rigorous review process," said the U.S. official, who spoke on condition of anonymity.

"So we're carefully reviewing all of the information we've received, including the many comments from the public, and will make a decision only after we have weighed all of the facts," the official added.

'ALL ABOUT TIMING'

Analysts and officials said despite a potential delay, it looks like the United States will ultimately approve the project.

Kevin Book, an analyst at ClearView Energy Partners LLC in Washington, said the State Department is taking time to ensure its decision making on the \$7 billion project is meticulous and protected from lawsuits.

"Everything that we are aware of suggests the State Department is moving toward 'yes' very openly, albeit slowly," said Book. The Obama administration could face criticism ahead of next year's elections if it decided against the pipeline.

"A 'no' decision in January could be a big problem in November if oil prices are above \$100 a barrel," he said.

Canadian officials have not heard any recent change in tone from the State Department that would suggest a shift in thinking, Joe Oliver, Canada's natural resources minister, said in an interview.

Still, further delays would roil already edgy oil markets.

"It's all about timing, not about the route. The market had moved on the understanding that this thing was going to be online in the second half of 2013," said Jan Stuart, head of energy research at Credit Suisse in New York City.

"If you are suddenly mucking around with the timing ... the market has to move again."

Benchmark U.S. crude oil prices fell to a record \$28 a barrel discount versus Europe's Brent last month, but has rebounded this week to a \$18 discount on signs of tightening supplies. Analysts say the spread won't return to its historically normal \$1 or \$2 range until new pipelines are completed.

Pipeline opponents, many of whom are environmental groups, say producing liquid crude from oil sands production releases large amounts of greenhouse gases and that the fuel is potentially corrosive to pipelines. Others fear potential damage to a major U.S. fresh water aquifer.

Some 1,200 opponents were arrested in front of the White House this summer, and more protests were expected next month.

Supporters say the pipeline would create thousands of jobs and provide a secure source of energy imports from a close ally.

Approval for the pipeline has been pending since late 2008 and the project could face many legal and regulatory hurdles that could delay it.

Environmental groups sued the government in federal court on Tuesday challenging claims in the State Department's environmental report saying spills on the line were unlikely.

Opposition is crystallizing in Nebraska where the pipe would cross the aquifer and the Sand Hills region, home to whooping cranes and other endangered species.

Ryan Salmon, energy policy adviser for the National Wildlife Federation, said a delay "would demonstrate that there still are issues that haven't had careful consideration and they're now recognizing that they may need to do that work."

(Reporting by Arshad Mohammed, additional reporting by Timothy Gardner, Ayesha Rascoe, Matthew Robinson in New York, Jeffrey Jones in Calgary; Editing by Russell Blinch and Cynthia Osterman)

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

12/19/2011 09:07 AM

To Windsor.Richard, Sussman.Bob, Martin.Jim, Anastas.Paul, Ganesan.Arvin, Perciasepe.Bob, Thompson.Diane, Gilfillan.Brendan, Bloomgren.David, "Alisha Johnson", "Andra Belknap", "Laura Vaught", "Janet Woodka", "Stephanie Owens"

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Subject WSJ editorial: The EPA's Fracking Scare

December 19, 2011

The EPA's Fracking Scare

The shale gas boom has been a rare bright spot in the U.S. economy, so much of the country let out a shudder two weeks ago when the Environmental Protection Agency issued a "draft" report that the drilling process of hydraulic fracturing may have contaminated ground water in Pavillion, Wyoming. The good news is that the study is neither definitive nor applicable to the rest of the country.

"When considered together with other lines of evidence, the data indicates likely impact to ground water that can be explained by hydraulic fracking," said the EPA report, referring to the drilling process that blasts water and chemicals into shale rock to release oil and natural gas. The news caused elation among environmentalists and many in the media who want to shut down fracking.

More than one-third of all natural gas drilling now uses fracking, and that percentage is rising. If the EPA Wyoming study holds up under scrutiny, an industry that employs tens of thousands could be in peril.

But does it stand up? This is the first major study to have detected linkage between fracking and ground-water pollution, and the EPA draft hasn't been peer reviewed by independent scientific analysts. Critics are already picking apart the study, which Wyoming Governor Matt Mead called "scientifically questionable."

Associated Press Natural gas wellheads and other production facilities are shown around the rural community of Pavillion, Wyoming in 2007.

The EPA says it launched the study in response to complaints "regarding objectionable taste and odor problems in well water." What it doesn't say is that the U.S. Geological Survey has detected organic chemicals in the well water in Pavillion (population 175) for at least 50 years—long before fracking was employed. There are other problems with the study that either the EPA failed to disclose or the press has given little attention to:

- The EPA study concedes that "detections in drinking water wells are generally below [i.e., in compliance with] established health and safety standards." The dangerous compound EPA says it found in the drinking wells was 2-butoxyethyl phosphate. The Petroleum Association of Wyoming says that 2-BE isn't an oil and gas chemical but is a common fire retardant used in association with plastics and plastic components used in drinking wells.
- The pollution detected by the EPA and alleged to be linked to fracking was found in deep-water "monitoring wells"—not the shallower drinking wells. It's far from certain that pollution in these deeper wells caused the pollution in drinking wells. The deep-water wells that EPA drilled are located near a natural gas reservoir. Encana Corp., which owns more than 100 wells around Pavillion, says it didn't "put the natural gas at the bottom of the EPA's deep monitoring wells. Nature did."
- To the extent that drilling chemicals have been detected in monitoring wells, the EPA admits this may result from "legacy pits," which are old wells that were drilled many years before fracking was employed. The EPA also concedes that the inferior design of Pavillion's old wells allows seepage into the water supply. Safer well construction of the kind normally practiced today might have prevented any contaminants from leaking into the water supply.

- The fracking in Pavillion takes place in unusually shallow wells of fewer than 1,000 to 1,500 feet deep. Most fracking today occurs 10,000 feet deep or more, far below drinking water wells, which are normally less than 500 feet. Even the EPA report acknowledges that Pavillion's drilling conditions are far different from other areas of the country, such as the Marcellus shale in Pennsylvania. This calls into question the relevance of the Wyoming finding to newer and more sophisticated fracking operations in more than 20 states.

The safety of America's drinking water needs to be protected, as the fracking industry itself well knows. Nothing would shut down drilling faster, and destroy billions of dollars of investment, than media interviews with mothers afraid to let their kids brush their teeth with polluted water. So the EPA study needs to be carefully reviewed.

But the EPA's credibility is also open to review. The agency is dominated by anticarbon true believers, and the Obama Administration has waged a campaign to raise the price and limit the production of fossil fuels.

Natural gas carries a smaller carbon footprint than coal or oil, and greens once endorsed it as an alternative to coal and nuclear power. But as the shale gas revolution has advanced, greens are worried that plentiful natural gas will price wind and solar even further out of the market. This could mean many more of the White House's subsidized investments will go belly up like Solyndra.

The other big issue is regulatory control. Hydraulic fracturing isn't regulated by the EPA, and in 2005 Congress reaffirmed that it did not want the EPA to do so under the Safe Drinking Water Act. The states regulate gas drilling, and by and large they have done the job well. Texas and Florida adopted rules last week that followed other states in requiring companies to disclose their fracking chemicals.

But the EPA wants to muscle in, and its Wyoming study will help in that campaign. The agency is already preparing to promulgate new rules regulating fracking next year. North Dakota Governor Jack Dalrymple says that new EPA rules restricting fracking "would have a huge economic impact on our state's energy development. We believe strongly this should be regulated by the states." Some 3,000 wells in the vast Bakken shale in North Dakota use fracking.

By all means take threats to drinking water seriously. But we also need to be sure that regulators aren't spreading needless fears so they can enhance their own power while pursuing an ideological agenda.

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

01/08/2012 06:31 PM

To Windsor.Richard, Sussman.Bob, Perciasepe.Bob,
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Subject Politico: Romney dodges EPA question

Romney dodges EPA question

By Darren Samuelsohn
1/8/12 6:25 PM EST

Mitt Romney stepped out on a ledge of sorts Sunday, punting on a chance to take a clear shot at the EPA in the last debate before the New Hampshire primary.

Asked during the "Meet the Press" debate<
http://presspass.msnbc.msn.com/_news/2012/01/08/10049650-read-the-nbc-news-facebook-debate-transcript> about GOP-led attempts to halt EPA's Cross-State Air Pollution Rule, which clamps down on power plant pollution drifting into the Northeast, Romney first said he wasn't familiar with the specifics "as it applies to New Hampshire."

"But I do believe we have a responsibility to keep the air clean and we have to find ways to ensure that we don't have the pollution of one state overwhelming the ability of another state to have clean air," Romney said.

To curb air pollution, Romney also talked up the need to tap into natural gas reserves found in Pennsylvania, North Dakota, South Dakota and Texas.

"If we want to help people in New England have – not only homes and businesses that emit less pollutant into the air, and therefore would have cleaner air, and also have lower-cost energy ... let's build out this natural gas system so that we can take advantage of that new enormous source of American economic strength," he said.

Romney's dodge in directly answering the question about whether he would support halting the EPA regulation drew criticism from former Republican National Committee Chairman Michael Steele, who wrote on Twitter: "Dude, you're in NH and GOP has argued for eliminating EPA."

Trying to draw a contrast with Romney, former Pennsylvania Sen. Rick Santorum went on the attack during Saturday night's debate<
http://www.washingtonpost.com/blogs/election-2012/post/2012-abc-yahoo-mur-new-hampshire-gop-primary-debate-transcript/2012/01/07/gIQAk2AAiP_blog.html> by lumping together his long-standing opposition to cap-and-trade legislation, health care and Wall Street bailouts – all areas that he said differentiate himself from the former Massachusetts governor.

"If you want someone that's a clear contrast, that has a strong record, has a vision for this country that's going to get this country growing and appeal to blue-collar workers in Pennsylvania, in Ohio, in Michigan, in Indiana and deliver that message, that we care about you, too, not just about Wall Street and bailing them out, then I'm the guy that you want to put in the – in the nomination," Santorum said.

Romney didn't bite in his response to the cap-and-trade barb – avoiding the nuance that his administration helped establish a regional program to cap greenhouse gases from power plants only to later back away from its implementation because of cost concerns.

Instead, Romney talked up expansion of U.S. trade relationships, developing domestic energy resources

and using his private-sector experience to help weed through government rules he'd eliminate.

"I know what regulations kill and which regulations help enterprise," Romney said. "And I want to use the expertise to get America working again."

For his part, Texas Rep. Ron Paul kept up his attacks on Santorum's conservative credentials Saturday night by highlighting the former lawmaker's support for earmarks and later for becoming a "high-powered lobbyist" after losing his Senate seat in 2006.

"So to say you're a conservative, I think, is a stretch," Paul said. "But you've convinced a lot of people of it, so somebody has to point out your record."

Santorum countered that he is not a lobbyist; rather, he's been a consultant working on "causes that I believe in," including health care, Iran and in opposing cap-and-trade legislation on behalf of Consol Energy.

"I asked – I said, look, I want to join you in that fight," Santorum said of the Pittsburgh-based coal and natural gas company that paid him \$142,500. "I want to work together with you. I want to help you in any way I can to make sure we defeat cap and trade. And so I engaged in that battle. And I'm very proud to have engaged in that battle."

Former Utah Gov. Jon Huntsman said he would not support funding cuts or the elimination of the Low Income Home Energy Assistance Program, a popular program in the region which relies heavily on oil for heating homes in the winter. President Barack Obama and Congress have cut the program by about 25 percent as part of overall fiscal belt tightening.

Huntsman said he favored working on a longer-term solution for the region that required breaking up a "one product distribution bias" favoring oil.

"If we're gonna do what this nation needs to be done, in terms of using a multiplicity of products that we have in such diversity and abundance, and get them to the customers, we're gonna have to break up that one product distribution monopoly," he said. "I want to do to that oil distribution monopoly what we did to broadcast communication in the early 1970s. We blew it apart."

Asked the same question about eliminating LIHEAP, Paul called for energy deregulation and an end to energy subsidies.

Newt Gingrich on Sunday broached the local energy issue by slamming the White House.

"Under Obama, 2011 was the highest price of gasoline in history," he said. "It is a direct result of his policies, which kill jobs, raise the price of heating oil and gasoline, weaken the United States, increase our dependence on foreign countries, and weaken our national security in the face of Iran trying to close the Strait of Hormuz."

Gingrich called for "opening up in a Reagan tradition and using massive development of American energy. There's 3.2 percent unemployment in North Dakota. There's a hint here."

Asked about his plans to dismantle EPA and replace it with a new "Environmental Solutions Agency," Gingrich called the agency "increasingly radical. It's increasingly imperious. It doesn't cooperate. It doesn't collaborate. And it doesn't take into account economics."

To defend his plan, Gingrich repeated GOP and industry arguments that EPA is planning to regulate farm dust as part of a proposal for stronger air pollution standards. Obama officials have repeatedly stated they have no intentions of regulating farm dust.

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

08/12/2011 08:34 AM

To Windsor.Richard, Sussman.Bob, Stoner.Nancy, Oster.Seth, Garvin.Shawn, KeyesFleming.Gwendolyn, Perciasepe.Bob, Gilfillan.Brendan, Thompson.Diane, Ganesan.Arvin, Vaught.Laura, Goo.Michael, Corman.Bicky, Lozano.Jose, Ellis.Heidi, Johnson.Alisha, "Andra Belknap", "Stephanie Owens", "Dru Ealons", "Daniel Kanninen", "Scott Fulton"

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Subject CNN documents mountaintop debate: Documentary Airs Sunday

All,
Administrator Jackson interviewed with CNN's Soledad O'Brien for this documentary on MTM in Appalachia. Please tune in this Sunday at 8pm on CNN for "The Battle for Blair Mountain". Article below.

CNN finds middle ground but no agreement in mountaintop debate

By Alex Guillen
8/12/11 5:44 AM EDT

A CNN special on mountaintop removal coal mining airing Sunday looks to go past the oversimplified debate of pro-coal vs. pro-environment.

But it remains to be seen if the nuances of the issue will reach the American public.

"Like the average American, I like when I flip a switch that the lights come on, so I certainly appreciate when electricity works," CNN's Soledad O'Brien, who hosts the hourlong show, told POLITICO. "At the same time, I, like most Americans, think it's terrible when water is polluted and people's health is compromised just because they live in an area where something has been done to the earth."

The documentary, "Battle for Blair Mountain," follows miners in Sharples, W.Va., leading up to the EPA's January veto<<http://www.politico.com/news/stories/0111/47557.html>> of a permit for Spruce No. 1, the largest mountaintop removal project in the state's history, and June's March on Blair Mountain, a five-day environmentalist protest.

Sen. Joe Manchin (D-W.Va.) hit back on the EPA's veto, which inspired a furor among coal supporters on the Hill.

"The EPA, basically, is supposed to be working with us, not against us. And that's all we're asking for. Be our partner. If we're doing something wrong, show us," he said in the documentary. "But you have no scientific proof for what you're doing."

But EPA Administrator Lisa Jackson countered that the agency was just doing its job.

"EPA's sole job is to protect the water. Clean water is extremely important to the future of any community, and certainly downstream communities," she said. "It's not a decision we made lightly, but I believe very strongly that it is the right decision."

The documentary is careful to show miners who lose work because of the veto, the first time the EPA had used the Clean Water Act to halt a mountaintop removal project, as well as a local resident praising the decision.

O'Brien says those two stark camps – pro-coal and anti-coal – don't accurately reflect the mosaic of local opinions.

"It starts in those two camps, for and against, but then you realize that those two camps overlap, that there are people who are actually miners who are voicing their opinions against blasting," she said. "One of the things I wanted to know is, is there room for compromise? People are so entrenched in their positions, and Blair Mountain has become this symbol."

The ongoing conflict over mountaintop removal mining carries a historical parallel with a large five-day conflict between miners and, eventually, the U.S. Army in 1921, referred to as the Battle of Blair Mountain.

Back then, the issue was unionization – but the specifics are now being distorted by activists on both sides, many with ancestors who fought in that conflict, to fit their modern-day needs.

Though no shots have been fired, the recent fights over Blair Mountain have nonetheless become supercharged. The CNN special features footage of environmentalists hiking in the March on Blair Mountain and coal miners and their families hurling invectives across the highway.

"We had to edit out some of the scatological language that you couldn't put on TV," O'Brien said. "In TV land we would say, 'Tensions ran high.'"

Of course, after all the heated words, regulatory debate and scientific inquiry, no consensus is reached.

Charting a course for the future, O'Brien says, is going to depend on growing scientific evidence and the nation's energy needs.

"I think all of those issues are not going to be resolved by the people of Sharples, W.Va. They're going to be resolved in Congress," O'Brien said. "So what happens? Does that mean more mitigation, more ways around it, if it becomes impossible to do? Do you just not produce coal? I don't think that's likely."

The CNN program already has its detractors. In a Tuesday blog post<
http://switchboard.nrdc.org/blogs/mwaage/cnns_soledad_obrien_profiles_m.html>, Melissa Waage of the Natural Resources Defense Council, said that while the documentary brings an environmental issue to the national forefront, "somehow the show manages to acknowledge the facts about mountaintop removal actually killing jobs, yet still shoehorn the story into a factually unsupported 'jobs. vs. the environment' frame."

O'Brien defended the program and said it did, in fact, portray a nuanced landscape.

"I think that while both sides are really stuck in their ways and you don't see a lot of room for compromise, at the same time I think what you get the sense of is that where they are exactly of one mind is that these are the same people," she said. "These are not outsiders versus insiders. There's a lot of insiders versus insiders fighting each other, so they care about the community. They both do. They care about the jobs and the land and the water. And they also are really trying to find some kind of a solution."

"The Battle for Blair Mountain" airs at 8 p.m. Sunday on CNN.

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

01/24/2012 09:24 AM

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Subject Politico Pro: Former EPA chiefs worry agency is victim of its
own success/ EPA on power plants: Not done yet

Two articles below.

Former EPA chiefs worry agency is victim of its own success

By Erica Martinson
1/24/12 9:08 AM EST

The EPA may be a victim of its own success, making it difficult to cull public support for pollution controls that are health based but more abstract, former Republican-era administrators said Monday.

When cities were shrouded in auto-fueled smog and black dust from coal-fired stoves and sewage was plainly dumped into waterways, the damage was "very apparent to the naked eye," said Nixon- and Regan-era EPA Administrator Bill Ruckelshaus in an interview with POLITICO on Monday. "That pressure doesn't exist today."

Ruckelshaus and Bill Reilly, who ran EPA from 1989-1993, both said that in that sense, the agency may be a "victim of our success." The two were part of a World Resources Institute panel Monday on the Clean Air Act.

Ruckelshaus has been outspoken on EPA's current efforts, particularly in favor of the agency's efforts to regulate mercury and other air toxics from power plants.

The EPA has been the focus of a barrage of attacks over the past year, particularly from the House GOP, which has continuously passed legislation to roll back EPA rules and regulations.

"My sense is that this erosion of trust in government in general is a big-time problem. And EPA is just another example of what can happen to the government in general when the government isn't trusted," Ruckelshaus said.

EPA's current regulations, as well, are tied to public health concerns that are not as easily apparent to many – particularly since doctors are more hesitant to tie individual symptoms to more abstract environmental drivers.

"Doctors used to be much more inclined to blame the environment if something happened. But they have been challenged by scientists who say, 'You can't say that because you cannot draw a direct connection between a particular disease and the impact from air pollution,'" Ruckelshaus said. "So doctors have kind of backed away from saying that. ... We have this phenomenon of cancer clusters ... people will often associate that with some kind of environmental factor. But if you can't isolate that to that cause, most medical doctors will not say it."

EPA on power plants: Not done yet

By Erica Martinson
1/24/12 5:32 AM EST

As environmentalists check items off their list of Obama administration victories before this year's election, one huge item still lingers: curbing greenhouse gas emissions from power plants.

The EPA plans to take one step toward that goal in the coming weeks when it proposes greenhouse gas standards for future power plants. But clear plans to require existing plants to cut their emissions have waned, despite the administration's stated intentions.

Regulating greenhouse gases from both new and existing plants is "the biggest energy and climate decision the Obama administration is going to make before the election," said Conrad Schneider, advocacy director of the nonprofit Clean Air Task Force.

"They asked Willie Sutton why he robbed banks, and he said, 'That's where the money is,'" Schneider said.

And power plants, Schneider said, are "the largest uncontrolled source of CO₂."

Environmentalists see regulating power plants as part of a larger fight against U.S. dependence on fossil fuels, while many in the coal industry see it as part of a left-wing battle against America's cheap and readily available coal supplies.

Although the EPA recently moved rules to cut mercury and other toxics from power plants, along with requirements designed to stop upwind states from polluting their downwind neighbors, the agency has hesitated to regulate greenhouse gas emissions at those same power plants.

The EPA and environmental litigants have been privately negotiating a timeline for issuing regulations since 2010. The agency agreed in December 2010 to regulate greenhouse gas emissions from fossil fuel-fired power plants (mainly coal) and petroleum refineries, which together make up about 40 percent of the nation's total greenhouse gas emissions.

The Obama administration has not entirely bailed on greenhouse gases: In late 2011 the administration brokered a deal with auto companies, environmentalists, labor unions and other groups to set long-term emissions limits for cars and some trucks.

EPA Administrator Lisa Jackson said Friday that the White House is conducting an interagency review of the standards for new power plants and hopes it will be complete around the end of January.

"We've said we want to go after the largest sources of greenhouse gas emissions first," Jackson said, meaning that petroleum refinery regulations are simmering on a back burner that's even further back.

For more than 20 years the EPA has struggled to regulate toxic emissions from many power plants – something the Obama administration would like to name as a major success, as long as the rules survive the inevitable court battles.

Recently the EPA made public <https://www.politicopro.com/story/energy/?id=8399>, in an online database <http://ghgdata.epa.gov/ghgp/main.do>, what it has known for many years: Power plants are the source of nearly three-quarters of the nation's stationary greenhouse gas emissions.

"I will say that the power plants simply dwarf all of the other sectors in terms of the amount of greenhouse gases that they emit on the stationary side," EPA air chief Gina McCarthy said. "So we think regulating greenhouse gases from power plants is a reasonable and appropriate thing to do, and one that can help, in terms of providing certainty to investments moving forward."

But it remains to be seen just how stringent the standards will be – and whether, as some in industry argue, they could be mean the demise of coal-fired power.

When it comes to curbing new sources of climate change emissions, the agency has little choice in

“whether,” thanks to litigation, but a bit more flexibility in the “how.”

Many environmental groups want EPA to require that any new coal-fired power plant capture and sequester its carbon dioxide.

Earlier this month, activists with the Clean Air Task Force pushed for such a requirement in a meeting with White House Office of Management and Budget staff, who are reviewing EPA’s proposed rule. (The task force is not involved in the lawsuit.)

When cap and trade fell off the congressional radar, the economic incentive for advances in expensive technology to capture and store carbon dioxide from coal plants withered, and many demonstration projects died on the vine. But the environmentalists argue that the technology is certainly possible, citing several current carbon capture and sequestration projects.

Environmentalists have also pointed to the oil and gas industry’s decades of experience in injecting carbon dioxide underground, and they argue that the U.S. has the pipeline infrastructure to make such requirements possible.

Not all geologic areas are fit for sequestration, so in many areas the carbon dioxide would have to be piped elsewhere. But environmentalists maintain that 95 percent of all major U.S. greenhouse gas sources are within 50 miles of a CO2 pipeline, and that the oil industry has a huge need for carbon dioxide to recover oil.

But industry attorney Jeff Holmstead argued that requiring carbon capture would be the equivalent of banning new coal plants. Rather than endure the massive costs, most power companies would choose to build plants that can run on natural gas, or not build at all, he said.

Instead, he expects the agency to “set a rule that largely just requires what people are doing anyway,” which means requiring plants to employ maximum efficiency efforts.

EPA recently began requiring greenhouse gas emission limits as part of another permitting program – New Source Review and Title V – at power plants, refineries and cement facilities. The plants’ Clean Air Act permits impose limits for carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

“If you look at all the permits that have been issued for either coal or natural gas” that addressed greenhouse gases, Holmstead said, “they set limits ... but the limits didn’t require them to do anything that they weren’t doing anyway.” They only made those efforts legally binding.

EPA has made no indications of more drastic requirements to capture and store all carbon dioxide, he noted.

“I don’t know anyone who believes it would be feasible to put carbon capture on existing power plants,” he added. And he argued that plants already have a strong incentive to be efficient.

EPA is unlikely to finish the standards for new plants anytime soon, and perhaps not before the election. The new emissions requirements for existing plants are probably much further behind.

“It’ll go through a public process, and I at this point won’t anticipate when it’s going to be completed,” McCarthy said. “It’ll depend on the information we get in. We’re trying to do this to benefit the industry for certainty, as well as address the issues associated with climate change. We’re going to be as deliberate as we need to be in finalizing it.”

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 01/23/2012 08:39 PM EST

To: Richard Windsor; Bob Perciasepe; Bob Sussman; Diane Thompson; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Daniel Kanninen; Gina McCarthy; Cynthia Giles-AA; Nancy Stoner; Michael Goo; Bicky Corman; Alisha Johnson; David Bloomgren; Andra Belknap

Subject: WSJ: Obama to Spotlight Energy
Obama to Spotlight Energy
State of the Union Speech Will Call for Expanding U.S. Oil and Gas Production

By DEBORAH SOLOMON And LAURA MECKLER

President Barack Obama will use his State of the Union speech on Tuesday to call for an increase in domestic energy production, said people familiar with the plans.

Mr. Obama is expected to tout the economic and energy security benefits of increased U.S. oil and gas production, a message unlikely to sit well with some of the President's environmental supporters but which could blunt industry and Republican criticism of his energy policies.

Mr. Obama's speech is expected to call for increased oil and gas production and highlight a drop in U.S. oil imports, although some of that decrease stems from reduced demand amid a weak economy.

One idea discussed and later dropped was to set a natural gas production goal, those people said. A decision was made not to include the goal in the speech, an administration official said

The president's focus on natural gas is part of a broad, but quiet, effort to hasten its production, including the use of a controversial technique known as hydraulic fracturing. The administration, while making gestures towards environmental concerns with fracking, has so far resisted overtures to impose sweeping new federal rules governing air and water quality, or to ban fracking outright.

Administration officials say the potential to tap the natural gas beneath U.S. soil is too attractive to ignore or hamper with potentially unnecessary rules, given that the practice is regulated by the states and is creating jobs. This summer the White House abandoned an air-quality rule that would have tightened standards for smog-forming ozone, a rule the oil and gas industry said would have limited natural-gas drilling.

Several administration efforts are underway to study the impact of fracking and the Environmental Protection Agency recently finalized a rule requiring more pollution controls at new wells. The EPA has intervened in some cases where residents say the drilling contaminated their water and recently issued a preliminary finding linking fracking with water contamination in a small Wyoming town.

The mention of increased energy production contrasts the controversial Keystone XL oil pipeline, which the administration rejected last week. But in some ways, the administration's hands are tied given that fracking is largely exempt from many federal laws.

Corrections & Amplifications ¶ This article has been revised to reflect the president's speech will not include setting a national target for natural-gas production. An earlier version said the speech may include such a goal.

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

02/27/2012 08:52 AM

To Windsor.Richard, "Bob Perciasepe", "Bob Sussman", "Diane Thompson", "Brendan Gilfillan", "Alisha Johnson"

cc

bcc

Subject NYT Friedman Column: A Good Question

OP-ED COLUMNIST

A Good Question

The New York Times

Thomas L. Friedman

By THOMAS L. FRIEDMAN

Published: February 26, 2012

AN e-mail came in the other day with a subject line that I couldn't ignore. It was from the oil economist Phil Verleger, and it read: "Should the United States join OPEC?" That I had to open.

Verleger's basic message was that the knee-jerk debate we're again having over who is responsible for higher oil prices fundamentally misses huge changes that have taken place in America's energy output, making us again a major oil and gas producer - and potential exporter - with an interest in reasonably high but stable oil prices.

From one direction, he says, we're seeing the impact of the ethanol mandate put in place by President George W. Bush, which established fixed quantities of biofuels to be used in gasoline. When this is combined with improved vehicle fuel economy - in July, the auto industry agreed to achieve fleet averages of more than 50 miles per gallon by 2025 - it will inevitably drive down demand for gasoline and create more surplus crude to export. Add to that, says Verleger, "the increase in oil production from offshore fields and unconventional sources in America," and that exportable U.S. surplus could grow even bigger. Then, add the recent discoveries of natural gas deposits all over America, which will allow us to substitute gas for coal at power plants and become a natural gas exporter as well. Put it all together, says Verleger, and you can see why America "will want to consider joining with other energy-exporting countries, like those in OPEC, to sustain high oil prices. Such an effort would support domestic oil and gas production and give the U.S. a real competitive advantage over countries forced to pay high prices for imported energy - nations such as China, European Union members, and Japan."

Indeed, Bloomberg News reported last week that "the U.S. is the closest it has been in almost 20 years to achieving energy self-sufficiency. ... Domestic oil output is the highest in eight years. The U.S. is producing so much natural gas that, where the government warned four years ago of a critical need to boost imports, it now may approve an export terminal." As a result, "the U.S. has reversed a two-decade-long decline in energy independence, increasing the proportion of demand met from domestic sources over the last six years to an estimated 81 percent through the first 10 months of 2011." This transformation could make the U.S. the world's top energy producer by 2020, raise more tax revenue, free us from worrying about the Middle East, and, if we're smart, build a bridge to a much cleaner energy future.

All of this is good news, but it will come true at scale only if these oil and gas resources can be extracted in an environmentally sustainable manner. This can be done right, but we need a deal between environmentalists and the oil and gas industry to lock it in - now.

Says Hal Harvey, an independent energy expert: "The oil and gas companies need to decide: Do they want to fight a bloody and painful war of attrition with local communities or take the lead in setting high environmental standards - particularly for "fracking," the process used to extract all these new natural gas deposits - "and then live up to them."

Higher environmental standards may cost more, but only incrementally, if at all, and they'll make the industry and the environment safer.

In the case of natural gas, we need the highest standards for cleanup of land that is despoiled by gas extraction and to prevent leakage of gas either into aquifers or the atmosphere. Yes, "generating a kilowatt-hour's worth of electricity with a natural gas turbine emits only about half as much CO2 as from a coal plant," says Harvey, and that's great. "But one molecule of leaked gas contributes as much to global warming as 25 molecules of burned gas. That means that if the system for the exploration, extraction, compression, piping and burning of natural gas leaks by even 2.5 percent, it is as bad as coal."

Hence, Harvey's five rules for natural gas are: Don't allow leaky systems; use gas to phase out coal; have

sound well drilling and casing standards; don't pollute the landscape with brackish or toxic water brought up by fracking; and drill only where it is sensible.

I'd add a sixth rule for crude oil. No one likes higher oil prices. But - perversely - the high price benefits America as we rapidly become a bigger oil producer and it ensures that investments will continue to flow into energy efficient cars and trucks. If we were smart, we would establish today a floor price for any barrel of crude oil or gallon of gasoline sold or imported into America - and tax anything below it. A stable, sufficiently high floor price serves the environment, our technology investments and our energy productivity. As our producers succeed, we would become increasingly energy self-sufficient, keep a lot more dollars at home for our Treasury, stimulate innovation on renewables and drive down the global oil price that is the sole source sustaining Iran and other petro-dictators.

But all of this depends on an understanding between the oil industry and the environmentalists. If President Obama could pull that off, it would be a huge contribution to America's security, economy and environment.

Betsaida
Alcantara/DC/USEPA/US

12/17/2011 09:20 AM

To Windsor.Richard, "Bob Perciasepe", "Diane Thompson",
Gilfillan.Brendan, "Scott Fulton", "Gina McCarthy", "Arvin
Ganesan"

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Subject Washington Post: EPA finalizes tough new rules on
emissions by power plants

EPA finalizes tough new rules on emissions by power plants

By Juliet Eilperin and Steven Mufson,

The Obama administration finished crafting tough new rules Friday curbing mercury and other poisons emitted by coal-fired utilities, according to several people briefed on the decision, culminating more than two decades of work to clean up the nation's dirtiest power plants.

As part of last-minute negotiations between the White House and the Environmental Protection Agency, the regulations give some flexibility to power plant operators who argued they could not meet the three-year deadline for compliance outlined by the EPA. Several individuals familiar with the details declined to be identified because the agency will not announce the rules until next week.

140

Comments

Weigh InCorrections?

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The new rules will cost utilities \$10.6 billion by 2016 for the installation of control equipment known as scrubbers, according to EPA estimates. But the EPA said those costs would be far offset by health benefits. The agency estimates that as of 2016, lowering emissions would save \$59 billion to \$140 billion in annual health costs, preventing 17,000 premature deaths a year along with illnesses and lost workdays.

The Obama administration is attempting to deliver on some key priorities for environmentalists without alienating the business community. President Obama angered environmentalists in September by pulling back stricter smog standards the EPA had proposed, and he had to make several environmental concessions to congressional Republicans late Friday as part of a deal to extend the payroll tax cut. Senate leaders agreed Friday night on a provision that would accelerate the Keystone XL pipeline permitting decision as part of a deal to extend cuts in the Social Security tax.

The administration was also making deals Friday on another environmental front: Alaska. As part of the spending bill negotiations, the administration agreed to transfer the authority to issue air permits for offshore Arctic drilling rigs from the EPA to the Interior Department, which many industry executives think would have more lax standards. Separately, the Interior Department gave conditional approval Friday to Shell Oil's exploration plan for Alaska's Chukchi Sea, where the oil giant hopes to drill several wells in the summer.

Several experts said the new controls on mercury, acid gas and other pollutants represent one of the most significant public health and environmental measures in years. The rules will prevent 91 percent of the mercury in coal from entering the air and much of the soot as well: According to EPA estimates, they will prevent 11,000 heart attacks and 120,000 asthma attacks annually by 2016.

"I think this will prove to be the signature environmental accomplishment of the Obama administration," said Frank O'Donnell, who heads the advocacy group Clean Air Watch. "It will soon mean the end of the smoke-spewing coal power plant as we know it today. At the same time, the administration is trying to add a bit of flexibility to extinguish the bogus claim that these standards could mean lights out."

The debate over the rules has also split the nation's utility sector. Some companies, such as New Jersey-based Public Service Enterprise Group and Illinois-based Exelon, say they could meet the new standards easily and have already spent hundreds of millions of dollars to do so. PSEG has also switched from coal to natural gas.

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

09/26/2011 08:09 PM

To Windsor.Richard, "Bob Perciasepe", "Gina McCarthy", "Seth Oster", "Diane Thompson", "Brendan Gilfillan"

cc

bcc

Subject AP: Perry urges Obama to halt air rules

APNewsBreak: Perry urges Obama to halt air rules

By April Castro

Associated Press / September 26, 2011

AUSTIN, Texas—Texas Gov. Rick Perry on Monday asked President Barack Obama to use his executive authority to prevent or delay implementation of stricter pollution standards, saying they will have an "immediate and devastating" effect on the state.

The standards have stirred up Texas' largest energy companies, which say they don't have adequate time to meet the deadlines without shutting down plants and jeopardizing the reliability of Texas' electric grid. Implementation of the rules starts Jan. 1.

In the letter, obtained by The Associated Press, Perry said the implementation of the Cross State Air Pollution Rules will have an "immediate and devastating effect on Texas jobs, our economy and our ability to supply the electricity our citizens, schools and employers need."

Perry released the letter as he tries to shore up support among conservatives in his bid for the Republican presidential nomination.

The White House did not immediately have a comment on the letter.

The new clean air rules are designed to significantly reduce smog and soot pollution by requiring 27 states, including Texas, to decrease smokestack emissions. The new guidelines apply to sulfur dioxide and nitrogen oxide emissions, which mostly come from coal-fired plants.

Texas has 19 coal-fired power plants -- more than any other state -- and plans to build nine more. It is one of the few states still adding coal-fired plants and releases more air pollutants than any other state. Most other states are building generation plants that use sources other than coal, particularly natural gas.

On Sept. 12, Texas' largest electricity producer, Luminant, said it would shut down two coal-fired power units and lay off hundreds of workers if the new rules were enforced, even after the EPA offered to help the company meet the tougher standards.

"Mr. President, you have recently proclaimed that your administration is committed to creating jobs," Perry wrote. "These rules do not create jobs. They are a job killer in Texas, and they must be stopped."

Texas, faced with a growing population, few new energy sources and hot summers, has been vocal in its opposition to the regulations since they were announced in July. The state has asked a federal appeals court to review the rules.

Perry has used the new rules as fodder in his long-standing accusation that the EPA under Obama meddles in state affairs, lays down expensive regulations during tough economic times and is forcing companies to cut jobs to offset the cost of complying with environmental rules.<< image 4 >>

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

01/03/2012 09:13 AM

To Windsor.Richard, "Bob Sussman", "Bob Perciasepe", "Diane Thompson", "Brendan Gilfillan"

cc

bcc

Subject Politico Pro: Former EPA chief Stephen Johnson re-emerges

Former EPA chief Stephen Johnson re-emerges

By Erica Martinson
1/3/12 5:42 AM EST

Stephen Johnson is one of a handful of people who know first-hand what EPA Administrator Lisa Jackson is dealing with.

So the George W. Bush-era EPA chief does not want to criticize his successor.

"I made a conscious decision not to be the armchair critic of the current administrator or administration – that the administrator's job and the responsibility that's been placed upon EPA by the laws are challenging enough," Johnson said in a recent interview with POLITICO, after several years of shying away from the press.

"Does that mean I agree with every decision that the current administrator made? No, not at all," he said. "Do I believe that they're trying to advance health and environmental protection? I certainly do."

Johnson, of course, faced plenty of criticism during his 2005-2009 leadership of the EPA, including from former administrators who accused him of kowtowing to industry. Many career agency employees complained that politics was hijacking science in the Bush administration, and congressional Democrats<<http://www.politico.com/news/stories/0608/11079.html>> even called for Johnson's resignation<http://www.politico.com/blogs/thecrypt/0708/Democrats_call_for_EPA_administrator_to_resign.html>.

The controversies of those days included some of the same difficult decisions that Jackson and President Barack Obama have dealt with in the past year – including rules aimed at lessening ozone emissions, limiting mercury emissions from power plants and reducing air pollution that blows across state lines.

In the case of the ozone limits, Obama publicly pulled the plug this summer on Jackson's plans to announce a dramatic tightening of ozone, or smog, standards. Three years earlier, Bush had issued a similar last-minute blow to Johnson's proposed ozone standard. Jackson is now implementing the less-strict standard her predecessor issued.

Being "the administrator of EPA is a challenging position, regardless of political persuasion," Johnson said, adding that "there are very difficult decisions that obviously have environmental, health and economic implications."

Johnson, who spent 28 years with the EPA, was the first career employee to be appointed administrator. He avoided the limelight after leaving the agency, retreating to his home in Maryland, weighing his options and spending time with his five grandchildren.

Johnson's defenders praise him as "inclusive" and hard-working. Former Assistant Administrator for Water Benjamin Grumbles said Johnson had a "great love for the institution" of the EPA and read through hundreds of pages of proposed rules.

As a career employee, "I think it was kind of hard for him to be in the middle of all the political battles," said industry attorney Jeff Holmstead, who served with Johnson as a political appointee in the Bush administration. "I think he did that well, but I don't think that was really the part of the job that he was most comfortable with.

"Steve was in a tough position, not fully appreciated by either the environmental community or the Republican Party, because he was kind of much more in the middle," Holmstead said.

Meanwhile, some see recent decisions coming out of the agency – namely on fuel economy and ozone – as vindication of Johnson's juggling of competing priorities.

In the ozone decision, for instance, the 75 parts per billion standard that Johnson's EPA finally produced in March 2008 faced criticism for being weaker than what EPA's science advisers and many health experts had advocated.

But this summer, after Obama rejected Jackson's proposal to take the limit down to 70 ppb, the EPA announced that it would finally begin implementing Johnson's standard. Both are more stringent than the 84 ppb standard that has been in place since the Clinton era.

Johnson said he is still "very proud of all the work we did with the Clean Air Act – in fact, [particularly] having President Obama ... say, 'Leave the ozone standard in place that Steve said.'"

On other air pollution issues, including power plants' mercury emissions and cross-state air pollution, the Obama EPA responded to court mandates by imposing rules that were stricter than what Johnson's EPA had issued in March 2005. In fact, the same attorneys most vigilantly fighting Jackson's mercury and air toxics rule<<http://www.politico.com/news/stories/1211/70758.html>>, released in late December, wrote the Bush-era versions tossed out by the courts.

But another air issue – vehicle emissions standards – may display the stark difference at play between the Bush and Obama approaches to regulation.

In March 2008, Johnson went against EPA staff recommendations and denied California a waiver that would have let the state set greenhouse gas standards for automobiles more stringent than national requirements.

In part, he cited a national energy law signed by Bush to require better fuel economy for the first time in decades. Opponents of California's efforts worried that letting one state impose stricter requirements could lead to a difficult and costly patchwork of state regulations for an already hobbled auto industry.

California sued and appeared to have a good chance of winning. But that gave the Obama administration the opportunity for a huge victory: With the help of environmentalists and labor unions, Jackson struck a deal with the Department of Transportation, automakers and the California air board for more expansive regulations, with much greater boosts in national fuel efficiency standards over the next 20 years.

Johnson left quietly when Bush's presidency ended in early 2009. He refused interviews and didn't follow the path of Bush's first EPA chief, Christine Todd Whitman, who publicly accused the administration – and particularly Vice President Dick Cheney – of stifling EPA public health protections.

"I took time off and reflected what I wanted to do," Johnson said.

Johnson also joined the board of trustees for his alma mater, Taylor University in Upland, Ind., a conservative evangelical school where students are prohibited from using alcohol or profanity, dressing immodestly, dancing (except for a few wedding and folk-dancing related exceptions) and engaging in homosexual behavior.

Interestingly, the school is also following the lead of Johnson and other evangelicals recently involved in environmental issues. In 2010, Taylor University began building a massive addition to its science complex dedicated to sustainable energy, including two wind turbines, a green roof and solar paneling.

Johnson is also on the board of Scotts Miracle-Gro and a wastewater treatment renewable energy company. And he's a consulting board member of FlexEnergy, a renewable energy company that has

created a turbine that captures and converts methane – a greenhouse gas – into energy.

Johnson said his new position at FlexEnergy meets his “interest in technology and advancing environmental and public health protection of addressing potent greenhouse gases,” in an “economically sustainable” and “prosperous way.”

In November, FlexEnergy launched a 250 kilowatt installation – enough to power 250 homes – at Fort Benning, Ga., as part of an Obama administration Defense Department pilot program. Using landfill gas, the base is now powered with near-zero emissions.

Demonstrating Johnson’s all-inclusive style of environmental policy, Mike Levin, FlexEnergy’s director of government affairs, noted that the technology offers “something for everybody to agree on.”

“People know this is worth doing,” he said, to combat climate change caused by emission of greenhouse gases. But, he hedged, even “if you don’t believe [in climate change] ... methane is still a huge wasted source of energy.”

An EPA Region 4 official attended the ribbon cutting ceremony.

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<https://www.politicopro.com/go/?id=8220><<https://www.politicopro.com/go/?id=8220>>

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

03/16/2012 08:20 AM

To Windsor.Richard, "Brendan Gilfillan", "Arvin Ganesan",
"Alisha Johnson", "Andra Belknap", "Laura Vaught"

cc

bcc

Subject The Hill: Sen. Inhofe tells MSNBC's Maddow she's one of his
'three favorite liberals'

Sen. Inhofe tells MSNBC's Maddow she's one of his 'three favorite liberals'

by Ben Geman
03/16/12

Conservative Sen. James Inhofe (R-Okla.) offered high praise Thursday night for a trio of ideological foes, including MSNBC host Rachel Maddow.

"By the way, you and Lisa Jackson and Barbara Boxer are my three favorite liberals, because I enjoy watching you very much," Inhofe told Maddow during an interview about global warming.

EPA Administrator Lisa Jackson and Sen. Barbara Boxer (D-Calif.), the chairwoman of the Senate Environment and Public Works Committee, are frequent sparring partners for Inhofe, the panel's top Republican.

However, Inhofe frequently points out that he has a friendly relationship with them.

"Lisa, she even has a picture of my 20 kids and grandkids hanging on her wall. She and I get along fine," Inhofe said on MSNBC. (An EPA spokeswoman confirmed his comment about the picture.)

Inhofe has long battled EPA and Democratic efforts to curb greenhouse gas emissions through cap-and-trade legislation, which collapsed in 2010, or regulations.

He's Capitol Hill's most outspoken opponent of mainstream climate science. "You say something over and over again and sooner or later, people, particularly your audience, there's a liberal audience, they want to believe it," Inhofe told Maddow.

The overwhelming majority of climate scientists say the planet is warming and that human activities - including the burning of fossil fuels - are a major cause.

A small minority of scientists argue that data on warming trends and the human contribution is inaccurate or inconclusive.

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

11/08/2011 09:00 AM

To Windsor.Richard, "Seth Oster", "Bob Perciasepe", "Diane Thompson", "Brendan Gilfillan"

cc

bcc

Subject Politico: Bill Reilly on GOP leaders: 'Science has left the building'

Bill Reilly on GOP leaders: 'Science has left the building'

By Darren Goode
11/8/11 5:32 AM EST

Former EPA Administrator Bill Reilly will point a finger at fellow Republicans for not believing in the science underpinning EPA climate change and other rules in a speech Tuesday.

President George H.W. Bush's agency chief will also defend officials at his former stomping ground for pursuing what the GOP and some Democrats have deemed an unnecessarily aggressive agenda. He is set to give the keynote speech at a symposium hosted by Texas A&M University's George Bush School of Government and Public Service regarding the bipartisanship that went into the 1990 amendments to the Clean Air Act.

"For some of the most prominent leaders of the Republican Party, science has left the building," Reilly said in prepared remarks he will give Tuesday. "It scarcely features."

"Science doesn't feature prominently in these debates," Reilly adds. "Republicans once were the party of science where environmental policy was concerned."

He will also defend the work by current EPA Administrator Lisa Jackson and her crew.

"To some it may appear that the agency is choosing the wrong moment, with the economy hurting and millions unemployed, but most of the costly rules are not on an EPA-controlled schedule," Reilly said. While noting that the timetable is structured at least in part around settlements tied to various court challenges, Reilly said, "These rules are grounded in the best available science, and what's more, given the priority we all hold for the economy, they will result in job creation as companies acquire and install pollution controls."

Reilly will recount how Bush, Senate Majority Leader George Mitchell and others worked on the 1990 Clean Air Act amendments. The bill won landslide approval in both the House and Senate following about five months of writing by administration officials and about 16 additional months of debate in Congress.

"We did not achieve this without confronting differences within the administration," Reilly noted. "Important officials in the Bush administration had serious misgivings."

Budget Director Richard Darman, for instance, predicted a deep recession would result and White House chief of staff John Sununu chose not to attend the signing ceremony.

Vice President Dan Quayle even recommended a veto, Reilly said.

Rep. John Dingell (D-Mich.) – then chairman of the House Energy and Commerce Committee – told Reilly the day of the signing ceremony that it was a "bad bill," Reilly recounts. "This from our congressional sponsor of the bill!" according to Reilly's prepared remarks.

Reilly – while representing a Republican president at EPA – has strong ties as well to the current administration. President Barack Obama tapped him to co-lead a commission that investigated last year's Gulf of Mexico oil spill.

Other former Bush administration officials expected at the symposium at the Ronald Reagan Building and International Trade Center in D.C., include former White House Counsel C. Boyden Gray and former White House Chief of Staff and Bush School Acting Dean Andrew Card.

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<https://www.politicopro.com/go/?id=7115><<https://www.politicopro.com/go/?id=7115>>

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 11/08/2011 08:11 AM EST

To: Richard Windsor; Seth Oster; Bob Perciasepe; Diane Thompson; Brendan Gilfillan

Subject: Full story-Politico: Daley to hand off some W.H. duties
Daley to hand off some W.H. duties

By: Glenn Thrush

November 8, 2011

Embattled White House Chief of Staff Bill Daley will hand off some day-to-day responsibilities to presidential confidante Pete Rouse after coming under fire from West Wing officials for his management style and ineffectual relationship with Congress, according to administration sources.

The shift, first reported by The Wall Street Journal on Monday night, comes as the White House gears up for a brutal reelection campaign and a looming fight over the bipartisan supercommittee's debt reduction proposals.

Rouse, a longtime Hill aide once known as the "101st Senator" for his stature among congressional heavyweights in both parties, will assume a far greater role in legislative affairs – easing growing tension between the White House and Senate Majority Leader Harry Reid (D-Nev.), who complained to President Barack Obama personally about Daley's performance, according to congressional sources.

The "idea Bill has turned over [all] day-to-day [management] is just wrong," a senior administration official told POLITICO in an email.

Daley "asked Pete many weeks ago to take on an expanded operations role to try to make function more smoothly – and it's working," the person added. "Bill is adding to people's responsibilities, not subtracting from anyone's, including his own."

The low-key Rouse – a rumpled Obama insider to Daley's natty outsider – served as interim chief of staff from October 2010 to January 2011, after turning down Obama's request that he take the job full-time. He currently serves as counselor to the president.

Daley's relationship with some of his West Wing colleagues has been strained, and many pined for Rouse, who served as a bridge between the volatile Rahm Emanuel, now the mayor of Chicago, and Daley, the son and brother of Chicago mayors – who assumed office just ten months ago.

Earlier this year, White House aides told POLITICO they were frustrated with Daley's top-down management style and insistence that mid-level aides be cut out of some meetings.

One senior Democratic Hill aide said that Daley has become frustrated with other senior administration officials and had told several congressional Democrats that "he wasn't being listened to."

More recently, communications staffers were infuriated when Daley sat down for a candid one-on-one with POLITICO's Roger Simon without giving them sufficient heads-up. The interview was brutally honest, and showed off many of the attributes that made the former banking executive an Obama favorite in the first place: His F-bomb candor, a dry sense of humor and a wry unflappability.

The former Clinton Commerce Secretary, known for his amiable personality and solid relationships with business leaders, took aim at Emanuel, a longtime friend with whom he maintains a cordial relationship.

"Maybe I missed it – I wasn't here the first two years – but I don't think Rahm was as beloved [as people now say.]"

Daley added of his relationship with reporters: "I'm not as aggressive leaking and stroking. ... I'm not reflecting on Rahm, but I'm not angling for something else, you know? Rahm is a lot younger [Emanuel is 51], and he knew he was going to be doing something else in two years or four years or eight years, and I'm in a different stage. I'm not going to become the leaker in chief."

Indeed, an email to Daley wasn't answered Monday night, and he refused to comment for an earlier POLITICO story that exposed deep rifts in the West Wing over Daley's style.

The in-house griping over Daley was a rarity in the No Drama Obama White House, with word of discord spilling into the Democratic gossip mills on the Hill and K Street.

Daley's brisk corporate style has soured some White House staffers who think he's pinching Obama's access to outside opinions at a time when the administration needs fresh insights.

Sources say that Daley brought new efficiencies to the West Wing, a tighter chain of command and strong working relationships with the business community and international trade partners.

But he didn't mesh as well as expected with Senior Adviser David Plouffe – and remained a relative outsider to many of the campaign veterans who make up the core of Obama's staff.

Nor did he go out of his way to endear himself, often shuttering the door to his corner West Wing office – in contrast to both Rouse and Emanuel.

"He's not a fan favorite," added a former White House staffer who said Daley's been more intent "on controlling the outflow and the inflow from the Oval" than energizing a staff besieged by bad news and the late 2010 organizational shakeup at the White House.

Betsaida Alcantara

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

From: Betsaida Alcantara
Sent: 11/08/2011 08:06 AM EST
To: Richard Windsor; Seth Oster; Bob Perciasepe; Diane Thompson; Brendan Gilfillan
Subject: Politico on Bill Daley

POLITICO Breaking News

Embattled White House Chief of Staff Bill Daley has asked his deputy Pete Rouse to take over some of the day-to-day functions of the West Wing to smooth operations, a move that has been in the works for several weeks, according to senior administration officials.

Daley had come under fire internally for his management style and recent comments he made to POLITICO's Roger Simon in an interview that was granted without clearance from the White House communications staff, according to administration officials. Rouse previously served as Obama's interim chief of staff. The news of Daley's revised role was first reported by The Wall Street Journal.

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

03/08/2010 03:58 PM

To "Adora Andy", "Richard Windsor"

cc

bcc

Subject Bloomberg: EPA Has No Plans for Own Carbon-Trading Program, Jackson Says

EPA Has No Plans for Own Carbon-Trading Program, Jackson Says
March 08, 2010, 2:22 PM EST

March 8 (Bloomberg) -- The Obama administration has no plans to set up a "cap-and-trade" program for greenhouse gases under existing law if Congress doesn't pass legislation doing so, the head of the U.S. Environmental Protection Agency said.

Some people are "over reading" the EPA's budget request for fiscal 2011, EPA Administrator Lisa Jackson said in remarks at the National Press Club in Washington.

Cap-and-trade legislation, which is stalled in Congress, would create a market for carbon dioxide permits that lets companies buy and sell the right to pollute. The agency's Feb. 1 budget request, which is subject to congressional approval, calls for \$7.5 million to examine greenhouse gas regulations that may include "market-oriented mechanisms."

"I don't think you should read into that that we have some plan that folks don't know about to enforce a cap-and-trade regime," Jackson said. "We don't at all."

Jackson said she believes Congress will pass cap-and-trade legislation "hopefully sooner rather than later."

--Editors: Romaine Bostick, Larry Liebert.

Betsaida Alcantara

[EPA chief slams attempted delays b...](#)

03/08/2010 03:41:16 PM

From: Betsaida Alcantara/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>
Date: 03/08/2010 03:41 PM
Subject: REUTERS: EPA chief slams attempted delays by lawmakers

EPA chief slams attempted delays by lawmakers

Mon Mar 8, 2010 7:49pm GMT

WASHINGTON (Reuters) - U.S. Environmental Protection Administrator Lisa Jackson fought back on Monday against Senate attempts to challenge EPA's authority to regulate emissions while lawmakers work on a climate bill, saying delaying agency action would be bad for the economy. President Barack Obama is pressing the EPA to take steps to regulate greenhouse gases as the climate bill stalls in the Senate.

Senator Lisa Murkowski is trying to stop EPA from taking steps under the Clean Air Act on climate pollution from tailpipes and smokestacks.

As well, Democratic Senator John Rockefeller introduced a bill to force a two-year delay in any EPA action. "Supposedly these efforts have been put forward to protect jobs," Jackson told a meeting at the National Press Club. "In reality, they will have serious negative economic effects." But Jackson, in line with other Obama Administration officials trying to win broader support for a climate bill, said the U.S. climate strategy should include incentives for offshore oil and natural gas drilling as long as the environment is not hurt. "The energy strategy has to be varied and should include offshore drilling when it can be done in a

way that is protective of the environment," Jackson told reporters at the National Press Club. Senators John Kerry, a Democrat, Lindsey Graham, a Republican, and Joe Lieberman, an independent, are working on a compromise climate bill that could include incentives for offshore petroleum production and nuclear power. The bill faces an uncertain future amid opposition from energy-rich states. Jackson also said the bill should include incentives for alternative forms of energy like offshore wind power and energy efficiency

**Betsaida
Alcantara/DC/USEPA/US**
03/08/2010 03:59 PM

To "Adora Andy", "Richard Windsor"
cc
bcc
Subject The Hill (blog) : EPA's Jackson cheers Avatar's haul

EPA's Jackson cheers Avatar's haul

By Ben Geman - 03/08/10 01:25 PM ET

EPA Administrator Lisa Jackson suggested Monday that the smash movie Avatar's eco-tint has something to do with its record-breaking haul.

"I ask you to remember that the movie with the environmental message made a lot of money," Jackson noted at a National Press Club appearance.

The film tells the tale of a close-to-nature alien race fighting a mining company from Earth that's seeking to ravage their planet in pursuit of mineral wealth.

Environmentalists have drawn comparisons to mountaintop removal coal mining and development of Canada's oil sands, and director James Cameron has talked up the movie's eco-themes.

Jackson had predicted Avatar would win best picture at the Oscar's but the award went to The Hurt Locker.

Betsaida Alcantara EPA Has No Plans for Own Carbon... 03/08/2010 03:58:48 PM

From: Betsaida Alcantara/DC/USEPA/US
To: "Adora Andy" <Andy.Adora@epamail.epa.gov>, "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Date: 03/08/2010 03:58 PM
Subject: Bloomberg: EPA Has No Plans for Own Carbon-Trading Program, Jackson Says

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March 08, 2010, 2:22 PM EST

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--Editors: Romaine Bostick, Larry Liebert.

Betsaida Alcantara EPA chief slams attempted delays b... 03/08/2010 03:41:16 PM

From: Betsaida Alcantara/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Cc: "Adora Andy" <Andy.Adora@epamail.epa.gov>
Date: 03/08/2010 03:41 PM
Subject: REUTERS: EPA chief slams attempted delays by lawmakers

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Mon Mar 8, 2010 7:49pm GMT

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

09/13/2010 10:34 AM

To "Richard Windsor"

cc

bcc

Subject 4 additional Americus, GA clips

The Americus Times-Recorder

September 11, 2010

EPA hears local agri-business concerns<

<http://americustimesrecorder.com/local/x305041585/EPA-hears-local-agri-business-concerns>>

Keven Gilbert Sat Sep 11, 2010, 08:00 PM EDT

AMERICUS – U.S. Rep. Sanford Bishop Jr. (2nd Congressional District) and U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson conducted a town hall meeting Friday in Americus at South Georgia Technical College (SGTC) in the John M. Pope Industrial Technology Center. The event was scheduled as part of an Environmental Justice tour. The audience of 150 individuals, representing agricultural organizations throughout the 2nd District, provided comments and questions for Jackson and Chief Agricultural Counselor Larry Elworth concerning the impact of environmental issues on communities.

After welcoming the audience, SGTC President Sparky Reeves shared the college's plans for a new alternative energy and transportation center that will be environmentally friendly and turned the program over to Bishop who told the audience that he is an opponent of over-burdensome regulations on farming. He introduced Jackson, who was nominated by President Obama to lead the EPA on Dec. 15, 2008. In response to commentary and in answering questions, Jackson addressed hot-topic EPA issues.

A representative from the Georgia Cotton Commission urged Jackson to include farmers in the decision-making process concerning pesticide regulation. He told Jackson that the agricultural community needs a weed management plan that it can endorse. Jackson agreed, saying that farmers should have a big role in making EPA policy.

A member of the Georgia Peanut Commission expressed his organization's concern that farmers were at an economic disadvantage when crop protectants were taken off of the market without a viable alternative being available. Concerns have been raised recently about the EPA's ban list on chemicals that combat Round-Up-resistant pig weed.

The regulations on greenhouse gases were brought up several times throughout the meeting. Jackson addressed comments that farming operations will soon be mandated to use only EPA compliant equipment. Jackson said that the Obama administration has no plan to regulate greenhouse gases from farming operations. She said that addressing climate change is part of the administration's environmental philosophy, saying that "climate is changing and things that man is doing is causing it." But Jackson said that rural America was a great contributor to the climate issues.

On the topic of green house gases, Jackson said that regulation of green house gases present a "tremendous opportunity" in the market place and is just one part of the larger issue of clean energy production. She pointed to the opinion of some economists who say that getting on board now with clean energy will have its economic advantages.

With many areas of agribusiness regulations being covered, the topic of "growing the economy" surfaced. Bryan Tolar, vice president of Public Affairs for the Georgia Agribusiness Council told Jackson that while sustainability in agriculture will positively affect the environment, he perceives "sustainable agriculture as profitable agriculture."

<< image 1 >>About 150 people attended a 'Town Hall Meeting' sponsored by Congressman Sanford Bishop and the EPA Friday.

The Albany Herald- EPA chief: We're not ag's enemies
September 11, 2010
<http://www.albanyherald.com/home/headlines/102676504.html>

Updated: 12:52 AM Sep 11, 2010

EPA's administrator says it is important to maintain a dialogue with the public about their concerns and fears about environmental regulations. - Ricki Barker, staff writer

Posted: 12:15 AM Sep 11, 2010

Reporter: Ricki Barker, staff writer

Email Address: ricki.barker@albanyherald.com<[mailto:ricki.barker@albanyherald.com?subject=EPA chief: We're not ag's enemies](mailto:ricki.barker@albanyherald.com?subject=EPA%20chief:%20We're%20not%20ag's%20enemies)>

AMERICUS, Ga. – While the Environmental Protection Agency has not always seen eye to eye with farmers and other stakeholders in the agricultural industry, which boasts a \$56.7 billion impact to Georgia's economy, EPA Administrator Lisa Jackson said Friday that rural areas should not think of the EPA as the big bad wolf of government agencies.

"There is such a fear in rural areas that the EPA is coming after you," Jackson spoke bluntly at a Friday Town Hall meeting in Americus. "We are trying to get the best data we can when addressing policy and your (agribusiness's) comments and input are needed."

Jackson, the head of EPA, was in south Georgia on Friday for a town hall meeting to find out what rural Georgians have to say about the environment.

The joint EPA-Congressional Black Caucus event was part of an Environmental Justice Tour designed to highlight the impact of environmental issues on communities. The meeting in Americus gave those involved in agribusiness a chance to share concerns about pending EPA regulations that affect agriculture, as well as air and water quality issues.

During the meeting Friday at South Georgia Technical College in Americus, Jackson listened to concerns from representatives of several agribusinesses, including the Georgia Peanut Commission and the Georgia Cotton Council.

Approximately 150 individuals from around the state were present at the meeting.

Many representatives from agricultural industries expressed concerns over some of the EPA's recent regulations they say negatively impact agribusiness.

Recently the EPA announced it was considering stricter regulations for particulate matter, or dust, based on health concerns. The EPA is required under the Clean Air Act to reassess national air quality standards every five years. New regulations are scheduled to be in place by 2011. If a proposal by the EPA becomes law, the amount of allowable dust released in the air from farming and other businesses would have to be cut in half.

That spells bad news for farmers of one of Georgia's biggest crops – peanuts.

Many farmers and agricultural representatives argued that dust was a way of life in rural areas and that you cannot farm without the possibility of dust.

Jackson addressed the dust concerns by stating that the EPA will not enact regulations that would prevent farmers from growing a particular crop.

"We are making sure and taking great care that you aren't required to do something that does not allow you to grow your crop," she told the crowd.

Among the concerns farmers had were the cap-and-trade bill, regulation of bio fuels, soil fumigate plans and the regulation of greenhouse gases.

Steve Brown, assistant dean for the University of Georgia Cooperative Extension Service, said he was concerned about the EPA's regulation of pesticide drift when farmers spray their fields.

"No one wants drift," Brown told Jackson. "You want your pesticide to hit your target, but the droplet size regulation is not the answer."

Brown explained to the EPA administrator that some farmers have been using electrostatic sprayers that charge the pesticide droplets, allowing the pesticide to hit their targets specifically. He urged the EPA and Jackson to consider advances in technology before making regulations.

U.S. Rep. Sanford Bishop, D-Albany, a member of the Congressional Black Caucus, said Friday's town hall meeting is an example of what government should be.

"It's a win-win situation," Bishop said. "There was a cooperative outreach between both sides. It really showed what a government agency working for the people looks like."

He said the meeting was important because it gave Jackson a chance to hear comments from the people her agency's policies affect.

"I think now she (Jackson) can gain new insight and take that back with her," said Bishop. "This is a good first step for working towards an EPA that works for the best interest of the stakeholders and not involuntarily work against them."

<< image 2 >>From left, U.S. Rep. Sanford Bishop listens to EPA Administrator Lisa Jackson as she responds to a question during a town hall meeting Friday in Americus.

WALB-NBC-TV Channel 10, Albany, GA

<http://www.walb.com/Global/story.asp?S=13134471> (with video)

EPA Administrator comes to Americus

Posted: Sep 10, 2010 5:16 PM EDT Updated: Sep 10, 2010 5:17 PM EDT

AMERICUS, GA (WALB) - A top Obama administration official heard complaints about government regulation from south Georgia farmers Friday.

Environmental Protection Agency director Lisa Jackson came to Americus to hear the concerns of more than 100 growers, ranchers and industrialists.

She took numerous questions about new Obama Administration policies.

Many of the farmers say it seems the EPA is working against them - an image that Jackson is trying to change.

"EPA understands that the viability economically and sustainability environmentally is absolutely critical to our country. It's crucial to our security and its crucial to our nations prosperity," said Jackson.

This is the first time that a sitting EPA administrator has come to South Georgia.

Jackson says the region can have a major impact on diversifying the nation's energy supply and shaping the new environmental policy.

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<http://www.gpb.org/news/2010/09/10/epa-chief-visits-amicus>

Georgia Public Broadcasting

Fri., September 10, 2010 1:27pm (EDT)

EPA Chief Visits Americus

By Josephine Bennett

Updated: 3 days ago

AMERICUS, Ga. —

<< image 3 >>EPA Administrator Lisa Jackson (photo courtesy U.S. Environmental Protection Agency)

The head of the United States Environmental Protection Agency was in South Georgia today for a town hall meeting to find out what rural Georgians have to say about the environment.

EPA Administrator Lisa Jackson is partnering with the Congressional Black Caucus for the so-called "Environmental Justice Tour." The meeting in Americus gave rural Georgians a chance to share concerns about pending EPA regulations affecting agriculture, as well as air and water quality issues.

Jackson says income and race have historically influenced land use. She says going forward the EPA wants to make sure poor communities are not disproportionately targeted.

"The sighting of everything from plants to disposal facilities can mean, not always means that you have to be specifically on the lookout to ensure that community is not bearing more than its share of the environmental burden."

Jackson says the EPA would also like to see rural communities be able to clean up old factories and put the land back to productive use.

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

12/29/2011 11:36 AM

To "Richard Windsor"

cc

bcc

Subject Politico Pro: Arnold's green road back

Arnold's green road back

By Alex Guillen
12/29/11 9:31 AM EST

Arnold Schwarzenegger, hot off a seven-year run as California governor, went underground in May after it was revealed he had fathered a child with a household employee.

The White House, which worked with him on events like Solyndra's factory groundbreaking in 2009, cut off contact. A "world tour" to promote green policies was derailed. Polls showed that most of the support he had left among his former constituents was gone.

But in recent weeks, Schwarzenegger has begun to return to the spotlight, making public appearances at renewable energy and climate change events, advocating for green technology and touting his energy achievements in the Golden State.

"I promise you I will be your cheerleader and carry our message around the world. I will do everything in my power to make this happen," Schwarzenegger told <https://www.politicopro.com/story/energy/?id=7732> the American Council On Renewable Energy on Dec. 5 in Washington, D.C. "I feel as passionate about this as I did about bodybuilding, about fitness and weight training, all those things."

Having spent six months out of the spotlight, Schwarzenegger is easing back into public life.

Besides his energy-related activities, Schwarzenegger is penning a memoir and starring in a sequel to the 2010 action flick "The Expendables," as well as a Western.

Whether his shift back into the world of policy will ingratiate him again with the public is unclear.

Schwarzenegger — the star of Hollywood hits such as "The Terminator" and "Total Recall" — is both enigmatic and appealing, strategists say.

"The normal rules that you would apply to a politician just really have never applied to him because he's an iconic figure beginning with sports and then entertainment and then politics," said Chris Lehane, a Democratic strategist who worked in the White House counsel's office during President Bill Clinton's Monica Lewinsky scandal.

"He's just never been perceived — even as governor — as a politician. He was his own separate brand that transcended politics, that transcended entertainment, that was a very unique brand," Lehane added.

Schwarzenegger was well-known in politics, inside and outside of California, for his energy and environmental efforts, including: passing a cap on greenhouse gas emissions, fostering the solar industry and mandating that utilities have energy storage capacity for when the wind doesn't blow.

He even converted two of his Hummers to run on biofuel and hydrogen.

But any post-gubernatorial plans were postponed when news broke in May that he had fathered a child with an employee and kept it secret for more than a decade. Schwarzenegger's wife, Maria Shriver, left him and has filed for divorce.

A June poll found<<http://www.politico.com/news/stories/0611/57212.html>> that three-quarters of California voters said they viewed their former governor unfavorably, while 20 percent expressed support.

Now, by working to reconnect himself with renewable energy, Schwarzenegger is seeking to remind the public of his greatest policy-related achievements.

“He deserves serious policy credit because he has been involved in those issues. He did roll up his sleeves and accomplish — with the help of a lot of Democrats — but accomplish some particularly significant policy wins in California,” Lehane said.

It also shifts the conversation away from the scandal, according to Dan Schnur, director of the Jesse M. Unruh Institute of Politics at the University of Southern California.

“Scandals don’t usually go away because of the calendar. They go away because you changed the subject,” Schnur said. “So by reminding people how active he has been in the climate change debates, Schwarzenegger is making it easier for them to get past his personal matters.”

It’s true, Lehane says, just look at golfer Tiger Woods.

“You saw the degradation of one of the greatest brands in history as the result of poorly handling an issue — and Arnold has, at least in terms of the crisis response, did not make the fundamental mistakes that Tiger did,” he said. “But nonetheless Tiger is now beginning to secure back major corporate endorsements.”

Before the scandal, Schwarzenegger’s name was occasionally mentioned for a post in President Barack Obama’s administration — including by Schwarzenegger himself<<http://lat.ms/esdYVA>>.

Perhaps his biggest selling point: he’s a card-carrying Republican.

"To me, it made no difference if a Democrat had a great idea or a Republican had a great idea, or if someone from the outside had a great idea, or if someone from within the office had a great idea," Schwarzenegger said on Dec. 15 at a conference on climate change organized by current California Gov. Jerry Brown, the Sacramento Bee<<http://bit.ly/rXa9ap>> reported. "The more inclusive you are about this, and the less you villainize anybody, the better you're off."

From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 12/29/2011 09:33 AM EST
To: Betsaida Alcantara
Subject: Arnold's green road back

**Betsaida
Alcantara/DC/USEPA/US**
10/13/2011 08:25 PM

To "Richard Windsor"
cc
bcc
Subject Politico: House votes to block boiler MACT

From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 10/13/2011 08:09 PM AST
To: Betsaida Alcantara
Subject: House votes to block boiler MACT

House votes to block boiler MACT

By Erica Martinson
10/13/11 8:08 PM EDT

The House passed a bill Thursday, [275-142](#), requiring the EPA to rework its air toxics controls for industrial boilers in the latest in a string of Republican strikes against Obama administration rules that critics say cripple an already fragile economy.

The [boiler MACT bill](#) would require the EPA to pull back on requirements that some lawmakers charge would require billions of dollars in capital and compliance costs for hospitals, factories, colleges and other employers. The bill gives the EPA 15 months to re-propose and finalize a rule that is less onerous on employers and provides an extended compliance period.

The EPA is expected to propose updates to air toxics standards for boilers and some solid waste incinerators by the end of this month and issue final standards in April 2012, as agreed to in the U.S. Court of Appeals for the D.C. Circuit.

Democrats opposed to the bill introduced a slew of amendments meant to point to harmful effects of pollution on public health. But the House defeated all 14 attempts, beginning with five amendments on Oct. 6, including one allowing the EPA to move forward with its original rule if it is determined that mercury and other emissions harm brain development in infants and children.

And on Tuesday, the House stuck down eight amendments, including provisions to null the bill if it is found that the emissions cause respiratory and cardiovascular illness and deaths, increase risk of cancer, or if the House does not agree upon cost offsets.

Thursday, the bill's supporters shot down a final amendment that would require that the EPA take into account illness-related absences to work when deciding upon compliance deadlines for the rule.

The boiler bill is part of a barrage of EPA-related bills Republicans are offering in an effort to

point to the agency as the source of bureaucratic red tape, overzealous enforcement and unreasonable costs compared to benefits that they say hamstring small businesses and the American economy.

Nevertheless, none of them are likely to move in the Democratic-led Senate, where Environment and Public Works Committee Chairwoman Barbara Boxer (D-Calif.) vowed to hold off the bills that she says are damaging to health and the environment, including one that [passed the house](#) Sept. 23 blocking EPA rules to regulate air pollution crossing state lines and mercury and other pollutants from power plants.

The White House has issued [veto threats](#) for both the boiler MACT bill and [a similar bill](#) aimed at EPA's limits for air emissions for the cement industry, though an opposition letter to an upcoming coal ash bill stopped short of such a threat.

And Natural Resources Defense Council's Clean Air Director John Walke called the legislation the "latest installment of the tea party's unraveling of the Clean Air Act" and argued that it would allow "dirty incinerators and industrial boilers to pollute our air with more cancer-causing dioxins, arsenic, mercury and lead."

Friday, the house is expected to move on [another bill](#) barring the EPA from designating coal ash as a hazardous waste. Lawmakers are concerned that the agency will seek to strictly regulate coal ash in the wake of a 2008 spill at a Tennessee coal plant where 1.1 billion gallons of coal ash slurry broke free from ponds at the plants, covering 300 nearby acres of waterways and homes. Stricter regulations, however, could limit businesses' ability to reuse the product in concrete and other building products.

To read and comment online:

<https://www.politicopro.com/go/?id=6545>

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**Betsaida
Alcantara/DC/USEPA/US**
03/08/2010 03:41 PM

To "Richard Windsor"
cc "Adora Andy"
bcc

Subject REUTERS: EPA chief slams attempted delays by lawmakers

EPA chief slams attempted delays by lawmakers

Mon Mar 8, 2010 7:49pm GMT

WASHINGTON (Reuters) - U.S. Environmental Protection Administrator Lisa Jackson fought back on Monday against Senate attempts to challenge EPA's authority to regulate emissions while lawmakers work on a climate bill, saying delaying agency action would be bad for the economy. President Barack Obama is pressing the EPA to take steps to regulate greenhouse gases as the climate bill stalls in the Senate.

Senator Lisa Murkowski is trying to stop EPA from taking steps under the Clean Air Act on climate pollution from tailpipes and smokestacks.

As well, Democratic Senator John Rockefeller introduced a bill to force a two-year delay in any EPA action. "Supposedly these efforts have been put forward to protect jobs," Jackson told a meeting at the National Press Club. "In reality, they will have serious negative economic effects." But Jackson, in line with other Obama Administration officials trying to win broader support for a climate bill, said the U.S. climate strategy should include incentives for offshore oil and natural gas drilling as long as the environment is not hurt. "The energy strategy has to be varied and should include offshore drilling when it can be done in a way that is protective of the environment," Jackson told reporters at the National Press Club. Senators John Kerry, a Democrat, Lindsey Graham, a Republican, and Joe Lieberman, an independent, are working on a compromise climate bill that could include incentives for offshore petroleum production and nuclear power. The bill faces an uncertain future amid opposition from energy-rich states. Jackson also said the bill should include incentives for alternative forms of energy like offshore wind power and energy efficiency

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

04/01/2010 05:20 PM

To "Richard Windsor", "Adora Andy"

cc "Seth Oster"

bcc

Subject WaPo: EPA unveils new pollution limits that could curtail
'mountaintop' mining

EPA unveils new pollution limits that could curtail 'mountaintop' mining

By David A. Fahrenthold

Washington Post Staff Writer
Thursday, April 1, 2010; 4:15 PM

The Environmental Protection Agency on Thursday announced new pollution limits that could sharply curtail "mountaintop" mining, the lucrative and controversial practice that is unique to Appalachia.

The decision, announced Thursday afternoon by EPA Administrator Lisa P. Jackson, is expected to end or significantly cut the use of "valley fills." At these sites, mining companies fill valleys to the brim with rock and rubble left over when peaks are sheared off to reach coal seams inside.

"Minimizing the number of valley fills is a very, very key factor," Jackson said. "You're talking about no, or very few, valley fills that are going to meet this standard."

Both supporters and opponents of the practice said that, because large valley fills are such a common part of mountaintop mines, the move could curtail the mines in general. Mountaintop mining provides only about 10 percent of U.S. coal, but it is a much larger part of the economy in some sections of southern West Virginia and eastern Kentucky.

"It could mean the end of an era," said Luke Popovich of the National Mining Association. He said that to limit valley fills "is tantamount to saying the intent is to strictly limit coal mining in Appalachia," with serious economic consequences for regions dependent on the mines.

Joe Lovett of the Appalachian Center for the Economy and the Environment applauded the move -- saying it was in line with federal law like the Clean Water Act.

"Mountaintop mining, by its nature, destroys water," Lovett. Of this decision, he said, "I hope it means the beginning of the end."

"It could be, if implemented and enforced, the most significant enforcement to date," said Joan Mulhern, of the group Earthjustice. "The federal government has pretty much to date done nothing on this issue. . . . It's new, on mountaintop removal, that EPA is doing its job."

Jackson said the EPA would issue "guidance" to its local offices, which help review permits for new mountaintop mines. In that guidance, she said, the EPA sets an upper limit on one kind of pollution permitted downstream from valley-fill sites.

The pollutant -- odd as it sounds -- is salt. Scientists say that, when rainwater trickles through the jumbled rock inside a valley fill, it is imbued with salt and toxic chemicals that had previously been buried in rocks deep inside mountains.

The water can then poison small Appalachian streams and kill wildlife.

"The intent here is to tell people what the science is telling us, which is that it would be untrue to say that you could have numbers of valley fills, anything other than minimal valley fills, and not expect to see irreversible damage to stream health," Jackson said.

The rule would apply only to new permits, not mines currently operating. The mines would have to show that they had taken steps like storing excess rock away from streams.

□

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

04/25/2012 09:57 AM

To "Richard Windsor", "Bob Perciasepe", "Brendan Gilfillan",
"Alisha Johnson", "Andra Belknap"

cc

bcc

Subject Politico Pro: Obama: Climate change will be a campaign
issue

Obama: Climate change will be a campaign issue

By Dan Berman
4/25/12 9:51 AM EDT

President Barack Obama says the amount of money poured into fighting the scientific consensus on climate change will push the issue into the presidential campaign.

In an interview with Rolling Stone<

<http://www.rollingstone.com/politics/news/ready-for-the-fight-rolling-stone-interview-with-barack-obama-20120425?print=true>> published Wednesday, Obama also says he's worried about the lack of international progress to address global warming and believes that is tied to frustration with the Keystone XL pipeline.

"Part of the challenge over these past three years has been that people's number-one priority is finding a job and paying the mortgage and dealing with high gas prices," Obama said. "In that environment, it's been easy for the other side to pour millions of dollars into a campaign to debunk climate-change science.

"I suspect that over the next six months, this is going to be a debate that will become part of the campaign, and I will be very clear in voicing my belief that we're going to have to take further steps to deal with climate change in a serious way," he added.

Obama didn't mention Mitt Romney by name, but sought to contrast the GOP of today with 2008 standard-bearer John McCain, who for years sponsored cap-and-trade legislation with Sen. Joe Lieberman.

"Here's a guy who not only believed in climate change, but co-sponsored a cap-and-trade bill that got 43 votes in the Senate just a few years ago, somebody who thought banning torture was the right thing to do, somebody who co-sponsored immigration reform with Ted Kennedy," Obama said of McCain. "That's the most recent Republican candidate, and that gives you some sense of how profoundly that party has shifted."

Romney ran to the right in the Republican primary on global warming, saying in October that the causes of climate change are unknown.

"My view is that we don't know what's causing climate change on this planet," Romney said<
<http://www.politico.com/news/stories/1011/67081.html>> at a fundraiser last fall. "And the idea of spending trillions and trillions of dollars to try to reduce CO2 emissions is not the right course for us."

Rolling Stone's Jann Wenner asked Obama about NASA climate scientist James Hansen's statement that building the Keystone XL pipeline is "game over" for the planet, and while the president didn't say he disagreed with that assessment, he suggested the lack of climate action is behind the anger over Keystone.

"The reason that Keystone got so much attention is not because that particular pipeline is a make-or-break issue for climate change, but because those who have looked at the science of climate change are scared and concerned about a general lack of sufficient movement to deal with the problem," Obama said.

"Frankly, I'm deeply concerned that internationally, we have not made as much progress as we need to make," he added.

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

12/20/2011 07:59 AM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",
Gilfillan.Brendan, "Arvin Ganesan", "Laura Vaught"

cc

bcc

Subject MATS on Politico Morning Energy

UTILITY MACT WATCH – The EPA has acknowledged that it has signed its finalized mercury and air toxics rule for power plants, but it still hasn't shown the rule or given word on when it will. The environment, public health and industry groups awaiting the rule are starting to get anxious, with spokesmen from all sides of the issue Monday saying they couldn't remember an instance in which a signed rule had lingered out of the public eye.

THEY CAN'T HOLD IT FOREVER – The consent decree EPA signed in 2010 stipulates that they will provide the rule to the Federal Register within five business days of its signing.

MORE MACT – Sen. Jim Inhofe wants EPA's inspector general to investigate why the agency won't answer his questions about the utility MACT. Martinson has the details for Pros: <http://politico.pro/tZUVRc<#story8112>>.

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

10/25/2011 08:18 PM

To "Richard Windsor", "Bob Perciasepe", "Seth Oster", "Brendan Gilfillan", "Arvin Ganesan"

cc

bcc

Subject Politico: Senate Dems slow to pull trigger on Keystone

Senate Dems slow to pull trigger on Keystone

By Darren Goode
10/25/11 8:13 PM EDT

Critics of the controversial Keystone XL pipeline think they've uncovered a conflict-of-interest scandal that will shake the halls of Congress.

They just can't get top Senate Democrats to help them do it.

Environmental groups opposing the \$7 billion, 1,700-mile pipeline sending crude from Alberta oil sands to Texas have uncovered evidence they say shows the State Department has already made up its mind, such as internal emails showing a cozy relationship between a TransCanada lobbyist and former Hillary Clinton campaign aide with a department official working on the project.

But while House Republicans have fanned the flames of the Solyndra affair with an unending stream of letters, hearings and subpoena threats, Senate Democrats – who have all the same arrows in their quivers – have been slow to take up arms over Keystone.

Senate Foreign Relations Committee Chairman John Kerry, long a champion of green causes, cited a busy schedule – which includes a seat on the deficit-cutting supercommittee – as his reason for not jumping on the issue, although it involves the State Department.

Energy and Natural Resources Committee Chairman Jeff Bingaman has no plans to look into the pipeline review or the project itself before the State Department makes its decision by the end of the year.

And when Senate Majority Leader Harry Reid wrote Clinton this month to question the need for the pipeline, his office kept the letter quiet. Reid's letter wasn't released by his office or even publicly cited until The Washington Post referenced it in a story two weeks after it was sent.

Another pipeline critic, Sen. Ben Nelson (D-Neb.), admitted he's not familiar with allegations that the State Department's review of the TransCanada pipeline is not on the level.

"I haven't spent any time looking at those charges," Nelson said. "I just don't think it's that newsworthy."

Other key Democratic partners with the environmental community like Senate Environment and Public Works Committee Chairwoman Barbara Boxer, Energy and Commerce Committee ranking member Henry Waxman and House Natural Resources Committee ranking member Ed Markey have written letters and otherwise raised concerns about the pipeline, focusing on environmental and safety concerns, rather than the conflict-of-interest charges.

"The environmental and economic concerns have been and will continue to be the primary one for many members," said Markey's spokesman Eben Burnham-Snyder.

Unlike other Obama administration environmental and energy efforts, such as climate change legislation, the decision on the proposed pipeline lies with President Barack Obama due to the fact it would cross the U.S.-Canada border.

Pipeline opponents have waged a public campaign against the administration, protesting at the White

House in August and again Tuesday outside Obama's hotel in San Francisco. Another major protest is scheduled for Nov. 6 at the White House. Protest organizer Bill McKibben has repeatedly stated his goal isn't to hurt the president, but opponents realize that Democratic lawmakers may not be eager to draw much attention to criticism of the administration or allege something as serious as a conflict of interest as 2012 approaches.

"To be blunt, there's a lot going on, but there's also a lot of counterpressure going on not to upset the apple cart," said Damon Moglen, director of climate and energy at Friends of the Earth.

"Democratic lawmakers in Congress are always reluctant to take on their own president," said Jeremy Symons, senior vice president for conservation and education at the National Wildlife Federation.

Labor unions – an important constituency for Obama and a lot of other Democrats – are backing the pipeline and the jobs it could bring.

The State Department in August released a final environmental impact assessment, stating that the pipeline would have minimal adverse impact. This assessment further cemented in the minds of critics that the department is well on its way to approving the pipeline.

Clinton herself raised eyebrows in October 2010 when she said the department was "inclined" to approve the pipeline since it's better to get oil from a friendly neighbor like Canada than from the Middle East.

"I think it's driving the environmental community nuts because their friends in the White House and the State Department are going to grant this permit," said Sen. Mike Johanns (R-Neb.), who along with Nelson is opposed to the proposed pathway the pipeline would take in their state.

The lack of congressional investigation has meant that the "growing influence scandal," as Friends of the Earth has dubbed it, has developed more slowly.

Friends of the Earth collected through a Freedom of Information Act request the emails between State Department officials and Paul Elliott, TransCanada's chief Washington lobbyist – and Clinton's national deputy campaign manager when she ran for president in 2008.

But congressional demands are faster than FOIA requests. The flames igniting any burgeoning scandal – as evidenced by the attention played on Solyndra – often grow brighter through subpoenas and other action by Congress, regardless of the validity of the charges being levied.

"This is not a legislative issue and, at this time when there's so many other battles competing for members' attention, it makes sense that some would focus more on those issues rather than on a decision that is still pending in the administration," said Daniel Weiss, senior fellow at the Center for American Progress Action Fund.

Weiss also suggested that more media attention would raise more eyebrows among lawmakers.

"The more that Keystone is covered, the more you see members of Congress taking a position on it," he said.

Thirty-three House Democrats led by Oregon Rep. Earl Blumenauer and three Senate Democrats this month did send separate letters to Clinton questioning the validity of the department's review by referencing a New York Times article on the department's selection of Cardno Entrix to handle the environmental review of the pipeline after reportedly listing TransCanada as a "major client."

"Hillary Clinton's mess is making it harder to ignore," Symons said.

Clinton has denied any problem with the department's review, telling The Associated Press this month that she has "no reason to believe" that the department is biased in favor of the project.

In a meeting last week with Sen. Bernie Sanders (I-Vt.), department officials also stressed a decision hasn't been made and that the environmental analysis is merely one piece of a larger, complicated review.

The announcement Monday that Broderick Johnson would be a senior adviser on Obama's reelection team after spending time working at a lobbying shop that represented TransCanada also irks some critics. "It stinks," said McKibben. Johnson registered as a lobbyist for TransCanada, though the company is denying he worked on its behalf.

Not everyone is necessarily waiting for congressional Democrats to throw more weight around. Friends of the Earth and the Center for Biological Diversity are among those that have already challenged the project in court.

"Our attention is focused entirely outside of Washington, outside of the Beltway, where the action really is on this issue," Symons said. "Washington is the problem."

Aside from the protests, the McKibben-led Tar Sands Action is also backing a print ad in The New York Times and The Washington Post, as well as on POLITICO and other news websites, slamming the State Department's connections to TransCanada and alleging the pipeline is "an environmental crime in progress."

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

03/18/2012 01:44 PM

To "Richard Windsor", "Brendan Gilfillan", "Bob Perciasepe",
"Diane Thompson"

cc

bcc

Subject Washington Post blog: Mitt Romney on gas prices: Fire the
'gas hike trio'

Fyi

Posted at 11:25 AM ET, 03/18/2012

Mitt Romney on gas prices: Fire the 'gas hike trio'

By Matt DeLong and Philip Rucker

Washington Post

During an interview on "Fox News Sunday," former Massachusetts governor and presidential candidate Mitt Romney said there is "no question" that President Obama is to blame for rising gas prices and called for the president to fire the "gas hike trio" of cabinet members.

"When [President Obama] ran for office, he said he wanted to see gasoline prices go up," Romney said. "He said that energy prices would skyrocket under his views, and he selected three people to help him implement that program. The secretary of energy, the secretary of interior and EPA administrator. And this gas hike trio has been doing the job over the last three-and-a-half years, and gas prices are up. The right course is they ought to be fired because the president has apparently suffered election-year conversion. He's now decided that gasoline prices should come down."

Romney went on to say that once Energy Secretary Steven Chu, Interior Secretary Ken Salazar and Environmental Protection Agency Administrator Lisa P. Jackson submit their letters of resignation, Obama should "start drilling for energy here," and pursue development of oil, natural gas, and coal resources.

Romney, who first called for their firing at a town hall meeting Saturday night in Collinsville, Ill., is talking more and more about gas prices and their impact on families across the country. He said the gas prices are pinching middle class families, who now struggle to fill up their tanks.

"I'm seeing more and more people, particularly women for instance, that say to me, 'You know, it's hard getting kids to school and to soccer practice when you don't know if you can afford to fill up the car,'" Romney said.

Romney recalled meeting a woman on a recent campaign trip to Missouri.

"I spoke with a teacher in St. Louis who was out of work and she's staying on unemployment because she said, in part, the cost of getting to and from work at a temporary teaching assignment was just so expensive, given gasoline," Romney said. "She couldn't afford to go back to work."

The Washington Post's Fact Checker has twice examined Republican claims that President Obama wanted gas prices to rise, in both cases awarding Three Pinocchios to Obama's critics.

Meanwhile, Obama campaign adviser David Axelrod fired back at Republicans during a Sunday morning appearance on CBS's "Face the Nation," singling out former House speaker Newt Gingrich's pledge to

return gas prices to \$2.50 per gallon if he wins the presidency. "That's not oil talk, that's snake oil talk," Axelrod said. "And I think the American people know the difference."

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

02/17/2010 10:42 PM

To "Richard Windsor"

cc "Mr. Allyn Brooks-LaSure"

bcc

Subject The Root.com : Green Is the New Black

(From roundtable today..)

Green Is the New Black

EPA Administrator Lisa Jackson ties environmentalism to minority concerns.

The Root.com - Feb. 18

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

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02/24/2010 09:05 PM

To "Richard Windsor"

cc "Seth Oster"

bcc

Subject Dow Jones : EPA Chief: "Working Towards"Coal-Ash
Proposal For April

EPA Chief: "Working Towards"Coal-Ash Proposal For April

By Siobhan Hughes Of DOW JONES NEWSWIRES WASHINGTON

(Dow Jones)--The U.S. Environmental Protection Agency is trying to issue a proposal to regulate the waste produced by coal-fired power plants by April, EPA Administrator Lisa Jackson said Wednesday. "Staff were looking at a potential proposal out by April and we're certainly working towards that date," Jackson told reporters during a break in testimony before a House Appropriations Committee panel. "I can;t absolutely lock it in." In October, the EPA submitted to the White House a proposal to regulate coal ash, hoping to publish the proposal in December. The proposal's release has been slowed as companies complain to the White House that business would be damaged if coal waste is labeled a hazardous material. About 40% of the waste produced by coal-fired power plants is recycled into other products, such as cement and drywall. Separately, the EPA chief said that her agency has asked Congress for permission to reprogram funds in its existing budget in order to get started on a study of hydraulic fracturing, a drilling technique that has become an increasingly popular means of accessing natural gas locked in underground rock formations known as shale. The practice involves pumping water, sand and chemicals deep underground, breaking up rock and releasing vast quantities of natural gas. Jackson told reporters that the study would cost "somewhere around \$30 million." She said the EPA was "hoping to start moving money so we can begin the study solicitation this year." The EPA last year put the brakes on an Arch Coal Inc. (ACI) operation in West Virginia, the first time in 37 years the agency has used its power to hold up a previously issued mountaintop mining permit. The EPA told the U.S. Army Corps of Engineers it was taking the unusual step to halt the largest such project ever permitted in Appalachia because of the magnitude of potential environmental damage, including the burial of more than seven miles of streams. "We have been in discussions with the company," Jackson told a reporter. "Those discussions continue but we have not made any move since then."

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Alcantara/DC/USEPA/US**

09/01/2011 07:49 PM

To "Richard Windsor"

cc "Seth Oster"

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

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>

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

10/13/2011 07:33 PM

To "Richard Windsor", "Seth Oster"

cc

bcc

Subject Tomorrow

Administrator,

Your briefing memo should already be uploaded to your ipad. The conversation tomorrow is 45 minutes long and the moderator will be reading questions from the participants around the table. The event is open press, so non Politico reporters are expected to attend, it will also be webcast live. We just received a list of folks we should expect to be seated around the table. See below.

Here's a list of the types of organizations that have RSVP'd for tomorrow:

- Associations (Renewable Fuels Association)
- Corporations (BP, Calpine Corporation, Occidental Petroleum Corporation, First Energy, GenOn Energy)
- Embassies (Canada)
- Government (Department of the Interior, Department of Energy, House Committee on Natural Resources)
- Legal (Ayres Law Group, Brownstein Hyatt Farber Schreck)
- Media (Reuters, Bloomberg, Inside Climate News)
- Public Relations/Consulting (Keystone Public Affairs, Lighthouse Consulting Group, Podesta Group)
- Think Tanks/Research (Pew Center on Global Climate Change)

Also, the CEO of American Clean Skies Foundation, the President of Dow Lohnes Government Strategies, and the President & CEO of Renewable Fuels Association have all RSVP'd.

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

11/01/2011 03:29 PM

To "Richard Windsor", "Seth Oster", "Brendan Gilfillan"

cc

bcc

Subject Charleston Gazette blog: Attacking EPA: What Lisa Jackson really said

Attacking EPA: What Lisa Jackson really said
November 1, 2011 by Ken Ward Jr.

We've written before about how quick West Virginia political leaders are these days to jump in and defend the honor of the coal industry against any slight or perceived slight. Well, it happened again, this time after some comments that EPA Administrator Lisa P. Jackson. And, of course, some West Virginia media outlets jumped in to parrot the politicians' talking points ...

First, WDTV-News reported:

Reports claim that EPA Administrator Lisa Jackson allegedly attacked the coal industry at an event Thursday, and now our lawmakers are speaking out.

Jackson reportedly said the coal industry is on life support, and she supposedly attacked Representative David McKinley's coal ash legislation.

McKinley defended his legislation in a statement. He said, "Coal ash, when recycled, actually makes building materials, and other products, more affordable and environmentally-friendly, and yet, the President opposes my bipartisan bill to finally create federal standards regulating coal ash."

We caught up with Senator Joe Manchin to get his thoughts on the issue. "I'd rather choose working and rebuilding America by using the energy we have here and try to find that balance. So I guess we just philosophically disagree," he said.

Not to be outdone, MetroNews jumped in with this story:

Rep. David McKinley, R-W.Va., blasted the top environmental officer in the Obama administration Thursday after allegedly saying the coal industry is on "life support."

According to a McKinley release issued Thursday, federal Environmental Protection Agency Administrator Lisa Jackson told students at Howard University, "In their [the coal industry] entire history – 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act. They're literally on life support. And the people keeping them on life support are all of us."

Calling Jackson's comments "false and offensive," McKinley blamed Jackson for many of the coal industry's problems.

McKinley apparently continued:

"The coal industry is on 'life support' for one reason only: Lisa Jackson and Barack Obama," McKinley said. "It takes a lot of gall to sit there in her cushy Washington office - lighted by coal, in a building constructed with coal ash - handing down these job-killing regulations, and then turn around and claim the coal industry owes her a favor.

"It is now unmistakably clear to me that Lisa Jackson's regulations are not intended to simply strike a proper balance between industry and the environment; rather, the hostility conveyed in her attacks betrays a radical ideologue who believes the folks who mine coal, burn coal and recycle its ash are little better than criminals."

OK ... now go back and look again at the way the MetroNews piece quoted Lisa Jackson:

In their [the coal industry] entire history – 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act. They're literally on life support. And the people keeping them on life support are all of us.

And then, look at what Administrator Jackson actually said, according to the original press account from Greenwire (subscription required):

U.S. EPA Administrator Lisa Jackson today said her agency will fight to oversee the coal industry even as Republicans wage war on regulations, but she stopped short of explicitly supporting student-led efforts to shut down campus coal plants.

Many coal-fired power plants have neglected to update their equipment for decades, she said, and EPA plans to ensure they do so through new toxic emissions standards. Those standards – which were recently delayed a month – would make power plants use up-to-date technology to control mercury, heavy metals and acid gases by about Jan. 1, 2016.

"In their entire history – 50, 60, 70 years, or even 30 ... they never found the time or the reason to clean up their act," Jackson said.

"They're literally on life support. And the people keeping them on life support are all of us."

She didn't say that the "coal industry is on life support." She wasn't talking broadly about the coal industry. She was talking about aging power plants and noting, correctly, that many of them have been in service for decades and still lack the most advanced pollution controls.

**Betsaida
Alcantara/DC/USEPA/US**
06/22/2011 08:52 AM

To "Richard Windsor", "Seth Oster", "Brendan Gilfillan", "Adora
Andy"
cc
bcc
Subject AI Gore Attacks Obama on Climate: Energy Breaking News

From: POLITICO Pro [breakingnews@politicopro.com]
Sent: 06/22/2011 08:17 AM AST
To: Betsaida Alcantara
Subject: Energy Breaking News

AI Gore attacks President Barack Obama for failing to stand up for "bold action" on global warming in a 7,000-word Rolling Stone essay to be published Friday, the [AP](#) reports. "President Obama has never presented to the American people the magnitude of the climate crisis ... He has not defended the science against the ongoing withering and dishonest attacks. Nor has he provided a presidential venue for the scientific community ... to bring the reality of the science before the public," Gore writes.

=====

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09/21/2011 07:24 PM

To "Richard Windsor", "Seth Oster", "Brendan Gilfillan", "Bob Perciasepe", "Diane Thompson"

cc

bcc

Subject Politico: Obama's energy losing streak

Obama's energy losing streak

By Darren Samuelsohn
9/21/11 6:08 PM EDT

President Barack Obama is racking up an impressive losing streak when it comes to energy.

Under pressure from Republicans, he embraced offshore drilling – just weeks before the BP oil spill. He offered support for nuclear power, only to watch a disaster unfold in Japan. Gas price hikes in the spring disrupted his economic message. Feeling the heat from Republicans again, he infuriated his green base by bailing out on a long-promised ozone standard.

And then came Solyndra – the California solar company startup Obama touted as a green jobs success story even as it bled money and ultimately collapsed amid political scandal.

"The guy got dealt a bad hand," said a top environmental consultant. "But he's played a bad hand very badly."

It's an emerging consensus coming from the left and the right: While Obama was once viewed as a victim of things he can't control – faulty blowout preventers, a tsunami, gas prices, the tea party – critics on both sides of the aisle say his administration has made matters worse.

"If you've got an agenda bouncing along with no vision and things happen, you look reactive, and they are," said Doug Holtz-Eakin, a former economic adviser to John McCain's 2008 presidential campaign.

With Solyndra and the lost \$535 million loan guarantee, Obama's entire renewable energy portfolio is likely to be on a permanent state of defense thanks to administration missteps in how it handed out stimulus money.

Some greens, meantime, are pining for Al Gore, or wondering what their world would have been like if Hillary Clinton had won the Democratic nomination and then the presidency back in 2008. Looking at Obama's inner circle, they see missteps resulting from not having anyone like them helping to call the shots.

Yes, Carol Browner worked for Obama until earlier this year as his top White House energy and climate adviser. And he has some top-notch experts in Energy Secretary Steven Chu, a Nobel Prize winning physicist, and EPA Administrator Lisa Jackson.

But with Browner gone, both appear to be on the outside looking in – never more so than earlier this month, when Obama overruled Jackson on the long-promised rewrite of Bush-era ozone rules.

"He dispassionately picked a set of people who technically were credentialed in their positions, but these people are not sitting in the center of the universe in that White House," said the environmental consultant, who also noted neither Obama nor Vice President Joe Biden had very deep track records on green issues while serving in the Senate.

Obama arrived in the White House embracing the green jobs mantra that previously existed mainly in California environmental policy and in congressional Democrats' talking points.

And while the president used the "clean energy" message as part of his larger campaign to help with the country's economic recovery, it's lost its luster as unemployment rates hover around 9 percent.

Now, with Solyndra's collapse, Republicans are promising to make the green jobs concept politically toxic for years to come.

"The administration is wrong to think they can turn this economy around with green jobs," said Rep. Cliff Stearns (R-Fla.), the chairman of the House Energy and Commerce Committee subpanel investigating Solyndra. "If he's focusing on developing a stimulus package for solar panels and wind mills and batteries and he thinks he's going to turn the economy simply on the stimulus for green jobs, he's mistaken."

Cap-and-trade legislation also stands out as something that's been placed on the permanent back burner in part because of how Obama handled the issue.

Once the subject of countless white papers and bipartisan compromise talks, Obama's failure to get the measure across the finish line has resulted in angry screeds from the likes of Gore, who wrote in a Rolling Stone essay this summer that the president "has never presented to the American people the magnitude of the climate crisis."

"You can't place 'global warming' and an ephemeral promise of 'future green jobs' high on the policy agenda when spurring growth and jobs now is the most important challenge," said Stuart Gottlieb, a Columbia University public affairs professor and former Senate Democratic aide. "This is why Obama actually rebuffed his own EPA's efforts to raise the costs on carbon emitters."

Industry attorney Scott Segal said Obama's woes on energy actually stem from not having enough people around him with real-world experience on energy issues – turning a critique of former President George W. Bush on its head.

"If you ask yourself who really is the top tier energy adviser in the administration, the answer doesn't readily come to mind," said Segal, who represents electric utilities and petroleum refiners at Bracewell & Giuliani. "It doesn't surprise me that major opportunities in the energy sector don't occur to them. They get missed."

As should be expected, the Obama administration pushed back hard against the idea they've been inept on energy.

Oil production has reached its highest levels since 2003, while foreign oil imports as a share of total use have fallen from 60 percent in 2006 to 52 percent in 2009. Renewable electricity will have doubled by the end of Obama's term. And the White House brokered two rounds of new fuel economy limits with auto companies and California officials that will lead to cars and light-duty trucks ultimately averaging 54.5 miles per gallon by 2025.

"I think it's sort of like the old country song, 'Looking at all the wrong places.' I think you're looking in all the wrong places," said Agriculture Secretary Tom Vilsack. "You can find isolated examples of things that didn't work. And it's easier, with all due respect to you folks, it's easier to report on that than it is to report on the multitude of things that are going right."

With Obama at his side Wednesday in New York, former President Bill Clinton made it clear that the current occupant of the White House is different than his GOP rivals on the energy issue. "He also is one of those Americans who believes climate change is real and deserves a real response," Clinton said.

Bemoaning the political obstacles tied to curbing greenhouse gases, Obama added, "It is technically difficult to figure out how we are going to deal with climate change – not impossible, but difficult."

Daniel Weiss, a senior fellow at the Center for American Progress Action Fund, said some of Obama's stumbles on energy are a byproduct of inevitable technological risks. And besides, Gore wouldn't be able to do any better.

"If Al Gore was president with 9.5 percent unemployment, I think that you'd see very similar decision making from what you see from this administration," Weiss said. "Rightly or wrongly, they're much more sensitive both in the White House and on Capitol Hill to arguments that such and such a proposal is going to cost jobs."

**Betsaida
Alcantara/DC/USEPA/US**
02/01/2011 11:39 PM

To "Richard Windsor"
cc "Seth Oster", "David McIntosh", "Brendan Gilfillan"
bcc
Subject AP sources: House GOP readies restrictions on EPA (WED)

AP sources: House GOP readies restrictions on EPA

11:07PM

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.

Bob Perciasepe
<bob@perciasepe.org>
07/24/2010 12:57 PM

To Bob Sussman, Richard Windsor, Seth Oster
cc
bcc
Subject Fracking PA Hearing in NYT

July 23, 2010

E.P.A. Considers Risks of Gas Extraction

By [TOM ZELLER Jr.](#)

CANONSBURG, Pa. — The streams of people came to the public meeting here armed with stories of yellowed and foul-smelling well water, deformed livestock, poisoned fish and itchy skin. One resident invoked the 1968 zombie thriller “Night of the Living Dead,” which, as it happens, was filmed just an hour away from this southwestern corner of Pennsylvania.

The culprit, these people argued, was hydraulic fracturing, a method of extracting [natural gas](#) that involves blasting underground rock with a cocktail of water, sand and chemicals.

Gas companies countered that the horror stories described in Pennsylvania and at other meetings held recently in Texas and Colorado are either fictions or not the companies’ fault. More regulation, the industry warned, would kill jobs and stifle production of gas, which the companies consider a clean-burning fuel the nation desperately needs.

Just as the Gulf of Mexico is the battleground for the future of offshore [oil](#) drilling, Pennsylvania is at the center of the battle over hydraulic fracturing, or fracking, which promises to open up huge swaths of land for natural gas extraction, but whose environmental risks are still uncertain. Natural gas accounts for roughly a quarter of all energy used in the United States, and that fraction is expected to grow as the nation weans itself from dirtier sources like coal and oil.

The [Environmental Protection Agency](#) has been on a listening tour, soliciting advice from all sides on how to shape a forthcoming \$1.9 million study of hydraulic fracturing’s effect on groundwater.

With the steep environmental costs of fossil fuel extraction apparent on beaches from Texas to Florida — and revelations that industry shortcuts and regulatory negligence may have contributed to the [BP](#) catastrophe in the gulf — gas prospectors are finding a cold reception for their assertions that their drilling practices are safe.

“The industry has argued there are no documented cases of hydraulic fracturing contaminating groundwater,” said Dencil Backus, a resident of nearby Mt. Pleasant Township, at Thursday night’s hearing. “Our experience in southwestern Pennsylvania suggests that this cannot possibly be true.”

Matt Pitzarella, a spokesman for [Range Resources](#), a Texas-based natural gas producer, acknowledged that the gulf spill had increased public concern about any sort of drilling activity.

“However, when people can review the facts, void of the strong emotions the gulf elicits, they can see the stark contrast between high-risk, deep offshore oil drilling and much safer, much lower risk onshore natural gas development,” he said by e-mail.

In this part of the country, the potentially enormous natural gas play of the Marcellus Shale has many residents lining up to lease their land to gas prospectors. Estimates vary on the precise size of the Marcellus Shale, which stretches from West Virginia across much of Pennsylvania and eastern Ohio and into the Southern Tier of New York. But by any estimate, the gas deposit is huge — perhaps as much as 500 trillion cubic feet. (New York State uses a little over 1.1 trillion cubic feet of natural gas each year.)

An industry-financed study published this week suggested that as much as \$6 billion in government revenue and up to 280,000 jobs could be at stake in the Marcellus Shale region.

Fracking has been around for decades, and it is an increasingly prominent tool in the effort to unlock previously unreachable gas reserves. The oil and gas industry estimates that 90 percent of the more than 450,000 operating gas wells in the United States rely on hydraulic fracturing.

Roughly 99.5 percent of the fluids typically used in fracking, the industry says, are just water and sand, with trace amounts of chemical thickeners, lubricants and other compounds added to help the process along. The cocktail is injected thousands of feet below the water table and, the industry argues, can't possibly be responsible for growing complaints of spoiled streams and wells. But critics say that the relationship between fracking fluids and groundwater contamination has never been thoroughly studied — and that proving a link has been made more difficult by oil and gas companies that have jealously guarded as trade secrets the exact chemical ingredients used at each well.

Several other concerns linger over fracking, as well as other aspects of gas drilling — including the design and integrity of well casings and the transport and potential spilling of chemicals and the millions of gallons of water required for just one fracking job.

The recent string of accidents in the oil and gas industries — including the gulf spill and a blowout last month at a gas field in Clearfield County, Pa., that spewed gas and wastewater for 16 hours — has unnerved residents and regulators.

“There is extraordinary economic potential associated with the development of Marcellus Shale resources,” said Representative [Joe Sestak](#), Democrat of Pennsylvania, in a statement Friday announcing \$1 million for a federal study of water use impacts in the Delaware Water Basin. However, “there is also great risk.” He said, “One way to ensure proper development is to understand the potential impacts.”

Amy Mall, a senior policy analyst with the [Natural Resources Defense Council](#), said the scrutiny was long overdue. “I think it’s all helping to shine a spotlight on this entire industry,” she said. “Corners are sometimes cut, and regulations simply aren’t strong enough.”

Fears of fracking’s impact on water supplies prompted regulators overseeing the Delaware Water

Basin to curtail gas exploration until the effects could be more closely studied. New York State lawmakers are contemplating a moratorium.

At the national level, in addition to the E.P.A. study, a Congressional investigation of gas drilling and fracturing, led by House Energy and Commerce Committee, intensified last week with demands sent to several companies for details on their operations — particularly how they handled the slurry of water and chemicals that flowed back from deep within a well.

A renewed, if unlikely, push is also under way to pass federal legislation that would undo an exemption introduced under the Bush administration that critics say freed hydraulic fracturing from regulation under the Safe Drinking Water Act.

Last month, Wyoming introduced some of the nation's toughest rules governing fracturing, including provisions that require companies to disclose the ingredients in their fracturing fluids to state regulators — though specifically not to the public.

Gas drillers, responding to the increased scrutiny and eyeing the expansive and lucrative new gas plays in Appalachia, are redoubling their efforts to stave off federal oversight, in some cases by softening their rigid positions on fracking-fluid disclosure. Last week, Range Resources went so far as to announce its intent to disclose the contents of its fracking fluids to Pennsylvania regulators and to publish them on the company's Web site.

"We should have done this a long time ago," said Mr. Pitzarella, the Range spokesman. "There are probably no health risks with the concentrations that we're utilizing. But if someone has that concern, then it's real and you have to address it."

Environmental groups welcomed that, but said that clear and broad federal jurisdiction would still be needed.

"Any one accident might not be on the scale of the Deepwater Horizon disaster," said Ms. Mall. "But accidents are happening all the time, and there's no regime in place that broadly protects the health of communities and the surrounding environment where drilling is being done."

That was a common theme at the meeting Thursday night.

"I can take you right now to my neighbors who have lost their water supplies," Mr. Backus said to the handful of E.P.A. regulators on hand. "I can take you also to places where spills have killed fish and other aquatic life."

"Corporations have no conscience," he added. "The E.P.A. must give them that conscience."

Bob
Perciasepe/DC/USEPA/US
05/18/2010 07:08 PM

To Diane Thompson, Richard Windsor, Scott Fulton
cc
bcc
Subject OMB Watch Article

Commentary: White House Misadventures in Coal Ash Rule Posted on May 18, 2010

Developments behind the scenes of a new EPA proposal to regulate coal ash undermine several core tenets of the Obama presidency, conflict with pledges to reform the way government works, and expose the flaws in a regulatory process that too often does not do enough for the public.

On May 3, the U.S. Environmental Protection Agency (EPA) released a proposed rule that would, for the first time, regulate the disposal of coal ash. Calls for regulation of coal ash, a byproduct of coal combustion that can contain arsenic, lead, chromium, and other heavy metals, began in earnest after an impoundment in Kingston, TN, failed, releasing 5.4 million cubic yards of coal ash. Reports have linked exposure to the toxic components in coal ash to cancer and other health problems.

EPA proposed two options for regulating coal ash under the Resource Conservation and Recovery Act (RCRA). The first proposal would list coal ash as a hazardous waste under subtitle C of RCRA, requiring federal monitoring and control of coal ash's handling, transportation, disposal, and any potential reuse. (Coal ash can be recycled into other products, including cement and wallboard. Subtitle C regulation would continue to allow beneficial reuse, EPA says.) The other proposal would regulate coal ash under subtitle D, which has typically been used to control solid wastes such as household garbage. Under the subtitle D option, EPA would have little authority over coal ash management.

Environmentalists see a clear choice between the two options. The subtitle D option "treats this hazardous waste as if it were not loaded with high levels of arsenic and other toxic metals," Scott Slesinger, legislative director for the Natural Resources Defense Council, said in a statement. "We expect EPA to choose the option that adequately protects the public, particularly our precious groundwater, and treats this hazardous waste as a hazardous waste."

Just days after unveiling its proposed rule, EPA released other documents showing significant changes that were made to the proposal while under review at the White House Office of Information and Regulatory Affairs (OIRA). (See sidebar at right.) EPA's original plans, prepared in 2009, did not include the subtitle D option.

One document, made available in EPA's online rulemaking docket at Regulations.gov, shows all the edits that were made during the OIRA review.

Large tracts of text were moved or deleted and hundreds of new paragraphs added. The document shows changes made at any time during the six-month review with no indication of when the edits were made or who made them.

Observers have assumed a cause-and-effect relationship: the proposal was changed while under OIRA review - OIRA must have made the changes. Of course, it is possible that EPA changed its mind in light of some new evidence or upon greater reflection, but that scenario is only plausible if EPA's original draft was flawed or haphazardly crafted. Both EPA and OIRA have kept quiet about what happened during the review, but OIRA maintains that agencies remain in control of all decisions during the review process. However, neither EPA nor OIRA has offered any new factual evidence that would have led to the inclusion of the subtitle D option.

The original draft, sent to OIRA on Oct. 16, 2009, included language asking for public comment on possible subtitle D regulation. It did not, however, go so far as to include the subtitle D option as a co-proposal and clearly showed that EPA's first preference was to regulate coal ash under subtitle C.

In the past, OIRA has said its review process - in which the office circulates throughout the executive branch drafts of agencies' proposed and final rules before they are released to the public and makes edits or suggestions it deems appropriate - improves rules. The argument in favor of OIRA review says that the additional perspectives offered by OIRA and other agencies make rules more efficient and more defensible - legally, scientifically, or otherwise. OIRA maintains the same is true with the coal ash rule.

Yet from the perspective of many in the environmental and public health community, the coal ash proposal represents all that is wrong with the rulemaking process. The proposal came out worse, meaning the draft may lead to a less protective rule even before the public comment process begins. Even if some other agency or some other corner of the White House made the changes, both OIRA and EPA need to accept responsibility. OIRA Administrator Cass Sunstein has been part of President Obama's team of officials attempting to bring more openness and accountability to government, but, for the coal ash rule, his office failed to live up to this administration's lofty expectations.

The rule was not without controversy; unquestionably, powerful corporate interests opposed the focus on regulating coal ash under subtitle C. During the pre-public OIRA review, opposition to subtitle C regulation came from far and wide within the federal government, the documents also show. The Departments of Energy, Interior, Transportation, and Agriculture (USDA) all encouraged EPA to avoid designating coal ash a hazardous waste under subtitle C. The departments fear a hazardous designation will limit the amount of coal ash that can be beneficially reused, despite EPA's attempt to carve out reuse in the proposed rule. Some, including USDA, objected to the stigma that the hazardous designation carries. The Agricultural Research Service asked, "What farmer would want to apply 'hazardous waste' to his fields?"

The White House Council on Environmental Quality (CEQ) also opposed subtitle C regulation, the document shows. Despite being an environmental office, CEQ cited economic concerns as a reason to avoid the hazardous designation.

In a truly perverse turn of events, OIRA allowed the Tennessee Valley Authority (TVA) to comment on the pre-public proposal. TVA, a government-owned corporation that was created by Congress as a public works program during the Great Depression, is the owner of the Kingston Fossil Plant responsible for the 2008 coal ash spill. Not surprisingly, TVA also opposed subtitle C regulation.

It's almost as though the process is designed to create less protective rules. An agency spends months, sometimes years, writing regulations consistent with statute and responsive to some public need, only to be second-guessed by those without the substantive or technical expertise possessed by the agency that proposed the rule. It's like replacing all the plumbing in your brand-new house after the walls are painted and the carpets installed - and your plumber is actually an electrician!

EPA's coal ash rulemaking illustrates exactly how the public can get snookered in OIRA's process. Issues were debated, alterations were made, and tones were set during a process that completely shuts out the public.

What's so wrong with edits made during an OIRA review? That's a valid question, especially in this instance, when a second regulatory option was added for the public to comment on. It's not as though EPA's original idea was supplanted by a weaker version; it was supplemented by another option. And in the face of political pressure from corporate interests, this seems like a reasonable compromise, especially since EPA still has to write the final rule.

However, the way the second option was added, and the impetus for its addition, should worry the public. In an opaque process that only Washington insiders can possibly access, changes were made, or at least encouraged, to an environmental protection rule that seem to weaken the overall regulation. Years of similar activity have left the public distrustful of its government's ability to make decisions in the public interest, and even if the Obama administration's motives in the coal ash case are pure, the controversy only feeds into a culture of mistrust born of years of decisions made in secret.

The time that elapsed during OIRA's review impacts the public as well. The coal ash proposal's review lasted more than six months. According to longstanding policy, OIRA reviews are to be completed within 90 days. If the rulemaking agency agrees, OIRA may extend the rule once by 30 days, for a total of 120 days. OIRA reviewed the coal ash rule for 200 days. By comparison, the public's opportunity to comment in the formal process is only expected to last 90 days.

Ultimately, EPA will be free to finalize a rule fully protective of public health and the environment. Nothing occurring during the OIRA review, or even the public comment process, can force EPA to choose a certain option.

The changes can, however, alter the debate. The addition of a second, weaker regulatory option tilts the proposed rule away from public and environmental protection. Advocates at groups like the Natural Resources Defense Council, Earthjustice, and Ohio Citizen Action have a steeper hill to climb in making their case that coal ash ought to be regulated as hazardous waste. Opponents of the regulation now have a decided advantage.

Moreover, since these decisions are made in a black box, without transparency, what is to stop the same interests that changed the draft proposed rule from altering the final rule?

All of these issues are symptomatic of a faulty process that has survived for decades because those who operate it see too many risks to their power to reform it. On Jan. 30, 2009, President Obama issued a memo asking the Office of Management and Budget (OMB) for recommendations on a new executive order to replace the order that currently governs the OIRA review process (E.O. 12866, signed in 1993). OMB then asked the public for its views. More than 170 groups and individuals submitted comments.

OMB Watch and others called for an end to the myopic, rule-by-rule review OIRA currently engages in and instead encouraged the office to transform itself into a facilitator and a resource for agencies. Since the public comment period ended, Obama administration officials have given no indication as to the status of the recommendations or the replacement order. OIRA and others seem content to continue to operate the same old process.

While the process has remained the same, the regulatory landscape has changed in other ways. One of the starkest changes witnessed during the Obama administration has been in personnel, specifically, agency heads. Top agency posts are no longer filled with people who come through a revolving door, regulating the same interests they had been employed by for years. Strong and dedicated leaders like EPA's Jackson have shown a willingness to make tough and sometimes unpopular choices when they believe the public's interest would be well served.

The coal ash rulemaking has been an uncharacteristic turn of events for Jackson. After moving aggressively in the face of great anti-regulatory and industry pressure on issues like climate change and smog emissions, Jackson allowed the proposed coal ash rule to be co-opted by OIRA's review process.

That begs the question of whether other officials in the White House were involved, officials with more clout than Cass Sunstein or even Lisa Jackson. Coal ash regulation is one element in a complex suite of legislative and regulatory issues the Obama administration faces in trying to reform energy policy in the United States. One of the Obama administration's top priorities, climate change legislation, is bound to be an important

consideration in any related decision making.

We may never know the answer because the OIRA review process offers little transparency. EPA is one of the few agencies to provide detailed information on the review of its rules. While disclosure of the changes made is helpful in promoting accountability, too many questions are left unanswered when OIRA and agencies fail to disclose who made what changes and for what reasons.

Determining the reasons for the changes made to EPA's coal ash proposal, and assigning motive more broadly, is nearly impossible. Was the White House overly sensitive to the reactions of industry-friendly congressional Democrats whose support is necessary on climate change legislation? Was it a philosophical shift at the urging of Cass Sunstein, or was it something else entirely?

Many have pointed to industry's potential influence on the coal ash rulemaking. While the rule was under review, OIRA and EPA met with outside stakeholders on at least 43 different occasions. 30 of those meetings were with representatives of a variety of industries opposed to or fearful of coal ash regulation. These included electric utilities, chemical companies, and many whose businesses rely on the beneficial reuse of coal ash. (The remaining meetings were with environmental groups and citizen advocates.)

Even if the changes to EPA's coal ash proposal were made completely independent of industry opposition, the appearance of impropriety can be just as damaging, both to the administration's credibility and public confidence. President Obama came into office pledging to stem the influence of special interest lobbyists and has taken steps toward that end. The coal ash rulemaking is a blemish on an otherwise positive record.

The OIRA review process clearly does not always comport with some of President Obama's stated goals and priorities. It is time for Cass Sunstein and OIRA to come to this realization and urge Obama to recommit himself to regulatory reform. In the case of coal ash, if the rule is not legally or scientifically defensible, let the public see that debate through the notice and comment period. If other agencies have additional evidence about why the original EPA draft was unacceptable to them, that evidence and feedback should be part of the public record, not provided behind closed doors in what looks to the public like some cloak-and-dagger maneuver designed to evade accountability. Instead of providing an open and accountable exchange of data and ideas that would benefit all stakeholders, the current process makes it possible for special interests to influence a rule long before the public even has an opportunity to comment.

Let's keep an eye on how the final rule is developed. If it runs counter to scientific information about the health dangers of coal ash and the substance remains unregulated under subtitle C, the public loses - and the Obama administration should be held accountable.

**Bob
Perciasepe/DC/USEPA/US**
02/06/2011 09:35 AM

To Richard Windsor, Barbara Bennett, "Diane Thompson", Seth
Oster, David McIntosh, Michael Goo, Bicky Corman, Arvin
Ganesan

cc

bcc

Subject NYT Editorials and Op Eds

In case anyone wants easy access. Lew Op Ed on budget and NYT Editorial on Clean Air

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.

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.

**Bob
Perciasepe/DC/USEPA/US**
02/12/2011 03:32 PM

To Richard Windsor, "Seth Oster", "Diane Thompson"
cc
bcc
Subject Nice Editorial from Todays Vegas Sun

The politics of attack

They don't have the facts, so House Republicans try to skewer the EPA

Saturday, Feb. 12, 2011 | 2:01 a.m.

Republicans in the House of Representatives opened an assault on the Environmental Protection Agency this week, calling for more than \$1.6 billion in budget cuts and introducing legislation to undercut the agency's authority.

On Wednesday, a House panel held a hearing on a bill that would prevent the EPA from considering rules to curtail greenhouse gases due to concerns about climate change. As The New York Times reported Thursday, EPA chief Lisa Jackson testified for more than two hours, enduring questioning that was often hostile and rude.

Republicans said the EPA was wrongly trying to regulate greenhouse gases and claimed that the science supporting climate change, which is accepted in the scientific community as fact, was essentially a hoax. In the process, they attacked Jackson, her agency and President Barack Obama's administration. Their charges were often ridiculous. For example:

- Rep. Joe Barton, R-Texas, claimed the "EPA and the Obama administration have decided that they want to put the American economy in a straitjacket costing us millions of jobs and billions of dollars a year." Barton can't really think that any president would want to intentionally hurt the economy, can he? Of course, Barton is the congressman who fawned over BP executives, apologizing to them because the president last year rightly demanded the company clean up the Gulf of Mexico oil spill.
- Rep. John Shimkus, R-Ill., wanted to know if Jackson believed in the law of supply and demand, as if she didn't have enough sense to understand basic economics. After Jackson, who has a master's degree in chemical engineering from Princeton, told him she had been trained in it, he demanded, "But do you believe that as costs go up, supply goes down?" Jackson's response was priceless: "It depends on the elasticity of the cost curve."
- Rep. Lee Terry, R-Neb., asked her if she liked puppies. When she started answering the ridiculous question that, yes, she does like puppies that are housebroken, she was rudely interrupted. Terry said he was just mocking Democrats' friendly questioning.

Seriously? This is what passes for a hearing in Congress?

Republicans need to do better than this. If they don't like the law or the way the administration is carrying it out, that's one thing. But they're only trying to make the

administration look bad to further their own agenda, and that's terrible.

The fact of the matter is that Republicans don't have facts on their side, nor do they have the public's best interest in mind. They want to erase scientific findings and roll back regulations to protect their supporters in industry who whine when government approves a regulation. The oil industry, which has a champion in Barton, says that regulation hobbles its work and creates a tremendous financial burden. Yet that hasn't stopped oil companies from making huge profits.

Slashing the EPA and then legally barring it from doing its job is dangerous, but Republicans have fought science for years whenever it crosses their ideological beliefs, as Nevadans have witnessed firsthand with Republican efforts to place a nuclear dump in Nevada despite serious scientific problems with the site. They can't just wish that science would go away, so they try to undercut it or distract people's attention from the facts by using dubious "scientific" claims trumped up by industry-backed groups.

The result is that issues get confused and bogged down in politics. The science on climate change is clear, but regardless, isn't it good to have clean air and water? Shouldn't the government be protecting both given that pollution can cause major health problems, which, in addition to the physical and emotional tolls, cost people and the economy money?

Instead of dealing with these issues honestly, Republicans' disingenuous attacks are wasting time and needlessly holding the country back from improving standards. They should be embarrassed.

Bob
Sussman/DC/USEPA/US@EP
A

08/17/2010 04:08 PM

To Richard Windsor

cc

bcc

Subject From Greenwire -- COAL: Traditional plants are on the rise in U.S.

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

Personal message:

An E&E Publishing Service

COAL: Traditional plants are on the rise in U.S. *(Tuesday, August 17, 2010)*

More than 30 traditional coal plants are under construction or have been completed since 2008, marking the largest expansion in two decades, despite mounting pressure from climate change advocates, high fossil fuel prices and recent disasters.

The expansion, documented through Department of Energy records and utility information, is a sign that "clean coal" technology and renewable-energy power plants are still a long way off and signal that utilities think government action restricting emissions will fail.

"Building a coal-fired power plant today is betting that we are not going to put a serious financial cost on emitting carbon dioxide," said Severin Borenstein, the director of the Energy Institute at the University of California, Berkeley. "That may be true, but unless most of the scientists are way off the mark, that's pretty bad public policy."

Investments in new coal plants, stretching from Arizona to South Carolina to Washington, total more than \$35 billion, at least 10 times the \$3.4 billion in federal stimulus funds to "clean coal" plants that would capture and store greenhouse gases. Utilities say coal is cheaper than any alternative power source, like natural gas or nuclear power, but the price of coal is rising and consumers could see bills increase by as much as 30 percent.

Dozens more coal plants have been challenged in court by scientists and environmentalists. In fact, a few years ago federal regulators predicted there would be 151 new coal plants. Still, 16 new plants have started operating since 2008 and another 16 are being built. That will contribute about 125 million tons of greenhouse gases a year while producing 17,900 megawatts of energy, enough to power 15.6 million homes.

DOE spokesman John Grasser said the plants were a missed opportunity to restrict carbon emissions but that they would afford more opportunities as carbon-reduction technology grows (Matthew Brown, [AP/San Francisco Chronicle](#), Aug. 17). -- JP

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Bob Sussman/DC/USEPA/US

07/15/2009 11:43 AM

To Richard Windsor

cc

bcc

Subject Fw: article on CERCLA 108 b notice and mining --comments by Salazar

You may have seen this already but just in case ...

Salazar Says EPA Financial Rules Provide Urgency To Mining Reform

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

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

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

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

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

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

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

Concern over the bankruptcy issue was in large part what drove environmentalists to file the lawsuit that has now prompted EPA to develop financial assurance rules for the hardrock

mining industry. Environmentalists filed the lawsuit last year while legislative efforts to address the issue -- which have been ongoing for several years -- continued to falter in the Senate.

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

Bob Sussman/DC/USEPA/US To Richard Windsor
09/21/2009 08:16 PM cc
bcc
Subject Fw: DMN Editorial

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 09/21/2009 08:15 PM -----

From: Lawrence Starfield/R6/USEPA/US
To: Gina McCarthy/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA
Cc: Don Zinger/DC/USEPA/US@EPA, Charles Imohiosen/DC/USEPA/US
Date: 09/21/2009 08:14 PM
Subject: Fw: DMN Editorial

Gina and Bob,

Attached is a very favorable editorial from today's Dallas Morning News, applauding EPA's strong action on the Texas permitting SIPs.

FYI.

Larry
Sent by EPA Wireless E-Mail Services
David Gray

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

From: David Gray
Sent: 09/21/2009 07:45 PM EDT
To: Lawrence Starfield; Carl Edlund; "Myron Knudson"
<knudson.myron@epa.gov>; John Blevins; Suzanne Murray; David Gray
Subject: DMN Editorial

Editorial: EPA right to get tough with Texas

The Dallas Morning Star
04:55 PM CDT on Monday, September 21, 2009

The Texas Commission on Environmental Quality has long been a reliable protector of polluters. In the interest of fostering a pro-business climate, the commission has eased up on clean-air regulations and has made it awfully hard for the public to have a voice in the permitting process.

For most of this decade, the TCEQ's modus operandi has had the tacit approval of the Environmental Protection Agency. But with a new administration at the helm, the rules are changing.

Put simply, the new EPA actually expects Texas to abide by the Clean Air Act.

Federal officials have moved quickly to take a hard look at how our state issues air pollution permits. So far, the EPA doesn't like what it sees.

The agency rightly has raised questions about Texas' implementation of the Clean Air Act, signaling that the EPA plans to reject three of the state's permitting programs that regulate emissions.

Specifically, the federal government suggests that the state's environmental commission has allowed companies to make major changes to plants and categorize them as minor ones that are subjected to less scrutiny. And EPA Administrator Lisa Jackson has questioned the openness of the state's permitting

process.

For Texas, these shots across the bow signal the end of an era. And that's good news.

No longer will the EPA offer a wink and a nod when our regulators rubber-stamp industries' plans to pollute. The state that spews more greenhouse gases than any other now must get serious about adhering to environmental regulations.

If the TCEQ continues to pass out pollution permits without asking tough questions, the EPA could take away Texas' regulatory authority. That threat should be enough to scare the state straight when it comes to clearing the our dirty air.

But Texas officials are unmoved. Gov. Rick Perry appears defiant, deeming intensified federal enforcement an overreach. And the TCEQ remains stacked with appointees who share the governor's pro-business, let-the-environment-be-darned views. Larry Soward, the only commissioner to regularly take up the cause of environmental quality, recently retired, only to be replaced by a Perry-approved bureaucrat from within the TCEQ.

Stepping up efforts to enforce clean-air laws is in Texas' best interest - both for the sake of the environment and in the interest of retaining our authority.

This EPA expects the state to do better. But so far, it seems that Texas didn't get the memo.

Sent from Blackberry

Bob Sussman/DC/USEPA/US

05/14/2010 06:27 AM

To Richard Windsor

cc

bcc

Subject Fw: Has the Administrator seen this yet? very funny!

if you haven't seen . . .

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/14/2010 06:29 AM -----

From: Dan Weiss <dweiss@americanprogress.org>
To: David McIntosh/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Date: 05/13/2010 09:30 PM
Subject: Has the Administrator seen this yet? very funny!

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 C
dweiss@americanprogress.org

dweiss@americanprogress.org recommends a page from The Onion.

The recommended page is: [EPA: Stubborn Environment Refusing To Meet Civilization Halfway](#)

You are receiving this email because your friend at dweiss@americanprogress.org sent it to you.
If you do not wish to receive emails like this, please contact your friend.

Bob Sussman/DC/USEPA/US

03/20/2009 12:35 PM

To Richard Windsor

cc Allyn Brooks-LaSure

bcc

Subject AP Story on Dow Trip -- Pretty good coverage! Will debrief you at 5:00 Today



EPA official: Quicker pace for dioxin cleanup

By John Flesher, AP Environmental Writer | March 19, 2009

TRAVERSE CITY, Mich. --Federal regulators will push to quicken the cleanup of a Michigan watershed contaminated by a Dow Chemical plant and will keep the public informed as plans are developed, an Obama administration official said Thursday.

Robert Sussman, senior policy counsel to Environmental Protection Agency head Lisa Jackson, said the administration's approach has been discussed since the 1980s but that critics say it has produced few tangible results.

"There needs to be a very clear schedule, very clear timelines and milestones going forward," Sussman told The Associated Press during a two-day visit to the tainted area in Michigan's Lower Peninsula. "We absolutely will make a priority of that, and do it as quickly as possible."

The effort to devise a cleanup strategy for one of the nation's largest toxic zones -- a 50-mile-long watershed near the Dow Chemical plant -- is hampered by what Sussman described as "false starts."

In January 2008, EPA pulled out of negotiations with Dow, saying the Midland-based chemical giant's proposal was not viable. EPA's Chicago regional office, said last May she had been fired because the Bush administration considered her a political appointee. New talks began in December. Jackson, newly appointed by President Obama, put them on hold this month and instead focused on the region.

Led by Sussman, the EPA group met separately Wednesday and Thursday with representatives of the company, Michigan's Department of Environmental Quality, business and environmental groups, legislators and congressional offices.

"I feel we've advanced the ball," Sussman said. He said his team will consult with EPA managers and decide soon whether to stick with a decision in the final days of the Bush administration to change the regulatory approach. One question is whether to stick with a decision in the final days of the Bush administration to change the regulatory approach. Previously, it operated under the federal hazardous waste law, with the Michigan DEQ as the lead agency. The "Alternative Site" approach that divided responsibilities between EPA and the DEQ. Critics, including Gade and other environmentalists, criticized the regulatory clout.

Sussman said he hadn't decided which option to support but insisted the Superfund alternative approach would be the best. "This is a mandatory process with a lot of enforcement teeth to it," he said. "We can require things to be done, and we can impose substantial penalties."

A third possibility, he said, was making the watershed a full-fledged Superfund site and adding it to the national list of Superfund sites. The DEQ will cooperate with EPA regardless of what regulatory approach it chooses, spokesman Robert McCauley said. "We've been making significant progress the past couple of years and we need to keep that moving forward," he said.

Representatives of a half-dozen environmental groups remained skeptical of the new framework after a three-hour meeting. Hurd Riddick of the Saginaw-based Lone Tree Council.

"We say this still could be Dow just setting up another process to slow things down," Hurd Riddick said. "This is not a good sign."

But she said environmentalists were encouraged by Sussman's pledge of greater public involvement and more repeatedly that Dow and regulators have negotiated privately and informed concerned citizens only after decisions.

"We're going to do our level best to design a process that involves all the stakeholders," Sussman said. "This should not be a political process. It should be very transparent."

Hurd Riddick said environmentalists would watch to see if EPA follows through -- and how it defines "transparent." "We're very happy with his commitment," she said.

Dow spokeswoman Mary Draves described the company's meeting with Sussman's team as "very productive." "Dow remains ready and willing to go back to discussions with EPA when they're ready," Draves said. "We really are focusing on how to find a path forward to get the cleanup finished."

The company says the pollution hasn't harmed people or wildlife. It has spent about \$40 million on studies, sediment removal. Dow has removed tainted soil from several toxic "hot spots" and agreed this month to another cleanup in a Saginaw River. Dow acknowledges polluting the Tittabawassee and Saginaw rivers, their floodplains, portions of the city of Midland, Michigan, of the 20th century, first by dumping liquid wastes and later by incinerating them.

Editor's note -- John Flesher is the AP correspondent in Traverse City and has covered environmental issues since 1980.

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EPA in town to talk dioxin

By Tony Lascari
of the Midland Daily News
tlascari@mdn.net

Published: Wednesday, March 18, 2009 1:01 PM EDT

A U.S. Environmental Protection Agency team is in the Tri-Cities today and Thursday to listen to groups with a stake in the cleanup of dioxins and furans released by The Dow Chemical Co.

The contamination, a byproduct of manufacturing chlorine-based products, entered the Tittabawassee River through past waste disposal practices, emissions and incineration at Dow's Michigan Operations site in Midland. It then spread to the Saginaw River and Saginaw Bay.

EPA and Dow officials had been in talks to create a Superfund Alternative Approach process for the cleanup efforts, but U.S. EPA Administrator Lisa Jackson put those plans on hold.

"It's basically a listening session on behalf of the new administration," EPA spokesman Mick Hans said. "We halted the negotiations we were doing on the Superfund Alternative process. I don't know if that process is over or not. It's too early to decide on that."

Terry Miller, leader of local environmental group the Lone Tree Council, said the Superfund process sought at the end of President Bush's term is flawed.

"We hope to share with them our frustration over this process," he said of the meeting with the EPA.

Miller hopes a process that brought cleanup results to the waterways will be reinstalled, with

the Michigan Department of Environmental Quality taking the lead and the EPA speeding up the work.

"With (former EPA Region 5 Administrator Mary Gade's) firing and the director of the Department of Environmental Quality being pulled off the job, we became very skeptical of the proposed process," Miller said. "We were not satisfied that the EPA could justify moving to this process."

The Lone Tree Council and several other community groups were invited to meet with the EPA's Robert Sussman, a senior policy adviser to Jackson who had been a deputy administrator at the EPA under President Clinton. Also attending are senior staff from the EPA Region 5 office in Chicago and senior MDEQ officials.

A separate meeting is planned with local officials from the government and business sector, and a third is planned with officials from Dow.

"We want them to talk with all interested stakeholders, including residents, Dow, the chambers of commerce and people who have been active in this for a long time," said Dow spokeswoman Mary Draves.

Dow wants the Superfund Alternative process to move forward. Draves said it is a rigorous process that would hold Dow accountable where necessary and find solutions for cleanup. She said the company wants a final solution to the cleanup work based on scientific studies.

"That Superfund Alternative Site process is the best way to get us there," she said, noting it's an established EPA process used nationally and would create a path to a definitive resolution.

Midland City Manager Jon Lynch said a city official will attend a meeting on Thursday.

"Our goal is to learn about their remediation strategies within the floodplain," he said.

Hans said the EPA's visit this week will touch on many community members' views. A public forum was not planned with the visiting team, but the EPA expects to host future meetings on the issue for the public.

"We're assuming they're represented by the various stakeholders invited because there are a lot of them," Hans said.

The discussions are likely to shape the future of the dioxin cleanup process. Hans expects the team will report on their talks to Jackson at the EPA, after which a decision would be made on how to move forward.

Draves said Dow will continue its dioxin cleanup work at Saginaw Township's West Michigan Park and neighboring residential properties. The company submitted a work plan on Friday. Initial plans called for excavating soil and backfilling with clean soil, paving the park's driveway and parking lot and elevating playground equipment to avoid recontamination if the area floods again.

LONE TREE COUNCIL WEBSITE

<http://www.trwnews.net/>

SAGINAW BAY WATERSHED WATCH
via Bay City Times

Enviros take to the airwaves

Posted by [Jeff Kart](#) March 18, 2009 16:00PM

Categories: [Environmental News](#), [The Green Scene](#)

The Lone Tree Council's television spot highlights the path of dioxin into the Saginaw Bay. The ad urges people to tell the U.S. Environmental Protection Agency to end closed-door meetings with Dow Chemical over dioxin contamination in the watershed.

Not to be outdone (or maybe just by coincidence) another local environmental group is airing commercials on TV.

[Earlier this month, it was Midland Cares](#), with a commercial against proposed coal plants near Bay City and in Midland.

This week, it's the Bay City-area Lone Tree Council. The ad urges people to tell the U.S. Environmental Protection Agency to end closed-door meetings with Dow Chemical over dioxin contamination in the watershed.

The ad includes the e-mail address to [Anne Rowan with EPA Region 5](#) in Chicago.

See the spot at [Charter Media's Web site](#). (You'll need Windows Media Player to view it.)

MICHIGAN MESSENGER (online)

[**Michigan Messenger and 'Poison-gate' on MSNBC's Countdown**](#)

By [STAFF REPORT](#) 3/12/09 8:55 AM

Michigan Messenger's recent reporting on dioxin contamination in the watershed downstream from The Dow Chemical Company made MSNBC's Countdown series, "Still Bushed," on Wednesday evening. Video can be viewed at this link:

'Still Bushed!', MSNBC's Countdown, Mar. 11, 2009

Michigan Messenger's coverage on dioxin contamination of the Tittabawassee and Saginaw Rivers can be found at [this link](#).

Mick Hans
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Office of Public Affairs
U.S. EPA Region 5
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Bob Sussman/DC/USEPA/US
02/19/2009 05:11 PM

To Richard Windsor, Allyn Brooks-LaSure
cc
bcc
Subject Fw: Libby article

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

----- Forwarded by Bob Sussman/DC/USEPA/US on 02/19/2009 05:11 PM -----

**Mary-Kay
Lynch/DC/USEPA/US**
02/19/2009 04:20 PM

To Bob Sussman/DC/USEPA/US@EPA
cc
Subject Fw: Libby article

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 02/19/2009 04:20 PM -----

From: Randy Deitz/DC/USEPA/US
To: Barry Breen/DC/USEPA/US@EPA, Renee Wynn/DC/USEPA/US@EPA
Cc: James Woolford/DC/USEPA/US@EPA, Elizabeth Southerland/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, Ellyn Fine/DC/USEPA/US@EPA, Jennifer Wilbur/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Earl Salo/DC/USEPA/US@EPA
Date: 02/19/2009 02:00 PM
Subject: Libby article

I thought folks would be interested in this N.Y. Times article on the Libby criminal litigation.

February 19, 2009

Ex-Grace Officials on Trial in Asbestos Poisoning

By [KIRK JOHNSON](#)

LIBBY, Mont. — A reckoning in one of American history's worst industrial disasters, which unfolded here over seven decades as an asbestos-tainted mineral was dug from the ground and processed, begins Thursday when five former mine executives go to trial on federal criminal charges.

The case is highly unusual in that prosecutors have generally avoided criminal charges in the broad arena of asbestos law, leaving the issue to the civil courts.

But the story of the now-closed mine and its adjacent mill is different, because it involves not only miners but also their families and neighbors, many of whom became ill just living in this remote northwestern corner of Montana.

At least 200 deaths and thousands of illnesses are known to be related to the town's exposure to the mine's billowing dust clouds of vermiculite, which by dint of geological bad luck was layered millions of years ago with naturally occurring asbestos.

Prosecutors say that the mine's owner, W. R. Grace & Company, which is also a defendant, and its managers knew as far back as the 1970s that asbestos was mixed with the vermiculite and that this posed a risk to their workers, but that they conspired to continue releasing it into the air and to misrepresent the peril.

The company's own medical studies of its miners, the government says, create a paper trail that will prove the charges of wire fraud, obstruction of justice, conspiracy and violations of the [Clean Air Act](#).

"Our major problem is death from respiratory [cancer](#)," one of the executives, Henry A. Eschenbach, wrote in 1982 in response to one such study, according to the indictment, returned in 2005. "This is no surprise."

The judge in the case, for which jury selection is to begin Thursday in Missoula, has barred lawyers on both sides from commenting publicly. But Grace has said in the past that its managers acted in good faith.

The company did ban [smoking](#) at the mine in 1978 — smoking compounds the dangers of asbestos, doctors say — and also issued respirator masks to workers. But showers that the miners could have used at the end of their shifts before heading home were ruled out, because they might have overly worried people.

Grace, which bought the mine in 1963 and shut it in 1990, has been paying medical bills here for years and agreed in 2008 to spend \$250 million for environmental cleanup of the town. The company, which was driven into bankruptcy protection in 2001 by hundreds of millions of dollars in asbestos poisoning claims mostly unrelated to the Libby disaster, reached tentative civil settlements last year to pay \$3 billion to asbestos victims.

Its criminal trial in the Libby affair, originally set to begin in 2006, was delayed by prosecutors' ultimately successful appeals of judicial rulings on the admissibility of evidence.

Exposure to asbestos is known to cause cancer and a variety of other lung diseases, including [asbestosis](#), a chronic inflammatory disorder. One victim of asbestosis, Donald Munsel, who at 71 must always use an oxygen tank or inhalers, was never a miner.

Instead, as a child he innocently played, like other children, in the piles of vermiculite that were dug out of Zonolite Mountain here and sold by Grace for decades for insulation and landscaping uses.

Mr. Munsel remembers going to the mine, where his stepfather worked in the late 1940s, and sleeping under a dusty workbench, waiting for the shift change.

“I shook the dust out of his clothes when he’d come home from work,” he said from his chair in the trailer where he lives with his wife, Rosemarie.

Even far from Libby, studies are now under way at 28 sites in 22 states where vermiculite mined in the town was processed or packaged. Tens of millions of homes are believed to have some of the product in attics or walls.

And last fall the federal Agency for Toxic Substances and Disease Registry undertook a study of people who might have had other, lesser exposure to the dust. To begin with, the agency is trying to track down 6,000 or so people who graduated from Libby High School from 1950 to 2000.

The [Environmental Protection Agency](#) has spent \$165 million here so far, cleaning up homes to remove vermiculite that was offered free to Libby residents and even to the high school where it was used to build a running track. The mine’s asbestos-laced vermiculite also provided insulation for an elementary school.

Charlie Welch, 55, who worked as a guard at the mine for a time and says he too suffers from asbestosis (like the Munsels, he is a plaintiff in a civil suit against Grace), remembers the trains carrying vermiculite in open rail cars, billowing dust plumes through town as they rumbled out to the wider world.

“It blew all the way across the United States,” Mr. Welch said.

Some of Libby’s story blew through Daniel Teitelbaum’s door more than 30 years ago.

Dr. Teitelbaum, a retired toxicologist who is among the prosecution’s witnesses, says that in 1977, under a contract with Grace, a laboratory he then owned was sent hundreds of chest X-rays of Libby workers and of workers at a Grace vermiculite mine in South Carolina. The South Carolina mine’s vermiculite was not tainted with asbestos, and Dr. Teitelbaum says he saw the differences immediately.

“At end of the study, I wrote a letter saying that 30 percent of the miners in Libby have asbestosis, and nobody in South Carolina has asbestosis,” he said. “They said thank you very much and did nothing with it.”

Legal experts say that some of the prosecution’s case could be particularly hard to prove, especially the charges that Grace executives obstructed justice by obfuscating in interviews with investigators at the Environmental Protection Agency, and then conspired to cover up their knowledge of the asbestos risks.

“Companies have a right under the First Amendment, established by the [Supreme Court](#) and recently reinforced, to advocate on their own behalf,” said Lester Brickman, a professor at the Benjamin N. Cardozo School of Law in New York.

And to prove conspiracy, said Professor Brickman, who has written widely on asbestos law, the

government will have to show not just that the Grace executives considered hiding the consequences of the activity in Libby, but also that they actually pursued doing so.

The five executives being tried are Mr. Eschenbach, Jack W. Wolter, William J. McCaig, Robert J. Bettacchi and Robert C. Walsh. All are now retired, and all have remained free on their own recognizance while awaiting trial.

If convicted, they face as much as 15 years in prison on each of three counts of endangering Libby through Clean Air Act violations, and lesser time on each of the other charges, plus fines that could amount to several million dollars. Conviction of Grace could mean fines of hundreds of millions.

A spokeswoman for the court in Missoula said the judge, Donald W. Molloy, expected jury selection to be completed by Friday.

Bob Sussman/DC/USEPA/US
03/05/2009 11:37 AM

To Richard Windsor, Allyn Brooks-LaSure, David Cohen, Craig
Hooks, Lisa Heinzerling, David McIntosh, Scott Fulton
cc
bcc

Subject Enviro Feedback per INSIDE EPA

Obama Delaying 'Hard Choices' On Many Of Environmentalists' Priorities

President Obama is unlikely to swiftly make "hard choices" on key energy and environmental issues favored by environmentalists, despite many groups strongly pushing the new administration to show early and strong support for their priorities.

In recent weeks, activists have pushed the new administration to embrace their positions on a wide range of topics, including reforming toxics law, aggressive climate change controls, bills to clarify the scope of the Clean Water Act, abolishing cost-benefit analysis and opposing Canadian tar sands oil development. But the administration is in a "hard core examination mode" and "moving pretty cautiously," one environmentalist says.

An industry source says "we've learned a lot" from the first five weeks of the new administration -- including signals that the Obama EPA will reverse the Bush administration's opposition to climate change regulations -- but that the "hard decisions" regarding which environmental efforts to prioritize are yet to come.

Environmentalists and industry sources agree that while the Obama administration appears to be saying "all the right things" to activist groups on some of their top priorities, the extent of Obama's willingness to swiftly develop policies on those issues remains to be seen. Complicating matters is the state of the economy, as well as a number of other non-environmental administration priorities, primarily health care reform.

An EPA spokesman says the "remarkable" amount the agency has done in only a few weeks with a "skeletal political staff" is a testament to EPA Administrator Lisa Jackson's "sense of urgency." The spokesman also says transparency, science and the rule of law will guide Jackson's decisions and that it's important not to "prejudge" decisions to ensure a fair and impartial process. The spokesman adds that environmentalists have praised recent actions by the agency.

And other activists point to recent developments as evidence of the new administration's clear direction on environmental issues, including the stimulus law that provides more than \$7 billion for EPA programs and even more for renewable energy projects, and the agency's recent announcements that it will review Bush administration decisions on national air standards, and a policy blocking carbon dioxide (CO2) limits in air permits.

Still, on a wide-ranging set of issues, environmentalists have pressed the Obama administration for further action, but to date have had little feedback from the administration on a number of key issues. Efforts include trying to win EPA support for a bill to clarify the

scope of the Clean Water Act.

However, Jackson recently told reporters, "I don't have a position" on the merits of the bill, the Clean Water Restoration Act, and in written responses to questions from Senate environment committee members following her Jan. 14 confirmation hearing said the issue was "complicated."

Environmentalists are also urging Jackson to embrace pending legislation from Sen. Frank Lautenberg (D-NJ) to reform the Toxic Substances Control Act. Jackson stopped short of endorsing the legislation during her Jan. 14 confirmation hearing. In written questions, Lautenberg asked if Jackson supports requiring chemicals to be tested for safety before coming to market -- a key component of his bill. Jackson said she would work with Congress, EPA and the White House "to determine the best approach."

In recent weeks, activists have also pushed Obama to take a strong position opposing the development of oil from Canadian tar sands and are urging EPA to use its Clean Air Act permitting authority to place new limits on oil refineries' ability to process heavy crude. EPA has said little on the issue, though Obama does appear open to finding ways to make oil from tar sands "clean" given the long-running concerns about the oil development's adverse environmental impacts, according to recent statements he made.

Meanwhile, a group of legal scholars that favor strict regulation is urging the Obama administration to drop the use of cost-benefit methods when reviewing EPA and other agencies' regulations. The likelihood that Obama will nominate Cass Sunstein -- a strong proponent of cost-benefit analysis -- already drew a "collective groan" from activists opposed to such regulatory reviews.

The scholars want the Obama administration to adopt an alternative review method known as pragmatic regulatory impact analysis that assesses rules based on their adherence to statutory risk priorities rather than economic factors, though the White House is yet to respond to their call.

"What's interesting," the first environmentalist says, "is that the Obama administration has laid out a set of markers but acted on precious few of them," adding, "that's not a criticism, it's reality." Both the environmentalist and the industry source compare the current situation to the early Clinton administration, in which the then-president signaled strongly on environmental issues but was forced to prioritize.

However, another environmentalist says, "I think anybody that is criticizing [the administration] right now is pretty silly." Indeed, major environmental groups including the Sierra Club have welcomed a number of recent announcements from the Obama EPA on climate change.

For example, Jackson has announced a review of the Bush administration's denial of California's Clean Air Act waiver that would have allowed the state to set first-time CO2 limits for automobiles. She also granted environmentalists' petition to review a policy from

former Bush EPA Administrator Stephen Johnson that blocks the consideration of CO2 limits in air permits for power plants.

The Obama administration is also asking to enter settlement talks with environmentalists and states that sued the Bush EPA over a rule changing Toxic Release Inventory reporting requirements. At the time the rule was issued, critics said the changes weakened requirements for companies to report their toxic emissions.

Jackson has also said she is open to reviewing the Bush EPA's changes to the agency's national ambient air quality standards for ozone and fine particulate matter (PM2.5). EPA must conduct a new review of the PM2.5 standard after an appellate court recently remanded it to the agency.

Environmentalists also point to recent developments in Congress as a clear signal of the Obama administration's position on energy and environmental issues that the activists say is similar to their agenda.

For example, Obama in his Feb. 24 speech to Congress Obama asked lawmakers "to send me legislation that places a market-based cap on carbon pollution and drives the production of more renewable energy in America" and reiterated his commitment to spend \$150 billion over ten years on clean energy research.

Environmentalists also welcome the economic stimulus law Obama signed Feb. 17 which provides \$7.22 billion for EPA programs and many more billions for renewable energy projects.

Another activist opposed to Canadian tar sands oil development also praises remarks Obama made following his recent visit to Canada. On the trip Obama did not address tar sands directly, but did say, "increasingly we have to take into account the issue of climate change and greenhouse gases."

Canadian Prime Minister Stephen Harper has since indicated a willingness to consider environmental and labor protections in the North American Free Trade Agreement (NAFTA) if he and Obama can avoid "opening the whole NAFTA and unraveling what is a very complex agreement."

The industry source says Obama is "saying all the right things" on "80 percent of what environmentalists want, but the other 20 percent they're pressing him on, they are so out of their minds on those even Obama won't do it." The source cites in particular environmentalists' efforts to abolish cost-benefit analysis from the regulatory process, which the source says is the "stupidest approach" to the issue.

Environmentalists and the Obama administration "can't get everything they want because the lights would literally go out -- we wouldn't have enough power," the source says, reiterating long-running claims by some industry officials that aggressive environmental regulation could harm the economy.

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

Bob Sussman/DC/USEPA/US
03/10/2009 08:48 AM

To Richard Windsor, Allyn Brooks-LaSure
cc David Cohen, David McIntosh
bcc
Subject More positive Fallout on Coal Ash Announcement

Rahall pulls coal ash waste bill following EPA announcement (03/10/2009)

Advertisement



Shockwave Flash
Object

Eric Bontrager, E&E reporter

House Natural Resources Chairman Nick Rahall (D-W.Va.) dropped his proposal to mandate new standards for coal ash impoundment ponds yesterday following U.S. EPA's announcement that it would soon begin regulating the coal combustion waste.

The committee was set to vote tomorrow on [H.R. 493](#), which would impose mandatory design and performance standards on retaining ponds like the one at the Tennessee Valley Authority's Kingston Fossil Plant. The pond burst in December, spilling 1.1 billion gallons of ash and sludge over Roane County, Tenn.

EPA Administrator Lisa Jackson said yesterday the agency will propose regulations by the end of the year for the management of coal ash.

Rahall said he was pulling his bill from the markup because he believes EPA will finish the regulations without congressional prodding. "I am pleased that the Obama administration has acted so quickly to overcome 29 years of bureaucratic inertia at the EPA," Rahall said in a statement.

The legislation would have aligned the standards for coal ash impoundments with rules used for similar enclosures for coal mining's slurry waste. Coal slurry storage is regulated under the Surface Mining Control and Reclamation Act of 1977.

EPA plans to collect information on coal ash impoundments from electrical utilities to determine, among other things, the structural integrity for the approximately 300 coal ash impoundments across the country.

Rahall's bill was the first piece of legislation introduced in response to last year's spill that flooded more than 300 acres of land, destroying several homes while spilling waste into the Emory and Clinch rivers. TVA estimates it will cost as much as \$825 million to clean up the

waste, not including any long-term costs.

Earthjustice attorney Lisa Evans said Rahall's decision to pull the bill demonstrates the faith that lawmakers have in the agency to produce the regulations. "He understands that his bill was a catalyst for EPA to take quick action," she said. "His bill is no longer necessary."

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

Last week, two senior members from the Senate Environment and Public Works Committee introduced a resolution pushing the agency to conduct immediate reviews and inspections of all of the country's coal ash impoundments and to regulate coal combustion waste under the Resource Conservation and Recovery Act ([E&E Daily](#) , March 6).

EPA's plans "are an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future," said committee Chairwoman Barbara Boxer (D-Calif.), who cosponsored the resolution with Sen. Tom Carper (D-Del.).

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

Bob Sussman/DC/USEPA/US
03/16/2009 10:42 AM

To Richard Windsor, Allyn Brooks-LaSure, David McIntosh
cc
bcc
Subject Fw: NYT Editorial - Appalachia's Agony

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 03/16/2009 10:41 AM -----

Editorial

Appalachia's Agony

Published: March 16, 2009

The longstanding disgrace of mountaintop mining is now squarely in President Obama's hands.

A recent court decision has given the green light to as many as 90 mountaintop mining projects in Appalachia's coal-rich hills, which in turn could destroy more than 200 miles of valleys and streams on top of the 1,200 miles that have already been obliterated. The right course for the administration is clear: stop the projects until the underlying regulations are revised so as to end the practice altogether.

Mountaintop mining is just what the name suggests. Enormous machines — bulldozers and draglines — scrape away mountain ridges to expose the coal seams below. The coal is then trucked away, and the leftover rock and dirt are dumped into adjacent valleys and streams.

Both John McCain and Barack Obama vowed to end the practice during the 2008 campaign — even though no recent administration, Democratic or Republican, has been willing to take on Robert Byrd, West Virginia's senior senator, or the coal companies, which insist without proof that there is no other cost-effective way to dispose of the waste.

There is a long and tortured legal history surrounding mountaintop mining, but the essential question is this: Is dumping mine waste into streams a violation of the federal Clean Water Act?

On its face the answer is yes, but various regulatory maneuvers have allowed this practice to proceed. The worst of these was a 2002 rule by the Bush administration that in effect removed mining waste from the list of the law's prohibited pollutants. The rule has made it easy for the Army Corps of Engineers to issue mining permits and hard for the courts to deny them.

A bipartisan group of 119 members of the House recently reintroduced legislation that would redefine mining waste as a pollutant. In so doing, Congress would reassert the original intent of

the Clean Water Act and end the practice of dumping waste in valleys and streams. Until that bill becomes law — if, indeed, it ever does — a great deal more damage could occur in Appalachia. Two companies that have been awaiting the court's go-ahead have now said that they will resume mining operations.

The Obama White House can prevent that damage. Under the law, the Corps of Engineers can suspend the mining permits in the public interest. This in turn would give the administration time to review the rules and issue new ones that would be more protective of the environment. But the Corps of Engineers, always reluctant to reverse itself and historically friendly to industry, will not act without orders from on high.

Mr. Obama promised to find better ways of mining coal “than simply blowing the tops off mountains.” The time to do so is now.

Gregory E. Peck
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202-564-5778

Bob Sussman/DC/USEPA/US
04/15/2009 10:55 AM

To Richard Windsor, Arvin Ganesan, Allyn Brooks-LaSure
cc
bcc
Subject Good VA MTM EDITORIAL

Mountaintop removal mining (*Roanoke Times*)

The EPA's welcome crackdown delays a permit in Virginia.

Tuesday, April 14, 2009

The Obama administration continues to show real signs that the destructive practice of mountaintop removal mining will not continue to get a free pass.

The U.S. Environmental Protection Agency objected to three more permits the U.S. Army Corps of Engineers was preparing to issue authorizing mountaintop removal operations, two in West Virginia and one in Virginia.

The EPA said the mines will need individual permits under the Clean Water Act, not the streamlined "nationwide" permits that should be allowed only for projects with minimal environmental impact. Individual permits require extensive environmental impact studies.

One look at a mountaintop removal site is enough to realize that no one could seriously argue that mountaintop removal mines fit in the nationwide category.

It's amazing that a coal company ever had the gall to make the case that a nationwide permit would be appropriate. Who could say with a straight face that this process -- involving stripping a mountain of all vegetation, blowing it apart, extracting the coal and dumping the leftover dirt and rock into nearby valleys, burying hundreds of miles of streams -- has only a "minimal" environmental impact.

That government regulators would go along with such a charade demonstrates how much the industry mindset pervaded agencies that are supposed to act as watchdogs.

The EPA's action is welcome, but the real test of President Obama's position on mountaintop removal mining may come in a couple of weeks. His Justice Department will have to respond to a request by environmental groups to have the 4th U.S. Circuit Court of Appeals rehear a case. The appeals court had struck down a federal judge's ruling requiring the individual permits for all mountaintop removal mines. That response will show just how serious the new president is.

Robert M. Sussman
Senior Policy Counsel to the Administrator

Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US

04/09/2009 01:56 PM

To Richard Windsor

cc Arvin Ganesan, Allyn Brooks-LaSure

bcc

Subject GREENWIRE STORY OF THREE NEW EPA ACTIONS ON
MTM -- GREAT REACTIONS FROM SIERRA CLUB

MINING: EPA puts brakes on 3 more mountaintop permits (04/09/2009)

Eric Bontrager, E&E reporter

U.S. EPA is objecting to three more federal permits for mountaintop-removal coal mining.

EPA asked the lead federal permitting agency, the Army Corps of Engineers, last week to temporarily hold up two permits for mountaintop-removal operations in West Virginia and another in Virginia.

The permits are for A&G Coal Corp.'s Ison Rock Ridge Surface Mine in Wise County, Va., a Massey Energy mine in Kanawha County, W.Va., and a Frasure Creek Mining operation in Mingo County, W.Va.

EPA expressed concern that the permits would threaten water quality, saying they failed to adequately account for the effects of dumping rock from blasted mountaintops into valley streams and rivers.

Collectively, the three permits would allow the burial of about 8 miles of streams under blasted rock, blocking downstream water supplies and damaging ecosystems.

"Even though ephemeral and intermittent streams may go dry during a portion of the year, they continue to provide habitat for macroinvertebrates and amphibians that utilize the interstitial water flows in the substance below the stream," EPA said in its letter about the Frasure Creek mine, which would fill almost 3 miles of stream. "Such aquatic resources have been significantly impacted by mining in Southern West Virginia."

The letters come in the wake of EPA's announcement last month that it would review permitting for two coal mining operations in West Virginia and Kentucky ([E&ENews PM](#), March 24).

EPA Administrator Lisa Jackson said then that her agency "will use the best science and follow the letter of the law in ensuring we are protecting our environment."

EPA's announcement followed a 4th U.S. Circuit Court of Appeals decision allowing the corps to issue mountaintop permits without requiring more extensive environmental reviews. The Richmond court's decision overturned a lower court ruling that found the Army Corps failed to require adequate environmental analyses.

The Clean Water Act requires EPA to review Army Corps permits to ensure water-quality

protection. The corps slowed its permitting as the litigation was under way, and now must tackle as many as 250 permit proposals.

EPA spokeswoman Enesta Jones said she could not rule out that more permits would soon be reviewed.

The National Mining Association's senior vice president, Carol Raulston, said additional permitting delays could affect the more than 60,000 mining jobs. "This is a continuing concern throughout Appalachia because of the potential job impacts," she said. "You have to have these permits to operate."

Nationwide permit at issue

In its letter on the A&G operation in Virginia, EPA asked the corps to revoke the permit because it was authorized under a streamlined "nationwide permit" and to instead process the application under the Clean Water Act's individual permit process.

Last month, U.S. District Court Judge Joseph Goodwin of the Southern District of West Virginia ruled that the corps had erred in letting coal mining companies dispose of wastes under the streamlined permitting process ([Greenwire](#) , April 1).

Goodwin's decision affected nationwide permits for operations in his court district.

Jones said the agency's letter for the A&G operation is unrelated to the ruling. "There is no correlation," she said. "This is part of EPA's normal enforcement of the Clean Water Act."

The Virginia mining operation was of particular concern to environmental groups, which noted that the permit would have filled 3 miles of streams and nine valleys with more than 11 million cubic yards of rock and dirt.

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

Mark Haviland, chief spokesman for the corps' Norfolk, Va., district, which issued the A&G permit, said the corps was still reviewing EPA's request.

"Obviously our folks in regulatory are going to take a hard look at the permitting and with the regulatory process in general and make a decision then," Haviland said.

Calls to the Army Corps' Huntington, W.Va., district office, which handled the two other permits, were not returned.

[Click here](#) to read the letter for the A&G Coal operation.

Robert M. Sussman
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Bob Sussman/DC/USEPA/US

01/13/2011 12:43 PM

To Richard Windsor, Bob Perciasepe

cc Betsaida Alcantara, Nancy Stoner, Pete Silva, Lisa Garcia

bcc

Subject Fw: NEWS: U.S. Environmental Protection Agency Vetoes Proposed Spruce Mountaintop Removal Mine in West Virginia

Nice enviro press release. Joan Mulhern called and asked me to pass along to you the gratitude and appreciation of the environmental community.

Robert M. Sussman
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----- Forwarded by Bob Sussman/DC/USEPA/US on 01/13/2011 12:40 PM -----

From: Joan Mulhern <jmulhern@earthjustice.org>
To: Bob Sussman/DC/USEPA/US@EPA
Date: 01/13/2011 12:24 PM
Subject: FW: NEWS: U.S. Environmental Protection Agency Vetoes Proposed Spruce Mountaintop Removal Mine in West Virginia

FOR IMMEDIATE RELEASE

January 13, 2011

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**U.S. Environmental Protection Agency Vetoes Proposed West Virginia Mountaintop
Removal Mine**

Final action protects Appalachian waters and local community

Washington, D.C. — Today the U.S. Environmental Protection Agency (EPA) took an historic step by vetoing the water pollution permit issued by the Army Corps of Engineers for the Spruce No. 1 Mine project in West Virginia, one of the largest mountaintop removal mines ever proposed in Appalachia. With today's action to enforce the law, EPA Administrator Lisa Jackson stopped a mountaintop mine that would have destroyed more than seven miles of vital streams and more than 2,000 mountain acres in an important part of Appalachia.

Even more significantly, this action shows that while the coal industry and past administrations have denied the impacts of mountaintop removal mining on local communities, the Obama administration and EPA Administrator Lisa Jackson are addressing the importance of environmental justice in Appalachia and taking steps to begin protecting these communities. This action completes the final stage of the EPA's process to veto the Corps' permit, which follows the law of the Clean Water Act.

This is the culmination of a fight to stop the mine that started in 1998 when a resident of Pigeonroost Hollow, one of the hollows that would be destroyed by the mine, sued the United States Army Corps of Engineers to revoke Arch Coal's Clean Water Act permit.

That lawsuit, the first ever brought by citizens to stop a mountaintop removal mine, sparked years of litigation against the Corps to stop the Spruce Mine and other illegal mountaintop removal mines. Remarkably, the Corps persists in trying to permit these mines which destroy the very streams that the Corps is supposed to protect.

"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," said Joe Lovett, lawyer and executive director of the Appalachian Center for the Economy & the Environment, who has been fighting this mine for more than 12 years. "Today, the EPA has helped to save these beautiful hollows for future generations. Unfortunately, the Spruce Mine's impacts are not unique. Although we are grateful for the EPA's action today, EPA must follow through by vetoing the scores of other Corps permits that violate the Clean Water Act and that would allow mountaintop mines to lay waste to our mountains and streams."

"This veto is fully justified by the enormous harm that the mine would inflict and is the culmination of a 12-year legal battle that began in 1999 when the Corps made the outrageous decision that this huge mine burying over 10 miles of streams would have only 'minimal' effects," said Jim Hecker, a lawyer at Public Justice in Washington, DC, who along with Joe Lovett litigated the first lawsuit against the Spruce mine.

"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, Earthjustice Senior Legislative Counsel. "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."

Said Ed Hopkins, Sierra Club's Environmental Quality Program Director: "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. She deserves enormous credit for changing policies to protect Appalachia's health, land and water."

Said Cindy Rank, chair of the Mining Committee of the West Virginia Highlands Conservancy: "Judge Haden had it right back in 1999 when he recognized the irreparable harm that would be done by this mine. It is unfortunate that it's taken more than a decade for our regulatory agencies to accept the multitude of legal, scientific and moral arguments against this permit, but I'm sure Judge Haden is smiling with us as we gratefully acknowledge EPA's momentous and justifiable decision at long last."

"Today's decision was the right one," said Cathie Bird, Statewide Organizing for Community Empowerment's E3 Committee Chair. "We are pleased to see that Appalachia's land and water preservation are prioritized before dirty, cheap energy production that threatens our environmental future. This Spruce Mine decision sets an example that represents a healthier and more sustainable Appalachia."

Said Debbie Jarrell, assistant director of Coal River Mountain Watch: "While our politicians and coal companies grandstand and use fear mongering as a way to justify mountaintop removal, our most precious resource, water, is being contaminated at an alarming rate. It is a huge reassurance to see the EPA use the science that's available, and to see it take this step to protect our water and our people of the Appalachians."

"We breathe a huge sigh of relief today, and we thank the EPA and the Obama administration for enforcing the Clean Water Act. We are so pleased that this historic veto of the Spruce No. 1 Mine permit halts the destruction of Pigeonroost Hollow," said Janet Keating, executive director of the Ohio Valley Environmental Coalition. "The science completely validates what we have been saying for more than a decade: These types of mining operations are destroying our streams and forests and nearby residents' health, and even driving entire communities to extinction. This type of coal mining is destroying our cultural heritage and our future. We will continue our work to halt other illegal permits, both in-progress and pending."

"We thank the EPA for standing up against big pressure from the coal industry to protect communities and people who suffer from the devastating impacts of mountain top removal," said Jane Branham, vice president of Southern Appalachian Mountain Stewards.

ADDITIONAL INFORMATION:

In late March, the EPA released a proposal to veto the Spruce No. 1 Mine permit based on scientific and legal analysis showing that the mine would not adhere to Clean Water Act standards. In September, U.S. Environmental Protection Agency's Regional III Administrator Shawn Garvin recommended that EPA veto the permit. EPA's final decision to veto the permit focused on the science showing the irreparable harm that occurs when mining companies

permanently bury and pollute natural headwater streams with mining waste.

In October 1999, the Spruce No. Mine became the subject of the first significant federal court decision on mountaintop removal mining. In this federal court decision, the late Judge Charles Haden ruled that the permits for the Spruce No. 1 Mine violated the surface mining law and the Clean Water Act. Since that decision, this permit has remained in litigation in the Southern District of West Virginia, where environmental and conservation groups, represented by the Appalachian Center for the Economy & the Environment, Public Justice, and Earthjustice, have challenged the initial decision by the Corps to issue the permit as unlawful, arbitrary, and capricious under the Clean Water Act, the National Environmental Policy Act, and the Administrative Procedure Act.

The EPA's announcement on today's action is here:

http://water.epa.gov/lawsregs/guidance/cwa/dredgdis/404c_index.cfm

###

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Because the earth needs a good lawyer

Bob Sussman/DC/USEPA/US
09/29/2010 08:25 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, David
McIntosh, Arvin Ganesan, Lisa Heinzerling
cc
bcc
Subject From INSIDE EPA -- Note New Inhoff Report

Linking EPA Rules To Job Losses

Posted: September 28, 2010

Democratic and Republican lawmakers are urging EPA to scale back a number of proposed and recently finalized air rules, warning in a letters and reports that the regulations will cause severe economic harm by putting thousands of jobs at risk.

Most recently, Republicans on the Senate Environment & Public Works Committee Sept. 28 issued a [report](#) citing potentially hundreds of direct and indirect job losses from several EPA rules: a proposed air toxics standard for commercial and industrial boilers, a pending final rule to tighten the ozone national ambient air quality standard, new emissions standards for Portland cement plants and the greenhouse gas endangerment finding and recent GHG permitting rule.

The report, "EPA's Anti-Industrial Policy: Threatening Jobs And America's Manufacturing Base," says the boiler rule would put 798,250 jobs at risk while a stricter ozone standard would lead to severe restrictions on job creation and business expansion in hundreds of counties.

The report argues that EPA's cement plant air rules would put up to 18 cement plants at risk of shutting down, threatening nearly 1,800 direct and 9,000 indirect jobs; and the GHG rules will result in higher energy costs, jobs moving overseas, severe economic impacts on the poor, the elderly, minorities and those on fixed incomes, with 6.1 million sources subject to EPA regulation.

The GOP report follows a Sept. 27 [bipartisan letter](#) from House lawmakers urging EPA not to tighten its coarse particulate matter, or dust, standards, and a Sept. 24 bipartisan letter from senators on EPA's planned regulations for industrial boilers and commercial/industrial sources and incinerators.

The House letter, spearheaded by Agriculture Committee ranking member Frank Lucas (R-OK) and Rep. Cynthia Lummis (R-WY), warns that tightening the standard is not supported by science and puts farmers and ranchers' livelihoods at risk. The current standards have been expensive for industries in the West, including agricultural and other resource-based industries, the letter says. "The possibility of those industries having to meet a standard that is twice as stringent causes us great concern, especially when a revision is not required by science," the letter signed by 75 House representatives, including 13 Democrats.

Lucas plans to hold a forum Sept. 29 to discuss EPA regulations and initiatives "that are hindering job creation and economic expansion in rural communities," according to his office. Lucas, Rep. Sam Graves (R-MO) and Rep. Doc Hastings (R-WA) will discuss carbon dioxide, the Clean Water Act, farm dust regulations, hydraulic fracturing, among other issues.

Meanwhile, in the bipartisan [Sept. 24 Senate letter](#) to EPA, 23 Republicans and 18 Democrats raise concerns about the agency's proposed achievable control technology (MACT) rules for boilers and waste incinerators, echoing [recent warnings](#) from industry and labor groups.

"As our nation struggles to recover from the current recession, we are deeply concerned that the pending Clean Air Act boiler MACT regulations impose onerous burdens on U.S. manufacturers, leading to the loss of potentially thousands of high-paying jobs this sector provides," the letter says. Both small and large businesses are vulnerable to extremely costly regulatory burdens, as well as municipalities, universities and federal agencies, the letter says, adding that EPA's regulatory analysis understates the significant economic impacts of the rule.

Related News: [Air On Capitol Hill](#)

2339948

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

Bob Sussman/DC/USEPA/US
09/13/2010 08:40 AM

To Richard Windsor, Bob Perciasepe, Gina McCarthy, Joseph Goffman, David McIntosh, Seth Oster, Michael Moats
cc
bcc
Subject FROM INSIDE EPA ON TOMORROW'S SPEECH

EPA May Offer Details On GHG Permit Plans At Air Act Anniversary Event

Posted: September 10, 2010

EPA's plans for a Sept. 14 birthday celebration of the 40-year-old Clean Air Act are prompting speculation that the agency could choose to announce additional details on its greenhouse gas (GHG) regulatory plans, including a schedule for moving to issue new GHG performance standards for power plant emissions.

"I would be surprised if they didn't say something" about their plans for tackling those emissions, given that permit requirements take effect in 2012, one environmentalist says. At the same time, the source denies specific knowledge of EPA's intent.

In a press release announcing a Sept. 14 event in Washington, D.C. to celebrate the statute's 40th anniversary, EPA notes that the "landmark law saves lives and provides billions of dollars in benefits." Agency officials slated to appear at the event include Administrator Lisa Jackson, who will give a lunchtime keynote address, and air chief Regina McCarthy, who will close the event with a look to the future, discussing the agency's vision for addressing air quality, energy and climate change.

The anniversary comes with EPA facing resistance to both its plans to require GHG limits in permits for the first time, and to pending regulatory proposals to further curb emissions of non-GHG pollutants. Accordingly, the celebration could help the agency defend its air act authority over GHGs – and also offer policymakers a public reminder of the immense health and economic benefits of Clean Air Act regulations for other pollutants. In what may turn out to be a convenient coincidence, the celebration also comes one day before a Sept. 15 deadline that several environmental groups have given the agency to either agree to include GHGs in an upcoming new source performance standard (NSPS) for the utility sector or renew legal battle on the issue in the U.S. Court of Appeals for the District of Columbia Circuit. [In an Aug. 20 letter to EPA on the subject](#), the Sierra Club, Natural Resources Defense Council (NRDC) and Environmental Defense Fund said they would ask the court to force EPA action on the rule, citing a remand to the agency from the same court that the agency has sat on for three years. The groups also asked EPA to coordinate with other agencies on an upcoming utility air toxics proposal, noting that the agency is slated to propose that rule, as well as the utility NSPS, in March 2011 and to announce them in November of that year ([see related story](#)).

The agency has also previously indicated plans to issue a guidance on best available control technology (BACT) for GHGs, though the precise schedule for that is unclear.

An EPA press official said, "we don't have anything to announce at this point."

One industry source says EPA likely welcomed the environmentalists' NSPS letter as pressure to go in a direction it may already be heading. The celebration of the air act will also feature presentations and question-and-answer sessions by many officials, lawmakers and others who helped craft the Clean Air Act and its 1990 amendments. These include David Hawkins, who runs the NRDC climate program and previously served as EPA assistant administrator. Hawkins will join House Energy & Commerce Committee Chairman Henry Waxman (D-CA) and former House Energy and Technology Committee Chairman Sherwood Boehlert (R-NY) in a presentation titled the "Clean Air Act -- A 40-Year History of Healthy Accomplishments," and will take audience questions.

Another session -- "The Next 40 Years: Building on the Past to Meet Clean Air, Clean Energy and Climate Challenges" -- will include former EPA Administrator Bill Reilly; Ignacia Moreno, the Justice Department's top environmental official; John Holdren, director of the White House Office of Science & Technology Policy; and Peggy Shepard, an environmental justice advocate.

Other participants include former EPA Administrator Bill Ruckelshaus, former Deputy Administrator Linda Fisher, former U.S. Senate Majority Leader Howard Baker (R-TN), former Sen. John Warner (R-VA), former Rep. Phil Sharp (D-IN) and a handful of business and non-profit executives.

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

Bob Sussman/DC/USEPA/US
02/18/2009 02:16 PM

To Richard Windsor, Craig Hooks, Allyn Brooks-LaSure
cc
bcc
Subject Greenwire Story on DOE Stimulus Efforts

DOE: Chu creates team to spread stimulus cash (02/18/2009)

Katherine Ling, E&E reporter

The Energy Department has created a "special organization" to distribute \$40 billion contained in the economic stimulus package for energy projects, Secretary Steven Chu said today.

"It's a challenge and something we take very seriously: how to spend that money wisely but also quickly," Chu told reporters after speaking at DOE's National Electricity Delivery Forum in Washington. Chu said he has assembled a team to start streamlining ways of delivering the cash. "We are looking at everything," he said.

Leading the advisory team is Matt Rogers, director at McKinsey & Co.'s San Francisco office, Chu said. Rogers consults in many fields, including electric power, oil and gas, and private equity, as well as strategic transformations for industrial companies. Rogers is also a leader of McKinsey's North American Petroleum Practice.

Other members of President Obama's Cabinet are also preparing to spend money quickly, Chu said. Carol Browner, who oversees White House efforts on energy and the environment, and leaders of the Interior and Agriculture departments, U.S. EPA and the Council on Environmental Quality have been discussing how to align federal regulatory requirements for making projects "shovel-ready," Chu said.

Several lawmakers and industry officials have expressed concern about DOE's ability to distribute the money, given its historic inefficiency and currently empty undersecretary and assistant secretary posts. Most notably, Sen. Jeff Bingaman (D-N.M.), chairman of the Senate Energy and Natural Resources Committee, has lamented DOE's inability to distribute loan guarantees for advanced clean energy technology created in the 2005 energy policy law and hinted he is considering snatching the program from DOE.

In response to such criticisms, Chu said DOE's goal is to "start cutting checks" for the first loan guarantees by the end of April or beginning of May. He said he has reduced the loan-guarantee paperwork from 1,000 pages to about 50. "You don't need 1,000 pages to show this is a suitable loan," he said.

DOE is also concentrating on billions for supporting electricity transmission and distribution projects, which are a "key part of the economic recovery package," Chu said.

Several provisions of the stimulus bill signed by Obama yesterday increase funding for the electric grid, including \$6 billion in loan-guarantee authority -- which is also available for renewable energy and advanced biofuel projects, \$6.5 billion for the Bonneville Power Authority

and the Western Area Power Administration, and \$4.5 billion in matching grants for making the grid "smarter."

Many of these investments can start in a matter of months, Chu said.

There are already Bonneville Power Authority transmission projects that have complete environmental assessments and could be creating jobs soon in the Pacific Northwest, Chu said. For other projects, he said he is working with EPA and Interior on speeding up regulatory procedures for transmission projects without "undermining" environmental and other federal reviews.

Chu said he has also started speaking to state officials to prepare them for \$5 billion in weatherization funds -- although that will be distributed largely along existing formulas.

Dan Reicher, director of climate change and energy initiatives at Google Inc. and a former DOE assistant secretary, said the department is still going to need a lot of help.

"The Energy Department has a mixed track record of moving money quickly and effectively," Reicher told the forum. "We all need to help DOE. It's basically going to take this whole room to help DOE to do this well."

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

**Brendan
Gillilan/DC/USEPA/US**
11/20/2009 01:15 PM

To Andy.Adora, "Michael Moats", McIntosh.David,
Sussman.Bob, Brooks-LaSure.Allyn, Perciasepe.Bob,
Silva.Peter, "Richard Windsor", "Diane Thompson", "Arvin
Ganesan"
cc "Michael Moats", "Stephanie Owens"
bcc
Subject WV Metro News: "They're in Denial"

"They're in Denial"

WV Metro News

Governor Joe Manchin says if EPA Administrator Lisa Jackson isn't in a cooperating mood, they'll go straight to the top to deal with new surface mining permitting process.

"If they're going to take the stand where, 'We could care less.' That's very, very obstructionist. And we're just going to keep pushing right through," Manchin told MetroNews Friday.

Congresswoman Shelley Moore Capito met with Jackson on Thursday to talk about how detrimental delaying surface mine permits is for West Virginia. While Capito says the discussion was cordial, her message didn't seem to sink in. Jackson made it clear the EPA does not have an obligation to take economic factors or jobs into account when it comes to mine permits.

Manchin balks at that attitude.

"They're in a denial. They can't live with us. They can't live without us," the governor said.

Coal is expected to be the "transition fuel" for the next 30 years to move the country away from its dependence on foreign oil to cleaner technology like hydro, wind and solar energy.

Manchin says if Jackson and the EPA aren't willing to even consider the effects tightening control on permits will have on West Virginia, then there's only one way left to go.

"We're going right to the top," he said. "And they're all going to understand. We're all in this. You can't destroy the economy for the sake of something you know is not attainable."

Manchin says West Virginia's congressional delegation is on board. And they're determined to get a sit down meeting with President Obama to raise their

**Brendan
Gillilan/DC/USEPA/US**
09/12/2011 11:20 AM

To Bob Sussman, Richard Windsor, Bob Perciasepe, Gina
McCarthy, Joseph Goffman, Al Armendariz, Seth Oster, Arvin
Ganesan, Laura Vaught, Avi Garbow, Cynthia Giles-AA,
Scott Fulton

cc

bcc

Subject Re: Luminant's Response to our Letter on CSPAR Issues

Luminant release:

09.12.11

Luminant Announces Facility Closures, Job Reductions in Response to EPA Rule

DALLAS -

In employee meetings today across its Texas operations, Luminant leadership announced the need to close facilities to comply with the Environmental Protection Agency's Cross-State Air Pollution Rule, which will cause the loss of approximately 500 jobs.

The rule, which the EPA released earlier this summer, requires Texas power generators to make dramatic reductions in emissions beginning January 1, 2012. While Luminant is making preparations to meet the rule's compliance deadline, this morning it also filed a legal challenge in an effort to protect facilities and employees, and to minimize the harm this rule will cause to electric reliability in Texas.

To meet the rule's unrealistic deadline and requirements, Luminant reluctantly must take the difficult steps of idling two generating units and ceasing mining Texas lignite at three mines. Luminant will also implement several other actions to reduce emissions, including making substantial investments in its facilities.

Luminant supports continued efforts to improve air quality across the state and nation. Since 2005, for example, Luminant has achieved a 21 percent reduction in SO₂ emissions, while at the same time increasing generation by 13 percent.

CEO Statement

"As always, Luminant is committed to complying fully with EPA regulations. We have spent the last two months identifying all possible options to meet the requirements of this new rule, and we are launching a significant investment program to reduce emissions across our facilities," said David Campbell, Luminant's chief executive officer. "However, meeting this unrealistic deadline also forces us to take steps that will idle facilities and result in the loss of jobs," said Campbell.

"We have hundreds of employees who have spent their entire professional careers at Luminant and its predecessor companies," added Campbell. "At every step of this process, we have tried to minimize these impacts, and it truly saddens me that we are being compelled to take the actions we've announced today. We have filed suit to try to avoid these consequences."

Legal Basis and Support

The company's legal action is part of a broader effort, supported by a large and bipartisan contingent of political and community leaders, to achieve these goals without harming critically important Texas jobs and electric reliability.

Luminant, like several other affected companies and governmental entities, believes the rule's mandates for Texas are unlawful. A year ago, the EPA's proposed rule did not include Texas in the annual SO₂ and NO_x reductions programs. Now, one year later, the CSAPR imposes a 47 percent SO₂ reduction and substantial NO_x reductions by Texas sources beginning in January 2012. And notably, the rule requires a 64 percent reduction of SO₂ emissions to Luminant's fossil fuel generating units.

Luminant's suit in the United States Court of Appeals for the District of Columbia Circuit seeks to invalidate the CSAPR as to Texas. Further, to try to stop the adverse effects on Luminant, its employees, and its customers in advance of the compliance deadline, Luminant will seek a judicial stay of this rule because of the immediate and irreparable harm that it will inflict.

Operational Response Plan

To ensure compliance in this extremely compressed time frame, production and operational changes will have to be made at two of the company's large power plant and mining complexes. Under the Electric Reliability Council of Texas's protocol, these decisions must be communicated to the Council by October

3 so they can adequately prepare for 2012.

At the Monticello Power Plant and supporting Thermo and Winfield mines in Northeast Texas, the following steps will be necessary:

- Monticello Units 1 and 2 will be idled. These units have a capacity of approximately 1,200 megawatts.
- Monticello Unit 3 will cease using Texas lignite for fuel and begin to operate on 100 percent Powder River Basin coal.
- Thermo and Winfield mines will cease mining Texas lignite with the idling of Monticello units 1 and 2 and the fuel switching at Monticello Unit 3, but Luminant will continue reclamation activities at these sites.

At Big Brown Power Plant and its supporting mine in Freestone County, the following steps will be necessary:

- Big Brown units 1 and 2 will cease using Texas lignite for fuel and begin to operate on 100 percent Powder River Basin coal.
- The Big Brown/Turlington Mine will cease mining Texas lignite, but Luminant will continue reclamation activities there.

In addition to these job losses at Luminant, the closures will mean that the counties and communities around the company's affected operations will see decreased tax contributions, indirect employment, support of local small businesses and other economic activity.

Investment Program

At Monticello Unit 3 and two of Luminant's other coal generating facilities, the Martin Lake Power Plant in Rusk County and the Sandow 4 Power Plant in Milam County, the company will immediately begin a substantial investment program to upgrade the capabilities of existing environmental control equipment, install new environmental control equipment and implement programs to reduce emissions.

The company expects to invest approximately \$280 million by the end of 2012 and estimates that it will spend more than \$1.5 billion before the end of the decade in environmental control equipment to comply with regulatory requirements. Unfortunately, the rule's 2012 deadline will not allow for the permitting, construction and installation of new equipment in time to avoid the announced closures.

These investments in environmental control equipment represent the latest in a series of significant investments across Energy Future Holdings, parent company to Luminant, and its subsidiaries. Since 2007, EFH companies have invested over \$11 billion in the state's infrastructure and created 1,500 net new jobs with about 675 of those at Luminant.

The emissions reduction installations Luminant has underway across its fleet follow a series of voluntary actions the company has taken to reduce emissions - actions that have already produced positive results.

Federal Legal Action Outlined

Luminant submitted to the EPA a request for reconsideration and stay of the new rule on August 5, on which the agency has not acted. This morning, the company filed a petition with the U.S. Court of Appeals for the District of Columbia Circuit asking the court to invalidate CSAPR as to Texas. As part of its action, Luminant also plans to ask the court to stay the applicability of the EPA rule. In its request for a stay, the company will demonstrate that:

- Without fair notice and the opportunity to provide comment, the EPA has mandated that Texas slash its SO₂ emissions by half and greatly reduce NO_x emissions in less than five months – a compliance timetable that is impossible to meet without facility closures and job cuts.
- The standard time frame for permitting, constructing, and installing new emission controls is several years, yet the rule allowed less than six months.
- The state would bear 25 percent of the SO₂ reduction burden imposed under this rule, which is more than twice the state's contribution to the total SO₂ emissions of all states included in the rule. Before these mandates go into effect, current SO₂ emissions rates for the state's power generation plants are already lower than the average of the other states included in the rule.
- Having less than a year ago concluded that Texas SO₂ emissions have no significant downwind effects, the EPA is now mandating these CSAPR reductions because the agency predicts, through its modeling, a small contribution from Texas to the air quality at a single monitor 500 miles away in Madison County, Illinois – a location EPA itself has concluded is in air-quality attainment based on actual air sample monitoring. In effect, the rule improperly elevates the EPA's hypothetical modeling over actual monitored conditions.
- Similarly, the rule imposes severe NO_x emission reductions on Luminant, based on modeling that conflicts with actual monitored conditions.
- These requirements will seriously jeopardize the ability of the state's electric grid to supply power to Texas businesses and consumers and cause the loss of hundreds of jobs with corresponding effects on

local communities whose economies depend on Luminant's facilities.

Bob Sussman

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

From: Bob Sussman

Sent: 09/12/2011 09:40 AM EDT

To: Richard Windsor; Bob Perciasepe; Gina McCarthy; Joseph Goffman; Al Armendariz; Seth Oster; Brendan Gilfillan; Arvin Ganesan; Laura Vaught; Avi Garbow; Cynthia Giles-AA; Scott Fulton

Subject: Luminant's Response to our Letter on CSPAR Issues

See below Luminant's response to Bob's letter.

Robert M. Sussman

Senior Policy Counsel to the Administrator

Office of the Administrator

US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 09/12/2011 09:36 AM -----

From: "Campbell, David" <David.Campbell@luminant.com>
To: Bob Sussman/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA
Date: 09/12/2011 09:04 AM
Subject: RE: Letter on CSPAR Issues
Sent by: "Quint, Jo Anne" <Jo.Quint@luminant.com>

Bob, thanks for your email. Attached please find a letter from the company.

Regards,
David

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

From: Sussman.Bob@epamail.epa.gov [mailto:Sussman.Bob@epamail.epa.gov]

Sent: Sunday, September 11, 2011 4:59 PM

To: Campbell, David

Cc: Perciasepe.Bob@epamail.epa.gov

Subject: Letter on CSPAR Issues

David -- as discussed earlier this afternoon, enclosed is a letter to you from Bob Perciasepe, our Deputy Administrator. We will send a signed, formatted version of the letter tomorrow morning. We request that you share the letter with your Board.

Thank you.

Robert M. Sussman

Senior Policy Counsel to the Administrator Office of the Administrator US
Environmental Protection Agency

(See attached file: 9-11 luminant letter_FINAL_FINAL.docx)

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[attachment "2011 09 12 Luminant to EPA final.pdf" deleted by Brendan Gilfillan/DC/USEPA/US]

**Brendan
Gilfillan/DC/USEPA/US**
03/02/2011 06:25 PM

To: Brendan Gilfillan
cc: Adora Andy, Alisha Johnson, Arvin Ganesan, Barbara Bennett, Betsaida Alcantara, Bob Perciasepe, David McIntosh, Diane Thompson, Dru Ealons, Seth Oster, Richard Windsor, Stephanie Owens
bcc:
Subject: The Hill: EPA administrator pokes fun at Fox News for becoming carbon-neutral

EPA administrator pokes fun at Fox News for becoming carbon-neutral

By Andrew Restuccia - 03/02/11 05:19 PM ET

Environmental Protection Agency Administrator Lisa Jackson had a little fun Wednesday with Fox News, whose parent-company [announced this week](#) that it is carbon-neutral.

Despite assertions by Republicans and many Fox News commentators that climate regulations will destroy the economy, Jackson said the effort by News Corp. to become carbon-neutral shows that reducing greenhouse gas emissions is "good for business."

"I do believe that this is good for business, good for our future," Jackson said at a Senate Environment and Public Works Committee hearing on the agency's fiscal year 2012 budget request.

To make her point, Jackson laid out News Corp.'s efforts to reduce its carbon footprint in detail.

The company is "carbon neutral across their global operations and their projects pay for themselves in less than two years on average, and there are lighting retrofits and PC shutdowns, systemic changes like moving to video conferencing and carbon footprinting," Jackson said.

Jackson came under fire from Republicans on the committee Wednesday, who argued that efforts to regulate greenhouse gas emissions will impose major burdens on industry and kill jobs. But committee Chairwoman Barbara Boxer (D-Calif.) countered that the regulations are essential for protecting human health.

Brendan Gilfillan EPA Chief Jackson Urges U.S. Lawm... 03/02/2011 06:24:08 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Barbara Bennett/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA
Date: 03/02/2011 06:24 PM
Subject: Bloomberg: EPA Chief Jackson Urges U.S. Lawmaker Not to Slash Her Agency's Funding

EPA Chief Jackson Urges U.S. Lawmaker Not to Slash Her Agency's Funding

By Kim Chipman and Jim Snyder - Mar 2, 2011 5:15 PM ET

Environmental Protection Agency Administrator Lisa Jackson urged U.S. senators not to cut her agency's budget as lawmakers prepared to offer legislation taking away the EPA's power to regulate [greenhouse gases](#).

Republicans in the [House of Representatives](#) have proposed cutting EPA funding about 30 percent, or \$3 billion, almost double a budget reduction of \$1.3 billion proposed last month by President [Barack Obama](#).

"If Congress slashed EPA's funding, concentrations of harmful pollution would increase from current levels," Jackson told the Senate Environment and Public Works Committee today. "The result would be more asthma attacks, more missed school and work days, more heart attacks, more cancer cases, more premature deaths."

The budget fight is intertwined with an effort by Republicans and some Democrats to strip the EPA of its power to regulate emissions blamed for climate change. Backers of this effort say the agency's greenhouse-gas rules for industrial polluters will cost jobs and harm the economy. Jackson has said Obama would veto any attempt to stop the regulations that took effect Jan. 2.

Legislation sponsored by House Energy and Commerce Committee Chairman [Fred Upton](#), a Michigan Republican, and Senator James Inhofe of [Oklahoma](#), will be introduced as early as tomorrow, Inhofe said during the hearing today.

"This bill puts Congress in charge of deciding our nation's [climate-change](#) policy, not EPA bureaucrats," said Inhofe, the ranking Republican on the Senate environment committee.

Vehicle Agreement

The bill would prohibit the EPA from regulating greenhouse gases emitted from buildings such as factories and power plants, while allowing a previous agreement the administration reached with automakers to cut vehicle tailpipe emissions.

Two former Democratic House committee chairmen, Representatives Collin Peterson of [Minnesota](#) and Nick Rahall of West Virginia, said they are likely to support the Upton-Inhofe measure.

"EPA is out of control, and we have to send them a message," said Peterson, who headed the Agriculture Committee until Republicans won control of the House in the November elections, in an interview today.

Rahall, former chairman of the House Natural Resources panel, said a draft of the Upton-Inhofe bill is “very favorable” and that he is “exploring very seriously” supporting the measure.

“It seems like the right message and it’s in line with legislation I’ve already supported,” Rahall said. He has backed a bill to delay EPA regulation for two years, legislation being pushed by Democratic Senator Jay Rockefeller of [West Virginia](#).

Rockefeller’s bill probably has a better chance to pass Congress, given concerns in the Senate over permanently blocking EPA regulation, Rahall said in an interview.

**Brendan
Gilfillan/DC/USEPA/US**
12/08/2010 03:33 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Avi Garbow, Betsaida Alcantara, Bob Perciasepe, Daniel Kanninen, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Janet Woodka, Joseph Goffman, Seth Oster, Richard Windsor, Scott Fulton, Stephanie Owens
bcc:
Subject: AP and Politico on smog

[EPA delays stricter smog, mercury limits](#)

WASHINGTON (AP) — The [Environmental Protection Agency](#) is delaying new rules that would impose stricter limits on two key pollutants — smog and mercury — drawing complaints from environmental groups who say the Obama administration appears to be caving in to political pressure from congressional Republicans.

“It is hard to avoid the impression that EPA is running scared from the incoming Congress,” said Frank O’Donnell, president of the advocacy group Clean Air Watch.

Republicans took control of the House and gained in the Senate in the midterm elections, and many GOP lawmakers have vowed to target the EPA for what they call a series of job-killing regulations. [Environmental groups](#) and some Democrats say the administration is delaying the new rules in an attempt to placate GOP lawmakers.

O’Donnell called the seven-month delay in the smog rule “a bitter pill to swallow” and said the EPA has had nearly a year to evaluate the rule since it was first proposed last January.

An EPA spokesman denied that politics played a role and said the delays were needed to ensure the agency’s final decisions were grounded in the best science.

While delaying the smog and mercury standards, “EPA is moving forward with a number of national rules that will significantly reduce pollution and improve public health for all Americans,” said Brendan Gilfillan, an EPA spokesman

The rules include steps designed to reduce harmful emissions from cars, [power plants](#) and other industrial facilities that contribute to ozone formation, Gilfillan said, adding that the delays would not affect public health.

Sen. Tom Carper, D-Del., chairman of a Senate clean air subcommittee, said he was disappointed by the delay in the ozone rule, which would mean that strict new standards on lung-damaging smog will not take effect Jan. 1 as expected. The EPA now says the rule would take effect by the end of July.

Once in place, the new rules could mean that hundreds of communities far from congested highways and belching smokestacks could join big cities and industrial corridors in violation of [EPA](#) air pollution limits. 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, down from 75 parts per billion as set by the Bush administration.

The delay leaves millions of Americans “unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard,” Carper said. “This decision also keeps states in limbo about what standards they need to meet, forcing them to continue to postpone significant decisions today to clean our air tomorrow.”

Carper urged EPA Administrator Lisa Jackson to move quickly to finalize plans for new ozone air quality standards.

Gilfillan said the new smog standards would help prevent up to 12,000 premature deaths, 58,000 cases of aggravated asthma and save up to \$100 billion in avoided health care costs. The proposed standard would replace a standard set by the Bush administration, which many [clean-air](#) advocates called inadequate.

The EPA said 5,000 deaths could be prevented each year under new rules to limit the amount of mercury and other harmful pollutants released by industrial boilers and solid waste incinerators.

The planned rules are intended to cut mercury emissions in half by requiring steep and costly cuts from companies operating some 200,000 industrial boilers, heaters and incinerators.

Industrial boilers and heaters are the second largest source of mercury emissions in the United States, after coal-fired power plants. The boilers burn coal and other fuels to generate heat or [electricity](#) and are used by petroleum refiners, chemical and manufacturing plants, paper mills, municipal utilities and even shopping malls and universities.

The EPA is under court order to issue final rules by Jan. 16, but the agency said in court papers Tuesday it is hoping to delay the rules until April 2012.

EPA punts on smog rule

Robin Bravender, Politico

December 8, 2010 02:27 PM EST

The Obama administration will delay issuing a new smog reduction plan, the second controversial air pollution rule the Environmental Protection Agency has punted in the past two days.

EPA was facing a court deadline to finalize its national air quality rule for ozone, or smog, by Dec. 31, but the agency is now planning to delay the rule until next July, spokesman Brendan Gilfillan confirmed Wednesday.

On Tuesday, EPA announced it would delay a major air toxics rule for industrial boilers, such as those used at oil refineries and paper mills, after coming under fire from myriad industry groups and lawmakers claiming it would cripple the economy.

With lawmakers on both sides of the aisle vowing to work to scale back EPA regulations in the next session, many attribute EPA's delays to political motivations. The incoming GOP majority in the House has pledged to limit many of the pending EPA rules they see as overreaching, including the smog standard and the boiler air toxics rule.

"I guess the handwriting was on the wall when the EPA announced yesterday that it was stalling a final decision on rules to clean up poisons from industrial boilers," said Frank O'Donnell, president of the advocacy group Clean Air Watch. "It is hard to avoid the impression that EPA is running scared from the incoming Congress."

This is the third time EPA has stalled its final smog standard. EPA Administrator Lisa Jackson announced in 2009 that her agency would tighten the George W. Bush administration's final standard, arguing that it fell short of protecting public health.

The Obama EPA estimated that its stricter standards would help prevent up to 12,000 premature deaths and save up to \$100 billion in health costs.

EPA needs more time to get further input from the agency's science advisers before setting the final standard, Gilfillan said. "Given this ongoing scientific review, EPA intends to set a final standard in the range recommended" by the science advisers.

Howard Feldman of the American Petroleum Institute said there is no new scientific data to justify setting

what he called an "unattainable standard" that would put virtually all states out of compliance. Feldman said he also hopes EPA will consider delaying "any other costly or unworkable proposals, such as greenhouse gases."

Brendan Gilfillan EPA delays tougher air pollution rules... 12/08/2010 02:04:38 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Avi Garbow/DC/USEPA/US@EPA
Date: 12/08/2010 02:04 PM
Subject: The Hill: EPA delays tougher air pollution rules

EPA delays tougher air pollution rules

By Ben Geman - 12/08/10 01:41 PM ET

The Environmental Protection Agency is delaying completion of tough new air pollution rules that have come under attack from a range of industry groups and several senior House Republicans, including the incoming chairman of the powerful Energy and Commerce Committee.

The agency had hoped to finalize ozone pollution rules that toughen Bush-era standards months ago, but has now set a new target of the end of July, 2011.

EPA spokesman Brendan Gilfillan said the agency is seeking more input from its Clean Air Science Advisory Committee (CASAC), the body that had recommended a range of standards that are more aggressive than the Bush-era smog standards.

"[EPA] Administrator Jackson proposed that EPA select a standard in the range □ that CASAC indicated would be protective of Americans' health. As part □ of EPA's extensive review of the science, Administrator Jackson will ask □ CASAC for further interpretation of the epidemiological and clinical □ studies they used to make their recommendation," he said in a statement.

EPA first [floated the tougher rules](#) in draft form last January. The agency is rejecting the Bush administration's 2008 standard of 0.075 parts per million (ppm), and is instead proposing a standard in the range of 0.060-0.070 ppm.

"To ensure EPA's decision is grounded in the best science, EPA will review the input □ CASAC provides before the new standard is selected. Given this ongoing □ scientific review, EPA intends to set a final standard in the range □ recommended by the CASAC by the end of July,

2011," Gilfillan added.

Tougher ozone standards will "help prevent up to 12,000 premature deaths, 58,000 cases of aggravated asthma and save up to \$100 billion dollars in health costs," the EPA spokesman said.

He added that the agency is moving ahead with several other clean air rules. "These include rules designed to reduce harmful emissions from cars, power plants and other industrial facilities that contribute to ozone formation. Taking additional time to complete the scientific review of the ozone standard will not delay the public health benefits of these rules," he said.

Groups including the National Association of Manufacturers and the American Petroleum Institute have called the proposed range of ozone standards too aggressive. Rep. Fred Upton (R-Mich.), the incoming chairman of the House Energy and Commerce Committee, has listed the rules among the "job-killing" EPA policies that he'll seek to turn back.

The delay drew a quick attack from Sen. Tom Carper (D-Del.), who leads the subcommittee on the full Environment and Public Works Committee that oversees air pollution policy.

"The Environmental Protection Agency's decision leaves thousands of Delawareans and millions of Americans unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard," he said in a statement. "This decision also keeps states in limbo about what standards they need to meet, forcing them to continue to postpone significant decisions today to clean our air tomorrow."

Frank O'Donnell, head of the environmental group Clean Air Watch, also lamented the new delay, noting its is just the latest of several times the tougher rules have been pushed back.

"This is a bitter pill to swallow. The EPA has had many months to evaluate the relevant issues, including further consultation with the agency's science advisers," he said.

"It is hard to avoid the impression that EPA is running scared from the incoming Congress," O'Donnell added.

**Brendan
Gilfillan/DC/USEPA/US**
12/08/2010 06:50 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Avi Garbow, Betsaida Alcantara, Bob Perciasepe, Daniel Kanninen, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Janet Woodka, Joseph Goffman, Seth Oster, Richard Windsor, Scott Fulton, Stephanie Owens
bcc:
Subject: Smog clips

All -

Below is a compilation of clips from today's announcement - coverage is as expected.

- Brendan

Summaries:

EPA delays stricter smog, mercury limits

(AP) – 4 hours ago

WASHINGTON (AP) — The Environmental Protection Agency is delaying new rules that would impose stricter limits on two key pollutants — smog and mercury — drawing complaints from environmental groups who say the Obama administration appears to be caving in to political pressure from congressional Republicans.

EPA to delay smog standards until July 2011

Reuters/ Ayesha Rascoe

WASHINGTON, Dec 8 (Reuters) - The U.S. Environmental Protection Agency said on Wednesday it was again delaying its final rule on smog limits, with the rule now expected by the end of July 2011. This is the third time the agency has delayed the smog standards, originally slated to be finalized in August. The initial standards proposed near the start of this year would limit ground-level ozone, or smog, to between 60 and 70 parts per billion measured over eight hours.

EPA Delays Ozone Rule Again

Stephen Power/Wall Street Journal

WASHINGTON—The Obama administration is delaying a decision on whether to tighten limits on ground-level ozone, the third time in less than a year that it has put off the potentially costly environmental rule in the face of congressional and industry pressure.

EPA Delays Clean-Air Rule Until July for Review

Bloomberg News/Jim Snyder - Dec 8, 2010

The U.S. Environmental Protection Agency is delaying until late July tougher clean-air rules that are opposed by businesses led by the National Association of Manufacturers. EPA Administrator [Lisa Jackson](#) plans to seek additional information from a group of advisers to ensure the decision is “grounded in the best science,” [Brendan Gilfillan](#), an agency spokesman, said today in an e-mail.

EPA punts on smog rule

Politico/ Robin Bravender
December 8, 2010 02:27 PM EST

The Obama administration will delay issuing a new smog reduction plan, the second controversial air pollution rule the Environmental Protection Agency has punted in the past two days. EPA was facing a court deadline to finalize its national air quality rule for ozone, or smog, by Dec. 31, but the agency is now planning to delay the rule until next July, spokesman Brendan Gilfillan confirmed Wednesday.

Full stories:

EPA delays stricter smog, mercury limits

(AP) – 4 hours ago

WASHINGTON (AP) — The Environmental Protection Agency is delaying new rules that would impose stricter limits on two key pollutants — smog and mercury — drawing complaints from environmental groups who say the Obama administration appears to be caving in to political pressure from congressional Republicans.

"It is hard to avoid the impression that EPA is running scared from the incoming Congress," said Frank O'Donnell, president of the advocacy group Clean Air Watch.

Republicans took control of the House and gained in the Senate in the midterm elections, and many GOP lawmakers have vowed to target the EPA for what they call a series of job-killing regulations. Lawmakers from both parties — especially in industrial states in the Northeast and Midwest — have complained about the boiler rule, which they say could place an added burden on business.

Still, environmental groups said the two delays — announced on successive days — appeared to be an attempt to placate GOP critics and stave off efforts in Congress to thwart EPA regulation.

"We're not going to let EPA regulate what they've been unable to legislate," said Rep. Fred Upton, R-Mich., the incoming chairman of the House Energy and Commerce Committee. Upton promised numerous hearings on the EPA under his watch.

O'Donnell called the seven-month delay in the smog rule "a bitter pill to swallow" and said the EPA has had nearly a year to evaluate the rule since it was proposed in January.

An EPA spokesman denied that politics played a role and said the delays were needed to ensure the agency's final decisions were grounded in the best science.

While delaying the smog and mercury standards, "EPA is moving forward with a number of national rules that will significantly reduce pollution and improve public health for all Americans," EPA spokesman Brendan Gilfillan said Wednesday.

The rules include steps designed to reduce harmful emissions from cars, power plants and other industrial facilities that contribute to ozone formation, Gilfillan said, adding that the delays would not affect public health.

Sen. Tom Carper, D-Del., chairman of a Senate clean air subcommittee, said he was disappointed by the delay in the ozone rule, which would mean that strict new standards on lung-damaging smog will not take effect Jan. 1 as expected. The EPA now says the rule would take effect by the end of July.

Once in place, the new rules could mean that hundreds of communities far from congested highways and belching smokestacks could join big cities and industrial corridors in violation of EPA air pollution limits. 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, down from 75 parts per billion as set by the Bush administration.

The delay leaves millions of Americans "unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard," Carper said. "This decision also keeps states in limbo about what standards they need to meet, forcing them to continue to postpone significant decisions today to clean our air tomorrow."

Carper urged EPA Administrator Lisa Jackson to move quickly to finalize plans for new ozone air quality standards.

Gilfillan said the new smog standards would help prevent up to 12,000 premature deaths, 58,000 cases of aggravated asthma and save up to \$100 billion in avoided health care costs. The proposed standard would replace a standard set by the Bush administration, which many clean-air advocates called inadequate.

The EPA said 5,000 deaths could be prevented each year under new rules to limit the amount of mercury and other harmful pollutants released by industrial boilers and solid waste incinerators.

The planned rules are intended to cut mercury emissions in half by requiring steep and costly cuts from companies operating some 200,000 industrial boilers, heaters and incinerators.

Industrial boilers and heaters are the second largest source of mercury emissions in the United States, after coal-fired power plants. The boilers burn coal and other fuels to generate heat or electricity and are used by petroleum refiners, chemical and manufacturing plants, paper mills, municipal utilities and even shopping malls and universities.

The EPA is under court order to issue final rules by Jan. 16, but the agency said in court papers Tuesday it is hoping to delay the rules until April 2012.

The American Petroleum Institute said it was pleased with EPA's request to delay the ozone rule.

"We also hope EPA will now reconsider other costly and unworkable proposals," such as a planned rule to regulate greenhouse gas emissions, said Howard Feldman, API's director of regulatory and scientific affairs.

EPA to delay smog standards until July 2011

Agency says needs more time for science review

Reuters/ Ayesha Rascoe

WASHINGTON, Dec 8 (Reuters) - The U.S. Environmental Protection Agency said on Wednesday it was again delaying its final rule on smog limits, with the rule now expected by the end of July 2011.

This is the third time the agency has delayed the smog standards, originally slated to be finalized in August.

The initial standards proposed near the start of this year would limit ground-level ozone, or smog, to between 60 and 70 parts per billion measured over eight hours.

The proposal was stronger than 2008 standards the Bush administration set. Environmental groups criticized those for being less stringent than government scientists recommended.

An EPA spokesman said the agency needs time to complete a scientific review. EPA head Lisa Jackson plans to ask the agency's independent team of scientists for more guidance on studies used to make their recommendations.

The proposed rules would require factories and oil, gas and power companies to cut emissions of nitrogen oxides and other chemicals called volatile organic compounds. Smog forms when those compounds react with sunlight.

Industry groups have attacked the proposed rules, arguing they have already spent billions of dollars to lower emissions.

The American Petroleum Institute, the major lobbying group for oil and gas, cheered the delay.

"We hope today's decision means EPA will simply roll this out-of-cycle proposal into the next formal ozone review, which is scheduled to begin shortly," said Howard Feldman, of API.

EPA said the proposal would cost \$19 billion to \$90 billion to implement. But it said it would save \$14 billion to \$100 billion from healthcare bills for asthma, lung damage, and other diseases as well as lost work costs.

Frank O'Donnell, of Clean Air Watch, expressed dismay at the further delay of the smog rule.

"This is a bitter pill to swallow," O'Donnell said in a statement. "It is hard to avoid the impression that EPA is running scared from the incoming Congress."

EPA Delays Ozone Rule Again

Stephen Power/Wall Street Journal

WASHINGTON—The Obama administration is delaying a decision on whether to tighten limits on ground-level ozone, the third time in less than a year that it has put off the potentially costly environmental rule in the face of congressional and industry pressure.

The Environmental Protection Agency announced Wednesday that it won't be prepared to decide until next July whether to tighten a national air-quality standard for ozone. That would be nearly a year after the agency's original self-imposed deadline for settling the matter. Ground-level ozone is a primary ingredient in smog linked to respiratory illnesses.

As recently as last Thursday, the agency said it remained committed to finalizing the new standards by the end of the year. The agency has said tightening the standard could save as many as 12,000 lives a year and save the U.S. as much as \$100 billion annually in 2020 through health benefits.

The delay on ozone marks a major retreat for Environmental Protection Agency Administrator Lisa Jackson. In January, Ms. Jackson said tightening the nation's air-quality standard for ozone was "long overdue" and proposed setting the standard at between 60 and 70 parts per billion, down from 75 ppb now.

But the agency has acknowledged that a standard of 60 ppb could cost businesses as much as \$90 billion annually in 2020. The costs would include new emissions controls that businesses would have to install; higher electricity prices as power plants switched to cleaner-burning but costlier fuels; and more frequent auto inspections.

Leading manufacturers and energy companies—such as [Exxon Mobil](#) Corp., [Dow Chemical](#) Co., and [American Electric Power](#) Co.—say the EPA hasn't proven that the 60 ppb standard would save the number of lives the agency claims. Also, they say the EPA has underestimated the amount of ozone that forms naturally or drifts into the U.S. from abroad—from factories in China, for example.

The EPA's proposal has the support of the American Lung Association and the American Medical Association, and is consistent with the recommendation of a 23-member panel of clean-air experts who advised the agency on the issue after reviewing more than 1,700 studies. But it has drawn criticism from lawmakers whose states depend heavily on coal, oil and manufacturing. Among them: Rep. Fred Upton, a Michigan Republican who on Wednesday was named chairman of the powerful House Energy and Commerce Committee.

In a written statement Wednesday, the EPA said Ms. Jackson would ask the panel of clean-air experts for "further interpretation" of the studies they relied upon in making their recommendation, so as to ensure the agency's final decision "is grounded in the best science."

The agency's announcement drew cheers from industry and dismay from some of the Obama administration's traditional allies. The American Petroleum Institute said it hoped the EPA "will now reconsider other costly and unworkable proposals," including its efforts to regulate greenhouse gases. But Sen. Thomas Carper (D., Del.) voiced disappointment, saying the delay would leave "millions of Americans unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard."

In a written statement the American Lung Associations said it was "exploring legal options" aimed at requiring the EPA to make a decision on the issue. Based on EPA's own estimates, the group added, a six-month delay means an estimated 2,000 to 6,000 people "will lose their lives because they must breathe air pollution that would have been cleaned up if the EPA had met its most recent deadline of December 31, 2010."

On Tuesday, the EPA decided to delay another costly, controversial proposed regulation aimed at smokestack industries, saying it needed another year to finish rules aimed at reducing pollution from boilers and solid-waste incinerators.

EPA Delays Clean-Air Rule Until July for Review

Bloomberg News/Jim Snyder - Dec 8, 2010

The U.S. Environmental Protection Agency is delaying until late July tougher clean-air rules that are opposed by businesses led by the National Association of Manufacturers.

EPA Administrator [Lisa Jackson](#) plans to seek additional information from a group of advisers to ensure the decision is "grounded in the best science," [Brendan Gilfillan](#), an agency spokesman, said today in an e-mail.

The EPA proposed in January restrictions on ground-level ozone, a key ingredient of smog, that exceeded limits adopted by the Bush administration in 2008. The agency said the rule would help prevent 12,000 premature deaths, 58,000 cases of aggravated asthma and save as much as \$100 billion in health costs. The Washington-based [National Association of Manufacturers](#) has said the rule, which was to become final this month, was too strict.

"The Environmental Protection Agency's decision leaves thousands of Delawareans and millions of Americans unprotected from harmful ozone air pollution under an outdated, ineffective ozone standard," said Senator [Tom Carper](#), a Delaware Democrat, in a statement expressing disappointment with the delay.

Howard Feldman, director of regulatory and scientific affairs for the American Petroleum Institute in Washington, said the group welcomed the postponement. He urged the agency to delay other "costly and unworkable proposals," such as an upcoming rule to limit greenhouse-gas emissions.

'Gravely Disappointed'

The EPA proposed tightening allowable ozone levels to 60 to 70 parts per billion, from 75 parts per billion set under President George W. Bush.

The [American Lung Association](#) in Washington, which pushed for the tougher clean-air standards, is "gravely disappointed," [Janice Nolen](#), assistant vice president for national policy and advocacy, said in a telephone interview.

"We are mystified," she said. "We think that the science is very clear."

The delay is at least the third since EPA proposed the rules.

Representative [Fred Upton](#), the Michigan Republican who becomes chairman of the House Energy and

Commerce Committee next year, said in an Oct. 19 Washington Times column that the ozone standard would have a "crushing impact on jobs."

Upton has pledged as committee chairman to block regulations that will cost jobs.

The EPA yesterday asked the U.S. District Court in Washington for additional time for issuing rules to cut emissions from boilers and solid-waste incinerators, a rule that industry groups and Republicans have criticized.

[Jeff Holmstead](#), an EPA assistant administrator during the Bush administration and now a partner at Bracewell & Giuliani LLP in Washington, said agency leaders were adjusting to the economic effect the proposals may have and weren't bowing to political pressure.

"It is good news," Holmstead, who now lobbies for a several energy companies, said in an interview.

**EPA punts on smog rule
Politico/ Robin Bravender
December 8, 2010 02:27 PM EST**

The Obama administration will delay issuing a new smog reduction plan, the second controversial air pollution rule the Environmental Protection Agency has punted in the past two days.

EPA was facing a court deadline to finalize its national air quality rule for ozone, or smog, by Dec. 31, but the agency is now planning to delay the rule until next July, spokesman Brendan Gilfillan confirmed Wednesday.

On Tuesday, EPA announced it would delay a major air toxics rule for industrial boilers, such as those used at oil refineries and paper mills, after coming under fire from myriad industry groups and lawmakers claiming it would cripple the economy.

With lawmakers on both sides of the aisle vowing to work to scale back EPA regulations in the next session, many attribute EPA's delays to political motivations. The incoming GOP majority in the House has pledged to limit many of the pending EPA rules they see as overreaching, including the smog standard and the boiler air toxics rule.

"I guess the handwriting was on the wall when the EPA announced yesterday that it was stalling a final decision on rules to clean up poisons from industrial boilers," said Frank O'Donnell, president of the advocacy group Clean Air Watch. "It is hard to avoid the impression that EPA is running scared from the incoming Congress."

This is the third time EPA has stalled its final smog standard. EPA Administrator Lisa Jackson announced in 2009 that her agency would tighten the George W. Bush administration's final standard, arguing that it fell short of protecting public health.

The Obama EPA estimated that its stricter standards would help prevent up to 12,000 premature deaths and save up to \$100 billion in health costs.

EPA needs more time to get further input from the agency's science advisers before setting the final standard, Gilfillan said. "Given this ongoing scientific review, EPA intends to set a final standard in the range recommended" by the science advisers.

Howard Feldman of the American Petroleum Institute said there is no new scientific data to justify setting what he called an "unattainable standard" that would put virtually all states out of compliance. Feldman said he also hopes EPA will consider delaying "any other costly or unworkable proposals, such as greenhouse gases."

**Brendan
Gilfillan/DC/USEPA/US**
05/25/2011 04:23 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, Daniel Kanninen, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Janet Woodka, Joseph Goffman, Seth Oster, Richard Windsor, Stephanie Owens
bcc:
Subject: Re: FEL Coverage so far

Full NY Times story just posted:

New M.P.G. Stickers Include Greenhouse Gas Data

By [JOHN M. BRODER](#)

WASHINGTON — The federal government unveiled new [fuel economy window stickers](#) on Wednesday for vehicles starting with the 2013 model year that for the first time include estimated annual fuel costs and the car or truck's overall environmental impact.

The new labels, which replace a five-year-old design that provided only basic information about estimated fuel economy, represent the broadest overhaul in the sticker program's 35-year history. There will be different labels for conventional vehicles, plug-in hybrids and all-[electric vehicles](#), with cars running solely on battery power estimated to get 99 miles per gallon.

The Environmental Protection Agency and the Department of Transportation, which are jointly responsible for the window sticker program, rejected [a radically different design](#) that would have prominently displayed a letter grade from A to D comparing a given vehicle's fuel economy and air pollution against the entire fleet of new cars.

Automakers objected to that sticker as simplistic and potentially misleading. The government instead adopted a much busier label with more information and a sliding scale comparing vehicles across classes.

“These labels will provide consumers with up front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car,” said Ray LaHood, the transportation secretary.

The new stickers will for the first time include a greenhouse gas rating, comparing a vehicle's emissions of carbon dioxide and other heat-trapping gases with those of all other vehicles, as well as a smog rating based on emissions of other air pollutants such as nitrogen oxide and particulates.

Cars capable of running on electricity will get the highest greenhouse gas and smog ratings, but the fine print indicates that the measure does not take into account emissions from power plants generating the electricity used to charge up the vehicle. Stickers for plug-in hybrids and electric

cars will also include their charging time and estimated range running in electric-only mode.

Gloria Bergquist, vice president for public affairs at the Alliance of Automobile Manufacturers, said the government was right to leave power plant emissions out of its ratings for electric vehicles.

“Upstream emissions raise a complex mix of factors that auto manufacturers have no way of predicting or controlling, including the electric energy mix of a particular geographic region, and how much — or in what manner — vehicles are driven,” she said in a statement.

The labels will include an estimated annual fuel cost based on 15,000 miles traveled at a fuel price of \$3.70 per gallon as well as an estimate of how much more or less the vehicle will cost to operate over five years than an average new vehicle. In addition to the familiar city, highway and combined fuel economy estimates expressed in miles per gallon, the sticker will include an estimate of how much fuel the vehicle will need to travel 100 miles.

The E.P.A. said the new gallons-per-mile metric, combined with the estimated fuel costs, will provide consumers a more accurate measure of efficiency and expense than the traditional miles-per-gallon figure, which rarely reflects real-world driving conditions.

The gasoline price is based on Department of Energy surveys and calculations and will typically be updated annually, the E.P.A. said.

The label will also include a [QR Code](#) that can be scanned by a smartphone to obtain cost estimates based on a consumer’s driving habits and the price of gasoline and electricity where he or she lives, as well as comparisons with other vehicles. Such calculators will also be accessible online.

The National Automobile Dealers Association welcomed the new design and said it was relieved that the federal government had rejected the letter grade label.

“For decades, car and truck buyers have relied on miles per gallon — or m.p.g. — to compare the fuel economy of different vehicles,” the association said in a statement. “NADA applauds the Obama administration’s decision to drop the ill-advised ‘letter grade’ in favor of one that prominently displays a vehicle’s m.p.g. By doing so, car shoppers can make informed comparisons on dealers’ lots, allowing them to take advantage of new technologies, which will ultimately put more fuel efficient vehicles on the road.”

Some environmental advocates pushed hard for the letter grade system, saying it provided car buyers the clearest way to compare vehicles across classes.

Luke Tonachel of the Natural Resources Defense Council said that the letter grade would have been preferable but said he was glad that the new label provides pollution impacts and operating costs.

Dan Becker, director of the Safe Climate Campaign, who has been involved in fuel economy

issues for three decades, was far harsher in his judgment of the administration's decision and the auto industry's lobbying campaign against the letter-grade system.

“The Obama administration has dashed consumers' hopes for clear information to make educated choices about which cars are really clean,” he said. “With its \$80 billion bailout in hand, the auto industry has beaten the administration into abandoning the letter grade label.”

He said the label adopted by the agencies denied consumers clear information that would help them make informed choices. He added that he hoped the administration would move forward with strong new mileage and emissions standards for the 2017-to-2025 model years, with a mandate for a new car fleet average as high as 60 miles per gallon.

Those new rules are due this fall.

Brendan Gilfillan [CNN New fuel economy labels coming...](#) 05/25/2011 03:27:17 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA
Date: 05/25/2011 03:27 PM
Subject: FEL Coverage so far

CNN
New fuel economy labels coming for the 2013 model year
By Paul Courson

LA Times (Greenspace Blog)
Federal government unveils new fuel economy labels for cars and trucks

USA TODAY
New fuel-savings stickers for new cars unveiled
By Chris Woodyard

Fox News
New Fuel Economy Labels Set for Showroom Floors

CNNMoney
New-fangled auto fuel economy labels unveiled
By Peter Valdes-Dapena

Reuters
New car labels feature more on fuel savings

Huffington Post: Obama Administration Unveils New Fuel Economy Labels For Vehicles, Drops Grades

Wall Street Journal: EPA Unveils New Vehicle Fuel Labels
By JOSH MITCHELL

Wall Street Journal (Washington Wire Blog): Fuel Economy Question Remains: What's the Number for 2025?
By Joseph B. White

Bloomberg: U.S. Car Labels to Show Fuel Use Vs All New Vehicles by 2013
Tuesday, May 24, 2011

LA Times (Money and Company Blog): New fuel economy labels for cars and trucks unveiled by DOT, EPA
May 25, 2011 | 9:59 am

ABC News (The Note Blog): Obama Administration's Revamped Fuel Economy Labels Highlight Gas Costs

Detroit Free Press
New fuel-efficiency labels announced with details on fuel costs, emissions
BY AARON KESSLER

Full Text of Stories:

CNN
New fuel economy labels coming for the 2013 model year
By Paul Courson

Washington (CNN) -- Revised fuel economy labels coming soon for new cars and trucks will show consumers how much they'll save -- or spend -- on fuel, compared to the average new vehicle.

The blue-and-white design continues to feature a large two-digit number to show the miles per gallon the vehicle gets, but the new label will also display the calculated savings -- or expenditure -- on fuel over a 5-year time span, compared to the average new vehicle.

In the fine print, the labels will include additional information that is hoped to make an apples-to-apples comparison easier among conventional, hybrid, and alternate-fuel vehicles.

In remarks prepared for delivery at a Wednesday news conference, Transportation Secretary Ray LaHood said the "labels are a win for automobile consumers and for the nation's energy independence."

The new labels, starting with the 2013 model year, are described as the most dramatic overhaul since the MPG stickers were first required 30 years ago.

LA Times (Greenspace Blog)
Federal government unveils new fuel economy labels for cars and trucks
May 25, 2011 | 7:54 am

The U.S. Environmental Protection Agency and U.S. Department of Transportation unveiled new fuel economy labels for cars and trucks Wednesday. The new labels are their most significant update since 1975, when the federal government first required the EPA to provide fuel economy data about passenger cars and trucks.

Designed to provide more detailed information to consumers about vehicles' fuel efficiency, estimated annual fuel cost and environmental effects, the new labels will go into effect with 2013 model year

vehicles, though some manufacturers may voluntarily adopt the new labels for the 2012 model year.

A joint effort between the EPA and DOT, the new labels will, for the first time, allow consumers to compare energy use and cost for new-technology cars, such as plug-in electrics, versus traditional gas-powered vehicles. They will include estimates on the amount of money consumers will save or spend on fuel for the next five years compared with an average new vehicle.

They will show how one model compares to the average in terms of smog-forming emissions and other emissions contributing to climate change. And they will estimate how much fuel or electricity is required to drive 100 miles.

The labels will also include a quick response, or QR code. Using a smart phone app, consumers can get even more comparative car information online, including fuel economy, and can access more precise information about a vehicle's fuel costs based on a driver's specific commute and driving habits.

"Our new fuel economy and environmental labels are a win for automobile consumers and for the nation's energy independence," said U.S. Transportation Secretary Ray LaHood in a statement issued Wednesday. "These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car."

USA TODAY

New fuel-savings stickers for new cars unveiled

By Chris Woodyard

10:31 AM

There won't be letter grades, but the Transportation Department and Environmental Protection Agency are unveiling new fuel economy labels on cars that should help consumers figure out which models will go the farthest on gallon of gas.

Instead of a letter grade, the agencies opted for a 10-point scale, like those used for rate energy efficiency of big appliances like refrigerators, to help consumers find the most efficient car.

The agencies call the labels "the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago."

They include estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact.

Starting with model year 2013, the improved fuel economy labels will be required to be affixed to all new passenger cars and trucks – both conventional gasoline powered and "next generation" cars, such as plug-in hybrids and electric vehicles.

The labels will be important since cars are expected to become a lot more fuel efficient under new, tougher regulations.

Fox News

New Fuel Economy Labels Set for Showroom Floors

Published May 25, 2011

Auto shoppers will soon be awash in factoids about the fuel efficiency of new cars, thanks to new labels the Obama administration says it will now require on vehicles.

The labels, rolled out by the Department of Transportation and Environmental Protection Agency on Wednesday, could start showing up on the showroom floor any day, if dealerships choose to use them. But starting early next year, they will be required on every model year 2013 car and truck.

Transportation Secretary Ray LaHood said in a statement that the labels will give consumers "up-front information" about fuel costs and related stats before they buy.

The labels contain a dizzying amount of information. Most prominent is the vehicle's fuel economy, broken down by average miles per gallon along with MPG ratings for city and highway driving.

Clustered around that statistic will be an array of other auto trivia. On the right-hand side, the label tells consumers how much they'll save in fuel costs over five years compared against an "average" new vehicle. Below that, the label provides the estimated annual fuel cost, as well as a numerical rating for smog and greenhouse gas emissions. The higher the number, the cleaner the car.

The labels coincide with a push to mandate better fuel efficiency in U.S. vehicles. Under the final rules unveiled last year, the federal government will require U.S. vehicles to achieve an average 35.5 miles per gallon by 2016.

The rules will cost the U.S. auto industry billions of dollars in order to comply. Though some of those costs could be passed on to consumers, the administration estimates drivers will save more in fuel costs.

According to the administration, the new rules will save 1.8 billion barrels of oil and save consumers an average of \$3,000 in fuel costs "over the life of the program."

CNNMoney

New-fangled auto fuel economy labels unveiled

By Peter Valdes-Dapena May 25, 2011

NEW YORK (CNNMoney) -- Potential car buyers will see new designs for fuel economy labels, reflecting the increased use of alternatives to gasoline such as electric and diesel.

The Department of Transportation and the Environmental Protection Agency unveiled the three types of new labels Wednesday. One type is for cars that use gasoline or diesel, or hybrids that use only self-generated electricity. A second is for gas and electric hybrids that use some plug-in electricity, and the third is for vehicles running strictly on plug-in power.

"The current fuel economy label that buyers have come to be familiar with has come to be outdated," EPA administrator Lisa Jackson said in a Washington, D.C. press conference.

The new labels will be required on new cars in auto dealer lots beginning with 2013 model year cars, the Transportation Department said. Automakers can begin using the new labels on 2012 model year vehicles if they wish. Potential designs for new labels were first unveiled almost a year ago, and the agencies have been seeking comment from the public since then.

"The new labels, which are the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago, will provide more comprehensive fuel efficiency information, including estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact," the DOT said in the announcement.

No-plug cars: The new label that will go on most vehicles sold in America -- no-plug cars -- features the combined estimated city and highway fuel economy most prominently. Also getting big play on the new label are the estimated annual fuel cost and the amount of money saved -- or spent -- in fuel costs over five years compared to the average new vehicle.

Also shown is the number of gallons burned to travel 100 miles and two charts rating the vehicle's greenhouse gas and smog emissions from 1 to 10, with 10 being the best.

Plug-only cars: For plug-in vehicles, fuel economy is rendered in miles per "gallon equivalent." That's how

far the car goes on the equivalent amount of energy contained in one gallon of gasoline. Also, there's the number of kilowatt hours used to travel 100 miles. The label also shows an estimate of how far the vehicle can drive on a single charge.

Plug-in hybrid cars: Vehicles that run on gasoline as well as on electricity taken from a plug such as General Motors' (GM, Fortune 500) Chevrolet Volt and Toyota (TM) Prius Plug-in get the most confusing new labels. For these vehicles, labels feature two boxes of numbers representing energy efficiency. One is for electric-only driving, with estimates expressed in "miles per gallon equivalent", which are the same terms used for pure-electric cars. The other box gives estimates for gasoline-only operation expressed in simple miles per gallon.

6 affordable new cars that go easy at the pump

Just as for a gasoline-only car, the plug-in hybrid label contains an overall estimate of annual fuel costs -- including both gas and electricity -- and the amount saved compared to the average car. Of course, these figures could vary widely depending on how far drivers go between plugging in.

The separate information on electric and gas-powered operation, plus a graph showing electric-only and total driving range, should allow consumers to estimate how cost-effective the vehicle will be for them.

Absent from the new labels are letter grades. Last year, the EPA unveiled several possible designs for fuel economy labels in a bid to elicit public and industry feedback. One design featured prominent letter grades. Vehicles with especially good fuel economy would have gotten A. Those with very good, but not the best fuel economy, would have gotten a B, and so on.

While carmakers didn't like the letter grades, EPA administrator Jackson said, consumers were the main reason the idea was dropped. In tests and surveys, about half of consumers were confused by the letter grades, thinking they represented an overall assessment of the vehicle, not just its fuel economy.

The new labels also include QR codes, box shaped symbols that can be read by smartphones. Taking a snapshot of the QR code box using a smartphone will link car shoppers to a website where they can get more information about the car and its fuel efficiency.

Reuters

New car labels feature more on fuel savings

9:38am EDT

WASHINGTON (Reuters) - Fuel economy labeling unveiled on Wednesday includes information on plug-in electric cars and highlights other advanced technologies aimed at reducing oil use and tailpipe emissions.

The redesigned window stickers required on all 2013 models will allow consumers in showrooms to quickly and more easily compare fuel savings of vehicles in the same or different class, whether they rely on gasoline or are powered by gas/electric hybrid systems.

"Today's car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance," said Lisa Jackson, the administrator of the Environmental Protection Agency.

The EPA developed new labels with the Transportation Department as part of rules adopted last year requiring a 42 percent jump in average efficiency to 35.5 miles per gallon for 2012-2016 vehicles.

The agencies plan a follow-on requirement in September for 2017-2025 cars and trucks that could push efficiency goals to 60 mpg, a target automakers would probably resist if proposed.

Automakers, who supported the new labels, are overhauling their product lines to meet U.S. government and consumer demands that they offer more efficiency and reduce pollution.

U.S. passenger vehicles account for about 20 percent of the nation's carbon emissions and about 44 percent of its oil consumption, figures show.

Many cars on the road today already meet or exceed the 2016 standard. U.S. and overseas car companies are accelerating output of hybrids and are beginning to introduce vehicles that run only on electricity for everyday driving.

The EPA labels, which were required by Congress, allow consumers to compare cost advantages of different technologies and for the first time include information on electric cars.

For instance, they post estimates of how much fuel or electricity it takes to drive 100 miles, and how much time it takes to charge a plug-in vehicle, like the mainly electric Chevrolet Volt sedan made by General Motors Co or the all-electric Nissan Leaf.

The most fuel-efficient cars and trucks, however, still represent a fraction of overall U.S. vehicle sales. Less fuel-efficient and more powerful pickups and sport utilities remain enormously popular with American motorists.

Detroit Free Press

New fuel-efficiency labels announced with details on fuel costs, emissions

BY AARON KESSLER

May. 25, 2011

WASHINGTON – The U.S. Department of Transportation and the U.S. Environmental Protection Agency today officially announced the new fuel-efficiency stickers.

The new labels will provide more details, such as estimated annual fuel costs and information on the amount of greenhouse gas a vehicle emits.

Left out of the new label was a controversial letter-grade system, which would have ranked cars on a scale of A through D based on their fuel economy and environmental impact.

The labels will be required starting next year, with model year 2013 vehicles, the agencies announced, and will apply to both traditional vehicles and alternatives like plug-in electrics. Automakers can start voluntarily using them even sooner, for their 2012 model year vehicles. The Free Press had previously reported that the new labels would be made public today.

“Our new fuel economy and environmental labels are a win for automobile consumers and for the nation’s energy independence,” said U.S. Transportation Secretary Ray LaHood, in a statement. “These labels will provide consumers with up front information about a vehicle’s fuel costs and savings so that they can make informed decisions when purchasing a new car.”

Among the new information included on the revised labels:

- Methods to compare energy use between gas-powered and electric cars.
- Estimates of costs savings on fuel, emissions information.
- Charge-time and range details for electric vehicles.

The labels will also include a “QR Code,” a tool that allows consumers with smartphones to access more detailed information online about a vehicle and estimate their potential operating costs based on their personal commute or driving behavior.

EPA Administrator Lisa Jackson also praised the new labels.

“The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new

generation of innovative cars," Jackson said. "Today's car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance. The new labels provide comprehensive information to American car buyers, helping them make a choice that will save money at the gas pump and prevent pollution in the air we breathe."

Huffington Post

Obama Administration Unveils New Fuel Economy Labels For Vehicles, Drops Grades

Posted: 05/25/11 02:26 PM ET

WASHINGTON -- The Obama administration on Wednesday announced new fuel economy labels for vehicles, including new ratings for plug-in hybrids and electric cars, but nixed a plan to assign vehicles "A" through "D" grades based on efficiency.

Announced this morning by Environmental Protection Agency chief Lisa Jackson and Transportation Secretary Ray LaHood, the new labels offer consumers shopping for a new car information on expected savings over a five-year period, as well as a fuel economy comparison to other cars in the same class.

"These labels will provide consumers with upfront information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," LaHood said in a statement Wednesday. "This is one part of President Obama's plan to provide Americans with relief from high gas prices and break our dependence on foreign oil."

Vehicles are rated from one to 10, with 10 being the most desirable, across a variety of areas, including smog and green house gas emissions.

The labels feature a QR code allowing consumers at a dealership to personalize fuel cost estimates and compare vehicle models based on fuel economy. By entering information about their commutes and driving behavior, consumers can obtain a more precise estimate of fuel costs.

"The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new generation of innovative cars," Jackson said Wednesday.

The elimination of letter grades, which would have discouraged consumers from purchasing inefficient vehicles, is considered a victory for automakers. The Alliance of Automobile Manufacturers, the industry's main trade group, has been an especially vocal opponent of the system.

"The addition of a large, brightly colored letter grade may confuse the public about what is being graded and it risks alienating the consumer who has a valid need for a vehicle that does not achieve an 'A,'" based on greenhouse gas emissions, said Auto Alliance spokesman Wade Newton in a statement on Thursday.

But when asked in a conference call with reporters on Wednesday why the grades have been dropped, Jackson insisted they were merely unpopular with American consumers.

"When we did focus groups it was split right down the middle ... which told us at least half the people wouldn't be comfortable with a letter grade," Jackson said. "It's all about the consumer here," she added, "and letter grades were something we wanted to test, but they didn't test so high that they were something we wanted to include."

The 2010 fuel economy rule, which covers model years 2012 through 2016, will save an estimated 1.8 billion barrels of oil over the life of the program and the average consumer \$3,000 in fuel costs.

In July, the administration plans to finalize the first-ever standards for commercial trucks, vans and buses built from 2014 to 2018. The standards promote the development and use of alternative fuels and are expected to save hundreds of millions of barrels of oil over the life of these vehicles. The administration is also working on the next generation of greenhouse gas emission standards for model years 2017 to 2025

and plans to announce a proposal in September.

New passenger cars and trucks will be required to display the new labels starting with model year 2013, though automakers may voluntarily adopt the labels earlier for model year 2012 vehicles.

Wall Street Journal
EPA Unveils New Vehicle Fuel Labels
By JOSH MITCHELL

WASHINGTON—The familiar price-and-mileage labels affixed to new cars and trucks sold in the U.S. soon will include a five-year estimate of fuel costs compared to an average vehicle in addition to existing miles per gallon and electric-equivalent ratings.

The new labels, which are required beginning with 2013 model vehicles, will contain a car's projected annual fuel costs, its five-year fuel costs compared to the average vehicle in the same class, and a numeric, 1 through 10 rating based on fuel economy and smog pollution. Electrics and hybrids will be the only cars getting a 10.

The new 10-point scale replaces an earlier administration proposal to assign A-through-D letter grades that drew a chorus of objections from auto makers when it was unveiled last summer.

Environmental Protection Agency chief Lisa Jackson said Wednesday the letter-grade proposal created confusion during tests with consumers. While the letter grades were designed to indicate a car's fuel economy, some consumers perceived them as describing the overall quality of a vehicle, she said.

The addition of fuel costs and savings, along with the 10-point scale, represent the broadest revamp of window stickers since they first appeared on new cars three decades ago. Another added feature: A bar code that will allow consumers to download the data to a smart phone.

"They will let consumers see—both in plain print and on their smart phones—how their family budgets will benefit from purchasing more fuel-efficient cars, whether they're gasoline, electric, or hybrid powered," Transportation Secretary Ray LaHood said at a briefing in Washington, D.C. He portrayed the new stickers as part of a broader strategy to help Americans cope with high gas prices, an issue the administration has struggled with as the price of a gallon of regular has approached \$4 in recent weeks.

Consumer groups applauded the labels, which they said would make consumers more aware of a vehicle's environmental impact. Auto makers also supported the new labels.

Wall Street Journal (Washington Wire Blog)
Fuel Economy Question Remains: What's the Number for 2025?
By Joseph B. White

The Obama administration today rolled out new fuel economy labels for 2013 model cars, but the bigger issue for auto makers and consumers is what number the administration will choose as the fuel efficiency target auto makers must hit in model year 2025.

The administration has promised to release "corporate average fuel economy" targets for the period 2017-2025 this fall, continuing a process in which the Environmental Protection Agency, the Department of Transportation and the state of California are supposed to collaborate and agree on a common standard.

The White House hasn't tipped its hand yet on how aggressively it will push auto makers to boost what's commonly referred to as CAFE. Environmentalists and the state of California want the 2025 target set at 60 miles per gallon. Auto makers worry that will force them to push small, pricey hybrids and electric cars on a buying public that still favors larger rides.

Heather Zichal, a White House aide for energy policy, said this morning at a conference organized by

National Journal that she's "confident" the administration can once again forge a consensus among the auto makers, California regulators and the federal agencies, as the administration did when it developed the current fuel economy rules that call for auto makers' 2016 model fleets to average 35 mpg.

Asked if she thought the industry would be happy with the 2025 standards, Ms. Zichal hesitated.

"Say yes, we're going to be happy," prompted Michael Stanton, president of the Association of Global Automakers, who sat next to her during a panel discussion.

"We're confident," Ms. Zichal said.

"One national program is really important to us," Mr. Stanton said.

California and an array of environmental groups have called on the administration to set the 2025 target at 60 miles per gallon – the high end of a range outlined by the administration last year. That would be a more than 70% increase from the industry's target for 2016 of 35 miles per gallon.

California in 2009 agreed to drop its push to set its own fuel economy standards. But the state has hinted it might not sign on to a national standard for 2025 that it considers too weak.

Asked if the administration would support higher gasoline prices in order to support demand for more fuel efficient vehicles, Ms. Zichal was unequivocal: "The short answer is no."

With gasoline prices at around \$4 a gallon, auto makers are finding success selling a new crop of stylish, well-equipped compact cars. But few of them could hit a 60 mpg target. Among current models, those that exceed or come close to a 60 mpg combined mileage score (before the downward adjustments used on the window sticker labels) are electric cars such as the Nissan Leaf, and hybrids such as the Toyota Prius and the Honda Civic hybrid.

Conventional gasoline fueled subcompact-sized cars such as the Mini Cooper get mileage ratings in the 40 mpg range on the government's current tests.

Bloomberg
U.S. Car Labels to Show Fuel Use Vs All New Vehicles by 2013
Tuesday, May 24, 2011

May 25 (Bloomberg) -- U.S. cars and trucks will carry labels comparing estimated five-year fuel costs with those of the average new vehicle following industry opposition to adding fuel-economy letter grades to the window stickers.

The labels, which will include annual fuel-cost estimates, must be affixed to passenger cars and trucks sold in the U.S. starting with model year 2013, the Washington-based Environmental Protection Agency and Transportation Department said in a statement today. The new stickers will rate vehicles on a scale of 1 to 10 for smog and greenhouse-gas emissions.

"These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," Transportation Secretary Ray LaHood said in the statement.

President Barack Obama's administration is writing rules to improve fuel economy for cars and trucks that may require annual fuel-efficiency improvements of as much as 7 percent from 2017 to 2025. New vehicles have displayed stickers estimating annual fuel costs as of model year 2008. Before that model year, the labels showed how many miles per gallon a vehicle could get in a city or on a highway.

Electric Cars

According to the rule announced today, plug-in hybrids and fully electric vehicles will have labels that specify how far a car can drive when charged.

The government discarded plans for labels with letter grades after automakers, dealers and federal lawmakers said that consumers may avoid vehicles labeled with lower rankings.

The Alliance of Automobile Manufacturers, whose members include General Motors Co. and Toyota Motor Corp., said before the announcement that it would prefer abandoning the A to F letter-grade proposal.

"A large, brightly colored letter grade" may confuse consumers and "risks alienating" those who drive a vehicle that doesn't receive an A for greenhouse-gas emissions, Wade Newton, a spokesman for the Washington-based group, said in an e-mail.

Environmental groups such the Natural Resources Defense Council, which advocates for higher fuel-economy standards, had supported the letter-grade plan.

The label announced today isn't "perfect, but it was important to get something out there as soon as possible," Luke Tonachel, a senior transportation analyst with the New York- based NRDC, said in an interview. "The new label has some important improvements that will help consumers faced with high gas prices find the cleanest, most-efficient vehicles. Importantly, the vehicle you're looking at is compared with all vehicles in a model year."

LA Times (Money and Company Blog)

New fuel economy labels for cars and trucks unveiled by DOT, EPA
May 25, 2011 | 9:59 am

Federal regulators have unveiled new fuel economy labels for passenger vehicles in the program's most extensive overhaul in 30 years.

Beginning with cars and trucks from model year 2013, fuel costs and comparisons of environmental impact to other vehicles will be displayed on the decals, which were developed by the Department of Transportation and the Environmental Protection Agency.

The labels must be affixed to all new vehicles, including those that run on gasoline, diesel, electricity or a mix. Authorities ditched a proposal to use letter grades after intense opposition from automakers.

"Reducing our consumption and demand for oil is the best way to reduce upward pressure on fuel prices," said EPA Administrator Lisa P. Jackson in a conference call with reporters. "The old cars have become outdated. A new generation of cars requires a new generation of fuel economy labels."

The new decals will display a plethora of details. The estimated annual fuel cost is there. So are the standard miles-per-gallon figures for city and highway driving.

New features, however, include the amount of fuel or electricity the vehicle will need to go 100 miles, as well as the expected savings or cost of fuel over the next five years compared with the average new vehicle.

Drivers will also be able to see how vehicles stack up against others in smog, tailpipe emissions and fuel economy on a one-to-10 scale. The miles-per-gallon range for same-class vehicles is included, as is the highest fuel economy among all vehicles, including electrics.

Plug-in hybrids and electric vehicle decals will also show driving range and charging times, as well as a figure for miles-per-gallon equivalent, or MPGE.

"It's been all hands on deck in this administration letting people know that we're not just sitting around waiting for high gasoline prices to come down," said Transportation Secretary Ray LaHood. "Gasoline prices are killing family budgets."

ABC News (The Note Blog)

Obama Administration's Revamped Fuel Economy Labels Highlight Gas Costs

May 25, 2011 10:04 AM

News' Devin Dwyer reports: The Obama administration today will unveil revamped fuel economy labels for new cars that it hopes will better help consumers gauge how much they'll have to spend on gas.

The new label design, as seen here and below, still prominently features a car's miles-per-gallon rating and annual estimated fuel cost. But it also highlights how much more a consumer would spend over five years compared to the average vehicle, and how much the car will pollute the environment.

The labels include a car's greenhouse gas rating and smog rating, both on scales of one to 10.

The design also features a new barcode that can be scanned by smartphones and give consumers access to additional government information on the vehicle online.

The label overhaul, the first in more than 30 years, was required by Congress in a 2007 energy law. The new design was conceived jointly by the U.S. Department of Transportation and the Environmental Protection Agency and will take effect beginning with model year 2013.

The Obama administration says the labels will reveal to consumers "the benefits of the historic, bipartisan passenger car and truck fuel economy rule adopted under this administration by the EPA and DOT in 2010."

Transportation Secretary Ray LaHood has called the labels a "win" for consumers and the auto industry.

Auto manufacturers had lobbied intensely against an earlier design of the labels that would have attached a letter grade from "A" to "D" for a car's fuel efficiency. The design spurred concerns that it would hurt sales of SUVs and other larger vehicles.

**Brendan
Gilfillan/DC/USEPA/US**
06/21/2011 03:41 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Laura Vaught, Seth Oster, Richard Windsor, Stephanie Owens
bcc:
Subject: Re: ALA statement on comment period extension

All -

Here's the first round of stories on this - mostly wires, and mostly playing it straight:

FULL STORIES:

US extends comment time on power plant toxics rule

Reuters

By: Tim Gardner

Tue Jun 21, 2011 1:33pm

Comments extended 30 days, final rule time not changed

* Power companies divided about rules

WASHINGTON, June 21 (Reuters) - The U.S. Environmental Protection Agency said on Tuesday it has extended the comment timeline by 30 days on a draft rule on reducing mercury emissions and other toxic pollution from power plants but left the target for finalization of the rule unchanged.

The EPA proposed the rules in March that could force aging coal-fired power plants to choose between installing anti-pollution technology or shutting.

The agency took public comment on the rules for 60 days and extended it by 30 days on Tuesday, "in our effort to be responsive to Congress and to build on the robust public comment process," EPA Administrator Lisa Jackson said in a release.

The agency expects the rule will be finalized in November.

Many Republicans and some Democrats in Congress have urged the EPA to slow down the roll-out of air pollution rules because they say they will hurt jobs.

But the EPA says the rules must go forward because they will protect human health. When the rule is finalized it will assist in preventing 11,000 heart attacks, and 17,000 premature deaths, the agency says.

Some power companies such as Calpine Corp ([CPN.N](#)) have invested in technology to cut pollution and support the rules.

American Electric Power ([AEP.N](#)), one of the country's largest coal burners, said it plans to

retire nearly a quarter of its coal fleet and retrofit other units to comply with proposed environmental regulations.

US EPA Extends Time For Comments On Mercury Emissions Rule

June 21, 2011

By Ryan Tracy, Of DOW JONES NEWSWIRES

WASHINGTON -(Dow Jones)- The U.S. Environmental Protection Agency Tuesday said it will allow more time for public comments about a rule that would require power plants to limit mercury emissions, but said it would still finalize the rule in November.

The announcement came after a top agency official defended the rule in a public appearance Tuesday, pushing back against critics who say it is too costly and have been stepping up pressure on the Obama administration to delay it.

Deputy EPA Administrator Bob Perciasepe said the agency would "be willing to sit down with any company to look at their particular issues and work through their implementation challenges." He noted that companies will have three years or more to comply.

"We think that's enough time," Perciasepe said. "I believe they are prepared."

The proposed rule would require coal-fired power plants to install technology that limits the emissions of mercury and other toxins. EPA Administrator Lisa Jackson said Tuesday in a statement that she was extending the comment period in response to a request from Congress, but added, "EPA will put these long-overdue standards in effect in November, as planned."

The public comment period was extended by 30 days and now ends Aug. 4.

EPA extends comment period on proposed mercury rule

By Andrew Restuccia , The Hill

June 21, 2011 01:29 PM ET

The Environmental Protection Agency said Tuesday it would extend by 30 days a public comment period for proposed regulations aimed at lowering mercury and other toxic emissions from power plants.

The extension of the comment period, EPA said, will not delay the release of EPA's final

standards, which is slated for November.

"These standards are critically important to the health of the American people and will leverage technology already in use at over half of the nation's coal power plants to slash emissions of mercury and other hazardous pollutants," EPA Administrator Lisa Jackson said Tuesday.

The decision to extend the comment period comes amid increasing pressure from Republicans, some moderate Democrats and coal-fired utilities like American Electric Power to delay the standards.

American Lung Association President Charles Connor called the move "distressing."

"It is most distressing to see EPA accede to pleas from industry lawyers, lobbyists and their allies in Congress calling for additional time, on top of the 111 days already provided, to review and comment on the proposal," Connor said.

Clean Air Watch President Frank O'Donnell said that EPA's decision is likely an effort to "relieve political pressure against the standards."

"But we do fear that pressure will continue unabated," he said.

The [first-ever national standards](#), which have been in the works for decades, would require companies to install technology at power plants to lower a slew of harmful emissions, including mercury, arsenic, chromium and nickel.

The standards will result in major health benefits, according to EPA. When finalized, the standards will prevent 11,000 heart attacks and 17,000 premature deaths each year, Jackson said Tuesday.

In addition, EPA has stressed that the standards are cost effective, arguing that for every \$1 spent, the public will see \$13 in benefits.

The comment period extension comes a week after EPA announced it would delay by two months the release of proposed climate regulations for power plants. The May 2012 deadline for issuing the final regulations will not slip, EPA says.

EPA Extends Comment Time on Mercury and Air Toxics Proposal

Bloomberg

By: Kim Chipman

Jun 21, 2011 12:54 PM

The [Environmental Protection Agency](#) said it will extend the public comment period for a proposed mercury and air toxics rule, responding to calls from lawmakers to give companies more time to weigh in on the standards.

The EPA will extend the comment timeline by 30 days, according to a statement today. The November deadline for issuing final standards will remain the same.

U.S. Representative John Dingell, a Michigan Democrat, was among lawmakers calling on the agency to give utilities, manufacturers, environmental groups and other interested parties 120 days to comment, double the current schedule.

Brendan Gilfillan FOR IMMEDIATE RELEASE: ... 06/21/2011 02:02:42 PM

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Date: 06/21/2011 02:02 PM
Subject: ALA statement on comment period extension

FOR IMMEDIATE RELEASE:

June 21, 2011

Contact: Mary Havell

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American Lung Association Calls for EPA to Complete Mercury and Air Toxics Rule on Time, Criticizes Comment Extension

Washington, D.C. (June 21, 2011) — Charles D. Connor, American Lung Association President and CEO, issued the following statement in response to the U.S. Environmental Protection Agency's (EPA) announcement to extend the public comment period on its proposed Mercury and Air Toxics Rule:

“The American Lung Association is deeply troubled by the announcement today by the U.S. Environmental Protection Agency to extend the comment period for the Power Plant Mercury and Air Toxics standards. The cleanup of toxic air pollution from power plants is 20 years overdue. I stood with EPA Administrator Lisa P. Jackson in support of these lifesaving standards when this proposal was announced on March 16, 2011. It is most distressing to see EPA accede to pleas from industry lawyers, lobbyists and their allies in Congress calling for additional time, on top of the 111 days already provided, to review and comment on the proposal.

“Last month, I [wrote](#) to Administrator Jackson urging her to complete action on this rule by the deadline of November 16, 2011. I am reassured today by [Administrator Jackson's renewed commitment](#) to this deadline. This deadline is vital because the Mercury and Air Toxics Rule, when fully implemented, will prevent an estimated 120,000 asthma attacks and 17,000 premature deaths each year.”

**Brendan
Gilfillan/DC/USEPA/US**
06/13/2011 12:54 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Laura Vaught, Seth Oster, Richard Windsor, Stephanie Owens
bcc:
Subject: Re: CAP: American Electric Power's Dirty Trick

AEP accused of doubletalk on plant shutdowns

By Robin Bravender
6/13/11 12:50 PM EDT

American Electric Power is taking some heat for blaming the Obama administration's environmental regulations for coal plant shutdowns and projected job losses when the utility was already on track to shutter some of those units.

The Ohio-based electric utility giant [warned last week](#) that pending EPA rules aimed at coal-fired power plants will force the premature retirement of 25 percent of its coal-fired generation capacity and cut hundreds of jobs at power plants.

AEP's announcement "is somewhat misleading" because the utility had already planned to close some of those coal-fired units, wrote Dan Weiss, director of climate strategy at the Center for American Progress, in a [blog post](#) last week.

Mark Durbin, a spokesman for the Akron, Ohio-based utility FirstEnergy, said the plants AEP has identified for closure are "older, unscrubbed coal-fired units. These older plants would not likely operate in the future — regardless of EPA actions."

AEP has acknowledged that some of the coal-fired units included in last week's announcement were likely to go offline over the next decade as the utility updated its fleet and complied with a major 2007 Clean Air Act settlement with EPA. But company representatives say the EPA compliance deadlines are speeding up those shutdowns in a way that will prematurely cost jobs and force up electricity rates.

Jeri Matheney, a spokeswoman for AEP subsidiary Appalachian Power, said all three West Virginia plants included in last week's announcement had been expected to shut down "within about 10 years or so."

"They didn't have another 20 or 30 years of life in them," Matheney told POLITICO. But she said shutting the plants down early to meet the EPA's new mandates makes a big difference, particularly in customer rates.

AEP also said last year that lower demand for electricity caused by the economic downturn was prompting the company to keep 10 of its smaller coal-fired units offline for much of the year,

The Associated Press reported last June. Those units included several at the Philip Sporn plant in West Virginia and another at the Muskingum River plant in Ohio, which are among the units AEP now plans to retire by 2014.

AEP spokeswoman Melissa McHenry said those units still serve as backup generation during times of peak demand, but they won't be available once AEP completes its compliance plan.

"The timelines from when we were either going to retrofit or shut down that generation is impacted by the proposed EPA rules," McHenry said.

"We've said all along, we don't have an issue with where EPA wants to go from an emissions level," she added. "We have an issue with how quickly they're trying to get there," and how much flexibility is built in for industry to comply.

Brendan Gilfillan American Electric Power's Dirty Trick... 06/13/2011 12:48:13 PM

From: Brendan Gilfillan/DC/USEPA/US
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Date: 06/13/2011 12:48 PM
Subject: CAP: American Electric Power's Dirty Trick

American Electric Power's Dirty Trick Company Threatens Firings to Stop Pollution Controls

Center for American Progress

On June 9, [American Electric Power](#), a major utility company that owns plants from Texas to Virginia, announced that it plans to close 21 coal-fired electricity units rather than invest in reducing their toxic air pollution to comply with the [forthcoming Environmental Protection Agency reduction requirements](#). In reality, AEP is threatening to shut down these plants to stoke congressional and public opposition to EPA's efforts to reduce toxic air pollution. So far, several [legislators](#) have risen to the bait, including Sen. Joe Manchin (D-WV) and Rep. Shelly Moore Capito (R-WV). Both have again attacked EPA for attempting to protect children and others from cancer-causing air pollution. Other utilities, however, support EPA's requirements, which are also job creators.

AEP would prefer to shutter these plants because it claims that the cost of reducing the arsenic, lead, mercury, acid gases, and other toxic pollutants is prohibitive. What AEP did *not* say is that the cost of cleanup is expensive because these units are very old and dirtier than newer plants—50 years old on average. (see [attached spreadsheet](#)) One of the units was built during World War II, and the newest one was completed during the Carter administration. Most of the other units were built in the 1950s.

AEP's threat to close these plants due to the pending EPA air toxics rules is also somewhat

misleading. Last year, it announced a plan to close five units at the Phillip Sporn Plant in New Haven, West Virginia. [Source Watch](#), a nonprofit that publishes “documented information about the corporations, industries, and people trying to sway public opinion,” reported on AEP’s 2010 retirement plans.

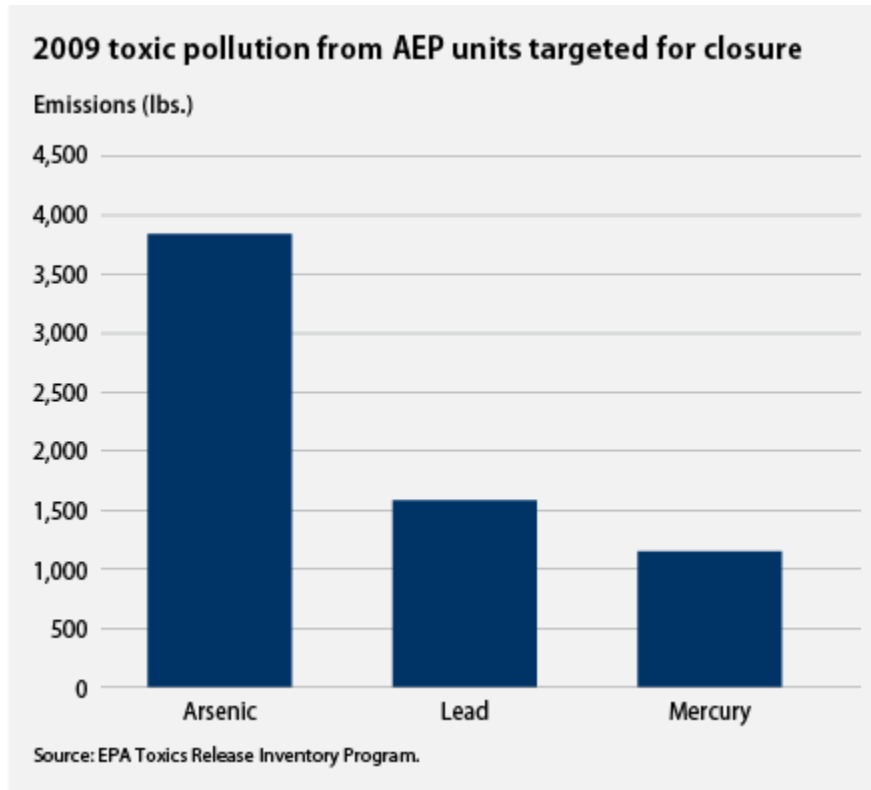
In October 2010, Ohio Power Co. filed an application with the Public Utilities Commission of Ohio for the approval of a December 2010 closure of the coal-fired Philip Sporn Power Plant unit 5...In September 2009, Appalachian Power filed an integrated resource plan (IRP) in Virginia that projected a 2010 shutdown for Sporn unit 5. The same IRP projected that Sporn units 1-4, with 580 MW of total capacity, would be retired in 2018.

In other words, AEP planned to close this plant five months *before* EPA’s March 2011 proposal to reduce toxic air pollution from coal-fired utilities. Yet AEP has included closing these units under “AEP’s current plan for compliance with the [EPA] rules as proposed includes permanently retiring the following coal-fueled power plants.”

The plants on the AEP chopping block are large emitters of toxic air pollution. For instance, in 2009, the Welsh Plant in Pittsburg, Texas emitted 462 pounds of mercury, according to the 2009 Toxic Release Inventory program run by EPA. (see [attached spreadsheet](#) for links to all TRI power plant data) This level is second only to the 53-year-old Kammer Plant in Moundsville, West Virginia, which during the same year spewed 364 pounds of mercury. This [heavy metal](#) causes severe developmental disabilities, deafness, and blindness in cases of prenatal and infant exposure. The chemical can lower fertility rates and raise chances of heart disease in adults.

AEP’s aging power plants flood the sky with a deadly list of other toxic substances as well. The Big Sandy Plant contributed more than 1,300 pounds of cancer-causing arsenic to the air over Louisa, Kentucky, in 2009.

But these are just the tip of the toxic iceberg. In 2009, the 21 AEP units marked for closing pumped nearly 1,200 pounds of mercury into the air (see [attached spreadsheet](#) for links to Toxic Relief Inventory data on these pollutants from individual plants) They also emitted 3,842 of [arsenic](#), which is used for rat poison. And these plants emitted nearly 1,600 pounds of [lead](#), which causes learning disabilities in children as well as organ failure. Most shockingly, these 21 plants spewed 4.7 million pounds of acid gases. The [American Lung Association](#) reports that these gases trigger “irritation to skin, eye, nose throat, [and] breathing passages.”



AEP acknowledges that EPA's standards would add employment. It noted that "jobs would be created from the installation of emissions reduction equipment." In fact, the [Wall Street Journal](#) reports that: "AEP, whose utility operations stretch from Texas to Ohio, said high demands for labor and materials could drive the potential capital investment higher owing to a constrained time allowed to make changes required under the plan." In other words, the reduction to toxic air pollution will drive *more* capital investment in other aging power plants, which will create jobs.

This prediction is supported by a University of Massachusetts analysis for [CERES](#) of the net job impact of the EPA's air transport and utility air toxics rules. It found that there would be significant job creation—nearly 360,000—due to "construction, installation, & professional job gains over 5 years" from capital expenditures to reduce these pollutants. In addition, many of the AEP-affected states with closing plants would still experience a *net increase* in operation and maintenance jobs. (see chart below)

EPA's air toxics rules would lead to significant job creation in states with AEP plants

State	Construction, installation, and professional job gains over five years	Net change in operation and maintenance jobs
Indiana	95,193	850
Kentucky	31,477	(107)
Ohio	76,240	(407)
Virginia	123,014	856
West Virginia	32,253	92
Total	358,177	1,284

Source: CERES.

Closing aging, dirty power plants will certainly end employment for some workers. Those affected by this should receive assistance with job placement, retraining, and education. But that is no excuse for blocking or delaying reductions in cancer-causing chemicals from coal-fired power plants.

What's more, many utilities believe that EPA's proposed reduction in air toxics can be met without significant rate increases or a decline in electricity reliability. In fact, many coal-fired power plants are already meeting the proposed mercury reduction standard. The [Clean Energy Group](#)—an electric company coalition that has 146,000 megawatts of the United States' total electric generating capacity—conducted an analysis that found that:

Nearly 60 percent of all coal fired boilers that submitted stack test data to EPA are currently achieving the Utility Toxics Rule's proposed mercury emissions standard... Many states already impose more stringent mercury emissions limits on coal fired power plants than have been proposed by EPA.

The Clean Energy Group also evaluated PJM Interconnection's—a regional transmission organization—recent "future capacity auction" that ensures:

...future electric system reliability [with] PJM's forward capacity auction [that] requires power plant operators and other participating companies to offer (i.e., commit) resources, including both generating capacity and demand side resources, three years in advance of when they are needed.

This auction was an early test of whether there would continue to be adequate electricity generation to meet demand. The success of the auction proves that utilities do not anticipate any shortage of electricity in the PJM region and thus have capacity to meet the forthcoming EPA requirements:

The results of PJM's most recent Reliability Pricing Model ("RPM") forward capacity auction clearly indicate the industry can meet future electricity demand while maintaining electric system reliability in one of the most coal dependent regions of the country [the Mid-atlantic and Midwestern states].

[Tennessee Valley Authority](#) owns and operates 11 coal-fired power plants with nearly 60 electricity generation units, with some nearly 70 years old. [In April it announced plans](#) to retire:

...18 older coal generation units...as part of the federal utility's vision of being one of the nation's leading providers of low-cost and cleaner energy by 2020.

Its President and CEO Tom Kilgore affirmed that the EPA's standards will help TVA rejuvenate its fleet.

In the longer term, these actions reinforce our vision to keep bills low, keep our service reliability high and further improve air quality as we modernize the TVA power system.

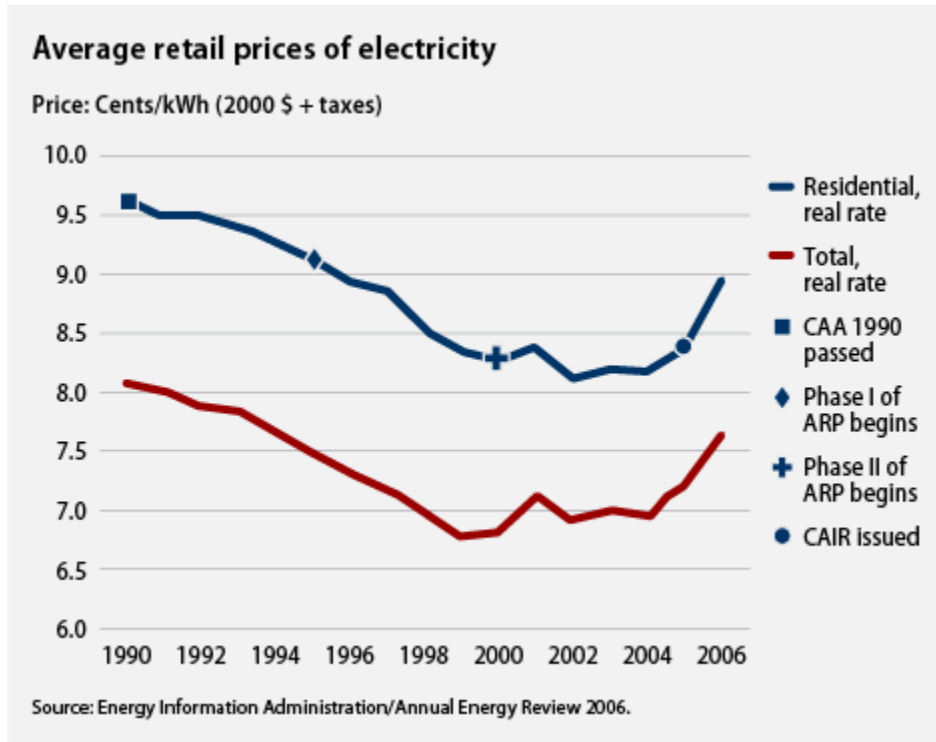
A half dozen major utilities—including Exelon, the nation's largest—also believe that the proposed air toxics reductions from coal-fired utilities are affordable and will have little impact on reliability. CEOs from Exelon, PG&E, Calpine, NextEra Energy, Public Service Enterprise Group, Constellation Energy Group, and others wrote in [The Wall Street Journal](#) that:

For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost effectively control such emissions, including mercury and acid gases.

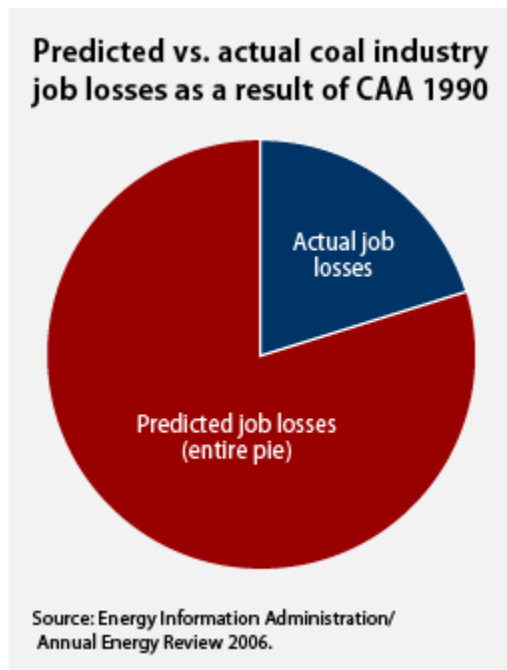
To suggest that plants are retiring because of the EPA's regulations fails to recognize that lower power prices and depressed demand are the primary retirement drivers. The units retiring are generally small, old and inefficient. These retirements are long overdue.

Contrary to the claims that the EPA's agenda will have negative economic consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability.

EPA's proposed air toxics standards will make a real difference in Americans' lives. The [American Lung Association](#) determined that "EPA's proposed mercury and air toxics reduction rule will prevent 17,000 premature deaths and 120,000 asthma attacks each year."



AEP is making the same tired arguments polluters used over the past 40 years to frighten legislators and the public about pollution safeguards. In the 1980s the utility industry predicted that reducing acid rain pollution from coal-fired power plants would spark horrific rate increases. In fact, [utility rates were lower](#) in most states in 2006 compared to 1989. Acid rain polluters also predicted huge [job losses that didn't occur](#) either. And the cost of cutting acid rain pollution was one-quarter of EPA's prediction.



AEP's threatened job losses are little more than holding their employees hostage to allow the company to keep polluting. AEP's announcement is an economic kidnap note that reads, "Let me keep poisoning your air if you want to see these workers' jobs again." The ransom AEP demands is continued mercury, arsenic, and other cancer-causing pollution.

The president, Congress, and the media should disregard AEP's phony threats by allowing EPA to protect our children, seniors, and everyone else from deadly toxic air pollution from coal-fired power plants.

**Brendan
Gilfillan/DC/USEPA/US**
03/16/2011 06:14 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, David McIntosh, Diane Thompson, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Seth Oster, Richard Windsor, Stephanie Owens
bcc:
Subject: Re: MATS coverage

Updated Reuters story:

EPA says rules to provide 9,000 long-term jobs (Adds comment from FERC Chairman Wellinghoff)

By Timothy Gardner

WASHINGTON, March 16 (Reuters) - U.S. environmental regulators proposed rules on Wednesday that would force aging coal-fired power plants to choose between installing anti-pollution technology or shutting, which could ensure reliance on nuclear power and natural gas.

The Environmental Protection Agency said the proposed rules, once fully implemented, will prevent 91 percent of mercury in coal from being released into the air. Power plants would have four years to meet the standards.

The EPA will take public comment for 60 days on the rules, which would require many coal-fired power plants to install scrubbers and other technologies to reduce emissions of arsenic, chromium, nickel and acid gases in addition to mercury, which can damage nervous systems in babies.

"Generally anything that makes coal plants more expensive is a benefit to alternative forms of generation whether they be natural gas, nuclear, or hydropower," said Paul Patterson, an analyst at Glenrock and Associates LLC in New York.

What the final rules will look like after public comment is uncertain, he added.

Jon Wellinghoff, the chairman of the Federal Energy Regulatory Commission, told Reuters the EPA rule could help shift power companies to cleaner sources of energy such as natural gas and wind power and also increase efficiency.

The FERC issued an order Tuesday aimed at allowing companies that reduce energy use to get better compensation, which could increase efficiency on the grid and reduce pollution, he said.

Coal-fired plants generate nearly 50 percent of U.S. electricity while nuclear and natural gas generate about 20 percent each.

Issuance of the rules, 20 years in the making, came in response to a court deadline.

"With the help of existing technologies we will be able to take reasonable steps that will provide dramatic protections to our children and loved ones, preventing premature deaths, heart attacks and asthma attacks," said Lisa Jackson, the EPA administrator.

She said the rules could prevent as many as 17,000 premature deaths and 11,000 heart attacks each year.

US COMMITTED TO NUCLEAR

Japan's battle to stop earthquake-damaged nuclear reactors from melting down has pushed some countries to be cautious on atomic energy. Germany, which has taken the strongest stance after the disaster, plans to shut seven of its older nuclear plants, or a quarter of its atomic energy, for a three-month safety review.

The United States has said it remains committed to nuclear but will conduct checks. U.S. Energy Secretary Steven Chu said on Wednesday that federal regulators will look to boost the safety of the nation's nuclear plants after the Japan crisis.

Analysts at Bernstein Research and other institutions have said the EPA crackdown could help force some 15 to 20 percent of U.S. coal-fired plants into early retirement by 2015 as the costs of installing the technology would be a burden on aging plants.

That could increase reliance on natural-gas-fired power plants, which can be built quickly and pollute less than traditional coal-fired power plants.

It could also ensure that the country continues to derive about 20 percent of its power from nuclear plants, despite the Japanese crisis, because they emit virtually no gases.

Republicans in Congress have tried to slow the EPA from acting on toxic pollutants and on greenhouse gases, saying that the rules would hurt the economy.

Jackson said the rules will provide 31,000 short-term construction jobs and 9,000 long-term utility jobs.

Brendan Gilfillan

[All - Initial stories below. We're activel...](#)

03/16/2011 05:45:37 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA
Date: 03/16/2011 05:45 PM
Subject: MATS coverage

All -

Initial stories below. We're actively pushing back on NY Times lede, some elements of WSJ and the entire premise of Reuters' story.

- Brendan

EPA proposes regulating mercury from coal plants
Associate Press
March 15, 2011

E.P.A. Proposes New Emission Standards for Power Plants
The New York Times
JOHN M. BRODER and JOHN COLLINS RUDOLF
March 16, 2011

EPA Proposes New Rules on Power-Plant Emissions
The Wall Street Journal
STEPHEN POWER

Washington Post used the AP article from above

EPA Proposes First U.S. Standard for Coal-Plant Mercury
Bloomberg
Kim Chipman
Mar 16, 2011

New US air rules may benefit nuclear energy
Reuters
March 16, 2011

EPA proposes toxic emissions rules for power plants
Greenwire
Gabriel Nelson, E&E reporter
March 16, 2011

I was not able to find anything in POLITICO about the subject

EPA proposes regulating mercury from coal plants
Associate Press
March 16, 2011

HOUSTON – The U.S. Environmental Protection Agency proposed rules on Wednesday that would for the first time regulate toxic air emissions from coal-fired power plants, including limiting mercury, lead, arsenic and acid gas pollution.

Environmental and medical groups praised the move, which came in response to a court-ordered deadline, saying the new regulations will remove toxins from the air that contribute to respiratory illnesses, birth defects and developmental problems in children.

Some industry groups slammed the measure, however, accusing the EPA of inflating the benefits and arguing it would cost billions of dollars annually to comply.

Currently, there are no limits on how much mercury or other toxic pollutants can be released from a power plant's smoke stacks – which emit some 386,000 tons of toxic air pollution annually, by far the largest industrial source of such pollution in the United States. The new rules would require power plants to install technologies that would limit the emissions.

The EPA said the regulations would reduce mercury emissions from these power plants by 91 percent. The rules would also further limit other pollutants, including particulate matter, such as dust, dirt and other fragments associated with a variety of respiratory ailments.

This standard “will save lives, prevent illnesses and promote vital economic opportunities across the country,” said EPA Administrator Lisa P. Jackson, who invited second-graders to attend the event in Washington, D.C. where she signed the proposal.

Reaching into her own history, Jackson described how her son – an asthmatic – spent his first Christmas in the hospital “literally fighting to breathe.”

“With the help of existing technologies, we will be able to take reasonable steps that will provide dramatic protections to our children and loved ones, preventing premature deaths, heart attacks and asthma attacks.”

The court order gave the EPA until November to make the rules official. Jackson said companies would then have three years to comply, and some could be given an extra year.

Such rules would have the greatest impact on Texas, which is home to more coal-fired power plants than any other state. Texas has at least 19 coal-fired plants and 10 more in various stages of permitting and construction. The Environmental Defense Fund says seven of the top 25 mercury-emitting power plants are in the Lone Star State, four of those are in the top 10.

The Texas Commission on Environmental Quality, which regulates air emissions from the state's coal-fired power plants, said it already regulates mercury from new plants, in a case-by-case strategy that requires pollution control technologies based on the type of coal being used by the facility. Some coals burn cleaner than others. These regulations do not apply to existing facilities.

Jeff Holmstead, who served as the EPA's top air official from 2000 to 2005 and now heads the Environmental Strategy Group at the Bracewell & Giuliani law firm in Washington, D.C., said the new rules are inefficient, costly and provide few benefits to the environment or public health.

“It seems to be just another way to attack coal and coal-fired power,” Holmstead said.

The EPA said it would cost nearly \$11 billion a year for industry to comply with the new rule, prompting Holmstead to define it as “by far the most expensive rule that EPA has ever done.”

The agency, joined by medical groups including the American Lung Association and the American Academy of Pediatrics, estimated that the value of health benefits associated with reduced exposure to fine particles could be from \$59 billion to \$140 billion by 2016. The EPA estimates it could save 17,000 lives a year and generate 31,000 short-term construction jobs and 9,000 long-term utility jobs.

“Dirty air makes children sick, that's the long and short of it,” said Marion Burton, president of the American Academy of Pediatrics. “If you think it's expensive to install a scrubber, you should see how much it costs to treat a child born with a birth defect that was preventable.”

Studies show exposure to mercury increases the risk of birth defects as well as developmental problems in small children.

Jackson said the EPA's models found installing the technologies could increase energy rates by about \$3 to \$4 a month, though it could be less depending on fuel costs. For example, she said, a New Jersey provider that already installed pollution-cutting technologies recently reduced its rates.

A report by the Electric Reliability Coordinating Council, a coalition of power companies, argued the toxic air regulation is only one of several rules slated to go into effect in or around 2015 – rules that could cost industry about \$100 billion. The council says studies have found that for every \$1 billion spent on upgrades and compliance, 16,000 jobs will be put at risk.

E.P.A. Proposes New Emission Standards for Power Plants

The New York Times

JOHN M. BRODER and JOHN COLLINS RUDOLF

March 16, 2011

WASHINGTON – The Environmental Protection Agency proposed the first national standard for emissions of mercury and other toxins from coal-burning power plants on Wednesday, a rule that could lead to the early closing of dozens of generating stations and is certain to be challenged by the utility industry and Republicans in Congress.

Lisa P. Jackson, the agency's administrator, unveiled the new rule with fanfare at agency headquarters, saying control of dozens of poisonous substances emitted by power plants was two decades overdue and would prevent thousands of deaths and tens of thousands of cases of disease a year.

She pointedly included the head of the American Lung Association and two prominent doctors in her announcement to make the point that the regulations were designed to protect public health and not to penalize the utility industry.

She estimated the total annual cost of compliance at about \$10 billion, in line with some industry estimates (although some are much higher), and the health and environmental benefits at more than \$100 billion a year. She said that households could expect to see their electric bills rise by \$3 to \$4 a month when the regulation is fully in force after 2015.

"Today's announcement is 20 years in the making and is a significant milestone in the Clean Air Act's already unprecedented record of ensuring our children are protected from the damaging effects of toxic air pollution," she said. She invited a group of second graders from a nearby elementary school to attend the rule's unveiling at her agency.

Ms. Jackson said that mercury and the other emissions covered by the rule damage the nervous systems of children and fetuses, exacerbate asthma and cause lifelong health damage for hundreds of thousands of Americans.

She said that installing and maintaining smokestack scrubbers and other control technology would create 31,000 short-term construction jobs and 9,000 permanent utility sector jobs.

Even before the formal unveiling of the rule, utilities, business groups and Congressional Republicans cast it as the latest salvo in a regulatory war on American industry. They cited a number of recently issued E.P.A. rules, including one on industrial boilers and the first of a series of regulations covering greenhouse gases, which they argue will impose huge costs on businesses and choke off economic recovery.

"E.P.A. admits the pending proposal will cost at least \$10 billion, making it one of the most expensive rules in the history of the agency," a group of utilities said in a report this week.

"Adaptation to all the proposed rules constitutes an extraordinary threat to the power sector – particularly the half of U.S. electricity derived from coal-fired generation," the group added.

The group questioned Ms. Jackson's assertion that the technology needed to reduce emissions of

mercury, lead, arsenic, chromium and other airborne toxins was readily available and reasonably inexpensive. The need to retrofit scores of plants in the same short period of time will tax resources and lead to delays, the industry group said.

The National Association of Manufacturers said the proposed rule would lead to higher electricity prices and significant job losses.

"In addition, electric system reliability could be compromised by coal retirements and new environmental construction projects caused by this proposed rule and other E.P.A. regulations," said Aric Newhouse, the group's vice president for government relations. "Stringent, unrealistic regulations such as these will curb the recent economic growth we have seen."

Public health advocates countered that these were the same complaints that had delayed the rules for more than two decades, as utilities used the courts and Congress to block strong regulations on air pollution. The rule issued Wednesday was timed to meet a deadline set in 2008 by a federal court when it threw out a weaker set of regulations issued by the Bush administration.

"If you think it's expensive to put a scrubber on a smokestack, you should see how much it costs to treat a child over a lifetime with a birth defect," said Dr. Marion Burton, president of the American Academy of Pediatrics, who stood with Ms. Jackson in announcing the rule.

Roughly half of the nation's more than 400 coal-burning plants have some form of control technology installed, and about a third of states have set their own standards for mercury emissions. But the proposed rule issued Wednesday is the first national standard and will require all plants to come up to the standard of the best of the current plants.

The new rules bring to a close a bitter legal and regulatory battle dating back to the passage of the Clean Air Act in 1970, which first directed the E.P.A. to identify and control major industrial sources of hazardous air emissions.

By 1990, however, federal regulators had still not set standards for toxic emissions from power plants, and Congress, in the face of stiff resistance from utilities and coal interests, passed legislation directing the E.P.A. to develop a plan to regulate the industry. In 1998, the agency finally complied, delivering a comprehensive report to Congress detailing the health impacts of numerous pollutants, including mercury, which by then had been linked conclusively in numerous studies to serious cognitive harm to developing fetuses.

In December 2000, in the final days of the Clinton administration, the E.P.A. finally listed power plants as a source of hazardous air pollutants under the Clean Air Act. Yet under the Bush administration, the effort to control power plant emissions would again falter.

The 2000 listing required E.P.A. to implement standards for mercury and other pollutants from the industry. But rather than comply, the agency made the controversial decision in 2005 to delist power plants as sources of hazardous pollution.

Instead the E.P.A. created a cap-and-trade program for mercury, highly favored by industry, which it claimed would achieve virtually identical emissions reductions at lower cost. A coalition of environmentalists sued, arguing that the cap-and-trade program would not limit other toxic emissions like arsenic and would allow the dirtiest power plants to pay for the right to pollute, putting nearby communities at risk.

In 2008 a federal judge ruled against the E.P.A., giving the agency three years to develop standards for mercury and other pollutants.

The long delay in implementing regulations has meant that emissions of some key pollutants has not just held steady, but has grown in recent years. The E.P.A.'s most recent data shows that from 1999 to 2005, mercury emissions from power plants increased more than 8 percent, to 53 tons from 49 tons. Arsenic

emissions grew even more, rising 31 percent, to 210 tons from 160 tons.

The E.P.A. will take public comments for the next several months. It anticipates publishing a final rule at the end of the year or early next, with implementation three or four years later.

EPA Proposes New Rules on Power-Plant Emissions

The Wall Street Journal

STEPHEN POWER

WASHINGTON—The Obama administration on Wednesday proposed new regulations that could accelerate the U.S. shift toward natural gas, by requiring coal-burning and oil-fired power plants to reduce their emissions of mercury and other hazardous pollutants.

The proposed standards—which have been the subject of weeks of lobbying at the White House by rival groups of power companies—would prevent as many as 17,000 premature deaths a year, Environmental Protection Agency Administrator Lisa Jackson said in announcing the standards.

The new regulations will cost the power industry about \$11 billion a year, while increasing consumers' electric bills on the order of three or four dollars a month, Ms. Jackson said. Some power-industry officials and lobbyists say the costs will be much greater and that many utilities will respond to the new rules by shutting down aging coal-fired plants.

Ms. Jackson, who unveiled the new rules at a news conference with representatives of the American Lung Association, said the costs would be far outweighed by the public health benefits, which EPA puts at between \$59 billion and \$140 billion, largely in the form of avoided premature deaths and heart attacks.

Some industry analysts have predicted the rules could hasten a shift by many power companies away from coal, the source of half of the country's electricity supply, to cleaner-burning natural gas.

A report last September from bank Credit Suisse said the anticipated mercury rules—the ones announced Wednesday—along with a separate, previously proposed regulations targeting sulfur dioxide and nitrogen oxide, could lead to the closure of nearly 18% of the nation's coal-fired generation capacity, mainly facilities more than 40 years old that lack emissions controls.

The Electric Reliability Coordinating Council, a lobbying group critical of the newly proposed mercury rules, raised another concern in a statement Wednesday: that utilities seeking to comply with these and other rules aimed at curbing coal-plant pollution would lead to a rush of demand for new construction and smoke-stack clean-up technology that could result in higher costs or delays for some utilities.

The rules would benefit companies that have invested heavily in nuclear and renewable energy. Several utilities in that camp have been pressing the Obama administration to enact the new standards.

EPA officials said that while the rule would likely drive some shift toward natural gas, the standards would preserve the diversity of the U.S. energy supply.

Under the proposed rule, power plants would have three years to meet standards for mercury and other hazardous air pollutants. Owners would have to choose between buying new pollution equipment, switching to cleaner fuels or retiring the plant. The EPA is expected to take public comment on the rules for several months and make a final decision on them in November.

New US air rules may benefit nuclear energy

Reuters

March 16, 2011

Environmental regulators will propose pollution rules on Wednesday that could ensure continued reliance

on nuclear power by forcing aging coal plants into early retirement.

The Environmental Protection Agency said it will unveil standards on mercury, which can damage nervous systems in babies, and other airborne toxins from power plants at 1100 EDT (1500 GMT).

Japan's battle to stop earthquake-damaged nuclear reactors from melting down has pushed some countries to be more cautious on atomic energy. Germany, which has taken the strongest stance after the disaster, plans to shut seven of its older nuclear plants, or a quarter of its atomic energy, for a three-month safety review.

The United States has said it remains committed to the technology. U.S. Energy Secretary Steven Chu said on Wednesday that federal regulators will look to boost the safety of the nation's nuclear plants after the Japan crisis.

Coal-fired plants generate nearly 50 percent of U.S. electricity while nuclear and natural gas generate about 20 percent each.

The EPA crackdown could help shut some 15 to 20 percent of aging U.S. coal-fired plants.

That could increase reliance on natural-gas-fired power plants, which can be built quickly and pollute less than traditional coal-fired power plants.

It could also ensure that the country continues to derive large amounts of power from nuclear plants, despite the Japanese crisis, because they emit virtually no gases.

EPA proposes toxic emissions rules for power plants

Greenwire

Gabriel Nelson, E&E reporter

March 16, 2011

After two decades of delays and false starts, U.S. EPA unveiled a plan today to require coal- and oil-fired power plants to reduce emissions of mercury and 83 other toxics by 2016.

The proposed rules would limit the amount of toxic pollution that can be released into the air for every unit of electricity that is generated. In total, the plan would reduce mercury and acid gas emissions from the U.S. power sector by 91 percent while cutting soot-forming sulfur dioxide (SO₂) pollution by 53 percent, the agency said today.

Those reductions will protect vulnerable Americans from asthma, developmental disorders and other health problems, as Congress requested when it updated the Clean Air Act 20 years ago, EPA Administrator Lisa Jackson said today at the agency's Washington, D.C., headquarters, flanked by the leaders of the American Lung Association and the American Academy of Pediatrics.

The rules will prevent 17,000 premature deaths and 11,000 heart attacks per year, as well as 120,000 cases of asthma, while adding only \$3 or \$4 to the average homeowner's monthly electric bill, Jackson said.

"We are confident in these expectations because this has been the history of the Clean Air Act for 40 years now," Jackson said. "The Clean Air Act is literally a lifesaver."

The proposal, which was due by today under a court deadline, is one of several new EPA requirements that is expected to drive the next generation of investments in the power sector. Though it was hailed by health groups and many Democrats, it will do nothing to appease the agency's critics, who have described the push to clean up air pollution as part of a "war on coal."

The rules would replace the George W. Bush administration's Clean Air Mercury Rule, a cap-and-trade program that would have forced power plants to cut their mercury emissions by 70 percent. In 2008, a

federal court ordered EPA to go back to the drawing board, saying the agency hadn't shown that there would not be health consequences from the decision not to control other metals, such as cadmium and chromium, as well as cancer-causing chemicals such as dioxins and furans.

Today's proposal, which will be followed by a final rule in November, would force some utilities to spend hundreds of millions of dollars to upgrade older power plants that have not already been required to install controls.

All the controls will cost about \$10.9 billion per year, according to EPA's analysis of the new rules, compared to benefits of \$59 billion to \$140 billion. Once the rules are final, companies will have three years to comply with the new rules, though they can get a one-year extension if it proves impossible to get the controls added in time.

Many power plants might need activated carbon injection (ACI) units to control their mercury emissions, as well as flue gas desulfurization (FGD) units, or "scrubbers," to limit their emissions of acid gases. Others might need baghouses, fabric filtering units that keep toxic metals out of the air by trapping the fine particles that are released when fuel is burned.

Scrubbers have been installed at many plants because of separate limits on SO₂, including a cap-and-trade program that was created two decades ago to fight acid rain.

Power plants with about 40 percent of the nation's coal-fired capacity -- a total of 129 gigawatts, enough to power about 65 million American homes -- do not have scrubbers, according to an analysis by the consulting firm M. J. Bradley & Associates LLC.

Because it is not an emissions trading program, the program will not allow hotspots of toxic pollution, said Marian Burton, president of the American Academy of Pediatrics.

"Dirty air makes children sick. That's the long and short of it," Burton said. "If you think it's an expensive process to put a scrubber on a smokestack, you should see how much it costs over a lifetime to treat a child with a preventable birth defect."

Some Republicans in Congress have raised concerns that the rules could hike electricity prices by raising the cost of burning coal. Some power companies and analysts have also suggested that the toxics rules and other new requirements could cause many power plants to be retired, leading to power shortages.

EPA has vowed to avoid that situation.

It is expected to cause about 10 gigawatts of coal-fired generation to be retired, but many of those plants likely would be shut down anyway, an agency official said today. Most of the lost electricity would be provided by natural gas-fired power plants, the official said.

The controls needed to cut down on toxic pollution are proven, and environmental technology companies are ready to install it, said Mike Durham, CEO of Littleton, Colo.-based ADA-ES Inc. His company has installed mercury controls on about 100 coal-fired boilers that were upgraded in response to state regulations and is now ramping up its production of activated carbon to deal with the expected spike in demand from power plants.

"I don't believe it will be a challenge," Durham said in an interview. "We've had years to prepare for this."

**Brendan
Gilfillan/DC/USEPA/US**
01/12/2011 04:47 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman,
Dana Tulis, Daniel Kanninen, David McIntosh, Diane
Thompson, Dru Ealons, Janet Woodka, Mathy Stanislaus,
Seth Oster, Richard Windsor, Sarah Pallone, Stephanie
Owens
bcc:
Subject: End of Day AK Pipeline clips

ABC NEWS

Trans-Alaska Pipeline Restarted Despite Leak

Trans-Alaska pipeline restarted at two-thirds capacity while work continues to fix leak

MARY PEMBERTON

January 12, 2011

ANCHORAGE, Alaska (AP)- Oil is flowing through the trans-Alaska pipeline again, but at only two-thirds the rate as it was before the line was shut down due to a leak.

San Francisco Chronicle

Alaska Pipeline at Reduced Rate as Temperature Drops

Wednesday, January 12, 2011

Jan. 12 (Bloomberg) -- Alyeska Pipeline Service Co. will operate the Trans Alaska Pipeline System at reduced rates for several days to keep the lines and tanks from freezing amid lower temperatures.

Reuters

Alaska oil pipeline resumes flow at reduced rates

By Yereth Rosen and Joshua Schneyer

Wed Jan 12, 2011 2:58pm EST

ANCHORAGE/NEW YORK - Alaska's key oil pipeline has resumed shipments and was pumping 400,000 barrels per day, almost two-thirds of its normal levels, following a four-day shutdown due to a small leak, its operator said on Wednesday.

BBC News

Brent oil price at 27-month high

January 12, 2011 Last updated at 16:10 ET

The price of Brent crude oil has touched its highest level in 27 months, as a result of production shutdowns and increasing global energy demand.

[[FULL TEXT BELOW]]

ABC NEWS

Trans-Alaska Pipeline Restarted Despite Leak

Trans-Alaska pipeline restarted at two-thirds capacity while work continues to fix leak
MARY PEMBERTON
January 12, 2011

ANCHORAGE, Alaska (AP)- Oil is flowing through the trans-Alaska pipeline again, but at only two-thirds the rate as it was before the line was shut down due to a leak.

The 800-mile pipeline was restarted at 9:03 p.m. Tuesday night. By Wednesday morning, the pipeline that transports about 13 percent of the nation's domestically produced oil was carrying about 400,000 barrels of crude.

The pipeline was shut down Saturday when a leak was discovered near a pump station at Prudhoe Bay.

The 84-hour shutdown turned out to be the second longest since the pipeline began operating in 1977.

Fabrication work continues on a bypass pipe since there is still a leak. In the meantime, officials say an 800-gallon containment tank is being used to capture spilled oil.

San Francisco Chronicle

Alaska Pipeline at Reduced Rate as Temperature Drops
Wednesday, January 12, 2011

Jan. 12 (Bloomberg) -- Alyeska Pipeline Service Co. will operate the Trans Alaska Pipeline System at reduced rates for several days to keep the lines and tanks from freezing amid lower temperatures.

The line restarted at 9:03 p.m. local time yesterday, Matt Carle, a company spokesman, said in a phone interview. After a section is set up to bypass the leak at Pump Station 1, the pipeline will be shut to complete repairs, Alyeska said in a statement. Temperatures dropped to a low of minus 5 degrees (minus 21 Celsius) yesterday in Barrow, Alaska.

The pipeline is shipping at a rate of about 400,000 barrels of crude oil a day, Matt Carle, a spokesman for Alyeska, said in a telephone interview. Producer output will be slightly less than throughput as supplies that built up in tanks at Pump Station 1 are sent through the pipeline, he said.

"This interim restart is an important and necessary step to restoring operations, while managing the risks of severe damage to the TAPS system that an extended winter shutdown posed," Alyeska President Thomas Barrett said in a statement late yesterday.

Lower Temperatures

Temperatures in the area near the repair site have fallen from a low of 10 degrees the day after the pipeline shut, according to the National Weather Service.

The 800-mile (1,287-kilometer) pipeline, running south from Prudhoe Bay to Valdez, has been closed since the leak at the pump station on Jan. 8. The shutdown forced BP Plc, ConocoPhillips and Exxon Mobil Corp. to suspend 95 percent of production from the North Slope area.

About 25 barrels of crude was recovered in the containment area where the spill occurred between 8 p.m. yesterday and 6 a.m. today, Carle said.

Alyeska estimated that finishing construction of the bypass pipe would take four days and installation an additional 36 hours, the Alaska Department of Environmental Conservation said in a report yesterday.

The cold weather presents "a very dangerous situation," Ehsan Ul-Haq, a Walton-on-Thames, England-based senior market consultant at KBC Energy Economics, said by phone. "In the end, if something goes wrong, there is enough supply from Asia as well as the Middle East to make up for the loss."

Refinery Supplies

Flint Hills Resources LLC is receiving crude at its North Pole refinery in Alaska after the pipeline started, and the 226,500-barrel-a-day plant is back in operation, Jake Reint, a company spokesman, said in a telephone interview. The company provided fuel to customers during the outage, he said.

Tesoro Corp. said its 72,000-barrel-a-day Kenai refinery in Alaska can operate at normal, targeted rates for the next week and could extend those rates by scheduling deliveries of crude via tankers from outside Alaska.

Tesoro doesn't have information "that would lead us to believe that the shutdown" of the pipeline will last that long, Mike Marcy, a company spokesman, said in an e-mail yesterday.

Refineries in the Pacific-Northwest and California also use Alaskan crude for the manufacturing of fuels.

"We have no issues with crude supply" at the Richmond refinery, which takes Alaskan oil in Valdez for the 257,200-barrel-a-day plant, Mickey Driver, a spokesman for Chevron, said in an e-mail. "Crude in storage at Valdez is still being loaded for transport. There is also plenty of oil on the open market, and we have access to alternative oil."

Inventories at Valdez have declined 27 percent since the line was shut to 2.16 million barrels yesterday, according to the state's website.

Reuters

Alaska oil pipeline resumes flow at reduced rates

By Yereth Rosen and Joshua Schneyer

Wed Jan 12, 2011 2:58pm EST

- * Temporary restart helps manage risk of pipe freezing
- * Flow resumption allows Alaska oil production to restart
- * Pipeline is back to near two-thirds normal rates
- * Repair and permanent restart of line awaits approval (Adds Alyeska, regulator comments)

ANCHORAGE/NEW YORK - Alaska's key oil pipeline has resumed shipments and was pumping 400,000 barrels per day, almost two-thirds of its normal levels, following a four-day shutdown due to a small leak, its operator said on Wednesday.

Since it was shut on Saturday, the closure of the line that normally transports 640,000 bpd shut in almost 12 percent of U.S. oil production and threatened to prompt supply shortages for refiners on the U.S. West Coast.

The pipeline was brought back into operation on a temporary basis late Tuesday to prevent its oil and water contents from freezing as temperatures in Alaska dropped.

A small leak on the line still hasn't been repaired, but pipeline operator Alyeska is containing the leaked oil at a pump station along the 800-mile (1,280-kilometer) line. Alyeska awaits regulatory approval to repair the line and resume full shipment volumes, a process that requires welding a stretch of bypass line into place.

The Trans Alaska Pipeline System will continue to run at reduced rates over the coming days, said Thomas Barrett, president of Alyeska, in a statement.

Normal operations would resume after the bypass that sources familiar with the pipeline's operations say could take around five days.

"This interim restart is an important and necessary step to restoring operations while managing the risk of severe damage (to the) TAPS system (during) and extended winter shutdown," the operator said in a statement.

There is no estimate yet of how long it will take to get the pipeline back to normal, said a spokeswoman for the "unified command" of Alyeska and state and federal regulators, which is directing efforts to fix the problem.

"We're still working on fabrication of that bypass line for Pump Station 1," she said.

The pipeline may have to be idled again briefly to complete the bypass, a source familiar with pipeline operations said, but that may take only one or two days when it happens.

The pipeline's restored flow should allow Alaskan North Slope oil producers like BP Plc (BP.L)

to resume most of the state's normal oil output of more than 600,000 bpd, while helping to replenish inventories at the Valdez terminal where oil stocks have fallen to around 27 percent of capacity since the pipeline was first shut down on Saturday.

BBC News

Brent oil price at 27-month high

January 12, 2011 Last updated at 16:10 ET

The price of Brent crude oil has touched its highest level in 27 months, as a result of production shutdowns and increasing global energy demand.

Brent reached \$98.80, its highest level since April 2009, before trimming gains to close up 51 cents at \$98.12.

The rise came after two Norwegian oil fields had to close on Tuesday due to a gas leak. Both have since reopened.

Alaskan oil production also continued to be hit by a pipeline leak. US light crude rose 75 cents at \$91.86.

The leak in Alaska has now caused the US state's main Trans-Alaska Pipeline to be closed to all but 5% of its usual output since Saturday.

Commerzbank oil analyst Carsten Fritsch said Brent was now expected to hit \$100 a barrel.

He added: "It seems only a matter of time, if sentiment remains positive and more disruptions on the supply side come in."

The Trans-Alaska Pipeline is important because it carries almost 12% of US crude output. It is due to reopen later this week.

Brendan Gilfillan [Reuters Alaska pipeline restarts at low...](#) 01/12/2011 01:46:43 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA
Cc: Adora Andy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA
Date: 01/12/2011 01:46 PM
Subject: Re: Wed Mid-day AK Pipeline clips

Reuters

Alaska pipeline restarts at low rates to prevent freezing

By Joshua Schneyer

Wed Jan 12, 2011 10:26am EST

The Wall Street

Frigid Alaska Winter Adds Urgency To Pipeline Restart Effort Article

By Dan Strumpf and Cassandra Sweet

JANUARY 12, 2011, 11:41 A.M. ET

Bloomberg

Alaska Pipeline Bypass May Take at Least Five Days to Complete

January 12, 2011, 12:02 AM EST

By Christian Schmollinger and Aaron Clark

Reuters

Alaska oil pipeline pumping 400,000 bpd -operator

January 12, 2011 12:19pm EST

[[Full Clips Below]]

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Alaska pipeline restarts at low rates to prevent freezing

By Joshua Schneyer

Wed Jan 12, 2011 10:26am EST

NEW YORK - In an emergency measure to keep it from freezing, Alaska's largest oil pipeline resumed oil shipments at reduced rates late Tuesday following a small leak that had shut the line since Saturday and halted around 12 percent of U.S. oil production.

The temporary restart of the 800-mile (1,300-km) line comes as operator Alyeska and regulators scramble to prevent oil and water from freezing in the pipes, which could pose major problems for restarting the line on a permanent basis. The pipe normally carries about 640,000 barrels per day of crude from Alaska's North Slope.

Sources familiar with the pipeline's operations said they still hope for a permanent restart as early as the end of the week, after a bypass pipe is welded into place around the site of a small leak.

The breach was found at a pump station on Saturday, forcing the second-longest shutdown in the 33-year history of the line, known as Trans Alaska Pipeline System and partially owned by BP Plc.

Alyeska and government regulators said in a statement that a temporary restart "avoids having to do a more complex cold restart process ... And it also allows North Slope producers to increase production, which will help mitigate freeze concerns."

The interim restart went forward even though the pipeline is still leaking small quantities of crude, which officials said can be cleaned up easily. If pipe contents freeze, including around a so-called PIG machine inside the pipe for cleaning, it could severely complicate efforts for a full restart, they warned.

Alyeska didn't say what volumes would be pumped through the line during the interim restart period, and North Slope producers were not immediately available to comment on how much oil production is being immediately restored.

JP Morgan analysts cited reports that pipeline flows would start slowly, at levels as low as 30,000 barrels, according to a note Wednesday.

"Overnight reports suggest that the pipeline has been restarted at very low levels, around 30,000 (barrels per day), possibly to reduce the risk from low ambient temperatures in Alaska causing further problems for the crude already in the line," the bank said.

The state's production, much of which is usually shipped to U.S. West Coast refineries, has ground to a near halt since Saturday. West Coast refiners have said they aren't experiencing any supply disruptions to date and don't expect any.

BP, the top oil producer in Alaska, received permission to resume some output as a precautionary measure to prevent equipment from freezing up at its Alaskan fields.

As of Tuesday, around 29 barrels of crude had spilled from TAPS at a pump station, officials said. A bypass will involve draining the contents of the leaky stretch of pipe and installing a stretch of line that goes around the leak.

U.S. crude futures rose for a third straight day since the shutdown, gaining 70 cents to \$91.81 per barrel as of 9:51 a.m. EST.

The Wall Street

Frigid Alaska Winter Adds Urgency To Pipeline Restart Effort Article

By Dan Strumpf and Cassandra Sweet

JANUARY 12, 2011, 11:41 A.M. ET

NEW YORK (Dow Jones)--The frigid Alaskan winter is lending urgency to the repair of the 800-mile Trans-Alaska Pipeline, which was temporarily restarted late Tuesday to prevent the crude inside from freezing.

The harsh conditions and subzero temperatures of Alaska's North Slope make pipeline outages especially perilous, with operators facing the constant risk of ice forming inside the line. In a worst-case scenario, the crude in the line can solidify into a waxlike sludge and render an entire pipeline unusable.

"In the extreme case ... it can become a long candle," said Richard Kuprewicz, president of the pipeline engineering consulting firm Accufacts Inc. and an expert on oil pipeline safety.

To avoid that fate, pump operators have temporarily restarted the pipeline to ensure the pipes and oil in the system don't freeze while a crew works to install a bypass around the leak.

Alyeska Pipeline Service Co., the operator, said Wednesday that the pipeline will operate "at a reduced rate for several days while a bypass segment is staged for installation." The pipeline system will have to be shut down again while the replacement pipe is installed and tested.

A quick restart is needed to restore one of the biggest sources of oil for the U.S. West Coast. The pipeline normally transports an average 630,000 barrels a day, about 11% of U.S. production, from the state's North Slope to the southern port city of Valdez, where the oil is shipped to customers. But Alyeska ordered producers to halt nearly 600,000 barrels a day of their output along the North Slope. Oil prices have risen nearly 5% since the pipeline shutdown was announced Saturday. Benchmark crude on Wednesday recently rose \$1.01, or 1.1%, to \$92.12 a barrel.

In Prudhoe Bay, the site of the leak, where the bulk of Alaska's oil is produced, temperatures are expected to remain in the negative teens for the next few days, according to AccuWeather.

"As more time goes on, the level of our concern keeps going up, both on impacts from the cold weather and potential freezing, and on operations at Prudhoe Bay itself," said Larry Hartig, commissioner of the state Department of Environmental Conservation and the state's top environmental official.

An additional problem could arise if the pipeline system remains down for so long that the storage facilities where oil is being routed fill up. That could force oil companies to shut down production completely, which could cause oil wells to freeze, posing new hazards, Hartig said.

Typically, oil pipelines operating in cold temperatures are kept warm both by the movement of the crude within the pipe and by heating systems. In subzero temperatures, water that's naturally present in oil can "drop out," freeze into ice and damage pipeline equipment.

The pipeline would sustain far greater damage if the temperature of the oil remaining within a pipeline slips below the "pour point," the threshold at which certain compounds separate from the oil and solidify. That would cause the crude to stop flowing, said Kuprewicz, the pipeline consultant.

That threshold varies widely depending on the makeup of the crude. For Alaska North Slope crude it's -0.4 degrees Fahrenheit, according to J.P. Morgan oil analyst Lawrence Eagles.

While it is unusual for oil's temperature to fall below the pour point, it isn't unheard of. In 1996, a 160,000-barrel-per-day pipeline operated by Seaway Pipeline Co., between Texas City, Texas, and Cushing, Okla., was idled for several weeks after oil with a high pour point clogged the line.

Bloomberg

Alaska Pipeline Bypass May Take at Least Five Days to Complete

January 12, 2011, 12:02 AM EST
By Christian Schmollinger and Aaron Clark

Jan. 12 (Bloomberg) -- Alyeska Pipeline Service Co. will need at least five days to build and install a bypass on the Trans-Alaska Pipeline System as it seeks to restart the link carrying 15 percent of U.S. crude output after a Jan. 8 leak.

Construction of the piping will take about four days while installation will add 36 hours, according to a statement by the operator and state and federal regulators yesterday. Alyeska has temporarily resumed the system to prevent the buildup of ice and debris that may have accumulated after the flow of oil stopped.

Approval for the restart was granted today by the Unified Command, composed of Alyeska, the U.S. Environmental Protection Agency and the Alaska Department of Environmental Conservation. It will take several hours before the link is operational following the interim resumption, according to the statement.

“The temporary operation is prudent and necessary to reduce the greater risks associated with a continuing cold- weather shutdown,” the statement said. “The TAPS line must be shut down again for installation of the bypass.”

The 800-mile (1,287-kilometer) pipeline, closed following the leak at Pump Station 1, has exceeded its longest shutdown, said Michelle Egan, a spokeswoman for Alyeska, yesterday. The leak has forced BP Plc, ConocoPhillips and Exxon Mobil Corp. to suspend 95 percent of production from the North Slope area.

The temporary restart will help prevent tanks at the pump station from reaching capacity, which would completely halt production, according to yesterday’s statement.

It will also allow Alyeska to move an internal pipe- cleaning device, known as a pig, farther down the pipeline to a point where oil can be routed around it.

Oil inventories in Alaska were at about 2.38 million barrels of crude as of yesterday, down from 2.57 million Jan. 9, according to the state’s website. The pipeline system transported an average 642,261 barrels a day last month, according to Alyeska’s website.

Production on the North Slope was 25,136 barrels yesterday, down from 634,599 on Jan. 7, the website said.

Reuters

Alaska oil pipeline pumping 400,000 bpd -operator
January 12, 2011 12:19pm EST

ANCHORAGE - The Trans Alaska Pipeline System was back to pumping 400,000 barrels per day of crude following a limited restart late Tuesday, operator Alyeska said on Wednesday.

The pipeline, which was shut on Saturday after the discovery of a leak, usually pumps 630,000 to 650,000 bpd.

Alyeska is still awaiting regulatory approval for a full restart of the line, the operator said.

Brendan Gilfillan Clips ----- 01/12/2011 11:15:47 AM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA
Cc: Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA
Date: 01/12/2011 11:15 AM
Subject: Wed AM - AK Pipeline clips

Clips

Bloomberg
Trans-Alaska Oil Pipeline Restarts; Will Operate at Reduced Rates for Days
By Aaron Clark
Jan 12, 2011

Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

The Telegraph
Oil price closes in on \$100 a barrel on higher demand and Alaska leak
By Amy Wilson 1:02PM GMT 12 Jan 2011

The oil price moved closer to \$100 a barrel, with Brent crude passing \$98 in morning trading, on the expectation of higher demand this year and a leak in Alaska which closed down a major pipeline. Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

Financial Times
Oil nears \$100 a barrel on supply disruptions
By Jack Farthy
Published: January 12 2011 12:01 | Last updated: January 12 2011 12:01

Global oil prices approached \$100 a barrel on Wednesday, buoyed by optimism on the global economic recovery and supply disruptions in the North Sea and Alaska.

The Guardian

Alaskan leak drives oil to 27-month high.
Graeme Wearden
Wednesday 12 January 2011 10.48 GMT

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. An oil leak on the Trans-Alaska pipeline has pushed up crude prices. The oil price rose to a 27-month high this morning as the ongoing disruption following last weekend's oil leak in Alaska drove fears of supply shortages.

The Times of India
Alyeska receives govt permission to restart Trans-Alaska Pipeline
Jan 12, 2011, 10.14am IST

(REUTERS) ANCHORAGE: Alyeska has received government permission to restart the Trans-Alaska Pipeline, which carries 12 per cent of US crude, a company spokeswoman said on Tuesday.

[[FULL TEXT BELOW]]

Bloomberg

Trans-Alaska Oil Pipeline Restarts; Will Operate at Reduced Rates for Days
By Aaron Clark
Jan 12, 2011

Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

The start-up sequence of opening valves and bringing pumps online began at 7 p.m. local time yesterday, according to the statement. The line will be shut down in several days to install a bypass around a leak near Pump Station 1.

This interim restart is an important and necessary step to restoring operations, while managing the risks of severe damage to the TAPS system that an extended winter shutdown posed," Alyeska President Thomas Barrett said in the statement.

The 800-mile (1,287-kilometer) pipeline, closed following the leak at the pump station on Jan. 8. The shutdown has forced BP Plc, ConocoPhillips and Exxon Mobil Corp. to suspend 95 percent of production from the North Slope area.

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The oil price moved closer to \$100 a barrel, with Brent crude passing \$98 in morning trading, on the expectation of higher demand this year and a leak in Alaska which closed down a major pipeline.

Brent was trading at \$97.77 at lunchtime, falling back from its high of \$98.46 earlier in the day, but up 17 cents on yesterday.

The oil price has not risen above \$98 since October 2008, when the financial crisis started to unfold.

The gap between the UK and US oil price remained at its widest for two years, with crude oil in New York trading around \$6 lower than in London, at \$91.74 a barrel.

Brent supplies are more constrained, and there has been speculation short-term investors such as hedge funds are buying in.

Oil demand is expected to reach a record 88.6m barrels a day during 2011, but OPEC, the cartel of oil-producing nations, has said it won't increase production, after agreeing to limit production two years ago when the recession hit prices.

The Trans Alaska Pipeline, which carries about 12pc of the US's crude oil output, closed down on Saturday after a leak, and has only resumed limited operations.

The pipeline operator was allowed to restart some flow yesterday to prevent the oil from freezing, however the pipeline will be closed again this week to install a bypass over the leaking section.

Cold weather in the north-eastern US has also spurred demand.

"Prices are now based less on fundamentals and more on sentiment and momentum within specific boundaries," analysts at UBS said. "Traditional indicators of price, such as OPEC spare capacity or OECD inventory has having limited use going into 2011."

Financial Times

Oil nears \$100 a barrel on supply disruptions

By Jack Farchy

Published: January 12 2011 12:01 | Last updated: January 12 2011 12:01

Global oil prices approached \$100 a barrel on Wednesday, buoyed by optimism on the global economic recovery and supply disruptions in the North Sea and Alaska.

The price of ICE February Brent, the global benchmark, rose to \$98.46 a barrel on Wednesday morning, the highest in two years.

The rise in oil prices came amid a broad rally in commodities, as the dollar slipped and risk appetite returned to the market after strong eurozone industrial production numbers and encouraging results from the latest Portuguese bond auction.

Brent crude prices were boosted by a brief production outage at two Norwegian North Sea oilfields on Tuesday night, in addition to the continuing disruption at the Prudhoe Bay field in Alaska, North America's largest.

Analysts have stepped up calls for oil to trade above \$100 for the first time since 2008 – when prices

shot to a record \$147 a barrel – on the back of strong industrial demand, a cold snap in Europe and the US, and a jump in coal prices.

While Brent is flirting with the \$100 mark, West Texas Intermediate, the US benchmark, is some way from the landmark. On Wednesday, Nymex February WTI was trading at \$90.94 a barrel – a \$6.46 discount to Brent.

The widening gap between the two benchmarks is due to a build-up of inventories at Cushing, Oklahoma, the delivery point for the WTI contract. As Cushing has few outlets to evacuate surplus oil, a glut tends to depress the price of WTI relative to other US and international crude oil benchmarks.

Hussein Allidina, head of commodities research at Morgan Stanley in New York, described WTI as “the misleading benchmark”, saying: “We prefer to express our bullish view on crude through Brent”.

In other commodity markets on Wednesday, industrial and energy commodities were higher on the back of the higher risk appetite in financial markets.

Copper for delivery in three months gained 0.8 per cent to \$9,595 a tonne on the London Metal Exchange, approaching the all-time peak set last week, while palladium – used in catalytic converters in cars – hit a fresh nine-year high of \$804.10 a troy ounce, up 2.3 per cent on the day.

Agricultural commodity markets were fixated on the US Department of Agriculture report due to be released later in the day. By mid-morning in London, CBOT March wheat was 1.45 per cent stronger at \$7.705 a bushel, CBOT March corn gained 0.6 per cent to \$6.1075 a bushel, and CBOT January soybeans were 0.8 per cent higher at \$13.615 a bushel.

Analysts and traders have warned that the global food balance sheet remains finely balanced, with any surprises likely to send prices shooting higher. The UN Food and Agriculture Organisation’s index of global food prices rose to an all-time peak in December.

The Guardian

Alaskan leak drives oil to 27-month high.

Graeme Wearden

Wednesday 12 January 2011 10.48 GMT

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. An oil leak on the Trans-Alaska pipeline has pushed up crude prices. The oil price rose to a 27-month high this morning as the ongoing disruption following last weekend's oil leak in Alaska drove fears of supply shortages.

The cost of a barrel of Brent crude – oil sourced from the North Sea – hit \$98 this morning, its highest level since October 2008 before the global economic downturn took hold. US crude oil also rose to \$91.65 a barrel, close to its own 27-month high.

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that

transports oil from Northern Alaska, following a leak in a pumping station. This has forced a 95% cut in production at Prudhoe Bay, the source of around 15% of US oil output.

BP is the largest shareholder in Alyeska Pipeline Service, which operates the Trans-Alaska Pipeline System. The pipeline is expected to be turned on again later today, but only temporarily, in an attempt to prevent the system freezing up. Under usual conditions, oil is heated to almost 100F before being pumped down the pipe. This prevents the saltwater mixed in with the oil from freezing during its journey underground or above the permafrost.

Alyeska said last night that it will probably take another five days to install new piping to bypass the site of the leak. They also need to remove two "cleaning pigs" – devices that are sent through the pipeline to dislodge debris from the system. If the pigs cannot be rounded up, they could push ice into pumping facilities and cause further harm.

With prices at the pumps above the levels seen in 2008, the haulage industry has launched a new campaign to try to force the government to cut fuel duty. Britishtruckers.com argues that the domestic freight industry is facing a crisis situation, with prices at "unsustainable levels".

The Times of India

Alyeska receives govt permission to restart Trans-Alaska Pipeline
Jan 12, 2011, 10.14am IST

(REUTERS) ANCHORAGE: Alyeska has received government permission to restart the Trans-Alaska Pipeline, which carries 12 per cent of US crude, a company spokeswoman said on Tuesday.

"We got the approval we need to restart the pipeline for interim operations," Katie Pesznecker said.

The company will begin to bring up the pipeline through the night, she added, but gave no estimate of volumes.

The pipeline had been shut down early on Saturday due to a leak.

Brendan Gilfillan
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202-564-2081
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**Brendan
Gilfillan/DC/USEPA/US**
01/12/2011 01:46 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman,
Dana Tulis, Daniel Kanninen, David McIntosh, Diane
Thompson, Dru Ealons, Janet Woodka, Mathy Stanislaus,
Seth Oster, Richard Windsor, Sarah Pallone, Stephanie
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bcc:
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the oil and solidify. That would cause the crude to stop flowing, said Kuprewicz, the pipeline consultant.

That threshold varies widely depending on the makeup of the crude. For Alaska North Slope crude it's -0.4 degrees Fahrenheit, according to J.P. Morgan oil analyst Lawrence Eagles.

While it is unusual for oil's temperature to fall below the pour point, it isn't unheard of. In 1996, a 160,000-barrel-per-day pipeline operated by Seaway Pipeline Co., between Texas City, Texas, and Cushing, Okla., was idled for several weeks after oil with a high pour point clogged the line.

Bloomberg

Alaska Pipeline Bypass May Take at Least Five Days to Complete

January 12, 2011, 12:02 AM EST

By Christian Schmollinger and Aaron Clark

Jan. 12 (Bloomberg) -- Alyeska Pipeline Service Co. will need at least five days to build and install a bypass on the Trans-Alaska Pipeline System as it seeks to restart the link carrying 15 percent of U.S. crude output after a Jan. 8 leak.

Construction of the piping will take about four days while installation will add 36 hours, according to a statement by the operator and state and federal regulators yesterday. Alyeska has temporarily resumed the system to prevent the buildup of ice and debris that may have accumulated after the flow of oil stopped.

Approval for the restart was granted today by the Unified Command, composed of Alyeska, the U.S. Environmental Protection Agency and the Alaska Department of Environmental Conservation. It will take several hours before the link is operational following the interim resumption, according to the statement.

“The temporary operation is prudent and necessary to reduce the greater risks associated with a continuing cold- weather shutdown,” the statement said. “The TAPS line must be shut down again for installation of the bypass.”

The 800-mile (1,287-kilometer) pipeline, closed following the leak at Pump Station 1, has exceeded its longest shutdown, said Michelle Egan, a spokeswoman for Alyeska, yesterday. The leak has forced BP Plc, ConocoPhillips and Exxon Mobil Corp. to suspend 95 percent of production from the North Slope area.

The temporary restart will help prevent tanks at the pump station from reaching capacity, which would completely halt production, according to yesterday's statement.

It will also allow Alyeska to move an internal pipe- cleaning device, known as a pig, farther down the pipeline to a point where oil can be routed around it.

Oil inventories in Alaska were at about 2.38 million barrels of crude as of yesterday, down from 2.57 million Jan. 9, according to the state's website. The pipeline system transported an average

642,261 barrels a day last month, according to Alyeska's website.

Production on the North Slope was 25,136 barrels yesterday, down from 634,599 on Jan. 7, the website said.

Reuters

Alaska oil pipeline pumping 400,000 bpd -operator
January 12, 2011 12:19pm EST

ANCHORAGE - The Trans Alaska Pipeline System was back to pumping 400,000 barrels per day of crude following a limited restart late Tuesday, operator Alyeska said on Wednesday.

The pipeline, which was shut on Saturday after the discovery of a leak, usually pumps 630,000 to 650,000 bpd.

Alyeska is still awaiting regulatory approval for a full restart of the line, the operator said.

Brendan Gilfillan Clips ----- 01/12/2011 11:15:47 AM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Janet Woodka/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA
Cc: Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA
Date: 01/12/2011 11:15 AM
Subject: Wed AM - AK Pipeline clips

Clips

Bloomberg
Trans-Alaska Oil Pipeline Restarts; Will Operate at Reduced Rates for Days
By Aaron Clark
Jan 12, 2011

Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

The Telegraph
Oil price closes in on \$100 a barrel on higher demand and Alaska leak
By Amy Wilson 1:02PM GMT 12 Jan 2011

The oil price moved closer to \$100 a barrel, with Brent crude passing \$98 in morning trading, on the expectation of higher demand this year and a leak in Alaska which closed down a major pipeline. Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at

reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

Financial Times

Oil nears \$100 a barrel on supply disruptions

By Jack Farchy

Published: January 12 2011 12:01 | Last updated: January 12 2011 12:01

Global oil prices approached \$100 a barrel on Wednesday, buoyed by optimism on the global economic recovery and supply disruptions in the North Sea and Alaska.

The Guardian

Alaskan leak drives oil to 27-month high.

Graeme Wearden

Wednesday 12 January 2011 10.48 GMT

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. An oil leak on the Trans-Alaska pipeline has pushed up crude prices. The oil price rose to a 27-month high this morning as the ongoing disruption following last weekend's oil leak in Alaska drove fears of supply shortages.

The Times of India

Alyeska receives govt permission to restart Trans-Alaska Pipeline

Jan 12, 2011, 10.14am IST

(REUTERS) ANCHORAGE: Alyeska has received government permission to restart the Trans-Alaska Pipeline, which carries 12 per cent of US crude, a company spokeswoman said on Tuesday.

[[FULL TEXT BELOW]]

Bloomberg

Trans-Alaska Oil Pipeline Restarts; Will Operate at Reduced Rates for Days

By Aaron Clark

Jan 12, 2011

Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

The start-up sequence of opening valves and bringing pumps online began at 7 p.m. local time yesterday, according to the statement. The line will be shut down in several days to install a bypass around a leak near Pump Station 1.

This interim restart is an important and necessary step to restoring operations, while managing the risks of severe damage to the TAPS system that an extended winter shutdown posed," Alyeska President Thomas Barrett said in the statement.

The 800-mile (1,287-kilometer) pipeline, closed following the leak at the pump station on Jan. 8. The shutdown has forced BP Plc, ConocoPhillips and Exxon Mobil Corp. to suspend 95 percent of production from the North Slope area.

The Telegraph

Oil price closes in on \$100 a barrel on higher demand and Alaska leak

By Amy Wilson 1:02PM GMT 12 Jan 2011

The oil price moved closer to \$100 a barrel, with Brent crude passing \$98 in morning trading, on the expectation of higher demand this year and a leak in Alaska which closed down a major pipeline.

Brent was trading at \$97.77 at lunchtime, falling back from its high of \$98.46 earlier in the day, but up 17 cents on yesterday.

The oil price has not risen above \$98 since October 2008, when the financial crisis started to unfold.

The gap between the UK and US oil price remained at its widest for two years, with crude oil in New York trading around \$6 lower than in London, at \$91.74 a barrel.

Brent supplies are more constrained, and there has been speculation short-term investors such as hedge funds are buying in.

Oil demand is expected to reach a record 88.6m barrels a day during 2011, but OPEC, the cartel of oil-producing nations, has said it won't increase production, after agreeing to limit production two years ago when the recession hit prices.

The Trans Alaska Pipeline, which carries about 12pc of the US's crude oil output, closed down on Saturday after a leak, and has only resumed limited operations.

The pipeline operator was allowed to restart some flow yesterday to prevent the oil from freezing, however the pipeline will be closed again this week to install a bypass over the leaking section.

Cold weather in the north-eastern US has also spurred demand.

"Prices are now based less on fundamentals and more on sentiment and momentum within specific boundaries," analysts at UBS said. "Traditional indicators of price, such as OPEC spare capacity or OECD inventory has having limited use going into 2011."

Financial Times

Oil nears \$100 a barrel on supply disruptions

By Jack Farchy

Published: January 12 2011 12:01 | Last updated: January 12 2011 12:01

Global oil prices approached \$100 a barrel on Wednesday, buoyed by optimism on the global economic recovery and supply disruptions in the North Sea and Alaska.

The price of ICE February Brent, the global benchmark, rose to \$98.46 a barrel on Wednesday morning, the highest in two years.

The rise in oil prices came amid a broad rally in commodities, as the dollar slipped and risk appetite returned to the market after strong eurozone industrial production numbers and encouraging results from the latest Portuguese bond auction.

Brent crude prices were boosted by a brief production outage at two Norwegian North Sea oilfields on Tuesday night, in addition to the continuing disruption at the Prudhoe Bay field in Alaska, North America's largest.

Analysts have stepped up calls for oil to trade above \$100 for the first time since 2008 – when prices shot to a record \$147 a barrel – on the back of strong industrial demand, a cold snap in Europe and the US, and a jump in coal prices.

While Brent is flirting with the \$100 mark, West Texas Intermediate, the US benchmark, is some way from the landmark. On Wednesday, Nymex February WTI was trading at \$90.94 a barrel – a \$6.46 discount to Brent.

The widening gap between the two benchmarks is due to a build-up of inventories at Cushing, Oklahoma, the delivery point for the WTI contract. As Cushing has few outlets to evacuate surplus oil, a glut tends to depress the price of WTI relative to other US and international crude oil benchmarks.

Hussein Allidina, head of commodities research at Morgan Stanley in New York, described WTI as “the misleading benchmark”, saying: “We prefer to express our bullish view on crude through Brent”.

In other commodity markets on Wednesday, industrial and energy commodities were higher on the back of the higher risk appetite in financial markets.

Copper for delivery in three months gained 0.8 per cent to \$9,595 a tonne on the London Metal Exchange, approaching the all-time peak set last week, while palladium – used in catalytic converters in cars – hit a fresh nine-year high of \$804.10 a troy ounce, up 2.3 per cent on the day.

Agricultural commodity markets were fixated on the US Department of Agriculture report due to be released later in the day. By mid-morning in London, CBOT March wheat was 1.45 per cent stronger at \$7.705 a bushel, CBOT March corn gained 0.6 per cent to \$6.1075 a bushel, and CBOT January soybeans were 0.8 per cent higher at \$13.615 a bushel.

Analysts and traders have warned that the global food balance sheet remains finely balanced, with any surprises likely to send prices shooting higher. The UN Food and Agriculture Organisation's index of global food prices rose to an all-time peak in December.

The Guardian

Alaskan leak drives oil to 27-month high.

Graeme Wearden

Wednesday 12 January 2011 10.48 GMT

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. An oil leak on the Trans-Alaska pipeline has pushed up crude prices. The oil price rose to a 27-month high this morning as the ongoing disruption following last weekend's oil leak in Alaska drove fears of supply shortages.

The cost of a barrel of Brent crude – oil sourced from the North Sea – hit \$98 this morning, its highest level since October 2008 before the global economic downturn took hold. US crude oil also rose to \$91.65 a barrel, close to its own 27-month high.

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. This has forced a 95% cut in production at Prudhoe Bay, the source of around 15% of US oil output.

BP is the largest shareholder in Alyeska Pipeline Service, which operates the Trans-Alaska Pipeline System. The pipeline is expected to be turned on again later today, but only temporarily, in an attempt to prevent the system freezing up. Under usual conditions, oil is heated to almost 100F before being pumped down the pipe. This prevents the saltwater mixed in with the oil from freezing during its journey underground or above the permafrost.

Alyeska said last night that it will probably take another five days to install new piping to bypass the site of the leak. They also need to remove two "cleaning pigs" – devices that are sent through the pipeline to dislodge debris from the system. If the pigs cannot be rounded up, they could push ice into pumping facilities and cause further harm.

With prices at the pumps above the levels seen in 2008, the haulage industry has launched a new campaign to try to force the government to cut fuel duty. Britishtruckers.com argues that the domestic freight industry is facing a crisis situation, with prices at "unsustainable levels".

The Times of India

Alyeska receives govt permission to restart Trans-Alaska Pipeline
Jan 12, 2011, 10.14am IST

(REUTERS) ANCHORAGE: Alyeska has received government permission to restart the Trans-Alaska Pipeline, which carries 12 per cent of US crude, a company spokeswoman said on Tuesday.

"We got the approval we need to restart the pipeline for interim operations," Katie Pesznecker said.

The company will begin to bring up the pipeline through the night, she added, but gave no estimate of volumes.

The pipeline had been shut down early on Saturday due to a leak.

Brendan Gilfillan
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**Brendan
Gilfillan/DC/USEPA/US**
11/03/2010 03:17 PM

To: Brendan Gilfillan
cc: Adora Andy, Arvin Ganesan, Bob Perciasepe, Bob Sussman, Daniel Kanninen, David McIntosh, Diane Thompson, Don Zinger, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Lisa Heinzerling, Seth Oster, Richard Windsor, Stephanie Owens, Michael Moats
bcc:
Subject: Re: The Hill: Obama warns not to 'ignore' climate science, says EPA wants Congress to help

Here's the exact Q and A from the President's press conference:

Q Thank you, Mr. President. You said earlier that it was clear that Congress was rejecting the idea of a cap-and-trade program, and that you wouldn't be able to move forward with that. Looking ahead, do you feel the same way about EPA regulating carbon emissions? Would you be open to them doing essentially the same thing through an administrative action, or is that off the table, as well?

And secondly, just to follow up on what you said about changing the way Washington works, do you think that -- you said you didn't do enough to change the way things were handled in this city. Some of -- in order to get your health care bill passed you needed to make some of those deals. Do you wish, in retrospect, you had not made those deals even if it meant the collapse of the program?

THE PRESIDENT: I think that making sure that families had security and were on a trajectory to lower health care costs was absolutely critical for this country. But you are absolutely right that when you are navigating through a House and a Senate in this kind of pretty partisan environment that it's a ugly mess when it comes to process. And I think that is something that really affected how people viewed the outcome. That is something that I regret -- that we couldn't have made the process more -- healthier than it ended up being. But I think the outcome was a good one.

With respect to the EPA, I think the smartest thing for us to do is to see if we can get Democrats and Republicans in a room who are serious about energy independence and are serious about keeping our air clean and our water clean and dealing with the issue of greenhouse gases -- and seeing are there ways that we can make progress in the short term and invest in technologies in the long term that start giving us the tools to reduce greenhouse gases and solve this problem.

The EPA is under a court order that says greenhouse gases are a pollutant that fall under their jurisdiction. And I think one of the things that's very important for me is not to have us ignore the science, but rather to find ways that we can solve these problems that don't hurt the economy, that encourage the development of clean energy in this country, that, in fact, may give us opportunities to create entire new industries and create jobs that -- and that put us in a competitive posture around the world.

So I think it's too early to say whether or not we can make some progress on that front. I think we can. Cap and trade was just one way of skinning the cat; it was not the only way. It was a means, not an end. And I'm going to be looking for other means to address this problem.

And I think EPA wants help from the legislature on this. I don't think that the desire is to somehow be protective of their powers here. I think what they want to do is make sure that the issue is being dealt with.

Brendan Gilfillan [The Hill: Obama warns not to 'ignore'...](#) 11/03/2010 03:11:09 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Adora Andy/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Don Zinger/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA
Date: 11/03/2010 03:11 PM
Subject: The Hill: Obama warns not to 'ignore' climate science, says EPA wants Congress to help

The Hill: Obama warns not to 'ignore' climate science, says EPA wants Congress to help

By Ben Geman - 11/03/10 02:22 PM ET

President Obama said Wednesday that policymakers must not "ignore" global warming science, but he declined to provide a full-throated endorsement of upcoming Environmental Protection Agency greenhouse-gas rules.

Obama, speaking at a White House press conference the day after huge GOP electoral gains, called for bipartisan cooperation on energy policy while suggesting he's open to several ideas on climate now that cap-and-trade legislation is dead.

"With respect to the EPA, the smartest thing for us to do is to see if we can get Democrats and Republicans in a room who are serious about energy independence, and are serious about keeping our air clean and our water clean and dealing with the issue of greenhouse gases, and seeing are there ways that we can make progress in the short-term and invest in technologies in the long-term that start giving us the tools to reduce greenhouse gases and solve this problem," Obama said when asked about EPA regulation of heat-trapping gases.

But Obama also clearly affirmed EPA's right to act, citing the landmark 2007 Supreme Court ruling that paved the way for the agency to regulate greenhouse gases under the Clean Air Act. Cap-and-trade legislation that would have largely supplanted the upcoming EPA rules collapsed in Congress this year.

"The EPA is under a court order that says greenhouse gases are a pollutant that falls under their jurisdiction. One of the things that is very important for me is not to have us ignore the science, but rather to find ways that we can solve these problems that don't hurt the economy, that encourage the development of clean energy in this country, that in fact may give us opportunities to create entire new industries and create jobs and that put us in a competitive posture around the world," Obama said.

"I think it is too early to say whether or not we can make some progress on that front. I think we can. Cap-and-trade was just one way of skinning the cat, it was not the only way, it was a means, not an end,

and I am going to be looking for other means to address this problem. And I think EPA wants help from the legislature on this. I don't think the desire is to somehow be protective of their powers here. I think what they want to do is make sure the issue is being dealt with," he said.

The comments come as many Republicans and some centrist Democrats are pushing to limit EPA's power to regulate emissions from power plants, refineries and other sources. EPA rules are slated to begin taking effect next year.

Obama acknowledged the sweeping cap-and-trade and energy bill that passed the House last year will stay on ice.

"I think there are a lot of Republicans that ran against the energy bill that passed in the House last year. And so it's doubtful that you could get the votes to pass that through the House this year or next year or the year after," he said.

But Obama said he sees opportunities for working across the aisle on boosting natural gas development, domestic production of electric cars, nuclear power – which he noted does not emit greenhouse gases – and energy efficiency.

"I don't think there's anybody in America who thinks that we've got an energy policy that works the way it needs to, that thinks that we shouldn't be working on energy independence," Obama said.

"And that gives opportunities for Democrats and Republicans to come together and think about – you know, whether it's natural gas or energy efficiency or how we can build electric cars in this country – how do we move forward on that agenda," he added.

**Brendan
Gilfillan/DC/USEPA/US**
10/05/2011 02:25 PM

To: Brendan Gilfillan
cc: Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, Bob Sussman, Diane Thompson, Dru Ealons, Gina McCarthy, Joseph Goffman, Laura Vaught, Richard Windsor, Seth Oster, Stephanie Owens
bcc:
Subject: Reuters: Obama administration says not buckling to pressure

Slight factual problem with this (says we're "reducing" the pool of allowances), which we're working on:

- * Obama administration says not buckling to pressure
- * "I don't see this as a retreat at all"- environmentalist
- * EPA "not making any big changes" -Texas utility official

WASHINGTON, Oct 5 (Reuters) - U.S. environmental regulators will not be buckling to political pressure in making the minor changes expected to an air pollution rule, an Obama administration official said on Wednesday in response to a newspaper report.

The rule would require power plants in 27 states to cut emissions of smog-forming pollution.

"Folks may try to make this into something it isn't, but these kinds of changes are made all the time," an Obama administration official said in an email. "It's how the Clean Air Act works."

The Environmental Protection Agency is considering tweaking its Cross-State Air Pollution Rule which is intended to slash emissions of the chemicals from power plants. The official said the agency is talking about reducing 1 to 4 percent of the overall pool of emissions allowances in the rule, which would not reduce its health benefits.

A report in the Wall Street Journal on Tuesday said the EPA was expected to weaken the rule because of pressure from some states, industry and Congress.

The EPA does face heavy political opposition on a raft of air pollution rules from Republicans and some Democrats in states that are highly energy-dependent.

The Republican-controlled House of Representatives last month passed a wide-ranging bill that would block a raft of EPA clean air rules including the Cross-State rule and on mercury emissions.

[ID:nS1E78M1HT]

And last month the EPA did buckle to pressure when the White House directed it to drop new rules to limit smog pollution. [ID:nN1E7811GQ] The EPA also delayed plans to issue rules on greenhouse gas emissions for a second time last month.

Those changes were blasted by environmentalists.

But the EPA said a slight tweaking of the Cross State rule would be a normal technical change based on new information and environmentalists agreed.

"I don't see this as a retreat at all," said Frank O'Donnell the president of Clean Air Watch, who said the change was likely based on updated information on emissions from local governments. "Typically this wouldn't raise an eyebrow because it happens all the time."

Donna Nelson, the chairman of the Texas Public Utility Commission, said she had no indication from EPA that any changes were in the works for Texas which has sued the agency over the state's last-minute inclusion under the Cross State final rule issued in July.

"I would be thrilled if they were to change their position or to give Texas the due process they were required to do under law," Donna Nelson told Reuters on Wednesday after speaking at an industry conference in Austin.

"It looks like they are tinkering around the edges, not making big changes."

Brendan Gilfillan

Changes coming to EPA's cross-state...

10/05/2011 11:41:29 AM

From: Brendan Gilfillan/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, Bob Sussman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA
Date: 10/05/2011 11:41 AM
Subject: Politico: Changes coming to EPA's cross-state rule

Changes coming to EPA's cross-state rule

The EPA may increase emission allowances under the Cross-State Air Pollution Rule.

By [DARREN GOODE](#) | 10/5/11 9:12 AM EDT

The EPA is expected soon to announce revisions that would offer more flexibility in meeting a major air pollution rule aimed at blocking power plants' ozone and particle pollution from drifting into downwind states.

The update to the Cross-State Air Pollution Rule would include granting small increases in companies' emission allowances. But the changes may be relatively minor and will probably do little to stem opposition on Capitol Hill and in the courts from a growing list of states, industry groups and congressional Republicans.

“While we don't have anything to announce at this time, EPA often makes technical adjustments based on updated information as we flexibly work to implement Clean Air Act rules,” EPA spokesman Brendan Gilfillan said late Tuesday. “We make these adjustments because data, including data in some cases provided by industry, turns out to be incorrect, outdated or incomplete.”

An Obama administration official emphasized that the upcoming revision “is a routine technical thing,” which may hearten supporters and disappoint critics of the rule following President Barack Obama's controversial move to retreat on separate new ozone controls. “Folks may try to make this into something it isn't, but these kinds of changes are made all the time,” the official said. “It's how the Clean Air Act works.”

The revision will include “changes of 1 to 4 percent to the overall pool of allowances,” the official added.

Unlike with the ozone standard, some environmentalists may not have big objections to the changes in the cross-state rule.

“So long as any proposed changes follow the law and facts, revising the clean air standards could be acceptable,” John Walke of the Natural Resources Defense Council told The Wall Street Journal in an [article](#) published Wednesday. “But cleaning up dirty power plants remains the most

cost-effective way to reduce the terrible toll of smog and soot pollution.”

EPA Deputy Administrator Bob Perciasepe — in a Sept. 11 letter to David Campbell, CEO of Texas’s largest power company, Luminant — said the EPA “has offered to make technical adjustments, based on technical information you have recently provided, that will give Texas and Luminant thousands of additional tons of pollution allowances to reduce required emission reductions.”

There are also “alternative compliance approaches that rely on existing pollution control technology already installed at your facilities and on the powerful market-based mechanisms” in the cross-state pollution rule “that would not require you to idle any facility or shut down these mines,” he wrote.

But Luminant spokesman Allan Koenig said EPA and the company are “so far apart on the allowances” that the increase in emission allowances would have to be “quite significantly higher for us not to make major changes to the operation in order to comply.” This would be in the order of tens of thousands versus thousands of tons more in emission allowances, he said.

Luminant has joined others in legally challenging the EPA over the rule — which was finalized July 7 — arguing it would force about 500 company employees out of work, shutter two generating units and halt the mining of lignite coal at three locations in Texas. The company is asking the U.S. Court of Appeals for the District of Columbia Circuit to reject the rule as it applies to Texas and to immediately halt it to prevent job losses.

Campbell also met with EPA chief Lisa Jackson last month to discuss the rule.

The rule is aimed at helping downwind states achieve federal air quality standards by forcing power plants in 27 states to slash power plant emissions of sulfur dioxide by 73 percent and nitrogen oxides by 54 percent from 2005 levels starting in January. It's a successor to EPA's 2005 Clean Air Interstate Rule, which a federal appeals court rejected in 2008.

The EPA and its backers have touted the new rule as a major public health accomplishment.

“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,” Jackson said in announcing the rule. “By maximizing flexibility and leveraging existing technology, the Cross-State Air Pollution Rule will help ensure that American families aren’t suffering the consequences of pollution generated far from home, while allowing states to decide how best to decrease dangerous air pollution in the most cost-effective way.”

EPA estimates the final rule will result in between \$120 billion and \$280 billion annually in health and environmental benefits starting in 2014 and will result in 13,000 to 34,000 fewer premature deaths per year.

The annual cost to industry will be \$800 million starting in 2014, the EPA estimates, in addition to about \$1.6 billion per year in annual investments that companies began making under the

Bush-era CAIR.

Congressional Republicans have been attempting to upend the rule legislatively. Sen. Rand Paul (R-Ky.) is readying a strategy using the Congressional Review Act in a bid to nullify the standard, and the House voted last month to delay implementation of the rule until a cumulative assessment of the economic impact of EPA rules has been completed as part of the broader TRAIN Act.

Seven states so far — Alabama, Florida, Nebraska, Oklahoma, South Carolina, Texas and Virginia — have filed suit in the appeals court against the EPA over the rule.

“Once again the EPA has imposed costly regulations on Florida based on a flawed process and without first working cooperatively with our state,” Florida Attorney General Pam Bondi said in announcing the legal action by the states last month.

The power company coalition Utility Air Regulatory Group petitioned for review of the rule in federal court Monday, and the National Association of Manufacturers also filed notice this week to the appeals court about its plans to sue. In a separate petition, the manufacturers association asked Jackson to reconsider the rule, saying the agency didn’t consider the effects on grid reliability.

In a research note to clients Tuesday afternoon, senior policy analysts at the investment firm Robert W. Baird & Co. said they expect one or more states, three or more companies and possibly as many as three labor unions to seek review by the time the petition period closes Friday. They also expect additional petitions to stay the rule — which is a step further than petitioning for the rule to be reviewed.

The analysts — who were speculating on the potential changes in the upcoming revisions to the rule — also wrote that "potentially substantial changes even closer to the implementation deadline seems to validate, not neutralize, the criticism that states and regulated entities have insufficient time to comply.”

**Brendan
Gilfillan/DC/USEPA/US**
10/21/2011 06:15 PM

To: Brendan Gilfillan
cc: Arvin Ganesan, Betsaida Alcantara, Bob Perciasepe, Daniel Kanninen, Diane Thompson, Gina McCarthy, Joseph Goffman, Laura Vaught, Michael Moats, Richard Windsor, Scott Fulton, Seth Oster, Stephanie Owens
bcc:
Subject: Reuters: EPA delays pollution rule for coal plants to December

EPA delays pollution rule for coal plants to December

5:26pm EDT

By [Roberta Rampton](#)

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency said on Friday it will postpone its final rule aimed at slashing air pollution from coal plants for a month, but made it clear it plans to move forward on the regulations.

The EPA said it needs the extra time to review 960,000 comments it received on its draft rule, but plans to finalize it by Dec 16.

A group of 25 states has launched a court case over the rule, seeking a delay of at least a year for what they argue is an expensive measure that will shut down old coal-fired power plants.

Analysts have said American Electric Power and Duke Energy could see shutdowns because of the rule, which would require many plants to install scrubbers and other anti-pollution technology.

But the EPA, which has also been sued by environmental groups to finalize the rule, said the regulation is needed to prevent illnesses and deaths caused by air pollution.

"In a court filing today, EPA made clear its opposition to efforts to delay this historic, court ordered standard by a full year," the agency said in a statement.

EPA UNDER FIRE

Lisa Jackson, head of the EPA, has been a proponent of cracking down on pollution, but her plans have faced setbacks.

In September, the White House rolled back rules to restrict smog-forming chemicals from power plants, after businesses and some lawmakers complained complying with the rules would cost billions of dollars in a weak economy.

The ozone rule will be reconsidered in 2013.

In contrast, the one-month delay announced on Friday is "negligible," said Frank O'Donnell, president of Clean Air Watch, an environmental group.

"I do not believe it is comparable to the ozone delays," O'Donnell said.

The Environmental Defense Fund agreed to the 30-day extension of the deadline to ensure the agency "can finalize the most protective and durable limits on the toxic air pollution from coal plants," its General Counsel Vickie Patton said in a statement.

SENATE EYES COAL ASH RULE

The Republican-led House of Representatives is working to dismantle or delay several EPA rules, but is unlikely many of the initiatives would gain significant support in the Democratic-led Senate.

However, on Thursday, a bipartisan group of senators introduced a companion bill to legislation already passed by the House, seeking to overturn EPA regulations on coal ash.

Coal ash is a byproduct from coal plants used to make cement bricks and other building materials. The EPA says the ash can pollute water supplies with heavy metals and other contaminants if not properly contained.

Kent Conrad, a North Dakota Democrat, and John Hoeven, a Republican from the same state, said they want states to set up their own permit system for safe storage of coal ash.

"It ensures that Congress and the states hold the reins of environmental policy," the senators said in a statement. Two other Senate Democrats and three Republicans have signed on.

House Republicans on the Energy and Commerce Committee said they hoped the Senate initiative would mean their coal ash bill can become law.

But the White House has been critical of the House coal ash bill, noting 49 storage sites for byproduct in 12 states have a "high hazard potential" for environmental contamination, should the structures fail.

The EPA's 2010 proposal for coal ash containment and disposal rules was prompted by a massive coal ash spill in Tennessee in 2008 which the White House said could cost \$1.2 billion to clean up.

Brendan Gilfillan [EPA delays utility MACT until mid-Dec...](#) 10/21/2011 04:32:28 PM

From: Brendan Gilfillan/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, Betsaida Alcantara/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA, Joseph

Goffman/DC/USEPA/US@EPA, Daniel Kanninen/DC/USEPA/US@EPA, Michael
Moats/DC/USEPA/US@EPA

Date: 10/21/2011 04:32 PM

Subject: Politico: EPA delays utility MACT until mid-December

EPA delays utility MACT until mid-December

By Erica Martinson

10/21/11 4:24 PM EDT

EPA is postponing until Dec. 16 its planned mercury and toxics air standards for coal and oil-fired electric steam generating units, but is opposing efforts by utilities to delay the rule for one year.

The agency filed a [brief](#) with the U.S. District Court for the District of Columbia today, where, with agreement from environmental litigants, it delays its final issuance date one month in order to respond to comments.

“EPA has taken unprecedented steps to solicit public feedback on these vital standards. As a result, the Agency has received 960,000 comments, which EPA continues to review as we work to inform and finalize the rule,” the EPA said Friday in emailed comments to POLITICO.

And in another [brief](#) filed with the same court today, the EPA opposes utilities’ petition to delay the utility MACT rule by one year, saying “EPA is on track to meet the revised December 16, 2011, deadline ... and EPA is best positioned to determine and advise this Court whether it can meet that deadline.”

**Brendan
Gilfillan/DC/USEPA/US**
02/23/2011 02:39 PM

To: Brendan Gilfillan
cc: Arvin Ganesan, Bob Perciasepe, Dru Ealons, Gina McCarthy,
Janet McCabe, Joseph Goffman, Mathy Stanislaus, Seth
Oster, Richard Windsor
bcc:
Subject: Bloomberg: EPA Overhauls Boiler Rules After Complaints
About Cost

EPA Overhauls Boiler Rules After Complaints About Cost
Bloomberg
Kim Chipman
Feb 23, 2011

The Obama administration issued pollution rules for industrial boilers that it said are 50 percent less expensive than regulations proposed last year that drew industry opposition.

The Environmental Protection Agency's rules for boilers and incinerators will provide health benefits while reducing costs from last year's proposal, the EPA said today in a statement.

The EPA lost a bid last month to postpone the rules by 15 months when a federal judge ordered action within 30 days. Companies and business groups such as the Council of Industrial Boiler Owners in Burke, Virginia, said the previous version may cost \$20 billion and kill 300,000 jobs. EPA Administrator Lisa Jackson has said the agency will reconsider the rules issued today and make any necessary changes.

The American Petroleum Institute, the biggest U.S. lobbying group for the oil and gas industry and a critic of the 2010 proposed boiler rules, said it welcomes EPA's effort to change the regulations.

"API is committed to work with the agency during its reconsideration period to ensure that the final rule protects the environment while allowing businesses to create jobs and get Americans back to work," Howard Feldman, director of science and regulatory policy at Washington-based API, said in a statement today before release of the rules.

U.S. Agriculture Secretary Tom Vilsack praised the EPA for revising the rule to ease requirements for biomass alternative- fuel producers.

The EPA is "retaining important energy choices such as biomass that provide heat and power to rural hospitals and schools," Vilsack said in a statement.

To contact the reporter on this story: Kim Chipman in Washington at kchipman@bloomberg.net

Brendan Gilfillan [WASHINGTON \(AP\) _ Faced with stiff...](#) 02/23/2011 10:19:54 AM

From: Brendan Gilfillan/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA
Date: 02/23/2011 10:19 AM
Subject: Re: AP boilers - second story

WASHINGTON (AP) _ Faced with stiff opposition in Congress and a court-ordered deadline, the Environmental Protection Agency on Wednesday will make it much cheaper for companies to reduce toxic air pollution from industrial boilers and incinerators.

¶ In a vastly overhauled regulation obtained by The Associated Press in advance of its release, the EPA says it has found ways to control pollution at more than 200,000 industrial boilers, heaters and incinerators nationwide at 50 percent less cost to the companies and institutions. That would save businesses \$1.8 billion and still avert thousands of heart attacks and asthma cases a year.

¶ These rules "put in place important public health safeguards...at costs substantially lower than we had estimated under our original proposal," said Gina McCarthy, EPA's top air pollution official, in a news release provided to the AP.

¶ The deep discount for polluting industries will likely send a message to Congress that public health benefits can be achieved more economically, and that the Obama administration is serious about an executive order to review regulations that are onerous for business. The EPA, in its release, says the rules are in line with the review called for by Obama earlier this year.

¶ Republicans and some Democrats have been extremely critical of EPA recently over the costs of a whole host of regulations, including the first-ever rules to control the gases blamed for global warming.

¶ In a letter sent to EPA administrator Lisa Jackson on Monday, six senators expressed concern specifically about the boiler rule, saying that municipalities, universities, and federal facilities could be vulnerable to "excessive and expensive regulatory burdens."

¶ Industrial boilers, which burn coal and other fuels to generate heat and electricity, are used by refineries, chemical plants, hospitals and even churches. They are also the second largest source of toxic mercury emissions in the United States after coal-fired power plants. Mercury is a metal that even at low levels can cause subtle but serious damage to the brain and senses.

¶ Under the new rule, the bulk of industrial boilers at small facilities would not have to meet certain pollution standards. Instead, they would have to do biannual tune ups to reduce emissions. The roughly 13,800 large industrial boilers at refineries, chemical plants and other factories would be subjected to emissions standards requiring them to install technologies to reduce pollution. Facilities already in operation also would not have to comply with the regulation for three years.

Brendan Gilfillan

WASHINGTON (AP) _ The Environm...

02/23/2011 09:12:14 AM

From: Brendan Gilfillan/DC/USEPA/US
To: Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA
Cc: Dru Ealons/DC/USEPA/US@EPA
Date: 02/23/2011 09:12 AM
Subject: AP boilers - first story

WASHINGTON (AP) _ The Environmental Protection Agency is making it much cheaper for companies to release toxic air pollution from industrial boilers and incinerators.

¶ In a vastly overhauled regulation obtained by The Associated Press in advance of its release Wednesday, the EPA says it has found ways to control pollution at more than 200,000 industrial boilers, heaters and incinerators nationwide at 50 percent less

cost. That would save businesses \$1.8 billion and avert thousands of heart attacks and asthma cases a year.

¶ Republicans and some Democrats in Congress have criticized the EPA over the boiler rule, saying it would be too expensive for industry.

¶ A senior EPA official told the AP that cost wasn't the driving factor, but the changes made were driven in part by an executive order to review burdensome regulations.

¶

**Brendan
Gilfillan/DC/USEPA/US**
11/10/2011 03:38 PM

To: Brendan Gilfillan
cc: Betsaida Alcantara, Bob Perciasepe, Cynthia Giles-AA,
Diane Thompson, Richard Windsor, Seth Oster
bcc:
Subject: Re: POTUS Statement on Keystone

Here's State's release - calls for a supplement to the final EIS that could be completed by 1q 2013.

Keystone XL Pipeline Project Review Process: Decision to Seek Additional Information

Executive Order 13337 authorizes the Department of State to lead the review of Presidential Permit applications for transborder pipelines, granting the Department discretion in determining what factors to examine to inform a determination of whether the proposed project is in the national interest. Since 2008, the Department has been conducting a transparent, thorough and rigorous review of TransCanada's application for the proposed Keystone XL Pipeline project. As a result of this process, particularly given the concentration of concerns regarding the environmental sensitivities of the current proposed route through the Sand Hills area of Nebraska, the Department has determined it needs to undertake an in-depth assessment of potential alternative routes in Nebraska.

As part of the National Interest Determination process, the State Department held a public comment period, including public meetings in the six potentially affected states and Washington, D.C., to increase the opportunity for public comments. During this time, the Department also received input from state, local, and tribal officials. We received comments on a wide range of issues including the proposed project's impact on jobs, pipeline safety, health concerns, the societal impact of the project, the oil extraction in Canada, and the proposed route through the Sand Hills area of Nebraska, which was one of the most common issues raised. The comments were consistent with the information in the final Environmental Impact Statement (EIS) about the unique combination of characteristics in the Sand Hills (which includes a high concentration of wetlands of special concern, a sensitive ecosystem, and extensive areas of very shallow groundwater) and provided additional context and information about those characteristics. The concern about the proposed route's impact on the Sand Hills of Nebraska has increased significantly over time, and has resulted in the Nebraska legislature convening a special session to consider the issue.

State law primarily governs routes for interstate petroleum pipelines; however, Nebraska currently has no such law or regulatory framework authorizing state or local authorities to determine where a pipeline goes. Taken together with the national concern about the pipeline's route, the Department has determined it is necessary to examine in-depth alternative routes that would avoid the Sand Hills in Nebraska in order to move forward with a National Interest Determination for the Presidential Permit.

Based on the Department's experience with pipeline project reviews and the time typically required for environmental reviews of similar scope by other agencies, it is reasonable to expect that this process including a public comment period on a supplement to the final EIS consistent with NEPA could be completed as early as the first quarter of 2013. After obtaining the additional information, the Department would determine, in consultation with the eight other agencies identified in the Executive Order, whether the proposed pipeline was in the national interest, considering all of the relevant issues together. Among the relevant issues that would be considered are environmental concerns (including climate change), energy security, economic impacts, and foreign policy.

Brendan Gilfillan We're still trying to pull the quotes fro... 11/10/2011 03:35:35 PM

From: Brendan Gilfillan/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, Betsaida Alcantara/DC/USEPA/US@EPA, Cynthia Giles-AA/DC/USEPA/US@EPA
Date: 11/10/2011 03:35 PM
Subject: POTUS Statement on Keystone

We're still trying to pull the quotes from Carney's briefing - here's what WH just released:

Statement by the President on the State Department's Keystone XL Pipeline Announcement

I support the State Department's announcement today regarding the need to seek additional information about the Keystone XL Pipeline proposal. Because this permit decision could affect the health and safety of the American people as well as the environment, and because a number of concerns have been raised through a public process, we should take the time to ensure that all questions are properly addressed and all the potential impacts are properly understood. The final decision should be guided by an open, transparent process that is informed by the best available science and the voices of the American people. At the same time, my administration will build on the unprecedented progress we've made towards strengthening our nation's energy security, from responsibly expanding domestic oil and gas production to nearly doubling the fuel efficiency of our cars and trucks, to continued progress in the development of a clean energy economy.

**Brendan
Gilfillan/DC/USEPA/US**
02/17/2012 04:23 PM

To: Brendan Gilfillan
cc: "Paul Anastas", "Bob Perciasepe", "Mathy Stanislaus", "Bob
Sussman", "Diane Thompson", Windsor.Richard
bcc:
Subject: Re: Dioxin release is out

EPA Updates Health Risk of Dioxins

By DINA CAPIELLO Associated Press

WASHINGTON February 18, 2012 (AP)

A long-awaited federal study on the health effects of dioxins says the persistent contaminants at current exposures don't pose significant health risks.

The analysis released Friday by the Environmental Protection Agency was more than two decades in the making. It sets the first benchmark for how much dioxin a person can be exposed to over lifetime without potentially experiencing health effects other than cancer. Those include damage to the immune and reproductive systems, skin rashes and liver damage.

The figure could lead to more stringent cleanup standards for hazardous waste sites and tighter limits on the amount of dioxin allowed in water and air.

Dioxin is released by coal-fired plants, burning waste and other industrial processes. People are exposed by eating fish and other animal fats, where it accumulates.

Brendan Gilfillan [Will send clips as they hit.](#) 02/17/2012 02:23:22 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Windsor.Richard@epamail.epa.gov, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Paul Anastas" <Anastas.Paul@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>
Date: 02/17/2012 02:23 PM
Subject: Dioxin release is out

Will send clips as they hit.

Brendan
Gilfillan/DC/USEPA/US
02/17/2012 05:16 PM

To: Brendan Gilfillan
cc: "Paul Anastas", "Bob Perciasepe", "Mathy Stanislaus", "Bob Sussman", "Diane Thompson", Windsor.Richard
bcc:
Subject: Re: Dioxin release is out

Updated AP story with ACC quote.

EPA updates health risk of dioxins

AP

WASHINGTON – A long-awaited federal study on the health effects of dioxins released Friday says the persistent contaminants at current exposures don't pose significant health risks.

The analysis by the [Environmental Protection Agency](#) was more than two decades in the making. It sets the first benchmark for how much dioxin a person can be exposed to over lifetime without potentially experiencing health effects other than cancer. Those include damage to the immune and reproductive systems, skin rashes and liver damage.

The EPA already has a benchmark for cancer risk posed by dioxin, which is a known human carcinogen. That risk level is being re-evaluated separately.

The updated figure released Friday could lead to more stringent cleanup standards for hazardous waste sites and tighter limits on the amount of dioxin allowed in water and air.

"By releasing this important part of the scientific assessment, we can begin to develop a cohesive plan to safeguard American families from dioxin exposure," said Rep. [Ed Markey](#), D-Mass., who wrote to the EPA last month pressing the agency to release the overdue assessment. It has been in the works since the mid-1980s. Environmental groups blame industry opposition for repeated delays.

The [American Chemistry Council](#), a chemical industry trade group, said in a statement Friday that the EPA's analysis was flawed and would provide no public health benefit, since the "EPA contends that current levels of dioxin do not pose a health concern."

Dioxin is released by coal-fired plants, burning waste and other industrial processes. People are exposed by eating fish and other animal fats, where it accumulates after falling to the ground.

Since 1987, the amount of dioxide being released into the air has declined by 90 percent, according to the EPA.

Brendan Gilfillan EPA Updates Health Risk of Dioxins B... 02/17/2012 04:23:03 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Brendan Gilfillan/DC/USEPA/US@EPA

Cc: "Paul Anastas" <Anastas.Paul@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, Windsor.Richard@epamail.epa.gov
Date: 02/17/2012 04:23 PM
Subject: Re: Dioxin release is out

EPA Updates Health Risk of Dioxins

By DINA CAPIELLO Associated Press

WASHINGTON February 18, 2012 (AP)

A long-awaited federal study on the health effects of dioxins says the persistent contaminants at current exposures don't pose significant health risks.

The analysis released Friday by the Environmental Protection Agency was more than two decades in the making. It sets the first benchmark for how much dioxin a person can be exposed to over lifetime without potentially experiencing health effects other than cancer. Those include damage to the immune and reproductive systems, skin rashes and liver damage.

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Dioxin is released by coal-fired plants, burning waste and other industrial processes. People are exposed by eating fish and other animal fats, where it accumulates.

Brendan Gilfillan [Will send clips as they hit.](#) 02/17/2012 02:23:22 PM

From: Brendan Gilfillan/DC/USEPA/US
To: Windsor.Richard@epamail.epa.gov, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, "Bob Sussman" <Sussman.Bob@epamail.epa.gov>, "Paul Anastas" <Anastas.Paul@epamail.epa.gov>, "Mathy Stanislaus" <Stanislaus.Mathy@epamail.epa.gov>
Date: 02/17/2012 02:23 PM
Subject: Dioxin release is out

Will send clips as they hit.

**Brendan
Gilfillan/DC/USEPA/US**
12/21/2011 05:13 PM

To gilfillan.brendan
cc
bcc

Subject TALKING POINTS: Final Mercury and Air Toxics Standards

All,

Today Administrator Jackson joined medical professionals, representatives from industry, members of the faith community and a wide range of other stakeholders at the Children's Medical Center in Washington, D.C. to announce the finalized Mercury and Air Toxics Standards, the first national standards to protect American families from power plant emissions of mercury and toxic air pollution like arsenic, acid gas, nickel, selenium, and cyanide. Below are talking points and a link to the press release.

The White House also released a video of President Obama discussing the importance of these final standards. The link to that video is also below.

- Brendan

TALKING POINTS

- The standards will slash emissions of these dangerous pollutants by relying on widely available, proven pollution controls that are already in use at more than half of the nation's coal-fired power plants.
- EPA estimates that the new safeguards will prevent as many as 11,000 premature deaths and 4,700 heart attacks a year. The standards will also help America's children grow up healthier – preventing 130,000 cases of childhood asthma symptoms and about 6,300 fewer cases of acute bronchitis among children each year.
- By cutting emissions of pollutants like nickel, cyanide, arsenic and mercury - a known neurotoxin - that are linked to developmental disorders and respiratory illnesses like asthma, these standards represent a major victory for clean air and public health– and especially for the health of our children.

•
Press Release:

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceac8525735900400c27/bd8b3f37edf5716d8525796d005dd086!OpenDocument>

Video from President Obama:

<http://www.whitehouse.gov/blog/2011/12/21/protecting-american-families-and-environment-mercury-pollution>

**Brendan
Gilfillan/DC/USEPA/US**
11/29/2011 08:49 AM

To: Laura Vaught, Richard Windsor, Michael Goo, Bob
Perciasepe, Bob Sussman, Seth Oster
cc
bcc
Subject: Re: NYT: Will the Lights Stay On in Texas and New England?

Reached out to Matt last night - will circle back with him.
Laura Vaught

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

From: Laura Vaught
Sent: 11/29/2011 08:44 AM EST
To: Richard Windsor; Michael Goo; Bob Perciasepe; Bob Sussman; Seth Oster;
Brendan Gilfillan
Subject: Re: NYT: Will the Lights Stay On in Texas and New England?
+ Brendan
Richard Windsor

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

From: Richard Windsor
Sent: 11/29/2011 08:29 AM EST
To: Michael Goo; Bob Perciasepe; Bob Sussman; Seth Oster; Laura Vaught
Subject: Re: NYT: Will the Lights Stay On in Texas and New England?
Brendan - can we follow up? The story is factually incorrect.
Michael Goo

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

From: Michael Goo
Sent: 11/29/2011 08:22 AM EST
To: Richard Windsor; Bob Perciasepe; Bob Sussman; Seth Oster; Laura Vaught
Subject: Fw: NYT: Will the Lights Stay On in Texas and New England?
In case folks have not seen this is the NYT story on the NERC report. It repeats the assertion that 316b will be the problem.
Sandy Germann

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

From: Sandy Germann
Sent: 11/29/2011 07:57 AM EST
To: Michael Goo; Bicky Corman; Shannon Kenny; Alex Barron; Al McGartland;
Alexander Cristofaro; Robin Kime
Subject: NYT: Will the Lights Stay On in Texas and New England?
North American Electric Reliability Corporation report released yesterday...

Will the Lights Stay On in Texas and New England?

Outlet Full Name: New York Times - Online, The
News Text: Texas and New England may soon run short of the generating capacity they need to reliably meet peak loads, largely because old plants will be retired rather than retrofitted to meet new pollution rules, the North American Electric Reliability Corporation reported on Monday.

The reliability corporation, assigned by the federal government to enforce rules on the power grid, issued a 10-year forecast that conveys a greater level of uncertainty than previous predictions. One problem is that about 600 large plants are likely to

be shut for several months for the installation of pollution controls, executives said, and coordinating the shutdowns to avoid local electricity shortages will be a formidable task. The 600 are a substantial fraction of the grid's generating resources; although there are about 15,000 plants on the grid, more than half of them are quite small.

"Over all, the North American grid and bulk power supply continue to be adequate, and sufficient plans are in place," said Gerry Cauley, president and chief executive. But two areas require extra attention, he said: the bulk of Texas, which is served by a grid isolated from the rest of the United States, and New England. "There's some uncertainty in their resources at this point," he said.

The Electric Reliability Council of Texas, the name for the grid that covers most of the state, could run short by 2013, the report said; New England could run short by 2015.

The organization, which also surveys Canada, found that Sask Power, the provincial utility of the province of Saskatchewan, which borders North Dakota and Montana, could run short next year.

Running short does not mean that the lights are certain to go out. But given the typical incidence of mechanical failures, the amount of spare capacity on hand is small enough that blackouts would be more likely, the report said.

The problem in Texas is old coal plants and natural gas plants that lack environmental controls, and the state's relative isolation. (The rest of North America east of the Rockies is within one grid, while the region west of the Rockies is on another, with some ability for neighboring areas to help each other at peak times. Texas, however, has taken a go-it-alone approach.)

In New England, which is far better connected to neighboring areas, the problem is old natural gas plants, the group said.

Environmentalists are building a case that there is no reason to proceed slowly in enforcing the new rules because most companies are prepared for them. Michael J. Bradley, a former head of the Northeast States for Coordinated Regional Air Management, a regional organization, and Susan F. Tierney, a former energy official in Massachusetts who worked for the Energy Department during the Clinton Administration, are among the authors of a recent report that contends that reserve margins are still ample and that many new power plants are in development.

In addition, they note, "demand-side resources," meaning agreements with customers to cut their load on peak days in exchange for cash, can be activated quickly.

Part of the uncertainty is that no one is sure how strictly the Environmental Protection Agency will enforce its rules or exactly what the rules will be. The agency is supposed to publish a new rule on mercury and air toxics on Dec. 16, for example.

Mark G. Lauby, vice president of the reliability corporation, said that because the air toxics standards rule will be on a short schedule, some companies could face a choice of closing some units or running them and violating pollution standards. The

logical solution, he said, would be to provide more time for compliance.

But the most troublesome of the new rules for the power plants may be related not to air pollution but to water, as the E.P.A. seeks to have power plants install cooling towers, rather than draw vast amounts of water from rivers and return it a few degrees hotter, which can kill many fish or fish eggs. Texas may also face problems because of its severe drought, the group said.

Texas has added a lot of capacity recently, but much of that is wind power, which generally does not churn out much electricity on the hot days when peak demand occurs. Acting partly out of an awareness that added capacity contributes little to reliability, Texas recently raised its target level of capacity surplus to 13.75 percent from 12.5 percent.

**Brendan
Giffilan/DC/USEPA/US**
12/01/2011 02:53 PM

To Perciasepe.Bob, Thompson.Diane, Oster.Seth,
Alcantara.Betsaida, McCarthy.Gina, Goffman.Joseph, "Arvin
Ganesan", "Laura Vaught", "Alex Barron", "Richard Windsor"
cc
bcc

Subject Reuters and the Hill on DOE reliability

Reuters: US clean air rules will not harm power grid -DOE
By: Timothy Gardner
12/1/11

WASHINGTON, Dec 1 (Reuters) - Clean air rules the U.S. government is slated to impose on power generators over the next three years will not impair the ability of the grid to deliver electricity to consumers, the Department of Energy said in a report on Thursday.

The U.S. Environmental Protection agency is slated to finalize a rule by Dec. 16 that would slash emissions of mercury and other toxic gases from coal-fired power plants, one of a slate of air pollution measures opposed by industry and Republicans in Congress.

"Our review, combined with several other studies, demonstrate that new EPA rules ... should not create resource adequacy issues," said David Sandalow, assistant secretary for international affairs at the Energy Department.

The mercury rule, known as maximum achievable control technology, or utility MACT, would mostly make power stations that burn coal to start cutting the emissions by 2015. Under the proposal companies could also ask for an extra year to begin complying.

The EPA says the clean air rules will save more money in overall U.S. healthcare bills than they will cost heavy industry, which will have to make investments in technologies to clean up smokestack emissions.

INDUSTRY DIVIDED OVER RULES

But the rules have created a division in the power sector. Companies that boast large nuclear power and natural gas capacity mostly support the rules, while companies that burn large amounts of coal have asked the EPA for more time to adapt to the rules.

Anthony Topazi, the chief operating officer Southern Co. said environmental controls would take up to six years to perfect at the company's coal-burning plants.

"We cannot simultaneously satisfy the requirements of the proposed (mercury) rule and provide reliable service to our customers from 2015 to 2017," said Topazi.

And the North American Electric Reliability Corp, which is responsible for keeping the power grid reliable, issued a report this week that said the mercury rule when combined with other EPA clean air rules could force some power plants to shut and threaten reliability in Texas and New England.

Other reports have said problems would be minimal and Gina McCarthy, an EPA assistant administrator for air, has said agency rules have not led to power reliability problems in the 40-year history of the Clean Air Act.

The DOE said that even in a stringent test case of the EPA rules, the overall ability of the power grid to deliver would be adequate. It said only a small amount of additional new generation capacity, some of which is already under development, would be needed to maintain regional planning targets for power.

The Hill: Energy Department defends EPA rules amid power reliability concerns

By: Andrew Restuccia
12/1/11

The Energy Department said Thursday that upcoming air pollution regulations will not threaten the reliability of the country's electric grid, the latest effort by the Obama administration to counter claims by Republicans and industry officials that the rules could cause power outages.

The department released a report Thursday that analyzed the effects on the electric grid of two Environmental Protection Agency air regulations: the cross-state air-pollution rule and the mercury and air toxics standard.

The Obama administration has launched a full-court press this week to counter growing attacks by Republicans on EPA air regulations over reliability just weeks before the agency is scheduled to finalize rules requiring that power plants install technology to reduce emissions of mercury and air toxics.

The report, which modeled a scenario that DOE says is more stringent than EPA's regulations, found that "the overall supply-demand balance for electric power in each region examined would be adequate." The report notes that additional analysis is necessary to determine the effect of the rules on local reliability. But DOE says it is capable of addressing those potential issues on a case-by-case basis.

"Mechanisms exist to address such reliability concerns or other extenuating circumstances on a plant-specific or more local basis, and the Department of Energy is willing to provide technical assistance throughout this process," the report says.

On a conference call with reporters Thursday, David Sandalow, assistant secretary for policy and international affairs at the Energy Department, said the regulations will not upset the delicate balance between power generation and demand that ensures the grid continues to operate.

"Our analysis showed that the new EPA rules will not compromise resource adequacy," Sandalow said.

The report comes a day after Gina McCarthy, EPA's top clean air official, aggressively defended the agency's clean air rules, insisting they will not threaten the reliability of the grid.

"In the 40-year history of the Clean Air Act, EPA rules have not caused the lights to go out, and we won't let it happen going forward," McCarthy, assistant administrator at EPA's Office of Air and Radiation, said during a technical conference at the Federal Energy Regulatory Commission (FERC) Wednesday.

McCarthy, on the call with reporters Thursday, continued her defense of EPA's regulations, arguing that the report offers the agency "comfort" as it prepares to finalize the mercury and air toxics standards.

She said the report shows that EPA can implement its clean air regulations and "still maintain the strong, robust electricity supply system."

McCarthy stressed that "flexibility mechanisms" exist to ensure that individual power plant operators can comply with the regulations, including the option to extend the three-year compliance period by one year.

EPA finalized its cross-state air-pollution rule, which requires power plants in Eastern states to reduce air pollution that crosses state lines, in July. The agency is slated to finalize its mercury and air toxics standards, which require power plants to install technology to reduce harmful air pollution, on Dec. 16.

Republicans and electric utilities have increasingly raised concerns that the rules could burden the electric grid by forcing the closure of a large number of power plants.

A study released this week by the North American Electric Reliability Corporation (NERC), an industry group charged with developing reliability standards, lent credence to their concerns.

The NERC study said EPA's regulations "may significantly affect bulk power system reliability depending

on the scope and timing of the rule implementation and the mechanisms in place to preserve reliability.”

McCarthy has attacked the NERC study and other reports that raise the reliability concerns, arguing they assume the regulations are more expensive than they are, include plants that will be shut down regardless of the EPA rules because they are old or inefficient and don't take into account other tools for ensuring reliability.

**Brendan
Gilfillan/DC/USEPA/US**
09/01/2011 08:03 AM

To Richard Windsor
cc
bcc
Subject AUTO: Gilfillan, Brendan is out of the office. (returning
09/03/2011)

I am out of the office until 09/03/2011.

I will be out of office from August 31 through September 2 . I will not check email during this time. For assistance, please email press@epa.gov or call 202-564-6794.

Thanks.

Note: This is an automated response to your message **"Fw: Miller: Coal is critical to America 's future"** sent on **8/10/2011 1:22:52 PM**.

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

Brendan
Gillilan/DC/USEPA/US
03/19/2012 09:18 AM

To Richard Windsor
cc
bcc
Subject NSPS draft release

For our discussion...

CONTACT:
EPA Press Office
press@epa.gov

FOR IMMEDIATE RELEASE
March XX, 2012

EPA Proposes First Carbon Pollution Standards for New Power Plants

Achievable standards for the next generation of power plants

WASHINGTON – The U.S. Environmental Protection Agency (EPA) today proposed the first Clean Air Act standards for carbon pollution from new power plants. Power plants are the single largest industrial source of carbon pollution in the country, representing nearly XX percent of the nation's heat-trapping emissions. EPA's proposed standards reflect the ongoing trend in the power sector toward cleaner generation taking advantage of modern technologies to limit harmful carbon pollution to help provide the critical health protections American families deserve.

"Today we're taking a commonsense step to reduce pollution in our air, protect the planet for our children, and spark the innovations that will move us into a new era of American energy. These targeted, achievable standards address the largest sources of carbon pollution in our nation, without placing a burden on small businesses or other sources," said EPA Administrator Lisa P. Jackson. "Right now there are no limits to the amount of carbon pollution that power plants can put into our skies -- and the health and economic threats of a changing climate continue to grow. We're putting in place standards that rely on the use of clean technology to tackle a challenge that we can't leave to our kids and grandkids."

There are currently no uniform national limits on the amount of carbon pollution power plants can emit. In 2009 EPA declared that greenhouse gas pollution threatens Americans' health and welfare by leading to long lasting changes in our climate that can have a range of negative effects such as more intense heat waves, droughts, and storms. Today's proposed standards are another in a series of common sense steps EPA is taking to address greenhouse gas pollution from the largest uncontrolled sources.

The standards proposed today are flexible, cost-effective and protective and would require new power plants that burn fossil fuels to use modern technology to minimize carbon pollution.

Power companies are already making investments in modern technologies to build the next generation of power plants. EPA's proposal is in line with these investments and will ensure that this progress toward a cleaner, safer and more modern power sector continues. The proposed standards can be met by a variety of facilities burning different fossil fuels, including natural gas and coal. The proposed standards also provide flexibilities for coal-fired facilities to use emerging technologies like Carbon Capture and Storage.

The proposed standards do not apply to existing power plants or to power plants that already have permits and start construction within 12 months. EPA plans on seeking additional input focused on existing plants to help guide the development of separate, common-sense standards for these facilities. By law, these standards will take into account factors such as the age of existing facilities and the cost of retrofitting such sources. These factors may allow EPA to provide flexibility not available to new sources.

Prior to developing these standards, EPA engaged in an extensive and open public process to gather the latest information to aid in developing carbon pollution standards for new power plants. The agency is seeking additional comment and information, including public hearings, and will take that input fully into account as it completes the rulemaking process. EPA's comment period will be open for 60 days following publication in the Federal Register.

More information: www.epa.gov/XXXX

**Brendan
Giffilan/DC/USEPA/US**
02/23/2011 09:24 AM

To Richard Windsor
cc Adora Andy, Seth Oster
bcc
Subject Final boiler release

Hey Boss -

Below is the final, final version of the boiler release. Above that is the first AP story to hit the wires.

- Brendan

WASHINGTON (AP) _ The Environmental Protection Agency is making it much cheaper for companies to release toxic air pollution from industrial boilers and incinerators.

¶ In a vastly overhauled regulation obtained by The Associated Press in advance of its release Wednesday, the EPA says it has found ways to control pollution at more than 200,000 industrial boilers, heaters and incinerators nationwide at 50 percent less cost. That would save businesses \$1.8 billion and avert thousands of heart attacks and asthma cases a year.

¶ Republicans and some Democrats in Congress have criticized the EPA over the boiler rule, saying it would be too expensive for industry.

¶ A senior EPA official told the AP that cost wasn't the driving factor, but the changes made were driven in part by an executive order to review burdensome regulations.

FOR IMMEDIATE RELEASE
February 23, 2011

EPA Establishes Clean Air Act Standards for Boilers and Incinerators

Sensible standards provide significant public health benefits while cutting costs from initial proposal by nearly 50 percent

WASHINGTON – In response to federal court orders requiring the issuance of final standards, the U.S. Environmental Protection Agency (EPA) is issuing final Clean Air Act standards for boilers and certain incinerators that achieve significant public health protections through reductions in toxic air emissions, including mercury and soot, but cut the cost of implementation by about 50 percent from an earlier proposal issued last year.

Mercury, soot, lead and other harmful pollutants released by boilers and incinerators can lead to developmental disabilities in children, as well as cancer, heart disease, aggravated asthma and premature death in Americans. These standards will avoid between 2,600-6,600 premature deaths, prevent 4,100 heart attacks and avert 42,000 asthma attacks per year in 2014.

In response to a September 2009 court order, EPA issued the proposed rules in April 2010, prompting significant public input. The proposed rules followed a period that began in 2007, when a federal court vacated a set of industry specific standards proposed during the Bush Administration. Based on the public input received following the April 2010 proposal, EPA made extensive revisions, and in December 2010 requested additional time for review to ensure the public's input was fully addressed. The court granted EPA 30 days, resulting in today's announcement.

Based on input from key stakeholders including the public, industry, and the public health communities, today's announcement represents a dramatic cut in the cost of implementation, while maintaining maximum public health benefits. As a result, EPA estimates that for every dollar spent to cut these pollutants, the public will see between 10 to 24 dollars in health benefits, including fewer premature deaths.

The agency received more than 4,800 comments from businesses and communities across the country in response to the proposed rules. Public input included a significant amount of information that industry had not provided prior to the proposal. Based on this feedback, and in keeping with President Obama's Executive Order on regulatory review, EPA revised the draft standards based on the requested input to provide additional flexibility and cost effective techniques – achieving significant pollution reduction and important health benefits, while lowering the cost of pollution control installation and maintenance by about 50 percent, or \$1.8 billion.

"The Clean Air Act standards we are issuing today are based on the best available science and have benefitted from significant public input," said Gina McCarthy, Assistant Administrator for EPA's Office of Air and Radiation. "As a result, they put in place important public health safeguards to cut harmful toxic air emissions that affect children's development, aggravate asthma and cause heart attacks at costs substantially lower than we had estimated under our original proposal."

Because the final standards significantly differ from the proposals, EPA believes further public review is required. Therefore, EPA will reconsider the final standards under a Clean Air Act process that allows the Agency to seek additional public review and comment to ensure full transparency. EPA's reconsideration will cover the emissions standards for large and small boilers and for solid waste incinerators. EPA will release additional details on the reconsideration process in the near future to ensure the public, industry and stakeholders have an opportunity to participate.

About 200,000 boilers are located at small and large sources of air toxic emissions across the country. The final standards require many types of boilers to follow practical, cost-effective work practice standards to reduce emissions. To ensure smooth implementation, EPA is working with the Departments of Energy (DOE) and Agriculture (USDA) to provide the diverse set of facilities impacted by the standards with technical assistance that will help boilers burn cleaner and more efficiently. DOE will work with large coal and oil-burning sources to help them identify clean energy strategies that will reduce harmful emissions and make boilers run more efficiently and cost-effectively. In addition, USDA will reach out to small sources to help owners and operators understand the standards and their cost and energy saving features.

The types of boilers and incinerators covered by these updated standards include:

- Boilers at large sources of air toxics emissions: There are about 13,800 boilers located at large sources of air pollutants, including refineries, chemical plants, and other industrial facilities. These standards will reduce emissions of harmful pollutants including mercury, organic air toxics and dioxins at some of the largest pollution sources. EPA estimates that the costs of implementation have been reduced by \$1.5 billion from the proposed standard.

Health benefits to children and the public associated with reduced exposure to fine particles and ozone from these large source boilers are estimated to be \$22 billion to \$54 billion in 2014.

- Boilers located at small sources of air toxics emissions: There are about 187,000 boilers located at small sources of air pollutants, including universities, hospitals, hotels and commercial buildings that may be covered by these standards. Due to the small amount of emissions these sources are responsible for, EPA has limited the impact of the final rule making on small entities. The original standards for these have been dramatically refined and updated to ensure maximum flexibility for these sources, including revising the requirement from maximum achievable control technology to generally available control technology. The cost reduction from the proposed standard to the final is estimated to be \$209 million.

- Solid waste incinerators: There are 88 solid waste incinerators that burn waste at a commercial or an industrial facility, including cement manufacturing facilities. These standards, which facilities will need to meet by 2016 at the latest, will reduce emissions of harmful pollutants including mercury, lead, cadmium, nitrogen dioxide and particle pollution. The cost reduction from the proposed standard to the final is estimated to be \$12 million.

In separate but related actions, EPA is finalizing emission standards for sewage sludge incinerators. While there are more than 200 sewage sludge incinerators across the country, EPA expects that over 150 are already in compliance. These standards will reduce emissions of harmful pollutants including mercury, lead, cadmium, and hydrogen chloride from the remaining 50 that may need to leverage existing technologies to meet the new standards.

EPA has also identified which non-hazardous secondary materials are considered solid waste when burned in combustion units. This distinction determines which Clean Air Act standard is applied when the material is burned. The non-hazardous secondary materials that can be burned as non-waste fuel include scrap tires managed under established tire collection programs. This step simplifies the rules and provides additional clarity and direction for facilities. To determine that materials are non-hazardous secondary materials when burned under today's rule, materials must not have been discarded and must be "legitimately" used as a fuel.

The agency recognizes that secondary materials are widely used today as raw materials, as products, and as fuels in industrial processes. EPA believes that the final rule helps set protective emissions standards under the Clean Air Act.

The emissions standards for sewage sludge incinerators and the definition of solid waste are not part of today's reconsideration.

More information: <http://www.epa.gov/airquality/combustion>

Brendan
Giffillan/DC/USEPA/US
12/23/2009 10:42 AM

To Richard Windsor
cc Allyn Brooks-LaSure, Adora Andy
bcc
Subject Newsweek: Steven Chu, Lisa Jackson #2 on Newsweek's 10
Most important People in 2010

Link here:

<http://2010.newsweek.com/top-10/people-to-watch/steven-chu-and-lisa-jackson.html>

Steven Chu and Lisa Jackson

By Newsweek

EPA Administrator [Lisa Jackson](#) is a chemical engineer, and Energy Secretary [Steven Chu](#) is a physicist with a [Nobel Prize](#), but starting in 2010 you can think of them as bad cop and good cop. With the Copenhagen climate negotiations failing to reach a legally binding treaty, and with climate legislation stalled in the Senate, this duo will lead the charge toward reducing U.S. greenhouse emissions and moving us to renewable energy.

As of Jan. 1, any facility that emits at least 25,000 metric tons of carbon dioxide annually (or its equivalent in greenhouse gases such as methane and nitrous oxide) will have to start measuring and reporting their emissions to Jackson's [EPA](#). That includes power plants, aluminum manufacturers, refineries, paper mills, and solid-waste landfills (a big source of methane). Insiders call the requirement the most "world-changing greenhouse policy" EPA has ever undertaken, since once something is counted it can be regulated.

Then, in March, using authority the [Supreme Court confirmed in 2007](#), Jackson will issue rules requiring manufacturers to reduce greenhouse emissions from cars and trucks to a fleet average of 250 grams per mile ([it's now 422](#)) by 2016. Carmakers will achieve that through more hybrids and plug-in electrics, averting a projected 950 million metric tons of carbon dioxide and other greenhouse gases over the lifetime of those low-CO₂ vehicles. Finally, as early as summer, Jackson will issue rules making "major polluters"—like those subject to the greenhouse-gas reporting rule—use top-of-the-line CO₂-control technology if they want to [build a new facility or make significant changes to an existing one](#).

The regs are significant in themselves, but Jackson's real clout will be showing industry how much can be done on greenhouse emissions even without climate legislation. "This will encourage congressional action," says [Rep. Edward Markey](#), cosponsor of the [climate bill](#) that passed the House in June. "Industry's choice is no longer between legislation and no legislation, but between legislation and regulation. Congress is a stimulus-response institution, and there is nothing more stimulating than a regulatory agency preempting powers Congress thinks it should have." We'll see if the dis is enough to move a [climate bill out of the Senate](#) in 2010.

Either way, utilities and other major greenhouse polluters could find salvation in Chu (whom *Nature* just named its [Newsmaker of the Year 2009](#)). Chu's task is nothing less than revamping the energy sector in the world's largest economy, which he is doing by encouraging high-risk/high-reward research. Besides being a "public cheerleader for clean-energy research,"

as *Nature* calls him, he's been opening the federal purse strings. He has \$400 million to award for clean-energy research—a big, fat carrot to Jackson's stick.

**Brendan
Gillilan/DC/USEPA/US**
04/05/2012 12:17 PM

To Richard Windsor, Bob Perciasepe
cc
bcc
Subject Draft blog

Last week, EPA proposed a common-sense standard to address carbon pollution from future power plants. It's disappointing – but not surprising – that the standard was immediately attacked with distortions, half-truths and blatantly inaccurate statements. An editorial in this morning's Wall Street Journal is just the latest example of this fact-free assault.

Some background: there is currently no uniform national limit on the amount of carbon pollution new power plants can emit, and the standard we proposed last week is common-sense, achievable and in line with the direction the industry has been moving for a decade.

As the Administrator and I said repeatedly when we announced this proposal last week, this standard only applies to new sources – that is, power plants that will be constructed in the future. This standard would never apply to existing power plants. And we have no plans to address existing power plants.

Despite these basic facts, the Wall Street Journal, and others, continue to misrepresent the standard and distort its impact.

For example, this morning's Wall Street Journal editorial incorrectly states that facilities that are installing pollution controls to reduce emissions of pollutants like mercury, arsenic and acid gases would have to comply with this standard as well. That is flat-out wrong. The proposed rule explicitly does not apply to facilities making such modifications. In fact, EPA did not propose a standard for any modifications.

Because EPA did not propose a standard for modifications, one cannot be finalized. As a result, there is literally no standard that can be applied to these sources under any other part of the Clean Air Act.

Second, the standard reflects a trend in the market towards cleaner power generation that has been happening for a decade – not just for the past three years, as the Journal suggests. In fact, in the past decade – primarily driven by conditions in the market – only 7% of the new electric generating capacity in the US has been coal-fired. This is a trend the Journal's own newsroom has reported on. A September 2010 article for instance, noted that "Power companies are increasingly switching to natural gas to fuel their electricity plants, driven by low prices and forecasts of vast supplies for years to come" and acknowledged that the trend began in the late nineties and had been "accelerating" – a year and a half before EPA even proposed this standard.

Still, this standard provides a path forward for new coal plants that minimize their carbon emissions. Carbon capture and sequestration is an emerging technology – one this Administration has invested in – that is currently being permitted and built at facilities. Like most emerging technologies, it is expected that CCS will become more readily available and cost effective as it is refined over time – which is why the Agency built in flexibilities to the standard so that facilities can implement CCS

years from now, not right away.

Every projection, including those the rule relies on, makes clear that coal will continue to be the largest single source of electricity in the United States. This standard will not change that.

What this standard will do is provide certainty to the industry as they continue building the next generation of cleaner, more efficient power plants – facilities that will continue to burn a range of fuels. The standard has no projected cost to industry precisely because it is in line with investments industry has already made, and continues to make, in response to realities in the marketplace.

**Brendan
Gilfillan/DC/USEPA/US**
02/23/2012 07:25 PM

To Richard Windsor, Bob Perciasepe, Dennis McLerran
cc
bcc
Subject MSNBC.com: Actress Lucy Lawless boards ship to protest
Arctic oil drilling

This just got a little interesting...

Actress Lucy Lawless boards ship to protest Arctic oil drilling

By Becky Bratu, msnbc.com

Actress Lucy Lawless and six other Greenpeace activists boarded an Arctic-bound Shell oil-drilling ship in Port Taranaki, New Zealand, on Friday morning, causing authorities to close the port.

The group scaled a 53-meter derrick on the Liberian-flagged Noble Discoverer around 7 a.m. local time.

Lawless told msnbc.com that her heart was pounding and she was "a little shell-shocked" as they boarded, but that she now felt safe.

"We don't need to trash the Arctic to get three more years' worth of oil," she said in a telephone interview from the ship.

Even as police warned them that they were breaking the law, protesters remained aboard.

Greenpeace and Lawless tweeted the occupation.

"I'm on one of the oldest drill rigs on the planet and it's heading to the Arctic. Tell Shell to stop," Lawless tweeted.

James Turner, a spokesperson for Greenpeace, told msnbc.com the occupation was the organization's last resort to stop Shell from drilling in the Arctic.

"We simply don't believe Shell's reassurances that this is safe," Turner said.

He said the Arctic is the home of many unique species, and an oil spill would be virtually

impossible to contain, given the area's remoteness. Turner also accused Shell of having a "poor record" regarding oil spills.

Shell says it was "disappointed" with Greenpeace's actions, 3 News reported.

"Actions such as this jeopardize the safety of everyone involved," the company said in a statement. "While we respect the right of individuals to express their point of view, the priority should be the safety of Noble Discoverer's personnel and that of the protesters."

"Shell has undertaken unprecedented steps to pursue safe, environmentally responsible exploration in shallow water off the coast of Alaska," the statement said.

The ship was due to depart on a 6,800-mile journey to the Chukchi Sea off the coast of Alaska, New Zealand's 3 News reported.

Turner said that Shell has a limited drilling window, given the Arctic's extreme weather conditions. Drilling can only take place when the sea ice in Alaska melts, usually between July and early fall, he said. During the rest of the year, thick ice makes drilling impossible.

Turner said the occupiers have supplies for several days. "We're there to stop the tanker from leaving," he said.

But Lawless, 43, said she wasn't sure how long they'd last aboard.

"Our main aim is that this be a peaceful protest, but the law will do what the law has to do," [Lawless told 3 News](#). "We do what we feel we have to do." She told msnbc.com that she and the other protesters have respect for the police.

One person was arrested at the port gate, 3 News said.

The police commander for New Plymouth, Inspector Blair Telford, [told the New Zealand Herald](#) that his office's role was to ensure any protest was lawful and that owners and crew of the ship were allowed to go about their lawful business.

"The protesters are clearly breaking the law by trespassing on the ship and we are currently liaising with the Port of Taranaki and the harbormaster to decide the most appropriate course of action. Public safety is paramount."

Lawless is best known for her television title role as "Xena: Warrior Princess" and currently stars in Starz's "Spartacus" as Lucretia.

She told msnbc.com she hopes her children will live in a better world. "Climate change profiteers should not be allowed to destroy our children's future," she said.

"Companies are addicted to oil; they're begging an intervention," Lawless said. "Shell has the technology to be one of the world leaders in a clean energy economy."

**Brendan
Giffilan/DC/USEPA/US**
12/08/2011 12:34 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Michael Goo, Arvin Ganesan, Laura Vaught, Gina McCarthy, Joseph Goffman, Alex Barron, Joel Beauvais

cc

bcc

Subject Politico: DOE to look at grid reliability in light of EPA rules

DOE to look at grid reliability in light of EPA rules

By Darius Dixon
12/8/11 12:25 PM EST

The Energy Department is building a team to coordinate with utilities and regional planners to ensure electric reliability in the face of new and pending EPA air regulations.

At his nomination hearing Thursday for DOE's undersecretary of Energy post, Arun Majumdar, director of the department's Advanced Research Projects Agency- Energy, told the Senate Energy and Natural Resources Committee that he's committed to standing up effort to manage the impacts of EPA rules.

"What we will do at DOE, if confirmed, is to put together, I'll commit to you, to put together a team — that we are actually putting together right now — to help the utilities, all the [public utility commissions] and the stakeholders to make sure that the grid remains reliable, and that is the role of the Department of Energy," Majumdar said in response to concerns by Sen. John Barrasso (R-Wyo.) about the EPA rules.

Last week, DOE [released](#) the findings of its independent "stress test" of EPA's proposed Cross-State Air Pollution Rule and utility MACT rule, concluding that enough electric power generation exists to manage the regulations.

Still, the report didn't delve into the economic impacts of the rules, nor did it provide the detailed reliability analyses that regional planning authorities will ultimately need to conduct. DOE also indicated that retirements of reliability-critical power plants could pose local challenges for the grid, although it suggested that those issues can be managed using "flexibility mechanisms" in the Clean Air Act.

Majumdar said the DOE study "looked at whether we have the adequate resources to be able, on a macroscopic gross scale," to ensure electric reliability. "And the answer is, yes, we possibly have those resources," he said.

Majumdar took on the role of acting undersecretary in March after Cathy Zoi left the Energy Department to work for the clean-tech fund Silver Lake Kraftwerk. President Barack Obama [nominated](#) Majumdar early last week.

Committee Chairman Jeff Bingaman (D-N.M.) told reporters that he hopes to get Majumdar's

nomination approved by the Senate before Congress breaks for the December recess.

**Brendan
Gilfillan/DC/USEPA/US**
05/14/2012 02:06 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Alisha Johnson, Arvin Ganesan, Laura Vaught, Michael Goo, Janet Woodka, Jon Monger

cc

bcc

Subject Politico: Zichal: White House, industry not best friends

Zichal: White House, industry not best friends

By Talia Buford
5/14/12 1:35 PM EDT

The Obama administration's recent cooperation with the oil and gas industry isn't an election year ploy, nor is the relationship as cozy as it has been played out to be, White House energy adviser Heather Zichal said Monday.

"It's safe to say the notion that we rolled out the welcome mat or have this hunky dory relationship where we're all holding hands and singing 'Kumbaya' is not exactly where we're at today," Zichal said at a luncheon address at the American Petroleum Institute workshop on hydraulic fracturing.

"What I can say is that we were in the middle of working on a number of regulations that directly impact the oil and gas industry," she added. "There was no way for us to finalize a regulation that made sense without us actually engaging with the industry."

That working relationship helped the final form of the recent EPA air emissions standards "get to the right place" — including a January 2015 implementation deadline to allow the industry time to implement the changes — and helped inform the BLM regulations for hydraulic fracturing that were released earlier this month.

"There's no reason that can't be a model," Zichal said.

Zichal also clarified a few of the administration's viewpoints on energy production, including liquefied natural gas — "We, as a general rule of thumb, are not opposed to LNG exports," she said.

As for coal, Zichal maintained that the resource remains a part of the administration's energy policy, but with caveats.

"What you've seen from this administration is that coal currently provides a lot of electricity today," she said. "It's an important source of economic opportunity as well as energy supply, but what we have said through a variety of new safeguards that we've implemented, particularly through the Clean Air Act, the point of burning coal is that it needs to be done cleaner and in a more environmentally friendly way."

The Obama campaign has come under fire for omitting coal from a graphic on its website

detailing the president's energy policy. On Friday, the graphic was amended to include "[clean coal](#)."

**Brendan
Gilfillan/DC/USEPA/US**

04/13/2012 10:13 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Arvin
Ganesan, Laura Vaught

cc

bcc

Subject Politico: American Crossroads hits Obama in coal country

The conservative super PAC American Crossroads is going up today with a 60-second [radio ad](#) that features United Mine Workers President Cecil Roberts [complaining](#) about EPA regulations targeting coal. "I would say this: The Navy SEALs shot Osama bin Laden in Pakistan, and Lisa Jackson shot us in Washington," Roberts says. The \$175,000 buy will put the ad on the air in western Pennsylvania, southeastern/eastern Ohio and West Virginia, POLITICO's Morning Score [reports](#).

Brendan
Gillilan/DC/USEPA/US
03/28/2012 11:27 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson,
Betsaida Alcantara, Bob Sussman, Nancy Stoner, Arvin
Ganesan, Laura Vaught, Scott Fulton, Avi Garbow

cc

bcc

Subject NY Times Editorial: Clean Water and the Spruce Mine

Clean Water and the Spruce Mine

The Obama administration's decision last year [to revoke a permit for a huge mine in West Virginia](#) inspired hope that mountaintop mining, which has caused immense environmental damage across Appalachia, would soon be coming to an end. Now a Federal District Court judge in the District of Columbia [has ruled](#) that the Environmental Protection Agency [exceeded its legal authority in blocking the mine](#). The administration must appeal. The Clean Water Act is on its side, as are the people of West Virginia.

Mountaintop mining is a highly efficient and hugely destructive form of strip mining that blasts apart mountain ridges to expose the coal seams underneath. The resulting rubble is then dumped into the valley and streams below. Thousands of miles of streams in Appalachian coal country have already been obliterated in this way.

The Spruce No. 1 mine project in Logan County, W.Va., would have covered 2,278 acres and ruined six more miles of high-quality streams. It received a final permit to proceed from the Army Corps of Engineers in 2007. Lawsuits followed, and, in January 2011, the E.P.A. revoked the permit on grounds that the mine would cause unacceptable environmental damage. The E.P.A. had blocked corps projects before. But this was the first time it had rescinded an approved mining permit and was part of the administration's broader campaign to limit mountaintop mining by reviewing old permits and tightening standards for new ones.

Judge Amy Berman Jackson said the agency had resorted to "magical thinking" in claiming that the Clean Water Act gives it the power to retroactively rescind a permit. But Section 404 of the law gives the agency broad authority to protect water quality, including the "withdrawal" of permits "whenever" it determines that they will have an "unacceptable adverse effect" on the environment.

The E.P.A. rightly interpreted these words to mean that it had clear authority to claw back a badly misguided decision that would do even more damage to West Virginia's streams and landscape. We trust that a higher court will read it that way as well.

Brendan
Gillilan/DC/USEPA/US
01/03/2012 09:27 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson,
Betsaida Alcantara, Michael Goo, Bicky Corman, Arvin
Ganesan, Laura Vaught, Jose Lozano, Bob Sussman

cc

bcc

Subject CNN.com: Santorum takes on EPA over mercury limits rule

[Santorum takes on EPA over mercury limits rule](#)

Cnn.com

Speaking to voters in Iowa Monday, former Sen. Rick Santorum of Pennsylvania ripped the Environmental Protection Agency's [new rule placing first-ever limits](#) on the amount of mercury that coal-fired power plants can emit into the air.

The GOP presidential contender claimed the new regulations would shut down 60 coal fired power plants in America, and he charged the EPA with basing its study on a philosophy of: "We hate carbon, we hate fossil fuels, we hate blue-collar Americans who work in those areas."

He specifically took issue with the agency's cost-benefit analysis, calling it "absolutely ridiculous" and "not based on any kind of science."

But the EPA's cost-benefit analysis cites peer-reviewed studies extensively in its 510-page "[Regulatory Impact Analysis of the Final Mercury and Air Toxics Standards](#)," which has been two decades in the making.

Santorum did not address the health dangers of mercury and other hazardous pollutants that could be limited by the new regulations. His campaign did not response to questions by CNN.

"Everyone from the EPA and the FDA (Food and Drug Administration) to the National Academy of Sciences have found mercury to be dangerously toxic - especially to children. For someone who claims to be so pro-life, Santorum's baseless statement shows he isn't pro-healthy-life," says Heather Taylor-Miesle, director of the NRDC Action Fund, which is affiliated with the National Resources Defense Council environmental group.

"He needs to get the facts because right now he just sounds like he is pandering to rich polluters."

The benefits of the new regulation include preventing up to 11,000 premature deaths and 130,000 asthma attacks every year, [according to the EPA](#).

In terms of dollars, the new rule is estimated to save as much as \$9 in health benefits for every dollar spent on installing new technologies to meet new emission limits.

There's a long list of benefits, however, both to human health and the economy that the EPA says it cannot accurately estimate, and therefore leaves outside of the official cost-benefit summary.

For example the established effects of methylmercury beyond IQ loss - such as changes in memory, behavior and the cardiovascular system - and the cancer-causing effects of some hazardous air pollutants are not included. Effects on vegetation and wildlife are also described, but not quantified.

**Brendan
Giffilan/DC/USEPA/US**
01/12/2011 11:15 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob
Sussman, David McIntosh, Arvin Ganesan, Sarah Pallone,
Stephanie Owens, Dru Ealons, Mathy Stanislaus, Dana Tulis,
Janet Woodka, Daniel Kanninen
cc Seth Oster, Adora Andy

bcc

Subject Wed AM - AK Pipeline clips

Clips

Bloomberg
Trans-Alaska Oil Pipeline Restarts; Will Operate at Reduced Rates for Days
By Aaron Clark
Jan 12, 2011

Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

The Telegraph
Oil price closes in on \$100 a barrel on higher demand and Alaska leak
By Amy Wilson 1:02PM GMT 12 Jan 2011

The oil price moved closer to \$100 a barrel, with Brent crude passing \$98 in morning trading, on the expectation of higher demand this year and a leak in Alaska which closed down a major pipeline. Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

Financial Times
Oil nears \$100 a barrel on supply disruptions
By Jack Farhy
Published: January 12 2011 12:01 | Last updated: January 12 2011 12:01

Global oil prices approached \$100 a barrel on Wednesday, buoyed by optimism on the global economic recovery and supply disruptions in the North Sea and Alaska.

The Guardian
Alaskan leak drives oil to 27-month high.
Graeme Wearden
Wednesday 12 January 2011 10.48 GMT

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. An oil leak on the Trans-Alaska pipeline has pushed up crude prices. The oil price rose to a 27-month high this morning as the ongoing disruption following last weekend's oil leak in Alaska drove fears of supply shortages.

The Times of India

Alyeska receives govt permission to restart Trans-Alaska Pipeline

Jan 12, 2011, 10.14am IST

(REUTERS) ANCHORAGE: Alyeska has received government permission to restart the Trans-Alaska Pipeline, which carries 12 per cent of US crude, a company spokeswoman said on Tuesday.

[[FULL TEXT BELOW]]

Bloomberg

Trans-Alaska Oil Pipeline Restarts; Will Operate at Reduced Rates for Days

By Aaron Clark

Jan 12, 2011

Alyeska Pipeline Service Co. started up its Trans Alaska pipeline and will operate the system at reduced rates for several days to keep the lines and tanks from freezing, the company said in a statement.

The start-up sequence of opening valves and bringing pumps online began at 7 p.m. local time yesterday, according to the statement. The line will be shut down in several days to install a bypass around a leak near Pump Station 1.

This interim restart is an important and necessary step to restoring operations, while managing the risks of severe damage to the TAPS system that an extended winter shutdown posed," Alyeska President Thomas Barrett said in the statement.

The 800-mile (1,287-kilometer) pipeline, closed following the leak at the pump station on Jan. 8. The shutdown has forced BP Plc, ConocoPhillips and Exxon Mobil Corp. to suspend 95 percent of production from the North Slope area.

The Telegraph

Oil price closes in on \$100 a barrel on higher demand and Alaska leak

By Amy Wilson 1:02PM GMT 12 Jan 2011

The oil price moved closer to \$100 a barrel, with Brent crude passing \$98 in morning trading, on the expectation of higher demand this year and a leak in Alaska which closed down a major pipeline.

Brent was trading at \$97.77 at lunchtime, falling back from its high of \$98.46 earlier in the day, but up 17 cents on yesterday.

The oil price has not risen above \$98 since October 2008, when the financial crisis started to unfold.

The gap between the UK and US oil price remained at its widest for two years, with crude oil in New York trading around \$6 lower than in London, at \$91.74 a barrel.

Brent supplies are more constrained, and there has been speculation short-term investors such as hedge funds are buying in.

Oil demand is expected to reach a record 88.6m barrels a day during 2011, but OPEC, the cartel of oil-producing nations, has said it won't increase production, after agreeing to limit production two years ago when the recession hit prices.

The Trans Alaska Pipeline, which carries about 12pc of the US's crude oil output, closed down on Saturday after a leak, and has only resumed limited operations.

The pipeline operator was allowed to restart some flow yesterday to prevent the oil from freezing, however the pipeline will be closed again this week to install a bypass over the leaking section.

Cold weather in the north-eastern US has also spurred demand.

"Prices are now based less on fundamentals and more on sentiment and momentum within specific boundaries," analysts at UBS said. "Traditional indicators of price, such as OPEC spare capacity or OECD inventory has having limited use going into 2011."

Financial Times

Oil nears \$100 a barrel on supply disruptions

By Jack Farthy

Published: January 12 2011 12:01 | Last updated: January 12 2011 12:01

Global oil prices approached \$100 a barrel on Wednesday, buoyed by optimism on the global economic recovery and supply disruptions in the North Sea and Alaska.

The price of ICE February Brent, the global benchmark, rose to \$98.46 a barrel on Wednesday morning, the highest in two years.

The rise in oil prices came amid a broad rally in commodities, as the dollar slipped and risk appetite returned to the market after strong eurozone industrial production numbers and encouraging results from the latest Portuguese bond auction.

Brent crude prices were boosted by a brief production outage at two Norwegian North Sea oilfields on Tuesday night, in addition to the continuing disruption at the Prudhoe Bay field in Alaska, North America's largest.

Analysts have stepped up calls for oil to trade above \$100 for the first time since 2008 – when prices shot to a record \$147 a barrel – on the back of strong industrial demand, a cold snap in Europe and the US, and a jump in coal prices.

While Brent is flirting with the \$100 mark, West Texas Intermediate, the US benchmark, is some way from the landmark. On Wednesday, Nymex February WTI was trading at \$90.94 a barrel – a \$6.46 discount to Brent.

The widening gap between the two benchmarks is due to a build-up of inventories at Cushing, Oklahoma, the delivery point for the WTI contract. As Cushing has few outlets to evacuate surplus

oil, a glut tends to depress the price of WTI relative to other US and international crude oil benchmarks.

Hussein Allidina, head of commodities research at Morgan Stanley in New York, described WTI as “the misleading benchmark”, saying: “We prefer to express our bullish view on crude through Brent”.

In other commodity markets on Wednesday, industrial and energy commodities were higher on the back of the higher risk appetite in financial markets.

Copper for delivery in three months gained 0.8 per cent to \$9,595 a tonne on the London Metal Exchange, approaching the all-time peak set last week, while palladium – used in catalytic converters in cars – hit a fresh nine-year high of \$804.10 a troy ounce, up 2.3 per cent on the day.

Agricultural commodity markets were fixated on the US Department of Agriculture report due to be released later in the day. By mid-morning in London, CBOT March wheat was 1.45 per cent stronger at \$7.705 a bushel, CBOT March corn gained 0.6 per cent to \$6.1075 a bushel, and CBOT January soybeans were 0.8 per cent higher at \$13.615 a bushel.

Analysts and traders have warned that the global food balance sheet remains finely balanced, with any surprises likely to send prices shooting higher. The UN Food and Agriculture Organisation’s index of global food prices rose to an all-time peak in December.

The Guardian

Alaskan leak drives oil to 27-month high.

Graeme Wearden

Wednesday 12 January 2011 10.48 GMT

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. An oil leak on the Trans-Alaska pipeline has pushed up crude prices. The oil price rose to a 27-month high this morning as the ongoing disruption following last weekend's oil leak in Alaska drove fears of supply shortages.

The cost of a barrel of Brent crude – oil sourced from the North Sea – hit \$98 this morning, its highest level since October 2008 before the global economic downturn took hold. US crude oil also rose to \$91.65 a barrel, close to its own 27-month high.

Energy prices have been under pressure since the closure last Saturday of the 800-mile pipeline that transports oil from Northern Alaska, following a leak in a pumping station. This has forced a 95% cut in production at Prudhoe Bay, the source of around 15% of US oil output.

BP is the largest shareholder in Alyeska Pipeline Service, which operates the Trans-Alaska Pipeline System. The pipeline is expected to be turned on again later today, but only temporarily, in an attempt to prevent the system freezing up. Under usual conditions, oil is heated to almost 100F before being pumped down the pipe. This prevents the saltwater mixed in with the oil from freezing during its journey underground or above the permafrost.

Alyeska said last night that it will probably take another five days to install new piping to bypass the site of the leak. They also need to remove two "cleaning pigs" – devices that are sent through the pipeline to dislodge debris from the system. If the pigs cannot be rounded up, they could push ice into pumping facilities and cause further harm.

With prices at the pumps above the levels seen in 2008, the haulage industry has launched a new campaign to try to force the government to cut fuel duty. Britishtruckers.com argues that the domestic freight industry is facing a crisis situation, with prices at "unsustainable levels".

The Times of India

Alyeska receives govt permission to restart Trans-Alaska Pipeline

Jan 12, 2011, 10.14am IST

(REUTERS) ANCHORAGE: Alyeska has received government permission to restart the Trans-Alaska Pipeline, which carries 12 per cent of US crude, a company spokeswoman said on Tuesday.

"We got the approval we need to restart the pipeline for interim operations," Katie Pesznecker said.

The company will begin to bring up the pipeline through the night, she added, but gave no estimate of volumes.

The pipeline had been shut down early on Saturday due to a leak.

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**Brendan
Gillilan/DC/USEPA/US**
05/03/2012 04:05 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob
Sussman, Jim Martin, Lek Kadeli, Arvin Ganesan, Sarah
Pallone, Janet Woodka

cc

bcc

Subject AP Exclusive: Wyo. got EPA to delay frack finding

<http://www.foxnews.com/us/2012/05/03/ap-exclusive-wyo-got-epa-to-delay-frack-finding/>

Mead Gruver, AP

Published May 03, 2012

Wyoming's governor persuaded the head of the U.S. Environmental Protection Agency to postpone an announcement linking hydraulic fracturing to groundwater contamination, giving state officials — whom the EPA had privately briefed on the study — time to attempt to debunk the finding before it rocked the oil and gas industry more than a month later, an investigation by The Associated Press has found.

During the delay, state officials raised dozens of questions about the finding that the controversial procedure that has become essential to unlocking oil and gas deposits in Wyoming and beyond may have tainted groundwater near the gas patch community of Pavillion.

Gov. Matt Mead contacted EPA Director Lisa Jackson and persuaded her to hold off any announcement, according to state emails and an interview with the governor. The more than 11,000 emails made available to AP in response to a state records request show that Wyoming officials took advantage of the postponement to "take a hard line" and coordinate an "all-out press" against the EPA in the weeks leading up to the announcement Dec. 8.

Meanwhile, the chief state regulator of oil and gas development fretted over how the finding would affect state revenue.

And even as the state questioned the EPA's science, there were internal doubts about how effective those objections would be.

"It's already too late. The White House has already seen the report with conclusions," wrote Gary Strong, an engineer with the Wyoming Oil and Gas Conservation Commission, following a presentation by EPA deputy assistant regional administrator Martin Hestmark. The emails indicate that the federal agency was being pressed by the White House to release its report.

But the state's questions did set the stage for additional groundwater and household well water sampling in the Pavillion area that began a couple weeks ago.

The struggle by both Wyoming officials and the EPA for message control shows the extent to which they fretted about the findings. Wyoming depends on oil and gas for its economic

well-being while environmentalists have pushed the Obama administration to crack down on a process responsible for increasing U.S. onshore production.

The worry wasn't misplaced: Though the findings were unique to Pavillion, they ricocheted amid heightened scrutiny of fracking in other drilling regions including the Marcellus Shale states of New York, Ohio and Pennsylvania.

The emails also suggest an uneasy partnership now that the EPA and Wyoming, as well as U.S. Geological Survey and two American Indian tribes, say they are working together on further study of the Pavillion groundwater.

However, some recent re-sampling by the EPA of household well water in the Pavillion area took Mead and other state officials by surprise. They had presumed that only two monitoring wells the EPA had drilled to test for groundwater pollution would be retested this spring.

"I won't tell anybody not to test. But if you're going to test, you need to bring everyone in the process," Mead said in an interview Monday.

The EPA did not make Jackson available for an interview. EPA Region 8 Director Jim Martin said in a statement through spokesman Richard Mylott that the EPA "has been transparent and has relied on the best science" to inform Pavillion-area residents about their water.

Environmentalists including the Natural Resource Defense Council and Sierra Club have looked to the Obama administration EPA to get tougher on fracking, the practice of cracking open oil and gas deposits by pumping pressurized water, fine sand and chemicals down well holes. They maintain that fracking is a threat to clean groundwater.

The EPA study in the Pavillion area followed years of complaints from homeowners that their well water took on a chemical stink around the time that fracking picked up in their neighborhood about eight years ago. Environmentalists welcomed the draft report as validation of their concerns.

Wyoming is the third-ranked state for onshore gas production and ninth for onshore oil production. Nearly every new oil and gas well in Wyoming that isn't a coal-bed methane well is fracked.

In internal emails that followed the Nov. 4 briefing, state officials expressed support for fracking as critical to oil and gas extraction, a \$7.7 billion a year industry in Wyoming that accounts for 20 percent of the state's gross domestic product.

"The limiting of the hydraulic fracturing process will result in negative impacts to the oil and gas revenues to the state of Wyoming. A further outcome will be the questioning of the economic viability of all unconventional and tight oil and gas reservoirs in Wyoming, across the United States, and ultimately in the world," wrote Tom Doll, supervisor of the Oil and Gas Conservation Commission, in a long email that circulated among top state officials.

Wyoming's top state regulator of oil and gas development, including essentially all fracking in the state, Doll was a district manager for Tulsa, Okla.-based Williams Production Company until 2008.

The spark for Doll's missive was the closed-door meeting at Wyoming Department of Environmental Quality headquarters in Cheyenne two days earlier. EPA administrator Martin briefed Wyoming officials about what the EPA was about to announce based on its research in Pavillion. Doll took part by phone.

"Contaminants present at high concentrations in the deep monitoring wells are likely a result of hydraulic fracturing," read a "Key Findings" slide in an EPA PowerPoint shown at the meeting. Each slide was marked "Confidential--Do Not Disclose."

The public announcement more than a month later stated that the groundwater "contains compounds likely associated with gas production practices, including hydraulic fracturing."

The EPA also suggested at the private meeting that gas development likely had contaminated household well water in the Pavillion area but that current data did not definitively support such a link. The EPA has made no such claim in public to date.

Emails show that Mead sought to reach Jackson within hours. Mead confirmed that he got her to hold off on the findings report until state officials could review the data.

"When I talked to Lisa Jackson they were going to release the findings regardless. That wasn't even the question. The question was on the timing of it. We wanted a chance to see what are they basing this on," Mead told the AP.

"She said, 'Well, maybe we can hold off a couple weeks to give you guys this data.'"

The EPA released raw data on pollution in the two monitoring wells at a public meeting in Pavillion on Nov. 9, five days after the private state briefing. Among the pollutants was the carcinogen benzene as high as 50 times the EPA limit. The EPA showed a PowerPoint similar to the one shown at the private meeting but without announcing any findings. There was no "Key Findings" slide.

Releasing the data and findings outside of the purview of two "working groups" angered state regulators. The working groups made up of state and EPA officials had been examining the Pavillion pollution for the better part of a year.

Wyoming didn't take the news from the private EPA briefing sitting down.

The state could "get ahead of the curve" by assigning its own experts to review the data, suggested John Corra, the environmental quality director.

"Sort of an all out press," Corra wrote to Doll and others Nov. 7.

Doll suggested to Corra and others in a Nov. 19 email that Wyoming take "a hard line" after one EPA official told them to drop their concerns.

"EPA has not substantially defended their explanation, the data is questionable on many levels, and EPA has ignored our alternative explanations," Doll wrote.

Dozens of questions from state regulators followed. They included why the monitoring well water samples had high pH readings. The EPA report referred to the high pH and mentioned the detection of potassium hydroxide, a basic chemical used in fracking.

Pavillion residents didn't hear about the finding before the public announcement, said John Fenton, chairman of Pavillion Area Concerned Citizens.

Fenton said he was unhappy that regulators hadn't kept local residents fully apprised of the latest developments concerning their water supply. Yet he held EPA in higher regard than the state officials he said ignored Pavillion for years, prompting residents to request the EPA investigation.

"Those of us living out here, we don't trust the state," he said.

State officials actively kept the media in the dark about the upcoming EPA announcement, even as reporters questioned them about the data.

"My sense is that the reporter was searching for a conflict to write about, and I tried to head that off," Corra wrote Nov. 29 to several other state officials about one reporter's questions.

Another state regulator suggested that Wyoming officials keep in mind how they're perceived while they questioned the EPA data.

"This could go on for a long time, during which we'll likely continue to be in an adversarial discussion with EPA, the public and the press," the Department of Environmental Quality's groundwater chief, Kevin Frederick, wrote to Corra on Dec. 2. "Is there a way to shift the focus of discussion to show the State in a more positive light while the present uncertainties continue to simmer?"

The additional sampling since agreed to has extended the study of the Pavillion groundwater. Peer review of the sampling results, set to begin this spring, now is scheduled for this fall.

**Brendan
Gillilan/DC/USEPA/US**
12/29/2010 05:22 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Bob
Sussman, Seth Oster, Betsaida Alcantara, Peter Grevatt,
Lisa Garcia, Judith Enck, Steve Owens, Arvin Ganesan,
Stephanie Owens, Dru Ealons

cc

bcc

Subject Dow Jones: EPA Warns of PCB Risks in Schools

EPA Warns of PCB Risks in Schools

Dow Jones

By [TENNILLE TRACY](#)

WASHINGTON—Federal authorities are urging schools across the U.S. to replace the electrical components in older light fixtures to reduce the threat of contamination from potentially cancer-causing chemicals.

In nonbinding recommendations released Wednesday, the Environmental Protection Agency says many schools built before 1979 use light fixtures that contain polychlorinated biphenyls, a manmade chemical that can affect the immune system and reproductive system and can cause cancer if they build up in the human body.

The agency urges schools to replace the electrical components in the light fixtures to prevent the escape of PCBs into the air. If the chemicals do leak, they would not represent an immediate threat but could present health concerns if they persist over time, the EPA says.

If the electrical components are already leaking PCBs, federal law requires the schools to remove them immediately.

The EPA is urging schools to replace the components after a study of three schools in New York City revealed that many fixtures in the schools were leaking PCBs.

The EPA has also worked with school officials in Oregon, North Dakota and Massachusetts to address leaks.

"As we continue to learn more about the potential risks of PCBs in older buildings, EPA will work closely with schools and local officials to ensure the safety of students and teachers," said Steve Owens, EPA's assistant administrator for chemical safety and pollution prevention, in a statement.

But the cost of replacing the electrical components, or the entire light fixture, could be high. New York City officials estimate it would cost \$1 billion to remove and replace lighting fixtures in about 800 buildings across the city.

Because of the expense, New York City officials have balked at the EPA's attempts to make sure

the city remove and replace the light fixtures on an expedited schedule.

In a Dec. 21 letter to the EPA, New York City Deputy Mayor Dennis Walcott said the costs of replacing the fixtures, "during this difficult fiscal climate," would force the city to lay off staff and delay school-construction projects.

Mr. Walcott also accuses the EPA of singling out the city and says the agency should require all public and private buildings in the U.S. to replace older light fixtures.

Following the release of the EPA's new recommendation Wednesday, New York's U.S. lawmakers called on the New York City Department of Education to step up its testing and remediation efforts.

"PCB contamination is alarmingly widespread and threatens the health of potentially hundreds of thousands of schoolchildren," Democratic Reps. Jerrold Nadler and Joseph Crowley said in a statement Wednesday.

Prior to 1978, when the manufacture of PCBs was banned, lighting companies used PCBs in electrical equipment because they do not readily burn or conduct electricity. The EPA currently regulates the use, storage and disposal of PCBs, but there are still millions of pieces of equipment in the U.S. that were made prior to the rules, according to the EPA.

**Brendan
Gillilan/DC/USEPA/US**
02/24/2012 08:57 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Gina
McCarthy, Arvin Ganesan, Laura Vaught, Michael Goo, Alex
Barron

cc

bcc

Subject Politico:

AEP: Costs of meeting power plant rule decline

By Erica Martinson
2/24/12 8:53 AM EST

At least one power company is finding EPA's mercury and air toxics rule cheaper to comply with than previously expected.

American Electric Power has cut its estimate for complying with EPA's mercury rule in Ohio to \$400 million from last summer's estimate of \$1.1 billion, the company told investors this month.

The estimated \$600 million to \$700 million in savings comes from changes the EPA made between the draft and final rule on how it will regulate particulate matter, company CEO Nick Akins said at a Feb. 10 analyst and investor meeting in New York City.

"That's been adjusted a little bit because we did get one positive outcome out of the EPA rules, and that was around particulate matter," Akins said. In the final rule, EPA requires removal only of "filterable particulate, as opposed to condensable and filterable. So that helped us. It took about \$600 million out of the capital plan."

Filterable fine particulate matter is a solid or liquid at stack temperature — around 250 to 320 degrees Fahrenheit — while condensable fine particulate matter is a vapor or a gas at stack temperature, according to EPA's website. AEP argued to the agency that the upgrades needed to limit condensable particulate matter would be extremely costly but result in negligible reductions to emissions.

All told, the company will spend "around \$5 billion to \$6 billion for the EPA-related investments associated with generation" between 2012 and 2020, Akins said. Of that, 75 percent is for established air rules, and 25 percent is for currently incomplete water regulations for cooling towers and coal ash. (To put that in context, AEP plan to spend around \$10 billion in total capital expenditures from 2012 to 2014, according to a recent [company presentation](#) in Tokyo.)

The change in particulate matter requirements also reduced the number of environmental retrofit projects in AEP's long-term plan to 24 from 36, Akins said.

Outside of Ohio, however, upgrade costs have not been significantly affected by changes to the rule, AEP spokeswoman Melissa McHenry said.

When the EPA released its final mercury and air toxics rule in December, Administrator Lisa

Jackson touted about \$1 billion in cuts to the costs of the proposed rule. The agency said it credits such cuts to new information on the effectiveness of control technologies, which will probably allow some plants to comply by upgrading existing controls or using "lower-cost" methods.

For example, some companies will upgrade a type of control equipment called an electrostatic precipitator rather than install a new fabric filter, EPA said. Some plants could also use less costly alternatives instead of scrubbers to meet the acid gas standard.

"This improved understanding and other factors reduced the overall costs of the rule to \$9.6 billion (at final) — down from a cost of \$10.9 billion at proposal," the EPA said.

McHenry said the company is still reviewing changes that could limit upgrade requirements for some technologies, but they are not a large portion of the expected upgrade costs.

AEP still plans to shut down more than 5,000 megawatts of coal-fueled power generation, McHenry said. Of that, 2,600 megawatts comes from outside of Ohio, and 2,538 megawatts are on tap to be shuttered inside the state. (The "inside Ohio" numbers include several plants that are physically located outside the state but are owned by AEP in Ohio, producing power used inside the state.)

But the company will not shutter its 1,078-megawatt Big Sandy Plant in Louisa, Ky., as previously announced, because of in-state pressures to support the coal industry, McHenry said.

The Big Sandy Plant would have been rebuilt as a 650-megawatt natural gas plant by the end of 2015 under the shutdown plan. Instead, the company has asked the Kentucky Public Service Commission to approve a plan to add a scrubber to the plant.

Brendan
Gilfillan/DC/USEPA/US
04/06/2012 01:42 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Laura
Vaught
cc
bcc
Subject Ken Ward on Cecil Roberts

Coal and climate: Still searching for Cecil Roberts

April 6, 2012 by Ken Ward Jr.

I'm not sure what **MetroNews radio personality Hoppy Kercheval** would prefer — For United Mine Workers President Cecil Roberts to announce the union will work against President Obama's re-election or for Brother Cecil to keep refusing to do so, giving Hoppy endless material for the statewide radio network with all of its coal industry advertisements.

But it is clear that Cecil Roberts isn't doing a very good job of not taking Hoppy's bait. Maybe he's not trying that hard. It's interesting that the UMWA has taken its complaints about the Obama administration's environmental policies to a particular sort of media/infotainment outlet. First, there was the union president's appearance Tuesday on **Hoppy's statewide Talkline program** and then last night, a quick interview on a **CNBC program hosted by conservative commentator Lawrence Kudlow**. Could a **guest blog for Don Surber** be the next move in the UMWA's media strategy?

Of course, the thing that got the most attention from this week's Cecil Roberts media tour were his remarks about EPA Administrator Lisa Jackson. If you missed it, early in the interview with Hoppy, Cecil threw this in from really out of nowhere:

*I noticed this past week the vice president **was talking about the campaign** and he mentioned that Osama Bin Laden was dead and general motors was alive. He should have gone on to say that the coal industry is not far behind with respect to what happened to Osama Bin Laden.*

Later, as Hoppy continued to try to corner Cecil about the union's 2008 endorsement of then-candidate Obama, the radio host asserted:

This is happening by the EPA under a particular administration which you guys supported, and this administration is hanging you out to dry. Hanging you out to dry.

Cecil responded with this:

I don't know if I would put it that distinctly, but I would say this, the Navy Seals shot Osama Bin Laden in Pakistan and Lisa Jackson shot us in Washington, so there you go.

This line got picked up by a variety of beltway media outlets (see [here](#), [here](#), [here](#) and [here](#)) and was the lead-in for Cecil's appearance on CNBC last night.

What to say about this sort of rhetoric?

Well, Cecil should and I'm sure does know better, at least deep down somewhere.

Not so long ago, UMWA officials were privately complaining about the [Inspector General including a line in one of its reports](#) about a Massey Energy expert expressing concern about the union's "history of violence" during the investigation of the Upper Big Branch Mine Disaster. If the union doesn't want to be associated with violence, perhaps a first step would be for Cecil to make more of an effort to not use references about shooting people when he's engaged in a discussion about a major national public policy issue. Much as now-Sen. Joe Manchin did [with his "Taking dead aim" ad](#) about the Waxman-Markey bill, Cecil's comments perpetuates the stereotype that folks in coalfield communities think every difference of opinion amounts to something that should be resolved with gunfire. And with tempers as hot as they are over issues like mountaintop removal, responsible leaders — if we had any around — would use their bully pulpit to urge restraint, understanding and reason, not to throw around analogies about shooting people.

Seriously now, Cecil Roberts is comparing our government's assassination of the mastermind of the 9-11 terror attacks to EPA's peaceful and non-violent proposal of Clean Air Act regulations? Come on. Cecil is a very smart guy and an accomplished public speaker. He can do better than that. I kind of hoped Cecil had just let this slip out, pushed as he was by Hoppy to take a tougher stand against President Obama. But union spokesman Phil Smith told me:

I think [Cecil Roberts] thinks he used some pretty strong words. But I don't know that he necessarily regrets those words.

It sounds more like the UMWA is pleased with the media attention the remarks have gotten them, and thinks this little episode will get them somewhere with the administration. I'm not so sure about that, but time will tell.

More importantly than all of this, though, is the underlying substance of what Cecil Roberts had to say this week about coal, climate change and the Obama administration's efforts to deal with what is without a doubt one of the most significant, pressing and urgent problems confronting humankind.

Even more specifically, it's key to go back and look at what Cecil Roberts ***didn't*** say this week: He didn't say that urgently reducing greenhouse gas pollution to avoid the most serious consequences of climate change is important and must be done. Go back and [listen to the Talkline appearance](#) and see what I mean. Cecil's comments are all about what he thinks is bad about [this particular EPA regulatory proposal](#). We've written before about how Cecil Roberts, [while professing to accept the clear scientific consensus](#)

about global warming, slips into denier-talk at worst and, at best, does not explain to his members the importance of dealing with global warming and how the coal industry might play a role in that.

Go back and re-read what Cecil's friend AFL-CIO President Rich Trumka says about climate change:

Today, as we meet together, scientists tell us we are headed ever more swiftly toward irreversible climate change—with catastrophic consequences for human civilization. We must have a stable climate to feed the planet, to ensure there is drinking water for our cities but not floodwaters at our doors. A stable climate is the foundation of our global civilization, of our global economy—the prerequisite for a profitable investment environment.

And to those who say climate risk is a far off problem, I can tell you that I have hunted the same woods in Western Pennsylvania my entire life and climate change is happening now—I see it in the summer droughts that kill the trees, the warm winter nights when flowers bloom in January, the snows that fall less frequently and melt more quickly.

We're still waiting to hear words anywhere near that clear and eloquent from Cecil Roberts.

Rightly so, Cecil Roberts is focused on the coal miners he represents — and not only working miners, but thousands of retirees and widows, folks who rely on coal production fees to fund their retirement and health-care benefits. He's right to worry about and try to work to protect their interests. I'm not sure anybody quibbles with that.

But in his Talkline interview, Cecil repeatedly said his view of putting his coal miners and their families first is a **broader** view than that taken by EPA and groups like the Sierra Club. I'm not sure how he translates working for the interests of a relatively small (in global terms) number of people's economic security into a broader view than working for protection of the very climate the the rest of the world's residents rely on to live. I've repeatedly on this blog urged readers from the environmental community to try to put themselves into Cecil's shoes on these issues. But saying he had a broader view of climate change than those who are actually working to address it was a poor choice of words, especially when used in this context

There are other problems with the arguments Cecil is making on this.

He seems to advocate the United States not taking any action at all on global warming unless it's doing so as part of a global treaty with developing nations, ignoring the notion that the U.S. should be a progressive world leader. Taken to its logical conclusion, this theory would drive the U.S. to abandon mine safety laws if China didn't adopt those same worker protections.

And Cecil argues for no action by EPA on global warming unless Congress passes a

comprehensive climate change bill. But let's remember that his union refused to endorse the Waxman-Markey bill that passed the House, **despite saying publicly of that legislation:**

As it stands now, the amount of money dedicated to coal in this bill is remarkable, and the future of coal will be intact.

Phil Smith told me that the union believes, if that bill had become law, the nation would be three years further down the road toward perfecting and deploying **carbon capture and sequestration** technology for coal-fired power plants. Instead, we see projects like **AEP's Mountaineer Plant CCS installation being dropped**, largely because **without mandated emissions reductions, there's no reason for utilities to move forward.**

Just this morning, Phil Smith told me again that the UMWA — unlike the Hoppy Kerchevals and Don Surbers of our state — accepts the science on global warming. If that's true, then Cecil Roberts knows that global warming pollution levels **are worse than scientists feared they would be**, and he knows there is a **"pressing need for substantial action"** to reduce carbon dioxide emissions. And Cecil also knows that the only way to both deal with these issues and still have a coal industry is to press forward with CCS.

If that's what he knows, then why doesn't Cecil say it, instead of taking the bait from global warming deniers?

**Brendan
Giffilan/DC/USEPA/US**
03/01/2011 02:44 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, Cynthia Giles-AA, Nancy Stoner, Shawn Garvin, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons
cc
bcc
Subject 2nd NYT Fracking Story: Gas Drillers Recycle Wastewater, but Risks Remain

Gas Drillers Recycle Wastewater, but Risks Remain

By [IAN URBINA](#)

As drilling for natural gas started to climb sharply about 10 years ago, energy companies faced mounting criticism over an extraction process that involves pumping millions of gallons of water into the ground for each well can leave significant amounts of hazardous contaminants in the water that comes back to the surface.

So, in a move hailed by industry as a major turning point, drilling companies started reusing and recycling the wastewater.

“Water recycling is a win-win,” one drilling company, Range Resources, says on its Web site. “It reduces fresh water demand and eliminates the need to dispose of the water.”

But the win-win comes with significant asterisks.

In Pennsylvania, for example, natural-gas companies recycled less than half of the wastewater they produced during the 18 months that ended in December, according to state records.

Nor has recycling eliminated environmental and health risks. Some methods can leave behind salts or sludge highly concentrated with radioactive material and other contaminants that can be dangerous to people and aquatic life if they get into waterways.

Some well operators are also selling their waste, rather than paying to dispose of it. Because it is so salty, they have found ready buyers in communities that spread it on roads for de-icing in the winter and for dust suppression in the summer. When ice melts or rain falls, the waste can run off roads and end up in the drinking supply.

Yet in Pennsylvania, where the number of drilling permits for gas wells has jumped markedly in the last several years, in part because the state sits on a large underground gas formation known as the Marcellus Shale, such waste remains exempt from federal and state oversight, even when turned into salts and spread on roads.

When Pennsylvania regulators tried to strengthen state oversight of how drilling wastewater is tracked, an industry coalition argued vehemently against it. Three of the top state officials at the

meeting have since left the government — for the natural-gas industry.

One executive at a drilling wastewater recycling company said that for all the benefits of recycling, it was not a cure-all.

“No one wants to admit it, but at some point, even with reuse of this water, you have to confront the disposal question,” said Brent Halldorson, chief operating officer of Aqua-Pure/Fountain Quail Water Management, adding that the wastewater has barium, strontium and radioactive elements that need to be removed.

Mr. Halldorson emphasized that he had not seen high radioactivity readings at the plant he operates in Williamsport, Pa. He said he firmly believed in the benefits of recycling — to reduce the waste produced and water used and to help promote a shift toward natural gas, which burns cleaner than coal for producing electricity.

“But there still needs to be a candid discussion, and there needs to be accountability about where even the recycled wastewater is going,” Mr. Halldorson added.

More than 90 percent of well operators in Pennsylvania use this process, known as hydrofracking, to get wells to produce. From 10 percent to 40 percent of the water injected into each well resurfaces in the first few weeks of the process.

Many states send their drilling waste to injection wells, for storage deep underground. But because of the geological formations in Pennsylvania, there are few injection wells, and other alternatives are expensive. So natural-gas well operators in the state have turned to recycling.

“The technical breakthroughs that have allowed us to lead the nation in water recycling are complemented by a carefully orchestrated water-management system, involving a combination of on-site and off-site treatment, depending on specific geography and economics,” said Kathryn Klaber, president of the Marcellus Shale Coalition, an industry trade group.

State and company records show that in the year and a half that ended in December 2010, well operators reported recycling at least 320 million gallons. But at least 260 million additional gallons of wastewater were sent to plants that discharge their treated waste into rivers, out of a total of more than 680 million gallons of wastewater produced, according to state data posted Tuesday. Those 260 million gallons would fill more than 28,800 tanker trucks, a line of which would stretch from about New York City to Richmond, Va.

While the total amount of recycling occurring in the state is nowhere near the 90 percent that the industry has been claiming over the past year, the practice has undoubtedly been on the rise in recent months. The amount reported recycled in the past six months is roughly 65 percent of the total produced, up from roughly 20 percent during the 12 months before that. At least 50 million additional gallons of wastewater is unaccounted for, according to state records.

The fate of more of the wastewater is unknown because of industry [lobbying](#). In 2009, when regulators tried to strengthen oversight of the industry’s methods for disposing of its waste, the

Marcellus Shale Coalition staunchly [opposed](#) the effort.

“There is no other industry in Pennsylvania that is required to have a manifest system for residual waste,” industry officials [argued](#), according to notes from a meeting on March 11, 2009, with state regulators and officials from the governor’s office. Under the proposed system, a manifest would have been required so that each load of wastewater was tracked from the well to its disposal, to verify that it was not dumped at the side of the road.

After initially [resisting](#), state officials [agreed](#), adding that they would try to persuade the secretary of Pennsylvania’s Department of Environmental Protection to agree, according to the notes.

In the end, the state’s proposed manifest system for tracking was not carried out.

Three of the top state officials in the meeting — K. Scott Roy, Barbara Sexton and J. Scott Roberts — have since left their posts for jobs in the natural-gas industry.

The tracking system that was put in place requires monthly or yearly reports to the state from well operators indicating where their waste was taken, but offers no way for the state to guarantee that the waste actually reached the disposal sites.

The challenges of tracking and disposing all of the industry’s drilling waste will not go away soon. At least 50,000 new Marcellus wells are supposed to be drilled in Pennsylvania over the next two decades, up from about 6,400 permitted Marcellus wells now.

Wells also create waste that is not captured by recycling, because operators typically recycle only for the first several months after a well begins producing gas.

Though the amount of wastewater decreases over time, the wells can continue to ooze for decades, long after many of them are abandoned.

“This is important because as the well ages, the fluids that come up from it become more toxic, and the state or companies are even less likely to be tracking it,” said Anthony Ingraffea, a drilling expert and professor of civil and environmental engineering at [Cornell University](#).

State regulators predict that the heaviest burdens are still to come.

“The waste that flows back slowly and continuously over the 20- to 30-year life of each gas well could produce 27 tons of salt per year,” Pennsylvania officials [wrote](#) in new rules adopted last August about salt levels in drilling wastewater being sent through sewage treatment plants. “Multiply this amount by tens of thousands of Marcellus gas wells,” they said, and the potential pollution effects are “tremendous.”

In an interview on Sunday, John Hanger, who in January stepped down as secretary of Pennsylvania’s Department of Environmental Protection, pointed to these rules as some of the strongest in the country and cited other accomplishments during his term, including increasing

inspections of drilling industry trucks, more than doubling his department's natural gas staff and improving well-design requirements.

The natural-gas industry uses a number of methods to recycle drilling waste.

Some drillers have used recycling equipment at the well site or truck the water to a dedicated recycling facility. The wastewater is filtered, [evaporated](#) and then distilled, to be used again at the well. Other companies add fresh water to the wastewater, to dilute the salts and other contaminants, before pumping it back in the ground for more hydrofracking.

Any sludge that settles from these various processes is taken to landfills, which in Pennsylvania are equipped with radiation monitors, or sent to injection disposal wells.

But drilling experts say that virtually all forms of recycling still result in liquid waste that can be [more toxic](#) than it was after the first use.

“The wastewater that comes up from the well will, without a doubt, increase to some degree in radium and other radionuclides with each new fracking,” said Radisav Vidic, an environmental engineering professor and drilling expert at the [University of Pittsburgh](#).

Industry officials said there was no reason for concern about radioactivity levels in wastewater.

“All of our reports indicate that this industry operates within the same standards set forth and observed by all water consumers in Pennsylvania,” said Matt Pitzarella, a spokesman from Range Resources-Appalachia, a part of the natural-gas company Range Resources.

Some energy companies have found more profitable options for getting rid of their drilling wastewater.

In West Virginia, for example, environmental regulators and highway officials last year announced plans for the state to start paying around five cents per gallon for gas drilling wastewater known as brine, which tends to be extremely salty, to melt ice on roads.

They planned to buy about 1.2 million gallons of the wastewater at more than 120 sites around the state and to buy more as needed.

West Virginia's water and waste management director, Scott Mandirola, has said that he recognized that the waste may have radioactive contaminants and that some of the waste would find its way to the state's waters.

But he added that it would be highly diluted by rain or snow and that de-icing the roads was important. State officials also said that only wastewater from shallow wells would be used, thereby reducing levels of radioactivity.

Pennsylvania also allows salty brine produced from the wastewater to be spread on roads for dust suppression or de-icing.

More than 155,000 gallons of this wastewater was sent by a drilling company called Ultra Resources to nine towns for dust suppression in 2009, [state records show](#). The water came from two gas wells in Tioga County and contained radium at almost 700 times the levels allowed in drinking water.

“I was told nothing about frack water or any gas-well brines or anything else,” said Deborah Kotulka, the secretary of Richmond Township, in Tioga County, whose name appears on the state record. Her township received 101,640 gallons of the water from wells with high radioactivity, [those records](#) show.

As gas producers have tried to find new ways to get rid of their waste, they have sought reassurances from state and federal regulators that the industry’s exemptions from federal laws on hazardous waste were broad enough to protect them.

In late 2009, for example, officials from an industry trade group, the Pennsylvania Oil and Gas Association, wrote to regulators to confirm that drilling waste, regardless of how it was handled, would remain exempt from the federal law governing hazardous materials. The association said it was asking in case companies sought to distill the waste into salts for de-icing roads.

“The query has monumental significance,” Steve Rhoads, then the president of the association, [wrote](#) in a September 2009 e-mail to state regulators explaining his members’ concerns about any attempt by federal officials to categorize drilling waste as hazardous material. The correspondence was obtained through open-records requests filed with the state.

If drillers were to lose the exemption from federal law that allowed their waste not to be considered hazardous, they would probably be forced, at great expense, to start more rigorously testing the waste for toxicity.

They might also have to do what most other industries do: ship any radioactive sludge or salts that is high in radioactivity to Idaho or Washington, where there are some of the only landfills in the country permitted to accept such waste.

Instead, federal regulators informed the industry that their exemption remained intact, a decision that association officials quickly passed on to their members. State regulators declined to comment on the exchange because it concerns a federal, not state, exemption. Federal officials said the salts were regulated by the states.

“In short,” Mr. Rhoads wrote his members, the [Environmental Protection Agency](#) has determined that the exemption “remains in effect once the waste is generated, regardless of how the waste is treated or managed.”

**Brendan
Gilfillan/DC/USEPA/US**
01/25/2011 04:11 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen

cc

bcc

Subject AP: Gingrich calls for replacing EPA

FYI - as you'll see in the story, AP has asked us for comment on this.

Gingrich calls for replacing EPA

(AP) – 2 hours ago

DES MOINES, Iowa (AP) — Former House Speaker Newt Gingrich called Tuesday for the elimination of the Environmental Protection Agency, which he wants to replace with a new organization that would work more closely with businesses and be more aggressive in using science and technology.

In an interview with The Associated Press, Gingrich said the EPA was rarely innovative and focused only on issuing regulations and litigation.

"What you have is a very expensive bureaucracy that across the board makes it harder to solve problems, slows down the development of new innovations," Gingrich said.

Gingrich, who has acknowledged that he's mulling a run for the Republican presidential nomination, was in Iowa to talk to the Iowa Renewable Fuels Association. He also met privately with Republican legislators, often a sign in Iowa that people are laying the groundwork for a campaign. The state has the nation's first presidential caucuses.

Gingrich, who has made several visits to Iowa recently, said the EPA was founded on sound ideas but has become a traditional Washington bureaucracy. Tuesday was the first time he had proposed eliminating it, Gingrich spokesman R.C. Hammond said.

"We need to have an agency that is first of all limited, but cooperates with the 50 states," Gingrich said. "The EPA is based on bureaucrats centered in Washington issuing regulations and litigation and basically opposing things."

A telephone message left for EPA spokesman Brenden Gilfillan in Washington was not immediately returned.

Gingrich denied his proposal would result in environmental damage, saying he would replace the EPA with what he called the Environmental Solution Agency.

"I think you have an agency which would get up every morning, very much like the National Institutes for Health or the National Science Foundation, and try to figure out what do we need to

do today to get a better environment that also gets us a better economy," he said.

Gingrich also said his proposed agency would pursue the development of a clean coal and rewrite regulations governing the development of small nuclear plants.

"There's a whole new emerging technology that allows you to build smaller nuclear plants, but all of our rules were designed for very complex, very expensive systems," he said.

Gingrich's anti-Washington, pro-business theme was designed to appeal to the conservatives who dominate Republican precinct caucuses, which traditionally launch the presidential nominating process. Iowa's next presidential caucus is Feb. 6, 2012.

"The level of control that Washington bureaucrats want to extend over topics they don't understand and communities they don't live in is wrong," he said. "Having an attitude of getting up every morning and trying to stop the economy is just a very destructive attitude."

**Brendan
Gillilan/DC/USEPA/US**
02/09/2011 01:53 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen, Michael Moats

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bcc

Subject Politico: New Power Balance After Browner?

Politico
New Power Balance After Browner?

Darren Samuelsohn
2/9/11

Carol Browner's imminent exit as President Barack Obama's energy adviser raises questions about whether the White House will return to regular order when it comes to environmental policy.

For nearly four decades, presidents have relied for green advice on the leader of the Council on Environmental Quality — a relatively obscure office that has often wielded extraordinary power behind the scenes.

But Obama leaned on Browner, rather than CEQ Chairwoman Nancy Sutley, on high-profile items, including the climate change bill and last year's BP oil spill. Now that Browner is packing her bags, observers wonder whether CEQ can snatch back its past role as a key legislative liaison and public face shaping and defending environmental policy.

"I do think you'll see a higher-profile role for Nancy," said Shelley Fidler, a CEQ chief of staff during the Clinton administration. "It's an opportunity not just for Nancy but all those great people who work there."

In 2011, those opportunities include navigating Obama's "clean energy standard" proposal through Congress, responding to Republican presidential candidates and lawmakers attacking his environmental and climate change agenda and making a decision on the nearly 1,700-mile Keystone XL oil pipeline.

Most of Sutley's efforts since early 2009 have been low key, spearheading the federal response to regional issues, such as the Asian carp invasion of the Great Lakes and restoration projects in the Gulf of Mexico, Chesapeake Bay, California Bay-Delta and the Everglades. She has held the reins implementing an executive order to reduce the federal government's greenhouse gas emissions and overseeing the environmental effects of tens of billions of economic-stimulus dollars. She has also chaired panels establishing policy on climate adaptation and oceans.

"The role and the clout that CEQ has is almost entirely dependent on the wishes of the president and, to some extent, on the president's chief of staff," said George Frampton, CEQ chairman for the final three years of the Clinton administration. "Perhaps it was inevitable, with all the focus on the climate and energy legislation and with a czar in the White House in charge of that, that CEQ would not be as empowered in the last two years."

Presidents have wide discretion when it comes to leaning on CEQ for advice. President Bill

Clinton's two CEQ leaders — Frampton and Katie McGinty — had significant sway, thanks to close ties to the Oval Office through Vice President Al Gore.

James Connaughton wielded extraordinary influence in the George W. Bush administration, sitting just behind Vice President Dick Cheney during Cabinet meetings and regularly serving as public point man on controversial policy moves. He also spearheaded international climate efforts, including the Major Economies Forum, which has since been taken over by the State Department.

"Oddly, CEQ was never more influential than under George W. Bush," said James "Gus" Speth, CEQ chairman during the Carter administration.

It's been a different story for Sutley, 48, a former EPA official who worked for Browner during the Clinton administration before moving to Los Angeles to serve as deputy mayor in charge of environment. Coming back to Washington in 2009, Sutley thrilled greens by promising an end to scientific censorship that had been a recurring theme in the Bush era. And she promised to empower agencies such as EPA, which had often seen its ideas discarded during the previous eight years.

But CEQ and its staff of 24 full-time experts have made it into the spotlight on only a few occasions — and not necessarily under the best of circumstances. In mid-2009, Fox News commentator Glenn Beck led a successful campaign to oust Sutley's green jobs adviser, Van Jones, because he had signed a petition suggesting the Sept. 11, 2001, terrorist attacks were a government conspiracy and had described congressional Republicans in anatomical terms.

The office took another hit last month when Jon Carson, Sutley's chief of staff for two years, was promoted to director of the White House Office of Public Engagement. Carson was Obama's 2008 field director and a key link with the West Wing.

"He was the most politically important person over there," said a former top Clinton administration environmental official. "He's one of the boys. ... That's a loss for CEQ."

In an interview with POLITICO last week, Sutley said Browner's prominent White House role underscores Obama's commitment to the environment, not the other way around.

"People have their perceptions," she said. "I'm not going to argue whether they have those perceptions. But I've got to tell you, I've been doing this a long time, and I've got to tell you that I don't see the mission of CEQ diminished. I see the portfolio of the environment and of energy and of sustainability expanded.

"And in recognizing that expansion, that bringing more people into the equation, someone with the history and the skills of Carol Browner is really a good thing that the president did and, again, reflects how much of a priority he places on these issues," Sutley added. "You're asking is it a zero-sum game. I don't think it's a zero-sum game. I think it's actually the pie has expanded significantly."

White House officials are still not ready to discuss publicly what will happen to Browner's portfolio, but sources inside and outside the administration tell POLITICO they expect her office to be shuttered, with its files and staff distributed to the National Economic Council, National Security Council and CEQ, among others.

Administration officials and allies on the outside insist that Sutley has been a key player driving

policy. Both Sutley and Browner have participated over the past two years in the daily White House senior staff meetings, as well as Cabinet meetings.

“In the past two years, this administration has made crucial strides in protecting the air Americans breathe and the water Americans drink,” EPA’s Jackson said in a statement to POLITICO. “The work Nancy and her team does is vital in making progress on these issues for the American people. She’s a friend, a trusted colleague and an invaluable part of this team.”

Bradley Campbell, a CEQ chief of staff in the Clinton administration, said Sutley has done a good job establishing a working relationship with the various federal agencies.

“This CEQ has established a very positive and very effective working relationship with the agencies, which was not really true in my observation in the Bush years,” Campbell said. “She’s been wise in not positioning herself as the public lead on every issue because, frankly, and you’ve seen this in both Democratic and Republican administrations, receptions to an issue are changed when it’s perceived to be a White House lead.”

Behind the scenes, CEQ leaders can play a major role in determining the environmental policy direction of an administration.

“In the Reagan administration, CEQ influenced a lot of proposals that most people weren’t even aware of — even when people thought CEQ had virtually no clout at all,” said Dinah Bear, a former CEQ general counsel whose career spanned 25 years and four administrations.

In the beginning, CEQ had three leaders nominated by the president and a staff of more than 100. President Richard M. Nixon tapped three big names in the conservation world — Russell Train, Gordon MacDonald and Robert Cahn — to churn out the first wave of rules establishing EPA and the National Oceanic and Atmospheric Administration and to implement early iterations of the Clean Air Act. While Congress gave CEQ specific authority under the National Environmental Policy Act, the council took on a much broader mandate in its beginning.

“Environmental problems occur today because we were not alert enough, informed enough or farseeing enough yesterday,” Nixon said in a 1970 statement launching the office. “The new Council on Environmental Quality will work to remedy these deficiencies and will thus contribute, in a most significant way, to the quality of American life for all our tomorrows.”

Sutley said she has many of the same responsibilities as Train and Connaughton. “Those fundamental roles have not changed over 40 years,” she said.

Brendan
Gillilan/DC/USEPA/US
12/08/2010 10:11 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman

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bcc

Subject The New Republic: Obama's Non Confrontational EPA

The New Republic: Obama's Non Confrontational EPA

by Bradford Plumer

Bradford Plumer is an assistant editor at The New Republic, where he reports on energy and environmental issues.

Here's a quick sketch of how environmental policy will get made for the next two years. Congress won't pass any new laws. The EPA will try to use the authority it already has to mop up pollution from coal plants, factories, and vehicles (and the agency has a fair bit of existing authority to do so). Industry groups, Republicans, and more than a few Democrats will moan about the costs. And the Obama administration will then have to decide just how much confrontation it can really stomach. Any bets on how this will all play out?

Yesterday brings a sneak preview: The EPA [just announced](#) that it is asking for a year-long delay in crafting new rules that would lower toxic pollution from industrial boilers and solid-waste incinerators. The D.C. District Court had given the EPA until January 16, 2011, to set new standards that would reduce mercury and soot pollution from sources like oil refineries and paper mills. This isn't just some abstract tree-hugging measure; it would arguably do more for public health than any section of Obamacare: EPA experts [found](#) that cutting toxic pollution could prevent 5,000 deaths and 36,000 asthma attacks *each year*. (All told, the rule would have cost an estimated \$6.4 billion each year while delivering between \$138 billion and \$334 billion in annual health benefits — not a bad deal.) But the affected industries all griped that the costs were way too burdensome and buried the EPA in angry comments.

Now, EPA officials say they're seeking a delay because all those comments made them realize that the air-toxics rule could be structured more carefully. That's plausible. But it's *also* true that the agency has been under excruciating political pressure of late. Nearly 100 lawmakers have complained about the boiler rules. The likely new head of the House energy committee, Fred Upton, [has bashed the standards](#) and is promising to drag EPA head Lisa Jackson in for enhanced interrogation. (Upton's concern? The Council of Industrial Boiler Owners thinks the costs will be far greater than EPA is projecting. It's worth noting that, historically, pollution rules [tend to be cheaper](#) than even the EPA expects.) And House Republicans will have a say in the agency's budget going forward, so Jackson can't just ignore them.

But this goes beyond one little pollution rule. Right now, the EPA is preparing a whole host of

new regulations under the Clean Air Act. There's a national air quality standard for ozone pollution in the works. There's a looming decision about whether to regulate coal ash as a hazardous waste. There are new smog rules that would limit sulfur-dioxide and nitrogen-oxide emissions from coal power plants. And, of course, the EPA is still trying to formulate rules to crack down on greenhouse gas emissions. That last one is pretty much the country's only shot at tackling global warming, now that Congress has no interest in passing climate legislation.

Taken together, these new regulations could have an enormous effect on America's energy mix — [up to 20 percent](#) of the country's coal plants could get retired in the coming decade, potentially replaced with cleaner natural gas or even renewable power. It's hard to overstate what a massive shift that would entail. But, for that to happen, the EPA would actually have to slog ahead in the face of vicious opposition from Congress and industry groups. And it's unclear just how hard the agency is willing to battle. True, Barack Obama has said he'd veto any bill that crippled the EPA's greenhouse-gas authority, and Lisa Jackson [is fond of dismissing](#) apocalyptic cries by industry lobbyists. But today's announcement suggests that even Jackson doesn't want to get too heavy-handed.

Incidentally, this is why *American Electric Power v. Connecticut* is a Supreme Court case worth following closely. At stake is whether states, localities, and environmental groups can get courts to declare CO₂-spewing power plants a "public nuisance" — and, in effect, get the legal system to force these plants to reduce their heat-trapping emissions. (See [here](#) for a detailed rundown.) The Second Circuit Court of Appeals ruled that, yes, such lawsuits could proceed, so long as the EPA wasn't taking its own steps to reduce greenhouse gas emissions. (So far, the agency [has only issued rules](#) governing *new* power plants, not existing ones.) We'll see what the Supreme Court says, but if these nuisance suits are allowed to go forward, that could push the EPA to speed up its climate regulations — for now, most of the pressure is coming from the opposite direction.

**Brendan
Giffilan/DC/USEPA/US**
06/22/2011 09:09 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Laura Vaught, Daniel Kanninen, Janet Woodka

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bcc

Subject AI Gore in Rolling Stone: Climate of Denial

Climate of Denial

Can science and the truth withstand the merchants of poison?

The first time I remember hearing the question "is it real?" was when I went as a young boy to see a traveling show put on by "professional wrestlers" one summer evening in the gym of the Forks River Elementary School in Elmwood, Tennessee.

The evidence that it was real was palpable: "They're really hurting each other! That's real blood! Look a'there! They can't fake that!" On the other hand, there was clearly a script (or in today's language, a "narrative"), with good guys to cheer and bad guys to boo.

But the most unusual and in some ways most interesting character in these dramas was the referee: Whenever the bad guy committed a gross and obvious violation of the "rules" — such as they were — like using a metal folding chair to smack the good guy in the head, the referee always seemed to be preoccupied with one of the cornermen, or looking the other way. Yet whenever the good guy — after absorbing more abuse and unfairness than any reasonable person could tolerate — committed the slightest infraction, the referee was all over him. The answer to the question "Is it real?" seemed connected to the question of whether the referee was somehow confused about his role: Was he too an entertainer?

[Photo Gallery: 11 extreme-weather signs the climate crisis is real](#)

That is pretty much the role now being played by most of the news media in refereeing the current wrestling match over whether global warming is "real," and whether it has any connection to the constant dumping of 90 million tons of heat-trapping emissions into the Earth's thin shell of atmosphere every 24 hours.

This article appears in the July 7, 2011 issue of Rolling Stone. The issue is available on newsstands and in the digital archive on June 24.

Admittedly, the contest over global warming is a challenge for the referee because it's a tag-team match, a real free-for-all. In one corner of the ring are Science and Reason. In the other corner: Poisonous Polluters and Right-wing Ideologues.

[How Obama gave up on climate change legislation](#)

The referee — in this analogy, the news media — seems confused about whether he is in the news business or the entertainment business. Is he responsible for ensuring a fair match? Or is he part of the show, selling tickets and building the audience? The referee certainly seems distracted: by Donald Trump, Charlie Sheen, the latest reality show — the list of serial obsessions is too long to enumerate here.

[Photo Gallery: 12 politicians and executives blocking progress on climate change](#)

But whatever the cause, the referee appears not to notice that the Polluters and Ideologues are trampling all over the "rules" of democratic discourse. They are financing pseudoscientists whose job is to manufacture doubt about what is true and what is false; buying elected officials wholesale with bribes that the politicians themselves have made "legal" and can now be made in secret; spending hundreds of millions of dollars each year on misleading advertisements in the mass media; hiring four anti-climate lobbyists for every member of the U.S. Senate and House of Representatives. (Question: Would Michael Jordan have been a star if he was covered by four defensive players every step he took on the basketball court?)

[How oil and gas companies have blocked progress on global warming](#)

This script, of course, is not entirely new: A half-century ago, when Science and Reason established the linkage between cigarettes and lung diseases, the tobacco industry hired actors, dressed them up as doctors, and paid them to look into television cameras and tell people that the linkage revealed in the Surgeon General's Report was not real at all. The show went on for decades, with more Americans killed each year by cigarettes than all of the U.S. soldiers killed in all of World War II.

This time, the scientific consensus is even stronger. It has been endorsed by every National Academy of science of every major country on the planet, every major professional scientific society related to the study of global warming and 98 percent of climate scientists throughout the world. In the latest and most authoritative study by 3,000 of the very best scientific experts in the world, the evidence was judged "unequivocal."

But wait! The good guys transgressed the rules of decorum, as evidenced in their private e-mails that were stolen and put on the Internet. The referee is all over it: Penalty! Go to your corner! And in their 3,000-page report, the scientists made some mistakes! Another penalty!

And if more of the audience is left confused about whether the climate crisis is real? Well, the show must go on. After all, it's entertainment. There are tickets to be sold, eyeballs to glue to the screen.

Part of the script for this show was leaked to *The New York Times* as early as 1991. In an internal document, a consortium of the largest global-warming polluters spelled out their principal strategy: "Reposition global warming as theory, rather than fact." Ever since, they have been sowing doubt even more effectively than the tobacco companies before them.

To sell their false narrative, the Polluters and Ideologues have found it essential to undermine the public's respect for Science and Reason by attacking the integrity of the climate scientists. That is why the scientists are regularly accused of falsifying evidence and exaggerating its implications in a greedy effort to win more research grants, or secretly pursuing a hidden political agenda to expand the power of government. Such slanderous insults are deeply ironic: extremist ideologues — many financed or employed by carbon polluters — accusing scientists of being greedy extremist ideologues.

After World War II, a philosopher studying the impact of organized propaganda on the quality of democratic debate wrote, "The conversion of all questions of truth into questions of power has attacked the very heart of the distinction between true and false."

Is the climate crisis real? Yes, of course it is. Pause for a moment to consider these events of just the past 12 months:

- Heat. According to NASA, 2010 was tied with 2005 as the hottest year measured since instruments were first used systematically in the 1880s. Nineteen countries set all-time high temperature records. One city in Pakistan, Mohenjo-Daro, reached 128.3 degrees Fahrenheit, the hottest temperature ever measured in an Asian city. Nine of the 10 hottest years in history have occurred in the last 13 years. The past decade was the hottest ever measured, even though half of that decade represented a "solar minimum" — the low ebb in the natural cycle of solar energy emanating from the sun.
- Floods. Megafloods displaced 20 million people in Pakistan, further destabilizing a nuclear-armed country; inundated an area of Australia larger than Germany and France combined; flooded 28 of the 32 districts that make up Colombia, where it has rained almost continuously for the past year; caused a "thousand-year" flood in my home city of Nashville; and led to all-time record flood levels in the Mississippi River Valley. Many places around the world are now experiencing larger and more frequent extreme downpours and snowstorms; last year's "Snowmageddon" in the northeastern United States is part of the same pattern, notwithstanding the guffaws of deniers.
- Drought. Historic drought and fires in Russia killed an estimated 56,000 people and caused wheat and other food crops in Russia, Ukraine and Kazakhstan to be removed from the global market, contributing to a record spike in food prices. "Practically everything is burning," Russian president Dmitry Medvedev declared. "What's happening with the planet's climate right now needs to be a wake-up call to all of us." The drought level in much of Texas has been raised from "extreme" to "exceptional," the highest category. This spring the majority of the counties in Texas were on fire, and Gov. Rick Perry requested a major disaster declaration for all but two of the state's 254 counties. Arizona is now fighting the largest fire in its history. Since 1970, the fire season throughout the American West has increased by 78 days. Extreme droughts in central China and northern France are currently drying up reservoirs and killing crops.
- Melting Ice. An enormous mass of ice, four times larger than the island of Manhattan, broke off from northern Greenland last year and slipped into the sea. The acceleration of ice loss in both

Greenland and Antarctica has caused another upward revision of global sea-level rise and the numbers of refugees expected from low-lying coastal areas. The Arctic ice cap, which reached a record low volume last year, has lost as much as 40 percent of its area during summer in just 30 years.

These extreme events are happening in real time. It is not uncommon for the nightly newscast to resemble a nature hike through the Book of Revelation. Yet most of the news media completely ignore how such events are connected to the climate crisis, or dismiss the connection as controversial; after all, there are scientists on one side of the debate and deniers on the other. A Fox News executive, in an internal e-mail to the network's reporters and editors that later became public, questioned the "veracity of climate change data" and ordered the journalists to "refrain from asserting that the planet has warmed (or cooled) in any given period without IMMEDIATELY pointing out that such theories are based upon data that critics have called into question."

But in the "real" world, the record droughts, fires, floods and mudslides continue to increase in severity and frequency. Leading climate scientists like Jim Hansen and Kevin Trenberth now say that events like these would almost certainly not be occurring without the influence of man-made global warming. And that's a shift in the way they frame these impacts. Scientists used to caution that we were increasing the probability of such extreme events by "loading the dice" — pumping more carbon into the atmosphere. Now the scientists go much further, warning that we are "painting more dots on the dice." We are not only more likely to roll 12s; we are now rolling 13s and 14s. In other words, the biggest storms are not only becoming more frequent, they are getting bigger, stronger and more destructive.

"The only plausible explanation for the rise in weather-related catastrophes is climate change," Munich Re, one of the two largest reinsurance companies in the world, recently stated. "The view that weather extremes are more frequent and intense due to global warming coincides with the current state of scientific knowledge."

Many of the extreme and destructive events are the result of the rapid increase in the amount of heat energy from the sun that is trapped in the atmosphere, which is radically disrupting the planet's water cycle. More heat energy evaporates more water into the air, and the warmer air holds a lot more moisture. This has huge consequences that we now see all around the world.

When a storm unleashes a downpour of rain or snow, the precipitation does not originate just in the part of the sky directly above where it falls. Storms reach out — sometimes as far as 2,000 miles — to suck in water vapor from large areas of the sky, including the skies above oceans, where water vapor has increased by four percent in just the last 30 years. (Scientists often compare this phenomenon to what happens in a bathtub when you open the drain; the water rushing out comes from the whole tub, not just from the part of the tub directly above the drain. And when the tub is filled with more water, more goes down the drain. In the same way, when the warmer sky is filled with a lot more water vapor, there are bigger downpours when a storm cell opens the "drain.")

In many areas, these bigger downpours also mean longer periods between storms — at the same

time that the extra heat in the air is also drying out the soil. That is part of the reason so many areas have been experiencing both record floods and deeper, longer-lasting droughts.

Moreover, the scientists have been warning us for quite some time — in increasingly urgent tones — that things will get much, much worse if we continue the reckless dumping of more and more heat-trapping pollution into the atmosphere. Drought is projected to spread across significant, highly populated areas of the globe throughout this century. Look at what the scientists say is in store for the Mediterranean nations. Should we care about the loss of Spain, France, Italy, the Balkans, Turkey, Tunisia? Look at what they say is in store for Mexico. Should we notice? Should we care?

Maybe it's just easier, psychologically, to swallow the lie that these scientists who devote their lives to their work are actually greedy deceivers and left-wing extremists — and that we should instead put our faith in the pseudoscientists financed by large carbon polluters whose business plans depend on their continued use of the atmospheric commons as a place to dump their gaseous, heat-trapping waste without limit or constraint, free of charge.

The truth is this: What we are doing is functionally insane. If we do not change this pattern, we will condemn our children and all future generations to struggle with ecological curses for several millennia to come. Twenty percent of the global-warming pollution we spew into the sky each day will still be there 20,000 years from now!

We do have another choice. Renewable energy sources are coming into their own. Both solar and wind will soon produce power at costs that are competitive with fossil fuels; indications are that twice as many solar installations were erected worldwide last year as compared to 2009. The reductions in cost and the improvements in efficiency of photovoltaic cells over the past decade appear to be following an exponential curve that resembles a less dramatic but still startling version of what happened with computer chips over the past 50 years.

Enhanced geothermal energy is potentially a nearly limitless source of competitive electricity. Increased energy efficiency is already saving businesses money and reducing emissions significantly. New generations of biomass energy — ones that do not rely on food crops, unlike the mistaken strategy of making ethanol from corn — are extremely promising. Sustainable forestry and agriculture both make economic as well as environmental sense. And all of these options would spread even more rapidly if we stopped subsidizing Big Oil and Coal and put a price on carbon that reflected the true cost of fossil energy — either through the much-maligned cap-and-trade approach, or through a revenue-neutral tax swap.

All over the world, the grassroots movement in favor of changing public policies to confront the climate crisis and build a more prosperous, sustainable future is growing rapidly. But most governments remain paralyzed, unable to take action — even after years of volatile gasoline prices, repeated wars in the Persian Gulf, one energy-related disaster after another, and a seemingly endless stream of unprecedented and lethal weather disasters.

Continuing on our current course would be suicidal for global civilization. But the key question is: How do we drive home that fact in a democratic society when questions of truth have been

converted into questions of power? When the distinction between what is true and what is false is being attacked relentlessly, and when the referee in the contest between truth and falsehood has become an entertainer selling tickets to a phony wrestling match?

The "wrestling ring" in this metaphor is the conversation of democracy. It used to be called the "public square." In ancient Athens, it was the Agora. In the Roman Republic, it was the Forum. In the Egypt of the recent Arab Spring, "Tahrir Square" was both real and metaphorical — encompassing Facebook, Twitter, Al-Jazeera and texting.

In the America of the late-18th century, the conversation that led to our own "Spring" took place in printed words: pamphlets, newsprint, books, the "Republic of Letters." It represented the fullest flower of the Enlightenment, during which the oligarchic power of the monarchies, the feudal lords and the Medieval Church was overthrown and replaced with a new sovereign: the Rule of Reason.

The public square that gave birth to the new consciousness of the Enlightenment emerged in the dozen generations following the invention of the printing press — "the Gutenberg Galaxy," the scholar Marshall McLuhan called it — a space in which the conversation of democracy was almost equally accessible to every literate person. Individuals could both find the knowledge that had previously been restricted to elites and contribute their own ideas.

Ideas that found resonance with others rose in prominence much the way Google searches do today, finding an ever larger audience and becoming a source of political power for individuals with neither wealth nor force of arms. Thomas Paine, to take one example, emigrated from England to Philadelphia with no wealth, no family connections and no power other than that which came from his ability to think and write clearly — yet his *Common Sense* became the *Harry Potter* of Revolutionary America. The "public interest" mattered, was actively discussed and pursued.

But the "public square" that gave birth to America has been transformed beyond all recognition. The conversation that matters most to the shaping of the "public mind" now takes place on television. Newspapers and magazines are in decline. The Internet, still in its early days, will one day support business models that make true journalism profitable — but up until now, the only successful news websites aggregate content from struggling print publications. Web versions of the newspapers themselves are, with few exceptions, not yet making money. They bring to mind the classic image of Wile E. Coyote running furiously in midair just beyond the edge of the cliff, before plummeting to the desert floor far beneath him.

The average American, meanwhile, is watching television an astonishing five hours a day. In the average household, at least one television set is turned on more than eight hours a day. Moreover, approximately 75 percent of those using the Internet frequently watch television at the same time that they are online.

Unlike access to the "public square" of early America, access to television requires large amounts of money. Thomas Paine could walk out of his front door in Philadelphia and find a dozen competing, low-cost print shops within blocks of his home. Today, if he traveled to the

nearest TV station, or to the headquarters of nearby Comcast — the dominant television provider in America — and tried to deliver his new ideas to the American people, he would be laughed off the premises. The public square that used to be a commons has been refeudalized, and the gatekeepers charge large rents for the privilege of communicating to the American people over the only medium that really affects their thinking. "Citizens" are now referred to more commonly as "consumers" or "the audience."

That is why up to 80 percent of the campaign budgets for candidates in both major political parties is devoted to the purchase of 30-second TV ads. Since the rates charged for these commercials increase each year, the candidates are forced to raise more and more money in each two-year campaign cycle.

Of course, the only reliable sources from which such large sums can be raised continuously are business lobbies. Organized labor, a shadow of its former self, struggles to compete, and individuals are limited by law to making small contributions. During the 2008 campaign, there was a bubble of hope that Internet-based fundraising might even the scales, but in the end, Democrats as well as Republicans relied far more on traditional sources of large contributions. Moreover, the recent deregulation of unlimited — and secret — donations by wealthy corporations has made the imbalance even worse.

In the new ecology of political discourse, special-interest contributors of the large sums of money now required for the privilege of addressing voters on a wholesale basis are not squeamish about asking for the quo they expect in return for their quid. Politicians who don't acquiesce don't get the money they need to be elected and re-elected. And the impact is doubled when special interests make clear — usually bluntly — that the money they are withholding will go instead to opponents who are more than happy to pledge the desired quo. Politicians have been racing to the bottom for some time, and are presently tunneling to new depths. It is now commonplace for congressmen and senators first elected decades ago — as I was — to comment in private that the whole process has become unbelievably crass, degrading and horribly destructive to the core values of American democracy.

Largely as a result, the concerns of the wealthiest individuals and corporations routinely trump the concerns of average Americans and small businesses. There are a ridiculously large number of examples: eliminating the inheritance tax paid by the wealthiest one percent of families is considered a much higher priority than addressing the suffering of the millions of long-term unemployed; Wall Street's interest in legalizing gambling in trillions of dollars of "derivatives" was considered way more important than protecting the integrity of the financial system and the interests of middle-income home buyers. It's a long list.

Almost every group organized to promote and protect the "public interest" has been backpedaling and on the defensive. By sharp contrast, when a coalition of powerful special interests sets out to manipulate U.S. policy, their impact can be startling — and the damage to the true national interest can be devastating.

In 2002, for example, the feverish desire to invade Iraq required convincing the American people that Saddam Hussein was somehow responsible for attacking the United States on September

11th, 2001, and that he was preparing to attack us again, perhaps with nuclear weapons. When the evidence — the "facts" — stood in the way of that effort to shape the public mind, they were ridiculed, maligned and ignored. Behind the scenes, the intelligence was manipulated and the public was intentionally deceived. Allies were pressured to adopt the same approach with their publics. A recent inquiry in the U.K. confirmed this yet again. "We knew at the time that the purpose of the dossier was precisely to make a case for war, rather than setting out the available intelligence," Maj. Gen. Michael Laurie testified. "To make the best out of sparse and inconclusive intelligence, the wording was developed with care." Why? As British intelligence put it, the overthrow of Saddam was "a prize because it could give new security to oil supplies."

That goal — the real goal — could have been debated on its own terms. But as Bush administration officials have acknowledged, a truly candid presentation would not have resulted in sufficient public support for the launching of a new war. They knew that because they had studied it and polled it. So they manipulated the debate, downplayed the real motive for the invasion, and made a different case to the public — one based on falsehoods.

And the "referee" — the news media — looked the other way. Some, like Fox News, were hyperactive cheerleaders. Others were intimidated into going along by the vitriol heaped on any who asked inconvenient questions. (They know it; many now acknowledge it, sheepishly and apologetically.)

Senators themselves fell, with a few honorable exceptions, into the same two camps. A few weeks before the United States invaded Iraq, the late Robert Byrd — God rest his soul — thundered on the Senate floor about the pitiful quality of the debate over the choice between war and peace: "Yet, this Chamber is, for the most part, silent — ominously, dreadfully silent. There is no debate, no discussion, no attempt to lay out for the nation the pros and cons of this particular war. There is nothing."

The chamber was silent, in part, because many senators were somewhere else — attending cocktail parties and receptions, largely with special-interest donors, raising money to buy TV ads for their next campaigns. Nowadays, in fact, the scheduling of many special-interest fundraisers mirrors the schedule of votes pending in the House and Senate.

By the time we invaded Iraq, polls showed, nearly three-quarters of the American people were convinced that the person responsible for the planes flying into the World Trade Center Towers was indeed Saddam Hussein. The rest is history — though, as Faulkner wrote, "The past is never dead. It's not even past." Because of that distortion of the truth in the past, we are still in Iraq; and because the bulk of our troops and intelligence assets were abruptly diverted from Afghanistan to Iraq, we are also still in Afghanistan.

In the same way, because the banks had their way with Congress when it came to gambling on unregulated derivatives and recklessly endangering credit markets with subprime mortgages, we still have almost double-digit unemployment, historic deficits, Greece and possibly other European countries teetering on the edge of default, and the threat of a double-dip recession. Even the potential default of the United States of America is now being treated by many politicians and too many in the media as yet another phony wrestling match, a political game.

Are the potential economic consequences of a U.S. default "real"? Of course they are! Have we gone completely nuts?

We haven't gone nuts — but the "conversation of democracy" has become so deeply dysfunctional that our ability to make intelligent collective decisions has been seriously impaired. Throughout American history, we relied on the vibrancy of our public square — and the quality of our democratic discourse — to make better decisions than most nations in the history of the world. But we are now routinely making really bad decisions that completely ignore the best available evidence of what is true and what is false. When the distinction between truth and falsehood is systematically attacked without shame or consequence — when a great nation makes crucially important decisions on the basis of completely false information that is no longer adequately filtered through the fact-checking function of a healthy and honest public discussion — the public interest is severely damaged.

That is exactly what is happening with U.S. decisions regarding the climate crisis. The best available evidence demonstrates beyond any reasonable doubt that the reckless spewing of global-warming pollution in obscene quantities into the atmospheric commons is having exactly the consequences long predicted by scientists who have analyzed the known facts according to the laws of physics.

The emergence of the climate crisis seems sudden only because of a relatively recent discontinuity in the relationship between human civilization and the planet's ecological system. In the past century, we have quadrupled global population while relying on the burning of carbon-based fuels — coal, oil and gas — for 85 percent of the world's energy. We are also cutting and burning forests that would otherwise help remove some of the added CO₂ from the atmosphere, and have converted agriculture to an industrial model that also runs on carbon-based fuels and strip-mines carbon-rich soils.

The cumulative result is a radically new reality — and since human nature makes us vulnerable to confusing the unprecedented with the improbable, it naturally seems difficult to accept. Moreover, since this new reality is painful to contemplate, and requires big changes in policy and behavior that are at the outer limit of our ability, it is all too easy to fall into the psychological state of denial. As with financial issues like subprime mortgages and credit default swaps, the climate crisis can seem too complex to worry about, especially when the skills for the polluters constantly claim it's all a hoax anyway. And since the early impacts of climatic disruption are distributed globally, they masquerade as an abstraction that is safe to ignore.

These vulnerabilities, rooted in our human nature, are being manipulated by the tag-team of Polluters and Ideologues who are trying to deceive us. And the referee — the news media — is once again distracted. As with the invasion of Iraq, some are hyperactive cheerleaders for the deception, while others are intimidated into complicity, timidity and silence by the astonishing vitriol heaped upon those who dare to present the best evidence in a professional manner. Just as TV networks who beat the drums of war prior to the Iraq invasion were rewarded with higher ratings, networks now seem reluctant to present the truth about the link between carbon pollution and global warming out of fear that conservative viewers will change the channel — and fear that they will receive a torrent of flame e-mails from deniers.

Many politicians, unfortunately, also fall into the same two categories: those who cheerlead for the deniers and those who cower before them. The latter group now includes several candidates for the Republican presidential nomination who have felt it necessary to abandon their previous support for action on the climate crisis; at least one has been apologizing profusely to the deniers and begging for their forgiveness.

"Intimidation" and "timidity" are connected by more than a shared word root. The first is designed to produce the second. As Yeats wrote almost a century ago, "The best lack all conviction, while the worst are full of passionate intensity."

Barack Obama's approach to the climate crisis represents a special case that requires careful analysis. His election was accompanied by intense hope that many things in need of change would change. Some things have, but others have not. Climate policy, unfortunately, is in the second category. Why?

First of all, anyone who honestly examines the incredible challenges confronting President Obama when he took office has to feel enormous empathy for him: the Great Recession, with the high unemployment and the enormous public and private indebtedness it produced; two seemingly interminable wars; an intractable political opposition whose true leaders — entertainers masquerading as pundits — openly declared that their objective was to ensure that the new president failed; a badly broken Senate that is almost completely paralyzed by the threat of filibuster and is controlled lock, stock and barrel by the oil and coal industries; a contingent of nominal supporters in Congress who are indentured servants of the same special interests that control most of the Republican Party; and a ferocious, well-financed and dishonest campaign poised to vilify anyone who dares offer leadership for the reduction of global-warming pollution.

In spite of these obstacles, President Obama included significant climate-friendly initiatives in the economic stimulus package he presented to Congress during his first month in office. With the skillful leadership of House Speaker Nancy Pelosi and committee chairmen Henry Waxman and Ed Markey, he helped secure passage of a cap-and-trade measure in the House a few months later. He implemented historic improvements in fuel-efficiency standards for automobiles, and instructed the Environmental Protection Agency to move forward on the regulation of global-warming pollution under the Clean Air Act. He appointed many excellent men and women to key positions, and they, in turn, have made hundreds of changes in environmental and energy policy that have helped move the country forward slightly on the climate issue. During his first six months, he clearly articulated the link between environmental security, economic security and national security — making the case that a national commitment to renewable energy could simultaneously reduce unemployment, dependence on foreign oil and vulnerability to the disruption of oil markets dominated by the Persian Gulf reserves. And more recently, as the issue of long-term debt has forced discussion of new revenue, he proposed the elimination of unnecessary and expensive subsidies for oil and gas.

But in spite of these and other achievements, President Obama has thus far failed to use the bully pulpit to make the case for bold action on climate change. After successfully passing his green stimulus package, he did nothing to defend it when Congress decimated its funding. After the

House passed cap and trade, he did little to make passage in the Senate a priority. Senate advocates — including one Republican — felt abandoned when the president made concessions to oil and coal companies without asking for anything in return. He has also called for a massive expansion of oil drilling in the United States, apparently in an effort to defuse criticism from those who argue speciously that "drill, baby, drill" is the answer to our growing dependence on foreign oil.

The failure to pass legislation to limit global-warming pollution ensured that the much-anticipated Copenhagen summit on a global treaty in 2009 would also end in failure. The president showed courage in attending the summit and securing a rhetorical agreement to prevent a complete collapse of the international process, but that's all it was — a rhetorical agreement. During the final years of the Bush-Cheney administration, the rest of the world was waiting for a new president who would aggressively tackle the climate crisis — and when it became clear that there would be no real change from the Bush era, the agenda at Copenhagen changed from "How do we complete this historic breakthrough?" to "How can we paper over this embarrassing disappointment?"

Some concluded from the failure in Copenhagen that it was time to give up on the entire U.N.-sponsored process for seeking an international agreement to reduce both global-warming pollution and deforestation. Ultimately, however, the only way to address the climate crisis will be with a global agreement that in one way or another puts a price on carbon. And whatever approach is eventually chosen, the U.S. simply must provide leadership by changing our own policy.

Yet without presidential leadership that focuses intensely on making the public aware of the reality we face, nothing will change. The real power of any president, as Richard Neustadt wrote, is "the power to persuade." Yet President Obama has never presented to the American people the magnitude of the climate crisis. He has simply not made the case for action. He has not defended the science against the ongoing, withering and dishonest attacks. Nor has he provided a presidential venue for the scientific community — including our own National Academy — to bring the reality of the science before the public.

Here is the core of it: we are destroying the climate balance that is essential to the survival of our civilization. This is not a distant or abstract threat; it is happening now. The United States is the only nation that can rally a global effort to save our future. And the president is the only person who can rally the United States.

Many political advisers assume that a president has to deal with the world of politics as he finds it, and that it is unwise to risk political capital on an effort to actually lead the country toward a new understanding of the real threats and real opportunities we face. Concentrate on the politics of re-election, they say. Don't take chances.

All that might be completely understandable and make perfect sense in a world where the climate crisis wasn't "real." Those of us who support and admire President Obama understand how difficult the politics of this issue are in the context of the massive opposition to doing anything at all — or even to recognizing that there is a crisis. And assuming that the Republicans

come to their senses and avoid nominating a clown, his re-election is likely to involve a hard-fought battle with high stakes for the country. All of his supporters understand that it would be self-defeating to weaken Obama and heighten the risk of another step backward. Even writing an article like this one carries risks; opponents of the president will excerpt the criticism and strip it of context.

But in this case, the President has reality on his side. The scientific consensus is far stronger today than at any time in the past. Here is the truth: The Earth is round; Saddam Hussein did not attack us on 9/11; Elvis is dead; Obama was born in the United States; and the climate crisis is real. It is time to act.

Those who profit from the unconstrained pollution that is the primary cause of climate change are determined to block our perception of this reality. They have help from many sides: from the private sector, which is now free to make unlimited and secret campaign contributions; from politicians who have conflated their tenures in office with the pursuit of the people's best interests; and — tragically — from the press itself, which treats deception and falsehood on the same plane as scientific fact, and calls it objective reporting of alternative opinions.

All things are not equally true. It is time to face reality. We ignored reality in the marketplace and nearly destroyed the world economic system. We are likewise ignoring reality in the environment, and the consequences could be several orders of magnitude worse. Determining what is real can be a challenge in our culture, but in order to make wise choices in the presence of such grave risks, we must use common sense and the rule of reason in coming to an agreement on what is true.

So how can we make it happen? How can we as individuals make a difference? In five basic ways:

First, become a committed advocate for solving the crisis. You can start with something simple: Speak up whenever the subject of climate arises. When a friend or acquaintance expresses doubt that the crisis is real, or that it's some sort of hoax, don't let the opportunity pass to put down your personal marker. The civil rights revolution may have been driven by activists who put their lives on the line, but it was partly won by average Americans who began to challenge racist comments in everyday conversations.

Second, deepen your commitment by making consumer choices that reduce energy use and reduce your impact on the environment. The demand by individuals for change in the marketplace has already led many businesses to take truly significant steps to reduce their global-warming pollution. Some of the corporate changes are more symbolic than real — "green-washing," as it's called — but a surprising amount of real progress is taking place. Walmart, to pick one example, is moving aggressively to cut its carbon footprint by 20 million metric tons, in part by pressuring its suppliers to cut down on wasteful packaging and use lower-carbon transportation alternatives. Reward those companies that are providing leadership.

Third, join an organization committed to action on this issue. The Alliance for Climate Protection (climateprotect.org), which I chair, has grassroots action plans for the summer and fall

that spell out lots of ways to fight effectively for the policy changes we need. We can also enable you to host a slide show in your community on solutions to the climate crisis — presented by one of the 4,000 volunteers we have trained. Invite your friends and neighbors to come and then enlist them to join the cause.

Fourth, contact your local newspapers and television stations when they put out claptrap on climate — and let them know you're fed up with their stubborn and cowardly resistance to reporting the facts of this issue. One of the main reasons they are so wimpy and irresponsible about global warming is that they're frightened of the reaction they get from the deniers when they report the science objectively. So let them know that deniers are not the only ones in town with game. Stay on them! Don't let up! It's true that some media outlets are getting instructions from their owners on this issue, and that others are influenced by big advertisers, but many of them are surprisingly responsive to a genuine outpouring of opinion from their viewers and readers. It is way past time for the ref to do his job.

Finally, and above all, don't give up on the political system. Even though it is rigged by special interests, it is not so far gone that candidates and elected officials don't have to pay attention to persistent, engaged and committed individuals. President Franklin Roosevelt once told civil rights leaders who were pressing him for change that he agreed with them about the need for greater equality for black Americans. Then, as the story goes, he added with a wry smile, "Now go out and make me do it."

To make our elected leaders take action to solve the climate crisis, we must forcefully communicate the following message: "I care a lot about global warming; I am paying very careful attention to the way you vote and what you say about it; if you are on the wrong side, I am not only going to vote against you, I will work hard to defeat you — regardless of party. If you are on the right side, I will work hard to elect you."

Why do you think President Obama and Congress changed their game on "don't ask, don't tell?" It happened because enough Americans delivered exactly that tough message to candidates who wanted their votes. When enough people care passionately enough to drive that message home on the climate crisis, politicians will look at their hole cards, and enough of them will change their game to make all the difference we need.

This is not naive; trust me on this. It may take more individual voters to beat the Polluters and Ideologues now than it once did — when special-interest money was less dominant. But when enough people speak this way to candidates, and convince them that they are dead serious about it, change will happen — both in Congress and in the White House. As the great abolitionist leader Frederick Douglass once observed, "Power concedes nothing without a demand. It never did, and it never will."

What is now at risk in the climate debate is nothing less than our ability to communicate with one another according to a protocol that binds all participants to seek reason and evaluate facts honestly. The ability to perceive reality is a prerequisite for self-governance. Wishful thinking and denial lead to dead ends. When it works, the democratic process helps clear the way toward reality, by exposing false argumentation to the best available evidence. That is why the

Constitution affords such unique protection to freedom of the press and of speech.

The climate crisis, in reality, is a struggle for the soul of America. It is about whether or not we are still capable — given the ill health of our democracy and the current dominance of wealth over reason — of perceiving important and complex realities clearly enough to promote and protect the sustainable well-being of the many. What hangs in the balance is the future of civilization as we know it.

**Brendan
Gilfillan/DC/USEPA/US**
01/21/2011 12:29 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Betsaida Alcantara, Bob Sussman, David
McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons,
Shira Sternberg

cc

bcc

Subject CBD: Environmental Report Card: Obama Gets "C-" for First
Half of Term

For Immediate Release, January 21, 2011

Contact: Kierán Suckling, (520) 275-5960

Environmental Report Card: Obama Gets "C-" for First Half of Term

TUCSON, *Ariz.* — In a report card released today, the Center for Biological Diversity gave President Obama a grade of C- for his two-year environmental record. The [report card](#) chronicles positive and negative policies on endangered species, climate, energy, public lands and

“Barak Obama is no George Bush, but he’s no Theodore Roosevelt either,” said Kierán Suckling, executive director of the Center. “His environmental record is pretty dismal, considering all the promised hope and change.”

Among Obama’s bright spots were a declaration under the Clean Air Act that greenhouse gases endanger public health and welfare, the designation of 120 million acres of protected “critical habitat” for polar bears and the reinstatement of protection for millions of acres of roadless lands. Negatives include a continuation of damaging Bush-era policies on polar bears and offshore oil drilling, stripping of federal protection for killing of endangered wolves, and his failure to lead either Congress or other nations toward strong global warming policies.

“Obama’s record on endangered species is particularly bad, and entirely predictable, given his appointment of Ken Salazar as Secretary of the Interior,” said Suckling. Obama has protected just eight species under the Endangered Species Act in the conterminous United States, relegating 254 — including the wolverine — to the unprotected “candidate” list. His protection rate is slightly better than that of George W. Bush, but much worse than those of Bill Clinton and George Bush Sr.

The administration also failed to follow the lead of Canada and several northeastern states in banning lead ammunition and fishing tackle. Hundreds of thousands of pounds of lead needlessly enter the environment every year from these sources, poisoning and killing millions of birds and mammals.

To see the Center’s entire report card for Obama’s first two years in office, go [here](#).

Brendan
Giffilan/DC/USEPA/US
03/02/2011 06:24 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Alisha Johnson, David McIntosh, Arvin Ganesan, Barbara Bennett, Stephanie Owens, Dru Ealons

cc

bcc

Subject Bloomberg: EPA Chief Jackson Urges U.S. Lawmaker Not to Slash Her Agency's Funding

EPA Chief Jackson Urges U.S. Lawmaker Not to Slash Her Agency's Funding

By Kim Chipman and Jim Snyder - Mar 2, 2011 5:15 PM ET

Environmental Protection Agency Administrator Lisa Jackson urged U.S. senators not to cut her agency's budget as lawmakers prepared to offer legislation taking away the EPA's power to regulate [greenhouse gases](#).

Republicans in the [House of Representatives](#) have proposed cutting EPA funding about 30 percent, or \$3 billion, almost double a budget reduction of \$1.3 billion proposed last month by President [Barack Obama](#).

"If Congress slashed EPA's funding, concentrations of harmful pollution would increase from current levels," Jackson told the Senate Environment and Public Works Committee today. "The result would be more asthma attacks, more missed school and work days, more heart attacks, more cancer cases, more premature deaths."

The budget fight is intertwined with an effort by Republicans and some Democrats to strip the EPA of its power to regulate emissions blamed for climate change. Backers of this effort say the agency's greenhouse-gas rules for industrial polluters will cost jobs and harm the economy. Jackson has said Obama would veto any attempt to stop the regulations that took effect Jan. 2.

Legislation sponsored by House Energy and Commerce Committee Chairman [Fred Upton](#), a Michigan Republican, and Senator James Inhofe of [Oklahoma](#), will be introduced as early as tomorrow, Inhofe said during the hearing today.

"This bill puts Congress in charge of deciding our nation's [climate-change](#) policy, not EPA bureaucrats," said Inhofe, the ranking Republican on the Senate environment committee.

Vehicle Agreement

The bill would prohibit the EPA from regulating greenhouse gases emitted from buildings such as factories and power plants, while allowing a previous agreement the administration reached with automakers to cut vehicle tailpipe emissions.

Two former Democratic House committee chairmen, Representatives Collin Peterson of [Minnesota](#) and Nick Rahall of West Virginia, said they are likely to support the Upton-Inhofe measure.

“EPA is out of control, and we have to send them a message,” said Peterson, who headed the Agriculture Committee until Republicans won control of the House in the November elections, in an interview today.

Rahall, former chairman of the House Natural Resources panel, said a draft of the Upton-Inhofe bill is “very favorable” and that he is “exploring very seriously” supporting the measure.

“It seems like the right message and it’s in line with legislation I’ve already supported,” Rahall said. He has backed a bill to delay EPA regulation for two years, legislation being pushed by Democratic Senator Jay Rockefeller of [West Virginia](#).

Rockefeller’s bill probably has a better chance to pass Congress, given concerns in the Senate over permanently blocking EPA regulation, Rahall said in an interview.

**Brendan
Giffilan/DC/USEPA/US**
03/01/2011 06:30 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Gina McCarthy, Joseph Goffman, Janet McCabe, Stephanie Owens, Dru Ealons
cc
bcc
Subject Dow Jones: EPA Extends Greenhouse-Gas Reporting Deadline

EPA Extends Greenhouse-Gas Reporting Deadline

By [RYAN TRACY](#) And [STEPHEN POWER](#)

WASHINGTON—Businesses that emit greenhouse gases will have more time to report their emissions after the Environmental Protection Agency extended a reporting deadline Tuesday.

The EPA said that it would change the deadline, originally March 31, saying it would take more time to test the online system it will use to collect data. The agency said it expected reporting to begin in late summer, but didn't immediately set a new deadline.

The move was a nod to business groups who had said the deadline was too early. It came as the agency weathered attacks from House Republicans and EPA Administrator Lisa Jackson met with Senate Democrats at the Capitol.

"Taking a little extra time to get this program right makes more sense than rushing to meet an artificial and inflexible deadline," Charles T. Drevna, president of the National Petrochemical and Refiners Association, said in a statement.

The Obama administration is moving forward with limits on carbon dioxide and other greenhouse-gas emissions from power plants, manufacturers, and other sources despite intense opposition from Republicans and industry groups.

The reporting rules delayed on Tuesday would require large emitters and fuel suppliers to submit emissions data as part of the program.

House Republicans are seeking a bill that would explicitly bar the agency from using the Clean Air Act to regulate greenhouse gases.

Republicans have chosen to move the bill slowly, however, while they hold a series of hearings and gather evidence, including a hearing Tuesday featuring coal- and auto-industry representatives opposed to the rules.

Republicans could also attach a provision to a spending resolution that would bar the EPA from funding the program.

The EPA released a study Tuesday that it said underscored the economic benefits of other Clean Air Act regulations. Meanwhile, the administration is watching to see whether the EPA will have support among moderate and conservative Democrats in the Senate, where Democrats hold the majority.

In an interview Tuesday, Sen. Sherrod Brown (D., Ohio) said he hoped the administration would re-evaluate the idea of letting the EPA regulate greenhouse-gas emissions.

He said he saw an important distinction between allowing the EPA to combat air-pollution problems specific to certain regions or cities—such as mercury and smog—and greenhouse gases, which "affect the whole planet."

**Brendan
Gilfillan/DC/USEPA/US**
06/20/2011 10:37 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Laura Vaught, Scott Fulton, Avi Garbow, Gina McCarthy, Janet McCabe, Joseph Goffman, Bob Sussman, Daniel Kanninen, Stephanie Owens, Dru Ealons
cc
bcc
Subject Politico breaking news:
SUPREME COURT TOSSES CLIMATE CHANGE LAWSUIT

SUPREME COURT TOSSES CLIMATE CHANGE LAWSUIT: In an [8-0 decision](#), the Supreme Court on Monday reversed a lower court ruling that allowed states and environmental groups to sue utilities over their greenhouse gas emissions. The justices held that EPA's actions under the Clean Air Act displace the claims made under public nuisance laws.

Brendan
Gillilan/DC/USEPA/US
06/13/2011 12:48 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Betsaida Alcantara, David McIntosh,
Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru
Ealons, Gina McCarthy, Joseph Goffman, Janet McCabe
cc

bcc

Subject CAP: American Electric Power's Dirty Trick

American Electric Power's Dirty Trick Company Threatens Firings to Stop Pollution Controls

Center for American Progress

On June 9, [American Electric Power](#), a major utility company that owns plants from Texas to Virginia, announced that it plans to close 21 coal-fired electricity units rather than invest in reducing their toxic air pollution to comply with the [forthcoming Environmental Protection Agency reduction requirements](#). In reality, AEP is threatening to shut down these plants to stoke congressional and public opposition to EPA's efforts to reduce toxic air pollution. So far, several [legislators](#) have risen to the bait, including Sen. Joe Manchin (D-WV) and Rep. Shelly Moore Capito (R-WV). Both have again attacked EPA for attempting to protect children and others from cancer-causing air pollution. Other utilities, however, support EPA's requirements, which are also job creators.

AEP would prefer to shutter these plants because it claims that the cost of reducing the arsenic, lead, mercury, acid gases, and other toxic pollutants is prohibitive. What AEP did *not* say is that the cost of cleanup is expensive because these units are very old and dirtier than newer plants—50 years old on average. (see [attached spreadsheet](#)) One of the units was built during World War II, and the newest one was completed during the Carter administration. Most of the other units were built in the 1950s.

AEP's threat to close these plants due to the pending EPA air toxics rules is also somewhat misleading. Last year, it announced a plan to close five units at the Phillip Sporn Plant in New Haven, West Virginia. [Source Watch](#), a nonprofit that publishes "documented information about the corporations, industries, and people trying to sway public opinion," reported on AEP's 2010 retirement plans.

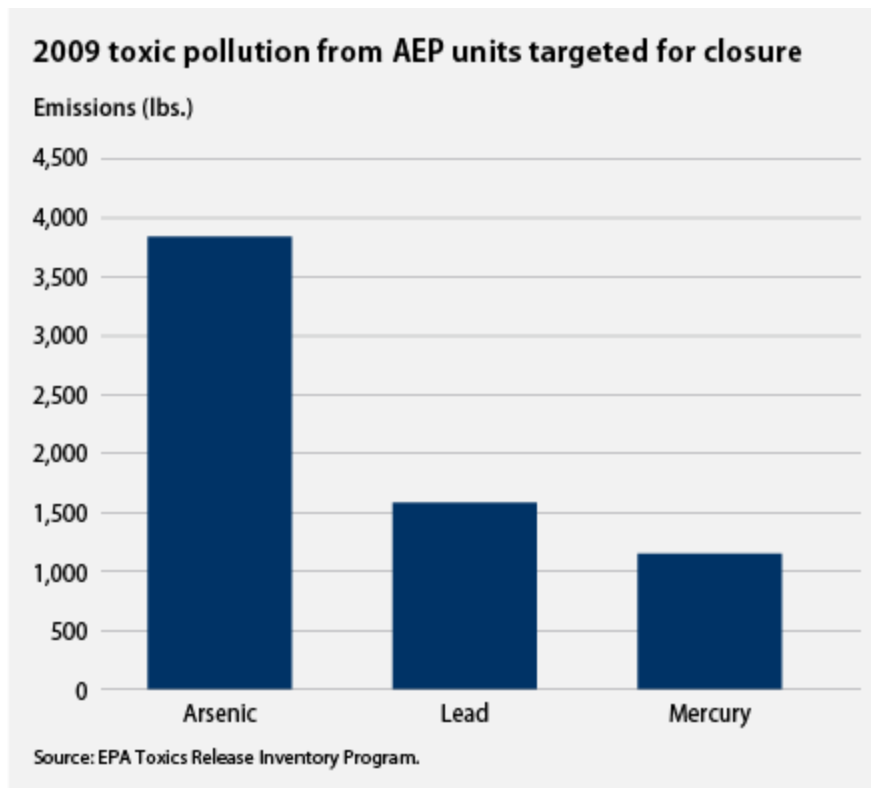
In October 2010, Ohio Power Co. filed an application with the Public Utilities Commission of Ohio for the approval of a December 2010 closure of the coal-fired Philip Sporn Power Plant unit 5...In September 2009, Appalachian Power filed an integrated resource plan (IRP) in Virginia that projected a 2010 shutdown for Sporn unit 5. The same IRP projected that Sporn units 1-4, with 580 MW of total capacity, would be retired in 2018.

In other words, AEP planned to close this plant five months *before* EPA's March 2011 proposal to reduce toxic air pollution from coal-fired utilities. Yet AEP has included closing these units under "AEP's current plan for compliance with the [EPA] rules as proposed includes permanently retiring the following coal-fueled power plants."

The plants on the AEP chopping block are large emitters of toxic air pollution. For instance, in 2009, the Welsh Plant in Pittsburg, Texas emitted 462 pounds of mercury, according to the 2009 Toxic Release Inventory program run by EPA. (see [attached spreadsheet](#) for links to all TRI power plant data) This level is second only to the 53-year-old Kammer Plant in Moundsville, West Virginia, which during the same year spewed 364 pounds of mercury. This [heavy metal](#) causes severe developmental disabilities, deafness, and blindness in cases of prenatal and infant exposure. The chemical can lower fertility rates and raise chances of heart disease in adults.

AEP's aging power plants flood the sky with a deadly list of other toxic substances as well. The Big Sandy Plant contributed more than 1,300 pounds of cancer-causing arsenic to the air over Louisa, Kentucky, in 2009.

But these are just the tip of the toxic iceberg. In 2009, the 21 AEP units marked for closing pumped nearly 1,200 pounds of mercury into the air (see [attached spreadsheet](#) for links to Toxic Relief Inventory data on these pollutants from individual plants) They also emitted 3,842 of [arsenic](#), which is used for rat poison. And these plants emitted nearly 1,600 pounds of [lead](#), which causes learning disabilities in children as well as organ failure. Most shockingly, these 21 plants spewed 4.7 million pounds of acid gases. The [American Lung Association](#) reports that these gases trigger "irritation to skin, eye, nose throat, [and] breathing passages."



AEP acknowledges that EPA's standards would add employment. It noted that "jobs would be created from the installation of emissions reduction equipment." In fact, the [Wall Street Journal](#) reports that: "AEP, whose utility operations stretch from Texas to Ohio, said high demands for

labor and materials could drive the potential capital investment higher owing to a constrained time allowed to make changes required under the plan.” In other words, the reduction to toxic air pollution will drive *more* capital investment in other aging power plants, which will create jobs.

This prediction is supported by a University of Massachusetts analysis for [CERES](#) of the net job impact of the EPA’s air transport and utility air toxics rules. It found that there would be significant job creation—nearly 360,000—due to “construction, installation, & professional job gains over 5 years” from capital expenditures to reduce these pollutants. In addition, many of the AEP-affected states with closing plants would still experience a *net increase* in operation and maintenance jobs. (see chart below)

EPA's air toxics rules would lead to significant job creation in states with AEP plants

State	Construction, installation, and professional job gains over five years	Net change in operation and maintenance jobs
Indiana	95,193	850
Kentucky	31,477	(107)
Ohio	76,240	(407)
Virginia	123,014	856
West Virginia	32,253	92
Total	358,177	1,284

Source: CERES.

Closing aging, dirty power plants will certainly end employment for some workers. Those affected by this should receive assistance with job placement, retraining, and education. But that is no excuse for blocking or delaying reductions in cancer-causing chemicals from coal-fired power plants.

What’s more, many utilities believe that EPA’s proposed reduction in air toxics can be met without significant rate increases or a decline in electricity reliability. In fact, many coal-fired power plants are already meeting the proposed mercury reduction standard. The [Clean Energy Group](#)—an electric company coalition that has 146,000 megawatts of the United States’ total electric generating capacity—conducted an analysis that found that:

Nearly 60 percent of all coal fired boilers that submitted stack test data to EPA are currently achieving the Utility Toxics Rule's proposed mercury emissions standard... Many states already impose more stringent mercury emissions limits on coal fired power plants than have been proposed by EPA.

The Clean Energy Group also evaluated PJM Interconnection’s—a regional transmission organization—recent “future capacity auction” that ensures:

...future electric system reliability [with] PJM's forward capacity auction [that] requires power plant operators and other participating companies to offer (i.e., commit) resources, including both generating capacity and demand side resources, three years in advance of when they are needed.

This auction was an early test of whether there would continue to be adequate electricity generation to meet demand. The success of the auction proves that utilities do not anticipate any shortage of electricity in the PJM region and thus have capacity to meet the forthcoming EPA requirements:

The results of PJM's most recent Reliability Pricing Model ("RPM") forward capacity auction clearly indicate the industry can meet future electricity demand while maintaining electric system reliability in one of the most coal dependent regions of the country [the Mid-atlantic and Midwestern states].

[Tennessee Valley Authority](#) owns and operates 11 coal-fired power plants with nearly 60 electricity generation units, with some nearly 70 years old. [In April it announced plans](#) to retire:

...18 older coal generation units...as part of the federal utility's vision of being one of the nation's leading providers of low-cost and cleaner energy by 2020.

Its President and CEO Tom Kilgore affirmed that the EPA's standards will help TVA rejuvenate its fleet.

In the longer term, these actions reinforce our vision to keep bills low, keep our service reliability high and further improve air quality as we modernize the TVA power system.

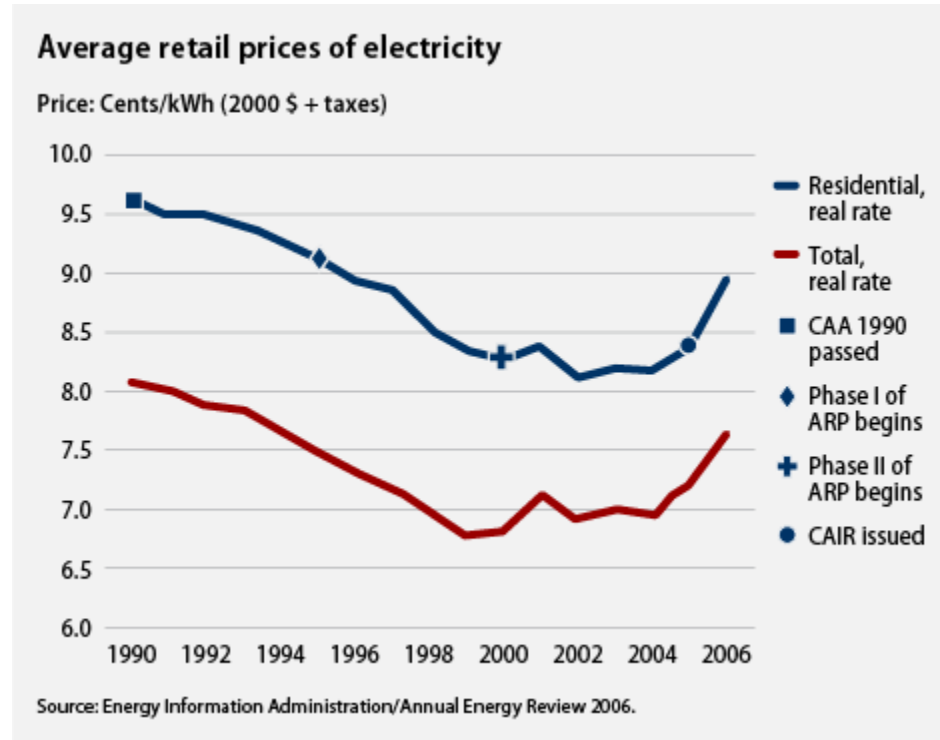
A half dozen major utilities—including Exelon, the nation's largest—also believe that the proposed air toxics reductions from coal-fired utilities are affordable and will have little impact on reliability. CEOs from Exelon, PG&E, Calpine, NextEra Energy, Public Service Enterprise Group, Constellation Energy Group, and others wrote in [The Wall Street Journal](#) that:

For over a decade, companies have recognized that the industry would need to install controls to comply with the act's air toxicity requirements, and the technology exists to cost effectively control such emissions, including mercury and acid gases.

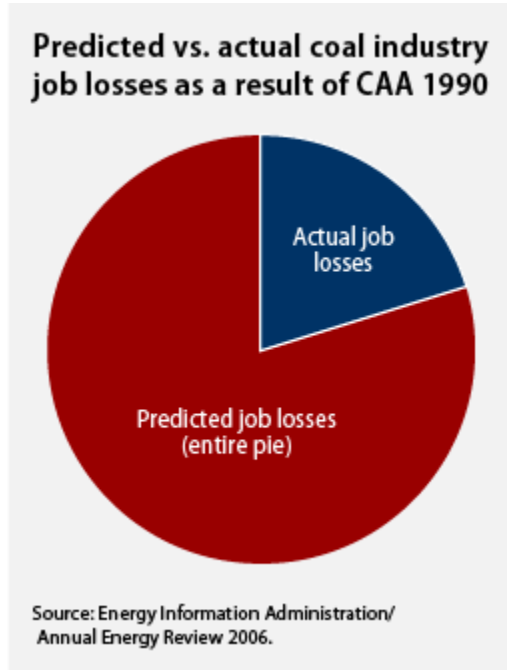
To suggest that plants are retiring because of the EPA's regulations fails to recognize that lower power prices and depressed demand are the primary retirement drivers. The units retiring are generally small, old and inefficient. These retirements are long overdue.

Contrary to the claims that the EPA's agenda will have negative economic consequences, our companies' experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability.

EPA's proposed air toxics standards will make a real difference in Americans' lives. The [American Lung Association](#) determined that "EPA's proposed mercury and air toxics reduction rule will prevent 17,000 premature deaths and 120,000 asthma attacks each year."



AEP is making the same tired arguments polluters used over the past 40 years to frighten legislators and the public about pollution safeguards. In the 1980s the utility industry predicted that reducing acid rain pollution from coal-fired power plants would spark horrific rate increases. In fact, [utility rates were lower](#) in most states in 2006 compared to 1989. Acid rain polluters also predicted huge [job losses that didn't occur](#) either. And the cost of cutting acid rain pollution was one-quarter of EPA's prediction.



AEP's threatened job losses are little more than holding their employees hostage to allow the company to keep polluting. AEP's announcement is an economic kidnap note that reads, "Let me keep poisoning your air if you want to see these workers' jobs again." The ransom AEP demands is continued mercury, arsenic, and other cancer-causing pollution.

The president, Congress, and the media should disregard AEP's phony threats by allowing EPA to protect our children, seniors, and everyone else from deadly toxic air pollution from coal-fired power plants.

**Brendan
Gillilan/DC/USEPA/US**
06/14/2011 12:40 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph Goffman, Janet McCabe, Daniel Kanninen

cc

bcc

Subject NRDC Blog: Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up

Topper is old - but make sure to read the whole thing.

Desperate Denial: Utility Pollution Apologists Deny Harms From Air Pollution or Health Benefits From Cleaning It Up

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 [videotaped 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

"I don't believe that there are thousands of people who are dying because of exposure to these small [particles]," i.e. particulate matter.

"It is pretty hard to say that [mercury from coal-fired power plants] is a significant public health issue."

Statements by Holmstead or EPA When Holmstead Headed EPA

Reducing power plants' air pollution would result in "14,100 fewer "significant health benefits," "by dramatically reducing fine particle emissions." *May 2005 Congressional testimony by Mr. Holmstead.*

EPA estimates that reducing power plants' SO₂ and NO_x emissions "particulate matter-related annual benefits" that include 13,000-17,000 lives per year. 2005 [Clean Air Interstate Rule](#) *Overseen by Mr. Holmstead.*

"Mercury is a potent toxin that causes permanent damage to the brain of developing fetuses, depending on the level of ingestion. Most exposures are from contaminated fish. Currently 42 states have advisories warning people not to eat recreationally caught fish due to mercury contamination. Even so, a significant number of children are born with blood mercury levels above the reference dose in a margin of safety. Recent actions to reduce mercury emissions from municipal waste combustors are significantly reducing emissions of mercury and compliance with medical waste incinerator and municipal waste combustor rules are significant mercury emission reductions from these important sources. The largest uncontrolled source of mercury emissions, contributing approximately 40% of anthropogenic mercury emissions in this country." *May 2002 Congressional testimony by Mr. Holmstead.*

(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?

**Brendan
Gillilan/DC/USEPA/US**
06/16/2011 04:16 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Janet Woodka, Michael Goo, Bicky Corman, Gina McCarthy, Janet McCabe, Joseph Goffman

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bcc

Subject Politico: Bill Daley: Obama won't sign anti-EPA bills

Bill Daley: Obama won't sign anti-EPA bills

By Robin Bravender
6/16/11 4:12 PM EDT

There's no way a bill to stymie EPA climate rules is getting past the White House, President Barack Obama's top aide said Thursday.

"No, we're not going to allow any legislation that impedes the need to improve our health and safety," Obama's chief of staff Bill Daley said Thursday when asked whether the White House would consider legislation to block or delay EPA climate regulations.

Daley spoke to reporters after defending the administration's regulatory policies to industry representatives at a National Association of Manufacturers meeting.

The White House and congressional Democrats have thus far fended off congressional efforts to hamstring the EPA's controversial climate regulations, but some supporters of the EPA's rules fear that the administration could give in to pressure to delay climate rules as the 2012 election draws closer.

Daley said that many of the "overwhelming" number of rules and regulations from federal agencies lately -- EPA in particular -- are a result of litigation against the George W. Bush administration, while touting the Obama administration's efforts to ease burdens on industry.

"There is a lot of scientific evidence that in our opinion was ignored," he said. "We can debate scientific evidence but a lot of it may have been ignored over a certain period. That's at the heart of a lot of these rules."

But after hearing complaints about the effects of federal rules on business, the former JPMorgan Chase executive assured the manufacturers that the White House is listening.

"I hear the message, and on regulations overall, as I mentioned, the president has been very strong," Daley said.

"There's an enormous number of rules and regs that are kind of in the pipeline to come out and we're trying to bring some rationality to them, especially at a time of economic crisis and the

impact that they could have on those.”

Brendan
Gillilan/DC/USEPA/US
11/29/2010 05:01 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Sarah Pallone, Stephanie Owens, Dru Ealons, Bob Sussman, Lisa Heinzerling, Daniel Kanninen, Gina McCarthy

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Subject Newsweek Q and A; 'The EPA is Not the Villain'

'The EPA is Not the Villain'

Administrator Lisa Jackson talks about working with a new GOP majority.

Newsweek Q and A

On Jan. 1, the Environmental Protection Agency is set to phase in regulations on air and water pollutants, including sulfur oxides, ozone, and, most controversial of all, carbon dioxide. House Republicans have vowed to thwart the EPA at every turn. But Lisa Jackson, the agency's administrator, says she won't be deterred. She sat down with NEWSWEEK's Daniel Stone. Excerpts:

People have said you run, and I'm quoting, a "runaway agency," with a staff that's "out of control," and have called you a "renegade." What's your response? I think we need to separate what we're doing from what we hear lobbyists and CEOs say we're doing. We laid out three ideas: we would follow the law, and we would follow science, and we would operate transparently. When I hear "renegade," it sounds like we're operating outside of the system. But this is the system. The system is designed to make sure our land and water and air are protected.

House Republicans have said they're going to subpoena you every week. What will be your defense? I can offer facts. I'll explain all the rules and proposals that are out there, what they do, and how they'll protect the environment and health of the American people. We're not doing it without being mindful that the economy is in tight straits.

Would there be room for a compromise to push all these regulations back one or two years? I'm not saying there's no accommodation that can be made with respect to time. But these regulations are designed to give time and certainty so that industry can plan. I had a CEO in here last week who thanked me for the clean-car rules. He said they were absolutely key, if not the catalyst, to make his industry expand. The irony was, in the state where those jobs are going to be, both senators were looking to pull back EPA's authority, which would have pulled back the clean-car rules.

One energy CEO in Kentucky told customers their bills would go up 20 percent with new regulations. They do those calculations by assuming the worst-case scenario. We try to work very closely with industry. It's not fair to have someone speculate about what we might do and then castigate this agency and me personally for something we haven't done.

Considering the global impact of greenhouse gases, doesn't it also matter what developing economies do? It is true that climate change is a global phenomenon. Because of the growth in the developing world—China, India, and other countries—we know that carbon emissions may go up. But there's a need for leadership, and also a need for regulatory certainty.

Clear air and water and a stable environment seem like reasonable things. Do you think you lost control of the messaging? I've got to push back on that. You need to separate what happens inside the Beltway echo chamber here with what happens in the countryside. People expect their government to take care of them and their families. Not special interests, not highly paid lobbyists. This agency plays an important role that way. I understand that people need a villain, but this agency is not the villain. My belief has always been that you can have a clean and healthy environment and a thriving economy at the same time.

How much support have you gotten from the president? It's the other way around. I'm there to support his agenda. He has said EPA is doing its job. I feel very supported by the administration.

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11/30/2010 10:46 AM

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Subject Clips

All -

Below are a few noteworthy clips from yesterday. We'll also circulate additional clips from this week's 40th events late each day.

Thanks.

- Brendan

[**The EPA and Lisa Jackson: What Stands Between You and Polluters
Peter Lehner**](#)

Executive Director, Natural Resources Defense Council

Huffington Post, November 29, 2010 03:23 PM

I met with Lisa Jackson last week, and I was once again struck by how forcefully she fights to protect the health of American families. As the head of the Environmental Protection Agency, she is helping make our air safer to breathe and getting toxins out of everyday products.

Still, it has become commonplace these days to bash the government and to question the service of public officials--particularly Jackson.

Yet attacking Jackson is like attacking our doctors and pediatricians. Congress charged the EPA with protecting our health, and like medical professionals, Jackson and her colleagues study the science and determine affordable ways to keep people healthy--instead of treating them after they get sick.

And let's face it: If the EPA doesn't stand up for our health and set limits on the pollution that causes asthma, heart disease, and cancer, who will? Do you think BP is protecting you? Do you think the American Petroleum Institute is protecting you?

Oil companies are looking out for their own interests--that's fine, that's what businesses do. But our interests need to be represented as well.

Imagine if an oil refinery or a power plant was pumping toxic pollutants into your body--and you are left paying the medical bills and taking your child to the ER when she has an asthma attack.

It is extremely difficult for an individual to demand that a major polluter clean up its act. But Congress gave the EPA the authority to do just that. And Jackson uses this authority on behalf of you and me and our children.

Jackson first got into environmental protection because she saw it as a form of people protection. She

grew up in New Orleans, the daughter of a postman, and studied chemical engineering at Tulane. During her graduate work, she realized that her training as an engineer could be used to clean up hazardous waste--or better yet, stop it from occurring in the first place.

But Jackson isn't only an engineer or a public official; she is also the mother of two sons. She wants to keep her children safe from illness just like I do and just like every other parent does.

That's why Jackson tells industry: you can conduct your business, but you have to do it without giving our kids asthma or giving our parents respiratory disease.

Some lawmakers think that makes Jackson an example of government overreach. I think that means she is doing the job Congress gave her. And the job we need her to do - because no one else can or will do it.

Agency's success presents new challenges -- Jackson (11/29/2010)

Gabriel Nelson, E&E reporter

With U.S. EPA taking intense criticism from Republicans and businesses, Administrator Lisa Jackson said today her 40-year-old agency is battling a new problem: Americans are taking a healthy environment for granted.

When EPA was created in 1970, Cleveland's Cuyahoga River was so polluted that it caught fire. Pittsburgh and Los Angeles were choking on smog on a daily basis. And the widespread use of DDT and other toxic chemicals was killing off bald eagles -- the very symbol of the United States.

The nation's rivers aren't burning anymore, Jackson said. The air is clean enough that many people don't notice it. Struggling species have rebounded. But because younger people have no memories of those days, they might not realize why the agency was created in the first place, she said.

Critics say EPA has already picked all the low-hanging fruit in the Clean Air Act and other statutes. But Jackson said there are still ways for the agency to address public health and the environment -- especially by imposing more rules on electric utilities.

"We've made enormous progress," she said. "We've gotten to the point now where we don't see the pollution as often as we did, and in some ways, that makes our job a little bit harder. It's pollution that's less easy to photograph and less easy to get people riled up about."

The talk today at the Washington, D.C., headquarters of the Aspen Institute, a think tank, kicked off a week of events commemorating EPA's creation on Dec. 2, 1970. Jackson is scheduled to tout the agency's focus on children's health tomorrow at a charter school in Atlanta and to speak Friday during a symposium on U.S. environmental policy at Harvard University.

During the series of appearances, Jackson will be playing defense as well as reflecting on the agency's past. When they take control of the House next year, the Republicans intend to increase oversight of the agency's programs and try to rein in rules they consider excessive.

They say the cost of new regulations is pushing existing jobs overseas and preventing companies from investing in costly new facilities.

The agency's regulations were challenged again today by incoming House Oversight Committee Chairman Darrell Issa (R-Calif.) and Rep. Fred Upton (R-Mich.), who is competing for the gavel of the Energy and Commerce Committee. Regulations such as the upcoming revision to the national smog standard "may devastate our economy and send us into a prolonged recession," the lawmakers said.

"Now that Republicans have recaptured the House, we think it is time for a fundamentally different approach in the defense of liberty," they wrote in a *Washington Times* op-ed. "Committees with significant

oversight duties must work together to block agencies from freely passing regulations that have no regard or concern for the potential damage to job growth and the economy."

Regs won't hurt economy -- Jackson

Jackson said she is "absolutely adamant" that the government can provide a cleaner environment to Americans without stopping economic growth, especially after a quarter in which American businesses made record profits. She acknowledged that EPA's programs are less fruitful now than they were in the beginning, but the numbers still show more benefits than costs.

According to annual figures compiled by the White House Office of Management and Budget, EPA regulations produced between \$82 billion and \$533 billion in benefits between 1999 and 2009, compared with between \$26 billion and \$29 billion in costs.

Though the agency produced 30 or 40 times more benefits than costs in its earlier years, the equation still favors the programs, Jackson said.

"I don't think that this should ever be framed to people as, 'OK, it's time to choose: Do you want a job, or do you want a clean environment?'" Jackson said. "We are not there. We are nowhere near that line, and we can have both."

'The EPA is Not the Villain'

Administrator Lisa Jackson talks about working with a new GOP majority.

Newsweek Q and A

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**Brendan
Gillilan/DC/USEPA/US**
02/14/2011 06:24 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Barbara Bennett, Gina McCarthy, Steve Owens, Mathy Stanislaus, Scott Fulton, Cynthia Giles-AA, Paul Anastas

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Subject Budget coverage

Budget Spares Energy Research, Despite Hits to Other Programs

[JOHN M. BRODER,](#)

NY Times

WASHINGTON — [President Obama](#)'s budget, released Monday, essentially treads water on energy and the environment, trying to maintain momentum for alternative energy research even as it cuts deeply into some environmental protection programs. The president once again asks Congress to do away with billions in tax breaks for fossil fuel interests, over the outcries of the [oil](#) and gas industry.

The request deals with policies that involve some of the sharpest disagreements between the administration and Congress, which will debate it line by line.

Spending at the Department of Interior would remain at roughly the same level as past years, but with a major increase, to \$358 million, for environmental and safety enforcement for offshore oil and gas drilling, to be offset largely with royalties and fees from oil companies. The budget request represents an increase of \$119 million, or 50 percent, from 2010 and is intended to address weaknesses revealed after last year's BP spill in the Gulf of Mexico. The additional funds would be used to hire new oil and gas inspectors, to more vigorously oversee drilling activities and to more efficiently process drilling permit applications.

The Department of Energy budget proposal includes more than \$8 billion for research and development of alternative energy sources, including solar, wind, [biofuels](#) and [geothermal](#) energy, and provides hefty loan guarantees for the construction of nuclear power plants. The plan also includes \$453 million for fossil fuel programs, with a heavy emphasis on developing ways to capture and store carbon dioxide emissions from power plants and refineries.

The plan provides funding to establish three Department of Energy innovation centers in addition to the three already opened. It also devotes \$550 million to cutting-edge energy programs supported by the Advanced Research Projects Agency-Energy, a new agency at the department that received its first infusion of money from the 2009 economic [stimulus package](#).

Cuts at the department include major reductions in the programs for fossil fuels and fuel cells, as well as cutting spending on hydrogen power technology nearly in half. The agency would also eliminate two research programs at national laboratories, saving more than \$45 million in 2012.

The department's nuclear weapons program would get a boost of nearly \$2 billion, to \$11.8 billion, to replace aging facilities, extend the life of existing weapons and assure the safe storage of decommissioned warheads and materials.

The agency's proposed budget would also eliminate \$3.6 billion in tax breaks and other subsidies for oil, natural gas and coal to help fund the president's other priorities. Mr. Obama has asked to eliminate these subsidies in his previous two budgets; Congress has refused to go along. The oil and gas industry has already declared its opposition to the measure and will employ its clout on Capitol Hill to keep the tax

preferences alive.

The [Environmental Protection Agency](#), under heavy fire from Republicans in Congress for its plans to regulate greenhouse gases and other air pollutants, would suffer a \$1.3 billion reduction in overall spending from 2010 levels, to \$9 billion. Among the programs hardest hit would be the Great Lakes restoration initiative, grants for clean diesel engine development and funds sent directly to states for drinking water and environmental clean-up projects.

The budget document repeats the president's pledge to try to reduce emissions of climate-altering gases by 17 percent below 2005 levels by 2020, but does not provide a detailed accounting of how to achieve it.

The E.P.A. budget provides continued financing for the agency's vehicle emissions and fuel economy programs, both in the near term and for the years 2017 and beyond.

The agency sets aside some money for restoration of the Gulf Coast after the Deepwater Horizon oil spill, but says that most of the funds will come from civil penalties assessed against BP and its drilling partners.

Politics: Obama's Budget Giveth and Taketh from Energy and the Environment

Bryan Walsh
Time.com

It's Budget Day in Washington, when policy wonks break out the calculators that have the "trillions" button and decide whether we'll have six more weeks of winter, or six decades more of crippling budget deficits. Actually, today is the day President Obama released his proposed budget for fiscal year 2012, which you can explore in all its eye-glazing glory [over here](#). Boring or not, though, it's worth going through Obama's proposals for the Environmental Protection Agency (EPA) and the Department of Energy (DOE), if only to see the areas the President really wants to save as he works to [win the future](#).

First the EPA—download a PDF of the budget [here](#). Overall the EPA faces a 12.6% cut, with \$9 billion allocated for fiscal 2012, down from the \$10.3 billion that had been allocated for fiscal 2010, which represented the agency's biggest ever budget. That means the White House is accepting some tough cuts, while allowing a few programs—including money for greenhouse gas monitoring and regulation—to rise. A quick [rundown](#):

- \$350 million for ecological restoration in the Great Lakes region, down \$125 million from fiscal 2010 levels. (That's good news for the invasive [Asian carp](#), and bad news for everything else that lives in the Great Lakes.)
- \$1.2 billion for the [Superfund program](#), which supports cleanup at the most hazardous industrial waste sites in the country—including [Brooklyn's Gowanus Canal](#), just a few blocks away from my old neighborhood. That's down \$70 million from fiscal 2010 levels.
- \$16.1 million more to address chemical risks in the environment and speed the process of chemical hazard assessments—something that has been [criminally slow](#).
- \$46 million for regulatory efforts to reduce greenhouse gas pollution under the Clean Air Act, a process [currently under attack](#) by Republicans and some Democrats in Congress. That will include \$25 million for states and \$5 million for the EPA to cover the cost of permitting under the program. That \$25 million is the same amount Obama proposed for fiscal 2011.

EPA Administrator Lisa Jackson—who has [had a tough time](#) of it lately—put the best spin possible on her shrunken budget, arguing that while the cuts would hurt, the EPA could still do its job. "We'll play our role

to cut spending and reduce the deficit," Jackson told reporters this afternoon. "But the President says we can't make cuts in a way that undermines our ability to win the future. This budget is a plan to live within our means and invest in the future."

The DOE, meanwhile, would get a 12% increase over fiscal 2010 levels, with a proposed budget of \$29.5 billion. Some of the [highlights](#):

- \$36 billion in loan guarantees for nuclear power plants, which the government says is enough to support 6 to 8 nuclear power projects, and 9 to 13 new reactors.
- \$550 million for the Advanced Research Projects Agency-Energy (ARPA-E), which supports potentially game-changing early stage clean energy projects, up from \$398 million.
- A 40% cut in the hydrogen technology research program
- Cancellation of the Tevatron, a particle accelerator at the Fermi National Laboratory, which would save the DOE \$23 million.
- The repeal of a "number of subsidies and tax preferences" for fossil fuels, which would save the department \$3.6 billion.

As DOE Secretary Steven Chu wrote in his blog [on February 11](#):

All of these steps --- funding basic research, science and innovation, making tough budget cuts, and implementing strong management reform --- will help us win the future by out-innovating, out-educating and out-building the rest of the world. Together we will lay the groundwork for the nation's future prosperity and security, create jobs, and lead the world in a clean energy economy.

Indeed, throughout his proposed budget, Obama has made sure money remains available for climate change and for clean energy research. That includes millions for permitting new solar, wind and geothermal projects, \$588 million for advanced vehicles research and \$200 million in incentives for electric vehicle infrastructure. But what isn't clear—as POLITICO [pointed out](#) in a story today—is whether the White House's office of Energy and Climate Change, until recently occupied by the [now-departed Carol Browner](#), will be kept around. The office isn't listed in the 2012 budget, though it wasn't listed in Obama's earlier budgets either.

Here's the problem though—Obama's budget may not be worth the paper it is printed (or the bandwidth it's been downloaded with, in win the future terms). As Ryan Avent of the *Economist* noted in a [trenchant post](#) today, this year's Budget Day feels unusually pointless:

While the president proposes budgets, Congress passes budget resolutions and appropriations, and the Republican party controls the House of Representative. That means that many of the specific line items in the budget aren't worth the paper they're printed on. Taxation of carried interest? Forget about it. An end to fossil fuel subsidies? Just like last year, it's dead on arrival. Perhaps saddest of all is the president's proposal to reauthorize the nation's transportation funding law, to be paid for with "bipartisan financing for Transportation Trust Fund". The bipartisan financing plan would raise \$140 billion through 2016, if it weren't less likely to be found than a yeti riding a unicorn.

Precisely—and Republicans want to treat energy and environmental programs like they would an Amazonian rainforest: [slash and burn](#). House Republicans have already proposed stripping the EPA's ability to regulate greenhouse gases, and want to slash funding for other climate change programs. The GOP's [budget proposal](#) also aims to cut the EPA's budget by \$3 billion. Something—quite possibly the government, maybe just the planet—is going to have to give.

EPA: Budget proposal focuses on air and climate rules, cuts water grants (02/14/2011)

Gabriel Nelson and Jean Chemnick

E&E news

U.S. EPA would take a 12.6 percent funding cut under President Obama's budget request for fiscal 2012, which would shrink the amount of grants for state and local water projects while keeping money flowing toward enforcement and the new air pollution regulations that House Republicans are trying to starve of funding.

The president's budget would include \$9 billion for EPA, down from the fiscal 2010 funding level of \$10.3 billion that has remained in place for the first five months of fiscal 2011. The proposal, which is seeking \$1 billion less than Obama requested for the agency in fiscal 2011, shows the wide divide between the White House and Republicans, who are hoping to slash EPA's budget by \$3 billion and defund the agency's climate program.

House Appropriations Chairman Hal Rogers (R-Ky.) unveiled a proposal late Friday to slash the agency's 2011 budget to about \$7.5 billion, part of a Republican plan to return spending to 2008 levels. EPA, which has been a target of intense criticism from conservatives under President Obama, bore the brunt of the proposed Republican replacement for the stopgap spending bill that will expire on March 4.

Though the Republicans want to pull funding from EPA's own operations, seeking to slow down the agency's work on regulations that industry groups have labeled as harmful to the economy, Obama's request focuses on cuts to grant programs, some of which were bolstered by stimulus funding over the past two years.

EPA's own operations have historically gotten about a third of the agency's budget with most of the remaining two-thirds going to state and local agencies that implement the federal rules. Of the \$1.3 billion in funding cuts in the president's proposal, about \$117 million would come from federal operations and the rest would mainly come from grants.

Two revolving funds that provide money for state water projects would see a \$947 million cut from fiscal 2010 levels. An \$80 million grant program for clean diesel projects would be eliminated. And as the White House had promised in a recent op-ed, the president's Great Lakes Restoration Initiative would lose \$125 million from current funding levels.

The budget also scraps \$167 million in water infrastructure funding, \$157 million of which had been earmarked by members of Congress.

Meanwhile, the White House is seeking \$24 million more in funding for federal enforcement than in the fiscal 2011 request. Those efforts would get \$621 million, a 2.5 percent decrease from fiscal 2010 levels.

The biggest increase is an \$85 million boost for categorical grants that state, local and tribal governments use to fund their own operations. State and local air quality agencies would receive \$79.5 million more than they are getting at the fiscal 2010 funding level.

The total package of \$306 million for those programs in fiscal 2012 would be "well above historical levels due to additional responsibilities associated with achieving more stringent air quality standards," the budget says.

State agencies have been bracing for cuts to the State Revolving Funds for clean water and drinking water projects, which were given a boost by the American Recovery and Reinvestment Act, said R. Steven Brown, executive director of the Environmental Council of the States. The \$550 million cut to clean water grants and the \$397 million cut to drinking water grants could cause some of those projects to be delayed by a year or two, but the increase in funding for agency air quality programs is good news, he said.

"The state budgets are so bad right now, and the president's proposal would really help," Brown said.

In the past, when EPA was asked to cut its budget, the agency would sometimes take all the money from state and local governments. Though states will still bear the heaviest load, today's request shows EPA is serious about tightening the belt on the federal side, Brown said.

"This time, the EPA would take 15 percent of the cuts," Brown said. "We don't get joy from that, but it does show that the agency understands there's going to have to be some shared pain."

Climate, air and water

Today's budget is short on details about EPA's climate and air rules, which are at the center of a political war on Capitol Hill.

The EPA budget request downplays the agency's efforts to curb greenhouse gas emissions, lumping in the climate program with other air quality programs for a combined ask of \$471 million for fiscal 2012. That would be a 3.6 percent decrease compared with what the agency received for air quality programs in the first part of fiscal 2011.

On top of that, the agency's science and technology office would get \$247 million for air and climate programs, up from \$244 million in fiscal 2010. An undisclosed share of that money would go toward a new Air, Climate and Energy program that would "identify benefits for air and water quality associated with climate mitigation and adaptation choices to inform national and regional climate decisions."

EPA's water programs would be slashed 16 percent from estimated spending levels under the CR for fiscal 2011, down from \$4.1 billion to \$3.4 billion. When compared to the 2010 budget, the cut would be a more modest 3 percent drop from \$3.5 billion. Spending on "healthy communities and ecosystems" would drop 15.5 percent, from an estimated \$271 million in 2011 to \$229 million.

In last year's budget request, EPA provided separate line items for its greenhouse gas rules, including \$56 million for EPA to run the new programs and support state permitting operations. But the fiscal 2012 budget offered few breakout numbers related to climate change.

An unspecified sum would go to programs that would curb heat-trapping emissions linked to global warming through "cost-effective, non-regulatory programs while also pursuing regulatory options," the request says.

EPA recently started requiring large pollution sources to use the Best Available Control Technology for greenhouse gases and plans to draft additional rules in the next two years to limit emissions from power plants and refineries. The budget seeks \$25 million to help states cover the cost of permitting under that program.

In fiscal 2012, the administration will also begin implementing a new program to cut emissions from cars and trucks.

While the climate rules have made the most headlines, states are also scrambling to follow new federal rules for conventional air pollution, such as the recently tightened air quality standards for nitrogen oxides and sulfur dioxide. Across the country, state budget woes have forced agencies to rely more heavily on the federal funding awarded through the categorical grants program.

That program would get \$1.2 billion under the president's request. The Republican proposal for the rest of fiscal 2011 set down a marker by cutting \$25 million for greenhouse gas permitting, but it would also cut \$220 million from unspecified programs under the categorical grants program, said Bill Becker, executive director of the National Association of Clean Air Agencies.

Cutbacks that large could cripple the state agencies that are tasked with following federal rules, he said.

"If those cuts hit the air program any more, it's going to have huge and horrific repercussions on the abilities of states and localities," Becker said. "That's not only the ability to address greenhouse gas issues but also to clean up toxic air pollution, to write rules for our state implementation plans and to carry out the day-to-day responsibilities that Congress insists that we do under the Clean Air Act."

Today's budget request was Obama's first since Republicans gained control of the House, bringing with them a promise not only to cut spending but head off climate rules under the Clean Air Act. Tomorrow, the House is expected to vote on a fiscal 2011 spending bill that would do just that.

The continuing resolution, or CR, would fund the federal government through Oct. 1 with the stipulation that none of the funds can be used to craft or implement any climate regulations except the tailpipe emissions rules. The White House has suggested it might veto such a bill if it arrived at the president's desk, though the Democratic leadership of the Senate will be another obstacle for House Republicans.

Republican appropriators also proposed substantial cuts to EPA's budget for the remainder of the fiscal year, including a \$107 million cut for a variety of programs related to carbon dioxide mitigation.

While the president's budget and the House CR set the stage for a months-long battle over federal funding for climate regulations, Obama's budget document says he hopes that lawmakers can find common ground on "forward-looking energy legislation that would spur U.S. development of advanced, clean energy technologies to reduce the Nation's dependence on oil, strengthen energy and national security, create new jobs and restore America's position as a global leader in efforts to mitigate climate change and address its consequences."

It says the president stands behind his 2009 commitment to cut U.S. greenhouse gas emissions 17 percent by 2020.

Budget 2012: Environmental Protection Agency

Darryl D. Fears

Washington Post

President Obama's proposed budget provides \$9 billion for the Environmental Protection Agency, noting that amount represents a \$1.3 billion decrease from the previous budget year. But that's unlikely to satisfy Republicans in the House who are sharpening their knives to cut even more from an agency that plans to pressure big polluters to reduce greenhouse gas emissions.

The EPA vowed to restore air and water quality with strict new rules, earning praise from liberal groups but making enemies of manufacturers and their politically conservative supporters who say the rules will add to business costs and eliminate jobs. The administration backpedaled slightly on funding the Great Lakes Restoration Initiative, cutting its budget by \$125 million.

Locally, funding for restoration of the Chesapeake Bay was increased, buffering an EPA effort to reduce pollution from sediment, phosphorous and nitrogen that flows into the bay each time it rains. That effort is being challenged by farmers who claim in a federal lawsuit that EPA's research regarding the pollution is flawed, and that the agency should not be allowed to enforce measures that will be costly to Bay area farmers.

Obama Seeks 13% Cut in Environmental Agency's Budget

Kim Chipman

Bloomberg

President Barack Obama proposed cutting the Environmental Protection Agency's budget 13 percent to \$8.97 billion as the agency faces Republican demands to limit its funding and authority.

The fiscal 2012 budget proposed today is a \$1.3 billion reduction from 2010, the last time federal agencies had an enacted budget. It calls for cutting aid to states for water quality by 27 percent to \$2.54 billion and reducing funds to restore the Great Lakes by 26 percent to \$350 million.

Obama's budget counters a proposal from Republican lawmakers in the House to slash EPA funding by \$3 billion and block the agency from regulating greenhouse gases from industrial polluters such as power plants. The president's budget calls for \$25 million to help states implement the EPA's rules aimed at curbing emissions blamed for climate change.

"On energy budget items, the White House and House Republicans are miles apart in terms of priorities," Whitney Stanco, an analyst at MF Global Inc.'s Washington Research Group, said today in a research note to clients.

A delay of EPA's greenhouse-gas rules has "greater likelihood" of becoming law than many other proposals from both the administration and Republican lawmakers, according to Stanco.

Peabody, Progress Energy

Peabody Energy Corp. of St. Louis, the largest U.S. coal producer, and the U.S. Chamber of Commerce, the nation's biggest business lobby, are among those fighting the new rules, saying they will increase energy costs and destroy jobs.

The EPA is moving too quickly with new rules, including the carbon regulations, said the chief executive officer of Progress Energy Inc. of Raleigh, North Carolina, which supports action to curb U.S. emissions.

"I'm particularly concerned about the impact on low-income people," Bill Johnson, whose company is being acquired by Duke Energy Corp. to form the largest U.S. utility, said today at a conference in Washington.

The EPA budget repeats Obama's call for Congress to pass legislation that would help combat global warming, promote clean-energy technologies and reduce U.S. reliance on oil. Obama continues to support U.S. greenhouse-gas cuts of about 17 percent by 2020 and 83 percent by 2050, according to the EPA budget proposal, which doesn't say how those goals would be reached.

The administration decided to press ahead with the EPA's greenhouse-gas rules, which began Jan. 2, after Congress's failure to limit emissions through a cap-and-trade system, favored by Obama, that would let companies buy and sell the right to pollute.

The EPA budget also proposed ending a clean-diesel grant program from \$80 million in fiscal 2010 to zero. The current clean-diesel spending plan was signed into law in January and pays local governments to retrofit buses, trucks and construction equipment.

EPA's Jackson declines to address impact of House GOP spending bill

Andrew Restuccia

The Hill

Environmental Protection Agency Administrator Lisa Jackson declined Monday to directly address a bill proposed by House Republicans that would block funding for the agency's pending climate rules through September.

Asked by reporters about the potential effect of the proposal, included in legislation to fund the government through the end of the year, Jackson would only speak in broad terms.

"We want to make sure that we don't undermine our ability to protect public health and the environment," Jackson said on a conference call Monday.

"We can't make cuts in a way that would undermine our ability to win the future," she said.

While the administration has been reluctant to address the spending bill in public, administration sources are circulating a "preliminary analysis" that says the bill would have wide-ranging effects on the agency's ability to protect human health.

The legislation would create wide-spread industry uncertainty, delay the construction of new projects and result in job losses, says the analysis, which was obtained by The Hill Saturday.

The House GOP spending bill, which cuts EPA's budget by \$3 billion, sets up a major fight in Congress. Senate Democrats have said the legislation has no chance in the upper chamber. Still, austerity is the name of the game in Washington and President Obama's fiscal year 2012 budget, which was sent to Congress Monday, underscores that.

Obama's budget request makes major cuts to across multiple agencies including EPA, which saw its budget slashed by \$1.3 billion. But Jackson stressed that the cuts "will allow EPA to carry out its core mission."

But, in an indication that regulating greenhouse gas emissions remains a major priority for the administration, EPA's budget increases funding for its climate program by \$43 million.

Overall, Jackson said, EPA's climate program has a budget of about \$190 million, including \$25 million for the implementation of state programs.

**Brendan
Gillilan/DC/USEPA/US**
02/08/2011 02:41 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Gina McCarthy, Daniel Kanninen, Michael Goo, Bob Sussman
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bcc
Subject Boston Globe: Boston investor-environmentalist group Ceres says clean air regulations good for economy

[Boston investor-environmentalist group Ceres says clean air regulations good for economy](#)

By Theo Emery, Globe Staff

For some Republicans, clean air regulations are “job-killers” that stifle economic growth and stunt job growth. Not so, according to a liberal investment group.

Ceres, a Boston-based consortium of investors and environmentalists, released a report Tuesday that claims just the opposite: clean air regulations are good for the economy.

The report that the University of Massachusetts’ Political Economy Research Institute prepared for Ceres claims that new federal curbs on pollution will create almost 300,000 jobs a year for the next five years.

The report looked at how air quality regulations expected this year from the U.S. Environmental Protection Agency – one regulating sulfur dioxide and nitrogen oxide emissions, the other aimed at air pollutants such as mercury, arsenic and lead – would affect 36 states in the eastern U.S.

The job growth would come from construction of new power plants, the retirements of coal-burning plants, and the installation of new pollution controls, all of which would require engineers, electricians, boilermakers, pipe fitters and other skilled, high-paid workers.

Ceres President Mindy S. Lubber said the report showed that regulation “is not about a false choice between public health and our economy and jobs.”

“New air pollution rules proposed for the power sector will provide long-term economic benefits, in the form of highly skilled, good paying jobs,” she said, as well as other dividends, such as new infrastructure and investment.

The report was released in a friendly setting: a “green jobs” conference sponsored by an environmental group called the Blue/Green Alliance. EPA Administrator Lisa P. Jackson spoke to the gathering Tuesday morning, touting the benefits of environmental regulation.

The conference came on the eve of a Wednesday subcommittee hearing in the House Energy and Commerce Committee on legislation from Chairman Fred Upton, R-Mich, that would halt EPA

authority to regulate greenhouse gases under the Clean Air Act.

Jackson will likely have a less convivial reception in the committee, as Upton is no fan of environmental regulation. He said last month that that the current EPA “has a track record of regulating too much too fast while ignoring potentially devastating economic consequences.”

**Brendan
Gilfillan/DC/USEPA/US**
02/15/2011 03:00 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph Goffman, Janet McCabe, Daniel Kanninen, Michael Moats

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Subject The Hill: Durbin: No whip counts yet on block-EPA effort

Durbin: No whip counts yet on block-EPA effort
The Hill
Ben Geman
February 15, 2011

The Senate's top vote-counter said Tuesday he hasn't yet determined whether a spending bill that thwarts Environmental Protection Agency (EPA) climate change rules would clear the upper chamber.

The House is voting this week on a continuing resolution that includes a provision to block funding for EPA's greenhouse gas regulations through September, the end of fiscal year 2011.

But Senate Majority Whip Richard Durbin (D-Ill.) said he's not yet certain how Senate votes would line up on the EPA provision.

"We have not and I can't tell you because there are alternatives being considered by Senator Rockefeller and others, and we have not whipped that issue, so I can't tell you where it stands," Durbin told reporters in the Capitol when asked whether he'd whipped the measure.

Sen. Jay Rockefeller (D-W.Va.) is seeking to suspend regulation of stationary facilities for two years.

While the House GOP's spending bill would stymie EPA temporarily, Republicans in the House and Senate are also pushing more aggressive plans that would outright nullify EPA's power to regulate heat-trapping gases from power plants, refineries and other sources.

Brendan
Gillilan/DC/USEPA/US
02/07/2011 07:34 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Michael Moats, Bob Sussman, Gina McCarthy, Joseph Goffman, Janet McCabe, Daniel Kanninen

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Subject Salon: Proof Obama is not caving on regulation: The EPA

Proof Obama is not caving on regulation: The EPA

Andrew Leonard, Salon.com

Never mind healthcare or bank reform. The prospect that President Obama might gut environmental protection while eliminating unnecessary "burdensome" regulations is where some liberals get most nervous. The president put very little effort into getting any climate legislation passed, leading environmentalists to wonder: Does he actually care?

On the surface, the concern is justified. House Republicans have made the crusade to cripple the EPA's ability to enforce limits on greenhouse gas emissions [a top priority](#). Last week, Rep. Fred Upton, D-Mi., the chair of the House Energy and Commerce Committee, and Sen. James Inhofe, D-OK, announced plans to [introduce legislation](#) that would [explicitly prohibit the EPA](#) from considering "greenhouse gases" a pollutant under the terms of the Clean Air Act. Sen. Jay Rockefeller, a West Virginian Democrat, recently reintroduced a bill that would delay any EPA greenhouse gas limit enforcement for two years.

In response, the White House has been quiet. The president did not mention the words "climate change" in either his State of the Union speech or his address to the Chamber of Commerce. Quite the opposite: His only reference to the EPA at the Chamber was to cite a decision by the agency to *delay*, for three years, the setting of any limits for greenhouse gases generated from the burning of biomass, as an example of how accommodating his administration was willing to be on the regulatory front.

I'm guessing Obama included that line because he or his advisers thought it would go over well with Chamber [conservatives](#). But by pointing out an instance of EPA inaction, the president carefully avoided dwelling on the fact that the agency has *already* taken the much more significant step of [beginning the process](#) of regulating greenhouse gas emissions at power plants, oil refineries, and other *major* sources of greenhouse gas emissions. As of January 2, [the EPA is requiring](#) that the operators of new, or substantially modified, facilities must get permits that [will limit their future greenhouse gas emissions](#) and require upgraded technology.

In other words, *it's already happening*. The pace is excruciatingly slow, and there are legal challenges that must be parried every every step of the way, and both states and plant operators have a lot of leeway in how to deal with the proposed changes, but the machinery of greenhouse gas regulation is proceeding. And this is entirely due to the fact that the current occupant of the

White House is a Democrat who appointed a strong director -- Lisa Jackson -- to run the EPA.

Bush's EPA refused to regulate greenhouse gases, dragging its feet even after the Supreme Court ruled, by a tight 5-4 margin (with Anthony Kennedy the deciding vote between liberal and conservative justices), that under the terms of the Clean Air Act, greenhouse gases [qualified as pollutants](#). The Court not only found that the EPA had the authority to regulate greenhouse gas emissions, but would be *required* to do so if the agency determined that there was scientific evidence that greenhouse gases posed a threat to public health. In November 2009, the EPA determined that greenhouse gases did pose such a threat, and the [wheels went into motion](#).

It's worth noting how entirely contingent this entire chain of events is on raw political power. A 5-4 Supreme Court majority is a slender thread -- one more George W. Bush appointee, and the decision would undoubtedly have gone the other way. Similarly, a Republican EPA would have been most unlikely to determine that greenhouse gases are a threat to public health, since the current prevailing wisdom the Republican party is that the world is not warming because of greenhouse gas emissions.

The Republican drive to rewrite the Clean Air Act so as to make the Supreme Court's ruling irrelevant and shackle the EPA is just the latest skirmish in this primal battle, but all the hollering about job-killing regulations should not obscure the fact that the EPA is proceeding according to plan. The steady rollout of guidelines and standards will not be easy to stop. So far, the courts have generally upheld the EPA's authority -- [Texas is 0-3 in legal challenges](#) -- and even if Republicans do manage to get some EPA-killing legislation through the Senate, they'd still face the likelihood of a presidential veto.

Slate's tireless political reporter/blogger David Weigel had [the same impression of Obama's speech](#) to the Chamber that I did earlier today -- the president made no concessions and signaled no real shift in policy. He defended his signature legislation, which the Chamber opposed, and even as he made rhetorical gestures on regulatory policy, his EPA is hard at work enforcing limits on greenhouse gas emissions. Environmentalists who want the EPA to continue doing so should be thinking hard about how to re-elect Obama, because if a Republican moves into the White House, it will all come to a screeching halt, again.

**Brendan
Gillilan/DC/USEPA/US**
06/15/2011 12:09 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Michael Moats, Daniel Kanninen, Michael Goo, Bicky Corman

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Subject WSJ Editorial: The Obama Hiatus

The Obama Hiatus

The Administration takes a two-year holiday from its own agenda.

President Obama's re-election machine is already running full bore, but has his entire Administration also decamped for the campaign trail? We ask because the towering ambitions of Mr. Obama's first two years have suddenly gone into abeyance in his third, apparently to be deferred until years five through eight. The White House is more or less conceding that it doesn't have a chance of winning a second term unless his major policies go on hiatus.

This holiday from committing liberal history began in December with the White House-GOP deal that extended the Bush tax rates through the 2012 election and added a payroll tax cut on employees to 4.2% from 6.2%. These proposals came from the same Democrats who only months earlier had increased payroll taxes to finance their health-care bill and routinely claim that tax rates don't matter to the private economy. But then, 9.1% joblessness and 1.8% growth have a way of concentrating the political mind.

Next came the much-ballyhooed White House scrub for "excessive" regulation, even as hundreds of new rules mandated by the legislation of the first two years continue to be written and to slow business investment. But at least the rule review persuaded the Environmental Protection Agency to stop treating dairy farm milk spills as if they were Gulf oil leaks. That should help next year in Wisconsin.

Picking up the vacation pace, this week the EPA delayed by two months the carbon regulations that it wants to impose, even as it resists bipartisan attempts on Capitol Hill to kill them altogether. Next up may be a delay in pending regulations meant to harm coal-fired power, before opponents gather enough votes to kill them. The EPA has already yanked an entire rule that would have forced thousands of businesses to install new industrial boilers.

Maybe the White House should short-circuit all this by dispatching EPA administrator Lisa Jackson to an undisclosed location through November 2012.

Also this week, The Commodity Futures Trading Commission voted—five to zero—to delay by six months the derivatives swap rules that were due this month under the Dodd-Frank financial re-regulation. The alphabet soup of financial regulators will eventually add tens of thousands of

pages to the Federal Register, but for now they are conceding that the derivatives market isn't the calamity they claimed it was in the rush to pass the bill.

Then there's health care. Over the last year, the Health and Human Services Department has granted at least 1,372 temporary waivers to ObamaCare mandates, most notably for price controls on private insurance companies. Many have gone to Democratic allies like unions, but many more went to ordinary businesses and even states. HHS has already given a pass to Nevada, New Hampshire and Maine, and another dozen or so have applied or are expected to ask for exemptions.

This is less political favoritism than a panicked, ad hoc bid to minimize pre-election insurance disruptions that can be attributed to a law that is still widely reviled. If the law isn't enforced, maybe voters will forget it passed. In its New Hampshire reprieve, HHS admitted that ObamaCare would "destabilize the individual market," though it neglected to mention that this is what ObamaCare is meant to do. Just not yet.

By the way, this waiver process isn't in the law's statutory language. HHS has simply created it via regulation. In other words, the health bureaucracy knew the rules they were writing would be destructive and have created a political safety valve. They have even found a way to override ObamaCare's cuts to the Medicare Advantage program that were counted as "savings" to make the health bill look less spendthrift. Medicare Advantage offers insurance choices to one in four seniors and is popular in, well, Florida, so seniors also get a two-year reprieve.

Why aren't liberals deploring this betrayal of their programs? Perhaps because even they can't ignore reality forever. Mr. Obama's epic fiscal binge, waves of new industrial policy and the political allocation of credit haven't created the boom they promised. If business can now be persuaded that the government assault is over and start to invest again so the economy improves enough for Mr. Obama to win a second term, then a two-year delay in fulfilling their dreams is well worth it.

Liberals figure that as long as Mr. Obama can be re-elected next year on another hope-and-change platform, it will be too late to hope to change anything and he can then return to his legacy project of building a tax and entitlement state on the European model. The economy may benefit from Mr. Obama's temporary amnesty, but the real lesson of this hiatus from liberalism is that it should be shut down permanently.

**Brendan
Giffilan/DC/USEPA/US**
06/27/2011 01:17 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Bob Sussman

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Subject **Bloomberg Businessweek:Exelon Asks Obama for EPA Regulation as AEP Seeks Delay**

Exelon Asks Obama for EPA Regulation as AEP Seeks Delay (1)
2011-06-27 15:16:54.29 GMT

By Kim Chipman, Bloomberg Businessweek

June 27 (Bloomberg) -- Exelon Corp. Chief Executive Officer John Rowe had a message for White House Chief of Staff William Daley on power-plant pollution limits being weighed by the Environmental Protection Agency: Go for it.

Rowe, who is also chairman, and his counterparts Mayo Shattuck of Constellation Energy Group Inc. and Lew Hay of NextEra Energy Inc. made their case for government regulation in a White House meeting on March 8, eight days before the EPA proposed the first U.S. limits on air toxics such as mercury, arsenic and lead from coal- and oil-fired electricity plants.

The agency has become the flashpoint in debate over regulation by the Obama administration, with business groups and Republicans joined in seeking to block or delay its rules to curb carbon emissions and pollution from boilers. The air-toxics rule is an exception, with utilities divided on calls to stop or postpone it.

"The CEOs at that White House meeting talked about wanting an effective rule on time and about how the markets are already anticipating it," Michael Bradley, executive director of the Clean Energy Group's clean air policy initiative, said in an interview with Bloomberg Government.

Exelon, NextEra and Constellation, all part of Bradley's coalition aimed at cutting pollution, emphasized the need for the EPA to stick to its 2015 compliance deadline, Bradley said.

The Concord, Massachusetts-based group, founded in 1997, told EPA Administrator Lisa Jackson in a June 15 letter that a delay would "undermine" companies already preparing and making investments based on the 2015 deadline.

American Electric

Spokesmen for Chicago-based Exelon, the biggest U.S. power producer, NextEra, owner of Florida's largest utility, and Constellation, a Baltimore-based electricity producer, declined to comment on the White House meeting and referred questions to Bradley.

On the other side of the rift are utilities including American Electric Power Co. and MidAmerican Energy Holdings Co., a unit of Warren Buffett's Berkshire Hathaway Inc. AEP, which produces 80 percent of its electricity from coal, says the 2015 deadline is one reason it will have to cut about 600 jobs, close five coal-fueled power plants and spend as much as \$8 billion through the end of the decade.

A 2020 deadline "is realistic, 2015 is not," AEP President Nicholas Akins said in an interview. The Columbus,

Ohio-based company wants Congress to pass legislation extending the deadline by five years, and Representative Ed Whitfield, a Kentucky Republican, has said he plans to introduce legislation in August forcing a delay.

Buffett Unit

Companies that don't rely heavily on coal for their power generation may support the rules because "they would benefit from retirements" of coal-fired plants by rivals, Akins said.

MidAmerican Energy said EPA rules including the proposed air toxics standard will cost customers at its two utilities more than \$5 billion by 2023.

"MidAmerican, like many utilities, is concerned about the costs and timetables for the implementation of these EPA rules," Cathy Woollums, chief environmental counsel for the Des Moines, Iowa-based company, told the Senate Environment and Public Works Committee this month. "These compliance costs will increase rates to our customers."

Companies have had time to prepare, and the public can't wait to reduce toxic air emissions that hurt children's brain development and cause asthma, heart attacks and premature deaths, according to Carol Browner, a former EPA administrator who was Obama's energy and climate adviser until earlier this year.

Companies Knew

"These companies have known for a very long time, I would suggest maybe as long as 10 years, that something was going to happen on mercury," Browner said during a June 21 panel discussion in Washington.

Duke Energy Corp. Chairman and CEO Jim Rogers told investors on a May 3 earnings call that "anticipation of more stringent environmental rules has long been part of our business plan."

"Over the past 10 years, we have spent \$5 billion retrofitting existing units with updated emissions controls," Rogers said.

NextEra, the No. 1 U.S. wind-energy producer, generated about 90 percent of its electricity last year from "clean" fuels such as nuclear and natural gas, while Exelon sold off most of the company's coal-fired plants to become the largest U.S. nuclear-power provider.

Constellation, which generates about 24 percent of its power from coal, spent almost \$1 billion to install scrubber technology at a Maryland coal-fired power generator.

Digging Heels In

"Despite the fact that many coal-fired plants across the nation have installed the pollution-control equipment to reduce their mercury pollution, some utilities are still digging their heels in the fight to block or delay the proposed EPA rules," Dan Weiss, director of climate strategy at the Washington-based Center for American Progress, a policy group that advises Democrats, said in a June 21 report.

EPA Deputy Administrator Bob Perciasepe said delaying the air-toxics rules doesn't make sense.

"It is absolutely cost-effective and economical for

companies to retrofit coal-fired power plants with the technology to meet this rule, and many have and many more will," he said.

The EPA, under court order to act after former President George W. Bush's planned mercury standard was declared unlawful, has said the law gives companies as many as four years to comply and estimates it would cost companies \$10.9 billion.

Among Most Expensive

The Electric Reliability Coordinating Council, a Washington-based coalition of companies such as Atlanta-based Southern Co., has said the proposed rule is one of the most expensive in EPA history, and it may cost industry \$100 billion to comply.

Southern's CEO and Chairman Thomas Fanning told lawmakers on April 15 that the EPA's timeline for regulation "can't be done" and that the rule may reduce power reliability and increase electricity bills. Fanning said the rule is among pending EPA regulations that would cost the power industry as much as \$300 billion during the next five years.

The EPA estimates the rule would increase electricity rates an average of 3.7 percent in 2015, an amount that Perciasepe said is in line with normal price fluctuations. Costs to industry and electricity users also will be offset by as much as \$140 billion a year in health and economic benefits, according to the EPA.

Comment Period Extended

The EPA has said it has no plans to postpone issuing a final air toxics rule in November. The agency did extend the period for public comments on the proposal from 60 to 90 days after 27 House Democrats led by Representative John Dingell of Michigan asked for more time.

The EPA's response to that demand may not auger well for the rule, according to Frank O'Donnell, who supports the pollution limits.

"It will undoubtedly increase pressure on EPA to delay the final standards, perhaps into election year," O'Donnell, president of the Washington-based environmental group Clean Air Watch, said in an interview. "That would be very bad."

Brendan
Gillilan/DC/USEPA/US
02/09/2011 02:32 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Daniel Kanninen, Michael Moats, Bob Sussman

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Subject White House Blog: So What Does the Clean Air Act Do?

[The White House Blog](#)

So What Does the Clean Air Act Do?

Posted by Heather Zichal on February 09, 2011 at 02:18 PM EST

Today, EPA Administrator Lisa Jackson testified before the House Energy and Commerce Committee. In her [testimony](#) the Administrator highlighted the agency's ongoing efforts to develop sensible standards that update the Clean Air Act, while ensuring that the landmark law continues to provide Americans the protections from dangerous pollution that they deserve. These reasonable steps will ensure that the air our children breathe and the water they drink is safe, while also providing certainty to American businesses.

Despite these pragmatic steps to implement long overdue updates, big polluters are trying to gut the Clean Air Act by asking Congress to carve out special loopholes from air pollution standards.

The Clean Air Act gives the Environmental Protection Agency the necessary tools to protect our families from mercury, arsenic, smog, particulates and carbon dioxide that can cause asthma and lung disease – especially in children. Weakening these standards would allow more pollution in the air we breathe and threaten our children's health. We thought it might be helpful to refresh everyone on how this landmark law affects our country and protects our health.

- **160,000 Lives Saved Last Year**

In the year 2010 alone, clean air regulations are estimated to have saved over [160,000 lives](#).

- **More than 100,000 Hospital Visits Avoided Last Year**

In 2010, clean air standards prevented [millions of cases of respiratory problems](#), including bronchitis and asthma. It enhanced productivity by preventing millions of lost workdays, and kept kids healthy and in school, avoiding millions of lost school days due to respiratory illness and other diseases caused or exacerbated by air pollution.

- **60% Less Pollution in Our Air, Strong Economic Growth and Lower Electricity Prices**

Since 1970, the Clean Air Act has reduced key air pollutants that cause smog and particulate pollution by [more than 60%](#). At the same time the economy more than tripled. And since the Clean Air Act Amendments in 1990, electricity production is up and prices are down. In 2009, electric utilities delivered [33 percent](#) more electricity to U.S. households and businesses than in 1990, while nationwide electricity prices were [10](#)

[percent lower.](#)

- **Benefits Far Out Weigh Costs**

Over its forty-year span, the benefits of the Clean Air Act – in the form of longer lives, healthier kids, greater workforce productivity, and ecosystem protections – outweigh the costs by [more than 30 to 1](#).

Heather Zichal is Deputy Assistant to the President for Energy and Climate Change

**Brendan
Gilfillan/DC/USEPA/US**
05/16/2011 07:22 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy,
Janet McCabe, Joseph Goffman, David McIntosh, Arvin
Ganesan, Stephanie Owens, Dru Ealons

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Subject Boiler coverage

All -

First round of stories is below. Many of these have not been updated with some of our responses, but will be. We'll circulate another batch tomorrow with the full stories.

Thanks.

- Brendan

Reuters: US delays air pollution rules on industry boilers

Bloomberg: EPA to Postpone Boiler Rules Amid Industry Group Complaints

WSJ: EPA to Delay Pollution Rule

AP: EPA Delays Boiler, Incinerator Toxic Pollution Regulations Indefinitely

Politico Pro: EPA to stall air toxics rule

Reuters

US delays air pollution rules on industry boilers

Mon May 16, 2011

* Rules had been intended to ax toxic pollution

* EPA opens up new comment period on rules, delaying them

* Rules less costly to industry were issued in February

WASHINGTON, May 16 (Reuters) - U.S. environmental regulators delayed air pollution rules for boilers at plants and factories on Monday, a move green groups said was a bow to industry pressure.

The Environmental Protection Agency said it postponed the effective date of standards issued early this year on incinerators and boilers at factories to allow for more public comments. It said it wanted more feedback from the public and industry.

After a comment period the agency issued the rules under court order in February. But now the agency will hold another comment period on the rules through July 15, delaying the ultimate implementation of the anti-pollution measure.

The EPA has been issuing a raft of rules on toxic air pollutants and emissions of gases blamed for global warming, but it faces pressure from industry and Republicans, who say they will add costs and kill jobs, to weaken them.

The boiler rules were supposed to be implemented in coming years. But an EPA source said the agency does not know when the rules, designed to reduce air pollutants such as mercury and soot, will be finalized.

The EPA did not immediately answer questions about whether it was pressured to delay the rules.

"We've come an awful long way from an agency that was determined to provide health protections that were long overdue to one that is willing to put them off indefinitely in response to political pressure from industry," said James Pew, an attorney for the environmental group Earthjustice.

When the agency issued the rules in February it said they would cost industry about \$2.1 billion a year, rather than an estimate of \$3.9 billion per year, because they were more flexible for industry. They allowed polluters to fine-tune their existing pollution controls, for example, rather than add costly new controls.

Pew said the EPA was in effect delaying implementation of the rules until some unknown date in the future leaving people at risk of asthma, premature death and heart attacks from the boiler emissions without protection for the foreseeable future.

The EPA is slated to propose rules on greenhouse emissions from power plants in July and on oil refiners in December. (Reporting by Timothy Gardner; Editing by Cynthia Osterman)

Bloomberg

EPA to Postpone Boiler Rules Amid Industry Group Complaints

By Kim Chipman - May 16, 2011 2:19 PM ET inShare1More

Business Exchange Buzz up! Digg Print Email The Environmental Protection Agency said it will delay new standards for industrial boilers, giving the Obama administration time to change the rule opposed by industry groups such as the U.S. Chamber of Commerce.

The chamber, the nation's biggest business lobby, and the National Association of Manufacturers asked the EPA last month to postpone the air regulations. The agency said in February, when it issued the standards under court order, that it would reconsider the rules, aimed at cutting toxic emissions such as mercury and soot.

The Council of Industrial Boiler Owners last year said the proposal would cost the industry \$20 billion and as many as 300,000 jobs. The EPA, which estimated costs at \$9.5 billion, responded by issuing rules it said were 50 percent less expensive and pledging to make more changes as needed.

The EPA's delay of the May 21 effective date will "allow the agency to continue to seek additional public comment before an updated rule is proposed," the EPA said today in an e-mailed statement.

Reconsideration of the rule, which prompted more than 4,800 comments from businesses and communities after being proposed in April 2010, is in line with President Barack Obama's January order that agencies ensure that regulations don't unnecessarily hurt U.S. economic growth.

The Washington-based National Association of Manufacturers praised EPA's decision to rework the boiler rules.

"This will alleviate job creators from burdensome and costly regulations while the EPA goes through the reconsideration process," the group said today in an e-mail. It "removes a level of uncertainty found among manufactures that has discouraged future investment and job growth."

Wall Street Journal

EPA to Delay Pollution Rule

By STEPHEN POWER And TENNILLE TRACY

The Obama administration suspended a new regulation aimed at cutting pollution from boilers at oil refineries, chemical plants and other factories, amid complaints by a range of industries over the potential cost.

Monday's announcement by the Environmental Protection Agency marks at least a temporary victory for industry and congressional critics of the administration's regulatory policies. The boiler rule is the latest in a series of EPA regulations the administration has scaled back or delayed amid criticism that jobs would be threatened.

In a written statement, the EPA said it was postponing the effective date of the rule after deciding that the general public "did not have sufficient opportunity to comment" on it. The agency said allowing more time for analysis of the rule's costs and benefits "is consistent with" a January executive order by President Barack Obama that directed federal agencies to review their regulations and "avoid excessive, inconsistent and redundant regulation."

It is unclear when the agency will put the proposal into effect. The rule would have required companies with so-called major boilers to comply by 2014. The EPA says now it will freeze the rule until related lawsuits are resolved or until the agency finishes its review, "whichever is earlier," said EPA spokeswoman Enesta Jones.

The EPA published its clean-air standards for boilers in February. The rule affects nearly 14,000 major boilers in the U.S. and is aimed at reducing emissions of mercury and other harmful emissions. EPA said at the time that its standards for major boilers were expected to avoid 2,500 to 6,500 premature deaths.

Boilers use coal, natural gas and other fuel to produce steam, which is then used to generate electricity or heat.

At the time EPA released its rule, the agency said it wanted to reconsider certain aspects of it, in part because it was operating under a court-ordered deadline that forced it to release the standards sooner than it wanted.

Manufacturers, paper mills and other industries affected by the rule have long complained about the cost of compliance. They say EPA's cost estimates, which reach \$1.4 billion per year for major boilers, underestimate the true cost of meeting the standards.

Trade groups including those representing paper companies, sugar companies and rubber manufacturers had asked the EPA to suspend the rule. By freezing the rule, the EPA relieves U.S. companies from complying with standards that may eventually change, said Alicia Meads, director of energy and resources policy at the National Association of Manufacturers.

"I think [the EPA] realized that there were still considerable issues with the achievability of the rules," Ms.

Meads said. "A lot of companies might've shut their doors once this became final."

House Republicans have cited the rule as part of a broader attack on what they portray as overreaching by the EPA. Earlier this year, some of them offered to draft legislation to give the EPA more time to develop the standards.

Environmental groups criticized the agency for suspending the boiler rule, particularly because the EPA has said it would avoid thousands of premature deaths every year.

"The industry let loose its dogs on The Hill and suddenly EPA discovers all these flaws in a rule that it hadn't noticed before," said Jim Pew, an attorney with Earthjustice.

The Clean Air Act requires the EPA to develop emissions standards for boilers. The Bush administration developed a set of standards in 2004, but those standards were vacated by a court in 2007.

Associated Press

EPA Delays Boiler, Incinerator Toxic Pollution Regulations Indefinitely

(AP) By DINA CAPPIELLO 05/16/11 03:34 PM ET

WASHINGTON -- The Environmental Protection Agency is delaying indefinitely regulations to reduce toxic pollution from boilers and incinerators.

The move comes in response to a request from industry groups.

The announcement Monday was another setback for a rule that the agency claims will avert thousands of heart attacks and asthma cases each year. In February, the EPA announced changes to make it much cheaper to comply with the new standards without diminishing the public health benefits.

Industry groups, and congressional Republicans and Democrats, had been critical of the rule because of its expense and scope.

More than 13,000 large boilers would have to install pollution controls within three years of the regulation taking effect.

The EPA could not say when that would be. It said it would work as expeditiously as possible.

**Brendan
Gillilan/DC/USEPA/US**
05/25/2011 03:27 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen, Janet Woodka

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By Paul Courson

LA Times (Greenspace Blog)
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Detroit Free Press
New fuel-efficiency labels announced with details on fuel costs, emissions
BY AARON KESSLER

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CNN

New fuel economy labels coming for the 2013 model year

By Paul Courson

Washington (CNN) -- Revised fuel economy labels coming soon for new cars and trucks will show consumers how much they'll save -- or spend -- on fuel, compared to the average new vehicle.

The blue-and-white design continues to feature a large two-digit number to show the miles per gallon the vehicle gets, but the new label will also display the calculated savings -- or expenditure -- on fuel over a 5-year time span, compared to the average new vehicle.

In the fine print, the labels will include additional information that is hoped to make an apples-to-apples comparison easier among conventional, hybrid, and alternate-fuel vehicles.

In remarks prepared for delivery at a Wednesday news conference, Transportation Secretary Ray LaHood said the "labels are a win for automobile consumers and for the nation's energy independence."

The new labels, starting with the 2013 model year, are described as the most dramatic overhaul since the MPG stickers were first required 30 years ago.

LA Times (Greenspace Blog)

Federal government unveils new fuel economy labels for cars and trucks

May 25, 2011 | 7:54 am

The U.S. Environmental Protection Agency and U.S. Department of Transportation unveiled new fuel economy labels for cars and trucks Wednesday. The new labels are their most significant update since 1975, when the federal government first required the EPA to provide fuel economy data about passenger cars and trucks.

Designed to provide more detailed information to consumers about vehicles' fuel efficiency, estimated annual fuel cost and environmental effects, the new labels will go into effect with 2013 model year vehicles, though some manufacturers may voluntarily adopt the new labels for the 2012 model year.

A joint effort between the EPA and DOT, the new labels will, for the first time, allow consumers to compare energy use and cost for new-technology cars, such as plug-in electrics, versus traditional gas-powered vehicles. They will include estimates on the amount of money consumers will save or spend on fuel for the next five years compared with an average new vehicle.

They will show how one model compares to the average in terms of smog-forming emissions and other emissions contributing to climate change. And they will estimate how much fuel or electricity is required to drive 100 miles.

The labels will also include a quick response, or QR code. Using a smart phone app, consumers can get even more comparative car information online, including fuel economy, and can access more precise information about a vehicle's fuel costs based on a driver's specific commute and driving habits.

"Our new fuel economy and environmental labels are a win for automobile consumers and for the nation's energy independence," said U.S. Transportation Secretary Ray LaHood in a statement issued Wednesday. "These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car."

USA TODAY

New fuel-savings stickers for new cars unveiled
By Chris Woodyard
10:31 AM

There won't be letter grades, but the Transportation Department and Environmental Protection Agency are unveiling new fuel economy labels on cars that should help consumers figure out which models will go the farthest on gallon of gas.

Instead of a letter grade, the agencies opted for a 10-point scale, like those used for rate energy efficiency of big appliances like refrigerators, to help consumers find the most efficient car.

The agencies call the labels "the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago."

They include estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact.

Starting with model year 2013, the improved fuel economy labels will be required to be affixed to all new passenger cars and trucks – both conventional gasoline powered and "next generation" cars, such as plug-in hybrids and electric vehicles.

The labels will be important since cars are expected to become a lot more fuel efficient under new, tougher regulations.

Fox News
New Fuel Economy Labels Set for Showroom Floors
Published May 25, 2011

Auto shoppers will soon be awash in factoids about the fuel efficiency of new cars, thanks to new labels the Obama administration says it will now require on vehicles.

The labels, rolled out by the Department of Transportation and Environmental Protection Agency on Wednesday, could start showing up on the showroom floor any day, if dealerships choose to use them. But starting early next year, they will be required on every model year 2013 car and truck.

Transportation Secretary Ray LaHood said in a statement that the labels will give consumers "up-front information" about fuel costs and related stats before they buy.

The labels contain a dizzying amount of information. Most prominent is the vehicle's fuel economy, broken down by average miles per gallon along with MPG ratings for city and highway driving.

Clustered around that statistic will be an array of other auto trivia. On the right-hand side, the label tells consumers how much they'll save in fuel costs over five years compared against an "average" new vehicle. Below that, the label provides the estimated annual fuel cost, as well as a numerical rating for smog and greenhouse gas emissions. The higher the number, the cleaner the car.

The labels coincide with a push to mandate better fuel efficiency in U.S. vehicles. Under the final rules unveiled last year, the federal government will require U.S. vehicles to achieve an average 35.5 miles per gallon by 2016.

The rules will cost the U.S. auto industry billions of dollars in order to comply. Though some of those costs could be passed on to consumers, the administration estimates drivers will save more in fuel costs.

According to the administration, the new rules will save 1.8 billion barrels of oil and save consumers an average of \$3,000 in fuel costs "over the life of the program."

CNNMoney

New-fangled auto fuel economy labels unveiled

By Peter Valdes-Dapena May 25, 2011

NEW YORK (CNNMoney) -- Potential car buyers will see new designs for fuel economy labels, reflecting the increased use of alternatives to gasoline such as electric and diesel.

The Department of Transportation and the Environmental Protection Agency unveiled the three types of new labels Wednesday. One type is for cars that use gasoline or diesel, or hybrids that use only self-generated electricity. A second is for gas and electric hybrids that use some plug-in electricity, and the third is for vehicles running strictly on plug-in power.

"The current fuel economy label that buyers have come to be familiar with has come to be outdated," EPA administrator Lisa Jackson said in a Washington, D.C. press conference.

The new labels will be required on new cars in auto dealer lots beginning with 2013 model year cars, the Transportation Department said. Automakers can begin using the new labels on 2012 model year vehicles if they wish. Potential designs for new labels were first unveiled almost a year ago, and the agencies have been seeking comment from the public since then.

"The new labels, which are the most dramatic overhaul to fuel economy labels since the program began more than 30 years ago, will provide more comprehensive fuel efficiency information, including estimated annual fuel costs, savings, as well as information on each vehicle's environmental impact," the DOT said in the announcement.

No-plug cars: The new label that will go on most vehicles sold in America -- no-plug cars -- features the combined estimated city and highway fuel economy most prominently. Also getting big play on the new label are the estimated annual fuel cost and the amount of money saved -- or spent -- in fuel costs over five years compared to the average new vehicle.

Also shown is the number of gallons burned to travel 100 miles and two charts rating the vehicle's greenhouse gas and smog emissions from 1 to 10, with 10 being the best.

Plug-only cars: For plug-in vehicles, fuel economy is rendered in miles per "gallon equivalent." That's how far the car goes on the equivalent amount of energy contained in one gallon of gasoline. Also, there's the number of kilowatt hours used to travel 100 miles. The label also shows an estimate of how far the vehicle can drive on a single charge.

Plug-in hybrid cars: Vehicles that run on gasoline as well as on electricity taken from a plug such as General Motors' (GM, Fortune 500) Chevrolet Volt and Toyota (TM) Prius Plug-in get the most confusing new labels. For these vehicles, labels feature two boxes of numbers representing energy efficiency. One is for electric-only driving, with estimates expressed in "miles per gallon equivalent", which are the same terms used for pure-electric cars. The other box gives estimates for gasoline-only operation expressed in simple miles per gallon.

6 affordable new cars that go easy at the pump

Just as for a gasoline-only car, the plug-in hybrid label contains an overall estimate of annual fuel costs -- including both gas and electricity -- and the amount saved compared to the average car. Of course, these figures could vary widely depending on how far drivers go between plugging in.

The separate information on electric and gas-powered operation, plus a graph showing electric-only and total driving range, should allow consumers to estimate how cost-effective the vehicle will be for them.

Absent from the new labels are letter grades. Last year, the EPA unveiled several possible designs for fuel economy labels in a bid to elicit public and industry feedback. One design featured prominent letter

grades. Vehicles with especially good fuel economy would have gotten A. Those with very good, but not the best fuel economy, would have gotten a B, and so on.

While carmakers didn't like the letter grades, EPA administrator Jackson said, consumers were the main reason the idea was dropped. In tests and surveys, about half of consumers were confused by the letter grades, thinking they represented an overall assessment of the vehicle, not just its fuel economy.

The new labels also include QR codes, box shaped symbols that can be read by smartphones. Taking a snapshot of the QR code box using a smartphone will link car shoppers to a website where they can get more information about the car and its fuel efficiency.

Reuters

New car labels feature more on fuel savings

9:38am EDT

WASHINGTON (Reuters) - Fuel economy labeling unveiled on Wednesday includes information on plug-in electric cars and highlights other advanced technologies aimed at reducing oil use and tailpipe emissions.

The redesigned window stickers required on all 2013 models will allow consumers in showrooms to quickly and more easily compare fuel savings of vehicles in the same or different class, whether they rely on gasoline or are powered by gas/electric hybrid systems.

"Today's car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance," said Lisa Jackson, the administrator of the Environmental Protection Agency.

The EPA developed new labels with the Transportation Department as part of rules adopted last year requiring a 42 percent jump in average efficiency to 35.5 miles per gallon for 2012-2016 vehicles.

The agencies plan a follow-on requirement in September for 2017-2025 cars and trucks that could push efficiency goals to 60 mpg, a target automakers would probably resist if proposed.

Automakers, who supported the new labels, are overhauling their product lines to meet U.S. government and consumer demands that they offer more efficiency and reduce pollution.

U.S. passenger vehicles account for about 20 percent of the nation's carbon emissions and about 44 percent of its oil consumption, figures show.

Many cars on the road today already meet or exceed the 2016 standard. U.S. and overseas car companies are accelerating output of hybrids and are beginning to introduce vehicles that run only on electricity for everyday driving.

The EPA labels, which were required by Congress, allow consumers to compare cost advantages of different technologies and for the first time include information on electric cars.

For instance, they post estimates of how much fuel or electricity it takes to drive 100 miles, and how much time it takes to charge a plug-in vehicle, like the mainly electric Chevrolet Volt sedan made by General Motors Co or the all-electric Nissan Leaf.

The most fuel-efficient cars and trucks, however, still represent a fraction of overall U.S. vehicle sales. Less fuel-efficient and more powerful pickups and sport utilities remain enormously popular with American motorists.

Detroit Free Press

New fuel-efficiency labels announced with details on fuel costs, emissions

BY AARON KESSLER

May. 25, 2011

WASHINGTON – The U.S. Department of Transportation and the U.S. Environmental Protection Agency today officially announced the new fuel-efficiency stickers.

The new labels will provide more details, such as estimated annual fuel costs and information on the amount of greenhouse gas a vehicle emits.

Left out of the new label was a controversial letter-grade system, which would have ranked cars on a scale of A through D based on their fuel economy and environmental impact.

The labels will be required starting next year, with model year 2013 vehicles, the agencies announced, and will apply to both traditional vehicles and alternatives like plug-in electrics. Automakers can start voluntarily using them even sooner, for their 2012 model year vehicles. The Free Press had previously reported that the new labels would be made public today.

“Our new fuel economy and environmental labels are a win for automobile consumers and for the nation’s energy independence,” said U.S. Transportation Secretary Ray LaHood, in a statement. “These labels will provide consumers with up front information about a vehicle’s fuel costs and savings so that they can make informed decisions when purchasing a new car.”

Among the new information included on the revised labels:

- Methods to compare energy use between gas-powered and electric cars.
- Estimates of costs savings on fuel, emissions information.
- Charge-time and range details for electric vehicles.

The labels will also include a “QR Code,” a tool that allows consumers with smartphones to access more detailed information online about a vehicle and estimate their potential operating costs based on their personal commute or driving behavior.

EPA Administrator Lisa Jackson also praised the new labels.

“The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new generation of innovative cars,” Jackson said. “Today’s car buyers want the best possible information about which cars on the lot offer the greatest fuel economy and the best environmental performance. The new labels provide comprehensive information to American car buyers, helping them make a choice that will save money at the gas pump and prevent pollution in the air we breathe.”

Huffington Post

Obama Administration Unveils New Fuel Economy Labels For Vehicles, Drops Grades

Posted: 05/25/11 02:26 PM ET

WASHINGTON -- The Obama administration on Wednesday announced new fuel economy labels for vehicles, including new ratings for plug-in hybrids and electric cars, but nixed a plan to assign vehicles "A" through "D" grades based on efficiency.

Announced this morning by Environmental Protection Agency chief Lisa Jackson and Transportation Secretary Ray LaHood, the new labels offer consumers shopping for a new car information on expected savings over a five-year period, as well as a fuel economy comparison to other cars in the same class.

"These labels will provide consumers with upfront information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," LaHood said in a statement Wednesday. "This is one part of President Obama's plan to provide Americans with relief from high gas prices and break our dependence on foreign oil."

Vehicles are rated from one to 10, with 10 being the most desirable, across a variety of areas, including smog and green house gas emissions.

The labels feature a QR code allowing consumers at a dealership to personalize fuel cost estimates and compare vehicle models based on fuel economy. By entering information about their commutes and driving behavior, consumers can obtain a more precise estimate of fuel costs.

"The EPA and DOT are creating a new generation of fuel economy labels to meet the needs of a new generation of innovative cars," Jackson said Wednesday.

The elimination of letter grades, which would have discouraged consumers from purchasing inefficient vehicles, is considered a victory for automakers. The Alliance of Automobile Manufacturers, the industry's main trade group, has been an especially vocal opponent of the system.

"The addition of a large, brightly colored letter grade may confuse the public about what is being graded and it risks alienating the consumer who has a valid need for a vehicle that does not achieve an 'A,'" based on greenhouse gas emissions, said Auto Alliance spokesman Wade Newton in a statement on Thursday.

But when asked in a conference call with reporters on Wednesday why the grades have been dropped, Jackson insisted they were merely unpopular with American consumers.

"When we did focus groups it was split right down the middle ... which told us at least half the people wouldn't be comfortable with a letter grade," Jackson said. "It's all about the consumer here," she added, "and letter grades were something we wanted to test, but they didn't test so high that they were something we wanted to include."

The 2010 fuel economy rule, which covers model years 2012 through 2016, will save an estimated 1.8 billion barrels of oil over the life of the program and the average consumer \$3,000 in fuel costs.

In July, the administration plans to finalize the first-ever standards for commercial trucks, vans and buses built from 2014 to 2018. The standards promote the development and use of alternative fuels and are expected to save hundreds of millions of barrels of oil over the life of these vehicles. The administration is also working on the next generation of greenhouse gas emission standards for model years 2017 to 2025 and plans to announce a proposal in September.

New passenger cars and trucks will be required to display the new labels starting with model year 2013, though automakers may voluntarily adopt the labels earlier for model year 2012 vehicles.

Wall Street Journal
EPA Unveils New Vehicle Fuel Labels
By JOSH MITCHELL

WASHINGTON—The familiar price-and-mileage labels affixed to new cars and trucks sold in the U.S. soon will include a five-year estimate of fuel costs compared to an average vehicle in addition to existing miles per gallon and electric-equivalent ratings.

The new labels, which are required beginning with 2013 model vehicles, will contain a car's projected annual fuel costs, its five-year fuel costs compared to the average vehicle in the same class, and a numeric, 1 through 10 rating based on fuel economy and smog pollution. Electrics and hybrids will be the only cars getting a 10.

The new 10-point scale replaces an earlier administration proposal to assign A-through-D letter grades that drew a chorus of objections from auto makers when it was unveiled last summer.

Environmental Protection Agency chief Lisa Jackson said Wednesday the letter-grade proposal created

confusion during tests with consumers. While the letter grades were designed to indicate a car's fuel economy, some consumers perceived them as describing the overall quality of a vehicle, she said.

The addition of fuel costs and savings, along with the 10-point scale, represent the broadest revamp of window stickers since they first appeared on new cars three decades ago. Another added feature: A bar code that will allow consumers to download the data to a smart phone.

"They will let consumers see—both in plain print and on their smart phones —how their family budgets will benefit from purchasing more fuel-efficient cars, whether they're gasoline, electric, or hybrid powered," Transportation Secretary Ray LaHood said at a briefing in Washington, D.C. He portrayed the new stickers as part of a broader strategy to help Americans cope with high gas prices, an issue the administration has struggled with as the price of a gallon of regular has approached \$4 in recent weeks.

Consumer groups applauded the labels, which they said would make consumers more aware of a vehicle's environmental impact. Auto makers also supported the new labels.

Wall Street Journal (Washington Wire Blog)
Fuel Economy Question Remains: What's the Number for 2025?
By Joseph B. White

The Obama administration today rolled out new fuel economy labels for 2013 model cars, but the bigger issue for auto makers and consumers is what number the administration will choose as the fuel efficiency target auto makers must hit in model year 2025.

The administration has promised to release "corporate average fuel economy" targets for the period 2017-2025 this fall, continuing a process in which the Environmental Protection Agency, the Department of Transportation and the state of California are supposed to collaborate and agree on a common standard.

The White House hasn't tipped its hand yet on how aggressively it will push auto makers to boost what's commonly referred to as CAFE. Environmentalists and the state of California want the 2025 target set at 60 miles per gallon. Auto makers worry that will force them to push small, pricey hybrids and electric cars on a buying public that still favors larger rides.

Heather Zichal, a White House aide for energy policy, said this morning at a conference organized by National Journal that she's "confident" the administration can once again forge a consensus among the auto makers, California regulators and the federal agencies, as the administration did when it developed the current fuel economy rules that call for auto makers' 2016 model fleets to average 35 mpg.

Asked if she thought the industry would be happy with the 2025 standards, Ms. Zichal hesitated.

"Say yes, we're going to be happy," prompted Michael Stanton, president of the Association of Global Automakers, who sat next to her during a panel discussion.

"We're confident," Ms. Zichal said.

"One national program is really important to us," Mr. Stanton said.

California and an array of environmental groups have called on the administration to set the 2025 target at 60 miles per gallon – the high end of a range outlined by the administration last year. That would be a more than 70% increase from the industry's target for 2016 of 35 miles per gallon.

California in 2009 agreed to drop its push to set its own fuel economy standards. But the state has hinted it might not sign on to a national standard for 2025 that it considers too weak.

Asked if the administration would support higher gasoline prices in order to support demand for more fuel

efficient vehicles, Ms. Zichal was unequivocal: "The short answer is no."

With gasoline prices at around \$4 a gallon, auto makers are finding success selling a new crop of stylish, well-equipped compact cars. But few of them could hit a 60 mpg target. Among current models, those that exceed or come close to a 60 mpg combined mileage score (before the downward adjustments used on the window sticker labels) are electric cars such as the Nissan Leaf, and hybrids such as the Toyota Prius and the Honda Civic hybrid.

Conventional gasoline fueled subcompact-sized cars such as the Mini Cooper get mileage ratings in the 40 mpg range on the government's current tests.

Bloomberg
U.S. Car Labels to Show Fuel Use Vs All New Vehicles by 2013
Tuesday, May 24, 2011

May 25 (Bloomberg) -- U.S. cars and trucks will carry labels comparing estimated five-year fuel costs with those of the average new vehicle following industry opposition to adding fuel-economy letter grades to the window stickers.

The labels, which will include annual fuel-cost estimates, must be affixed to passenger cars and trucks sold in the U.S. starting with model year 2013, the Washington-based Environmental Protection Agency and Transportation Department said in a statement today. The new stickers will rate vehicles on a scale of 1 to 10 for smog and greenhouse-gas emissions.

"These labels will provide consumers with up-front information about a vehicle's fuel costs and savings so that they can make informed decisions when purchasing a new car," Transportation Secretary Ray LaHood said in the statement.

President Barack Obama's administration is writing rules to improve fuel economy for cars and trucks that may require annual fuel-efficiency improvements of as much as 7 percent from 2017 to 2025. New vehicles have displayed stickers estimating annual fuel costs as of model year 2008. Before that model year, the labels showed how many miles per gallon a vehicle could get in a city or on a highway.

Electric Cars

According to the rule announced today, plug-in hybrids and fully electric vehicles will have labels that specify how far a car can drive when charged.

The government discarded plans for labels with letter grades after automakers, dealers and federal lawmakers said that consumers may avoid vehicles labeled with lower rankings.

The Alliance of Automobile Manufacturers, whose members include General Motors Co. and Toyota Motor Corp., said before the announcement that it would prefer abandoning the A to F letter-grade proposal.

"A large, brightly colored letter grade" may confuse consumers and "risks alienating" those who drive a vehicle that doesn't receive an A for greenhouse-gas emissions, Wade Newton, a spokesman for the Washington-based group, said in an e-mail.

Environmental groups such the Natural Resources Defense Council, which advocates for higher fuel-economy standards, had supported the letter-grade plan.

The label announced today isn't "perfect, but it was important to get something out there as soon as possible," Luke Tonachel, a senior transportation analyst with the New York-based NRDC, said in an interview. "The new label has some important improvements that will help consumers faced with high gas prices find the cleanest, most-efficient vehicles. Importantly, the vehicle you're looking at is compared

with all vehicles in a model year."

LA Times (Money and Company Blog)

New fuel economy labels for cars and trucks unveiled by DOT, EPA

May 25, 2011 | 9:59 am

Federal regulators have unveiled new fuel economy labels for passenger vehicles in the program's most extensive overhaul in 30 years.

Beginning with cars and trucks from model year 2013, fuel costs and comparisons of environmental impact to other vehicles will be displayed on the decals, which were developed by the Department of Transportation and the Environmental Protection Agency.

The labels must be affixed to all new vehicles, including those that run on gasoline, diesel, electricity or a mix. Authorities ditched a proposal to use letter grades after intense opposition from automakers.

"Reducing our consumption and demand for oil is the best way to reduce upward pressure on fuel prices," said EPA Administrator Lisa P. Jackson in a conference call with reporters. "The old cars have become outdated. A new generation of cars requires a new generation of fuel economy labels."

The new decals will display a plethora of details. The estimated annual fuel cost is there. So are the standard miles-per-gallon figures for city and highway driving.

New features, however, include the amount of fuel or electricity the vehicle will need to go 100 miles, as well as the expected savings or cost of fuel over the next five years compared with the average new vehicle.

Drivers will also be able to see how vehicles stack up against others in smog, tailpipe emissions and fuel economy on a one-to-10 scale. The miles-per-gallon range for same-class vehicles is included, as is the highest fuel economy among all vehicles, including electrics.

Plug-in hybrids and electric vehicle decals will also show driving range and charging times, as well as a figure for miles-per-gallon equivalent, or MPGE.

"It's been all hands on deck in this administration letting people know that we're not just sitting around waiting for high gasoline prices to come down," said Transportation Secretary Ray LaHood. "Gasoline prices are killing family budgets."

ABC News (The Note Blog)

Obama Administration's Revamped Fuel Economy Labels Highlight Gas Costs

May 25, 2011 10:04 AM

News' Devin Dwyer reports: The Obama administration today will unveil revamped fuel economy labels for new cars that it hopes will better help consumers gauge how much they'll have to spend on gas.

The new label design, as seen here and below, still prominently features a car's miles-per-gallon rating and annual estimated fuel cost. But it also highlights how much more a consumer would spend over five years compared to the average vehicle, and how much the car will pollute the environment.

The labels include a car's greenhouse gas rating and smog rating, both on scales of one to 10.

The design also features a new barcode that can be scanned by smartphones and give consumers access to additional government information on the vehicle online.

The label overhaul, the first in more than 30 years, was required by Congress in a 2007 energy law. The new design was conceived jointly by the U.S. Department of Transportation and the Environmental Protection Agency and will take effect beginning with model year 2013.

The Obama administration says the labels will reveal to consumers "the benefits of the historic, bipartisan passenger car and truck fuel economy rule adopted under this administration by the EPA and DOT in 2010."

Transportation Secretary Ray LaHood has called the labels a "win" for consumers and the auto industry.

Auto manufacturers had lobbied intensely against an earlier design of the labels that would have attached a letter grade from "A" to "D" for a car's fuel efficiency. The design spurred concerns that it would hurt sales of SUVs and other larger vehicles.

**Brendan
Giffilan/DC/USEPA/US**
03/25/2011 06:52 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Janet Woodka, Daniel Kanninen

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Subject NY Times: Lung Association Faults Commerce Chairman in Ads

Lung Association Faults Commerce Chairman in Ads John Collins Rudolf, NY Times



The American Lung Association has [opened](#) a billboard campaign against Fred Upton, the Republican chairman of the House Commerce and Energy Committee, taking him to task for his legislative attacks on the Environmental Protection Agency and clean air regulations.

The billboards, which feature a young girl wearing an oxygen mask, ask the congressman to defend the Clean Air Act and “protect our kids’ health.” They have gone up across Mr. Upton’s southwest Michigan district, with one billboard situated directly across from his district office.

“We’d like to see Chairman Upton support public health and the Clean Air Act,” said Paul Billings, the group’s vice president of national policy and advocacy. “What we’re seeing now is riders and legislation to roll back that law, and we find that unacceptable.”

The campaign is largely directed at Mr. Upton’s sponsorship of a bill to strip the Environmental Protection Agency of the ability to regulate climate-warming gases like carbon dioxide, which the agency declared a threat to public health and safety in 2009. The bill is expected to pass the Republican-dominated Congress but faces uncertain prospects in the Democratic-controlled Senate.

Reining in carbon dioxide emissions is expected to have a substantial knock-on effect of reducing emissions of other toxic pollutants with a more direct impact on human health. But Republican leaders including Mr. Upton have harshly criticized the regulations, calling them a threat to the economy and questioning their effectiveness in reducing global warming.

“Today, America finds itself in an economic hole dug deeper and deeper amid excessive federal spending and costly regulations,” Mr. Upton said before a vote on the bill.

“If we allow the Environmental Protection Agency to ignore the will of Congress and move forward with its global warming regulatory agenda, I believe this economic hole will only crater further,” he said.

The climate bill is just one of several moves the Commerce chairman has made to roll back clean air regulations. In February, he voted in favor of amendments to a spending bill that would hamper the E.P.A.’s ability to enforce air quality controls on cement plants and develop pollution standards for soot.

He has also suggested that he might seek to modify or overturn long-delayed pollution standards for industrial boilers, which the E.P.A. released in February in compliance with a federal court order.

“At a time when we are enduring 21 consecutive months of 9 percent or higher unemployment, we cannot afford to rush sweeping regulations that have the potential to do more harm than good,” Mr. Upton [said](#) of the boiler rules at the time.

It will take more than a few billboards to dent Mr. Upton’s popularity in Michigan, however: on election night last year, he [trounced](#) his Democratic opponent by nearly 30 points.

**Brendan
Giffilan/DC/USEPA/US**
02/24/2011 04:04 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Mathy Stanislaus, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons

cc

bcc

Subject ABC World News Tonight: Deadly Chemical and Dismal Safety Records Put Millions Living Near Refineries at Risk

Deadly Chemical and Dismal Safety Records Put Millions Living Near Refineries at Risk

ABC World News Tonight

Oil industry documents filed with the federal government reveal that an accidental release of a lethal chemical used in 50 aging refineries across the country could prove devastating, with 16 million Americans living within range of toxic plumes that could spread for miles. Los Angeles, Philadelphia, Minneapolis, New Orleans, and the stretch of Texas coastline known as "Refinery Row" are among the at-risk areas cited in the documents. Citing homeland security concerns, the government keeps the industry filings under close guard in Washington, D.C. They were reviewed as part of a joint investigation by ABC News and the Center for Public Integrity that airs tonight on World News with Diane Sawyer and Nightline.

There are safer alternatives for the chemical hydrofluoric acid, which is used to make high-grade gasoline, but the industry has resisted calls to stop using it. An industry spokesman told ABC News it would not be feasible to retrofit the refineries to use the safer approach. Federal officials tell ABC News, however, that the real impediment may be money-- estimating it would cost about \$50 million for the companies to upgrade each plant.

According to the industry's worst-case scenario documents, a release of the chemical could endanger entire communities.

"Hydrofluoric acid is extremely toxic," said Sen. Patty Murray, D-Washington. "It can be deadly immediately to workers around them, it can affect an entire community."

Murray called the plants "a ticking time bomb."

Even though one-third of the oil refineries in the United States are using the chemical, Murray told ABC News that the industry has long avoided demands from safety advocates and from the union that represents refinery workers that it explore safer options.

"For three hours of revenue an oil company can change the use of hydrofluoric acid to make it safer for the workers and the community," Murray said. "Certainly that kind of investment assures people are safe when they go to work and the communities, the people who live around those refineries, are protected. It's worth it."

Accident at Philadelphia Sunoco Refinery

Industry officials downplayed the risk of a large-scale chemical release as remote. Charles Drevna, president of the National Petrochemical and Refinery Association, told ABC News that over the 70 years the chemical has been in use, "there hasn't been any [hydrofluoric acid] released that has impacted the communities. We've controlled them."

Drevna spoke at length with ABC News, and repeatedly emphasized the industry's commitment to safety. "I think our safety record could be improved," Drevna said. "But it's not a bad safety record."

Officials at the U.S. Chemical Safety Board, however, have warned that while the refinery industry has been painting a rosy picture of the conditions at their facilities, it has compiled a disconcerting track record. As the nation's 150 refineries have aged, there have been an increasing number of fatal, or near-fatal, incidents. In the last two years alone, there have been 29 fires and explosions at refineries that use the deadly chemical, including at least three potentially dangerous releases of hydrofluoric acid. And 32 refineries that use hydrofluoric acid have amassed more than 1,000 willful, serious or repeat safety violations in the last five years.

In 2009, an accident at the Sunoco refinery in Philadelphia caused a hydrofluoric acid release. James Jamison, an ironworker who was working on the acid unit at the time, described to ABC News how he became engulfed in a cloud of the noxious chemical. "It seemed like a rain cloud, and the smell was so intense I could feel it through my eyes, my nose, it was like a heat wave came over me."

Sunoco disputes Jamison's claim that he suffered permanent lung and heart damage in the accident, and the two parties are now in court. Federal investigators found that the company had failed to address leaks in the acid storage unit that had been a recurring problem for decades. In a statement to ABC News, Sunoco said it has since invested \$200 million in improving the safety and reliability of the equipment involved in the use and storage of hydrofluoric acid, "state-of-the-art technology" that it says will help avoid another accident. [Corpus Christi Citgo Oil Refinery Explosion](#)

In most places where refineries are running, the surrounding communities are unaware of the risks associated with hydrofluoric acid. But in Corpus Christi, Texas, the fears are as palpable as the warning sirens that come at all times of the day and night.

Citgo says it tests alarms daily, and encourages employees to sound the alarm if they think something has gone awry. "While this approach can result in false alarms, CITGO would rather sound the alarm and not need it, than not sound it if we need to," the company said in a statement.

Few have forgotten what happened the last time, less than two years ago, when something significant did go awry. An explosion at the Citgo refinery released a cloud of hydrofluoric acid that just missed the neighborhood. Citgo said in a statement that the fire and gas leak were contained, and never reached the surrounding community. But a subsequent investigation by the U.S. Chemical Safety Board found that water systems meant to contain a leak didn't entirely succeed.

Residents of Corpus Christi have tried to learn to live with the risk – some packing bags of clothes by their beds so they can make a quick escape if the plant erupts.

Janie Mumphord, who lives just a few blocks from the refinery, said she fears the worst. "You never know when you go to bed if you're gonna live through the night, or if you have to run through the night," she said.

Brendan
Gillilan/DC/USEPA/US
06/13/2011 10:15 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Betsaida Alcantara, Michael Goo, Bicky Corman, David McIntosh, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons
cc
bcc
Subject Huff Post: Cass Sunstein: The Obama Administration's Ambivalent Regulator

Cass Sunstein: The Obama Administration's Ambivalent Regulator

Dan Froomkin, Huffington Post

When President Barack Obama let it be known in January 2009 that he had selected Harvard law professor Cass Sunstein to be his regulatory czar, it was an early example of how some of his staffing decisions would undercut his lofty campaign promises.

The 56-year-old is an old friend of Obama from the days when they both taught constitutional law at the University of Chicago, a pre-eminent egghead, [the country's most cited law professor](#) and an expert in behavioral economics.

But he's hardly an activist regulator, something the [Wall Street Journal](#) editorial board immediately recognized when it called his selection "a promising sign" -- while the [OpenLeft blog](#) labeled Sunstein a "[concern troll](#)."

Many consumer advocates, environmentalists and even other Obama-appointed regulators expected to see the administration take bold new steps to protect citizens and the planet. But with Sunstein in charge, it hasn't happened.

Sunstein runs the [Office of Information and Regulatory Affairs](#) (OIRA, pronounced "Oh, Ira"), a deceptively innocuous-sounding part of the White House Office of Management and Budget that Washington insiders recognize as one of the presidency's most powerful offices.

Regulatory rulemaking involves determining exactly how the federal government will enforce laws affecting such things as worker, consumer and food safety and the environment -- and OIRA, charged with reviewing all rulemakings and information-collection requests from the executive branch agencies, sits smack in the center of that process. OIRA analysts are supposed to rigorously examine proposed regulations and reject or revise them as necessary, based on interagency concerns and whether the costs of policy proposals outweigh their benefits.

The OIRA administrator can also spur and accelerate regulations in areas found to be lacking. But [congressional](#) and [academic researchers](#) have found that, practically speaking, OIRA's primary function throughout its history has been to rein in agency proposals to suit White House policy -- and, of course, politics.

During the eight years of the Bush administration in particular, OIRA was one of the most

important tools vice president Dick Cheney and other officials employed to build a broad legacy of regulatory retreat and wink-and-a-nod enforcement.

Some things have certainly changed in the Obama era. Sunstein has allowed, and sometimes even encouraged, several major environmental regulations. In an interview with The Huffington Post, Sunstein expresses satisfaction with OIRA's accomplishments thus far. "I think the administration has issued a number of smart, effective rules that are protecting safety, health, welfare and our environment."

"What we've done is different from the Bush administration," he says. "But it's been very conscious to proceed in a way that doesn't hurt people in an economic downturn."

He cites a long list of achievements. Among them:

- Last summer, the [FDA finalized a new standard](#) to reduce salmonella contamination in eggs.
- The [EPA and the National Highway Traffic Safety Administration](#) were given approval in 2010 to set new standards to limit greenhouse gas emissions from cars and mandate improvements in fuel economy.
- Last year, OIRA established a baseline for the "[social cost of carbon](#)" so that agencies can incorporate the social benefits of reducing CO2 emissions into cost-benefit analyses of regulatory actions.

OIRA's most recent [annual report to Congress](#) lists 66 major rules issued in fiscal year 2010, and assesses the net benefit of rules finalized during Obama's first two fiscal years in office at about \$35 billion -- compared to \$2.3 billion for George W. Bush's first two years, and \$10.6 billion for Bill Clinton's.

But environmentalists, consumer advocates, labor unions and others who support assertive government regulation say many other significant proposed rules -- including regulations regarding coal ash, boiler emissions, toxic chemicals and worker safety -- have either been delayed by OIRA, micromanaged beyond recognition or scrapped entirely.

And as the White House increasingly focuses on raising [vast amounts of money](#) for the 2012 reelection campaign, critics are seeing a disturbing new trend: After two years of relative inaction, Sunstein (and his boss) now appear to be actively using the regulatory process to ingratiate themselves with deep-pocketed corporate interests.

In the last five months, Obama and Sunstein have issued highly-publicized orders to government regulators to look not forward, but backward -- requiring them to review existing regulations with an eye to making sure they aren't too onerous for business.

In case this exercise's target audience wasn't clear already, Sunstein chose to [go public](#) in late May with the initial results of the effort in a [speech](#) at the ferociously anti-regulation American Enterprise Institute and in an [op-ed](#) in the *Wall Street Journal* .

The first triumph Sunstein cited in his op-ed was that the Occupational Safety and Health Administration (OSHA) is cutting redundant reporting burdens on employers. "Businesses will no longer be saddled with the obligation to fill out unnecessary government forms, giving their employees more time to be productive and do real work," he wrote.

But the proposals that emerged from the review turned out to be a grab-bag of new and rehashed ideas that didn't impress the business lobby much at all -- and only served to further alienate the reform community that has been such an important part of Obama's electoral base.

"The problem is that they're wasting time trying to make the political move to the center to placate industry -- talking about the 'terrible cost of regulation' and the 'burdens of regulation' -- and in the meantime they've got important regulations waiting to go out, and they're pulling back on them," says Amy Sinden, a Temple University law professor and member of the [Center for Progressive Reform](#), a network of pro-regulation academics that is funded by reform-minded foundations.

Even more infuriating, say regulatory activists, is that Sunstein, as the nation's chief rule-writer, hasn't been calling attention to the extraordinary regulatory and enforcement deficit the country is facing. The only alarm bell he's rung is the Republican one.

"The White House's leading guy on regulatory policy thinks the main problem is excessive regulation," marvels Rena Steinzor, a law professor at the University of Maryland and president of the Center for Progressive Reform. "He's acting as if it was George W. Bush's administration."

"What am I going to do about this big mess" is what Sunstein should be asking himself, Steinzor says. "But instead, he's playing whack-a-mole with the agencies: They come out with one little rule and -- bam!"

The agency officials Sunstein is said to be clobbering won't badmouth the White House publicly.

"It's certainly no secret that we sometimes run into headwinds," Environmental Protection Agency Administrator Lisa P. Jackson tells HuffPost. "But that is not about the White House or in the person of Cass -- rather, it's the way OIRA operates. OIRA does lots and lots of meetings with lots and lots of stakeholders, so they're definitely hearing their share of complaints from the regulated community."

Jackson says that the EPA and OIRA generally "work really well" with each other.

"They are another step in the process, though," she says, "and they can be a time-consuming one."

Sunstein says delays are inevitable in a complex bureaucracy, especially when several agencies need to be involved. "If there's a rule from any agency, and there are other parts of the government that would have relevant expertise, sometimes it takes very little time -- the

interagency process -- and sometimes it takes longer."

Regardless, he says, "EPA and OIRA have an excellent working relationship, and it is wonderful to be working with Lisa Jackson, in particular."

THE WRONG NARRATIVE

Ever since January, when President Obama issued an [executive order](#) launching a regulatory review intended to eliminate unjustified costs on business, the language that he and Sunstein, who is leading the effort, have used to describe the role of government rulemaking has been decidedly corporate.

Progressives see the White House as trying to cozy up to the U.S. Chamber of Commerce, the hugely powerful lobbying group for corporate interests. The Chamber [proclaims](#) that over-regulation is "the single biggest challenge to jobs, global competitiveness, and the future of American enterprise."

That's a viewpoint that the White House's critics see as far-fetched and, in fact, damaging.

"What has happened is, the administration has [embraced](#) far too much of the Chamber of Commerce rhetoric," says Robert Weissman, president of Public Citizen, a consumer group primarily funded by contributions from its 80,000 members. "The effect is to ratify the narrative -- which is untrue -- from the Chamber and the big-business lobby. And it fuels them."

In a [recent review](#) of regulatory studies, the Economic Policy Institute, a left-leaning think tank, found that real-world evidence doesn't support the Chamber's argument -- and that the overall benefits of regulations consistently and significantly exceed their costs. It also found some evidence that regulations can even have some small, positive employment effects.

The White House obviously doesn't see itself as pandering to corporate America, Weissman says. "From their point of view, they're showing their reasonableness. But it puts them in a defensive posture."

"The administration overall is giving too much credence to the business opposition to rules," says Peg Seminario, health and safety director for the AFL-CIO. "It is frustrating to see them responding to issues which really have no legitimacy."

Indeed, far from arguing with the foes of regulation, Sunstein is more likely to try to appease them. At a [House hearing in January](#), for instance, Sunstein's response to being constantly hectorated by Republicans was to fall all over himself agreeing with them.

When one suggested that regulations might kill jobs, Sunstein replied: "Oh, we very much -- you're exactly right, congressman. That is our focus. That's the focus of this executive order -- to make sure that regulations are helpful to economic growth."

Reformers, meanwhile, think about all the effort that's been put into the review as time poorly

spent.

"I've no doubt that the individuals who were forced to put this look-back review together could have been spending their time on much more important activities," says Celeste Monforton, a former Labor Department official who now teaches public health at George Washington University. "Talk about a paperwork exercise."

"They should be figuring out ways to [streamline the rulemaking process](#) so it doesn't take five or 10 years to get a worker safety rule out," Monforton adds. "That's what they should be spending their brain power on, rather than trying to appease the business community."

Sunstein dismisses out of hand the notion that the review -- which spanned four months and produced 30 reports totaling over 500 pages -- took time away from more important things.

"I can't think of anything that's not been done because of the review," he says. Asked repeatedly how that could be, he gives that same answer, time and again.

He also seems unfazed by the charge that his language has emboldened the administration's enemies.

"I would think that to say 'regulations cost jobs' or 'regulations create jobs' is too simple, and we need to look at the regulation," he says.

With Sunstein refusing to take sides, it is left to a White House spokeswoman, Meg Reilly, who is sitting in on HuffPost's interview with Sunstein, to clarify the administration's position on the Chamber's view that regulations stifle jobs. "I think it's safe to say that the administration fundamentally does not agree with that premise," she says.

Sunstein then restates his view that OIRA places a value on "balance, rather than for a one-sided extreme approach to regulation."

Reilly again weighs in: "The notion that more regulation is bad for business and less regulation is good for business... is just wrong."

THE MAN BEHIND THE PLAN

Sunstein is half of one of Washington's wonkiest [power couples](#). His wife, Samantha Power, is a longtime human rights crusader who is now a senior National Security Council adviser to the president. She is considered [central](#) to Obama's thinking about intervention in Libya.

Sunstein is probably [best known](#) for co-authoring the best-selling book "[Nudge](#)" with Richard Thaler, which argues that the government can and should nudge -- rather than force -- people into making better decisions.

Some of Sunstein's academic writing has a decidedly liberal bent, and the notion of a master regulator using the levers of power to manipulate the populace has fed some hysterical criticism

of him. Glenn Beck has described Sunstein as "the [most evil man](#), the most dangerous man in America," a [latter-day Goebbels](#) ready to "control your every move."

But in real life, Sunstein is far from a wild-eyed socialist puppetmaster. Indeed, a considerable chunk of his extensive academic writing is devoted to the [rigors of cost-benefit analysis](#), a method of assessing policy that weighs outcomes against the price of achieving them -- a methodology that [has often been criticized](#) for [undercounting intangible societal benefits](#) of certain policies or actions.

Sunstein, for instance, has written that "[\[o\]rdinary people have difficulty calculating probabilities](#)," and that they tend to overreact to dangers caused by such things as toxic chemicals in their drinking water. Cost-benefit analysis, he wrote, is "a natural corrective" to the "intense emotional reactions" those ordinary people have, allowing regulators to reach a reasoned, appropriate conclusion.

At any other time -- during, say, an era when the financial system didn't almost implode and millions of gallons of oil hadn't seeped into the Gulf of Mexico -- Sunstein might not have had so many critics.

But disastrous regulatory failures have scarred the first few years of the Obama administration. In addition to the [financial crisis](#) and the [BP oil spill](#), the country has endured the Upper Big Branch [mine explosion](#), along with a bevy of [food-](#) and [toy-](#)related health scares and [other](#) dangers. Now [climate change](#) is increasingly threatening the environment.

There arguably hasn't been such a dire need for wide-ranging new federal rules in a century, since [Upton Sinclair](#), [Ida Tarbell](#) and their fellow muckrakers exposed the predations of unrestrained capitalism and helped usher in an era of regulatory reform and enhanced corporate oversight.

Yet the Obama-Sunstein team hasn't embraced that challenge.

On the legislative side, even with a Democratic Congress, Obama [bungled his shot](#) at a climate bill, accepted a [watered-down version](#) of financial reform and [whiffed on mine safety](#). And now, of course, the Republican Party controls the House.

Regulatory rulemaking is [one of the few things](#) presidents can do unilaterally. But even in that domain, Obama and Sunstein have responded haltingly.

"I get the impression that there's not a lot of support for doing things that could become flashpoints of opposition," says Jeff Ruch, executive director of Public Employees for Environmental Responsibility, a whistleblower group funded primarily by pro-reform foundations. Health, safety and environmental issues "are distractions and are to be used, when you can, as bargaining chips."

Sunstein, meanwhile, shows no sign of going anywhere soon. Unlike other administration academics -- such as White House economic advisers Christina Roemer and Austan Goolsbee --

who quit their jobs rather than lose tenure at their universities, Sunstein isn't watching the clock.

"I have lost tenure," he says.

SIGNS OF BACKWARD MOVEMENT

The thing that seems to delight Sunstein the most these days is not passing regulations, but stopping them in their tracks.

Back in February, in a White House blog post titled "[Smarter Regulation](#)," Sunstein bragged about having blocked five incipient regulations in the name of reducing the regulatory burden on small business.

One of them was a minor, milquetoast proposal from OSHA to add a column in injury and illness reporting forms for ergonomic-related injuries. Literally, all it called for was a little check box -- a check box that, in fact, used to be on that very form before the Bush administration eliminated it.

OIRA [held up](#) the proposed rule for more than six months, then had it pulled. OSHA's [news release](#) said that was in order to allow for "greater input from small businesses on the impact of the proposal."

That's what passes for a victory in Sunstein's OIRA.

What else was Sunstein so pleased about blocking? There was also a rule on noise standards, which, like the checkbox, was an OSHA proposal. Both had been targets of the Chamber of Commerce, National Association of Manufacturers and other industry lobbyists, [according to Monforton](#).

Three other changes involved rollbacks or exemptions to provisions on the books at the Food and Drug Administration, the EPA and the Department of Health and Human Services.

"Taken together in such a short amount of time," says Gary Bass, director of [OMB Watch](#), a group that holds the White House accountable, "there is a potential perception that this administration is catering to the business interests around the same time that they're gearing up for the 2012 election."

Despite all their efforts, however, nothing Sunstein or anyone else in the Obama administration has done has mollified the Chamber of Commerce or the GOP leadership in Congress, who have launched a [full-scale attack](#) on the very notion of regulation.

One bill Republicans have pushed is the [Regulations from the Executive in Need of Scrutiny \(REINS\) Act](#), which would require congressional approval of all new rules with an economic impact of \$100 million or more annually. That would hobble, if not entirely paralyze, the rulemaking process across the executive branch.

Sens. Olympia Snowe (R-Maine) and Tom Coburn (R-Okla.) have [proposed another bill](#) that would require federal agencies to reassess the impact on small businesses of every significant regulation on their books. That would empower a minor Small Business Administration official to [nullify any rule](#) he or she decides has not been adequately assessed.

That proposal made it to the Senate floor on June 9 in the form of an amendment to an unrelated bill -- and [won 53 votes](#), with six Democrats joining a united and garrulous Republican block. But it needed 60 votes to pass a Democratic filibuster.

Even if Democrats can still block bills like that from becoming law, the GOP is actively pursuing another goal: defunding the regulatory agencies -- so even if there are rules, the agencies won't have the ability to enforce them.

Sunstein has long had good relations with the city's [think-tank deregulators](#), who early on realized that his philosophy and theirs [weren't that far apart](#). But for the ferocious GOP partisans and their corporate sponsors, there's a war on -- and Sunstein's on the other side.

After Sunstein announced the initial results of the look-back, Bill Kovacs, who oversees regulatory affairs for the Chamber of Commerce, wrote in a [blog post](#) that the output of the regulatory review was "not nearly enough." What's needed instead, he wrote, "is a plan to make our flawed regulatory system smarter, less intrusive, and more accountable."

A [June 2 memo](#) from Chamber president Tom Donohue to his board of directors, sent after the regulatory review's results were announced, was as strident as ever. "As the nation struggles fitfully to emerge from a financial crisis and deep recession, the explosion of new regulatory activity, combined with the existing regulatory burden, has emerged as the biggest single challenge facing businesses, job creation, and the future of our free enterprise system," he wrote.

"They want to soften opposition from the business community," says Weissman, from Public Citizen. "Do they want corporate contributions? Yes they do."

But after all that, says Steinzor, "they're not going to get a single contribution that they wouldn't have gotten already."

"Obama is trying to have this love affair with industry," says Sinden, "and industry is yawning."

ABOVE THE FRAY

Sunstein is unfailingly courteous. Almost every question he gets asked in public, no matter how unwelcome, is always a "great question," as Sunstein often puts it.

But lately, he has also been a bit of a scold.

In his AEI speech, he tut-tutted what he called "a national debate over regulation that, in recent years in particular, has become far too polarized and stylized in a way that hasn't been helpful to

progress."

Here's how he described one group, which consists of the administration's natural allies: "In recent months, some people have stressed with passion the crucial importance of regulatory safeguards including rules that reduce deaths on the highways, prevent fraud and abuse, keep our air and water clean and ensure that the food supply is safe."

Here's how he described another group, which consists of the administration's die-hard enemies: "In the recent period, perhaps particularly in the last month, other people have objected with equal passion to expensive regulations and burdensome mandates that impair competitiveness undermine innovation, weaken growth and that ultimately cost jobs."

Both groups, he suggested, are equally misguided. "In the abstract, these two passionately held positions make legitimate points." But, he said, "in important ways the polar positions are just stuck, and outmoded and in decreasingly helpful debates from decades passed."

Does Sunstein really see an equivalency between both sides in the regulatory debate? "The view that the regulations are necessary to protect public welfare is in many cases correct; the view that regulation can impose unjustified costs is also in some case correct," he tells HuffPost.

Isn't one more urgent than the other right now? "I don't really have a lot to say about that," Sunstein says.

For progressives, Exhibit A in the Sunstein critique is the fate of the Obama administration's proposed [coal ash regulations](#).

Coal ash, or fly ash, is what's left over after coal is burned for energy. It's the country's second-largest industrial waste stream, after municipal garbage. It's stored in about [1,300 landfills and slurry ponds](#) across the nation -- including one pond that in December 2008 burst through its retaining walls and [spilled a billion gallons](#) of dangerous sludge onto 300 acres of rural Tennessee. (The BP oil spill, by comparison, released [170 million gallons](#).)

Coal ash is [incredibly toxic](#) -- it includes heavy metals known to cause cancer and neurological problems -- and poses a threat to drinking water and the environment. Yet its storage and re-use -- [in everything from concrete to cosmetics](#) -- remains unregulated by the federal government.

Back in the fall of 2009, the EPA proposed a strong rule ordering that coal ash be treated as hazardous waste. A little over six months later, however, the proposal that emerged from the OIRA process was nearly unrecognizable. It actually offered two options, one of which would label the ash nonhazardous and leave enforcement to the states.

Environmentalists were devastated. And there's little hope now that a final rule will [emerge anytime soon](#).

Sunstein denies responsibility for the coal-ash turnaround. "It was a highly collegial process involving many people working collaboratively, including those at EPA and OIRA," he says. At

the end of the process, "everyone at the policymaking level thought that it was the right way to go."

Steinzor isn't satisfied with Sunstein's explanation. "You can see the documents that went in the door, and you can see the documents that came out the door," she says, pointing to [a red-line version](#) that the EPA actually posted to the [rulemaking docket](#) on Sunstein's own regulations.gov web site. For Sunstein to blame other agencies, Steinzor says, is "like the sheriff blaming his posse."

DASHED HOPES

In the opening weeks and months of the Obama presidency, the White House and the cabinet agencies were full of optimism and lofty goals. In many agencies, new political appointees -- and many career employees -- described a tremendous sense of urgency. There were so many things that either hadn't happened at all during the eight years of the Bush administration, or that needed to be fixed.

Just [10 days into his presidency](#), Obama scrapped [Bush-era changes](#) to the regulatory review process that had, among other things, placed politically-appointed regulatory commissars in each agency and required agencies to identify "the specific market failure" that justified government intervention.

Then, an [April 2009 memo](#) from Obama gave agencies 100 days to develop a new approach to federal regulatory review. He also solicited public comments.

Nothing emerged for nearly two years, however, until Jan. 18 of this year, when the White House finally issued a [limp executive order](#) that basically reaffirmed the principles that had been guiding the office for years -- and called for that retroactive review, to boot. Sunstein had punted.

"I think a lot of people thought his big brain would create massive reform in the rulemaking process," says Bass, from OMB Watch. "Instead, the brain has been applied to the review of the specific rules that come in from all the agencies."

"Nothing has changed in terms of the process," he adds. "We do see a huge change in the way the agencies are operating, but we haven't seen much change in the way OIRA operates. It's the same process."

Bass is reconciled to the reason why: "Every president wants to have a sledgehammer to carry out his or her own policies," he says. "OIRA is that sledgehammer."

Sinden says that before Sunstein was given the job, she had hoped for an OIRA director who would advocate on behalf of the regulatory agencies with Congress and help identify national priorities. "But instead it's kind of same old, same old," she says. "We still get the impression that OIRA is still a funnel for industry lobbying."

"One thing that would have been nice to see is a more systematic approach towards identifying areas of under-regulation and under-enforcement," says Nina Mendelson, a University of Michigan Law School professor who has written extensively about the rulemaking process.

OIRA could, for instance, help agencies identify areas that are under-regulated with what is called a "prompt letter." But Sunstein hasn't issued a [single one](#).

What Sunstein has done, however, is make sure he sticks his finger in every pie. Mendelson says she looked through the data from 2010. "I couldn't find a single economically significant rule that was reported as approved without change, out of the over 130 economically significant rules that went through regulatory review."

Even under Bush, OIRA left about 15 percent of the rules it looked at alone, according to Mendelson's calculations.

For his part, Sunstein says the way he runs OIRA isn't so much about him. It's about Obama. "The president supports centralized OIRA review," Sunstein tells HuffPost. "He made that very clear on January 18" -- the day he issued his executive order.

AN OFFICE WITH A HISTORY

OIRA is actually a regulatory bottleneck by design: All significant executive-branch regulations must get the office's approval before they are formally proposed or finalized. As a result, special interests get the equivalent of two free kicks -- two more chances to appeal directly to the White House to kill any rule they dislike.

The independent regulatory institutions, like the Securities and Exchange Commission and the Federal Communications Commission, don't go through OIRA, but all the other agencies do. For them, OIRA is unavoidable, inserted into decision-making at a host of levels. The office's primary mandate, in fact, is to oversee the omnipresent [Paperwork Reduction Act](#). ("If you want to ask [more than nine people](#) a question about anything, it has to be cleared by OIRA," explains Monforton.)

Since Ronald Reagan opened the OIRA office in 1981, Republicans have used it to particular advantage to pursue an anti-regulatory agenda, defanging environmental rules on things like water runoff and climate change -- even blocking attempts to collect information that might lead to regulations.

"OIRA was inaugurated by Reagan and it came out of the box extremely political," explains OMB Watch's Bass. The office's first director hearkened from the American Enterprise Institute, and "all the thinking of the AEI got translated right to OIRA."

When the first President Bush put Vice President Dan Quayle in charge of a Council on Competitiveness, OIRA was his enforcer. "They were just a conduit for campaign contributors, very powerful special interests," Bass says.

The office arguably reached the peak, or nadir, of its power under George W. Bush and Dick Cheney. When it came to proposed rules emerging from the bureaucracy, Bass says, Bush political appointees in the agencies "turned off the flow; OIRA dealt with any of the leaks."

Under the second Bush, OIRA changed the methodology of its cost-benefit analyses to "serve the interests of the regulated community," Bass explains. "So the game was rigged."

These days, about 50 analysts staff Sunstein's OIRA office. Based on what HuffPost could determine about their start dates, most of them appear to have been hired in Republican administrations, especially the most recent one. They serve nearly anonymously -- there is no public staff list -- and wielding great influence.

And while regulatory agencies like the EPA and the Consumer Product Safety Commission are repositories of experts in their fields -- people who in some cases have spent decades studying the issues for which they are responsible -- OIRA's desk jockeys have different backgrounds.

"The one thing they know is cost-benefit analysis -- and only from an economist's point of view," Steinzor says. "Not from a risk assessor's point of view, or an engineer's point of view or a scientist's point of view."

What they may be best at, in fact, is saying "no."

"I would say that OIRA has always been a brake on regulation," says the AFL-CIO's Seminario. "That's who they are. That's the culture: slow down, delay, block."

According to the [executive order](#) that governs it, OIRA has 90 days to review a proposal and can get one 30-day extension. But according to OIRA's own [regulatory dashboard](#), 31 out of 144 pending requests -- or more than 1 in 5 -- have been waiting 90 days or longer.

Among them are 10 rules the EPA submitted in 2010, the oldest being a [May 2010 proposal](#) to add several types of chemicals, including [phthalates](#), to a warning list for dangerous industrial chemicals that increasingly pervade our air, soil, water, foods and products. But [industry opposition](#) appears to have kept the proposal stuck in OIRA review.

Sunstein defends OIRA against charges of foot-dragging. Individual rules can be thousands of pages long, he tells HuffPost. "And the review time is often a product not of OIRA's own interest and concerns, but of interagency interests and concerns."

In theory, Sunstein substitutes nudging for sweeping reform. But in practice, much of what OIRA does is more like niggling

For example, OSHA recently launched a [survey](#) that is the first step toward a major update of safety and health standards for workers. The goal is to require employers to establish programs in which employers and employees work together to identify and address workplace hazards. It's considered to be one of OSHA administrator David Michaels' signature initiatives, and would

therefore be expected to be a fairly high priority at the White House.

But it took more than four months to get the survey through OIRA's review process. The office ended up making no significant changes -- but with a huge [lobbying battle on tap](#), those four months [may have stalled](#) the proposal long enough that it won't go anywhere unless Obama wins re-election.

A REFLECTION OF OBAMA

What has happened at OIRA is important in its own right, but it also reflects how Obama has chosen to employ the power of his presidency. OIRA, after all, is a place where the president and his appointees can act unilaterally; where they have complete control. Those who are scared of Obama find that terrifying -- almost regardless of what he is actually doing.

Those who expected more and better from him feel let down.

"They've done some very good things, but the overall picture is disappointing at best," says Public Citizen's Weissman.

Obama and his team should be more aggressive in attacking arguments they know are unfounded and pushing back against demands they know are ridiculous, Weissman says. "For decades we've been fighting over cost-benefit analysis," he says. "Now they just want cost analysis. If you don't fundamentally challenge that framework, you're ceding too much.

"All signs are that they are imposing additional constraints on themselves in the one area where they have the most freedom to operate," Weissman adds. "The result is we're going to have less protection for health and safety for consumers and workers, the environment is going to be more poisoned, people are going to be less economically secure -- all because of a reluctance to offend the big money interests that dominate Washington politics."

**Brendan
Gillilan/DC/USEPA/US**
05/04/2011 01:26 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Betsaida Alcantara, Scott Fulton, David
McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons

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Subject Press release: Youth Sue the Government to Preserve the
Future And Halt Climate Change

FYI, Administrator, you are named in this suit in addition to the President, Secs. Salazar, Vilsack, Chu, Gates and Locke; they've also petitioned all 50 states for immediate GHG reductions.

**Youth Sue the Government to Preserve the Future
And Halt Climate Change**
**Lawsuits and administrative actions filed against the federal government and
all 50 States to ensure reduction of carbon emissions and prevent climate
catastrophe**

“These unprecedented cases are being prosecuted by some of the most prominent trial attorneys in the country.” – Pete McCloskey, former U.S. Republican Congressman and Purple Heart Winner

San Francisco, CA — Youth filed legal and administrative actions today against all 50 states and the federal government to force action on climate change. “This is something new – no climate litigation in the past has ever gone back to the first principle that the government must protect the public trust,” said former Republican congressman Pete McCloskey. “The large body of litigation brought under environmental statutes is too narrow for the crisis at hand. Science, not politics, defines the fiduciary obligation that trustees must fulfill – it’s the most common sense, fundamental legal footing for the protection of our planet.”

The team of top legal experts, including McCloskey’s firm Cotchett, Pitre & McCarthy, has been assembled by Our Children’s Trust to represent the youth, who alongside their parents, are taking legal action out of fear of hitting a tipping point wherein global climate change cannot be stopped.

“Young people will be affected most by climate change and by our government’s inaction. We can't vote, and we don't have money to compete with lobbyists,” said Alec Looorz, the 16-year-old founder of iMatter, who has been tirelessly working on the issue of climate change and global sustainability for the past three years. “We do, however, have the moral authority and the legal right to insist that our future be protected.”

The legal actions rely on the long established legal principle of the Public Trust Doctrine that requires the government to protect and maintain certain shared resources fundamental for human health and survival.

“The public trust law in our country and around the world says that common resources like water and air are held in trust by the government for the people and for future generations,” said Julia Olson, Our Children's Trust executive director. “Lawyers around the nation are providing legal assistance to young people to help them protect their future, since the government has abdicated that responsibility.”

The goal of the legal and administrative actions is to force reductions in carbon dioxide emissions and implementation of reforestation programs that will counter the negative impacts of climate change. The youth plaintiffs in the cases are receiving legal support from Our Children's Trust, an organization dedicated to protecting the Earth for current and future generations.

"I am a father and a grandfather and am working with lawyers around the country and the world to hold our government to its job — protecting those resources that are essential for our youth and future generations," said Tom Beers, an attorney from Montana. "Our children deserve a livable world, like the one we have enjoyed. Alec Looz inspires me to act on behalf of my own children and children everywhere."

The announcement of the lawsuits and administrative actions come just days before young people take to the streets in over a hundred planned marches around the globe, including over 70 cities across the United States, to demand the government act to halt climate change.

Fed-up with inaction to curb climate change, youth leaders led by Alec have announced plans for the iMatter March, the largest-ever mobilization of youth against climate change. Youth leaders across the globe are preparing to march in the streets May 7 - 14. Many of the same youth have joined as plaintiffs and petitioners in the legal and administrative actions that were filed today.

Our Children's Trust is a nonprofit focused on protecting earth's natural systems for current and future generations. We are here to empower and support youth as they stand up for their lawful inheritance: a healthy planet. We are mothers, fathers, grandparents, aunts, uncles, teachers. We are adults, part of the ruling generation, and we care about the future of our children--and their children's children.
<http://www.ourchildrenstrust.org/>

iMatter is a youth-led campaign of the nonprofit group, Kids vs Global Warming, that is focused on mobilizing and empowering youth to lead the way to a sustainable and just world. We are teens and moms and young activists committed to raising the voices of the youngest generation to issue a wake-up call to live, lead and govern as if our future matters. <http://www.imattermarch.org/> <
<http://www.imattermarch.org/>>

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**Brendan
Gillilan/DC/USEPA/US**
02/14/2011 11:52 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
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Subject Bloomberg: Obama Seeks 13% Cut in Environmental
Protection Agency's Budget

Bloomberg: Obama Seeks 13% Cut in Environmental Protection Agency's Budget

By Kim Chipman
Feb 14, 2011

President Barack Obama proposed cutting the Environmental Protection Agency's budget 13 percent to \$8.97 billion as the agency faces Republican demands to limit its funding and authority.

The fiscal 2012 budget proposed today is a \$1.3 billion reduction from 2010, the last time federal agencies had an enacted budget. It calls for cutting aid to states for water quality by 27 percent to \$2.54 billion and reducing funds to restore the Great Lakes by 26 percent to \$350 million.

Obama's budget counters a proposal from House Republican lawmakers to slash EPA funding by \$3 billion and block the agency from regulating greenhouse gases from industrial polluters such as power plants. The president's budget calls for \$25 million to help states implement the new EPA rules aimed at curbing emissions blamed for climate change.

The budget repeats Obama's call for Congress to pass legislation that would address global warming, promote clean- energy technologies and reduce U.S. reliance on oil. Obama continues to support U.S. greenhouse-gas cuts of about 17 percent by 2020 and 83 percent by 2050, according to the EPA budget proposal, which doesn't say how those goals would be reached.

The administration decided to press ahead with the EPA's greenhouse-gas rules, which began Jan. 2, after Congress's failure to limit emissions through a cap-and-trade system, favored by Obama, that would let companies buy and sell the right to pollute.

**Brendan
Gillilan/DC/USEPA/US**
11/22/2010 08:32 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Bob Sussman, Cynthia Giles-AA, Mathy Stanislaus, Michelle DePass, Lisa Garcia, Stephanie Owens, Dru Ealons, David McIntosh, Arvin Ganesan, Daniel Kanninen

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Subject Wash Post: Environmental justice issues take center stage

Environmental justice issues take center stage

By Juliet Eilperin
Washington Post Staff Writer
Sunday, November 21, 2010; 8:23 PM

CROOM, MD. - The winding Mataponi Creek looks clear in the sunlight, with marsh grasses lining its banks. But some of the coal ash waste from a nearby power plant is also coursing through its waters, and residents are worried it is contaminating their well water.

The area around the Brandywine ash storage site - where waste from Mirant Mid-Atlantic's Chalk Point plant containing carcinogens and heavy metals ends up - is a fairly rural community, with residents who are far from politically active and have little leverage with elected officials who might act on the matter.

"Why is this not in some other county? Why is it not in the Potomac?" asked Fred Tutman, who heads the environmental advocacy group Patuxent Riverkeeper, as he navigated his motorboat on the Mataponi Creek. "It's about power, economic power, political power, resource power."

The controversy over toxic [coal ash waste](#) in this corner of Prince George's County - and fights for greater coal ash regulation from Alabama to Puerto Rico - highlights an issue that has been around for decades and is again in the spotlight: environmental justice.

Obama administration officials are looking at hazardous waste storage, toxic air emissions and an array of other contaminants to try to determine whether low-income and minority communities are disproportionately exposed to them.

The Environmental Protection Agency's administrator, [Lisa P. Jackson](#), has made the issue one of her top policy priorities, alarming manufacturing and business interests.

"I really think of this as the biggest chunk of unfinished business when you think about the environmental landscape," Jackson said in an interview.

Maryland's Department of the Environment filed a lawsuit in January against [Mirant](#) over its discharges from coal combustion, which include pollutants such as arsenic and lead. For years utilities have had considerable leeway in how they handle this concentrated waste, but state officials allege that Mirant's storage site is discharging pollutants into groundwater without a permit.

In a written statement, Mirant spokeswoman Misty Allen said the company "does not comment on litigation matters. Mirant believes it has and continues to operate the Brandywine Fly Ash facility, purchased by the company in 2000, in accordance with all state and federal law and permits." She added that Chalk Point, the state's largest power plant, employs more than 250 workers and boasts an annual payroll of more than \$30 million.

But 45 untested private wells are within a half-mile of the landfill, with a state wildlife refuge also nearby.

"Communities have a right to know whether the polluting facilities in their neighborhood are complying with the law," said [Environmental Integrity Project](#) staff attorney Jennifer Peterson, whose group is a party to the lawsuit.

In addition to looking at coal ash storage, EPA officials are reevaluating how the government defines solid waste and measures short-term exposure to smog-forming pollutants. They have forced a variety of emitters, including container-glass plants, cement plants and oil refineries, to install pollution controls in poor areas struggling with bad air quality.

"The intensity and focus on this issue in this administration, the integration of it into the bowels of the agency, has been so aggressive, those of us who do this work cannot keep up with what the administration is doing," said Vernice Miller-Travis, vice chair of the Maryland Commission on Environmental Justice and Sustainable Communities.

Among the EPA's moves: reviving an interagency environmental justice task force that had been dormant for a dozen years; issuing a formal guidance to regional offices instructing them to seek the input of disadvantaged groups when making decisions; and drafting a plan to integrate the concept of environmental justice into the agency's everyday decision-making.

This flurry of activity worries industry officials such as Keith McCoy, vice president for energy and resources policy at the National Association of Manufacturers, who warned that it could hurt business operations across the country.

"Basically, EPA is saying to regional offices, engage with the environmental justice community and don't meet with anyone else on the issue," McCoy said, referring the draft guidance. "They've turned this more into a confrontational issue."

Jackson calls those kinds of objections "nonsense," saying her agency is simply reaching out to neglected communities that remain "hot spots of emissions, hot spots of contamination." People living in those neighborhoods, she said, don't want to lower their living standards in exchange for work.

"Find me the person who says, 'I'll take the pollution if you give me the job,'â□□" she said.

But for years, certain urban and rural areas have served as magnets for industrial facilities and waste sites, sometimes because they generate economic opportunities. Chemical plants, an

incinerator, a power plant and other facilities in three Baltimore neighborhoods - Brooklyn, Curtis Bay and Hawkins Point - released more than 20.4 million pounds of hazardous air pollutants in 2008 alone, and there are now plans underway to locate both a waste-to-energy incinerator and an ash landfill in the area.

Andy Galli, Maryland program coordinator for [Clean Water Action](#), said one of the problems with the current permitting process for those facilities is that "there's nothing that requires cumulative effects on these communities."

People began talking about the issue of environmental justice four decades ago. During the first [Earth Day](#) in 1970, Chicano activist Arturo Sandoval led a march from an Albuquerque park to the city's barrio, where protesters waved signs with messages such as "Keep Your Pollution, Give Us Life."

The term entered the national lexicon in 1987 when the United Church of Christ Commission for Racial Justice published a report on the issue, sparked by North Carolina's decision to place a toxic waste facility in a poor, predominantly African American community in Warren County.

Nearly a quarter of a century later, activists like Robert D. Bullard, who directs the [Environmental Justice Resource Center](#) in Atlanta, are still scheduling meetings with EPA regional officials, for example, to question the deposit of waste from the BP oil spill in the majority-black town of Campbellton, Fla., and the shipment of toxic coal ash from the 2008 Tennessee Valley Authority spill in mostly-white Roane County, Tenn., to a site in mostly-black Perry County, Ala.

"We're not just talking about something that happened 30 years ago, legacy stuff," said Bullard, who attributes those decisions to regional EPA officials rather than headquarters staff.

Bullard and others are pressing EPA to adopt a more stringent rule regarding the handling of coal ash: Right now the agency is deciding whether to require federal oversight of its transport and disposal, or to establish guidelines that the states could choose whether to enforce. Industry advocates argue that stricter rules will drive up costs and make it more difficult to reuse the coal combustion waste.

The issue is a source of contention as far away as Puerto Rico, where a subsidiary of the Virginia-based energy giant AES built a coal-fired plant in 2002 without establishing a landfill. For a few years the company shipped the waste to the Dominican Republic, but when that nation sued over the environmental impact and refused to accept any more, AES - which declined comment - started selling it as cheap landfill in Puerto Rico.

Now housing developments such as Parque Gabriela II in Salinas, one of the island's poorest regions, have piles of coal ash elevating their homes above the flood plain and lining a storm water retention pond whose contents could end up in the city's sole source of drinking water.

"All of this is getting leached into the aquifer," said Osvaldo Rosario, an environmental chemistry professor at the University of Puerto Rico's Rio Piedras campus. Rosario has sampled

ash from the site, and an analysis showed radioactive material at more than twice the recommended limit under EPA guidelines.

Ruth Santiago, a lawyer representing several environmental groups in Puerto Rico, has appealed to EPA to step in and control the coal waste's disposal. "We've been asking for many years for attention to this issue," she said. The agency's proposed rules are "a step in the right direction. . . . As it is now, they can call it beneficial use, and have anybody dump it anywhere."

**Brendan
Giffilan/DC/USEPA/US**
09/29/2010 03:25 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Bob Sussman, Lisa Heinzerling, David
McIntosh, Arvin Ganesan, Daniel Kanninen, Eric Wachter
cc Betsaida Alcantara, Alisha Johnson

bcc

Subject FORTUNE: Brainstorm Green: EPA's Jackson: The new face
of tough regulation

FORTUNE: Brainstorm Green
EPA's Jackson: The new face of tough regulation
http://money.cnn.com/2010/09/29/news/companies/EPA_Lisa_Jackson_fracking.fortune/
By Shelley DuBois
September 29, 2010: 11:56 AM ET

FORTUNE -- The Environmental Protection Agency has only recently had a face. That face has taken the form of Lisa Jackson, administrator, appointed by Barack Obama in 2009. The landmark appointment caused a media stir, not for her race, but for the type of administrators that her appointment represented.

Since then, Jackson has maintained a place in the spotlight and media circuit. Not only has she been a regular figure in the news with her. (She's also #6 on *Fortune's* Most Powerful Woman [D.C. Power List](#).)

Recently, the EPA has been front and center in the northeast because it's stepping in to a controversy about natural gas drilling hearings across the country where locals could voice their concerns about a fracking to a panel of four EPA members. The EPA's Jackson seems keen to do that across the EPA's entire mandate. She's tech-savvy and transparent compared to other people in the agency. She follows her through all kinds of social media, and many of the EPA's activities posted on the webpage call for public participation. She appeared on the Daily Show with Jon Stewart. According to the EPA webpage, she's given 125 official speeches and public addresses since Stephen Johnson made under 90 during his entire four-year term.

0:00 /3:23'Fracking' threatens local water supply

Jackson's credentials have probably prepped her to be more media savvy. Like Johnson, Jackson worked for the EPA before. She has also been in the political game-she worked as chief of staff for New Jersey Senator John Corzine, and served as commissioner of the Environmental Protection Agency.

She has a science background, which is actually surprisingly new for the administration. The first professional scientist ever to make his mark with his work against legislative efforts to curb greenhouse gas emissions. Before him, Michael Leavitt was governor of Utah for a while, and worked as the CEO of an insurance company. He replaced Christine Todd Whitman, who was the former Vice President Dick Cheney's push to exempt companies from the pollution standards of the Clean Air Act.

Compared to her predecessors, Jackson has been a strong voice for policy to address climate change-although she's had some success in the legislative climate. Probably her biggest has been the carbon cap-and-trade bill that Democratic leaders in the Senate threw out. The bill would have been a big win for Jackson and the EPA, which would have been tapping into its ability to regulate greenhouse gas. The agency has to figure out how to cut emissions while keeping the industry happy, and re-think its strategy for navigating the industry. The stumble illustrates what may be the downside of being an accessible, even likable EPA leader. Jackson has positioned herself in the heat from environmentalists when the agency falters, and faces resistance from industries to regulation that could actually pervaded the entire Obama administration's tenure, as progressive goals repeatedly run into the political realities of doing business. Yet with all eyes on Lisa Jackson, she could give the EPA some muscle that it's never had before. Or, if the administration can get its signature environmental agenda through Congress, she could end up, even in the eyes of environmentalists who lives through an unfair role of scapegoat. ■

**Brendan
Giffilan/DC/USEPA/US**
11/03/2010 03:11 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Bob Sussman, Lisa Heinzerling, Gina McCarthy, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen, Joseph Goffman, Don Zinger, Janet McCabe

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Subject The Hill: Obama warns not to 'ignore' climate science, says EPA wants Congress to help

The Hill:

Obama warns not to 'ignore' climate science, says EPA wants Congress to help

By Ben Geman - 11/03/10 02:22 PM ET

President Obama said Wednesday that policymakers must not "ignore" global warming science, but he declined to provide a full-throated endorsement of upcoming Environmental Protection Agency greenhouse-gas rules.

Obama, speaking at a White House press conference the day after huge GOP electoral gains, called for bipartisan cooperation on energy policy while suggesting he's open to several ideas on climate now that cap-and-trade legislation is dead.

"With respect to the EPA, the smartest thing for us to do is to see if we can get Democrats and Republicans in a room who are serious about energy independence, and are serious about keeping our air clean and our water clean and dealing with the issue of greenhouse gases, and seeing are there ways that we can make progress in the short-term and invest in technologies in the long-term that start giving us the tools to reduce greenhouse gases and solve this problem," Obama said when asked about EPA regulation of heat-trapping gases.

But Obama also clearly affirmed EPA's right to act, citing the landmark 2007 Supreme Court ruling that paved the way for the agency to regulate greenhouse gases under the Clean Air Act. Cap-and-trade legislation that would have largely supplanted the upcoming EPA rules collapsed in Congress this year.

"The EPA is under a court order that says greenhouse gases are a pollutant that falls under their jurisdiction. One of the things that is very important for me is not to have us ignore the science, but rather to find ways that we can solve these problems that don't hurt the economy, that encourage the development of clean energy in this country, that in fact may give us opportunities to create entire new industries and create jobs and that put us in a competitive posture around the world," Obama said.

"I think it is too early to say whether or not we can make some progress on that front. I think we can. Cap-and-trade was just one way of skinning the cat, it was not the only way, it was a means, not an end, and I am going to be looking for other means to address this problem. And I think EPA wants help from the legislature on this. I don't think the desire is to somehow be protective of their powers here. I think what they want to do is make sure the issue is being dealt with," he said.

The comments come as many Republicans and some centrist Democrats are pushing to limit EPA's power to regulate emissions from power plants, refineries and other sources. EPA rules are slated to begin taking effect next year.

Obama acknowledged the sweeping cap-and-trade and energy bill that passed the House last year will stay on ice.

"I think there are a lot of Republicans that ran against the energy bill that passed in the House last year. And so it's doubtful that you could get the votes to pass that through the House this year or next year or the year after," he said.

But Obama said he sees opportunities for working across the aisle on boosting natural gas development, domestic production of electric cars, nuclear power – which he noted does not emit greenhouse gases – and energy efficiency.

"I don't think there's anybody in America who thinks that we've got an energy policy that works the way it needs to, that thinks that we shouldn't be working on energy independence," Obama said.

"And that gives opportunities for Democrats and Republicans to come together and think about – you know, whether it's natural gas or energy efficiency or how we can build electric cars in this country – how do we move forward on that agenda," he added.

**Brendan
Gillilan/DC/USEPA/US**
02/03/2011 05:02 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
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Subject NY Times: Parents Seek More Action on PCBs in Schools

Parents Seek More Action on PCBs in Schools

By MIREYA NAVARRO
Published: February 3, 2011

As the father of an 8-year-old attending Public School 36 on Staten Island, Richard P. Ghiraldi was alarmed to learn that students were being exposed to a known carcinogen in the classrooms.

Last month, Mr. Ghiraldi and hundreds of other parents kept their children home from school for four days after tests showed that lighting ballasts — the devices that convert current into electricity for fluorescent lights— were leaking the highly toxic chemical compounds known as [PCBs](#) onto the light fixtures and floor tiles.

“I was surprised they still had these old ballasts in schools,” Mr. Ghiraldi, a 40-year-old paralegal, said. “You’d think the custodians and the teachers would think it’d be a danger.”

Yet as he and other worried parents in New York City press doctors and government officials on the specific risks that their children face from toiling beneath the aging classroom fixtures, which remain in some 800 of 1,200 city school buildings, the answers have been frustratingly vague.

There is no immediate health risk from PCBs lingering in schools, all are told, yet with one important caveat: the longer the exposure, the higher the risk.

“Everything is so obscure,” said Mr. Ghiraldi, who noted that his son Stephen, a third-grader, has attended P.S. 36 since kindergarten. “I do worry that it may have some impact on him in the future — a cancer, some kind of illness.”

Widely used in electrical products and construction materials like caulk before a federal ban took effect in the late 1970s, PCBs, or polychlorinated biphenyls, have been linked to cancer, impairment of immune and reproductive functions, and other illnesses, as well as lower I.Q.

levels.

The challenge, as with exposures to many other contaminants, medical researchers say, is that linking the health problems to a specific type and length of PCB exposure with certainty is difficult if not impossible. Some toxicologists note that the risk depends on variables like intensity and duration of exposure.

And just because a light ballast is leaking, they say, it does not mean that PCBs have gotten into the air and that children are being exposed to them.

“It does tell you about the potential, and that’s why you want the ballasts out of there,” said Dr. Bruce Kelman, a toxicologist whose company, [Veritox](#), in Seattle, provides assessments of exposure to contamination in schools, workplaces and homes. “One ameliorating factor is that the kids don’t live in the school, and each room won’t have the same levels of PCBs.”

Adding to the parental stress in a strained budget year, the [Bloomberg administration](#) has [disputed the urgency](#) of replacing all of the aged T-12-style fluorescent lighting, estimating it would cost about \$1 billion. Its negotiations with the [Environmental Protection Agency](#) continue.

Anxiety about the dangers posed by PCBs began rising last summer after the city undertook a pilot testing program with the E.P.A. that revealed levels of air contamination exceeding federal guidelines for safety. It soared after the agency, effectively overruling the Bloomberg administration, said further tests could not wait until summer 2011 and began its own spot inspections to identify leaking ballasts last month.

So far, the E.P.A. inspections, which test PCBs in the light fixtures but not in samples of indoor air, have revealed PCB levels above federal regulatory limits in all [three buildings tested](#): P.S. 11 in Brooklyn; P.S. 53 on Staten Island and a building housing both P.S. 13 and P.S. 358 in Brooklyn. (The furor at P.S. 36 on Staten Island arose after a teacher called attention to brownish stains under a light fixture and the city performed tests.)

In December, testing financed by two environmental advocacy groups also found high levels of

PCBs in caulk at P.S. 56 in Brooklyn.

“You don’t send your children to school thinking, ‘My kid is going to be exposed to a chemical that’s toxic enough that they ban it in building materials,’ ” said Celia Green, whose 10-year-old son attends P.S. 56.

The E.P.A. issued [national guidelines](#) last December urging schools across the country to replace all of the old light fixtures as soon as possible after New York’s pilot testing found levels of contamination above the health benchmarks in air samples from three other schools, P.S. 199 in Manhattan, P.S. 309 in Brooklyn and P.S. 178 in the Bronx.

The agency’s exposure limits for schools — levels at which PCB concentrations in the indoor air of school buildings are considered unlikely to cause any harm — are based on background PCB levels for the general population.

E.P.A. officials say most people have low levels of PCBs in their bodies, mostly from exposure through foods like fish and dairy products but also from air, indoor dust and outside soils.

But even when those safety benchmarks take into account a person’s age and days of exposure, agency officials say that they cannot predict the likelihood of illness. The thresholds are mostly used as markers that flag the need to bring PCB levels down.

The agency and toxicologists like Dr. Kelman say that the exposure limits are conservative and that even when the air samples from the city’s schools have surpassed them, excess risks are still low.

But the health risks to children of such exposure have not yet been subjected to rigorous study yet, researchers say. And the body of evidence linking PCBs to health and developmental problems is growing.

A [1996 study](#) published in The [New England Journal of Medicine](#) found that children exposed to elevated concentrations of PCBs in utero from mothers who had eaten contaminated fish had impaired intellectual function and memory and attention problems by age 11. [A study](#) published in 2008 found I.Q. scores diminished by at least three points in 9-year-olds who had been

exposed in utero.

Dr. Robert F. Herrick, a senior lecturer and expert on environmental issues in the workplace at the Harvard School of Public Health who has researched PCBs in buildings, said other studies had shown elevated PCB levels in the blood of occupants of buildings with building materials containing the chemicals.

“The evidence of the toxic effects of PCBs is accumulating rapidly,” he said. “The studies all seem to point in the same direction — that PCBs are very potent developmental toxins.”

E.P.A. officials say that while elevated levels of PCBs in the air of school buildings “should not represent an immediate threat,” they could pose health concerns if they persist over a period of years. Federal officials say that light ballasts are likely to leak as they age and that they release PCBs into the air faster and at higher levels than other sources like caulk.

Aging fluorescent light fixtures leaking PCBs have also been detected in school districts in Massachusetts, North Dakota and Oregon. But so far the E.P.A. has conducted spot inspections solely in New York, the largest school system in the country with about 1.1 million students.

City officials are replacing ballasts in schools where they are found to be leaking and asking custodians to visually inspect light fixtures and report any sign of leakage, pending the negotiations with the E.P.A. on the timing of any citywide replacement plan

In a letter last December, Judith Enck, the agency’s regional administrator in New York, asked the city to undertake a program to replace PCB-containing light fixtures in all schools “in an expedited time frame.”

But the city’s deputy mayor for education, [Dennis M. Walcott](#), replied that the risk did not justify a “wholesale” approach that could cost the city up to \$1 billion in a tough economic climate. “This is about protecting the city’s educational system from an unnecessary loss of its critical resources,” he wrote.

City officials say any discussion must also include the need for federal assistance.

Although the schools are facing shrinking budgets and possible teacher layoffs, many parents, teachers and school advocates say they are not convinced that the city cannot afford prompt action. In a report released this week, New York Lawyers for the Public Interest noted that a switch to more efficient modern lighting has been a priority of the Bloomberg administration's own environmental agenda, known as [PlaNYC](#).

Other municipal agencies like [New York City Transit](#), the report says, have said the upgrades resulted in savings of more than 26 percent in energy costs over time.

"It's a completely out-of-date technology," said Miranda K. S. Massie, director of litigation and training for New York Lawyers for the Public Interest, which has represented parents in a lawsuit against the city over PCB contamination from caulk in schools and says it is considering more legal action over the light fixtures. "It's hideous to continue to subject kids to this."

On Staten Island, Mr. Ghiraldi said that when he called his son's pediatrician to ask if a blood test was advisable, he was told not to bother. Even if the test detected high PCB levels, he was told, it would be difficult to pinpoint the source of the contamination, given that Stephen could have been exposed through foods and other sources in the environment.

He and his wife, Laura, discussed transferring Stephen to a newer public school where the original construction materials were PCB-free. But they decided to keep him where he was after the city replaced the old light fixtures at P.S. 36.

**Brendan
Gillilan/DC/USEPA/US**
02/08/2011 04:58 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, David McIntosh, Adora Andy, Betsaida
Alcantara, Gina McCarthy, Janet McCabe, Joseph Goffman,
Arvin Ganesan, Stephanie Owens, Dru Ealons
cc
bcc
Subject WSJ: Letter Shows Bush EPA Chief Supported Regulating
Greenhouse Gas Emissions

WSJ: Letter Shows Bush EPA Chief Supported Regulating Greenhouse Gas Emissions

Dow Jones International News Service via Dow Jones

By Stephen Power

OF THE WALL STREET JOURNAL

WASHINGTON (Dow Jones)--A former Environmental Protection Agency administrator

under President George W. Bush told Mr. Bush in 2008 that his administration was obligated to declare that emissions of heat-trapping greenhouse gases linked to climate change endanger public health or welfare.

Stephen Johnson, the EPA's administrator from 2005 until 2009, also suggested in a Jan. 31, 2008, letter that the agency propose regulations to limit greenhouse gas-emissions from automobiles and from other human sources--a stance

that the Obama administration has taken.

(This story and related background material will be available on The Wall

Street Journal website, WSJ.com.)

The letter was made public Wednesday by the senior Democrat on the House Energy and Commerce Committee, Rep. Henry Waxman of California, a day before

Republicans on the panel are to hold a hearing on legislation that would overturn a December 2009 finding by the EPA's current administrator, Lisa Jackson, that greenhouse gas emissions endanger public health and welfare, the legal prerequisite to regulating them under the Clean Air Act.

"As Administrator Johnson's letter makes clear, both Republican and Democratic administrations have had the same view of the science: carbon emissions are a serious threat to our nation's welfare," Mr. Waxman wrote in a letter Tuesday to the panel's chairman, Rep. Fred Upton (R., Mich.). "I urge you to leave the science to scientists and drop your effort to use legislation to overturn EPA's endangerment finding."

**Brendan
Gilfillan/DC/USEPA/US**
11/04/2010 06:02 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, David McIntosh, Arvin Ganesan, Lisa Heinzerling
cc
bcc
Subject Politico: EPA policy chief steps down (updated with comment)

EPA policy chief steps down

By: [Robin Bravender](#)

November 4, 2010 02:49 PM EDT

One of the Obama administration's most aggressive officials on global warming regulations is stepping down from her post at the Environmental Protection Agency.

Lisa Heinzerling, the head of EPA's policy office, will return to her position as a Georgetown University law professor at the end of the year, said EPA spokesman Brendan Gilfillan.

Within EPA, Heinzerling is one of the more dogmatic proponents of regulating greenhouse gases to the maximum extent possible under the Clean Air Act.

There are two camps within the agency on climate, said an environmental advocate who spoke on background. The Heinzerling camp, with the mind-set that, "we have the law on our side; let's go get them." In the other camp are Administrator Lisa Jackson and EPA air chief Gina McCarthy, who are trying to maintain the support of the White House and Congress.

Heinzerling gained fame in the environmental community for her role in helping to win a landmark 2007 U.S. Supreme Court case that gave EPA the authority to regulate greenhouse gas emissions under the Clean Air Act. At EPA, she's played a leading role in crafting the agency's controversial climate policies as Jackson's senior climate policy attorney and then as the associate administrator of EPA's Office of Policy.

"I think she's probably the farthest left and most committed of anyone on the team, with the exception of Carol Browner," on climate change, said an industry attorney familiar with the agency, referring to the former agency administrator and President Barack Obama's energy and climate adviser.

Gilfillan rejected the idea of any policy division among senior agency officials. "We understand that good gossip makes for good copy, but POLITICO is flat out wrong, as are the anonymous sources they quote – there are no 'camps' at EPA on these issues," he said in an e-mail.

Although Jackson and EPA regulations have become popular targets for Republicans and industry groups, many environmentalists say the agency has watered down its

climate rules in an effort to deflect political opposition.

Obama defended the agency Wednesday, citing the *Massachusetts v. EPA* Supreme Court ruling and saying he's not backing down on climate change.

"The EPA is under a court order that says greenhouse gases are a pollutant that fall under their jurisdiction, and I think one of the things that's very important to me is not to have us ignore the science," Obama said.

Heinzerling's position is not Senate-confirmed. She took a two-year leave of absence from Georgetown when she left in 2009.

**Brendan
Giffilan/DC/USEPA/US**
12/17/2010 05:18 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, David McIntosh, Arvin Ganesan,
Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph
Goffman, Janet McCabe

cc

bcc

Subject Greenwire: Rockefeller abandons efforts to muzzle EPA
authority

Rockefeller abandons efforts to muzzle EPA authority (12/17/2010)

Jean Chemnick, E&E reporter

Sen. Jay Rockefeller (D-W.Va.) this afternoon abandoned his efforts to secure a vote on his bill to limit U.S. EPA authority, blaming Republicans for backing away from the measure.

"I have been reliably informed that longtime Republican proponents of my bill to suspend EPA regulations on greenhouse gas emissions have pulled their support for this year -- so that they can gain some political advantage trying to take over this issue in 2011," the senator said in a statement.

Rockefeller said that momentum had been building among Democrats for his bill, which would delay for two years EPA regulation of greenhouse gas emissions from stationary sources like power plants and manufacturing facilities.

"This is of necessity a bipartisan proposal and it cannot proceed without strong Republican support and effort," he said. He singled out Sen. Lisa Murkowski (R-Alaska) for her continued support for his bill.

Rockefeller's statement comes one day after he said he would "insist" that Senate Majority Leader Harry Reid (D-Nev.) allow the bill to come to the floor during discussion of a government spending bill. Rockefeller's strategy would have required him to find 67 votes -- an improbably high hurdle for a bill that most Senate Democrats oppose.

Senate Democratic leaders have since abandoned the appropriations omnibus because of Republican opposition. Rockefeller has previously hinted he might not pursue a stay on EPA regulations in the new Congress, but he reversed course today.

"Let me make clear, I will be back fighting hard for my two-year bill as my first order of business in the new Congress," he said, citing a January launch date for some carbon requirements for very large sources.

Rockefeller's Democratic colleagues said he discussed his bill during a policy luncheon at the Capitol this afternoon.

"He's indicated that he's not going to proceed," said Sen. Debbie Stabenow (D-Mich.) following

the caucus luncheon. "There's not a mechanism to proceed at this point in time."

Stabenow said she did not know how she would vote if Rockefeller did win a vote for his bill.

"I would certainly take a look at it if he does" get the bill to the floor, she said.

Stabenow said she was concerned that EPA regulations would have a stifling effect on her state's manufacturing sector.

Sen. Ben Nelson (D-Neb.), a co-sponsor of the Rockefeller effort, said he was in favor of bringing it to the floor this year, "but I also recognize the compression of time."

Nelson said he hoped EPA would delay implementation of its carbon program until Congress had an opportunity to act.

"I would hope that ... in light of what has been done, and in light of what we want to do, that EPA wouldn't jump in and do something preliminarily to shut us out. Because we would undo whatever they chose to do. I'd rather just not have that fight," he said.

Joe Mendelson, director of the climate change program at the National Wildlife Federation, said that even if an effort like Rockefeller's does not become law, it sends a message to EPA that Congress does not support strong regulation of carbon and other emissions. This can have a dampening effect on the agency's efforts to curb emissions, he said.

"Any political push to attack the agency we think is unjustified, and we don't want to see happen," he said.

Brendan
Gillilan/DC/USEPA/US
11/10/2010 03:24 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Adora Andy, Gina McCarthy, Joseph Goffman, Janet McCabe, Don Zinger, David McIntosh, Arvin Ganesan, Lawrence Elworth, Daniel Kanninen, Stephanie Owens, Dru Ealons, Lisa Heinzerling

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bcc

Subject BACT Stories so far

E.P.A. Issues Guidance on New Emissions Rules

By [JOHN M. BRODER](#)
NY Times

Seeking to reassure major power plant and factory owners that impending regulation of climate-altering gases will not be too burdensome, the Environmental Protection Agency emphasized on Wednesday that future permitting decisions would take cost and technical feasibility into account.

Under the Obama administration, the E.P.A. declared that gases that contribute to global warming are a danger to human health and the environment and thus must be regulated under the Clean Air Act. The agency is starting with the largest sources of such emissions — coal-burning power plants, cement factories, steel mills and oil refineries — and then will extend the regulations to smaller facilities.

Utilities, manufacturers and oil companies have challenged the new rules, saying that the E.P.A. arbitrarily chose the plants it will regulate and that the Clean Air Act never envisioned limitations on carbon dioxide, a ubiquitous substance that is not in itself toxic or hazardous to health. The state of Texas has said it will not abide by the greenhouse gas regulations no matter how the E.P.A. decides to define or enforce them.

Gina McCarthy, the head of the E.P.A. office of air and radiation, said on Wednesday that the agency was simply following the law by beginning the process of regulating greenhouse gases, and that the facilities that will need to obtain permits starting in January are already complying with clean air rules for other pollutants.

She said the agency was taking a moderate approach to the regulation, allowing states and other bodies that grant air pollution permits to consider cost and available technology as factors to be considered when requiring modifications of plant operations.

Industry groups have argued that meeting the new requirements will be so costly and time-consuming that they constitute a de facto moratorium on construction of new plants or major expansions of existing ones.

Ms. McCarthy said that such fears were overblown.

“We are fully prepared to issue permits,” she said at a news conference. “Make no mistake about it: this does not present an opportunity for any construction moratorium. E.P.A. and the states are fully prepared to take this on.”

She also stressed that today’s guidance was not a new regulation, but merely a set of steps that regulators will take in deciding how and when to grant new permits. She said that many facilities would be able to meet the law by adopting more efficient means of producing energy, thus reducing overall emissions. Many such modifications will pay for themselves, she said.

The new guidance allows for the substitution of biomass – wood waste, switchgrass or other agricultural products – for fossil fuels as a way to meet the new air quality rules. Agriculture Secretary Tom Vilsack said that would generate new income opportunities for American farmers and forestry companies while reducing global warming emissions.

Environmental advocates generally praised the new guidance because it allows companies and states flexibility in meeting the new greenhouse gas standards.

“Energy efficiency is one of the best ways to reduce pollution and save money, particularly in the manufacturing sector,” said [Mark MacLeod](#), director of special projects at Environmental Defense Fund. “Today’s guidance will prepare companies for the permitting process and help them find ways to cut pollution while saving money for themselves and their customers.”

William Becker, executive director of the [National Association of Clean Air Agencies](#), a collection of state air pollution regulators, said in a statement: “E.P.A.’s guidance will provide industry greater certainty, quicker permitting decisions and a smoother path toward greenhouse gas implementation. This should put to rest the exaggerated claims of some stakeholders that greenhouse gas permitting will have disastrous economic consequences.”

EPA to Give States Greenhouse-Gas Discretion

Wall Street Journal

WASHINGTON—The Environmental Protection Agency is moving to give states broad discretion in what they require businesses to do to limit emissions of heat-trapping gases from factories, refineries and other industrial facilities.

A group that represents state regulators said Wednesday that the EPA's approach should allay businesses' fears of a heavy-handed, Washington-dominated approach to greenhouse-gas regulation.

But business groups say that by leaving decisions to states, the agency could prolong uncertainty over what companies have to do to comply with greenhouse-gas limits. Business groups have opposed the EPA's effort to regulate emissions of carbon dioxide and other greenhouse gases, on

the grounds that it will lead to costly permit requirements, litigation and delays in construction.

People familiar with the matter said the agency would announce Wednesday afternoon how it expects states to control emissions of greenhouse gases from buildings, under a new regulation that takes effect in January.

A "fact sheet" circulated by the agency Wednesday morning among industry and environmental groups suggests the agency intends to defer heavily to state regulators but that it will encourage them to allow energy-efficiency measures to qualify as constituting compliance. Examples could include upgrading a factory's boiler to produce more heat with less energy.

The document—titled "Clean Air Act Permitting for Greenhouse Gases: Guidance and Technical Information"—says decisions on what constitutes compliance "will continue to be a state, and project specific decision" and that the agency's guidance "does not prescribe" the kinds of technologies that companies will be expected to use.

Under President Obama, the EPA has declared emissions of greenhouse gases, including carbon dioxide, to be a danger to human health, the legal prerequisite to regulating them. But the agency hasn't spelled out precisely how it expects states to limit emissions from power plants, refineries, cement plants and other big facilities that emit such gases. The EPA relies on states and local agencies to administer air-quality permits.

Earlier this year, the agency told states they would have to account for greenhouse-gas emissions when issuing air-quality permits to large facilities by next January. Business groups—led by the American Petroleum Institute and the U.S. Chamber of Commerce—and the state of Texas have challenged the legal underpinnings of the regulations.

In an August letter, Texas's attorney general, Greg Abbott, and the chairman of the Texas Commission on Environmental Quality, Bryan Shaw, accused the EPA of trying to "usurp state enforcement authority" and assert "centralized control of industrial development," and said that Texas "has neither the authority nor the intention of interpreting, ignoring, or amending its laws" to regulate greenhouse gases.

William Becker, executive director of the Washington-based National Association of Clean Air Agencies, which represents state and local environmental regulators, said the EPA's guidance showed flexibility and should allay businesses' fears about the financial impact of new regulations.

But business advocates expressed concern that the EPA's guidance could prolong companies' uncertainty.

"People will obviously need to review the guidance more carefully, but it really just looks like a long list of options," said Jeff Holmstead, a Washington attorney whose clients include major coal-burning electric utilities.

EPA Issues Carbon Guidance to Help States Enforce Rules

Bloomberg News

States will decide what pollution-cutting technology must be used at power plants and other industrial sources of greenhouse gases under guidelines released today by the U.S. Environmental Protection Agency.

The guidance lets states determine on case-by-case basis the “best available control technology” that polluters should use to regulate carbon-dioxide pollution that contributes to climate change. Energy efficiency probably will emerge as the most cost-effective approach, the agency said in an e-mailed statement.

“EPA is showing that dealing with greenhouse-gas emissions is not the bogeyman portrayed by opponents of clean-air controls,” said [Frank O’Donnell](#), president of the Washington-based environmental group [Clean Air Watch](#).

States such as Texas and U.S. lawmakers including Senator [Jay Rockefeller](#), a West Virginia Democrat, have said the EPA’s efforts to limit carbon emissions will hurt the economy. Texas wants to abolish the rules, while Rockefeller has called for a two-year delay. The Chamber of Commerce, the largest U.S. business lobbying group, has said EPA guidelines should promote energy efficiency.

The EPA said it’s not likely that companies will have to install expensive technologies aimed at capturing and storing carbon-dioxide emissions, a greenhouse gas blamed for climate change, according to agency documents.

The new carbon regulations are set to begin Jan. 2 and will apply to new or modified industrial sources of pollution.

EPA pushes efficiency as climate fix Politico

The Obama administration will release a long-anticipated plan Wednesday detailing how power plants and oil refiners should be forced to slash their greenhouse gas emissions.

[The Environmental Protection Agency](#) won’t explicitly require any specific control technologies for large stationary sources, according to a copy obtained by POLITICO, but the guidance encourages states and other permitting authorities to boost energy efficiency to slash their greenhouse gas emissions.

Wednesday’s announcement comes as Republicans and some coal-state Democrats are plotting to block EPA’s authority to regulate heat-trapping emissions.

Under EPA’s climate rules slated to kick in on Jan. 2, regulated sources will be required

to install pollution controls to win permits from state and local regulators.

And while EPA's guidance emphasizes efficiency improvements, the agency notes that the final decisions will be made on a case-by-case basis by state and local agencies, leaving the door open for more controversial requirements like fuel switching or carbon capture and storage.

EPA notes that carbon capture and sequestration is a promising technology that should be considered, although it is still expensive and is unlikely to be required in most cases.

Industry groups have expressed concerns that EPA's climate rules will have a devastating economic impact and could force plant shutdowns.

"People will obviously need to review the guidance more carefully, but it really just looks like a long list of options," said Jeff Holmstead, an industry attorney who served as EPA air chief during the George W. Bush administration. "As a practical matter, no one is going to be able to get through EPA's new permitting process for a long time. Even EPA staff admits that there will be a moratorium on construction for a couple of years."

State and local air regulators applauded the document.

"EPA's guidance will provide industry greater certainty, quicker permitting decisions and a smoother path toward greenhouse gas implementation," said Bill Becker, executive director of the National Association of Clean Air Agencies. "This should put to rest the exaggerated claims of some stakeholders that greenhouse gas permitting will have disastrous economic consequences."

EPA will brief reporters and Hill staffers on the new guidance Wednesday afternoon.

**Brendan
Gillilan/DC/USEPA/US**
03/23/2011 07:12 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Adora Andy, Gina McCarthy, Steve Page, Dana Tulis
cc
bcc
Subject Greenwire: EPA Watchdog Sinks Teeth Into Nuclear Crisis,
Hill Budget Brawl

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EPA Watchdog Sinks Teeth Into Nuclear Crisis, Hill Budget Brawl

By JOHN MCARDLE of [Greenwire](#)

As the triple disaster in Japan turns a spotlight on the U.S. capacity to respond to a similar crisis at home, U.S. EPA Inspector General Arthur Elkins is contemplating taking another look at parts of his agency's emergency response preparations that have raised red flags in the past.

For example, with a Japanese nuclear reactor spewing radioactive particles into the atmosphere, the White House and EPA have relied heavily on the national Radiation Ambient Monitoring System -- which continuously checks U.S. air for radiation -- to determine if exposure in the United States should warrant concern. But an EPA IG report from January 2009 found that the full implementation of the RadNet system was behind schedule and that further delays were possible to allow time to modify some monitors.

"As a result, the agency may have less information about the levels of radiation should a national radiological or nuclear emergency occur," the report stated.

And then there is a January 2008 IG report on EPA's national emergency response planning efforts: "While EPA has a proven track record of responding effectively to serious environmental situations, those situations are limited in scope and severity when compared to suggested incidents of national significance," such as, say, a major earthquake.

The IG found EPA's emergency response plan, which was developed by the agency's Emergency Management Office in 2006, was "too limited and unstructured" to prepare EPA to roll out an effective national disaster response while also maintaining its day-to-day functions.

"I suspect it's time to look at that again," said Elkins, who has been on the job for about nine months and recently sat down for an interview at EPA headquarters.

Elkins said there are plenty of other issues stemming from the Japan disaster that could be worthy of the office's special brand of environmental protection, but that even with the broad level of independence granted to his office, he still has to bow to budget restraints.

"In a perfect world where ... money is no object, there's lots of things that we can do," Elkins said. "But we don't live in that world. We live in a different world right now."

It is a world where the IG's investigative dollars are already being stretched.

Two days before the Obama administration's budget was released in February, Elkins sent a letter to the Office of Management and Budget in which he expressed concern that the White House had submitted a fiscal 2012 request for his office that was more than \$5 million below what he had requested.

Elkins is currently trying to stem a rising tide of cyberattacks at the agency, and it is an expensive project that requires specialized skills and machinery ([E&ENews PM](#), March 2). Between that effort and many other projects competing for resources in his office, Elkins said in his letter that the approximately \$46 million that the president proposed for his office is simply not enough.

Obama's proposal is more than the office got under the George W. Bush administration, when the IG's budget ticked up from about \$34 million to around \$40 million over eight years.

But as the budgeting process plays out on Capitol Hill, Elkins said last week that he is trying to make sure his staff remains focused on doing the best it can with what it has by investigating the biggest and most substantive issues facing the agency.

One of those issues, he said, is EPA's ongoing failure to ensure that its approximately 18,500 employees are being put to the best use.

Human resource management has been an ongoing problem that is on display when -- as the IG's office found numerous examples of in recent years -- staff members are assigned to certain projects without thought as to whether they have the proper skills to do the job ([Greenwire](#), Feb. 24).

But Elkins said it is a problem that could come back to haunt EPA if the worst happens and a disaster on the scale of the Japanese crisis hits the United States.

EPA must ensure "that the human resources are in place to be able to respond effectively ... whether or not it's a national catastrophic event or whether it's a localized event," he said.

Congress as customer

Elkins, 61, is the first Senate-confirmed IG at EPA since Nikki Tinsley stepped down in 2006.

Before his appointment, Elkins was an associate general counsel at EPA where he served in the Office of General Counsel's Information Law Practice, Employment Law Practice and Intellectual Property Law Practice. He also spent about five years working as counsel to the inspector general at the National Science Foundation.

When he took over the EPA IG post last summer, the office was still finding its footing after both a prolonged vacancy in its top post and an effort under the Bush administration to sideline the EPA watchdog.

In the summer of 2008 the then-chief of staff in EPA's enforcement and compliance office sent what amounted to a gag order to top agency officials directing them to instruct their staffs not to speak with the inspector general's office or congressional investigators without first checking with public affairs officials. The incident prompted an outcry on and off Capitol Hill.

Now-EPA Administrator Lisa Jackson added her voice to that criticism during her confirmation hearing and, not long after taking over the agency, issued a memorandum instructing all staff to comply with auditors. Jackson said EPA staff are not required to obtain permission before speaking to OIG representatives during reviews and managers should not question employees about their interactions with OIG in the context of reviews ([Greenwire](#), Aug. 10, 2009).

Those efforts have gone a long way toward ensuring the crucial independence his office needs to do its job effectively, Elkins said.

But, he added, the office has to remain vigilant to guard against any effort that would impede its efforts to bring issues to light.

"Our mission is the same mission the agency has," Elkins said. "Our focus is on protecting human health and the environment."

Elkins and his staff of about 350 accomplish that goal by using their independence within EPA to "ask the tough questions" to bring incidents of waste to light and ensure the agency is running in the most efficient way possible.

While his law background has seen him serve as a public defender, prosecutor and chief legal officer in previous local and federal postings, Elkins analogized his current job to that of a newspaper reporter.

"We investigate, we report on what we find, we have our sources. ... We want to make sure the story is right," he said.

What Elkins is not is a political animal.

When asked about the impact his investigations and audits have on the hot-button debates on Capitol Hill over EPA operational or policy decisions, Elkins immediately retreats back to the definition of his job under the guidelines laid out in the 1978 Inspector General Act.

But while he tries to shun the politics, that does not mean Elkins also shuns politicians.

Elkins views Congress as one of his most important customers, and early in his tenure he made an effort to reach out to politicians on both sides of the aisle.

Those efforts may be part of the reason that seven lawmakers have already reached out to him for help in conducting their oversight and investigation efforts.

The requests have included a review of how the agency handles Freedom of Information Act inquiries at the behest of Rep. Darrell Issa (R-Calif.) and Sen. Charles Grassley (R-Iowa) and an effort to gather information on a lead-contaminated Superfund site in Omaha for Sen. Mike Johanns (R-Neb.).

Sen. James Inhofe (R-Okla.), the ranking member of the Senate Environment and Public Works Committee, recently requested Elkins' help in preserving documents in the agency's ongoing dispute with the state of Texas over gas-drilling permits. Inhofe had already approached Elkins last fall for a request involving mountaintop-removal coal mining permits in Appalachia.

Gulf spill investigations

At a time when EPA and its allies are trying to hold the line against deep budget cuts proposed by House Republicans, Elkins' reports can sometimes have unintended consequences.

For example, Elkins' recent report on the agency's failures to manage the human resources it already has isn't likely to help agency brass make the case that certain proposed Republican cuts go too far.

Meanwhile, the IG's office is in the process of putting out a couple other reports that are sure to find their way into political discussions.

The agency is conducting an audit of the decisionmaking behind the use of dispersants during the cleanup effort on last year's massive oil spill in the Gulf of Mexico.

Environmental and public-health groups have long aired concerns that the soup of toxic chemicals from gushing crude and oil dispersants could cause long-term health problems for Gulf cleanup workers.

The IG report, which is set to come out in the next few months, won't focus on the health effects of using those chemicals but will provide information on who made the decisions to use the dispersants and what scientific data they had on hand when they made that decision.

Another evaluation is looking into the recovery of costs that EPA incurred as a result of the spill and a third study is looking into EPA's role in managing the waste left over from the spill to ensure that it was properly disposed of or recycled.

With the one year anniversary of the spill coming up next month and finger-pointing continuing over the disaster, those reports could become fodder for a group whose agenda may be something other than simply minimizing waste, fraud and abuse.

Elkins said that is not something he worries about.

"We publish our reports in the public domain," Elkins said. "Anybody can take those reports and do with them as they will. Our purpose is to educate, to inform. What folks do with the reports after they leave our office, there's not much I personally can do about that."

**Brendan
Giffilan/DC/USEPA/US**
05/18/2011 01:36 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen, Janet Woodka
cc
bcc
Subject Politico Pro: Former Obama aide sees room for CES-EPA deal

Former Obama aide sees room for CES-EPA deal

By Robin Bravender
POLITICO Pro

5/18/11 12:36 PM EDT

A former top Obama administration energy aide sees room for a compromise on energy legislation that would block the EPA from regulating carbon dioxide emissions.

Joe Aldy, who served as a top White House aide on energy and environmental issues, said Wednesday that the left may be willing to stomach pre-emption of EPA climate rules if Congress can reach a compromise on a clean energy standard advocated by President Barack Obama.

“I think one could, from a substantive standpoint, be comfortable substituting this for EPA authority,” Aldy said at a clean energy event hosted by the Brookings Institution. “And then I think there’s eventual political benefit, because we do have this ongoing debate in Congress, what to do about EPA authority.”

Obama has called on Congress to pass a clean energy standard that would force utilities by 2035 to get 80 percent of their electricity from renewable sources like wind and solar, as well as nuclear, natural gas and cleaner uses of coal.

“Just as there was discussion over the last two years that you could effectively substitute a comprehensive policy for EPA regulatory authority for greenhouse gases; I think you could have a tailored exemption for the power sector — a clean energy standard for the power sector that would eliminate the need for EPA authority under the Clean Air Act,” Aldy said.

Congressional Democrats were willing to pre-empt EPA climate rules in cap-and-trade legislation that failed last year in the Senate, and GOP critics of EPA regulations on climate change continue to make their case to block the agency by any means necessary.

Aldy, now an assistant professor of public policy at Harvard’s Kennedy School, wrote [a report](#) released Wednesday that calls for a national clean energy standard. It says that a clean energy standard is a more effective alternative to EPA climate rules combined with a patchwork of state renewable and alternative energy portfolio standards.

**Brendan
Gillilan/DC/USEPA/US**
10/29/2010 10:01 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Bob Sussman, Lisa Heinzerling, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen

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bcc

Subject AP: Companies Fight to Keep Global Warming Data Secret

Companies Fight to Keep Global Warming Data Secret

AP

Some of the country's largest emitters of heat-trapping gases, including businesses that publicly support efforts to curb global warming, don't want the public knowing exactly how much they pollute.

Oil producers and refiners, along with manufacturers of steel, aluminum and even home appliances, are fighting a proposal by the Environmental Protection Agency that would make the amount of greenhouse gas emissions that companies release — and the underlying data businesses use to calculate the amounts — available online.

While gross estimates exist for such emissions from transportation and electricity production and manufacturing as a whole, the EPA is requiring companies for the first time to submit information for each individual facility.

The companies say that disclosing details beyond a facility's total emissions to the public would reveal company secrets by letting competitors know what happens inside their factories. More importantly, they argue, when it comes to understanding global warming, the public doesn't need to know anything more than what goes into the air. "There is no need for the public to have information beyond what is entering the atmosphere," Steven H. Bernhardt, global director for regulatory affairs for Honeywell International Inc., said in comments filed with the agency earlier this year. The Morristown, N.J.-based company is a leading manufacturer of hydrofluorocarbons, a potent greenhouse gas used in a variety of consumer products. Honeywell wants the EPA to reconsider its proposal, which the company said would damage its business.

Other companies are pressing the agency to require a third party to verify the data, so they don't have to submit it at all, or to allow them to argue on a case-by-case basis to keep some of it confidential, a suggestion the EPA warned would delay public release.

The EPA says it's necessary to make the data public in order for the companies' calculations to be checked. "It is important for outside groups and the public to have access to this information so they can essentially see and check EPA's and the company's math — giving the public greater confidence in the quality of data," the agency said in a statement.

As the EPA prepares to regulate greenhouse gases, the data companies are being required to

submit will help determine what limits eventually are put in place and whether they are working.

The EPA required companies responsible for large amounts of heat-trapping pollution to begin this year collecting 1,500 pieces of information. The data, which is due to be reported by March, will be used in the first-ever inventory of greenhouse gases, a massive database that will reveal most sources of greenhouse gases in the United States.

Suppliers of fossil fuels, which when burned release greenhouse gases, plus manufacturers of engines and vehicles, and facilities that release 25,000 tons or more of any of six heat-trapping gases, all must comply with the regulation, the first by the government on pollution blamed for global warming.

Most companies don't have a problem telling the government or the public how much they pollute; they already do it for other types of pollution, such as toxic chemicals and sulfur dioxide, the gas that forms acid rain. What they oppose — almost unanimously — is the public disclosure of the underlying data necessary to calculate the annual amount of greenhouse gases.

The EPA wouldn't need that information if companies actually measured greenhouse gas pollution at its source. But that equipment is expensive and for many companies would cost millions of dollars.

Even the Federal Trade Commission has weighed in, and asked the EPA to treat data used in emissions equations as confidential since it could lead to collusion among companies and raise prices for consumers.

Aluminum smelters want 11 of the 15 data fields the EPA intends to make public kept confidential, according to comments filed by the Aluminum Association. Koch Nitrogen Co. LLC, a fertilizer producer, questions the EPA's desire to make unit-specific or facility-specific emissions available, calling it "misguided" since a change in pollution from a single factory is unlikely to influence policy on a global problem.

For DuPont, a founder of the U.S. Climate Action Partnership — a group of businesses that support controls on global warming pollution — the proposal has caused heartburn, according to Michael Parr, senior manager of government affairs. Many of the company's plants, including a titanium dioxide factory in New Johnsonville, Tenn., release greenhouse gases when generating power.

"We actually lobbied for this reporting bill because we think it is a very good idea," Parr said in an interview. "What we are trying to get across is that if you take that information about how the plant runs and you make that available to the public it does not make the public any better informed about what is coming out of my plant. It exposes the fruits of all my innovation." If there is one polluting sector that is supportive of EPA's plans for full disclosure, it's electricity producers, which make public much of the data already.

Companies that sell information to investors and businesses want even more disclosure. They argue it is necessary to know how efficient a facility is, which is the amount of greenhouse gases

released per unit of production. Bloomberg LP, which has provided greenhouse gas data to the financial community since 2005, is asking the EPA to make public production volume data even if it is not used to calculate emissions.

In the company's comments it says, "Greenhouse gas emissions are not meaningful in isolation.

**Brendan
Gillilan/DC/USEPA/US**
10/28/2010 02:41 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Bob Sussman, Lisa Heinzerling, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen
cc Alisha Johnson
bcc
Subject Greenwire: All states but Texas on track to issue GHG permits -- report

All states but Texas on track to issue GHG permits -- report (10/28/2010)

Gabriel Nelson, E&E reporter

With state regulators required to start issuing Clean Air Act permits next year for large stationary sources of greenhouse gas emissions, the Lone Star State will be the lone holdout, according to a report released today by an association of state and local air agencies.

The states are scrambling to align their own rules with U.S. EPA's new regulations, which are set to take effect on Jan. 2, 2011.

Thirty-six states have already gotten federal approval to begin issuing greenhouse gas permits. Of the remaining states, which have been required to explain their plans to EPA, Texas is the only one that won't revise its rules or accept a federal implementation plan, according to the [analysis](#) by the National Association of Clean Air Agencies (NACAA).

Air officials in seven of those 14 states say their rules will be changed by Jan. 2 or "very shortly thereafter," the report says. Another six states have told EPA they are willing to adopt the federal program, but some of them would like to issue the permits themselves.

The permits will require large facilities to install the best available control technology (BACT) for greenhouse gases. EPA still hasn't given the states guidance on those standards, and business groups have raised concerns that a delay in the federal approval of state permitting programs would hold up the pre-construction permits needed to move forward with projects.

Bill Becker, executive director of NACAA, said he doesn't anticipate many delays. Even if the states don't have programs in place for weeks or months after Jan. 2, there won't be many permit applications because businesses that expect to need a permit next year are rushing to submit their applications before the new greenhouse gas emissions rules take effect, he told reporters today.

"The rhetoric and the exaggerations that opponents of this program are spewing are getting out of hand," Becker said. "They would lead you to believe that state and local permitting programs will be paralyzed, that individual sources will not be able to obtain permits in a timely fashion, and that state and local authorities simply won't have authority to act on the large number of permit applications starting Jan. 2. That simply isn't the case."

"I'm not saying this is going to be a totally perfect implementation schedule over the first couple

of months," Becker added, "but it will not be unlike any other major program that is being implemented for the first time."

Texas, which has filed several legal challenges to EPA's climate program, has refused to change its permitting program. EPA is moving too quickly and forcing states to comply with a "scheme that short-circuits the statutory process for regulating major stationary sources," the Texas Commission on Environmental Quality wrote in a letter to EPA earlier this month.

**Brendan
Gillilan/DC/USEPA/US**
10/27/2010 04:30 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Bob Sussman, Mathy Stanislaus, Daniel Kanninen, David McIntosh, Arvin Ganesan, Lisa Heinzerling, Stephanie Owens, Dru Ealons
cc Alisha Johnson
bcc
Subject Desmog blog/Huffington Post: Coal Lobbyists Wooed White House Staff To Influence Coal Ash Regulations Long Before Public Hearings

Coal Lobbyists Wooed White House Staff To Influence Coal Ash Regulations Long Before Public Hearings

Desmog Blog/Crossposted on Huffington Post

While the final EPA hearing is happening today in [Tennessee](#) to solicit public input on federal proposals to regulate toxic coal ash, a [new report \[PDF\] from DeSmogBlog](#) and [PolluterWatch](#) shows that coal industry lobbyists held [dozens of secretive meetings](#) with the White House to peddle their influence long before the Obama administration opened the process to the public.

The coal industry's influence on the process was largely peddled behind the scenes, beginning over a year ago, when lobbyists representing coal ash producers and users started [swarming the White House](#) to protect the coal industry from full responsibility for the potential health and water threats posed by coal ash waste.

The lobbyists' ability to quickly and easily gain access and influence over the White House's review of this critical environmental regulation calls into serious question President Obama's campaign pledge to limit the role of lobbyists in federal decision-making.

Between October 2009 and April 2010, coal industry representatives held [at least 33 meetings](#) with White House staff on the coal ash issue, almost three times as many meetings as environmentalists and university scientists were granted on the subject.

At the time the lobbying spree began last fall, the industry was facing a fast-tracked effort by the Environmental Protection Agency to finally classify coal ash as hazardous waste, a much-needed designation since the ash - laden with heavy metals like arsenic, lead, mercury, cadmium and a host of other radioactive and dangerous substances – [threatens water supplies](#) and [human health](#) in communities nationwide.

The Obama White House seems to have been more than happy to accommodate the massive lobbying blitz, which achieved in short order exactly what the industry wanted by delaying federal regulation of coal ash waste indefinitely.

The result was that EPA was forced to issue two proposals for public comment – one much more favorable to the industry - undercutting EPA's authority to regulate coal ash based on solid science alone. □□Despite overwhelming evidence that existing state regulations are failing to protect the public, polluter politics has once again prevailed, revealing the Obama White House

to be as easily manipulated by industry lobbyists as any prior administration.

EPA Administrator Lisa Jackson's original proposal drew instant criticism from the coal industry, and polluter lobbyists quickly began booking meetings with the White House to raise objections. They focused their attention on the [Office of Information and Regulatory Affairs \(OIRA\)](#), an arm of the White House Office of Management and Budget that reviews draft agency rules.

Overseen by President Obama's regulatory czar, Cass Sunstein, OIRA is a favorite industry target to gum up the federal regulatory process because it is charged with reviewing proposed environmental rules based on multiple economic and political considerations, not strictly science. OIRA is known to regularly solicit industry input in its review process. The power of the OIRA was well demonstrated during the Bush administration when [former OIRA head John Graham derailed dozens of environmental regulations](#) at the behest of polluting industries.

In the case of coal ash, White House staff held at least 33 meetings with coal ash lobbyists in the past year, calling into question the [coal industry's "undue influence"](#) over the government's deliberative process.

Read the [full report \[PDF\]](#) detailing the coal industry lobbying blitz, and check out Greenpeace's new [spreadsheet of coal ash threats \[PDF\]](#) sorted by company.

**Brendan
Gillilan/DC/USEPA/US**
10/26/2010 01:29 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Bob Sussman, Mathy Stanislaus, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Janet Woodka, Gina McCarthy, Peter Silva, Janet Woodka
cc Adora Andy, Betsaida Alcantara

bcc

Subject Pro Publica/PBS Frontline: Furious Growth and Cost Cuts Led To BP Accidents Past and Present

All -

The below story is the result of a 6-month investigation by Pro Publica and PBS Frontline. An hour-long documentary component of the investigation will air on Frontline tonight. [More information - including a review of the documentary - can be found here:](#)

<http://www.pbs.org/wgbh/pages/frontline/the-spill/>

<http://tv.nytimes.com/2010/10/26/arts/television/26spill.html?hpw>

Furious Growth and Cost Cuts Led To BP Accidents Past and Present

ProPublica/PBS Frontline

Jeanne Pascal turned on her TV April 21 to see a towering spindle of black smoke slithering into the sky from an oil platform on the oceanic expanse of the Gulf of Mexico. For hours she sat, transfixed on an overstuffed couch in her Seattle home, her feelings shifting from shock to anger.

Pascal, a career Environmental Protection Agency attorney only seven weeks into her retirement, knew as much as anyone in the federal government about BP, the company that owned the well. She understood in an instant what it would take others months to grasp: In BP's 15-year quest to compete with the world's biggest oil companies, its managers had become deaf to risk and systematically gambled with safety at hundreds of facilities and with thousands of employees' lives. "God, they just don't learn," she remembers thinking.

Just weeks before the explosion, President Obama had announced a historic expansion of deep-water drilling in the Gulf, where BP held the majority of the drilling leases. The administration considered the environmental record of drilling companies in the Gulf to be excellent. It didn't ask questions about BP, and it didn't consider that the company's long record of safety violations and environmental accidents might be important, according to Carol Browner, the White House environmental adviser.

They could have asked Jeanne Pascal. For 12 years, Pascal had wrestled with whether BP's pattern of misconduct should disqualify it from receiving billions of dollars in government contracts and other benefits. Federal law empowers government officials to "debar"—ban from

government business—companies that commit fraud or break the law too many times. Pascal was a senior EPA debarment attorney for the Northwest, and her job was to act as a sort of behind-the-scenes babysitter for companies facing debarment. She worked with their top management, reviewed records and made sure they were good corporate citizens entitled to government contracts.

At first, Pascal thought BP would be another routine assignment. Over the years she'd persuaded hundreds of troubled energy, mining and waste-disposal companies to quickly change their behavior. But BP was in its own league. On her watch she would see BP charged with four federal crimes—more than any other oil company in her experience—and demonstrate what she described as a pattern of disregard for regulations and for the EPA. By late 2009 she was warning the government and BP executives themselves that the company's approach to safety and environmental issues made another disaster likely.

A close look by ProPublica and PBS FRONTLINE at BP's explosive growth corroborated and expanded on Pascal's concerns. The investigation found that as BP transformed itself into the world's third largest private oil company it methodically emphasized a culture of austerity in pursuit of corporate efficiency, lean budgets and shareholder profits. It acquired large companies that it could not integrate smoothly. Current and former workers and executives said the company repeatedly cut corners, let alarm and safety systems languish and skipped essential maintenance that could have prevented a number of explosions and spills. Internal BP documents support these claims.

A ProPublica analysis of state and federal records revealed that BP has fared far worse in the United States than the rest of the industry in terms of spills and serious safety violations.

In Alaska, home to one of BP's longest-standing and most important business units, the company produced nearly twice as much oil as ConocoPhillips, the other major company operating there, but since 2000 it has also recorded nearly four times as many large spills of oil, chemicals or waste. In the Gulf of Mexico, BP had more spills than Shell between 2000 and 2009, even though Shell produced more oil there.

BP's workers also appear to be more at risk. In Alaska, it has had 52 worker-safety violations since 1990, compared with ConocoPhillips' seven. Nationally, according to an extensive analysis of data from the Occupational Safety and Health Administration, BP had 518 safety violations over the last two decades, compared with 240 for Chevron and even fewer for its other competitors. Since those statistics were compiled, in 2009, OSHA has announced 745 more violations at two BP refineries, one near Toledo, Ohio, and the other in Texas City, Texas, where 15 people were killed and 170 injured in a 2005 explosion. "They just weren't getting it," Jordan Barab, OSHA's deputy assistant secretary of labor, told ProPublica and FRONTLINE. In the last decade, OSHA records show that BP has been levied 300 times more in fines for refinery violations than any other oil company.

"BP's cost-cutting measures had really cut into their plant maintenance, into their training, into their investment in new and safer equipment," Barab said. "When you start finding the same problems over and over again, I think you are pretty safe in saying they've got a systematic

problem.”

According to documents obtained exclusively by ProPublica and FRONTLINE, some of the inspectors BP was using to monitor its pipelines in Alaska, where two serious spills occurred in 2006, weren't properly certified or trained. Even today, four years after former CEO Tony Hayward pledged to keep a “laser-like” focus on safety, maintenance on the massive turbines that run the company's Alaska plants has been deferred. Many of these facilities operate without fire and gas detectors, because theirs are outdated and are expensive to replace. Workers in Alaska told ProPublica they fear another deadly BP accident could happen at any moment.

The pattern extended to BP's Gulf of Mexico operations. BP's flagship \$1 billion Thunder Horse drilling platform nearly sank in 2005 after engineers installed ballast valves backward. And a federal lawsuit over safety concerns on another BP rig, Atlantis, was making its way through the courts even as the Deepwater Horizon exploded.

BP declined repeated requests for comment and for an interview with its new CEO, Robert Dudley. When sent a list of more than 30 questions, it replied with a three-paragraph statement saying that BP will establish a new safety division reporting directly to the CEO. Monday, in a press conference in London, Dudley said that he did not believe that BP is an unsafe company, and warned that the ProPublica and FRONTLINE report would be unflattering. For Pascal, the explosion in the Gulf heightened the frustration she'd felt in the last months of her job. BP's Prudhoe Bay and Texas City units had been automatically blocked from government work on her watch—that's the minimum debarment action after a prominent air or water pollution crime in the United States—but she'd never been able get the company to change. She'd used all the normal tools to bring BP into what the government calls “compliance.”

The only thing she hadn't done was bring down the big hammer: the EPA's power to ban an entire company from doing business with the federal government.

Many companies have been debarred, but never has one as large as BP, or as important to the U.S. economy and security. Debarment would have severed BP's contracts with the American military and jeopardized the company's long-term access to reserves that generated nearly \$16 billion in revenue for the company last year. BP's stock price would likely have gone into a tailspin.

Now, with the Deepwater Horizon disaster unfolding on her TV screen, Pascal believed such a move was finally warranted.

Curious for more news, she called her old office in downtown Seattle. But the EPA was already in lockdown. Just weeks out of a 26-year EPA career, she was told she couldn't talk to her old team. She'd have to call the public affairs office if she wanted information.

Pascal then dialed another number, for Scott West, a retired EPA criminal investigator who had also worked the BP case. He, too, was enraged by what he saw happening in the Gulf, and reporters were pressing both of them for information. Together they decided they had an obligation to tell people what they knew about the company at the core of this unfolding tragedy.

If the public had known sooner, Pascal thought, perhaps the Deepwater Horizon disaster might have been prevented.

BP's Historic Ambition

BP's ascent to the top tiers of the oil industry hit full stride in 1995, when John Browne became CEO. The company was founded as the Anglo Persian Oil Company in 1909 but languished after Middle Eastern countries nationalized their oil in the 1970s. By the time Browne took over, it was so far behind Exxon and Shell, the world's largest independent oil companies, that it could hardly feel their tailwind.

Browne was an engineer who had practically been raised in BP's business. But with a passion for art and the London Opera, he was hardly a typical oilman. He did, however, have a vision for a bigger, sleeker BP.

In 1998 he put together what was at the time the largest merger in corporate history—the \$61 billion buyout of Amoco Corporation. By mid-2001 he had also bought ARCO and four other companies. “We’ll be the largest producer of oil in the non-OPEC world,” Browne said when he announced the ARCO merger.

On paper, the company quadrupled in value and became a huge global competitor overnight. Browne was hailed in Britain as the “Sun King,” and in 1999 BP's stock soared to what was then an all-time high.

BP's next challenge was not only to integrate its thousands of new employees and numerous industrial facilities, but to do it without increasing the company's already-significant debt.

Fadel Gheit, a managing director at the investment bank Oppenheimer, said that during the time of the mergers BP's debt ratio was at least 10 percentage points higher than was normal for the company.

"BP has historically maintained higher debt levels and debt ratios than its peers," he said. "It believed that debt is the cheapest source of capital." In contrast, he said, "U.S. majors Exxon and Chevron believe in low debt, or even no debt, and investors seem to like that."

Browne, with little wiggle room, brought the companies into the fold by slashing jobs and cutting costs. He squeezed out \$2 billion in savings from the Amoco merger alone.

At the same time he steamed ahead with extracurricular projects that Tony Hayward would later describe as distractions. Browne delivered speeches on climate change. He rebranded the company from British Petroleum to BP and added the “Beyond Petroleum” tagline to put it in a more cosmopolitan, ecological light.

But Browne and other senior managers weren't deeply engaged in the day-to-day operations of their facilities, and the disparate corporations they acquired were never fully integrated. More than a decade later, employees still identified themselves as ARCO, or Amoco, or wherever else

they came from. And each of those cultures approached safety and maintenance differently.

“Growth creates challenges to management,” said Ronald Freeman, a former managing director for Salomon Smith Barney. “BP in this case just grows beyond its management ability to watch everything they need to watch when they need to watch it.”

While Browne reveled in the spotlight—he was even knighted by Queen Elizabeth—cracks began to appear in his burgeoning company, cracks that Jeanne Pascal would be among the first to spot.

The Government Was Warned

Pascal was assigned to BP in 1998, when the company’s Alaska division was settling a criminal case involving a contractor who had illegally dumped hundreds of gallons of toxic waste back into a well hole. It was the company’s first federal felony, Pascal’s first assignment to BP and the first dot in a crude portrait of what would shape up to look like a repeat offender.

Pascal was 49 at the time. An affable woman, with carefully coiffed hair and residual southern charm, she grew up in Tennessee and got a law degree from University of Memphis. After graduation she landed a job as a prosecutor in a small town north of Seattle and married a sheriff’s deputy.

But Pascal wanted to “make a difference,” and she decided to move into environmental law. She set her sights on getting a job with the EPA, and after sending her resume to the agency every month for a year, she was finally hired in 1984.

“I actually put the memo of hiring into a scrapbook,” she said.

By the time she was assigned to the BP case, Pascal had handled at least 600 EPA cases against large and small companies, usually juggling 25 to 50 at a time.

Almost any time a company is convicted of a crime it faces the possibility of a ban on federal contracts, or debarment. When debarment kicks in—or in some cases to avoid it in the first place—companies reach a settlement with the EPA that establishes benchmarks they must meet, so the government can eventually lift the sanctions.

In Pascal’s experience, most companies settled quickly and in good faith, and at first BP seemed to be following that path. After pleading guilty to felony charges, it avoided debarment by signing a settlement agreeing to five years of probation and promising to institute a “revised corporate attitude.” It pledged not to punish employees who reported environmental concerns and said it would spend \$15 million on an environmental management program for its operations in Alaska, Texas and the Gulf.

As part of the agreement, BP Exploration, the company’s Alaska division, also agreed that its Health, Safety and Environment director would report directly to the division president, so top executives couldn’t avoid hearing about serious safety concerns. The EPA identified this as one

of the most important things BP could do to reform its safety culture in Alaska.

For several years, BP appeared to be complying with the agreement.

The monthly reports it sent to Pascal detailed the success of its maintenance and safety programs. Senior managers assured her personally of the company's progress when they met in the conference room of Seattle's Fairmont Hotel. There were a couple of accidents, but executives blamed irresponsible employees or assured her the problems had been fixed.

Then, in early 2004, Pascal was sitting at her desk at the EPA when she got a phone call from a BP mechanic who was a member of the United Steelworkers Union on Alaska's North Slope.

"There are awful things happening on this oilfield," Marc Kovac told her.

Kovac was referring to the facilities where he was working near the shore of the Arctic Ocean.

He described serious corrosion in some sections of pipeline and said BP was manipulating environmental inspection reports to show that the pipelines were fine. He told her that workers who complained about the problems had been fired. And he said that a leak—or worse, an explosion—could happen any day.

"I'm scared for my life," Pascal recalls Kovac telling her. "If you have a case against BP Alaska you don't want to let them go."

Pascal's phone kept ringing, and workers began sending her documents and internal company e-mails to support their claims. Among them were documents from the mid 1990s describing BP's decision to put off or cancel corrosion maintenance in order to save money and meet John Browne's budget targets. Other documents showed that BP had delayed replacing the gas detectors that warn of a potential explosion. Pascal learned that a BP oil worker, Don Shugak, had been severely burned in 2002 after a well exploded in his face—and that BP had misled investigators about the cause of the accident. And she discovered that in 2003 the company had failed to report a small oil spill until after it had begun cleaning it up.

The BP case was turning into a case unlike any other she had handled. "I'd had whistleblowers come forth before, like one or two, maybe three," she said. "I've never had 35 to 40 people come before me."

Pascal was furious. It appeared that BP had deliberately misled her and had violated its compliance agreement, but she needed an investigation to find out for sure.

"I tend to take people at face value," she said. "One of the hardest moments of my life with BP was in the first six months of 2004 when I realized that I had been managed, and that I had been so easily manageable. They lied. I had swallowed their line hook, line and sinker."

Losing trust in BP was a hard lesson for Pascal, and the events of 2004 changed the way she approached the company in the six years that followed. For the first time she thought she might

have to actually debar this company.

Pascal demanded that BP investigate the workers' claims. In a meeting in Seattle in late 2004, the company's lawyers from the firm Vinson & Elkins showed the EPA an internal investigation that—while critical of BP in some aspects—dismissed many of the concerns.

“We did not find any evidence that the allegations regarding data fraud in the CIC program had merit,” the report stated, referring to the corrosion maintenance program.

Pascal remained convinced that an accident was inevitable. She shared her fears with the EPA's Criminal Investigation Division but said she was told that until an accident occurred, there was nothing to investigate.

Pascal then took her material to the Department of Justice.

“I said I had documents which showed the pipelines were in bad shape and that sooner or later there was going to be some kind of a failure,” she said.

An agent from the Federal Bureau of Investigation traveled to the North Slope to poke around but found nothing that could be knitted into a prosecution. The federal government, Pascal was again told, didn't have jurisdiction to interfere with oil and gas infrastructure unless a crime had been committed or an accident had already happened. In the meantime BP's five-year probation period had run out, taking most of Pascal's leverage with it.

“I explored that with all kinds of people and I couldn't find a jurisdictional way in, other than to let it happen,” she said. “So we had to wait.”

A Deadly Disaster in Texas

It didn't take long for the disaster to happen—it just happened 4,600 miles from Prudhoe Bay.

On March 23, 2005 a tower used to boil hydrocarbons at BP's sprawling 1,200-acre Texas City refinery was overfilled as the system was being restarted. Fumes, and then volatile liquid, filled an antiquated “blow down drum” meant to catch the overflow and spewed from the top like a geyser. When the fumes reached the engine of a truck idling nearby, the place blew up.

The blast obliterated a nearby office trailer. Fifteen people died.

That night, in her quiet country home outside Seattle, Jeanne Pascal broke down in tears. This accident could have been avoided, she told her husband, Dallas Swank.

“She was fairly certain that when the dust settled that they were going to find out that this was due to lack of maintenance and all the same things happening in Alaska,” he said.

Pascal was right.

Though Texas City was a refinery, not a production field, the circumstances were nearly identical. The BP executive responsible for refining at the time, John Manzoni, was managing maintenance issues in Alaska in the 1990s, when some of the cost cutting described in the e-mails that workers had sent to Pascal took place.

Texas City had been operating under budget cuts since BP took it over from Amoco in 1999. Workers—including the plant's manager—had explicitly warned top corporate executives that they didn't have the equipment or the resources to prevent a deadly explosion.

An internal BP safety report completed just months before the explosion said executives were “not in control of management of major hazards. The cost cutting has gotten to an extremely critical stage ... there is not any slack in the system.” It continued: “There is an exceptional degree of fear of catastrophic incidents.”

Manzoni, now the chief executive of Talisman Energy, based in Calgary, Alberta, declined to comment. BP also declined to answer questions.

Investigators later found that Texas City's isomerization unit—the refining tower that ignited—was relying on what is called a “blow-down drum,” a piece of equipment that was considered state of the art in the 1950s, to catch overflowing fuel. Amoco had been told to replace the drums as far back as 1977 but hadn't acted. BP considered switching them out in 2002 but held off because of the \$150,000 cost.

“Capital expenditure is very tight,” said an internal BP e-mail from management about the decision at the time. “Bank \$150k in savings now.”

The Texas City blast was the largest industrial disaster in the United States in decades. Former Secretary of State James Baker, who led an investigation into the accident on BP's behalf, said: “BP has not adequately established process safety as a core value.”

The explosion knocked BP, and John Browne, off their meteoric trajectory.

“BP gets it, and I get it too,” Browne would later say. “This has happened on my watch, and as chief executive I have a responsibility to learn from what has occurred. I recognize the need for improvement.”

The Largest Spill Ever on Alaska's North Slope

BP was still coming to terms with what had happened in Texas when disaster struck again, this time in Alaska.

At 5:58 a.m. on March 2, 2006, an Alaskan field operator radioed in an emergency “code black.” He had discovered an oil leak—a melted pool in a drift of pure white snow—near the central pipeline that gathers oil from the western half of the Prudhoe Bay oil field. Some 212,000 gallons—the largest spill ever on the North Slope—had leaked from a dime-sized hole in the line

over three days. The pipeline's spill-detection alarm system had malfunctioned, failing to alert BP.

BP revealed that it had not "pigged" the line—the standard maintenance process, in which a bullet-shaped robot is run through the pipe to clean it and measure corrosion—in eight years, in part to save money.

Congressional investigators turned up a set of e-mails—including some of the same documents Pascal had taken to the Justice Department—explaining that BP had also stopped using chemical corrosion inhibitors on the pipelines, even though it knew that would increase the chance of a spill.

"Due to budget constraints, the decision has been made to discontinue the PW inhibitor," a manager with BP's corrosion program wrote in 1999. "The GC2 bulk tank should run out within the next two days and it will not be refilled."

Three days later, a colleague responded, "I thought the PW lines were the ones in least control and therefore the ones we are most worried about."

In an April 2005 exchange, BP's corrosion management team discussed three ways to meet budget cuts: stop pigging, stop using chemicals to control corrosion or cut back inspections.

"We have huge infrastructure that is hanging on with no margin for error," wrote Kip Sprague, a corrosion manager. "Bitch, bitch, bitch ... I will try to wrestle down some middle ground between the reality of the situation and some feel-good placeholders." Sprague declined to comment on his e-mail.

Experienced oil workers said the Alaska spill was years in the making. Conditions in the 330-square mile drilling field are unusually harsh. Drilling operations are based in the town of Deadhorse, an industrial hashmark scratched out of the barren permafrost. It has an airport and thousands of temporary workers, but almost no year-round residents. In the winter, the sun never rises; in the summer, it never sets.

In the last miles before the shoreline of the Arctic Ocean, roughly 8 percent of America's oil supply flows through an extraordinary network of oil wells and pipelines and dozens of factory-sized facilities, down through the TransAlaska Pipeline, south to the port of Valdez. From there, it is shipped to California and beyond.

The drilling rigs and pipelines on the North Slope were built in the 1970s, when it was expected the field would last maybe 15 years. But the oil deposits were much larger than expected, and BP has reaped unforeseen profits by pushing existing equipment to handle production for decades longer than was ever intended.

Marc Kovac, one of the mechanics who first complained to Pascal, told ProPublica that the company follows what he called a policy of "run to failure"—minimizing maintenance as it tries to squeeze the maximum possible production from each link in its chain of facilities. Now that

the output of the North Slope has peaked, Kovac said BP managers see little incentive to upgrade equipment that will eventually be sold or abandoned.

The March 2006 spill jolted BP into crisis mode. In August Browne flew to Alaska to do damage control, touring the field with reporters and showing them how BP was attending to the mess.

But just two days later, a second smaller leak was discovered in the field's major eastern oil artery. That pipe hadn't been pigged since 1991, and an investigation found that 16 miles of it were severely corroded and could leak at any time.

As a precaution, the company cut off the entire flow of oil from the North Slope overnight, sinking BP's stock and sending oil prices skyward.

"Shutting down the whole oilfield seemed a little extreme," Browne wrote in *Beyond Business*, his memoir. "I knew the repercussions would be massive. ... I did not think things could get much worse."

Pascal was horrified—but not surprised—by what was unfolding. She also saw the opportunity she had been waiting for to help the North Slope whistleblowers.

"If a catastrophe has to occur to get others to belly up to the plate, it's regretful, but it may be necessary before real change will take place," she had written to Marc Kovac a year earlier. "I think this is win-able—the issue is at what cost."

Now that a spill had occurred in Alaska, the EPA could formally begin a criminal investigation of the workers' complaints. With Pascal's help, Scott West and the EPA's criminal investigation division quietly began work. Texas City was outside Pascal's jurisdiction at the time, but a separate criminal investigation had begun there, too.

Bob Malone, the newly appointed president of BP's American operations, told Congress there were "similarities" between the spills in Alaska and the Baker report on the explosion in Texas City. He acknowledged that the Prudhoe Bay spills were the result of "extreme" budget pressures and cost cutting that had discouraged preventative maintenance. He promised to create an independent ombudsman office so workers throughout the nation could communicate anonymously with management about safety concerns.

By the beginning of 2007, however, BP's board was growing impatient with Browne's now-numerous blunders. The scathing Baker report about the Texas City explosion came out just a week after BP learned that Browne had been having an affair with a man. According to news accounts and Browne's memoir, the company had already decided to replace him the following summer with Tony Hayward, a longtime BP executive who had worked closely with Browne for years. But before the switch could be made, news broke that Browne had lied under oath about meeting his partner through London's premier male escort service. He resigned the next day.

Years later, Browne wrote in his book that he still couldn't understand how the Alaskan oil transit lines had deteriorated so badly: "We had inspected the line regularly, so why had the

corrosion accelerated so rapidly?"

BP's Inspectors May Not Have Been Qualified

One answer to Browne's question might lie in information that BP hadn't shared with Pascal, the public or congressional panels in 2006 and 2007: The inspection program the company relied on to check its pipelines was in disarray.

E-mails and letters obtained by ProPublica show that the main contractor BP was using to check its facilities, Acuren, employed inspectors who weren't certified to perform their jobs and may not have been properly trained. The certification issues affected at least 19 inspectors responsible for more than 13,000 locations along the line and were serious enough that they were reported to BP's board of directors in London.

Concerns about the inspectors were raised in early 2007 by Acuren's training supervisor, Marty Anderson, according to an e-mail last year from BP's deputy ombudsman. Acuren had hired Anderson after the 2006 spill, first to oversee the inspection program and later to audit the program's overall effectiveness.

"He revealed a significant quality control breakdown in everything from the company's procedures ... to inadequate record keeping ... to having actually unqualified inspectors in the field performing inspections," Billie Garde, BP's deputy ombudsman, wrote to BP's general counsel. "The concerns were serious, and although people try to downplay the significance of the issues, they reveal a complete breakdown."

Anderson, who has more than 20 years' experience and has worked with companies including Shell and Chevron, couldn't tell ProPublica about his findings because he signed a confidentiality agreement with Acuren. But he confirmed that the company had, indeed, employed uncertified inspectors, and he explained in general terms why this was significant.

"The worst problem is to be certified but not qualified, because that means the person did not meet the qualification standard but yet someone testified that they did," Anderson said. "To me, that's fraud and could be a criminal offense."

BP and Acuren didn't respond to Anderson's complaints until he contacted the ombudsman's office.

"The procedure did not move quickly enough or with enough rigor at the beginning both on our side and on Acuren's side," said an internal BP memo.

Pascal also learned of Anderson's complaint. But since the ombudsman's office had already taken on the issue, she decided to sit back to observe how BP would respond.

In October 2007—14 months after the shutdown and seven months after Anderson first reported his findings—Doug Suttles, BP Alaska's president at the time and now the executive responsible for drilling in the Gulf of Mexico, began to act. BP hired an independent auditor and launched a

three-part review of Acuren's inspection program that confirmed Anderson's claims. Acuren re-inspected more than 10,000 locations along the line. It also transferred two senior executives.

BP declined to answer questions about the inspection program, but BP later assured members of Congress that its inspectors were properly certified. Acuren did not respond to calls for comment.

Garde, the BP deputy ombudsman, said Acuren inspectors weren't responsible for the exact sections of the line that leaked in 2006 and that most of them were competent to perform their jobs. But she was troubled that BP hadn't uncovered the problems that Anderson found when it vetted the Acuren contract.

"BP has oversight responsibility of all of its contractors, and it should have identified these issues without the need for a worker to come forward and speak about them," Garde said. "It would be a rare occasion to have another Marty Anderson in other contracts, and you can't rely upon that."

Garde was also concerned about how Anderson was treated after he reported the problem. Instead of being praised for his vigilance, he suddenly had trouble finding another job.

"Marty became the subject of both overt and subtle retaliation by Acuren and BPXA personnel," Garde wrote in a letter to BP's general counsel. "There is no question that there remains a high degree of hostility toward Marty by Acuren for 'getting them in trouble.'"

BP was "Too Top Down, Too Directive, and Not Good at Listening"

By late 2007, BP's internal problems were no secret. They had helped push the company's celebrity CEO out of his job, and Browne's replacement, Tony Hayward, minced few words about why.

"We diagnosed ... a company that was too top down, too directive, and not good at listening," he said in a speech to business students at Stanford.

"We failed to recognize we're an operating company. We had too many people that were working to save the world," he continued, in a clear jab at Browne's speeches on climate change.

Most famously, Hayward promised to turn the company around and to maintain a "laser-like focus" on safety. But it was unclear how he planned to do that.

In fact, soon after Hayward became CEO, BP's Alaska division made a bold change that deemphasized safety and was a direct affront to Jeanne Pascal and the EPA: It removed the division's Health, Safety and Environment director from a vice presidential position and dropped it several tiers down in the management hierarchy.

In Pascal's first settlement with BP Alaska back in 1999, the company had agreed that the HSE

director would report directly to the division president. But now HSE was being put into what the company calls a “technical directorate”—a group tasked with corrosion management and balancing maintenance with budget priorities.

“When you have environment and health and safety reporting to a business unit, what do you think gets the first attention?” Pascal said recently. “Business.”

Several former BP executives and managers say the move created a conflict because it meant that the person responsible for raising profits was also responsible for deciding how much to invest in safety. It also sent a clear message to employees that, in practice, safety was less important.

“Symbolism's important. The big stick's gone,” said a former BP executive. Like other executives and managers interviewed for this story he declined to be named because he did not want to be seen as working against BP.

A spokesman for BP Alaska told ProPublica that the reorganization was meant to clarify leadership authority at the top of the organization, improve efficiency and emphasize safety rather than diminish it.

“For someone to look at a line on an org chart and determine that we had devalued the importance of HSE—that would just be wrongheaded,” said the spokesman, Steve Rinehart. “I don't think that anybody could spend much time working around BP Alaska and not see pretty clearly how focused that organization is on safety and HSE.”

In an October 2008 letter to BP's attorneys, Pascal and Carson Hodges, her junior co-counsel on the BP case, demanded that the HSE group be placed back under the president. They also wanted a specific BP staff member selected as their liaison in ensuring that the company complied with an eventual debarment agreement—a guarantee to Pascal that she wouldn't be duped again.

BP rebuffed the government's demands.

“BP was very recalcitrant,” Pascal said. “It was turning into a major impasse.”

The HSE issue was critical because the communication gap between BP's senior executives and its operational managers had caused problems for the company before.

“Good news traveled instantly and bad news didn't travel at all,” Tony Hayward joked in that critical speech at Stanford.

When Bob Malone, the president of BP America, testified before Congress in late 2006, he swore that cost-cutting measures in Alaska hadn't been a factor in the pipeline spill. He looked sheepish six months later when he testified again and had to admit that he hadn't been aware of the extent of the cost-cutting program and that budget pressures had indeed compromised the pipeline.

After the Texas City explosion, BP's head of worldwide refining, John Manzoni, gave a sworn statement that he, too, had been unaware of the cost-cutting pressures on the Texas City refinery and that he hadn't been informed of the risks.

Pascal was beginning to wonder whether BP could be trusted to do business not just in Alaska but anywhere in the United States. A nationwide debarment had always been a possibility, but now it seemed it might actually be warranted. Such a move would cancel the billions of dollars in fuel contracts BP gets from the Department of Defense and prohibit BP from taking out new leases to drill on federal lands or waters. Since 39 percent of BP's oil and gas production comes from U.S. territory, a nationwide debarment would have a critical impact on the company.

But Pascal wrestled with the implications. BP paid the federal government more than \$674 million in royalties in 2009 for its government leases, and it provides nearly 12 percent of the U.S. military's fuel supply.

"The question is does the environmental damage outweigh the government's need for and reliance on BP's oil and gas?" she said.

BP Focused on Safety but Didn't Make Things Safe

On the surface, BP appeared to be getting safer in the years leading up to the Deepwater Horizon disaster.

Signs went up warning workers to hang onto handrails. Employees were forbidden to run in icy conditions. Meetings started with safety sermons. And each time a BP employee parked a pickup truck, he had to place a small yellow raft under the drive train in case a drop of oil fell from the gear box.

The number of recordable safety incidents dropped. Even as its profits increased, BP managed to achieve an exceptional safety record in terms of lost man-hours, said Robert Bea, an industry veteran and engineering professor at the University of California, Berkeley, who is independently investigating the Gulf spill.

But something was missing.

In Alaska, many of the same system-wide maintenance issues the company had been criticized for ignoring in 2001 remained unfixed. The conditions of the pipelines were as much a concern to workers as they were before the Prudhoe Bay spill.

"Everything was around lost work days, or recordables," said one former senior executive. "That was what the board wanted."

While BP was focusing on slips, trips and falls it wasn't paying enough attention to "low-probability, high-consequence systems failures lurking in the background," Bea said.

Texas City was a good example, said Don Holmstrom, who headed an investigation into the refinery blast for the Chemical Safety Board, a government agency that investigates industrial accidents. In the months before the disaster there—just as on the Deepwater Horizon rig—BP had achieved an excellent safety record as measured by recordable injuries and lost man-hours. But after the blast—and after “safety” became the company’s staple refrain—the dangers persisted at Texas City. Four more workers have died in accidents there since 2005.

“Citing personal safety statistics as an indicator,” Holmstrom said, does “not necessarily speak to how well one is doing.”

If the safety stats touted in annual reports were mostly window dressing, then the maintenance and reinvestment in the performance of BP’s facilities—in what the company calls “operational performance”—were the structural studs holding up the business, and they were neglected.

Former BP executives say the company’s top management made too many maintenance decisions while peering into a spreadsheet and that it was difficult for them to justify to their bosses making long-term, preventative investments.

“It’s been a struggle,” said a former BP executive who asked not to be identified because he still works in the industry. “I’m not going to make more money this quarter, but I have to increase spending in order to have a long-term viable business. That’s hard. I was just always explaining or trying to explain what we were trying to do in a language that is not purely financial.”

Nowhere were the risks created by underinvestment as palpable as at the company’s Prudhoe Bay operations.

In September, 2008, Karl Massera was walking along a high-pressure gas pipeline when it suddenly blew apart. There was no fire, but a 28-foot-long section of steel vaulted through the air, landing with a thud on the Alaskan tundra a fifth of a mile away. Massera hit the ground, expecting to die, as the 10-ton steel pipeline whipped through the air like a wild snake. Shouting over the roar of the leaking gas, he radioed the control center to warn them not to shut down the field’s electricity, because if they did, a spark could kill him. An electrical spark had once ignited an explosion in a similar incident and burned several nearby facilities to the ground.

Just 30 minutes after Massera radioed for help, another unrelated leak occurred on a separate line a couple of miles away.

A little more than a year later, a staging valve stuck closed at a large central compressor plant in Prudhoe Bay. Gas backed up, enveloping the facility in flammable fumes. Although flares had been installed to prevent a disaster like the one in Texas City, they weren’t lit and didn’t function. So the gas built up and spread around the plant. Sleeping barracks were nearby, and just a spark of static electricity in the bone-dry arctic air could have ignited an explosion that could kill hundreds of workers and shut down Alaskan oil production for years. That it never happened was just sheer luck.

Then, in November 2009, ice built up in a 25-year-old pipeline to the Alaska division's Lisburne Production Center—a facility so large that it dominates the horizon at the edge of the Arctic Ocean. The frozen line eventually split open, dumping nearly 46,000 gallons of crude oil, toxic wastewater and natural gas onto the frozen ground. BP had been warned by workers months before the spill that numerous problems at Lisburne were increasing the risk of such an accident.

The incidents enflamed Pascal's distrust, and she began to ratchet up her demands that BP agree to a set of rigid checks in order to fend off debarment. BP's progress reports on its maintenance projects were no longer good enough. Now she demanded receipts.

"I was no longer willing to accept their word," she said. "Show me, what did you maintain? I want to see what you paid, who you paid. What did you replace? I wanted the details."

"They did not like that at all," she added.

ProPublica gave BP a detailed list of questions about each of these incidents and asked for examples of how the company had strengthened operational safety in Alaska since 2001. But BP's response did not address the incidents or the Alaska safety issues.

The End of the Line

By the end of the decade Pascal again began to think that the only way to make the company improve was to debar the entire corporation. "There comes a point where the events conspire to basically show federal regulators that a particular company, for whatever reason, has no intent of complying with U.S. law and regulations," she said.

The company now had three criminal convictions—in Endicott Bay, Texas City and Prudhoe Bay—and a deferred criminal conviction in a price-fixing scandal. It also had a record of ongoing problems and employee harassment.

Pascal began carrying the completed debarment papers tucked under her arm as she made her way into work. Yet she still held to one last hope that a compromised compliance agreement could be reached.

By 2009 her demands included extra regulations and oversight of BP operations not just in Texas and Alaska, but also in the Gulf. It included moving the HSE group back up in the company command.

Pascal, at this point, was on the verge of retirement—she had promised herself she would leave at the age of 60. But she postponed her departure several times in order to see the BP case through. She said company executives acted confident—"arrogant"—as if they believed BP was so important that the U.S. government would never dare to debar it. "BP told me multiple times that they had direct access to the White House and they would go there."

In a last-ditch effort, she decided to call the company's bluff. If BP thought the Defense

Department needed it so badly it would never allow debarment, Pascal would show them they were wrong.

In the spring of 2009 she called a meeting with BP's new general counsel, Jack Lynch, at the Fairmont in Seattle to show him an e-mail her office had received from the Defense Department. In it, an official with the Defense Logistics Agency, the division responsible for BP's fuel contracts, offered unconditional support for debarment.

"You could do anything you wanted to BP and we could deal with it," the official, Normand Lussier, wrote, adding that he didn't think defense concerns should play into Pascal's judgment.

The message was clear. The government was united in its concern about BP. Now the company needed to act.

Pascal thought she had reached a turning point with BP. Lynch was new to his job, and she said he seemed genuinely intent on reaching a resolution.

But months passed, and still the agreement wasn't signed. Pascal began to suspect that BP was waiting her out.

Her concern grew when she learned that Marty Anderson, the inspection supervisor who had raised the alarm about BP's pipeline inspection program in Alaska, was accusing the company of blacklisting him. Here she was, working out a final agreement that pivoted around open safety communication between workers and their managers, and the company appeared to be punishing the man who had raised a flag about one of its worst spills in a decade.

"It appears that BP, regardless of its code of conduct and statements to the government, will do whatever is necessary to cover up the improper actions of its senior managers," she and Hodges, her junior co-counsel, wrote in an e-mail to Lynch and BP Alaska's new president, John Minge, on January 19, 2010. "This promotes intimidation, retaliation, blackballing and unethical behavior in the management ranks, and a culture of fear and lack of ethics in the employee ranks."

"Nothing has been done in TWO YEARS," the letter continued. "This is a current graphic example of why EPA does not trust BP."

When she wrote that letter, Pascal had all but made up her mind. If BP didn't sign the settlement agreement soon, she would double back on her case, make sure the documents behind her claims were rock solid and send the debarment papers up the flagpole for a final signature from the EPA's suspension and debarment official.

Two days later, Pascal was walking into the elevator at the EPA's downtown Seattle offices when her foot caught on an uneven lip at the door. She fell, hard, and was taken to a hospital, her face bruised, her rotator cuff so badly torn that her doctor said it was one of the worst shoulder injuries he'd seen.

For a few weeks, she tried to work from home. But she needed surgery and faced a six-month recovery period before she would be able to resume her full workload. She couldn't type. She couldn't drive. She couldn't even raise her arm to put a dish in the microwave.

On March 1, Jeanne Pascal submitted her retirement papers, leaving the BP case she had worked on for nearly 12 years unresolved.

The decision about whether or not to finally debar BP now falls to Carson Hodges, Pascal's former junior co-counsel. The EPA confirmed to ProPublica that it suspended its settlement negotiations with BP after the Gulf disaster and that it will add whatever findings result from the Gulf investigations to any future settlement. Neither Hodges or the EPA would comment for this story.

Pascal, for what it's worth, has finally reached her decision.

"I have to conclude that BP has a corrupt culture, and had I arrived at that conclusion while I was handling the case I would have immediately debarred them," she said last week. "I would have just let the chips fall where they may."

Brendan
Gillilan/DC/USEPA/US
10/20/2010 03:00 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Lisa Heinzerling, Bob Sussman, David McIntosh, Arvin
Ganesan, Sarah Pallone, Stephanie Owens, Dru Ealons
cc Adora Andy, Betsaida Alcantara

bcc

Subject Mother Jones: A fight with congressional Republicans may
just be what Lisa Jackson wants

A fight with congressional Republicans may just be what Lisa Jackson wants

Andrew Schenkel, Mother Jones

Republicans are licking their chops about questioning the EPA administrator, but recent history shows that may be exactly what she wants. As Election Day nears, so too does the day when Republicans will be able to put Environmental Protection Agency Administrator Lisa Jackson on the hot seat. All it will take for Jackson to be questioned, ridiculed and sound-bited into an ineffective administrator will be a Republican takeover of just one house of Congress. [Politico reports](#) that Jackson is near the top of the list of administration officials that Republicans want a piece of. The Politico story quotes a former staffer on the House Energy and Commerce Committee as saying, "I think she'll be very much in demand on the Hill, at times not of her choosing. It will diminish her free time, shall we say."

Calling administration officials before Senate or House committees for questioning is just part of politics when Congress and the executive branch are not controlled by the same party. After the Democratic takeover of the House of Representatives and Senate in 2006 it was General Petraeus who was not only called before Congress, but who was then [controversially attacked](#) in a full page [New York Times](#) advertisement paid for by MoveOn.org. Clearly that didn't work, and now all mention of the campaign [has been erased from the liberal organization's website](#).

As for Jackson, assuming Republicans take control of one or both houses, it will be interesting to see how she handles her time in front of congressional committees. Like Petraeus, she will be afforded the opportunity to give her side of things. She will have the opportunity to answer the predictable set of accusations about the science behind climate change, the administration's so-called anti-business agenda, and the claims that the [EPA](#) is over-reaching with its regulation of the energy industry.

While many on the left seem concerned about what will happen after the mid-terms, they should remember that Petraeus did so well under political fire that he is now approaching hero stage in both the political and military arenas.

Jackson will soon have a similar opportunity, and while she will not oversee any actual combat, she will have an opportunity to make her argument, and perhaps emerge victorious.

**Brendan
Giffilan/DC/USEPA/US**
11/01/2011 09:12 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Arvin Ganesan, Laura Vaught, Stephanie Owens
cc
bcc
Subject From Wash Post Upton profile

This is the last graph - full story is below:

At a September [joint session](#) of Congress, EPA Administrator Lisa Jackson caught sight of Upton. "She was smiling till she saw me," he recalled with relish. Minutes later, Obama himself was walking the aisle and took a second to lock eyes with Upton. "Good luck to you, Fred," the president said.

Capitol Hill power player Fred Upton switches ideological gears as his clout grows

By Ned Martel, Washington Post Published: October 31

Washington doesn't want [Fred Upton](#) anymore. Not the Old Fred Upton, at least.

A divided capital — and a restive GOP — is insisting that the affable, dutiful Michigander can no longer be who he has long been: the ultimate moderate. As chairman of the House Energy and Commerce Committee, this acolyte of centrist traditions is being urged to stop recognizing that the other side has a good point or two, especially points that the Republican leadership has not embraced.

In a city nudging both parties toward absolutism, centrists who once communed and voted with Upton — Republican [Mike Castle](#) of Delaware, Democrat [Bart Stupak](#) of Michigan — have been pushed out by redrawn district boundaries, strident activists and public impatience. Anyone known for getting along was told to git along.

For his quarter-century in office, Upton has embodied balance: He is a friend to House Speaker John A. Boehner (R-Ohio) and Minority Leader Steny H. Hoyer (D-Md.), he implores manufacturing chief executives and endangered-species advocates to just call him Fred. He is trustworthy and fair, and perhaps because of this, he was chosen for the secretive "supercommittee" trying to find an elixir for the country's debt problems. And yet, from the outside anyway, the committee shows more signs of sparring than swaying toward agreement.

While other moderates have been ousted, the citizens of St. Joseph and Kalamazoo (and points in between) have sent this grandson of the founder of one of the region's largest employers, Whirlpool Corp., back to Capitol Hill. And they have stuck with him because he did the strenuous across-the-aisle negotiations meant to keep air and waterways clean while keeping the factory lights on, that nudged the sick and elderly toward better health while coaxing the budget toward balance.

And yet, something's different about Fred Upton. At 58, he has been exhibiting a restless energy that suggests he knows now is his party's time to get aggressive, not conciliatory. Only as a fighting team can the Republicans capi-tal-ize on President Obama's weaknesses; only by being disruptive can they capture disgruntled voters. Subtlety is out, zeal is in.

Upton and his best friend in Congress, Oregon Republican Greg Walden, say that the days of bipartisan harmony were actually darker than mythological history paints them.

In the late 1980s and early '90s, Republicans felt as though they would never in their careers regain a majority. As Walden explained, "There was an attitude that you didn't want to stir things up with the majority, because then you wouldn't get anything."

Now this ascending group of House Republicans appears to be clear on one thing: They have a chance to reject the sitting president's agenda and possibly unseat him in a year's time. And Upton, ever a competitor, is determinedly part of that mission.

That makes onetime Democratic allies wonder what became of their friend Fred, who once pushed for mandates that all light bulbs be more energy-efficient but who now upbraids the Environmental Protection Agency for protecting the environment.

In his job as [Energy and Commerce Committee chairman](#), Upton has ruled more forcefully than anyone expected. "I chose everybody's spot on our side. I interviewed all of them," he said of his subcommittee lieutenants. His handpicked freshman-class reformers got coveted seats on his committee, he said, and "we're better for it."

In fact, Upton keeps signaling to his collaborators in progressive politics that they should expect no declarations of independence from Fred Upton. "We're going to have to work very closely with the leadership," he said. "No surprises. And we're going to work in sync."

For environmental lobbyists who found Upton to be available, if not reliable, over the years, the chairman's door appears closed. "The radicalization of Fred Upton is a perfect example of what's wrong with our country," said [Heather Taylor-Miesle](#), the director of the Natural Resources Defense Council Action Fund, who had counted him among the most fearless in the GOP. "I had real hope for Fred Upton, and actually I still do."

'Old Fred'

On a recent morning (he often arrives at dawn), Upton ambled into the Rayburn House Office Building. Bowlegged, rosy-cheeked and mostly sunny, he offered greetings to security guards and assistance to a staffer who works in a neighboring office. He allows a long-serving aide to bring her two dogs to the office, where they cavort with his own Sammy — and he later tears up at the memory of another dog who had visited often but has since died. The chairman showed off his balcony overlooking the Botanical Garden, a stone ledge soon to be the site of charcoal grills and bonhomie among his committee's friends and family. "We're going to do ribs," he said with a huge grin.

Upton had just written, respectfully, to a disgruntled woman in his district on the occasion of her 70th complaint to him. He tends personally to constituents, whether getting a veteran his long-denied Purple Heart or finding road funds for highways near Muhammad Ali's farm. In his two dozen years in Congress, he has missed 33 out of 15,000 votes, and he can offer pained explanations for each absence, like a veteran pointing out battle scars.

But Upton's love-thy-enemy alliances nearly cost him exactly what he was working toward. To lead the Energy and Commerce Committee, he had to vanquish Joe Barton, a more senior contender from Texas. One demerit was Upton's partnership with John Dingell, the Democrat who commanded the panel for decades and defended Michigan's mighty manufacturing sector. As a House GOP steering committee mulled the options, Upton called for backup all over town. "Fred Barnes is my neighbor," he offered as one example of a D.C. pasha and right-wing commentator whose writing assured Beltway hard-liners that they could trust Upton.

And Dingell, who is helping Upton on a bipartisan pipeline bill, understands that with power comes partisanship, that no one with a gavel can be a goody-goody. "Fred does not have the freedom he would have had previous to his time as chairman," Dingell explained. Upton still partners with Dingell on smaller issues such as tort reform and pipeline safety. He takes pains to host some make-nice events, like inviting to his Alexandria house Michigan's 15 House members, two senators and even the governor — with every potluck dish prepared by an elected official or spouse. ("It was just like the old days," recalled Debbie Dingell.) To usher in his Energy and Commerce reign, Upton treated Dingell and all the other previous chairs, and their wives, to dinner at Carmine's in Penn Quarter.

Those are the vestiges of Old Fred, who could freely back cash-for-clunkers legislation with fellow Michiganders when the GOP message-shapers decried it as a mega-giveaway for the Motor City.

New Fred insistently plays down the outreach he gets from the White House, even when innocuous. One number that pops up on his phone belongs to Transportation Secretary [Ray LaHood](#), himself a former GOP House member. "You know, your cellphone goes A to Z, and I'm the last person," Upton jokingly explained as he tried to pass off the incoming call as a mistake. "When he put it into his holder, it scrolls. What do you call it? Butt-dial."

The two go way back, know each other's wives, brought their families to centrist retreats and learned much at the knee of Bob Michel, the storied embodiment of Capitol Hill's bipartisan past, when all was bitter retorts by day and sweet vermouth by night. "This is not folklore. I experienced it," LaHood said.

'New Fred'

As political discourse has sharpened, Upton is keeping up with the times. In a subcommittee session last year, he grabbed the gavel from his friend Jay Inslee, a Washington state Democrat filling in as chair, and spun it around in his hand. He compared Obama's proposal for cap-and-trade legislation to an early Clintonian enthusiasm for a BTU tax on energy. "You know

what we called BTU?" Upton asked Inslee, who knew that the acronym stands for British thermal unit. "Big Time Unemployment."

Inslee probably didn't think it was funny. After voting for Clinton's 1993 stimulus effort, Inslee was ousted, though he fought his way back and now represents a more urban district. "A year from now," Upton said to his colleague, "you're going to look back and say by not working with us, you just lost this gavel. Even though you had an 86-vote margin."

Upton's once-cozy dealings with the White House, which courted him in the earliest months of the Obama era, have turned bristly.

Recently, White House Chief of Staff William M. Daley phoned Upton to ask where things stand with the supercommittee. In recounting the chat, Upton boasted, "I didn't spill the beans of what we're doing, but he understands clearly the need to succeed." In fact, Upton says he gave Daley a piece of his mind: "I gave him a little pushback on what the president said and how I reminded him that I was on my feet when he talked about the need to deal with entitlements."

Daley's version: "He did express — not pushed back — his opinion on the need for entitlement cuts, and we had a discussion on the need for revenue for a balanced package." Upton, Daley said, was "rather guarded in talking about the details, which I knew from other conversations."

Back in Michigan, a New Fred backlash has begun. Eco-activists in the district grumble that they're "Fed Upton." Former representative Howard Wolpe, a Kalamazoo Democrat who helped Upton defeat a conservative GOP incumbent in his first race, issued a [scathing open letter to his old friend](#) in the local papers.

"I have always known you to be honest, moderate, reasonable, and conscientious," wrote Wolpe. "But I can not tell you how painfully disappointed I have been to see you morph into a right-wing extremist."

Upton called Wolpe after the letter's publication, but in an interview, Wolpe would not describe the conversation except to say that "it reemphasized for me my interpretation of what was happening." Wolpe died of a heart condition a few days later.

Upton said he will be nicer to Democrats than they were to the GOP in recent years. "If you have an amendment that you think is worthwhile, go find a Democrat," Upton said he told his fellow Republicans. Bipartisan ideas, he claims, now get top priority.

But that's more for the small stuff; after all, plenty of the GOP leadership's priorities have received early and swift consideration without Democrats on board. Already Upton has pushed through his committee a repeal of Obama's health-care law, a favorite target of the GOP.

Recently, the House Democrats' second-in-command, Hoyer, rang him. (Upton noted Hoyer's excellence in playing hearts: "Oh, man, it's great to stick him with the queen!") But this conversation was centered on the supercommittee. "I can't really talk to you now because I'm in the middle of my fantasy football pick and our computers are down," Upton told him.

Still, he heard Hoyer out: The dealmaking should go big, closer to \$4 trillion, putting everything on the table, and with a final vote of 8 to 4 or higher, instead of a mere eked-out agreement.

“I have no idea how Fred is going to vote,” Hoyer said in an interview. “He is not an ideological hard-liner. He’s principled. He’s honest. But I think he can play a very constructive role.”

The supercommittee is a time-suck and an energy drain. Upton says strangers in airports have offered prayers.

“As I’m home literally every week, people just know that we’re in this rut,” Upton says, with tears brimming. And yet, almost in the same breath, he boasts that he promoted some freshman to his panel, that he pushed the president to jettison some tough ozone-reduction plans.

Upton also just passed a bill to ease emissions rules for cement manufacturers, and he noted that Democrats are starting to abandon the White House on such measures.

At a September [joint session](#) of Congress, EPA Administrator Lisa Jackson caught sight of Upton. “She was smiling till she saw me,” he recalled with relish. Minutes later, Obama himself was walking the aisle and took a second to lock eyes with Upton. “Good luck to you, Fred,” the president said.

Brendan
Gillilan/DC/USEPA/US
09/09/2011 05:00 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster
cc Betsaida Alcantara
bcc
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, [americanedslisajackson.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.

**Brendan
Giffilan/DC/USEPA/US**
11/25/2011 12:01 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Arvin Ganesan, Laura Vaught, Michael Goo, Stephanie Owens, Dru Ealons, Gina McCarthy, Joseph Goffman, Daniel Kanninen

cc

bcc

Subject AP: Companies give GOP, regulators, different messages

Companies give GOP, regulators, different messages

Associated Press

WASHINGTON — Large and small companies have told Republican-led congressional committees what the party wants to hear: dire predictions of plant closings and layoffs if the Obama administration succeeds with plans to further curb air and water pollution.

But their message to financial regulators and investors conveys less gloom and certainty.

The administration itself has clouded the picture by withdrawing or postponing some of the environmental initiatives that industry labeled as being among the most onerous.

Still, Republicans plan to make what they say is regulatory overreach a 2012 campaign issue, taking aim at President Barack Obama, congressional Democrats and an aggressive Environmental Protection Agency.

“Republicans will be talking to voters this campaign season about how to keep Washington out of the way, so that job creators can feel confident again to create jobs for Americans,” said Joanna Burgos, a spokeswoman for the House Republican campaign organization.

The Associated Press compared the companies’ congressional testimony to company reports submitted to the Securities and Exchange Commission. The reports to the SEC consistently said the impact of environmental proposals is unknown or would not cause serious financial harm to a firm’s finances.

Companies can legitimately argue that their less gloomy SEC filings are correct, since most of the tougher anti-pollution proposals have not been finalized. And their officials’ testimony before congressional committees was sometimes on behalf of — and written by — trade associations, a perspective that can differ from an individual company’s view.

But the disparity in the messages shows that in a political environment, business has no misgivings about describing potential economic horror stories to lawmakers.

“As an industry, we have said this before, we face a potential regulatory train wreck,” Anthony Earley Jr., then the executive chairman of DTE Energy in Michigan, told a House committee on

April 15. "Without the right policy, we could be headed for disaster."

The severe economic consequences, he said, would be devastating to the electric utility's customers, especially Detroit residents who "simply cannot afford" higher rates.

Earley, who is now chairman and CEO of Pacific Gas & Electric Corp., said if the EPA had its way, coal-fired plants would be replaced with natural gas — leading to a spike in gas prices. He said he was testifying for the electric industry, not just his company.

But in its quarterly report to the SEC, Detroit-based DTE, which serves 3 million utility customers in Michigan, said that it was "reviewing potential impacts of the proposed and recently finalized rules, but is not able to quantify the financial impact ... at this time."

Skiles Boyd, a DTE vice president for environmental issues, said in an interview that the testimony was meant to convey the potential economic hardship on ratepayers — while the SEC report focused on the company's financial condition.

"It's two different subjects," he said.

Another congressional witness, Jim Pearce of chemical company FMC Corp., told a House hearing last Feb. 9: "The current U.S. approach to regulating greenhouse gases ... will lead U.S. natural soda ash producers to lose significant business to our offshore rivals...." Soda ash is used to produce glass, and is a major component of the company's business.

But in its annual report covering 2010 and submitted to the SEC 13 days after the testimony, the company said it was "premature to make any estimate of the costs of complying with un-enacted federal climate change legislation, or as yet un-implemented federal regulations in the United States." The Philadelphia-based company did not respond to a request for comment.

California Rep. Henry Waxman, the senior Democrat on the House Energy and Commerce Committee, said the SEC filings "show that the anti-regulation rhetoric in Washington is political hot air with little or no connection to reality."

House Republicans have conducted dozens of hearings, and passed more than a dozen bills to stop proposed environmental rules. So far, all the GOP bills have gone nowhere in the Democratic-run Senate.

"I will see to it, to the best of my ability, to try to stop everything," California Sen. Barbara Boxer, the Democratic chairman of the Senate's environment committee, vowed in reference to GOP legislation aimed at reining in the EPA. She predicted Republicans "will lose seats over this."

The Obama administration has reconsidered some of the environmental proposals in response to the drumbeat from business groups. In September, the president scrubbed a clean-air regulation that aimed to reduce health-threatening smog. Last May, EPA delayed indefinitely regulations to reduce toxic pollution from boilers and incinerators.

James Rubright, CEO of Rock-Tenn Co., a Norcross, Ga.-based producer of corrugated-and-consumer packaging, told a House panel in September that a variety of EPA, job safety and chemical security regulations would require “significant capital investment” — money that “otherwise go to growth in manufacturing capacity and the attendant production of jobs.”

Rubright conveyed a consulting firm’s conclusion that EPA’s original boiler proposal before the Obama administration withdrew it in May would have cost the forest products industry about \$7 billion, and the packaging industry \$6.8 billion.

Another industry study, he said, warned that original boiler rule would have placed 36 mills at risk and would have jeopardized more than 20,000 jobs in the pulp and paper industries — about 18 percent of the work force.

But a month before his testimony— and three months after EPA withdrew its boiler proposal — Rock-Tenn told the SEC that “future compliance with these environmental laws and regulations will not have a material adverse effect on our results or operations, financial condition or cash flows.” The company did not respond to a request for comment.

Brendan
Giffilan/DC/USEPA/US
10/25/2011 12:11 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Arvin Ganesan, Laura Vaught, Stephanie Owens, Daniel Kanninen, Michael Goo

cc

bcc

Subject Daily Caller: Romney silent as his 'green quarterback' pushes coal regulations inside Obama's EPA

[Romney silent as his 'green quarterback' pushes coal regulations inside Obama's EPA](#)

Matthew Boyle, Daily Caller

Republican presidential candidate and former Massachusetts Gov. Mitt Romney remains silent as Gina [McCarthy](#), his “green [quarterback](#)” during his days in the Massachusetts Governor’s Mansion, [steers](#) President Barack Obama’s Environmental Protection Agency toward new regulations on energy.

McCarthy, Romney’s former environmental adviser, now ranks high within Obama’s EPA and is advocating for the agency to move forward with new regulations, including Utility Maximum Achievable Control Technology, or MACT, mandates. As The Daily Caller [has previously reported](#), the Utility MACT regulations, if finalized and implemented, would force coal-fired power plants to install giant scrubber-like [appliances](#) inside smokestacks to capture and cleanse carbon particles before their atmospheric release.

The upgrade costs would fall on company employees and coal miners, possibly in the form of layoffs, as well as on businesses, which could expect to pay more for energy.

The EPA has apparently ignored the Obama administration’s own Small Business Administration, which has [argued](#) to EPA administrator Lisa Jackson that her agency “may have significantly understated” the economic “burden this rulemaking would impose on small entities.”

The Obama administration recently announced plans to delay implementing the Utility MACT regulations because, McCarthy says, the EPA has been drowned in a “backlog” of other regulatory matters. Fuel Fix, a news website anchored by energy reporters from the Houston Chronicle and other Hearst [newspapers](#), [reports](#) that McCarthy, speaking on behalf of the Obama administration, said the EPA was supposed to deal with the Utility MACT regulations decades ago. She added that the EPA plans to continue moving forward as soon as it can.

“We are in the final stretches of rules that are significantly important for public health,” McCarthy said. “We must continue, and we will.”

McCarthy served in Romney’s administration as undersecretary for policy at the Executive

Office for Environmental Affairs. In addition to exercising oversight of Massachusetts farmlands, open spaces and forests, McCarthy created the state's first "climate protection action plan." National Journal [labeled](#) her Romney's "green quarterback" in September.

Romney's campaign wouldn't comment on McCarthy's EPA involvement. Instead, a campaign official pointed to criticisms of EPA in Romney's jobs plan, and a comment he made in New Hampshire about EPA regulations back in July.

"We have made a mistake is what I believe, in saying that the EPA should regulate carbon emissions," Romney said in response to a voter question about the EPA's decision to regulate coal plant pollution under [the Clean](#) Air Act. "I don't think that was the intent of the original legislation, and I don't think carbon is a pollutant in the sense of harming our bodies."

Romney also lambasted EPA overreach in his "Believe in America" jobs plan. "The EPA has issued a 946-page 'hazardous air pollutants' rule mandating 'maximum achievable control technology' under the Clean Air Act," Romney wrote. "While President Obama has repeatedly touted a 'green' economy as a key to job creation, the reality is that investment in renewable energy does not create jobs. To the contrary, an increase in 'green' jobs produces a much larger decrease in other jobs."

Read more:

<http://dailycaller.com/2011/10/25/romney-silent-as-his-green-quarterback-pushes-coal-regulations-inside-obamas-epa/#ixzz1boIUZLxV>

**Brendan
Gillilan/DC/USEPA/US**
11/28/2011 07:46 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Michael Goo, Alex Barron, Joel Beauvais, Gina McCarthy, Joseph Goffman

cc

bcc

Subject Politico: EPA, NERC spar over regulations and potential outages

EPA, NERC spar over regulations and potential outages

By Darius Dixon and Erica Martinson
11/28/11 7:36 PM EST

New England and large swaths of Texas are at risk of electric power shortages in 10 years in part because of power plant retirements and retrofits needed to meet EPA regulations, according to [a new report](#) the North American Electric Reliability Corp. released Monday.

Existing and proposed EPA rules “may significantly affect bulk power system reliability depending on the scope and timing of the rule implementation and the mechanisms in place to preserve reliability,” the report states.

The EPA says NERC has it all wrong. In [a letter](#) last week, the EPA charged that a draft version of the NERC study, like NERC’s 2010 review, “did not accurately portray the EPA’s regulations or the likely outcomes for the electric grid.”

NERC expects that 36 gigawatts will be retired or retrofitted in 2018 due to the cumulative impact of four EPA regulations, the report states: the proposed Coal Combustion Residuals, utility MACT and cooling water intake structure rules, as well as the final Cross-State Air Pollution rule.

By 2021, New England will barely have enough electric generating capacity in reserve to meet accepted standards while ERCOT, which oversees roughly 85 percent of the Texas grid, will actually fall below.

NERC’s report estimates that the EPA rules will collectively trigger the retirement of nearly 7,500 megawatts to more than 17,844 megawatts by 2015 — with roughly an additional 2,800 megawatts to 5,000 megawatts in capacity lost due to retrofits. But by 2018, with the implementation of the proposed cooling water intake rule, EPA regulations could sink between 32,500 megawatts and nearly 54,000 of power capacity, according to the NERC report.

The report comes as congressional Republicans have suggested EPA power plant regulations — particularly the Mercury and Air Toxics Rule and EPA’s final Cross-State Air Pollution Rule — will cause the lights to go out. In its response to NERC, EPA Deputy Director Bob Perciasepe said the report rehashes incorrect assumptions about then-unproposed rules from a 2010 analysis, and ignores EPA history and available regulatory tools to ensure grid operators have the power

they need.

"NERC's draft report describes an extreme outcome that arises from a scenario where the most stringent and costly rules imaginable took effect, and no one at the federal, state or local level took any steps to ensure the continued reliability of the grid," the letter says.

"Our analyses indicate that these rules do not threaten the capacity reserve margin targets either nationally or regionally," Perciasepe wrote, noting that the Bipartisan Policy Center has advanced a similar viewpoint.

NERC's analysis looks at companies with "uncontrolled coal units" and assumes they will all adopt the "most expensive controls possible to comply with the standards ([Flue-gas desulfurization] and fabric filters), rather than selecting the most cost-effective technology that works for their facility," the letter says.

But meanwhile, most facility retirements in NERC's analysis come from the agency's EPA's 316(b) cooling water intake rule, due to be finalized this summer. But the assumptions in the analysis, the EPA says, repeat assumptions from a 2010 analysis about the cooling water rule that are "far more stringent and costly than the rule the EPA has actually proposed," the letter says.

The cooling water rule has, in fact, been a disappointment to many environmentalists who were hoping for more stringent and encompassing regulations.

The EPA has completed analysis on both the Cross-State Air Pollution Rule and the Mercury and Air Toxics Standards and "will conduct similar analyses prior to finalizing any other rule that may impact the power sector," the letter says.

**Brendan
Gillilan/DC/USEPA/US**
11/03/2011 02:01 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Betsaida Alcantara, Cynthia Giles-AA, Arvin Ganesan,
Laura Vaught, Stephanie Owens, Jose Lozano

cc

bcc

Subject Politico: Carol Browner criticizes Keystone XL pipeline

Carol Browner criticizes Keystone XL pipeline

By Darius Dixon
11/3/11 1:59 PM EDT

Opponents to the Keystone XL pipeline got a boost Thursday from the Obama administration's former energy and climate chief.

"It would be, my hope is that, this pipeline did not go forward," Carol Browner said, speaking at a Washington Post Live event in downtown Washington.

"There's been a lot of analysis about the jobs ... but, you know, I think there's enough debate there about really how many jobs, what are the duration of those jobs, that, again, I believe we have an obligation to start to address it," she said.

"First of all, there are very clear criteria in which the State Department has to make this decision and they will have to speak to those criteria because, obviously, whatever decision they make there will probably be litigation," Browner said.

On Tuesday, President Barack Obama [said](#) the State Department will deliver recommendations to the White House on the proposal. White House spokesmen have emphasized that the State Department is in charge of the review.

Browner also suggested the debate over the Keystone pipeline would be a non-issue if Congress and the administration enacted climate change legislation.

"I am, for one, obviously disappointed that we don't have a climate policy. I think it's unfortunate," Browner said. "I think it would've, I think, been the morally and ethically right thing to do to reduce greenhouse gases."

If we had a climate policy, Browner said, "we'd be having a different conversation right now about this pipeline."

Meanwhile, former National Security Adviser Gen. Jim Jones, speaking at the same event, said the Keystone XL project should go forward.

"I think it's a good project recognizing that, economically, it makes sense," Jones said. "It's certainly going to create a lot of jobs and as long as we can get around the other issues — is it the right thing to do? I think it is."

**Brendan
Giffilan/DC/USEPA/US**
10/21/2011 04:32 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Gina McCarthy, Arvin Ganesan, Laura Vaught, Stephanie Owens, Scott Fulton, Joseph Goffman, Daniel Kanninen, Michael Moats

cc

bcc

Subject Politico: EPA delays utility MACT until mid-December

EPA delays utility MACT until mid-December

By Erica Martinson
10/21/11 4:24 PM EDT

EPA is postponing until Dec. 16 its planned mercury and toxics air standards for coal and oil-fired electric steam generating units, but is opposing efforts by utilities to delay the rule for one year.

The agency filed a [brief](#) with the U.S. District Court for the District of Columbia today, where, with agreement from environmental litigants, it delays its final issuance date one month in order to respond to comments.

“EPA has taken unprecedented steps to solicit public feedback on these vital standards. As a result, the Agency has received 960,000 comments, which EPA continues to review as we work to inform and finalize the rule,” the EPA said Friday in emailed comments to POLITICO.

And in another [brief](#) filed with the same court today, the EPA opposes utilities’ petition to delay the utility MACT rule by one year, saying “EPA is on track to meet the revised December 16, 2011, deadline ... and EPA is best positioned to determine and advise this Court whether it can meet that deadline.”

**Brendan
Giffilan/DC/USEPA/US**
12/07/2011 12:50 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Betsaida Alcantara, Gina McCarthy, Joseph Goffman,
Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons
cc

bcc

Subject Frank O'Donnell email

Frank O'donnell just sent the below email to his list - claiming OMB is pushing us to weaken the mercury standard from 1.2 to 1.42 - this is gaining traction very fast. Reporters - including WSJ and Wash Post, soon to be followed by others - are writing.

Here's the email:

We have promised to keep our ear to the ground on the fierce lobbying on the EPA mercury/air toxic rule for power plants. There is an excellent story in today's National Journal, but here is the very latest:

We are informed reliably that the White House Office of Management and Budget, at the behest of the coal-burning electric power industry, is now pushing the EPA to weaken its mercury pollution control requirements in its upcoming toxic pollution rule for power plants. Power companies could emit almost 20% more mercury under the dirty power industry scheme being promoted by OMB bean counters.

This is nothing short of outrageous. The White House should immediately disavow this latest attempt by OMB staffers to front for dirty industry. (You will recall the recent excellent report by the Center for Progressive Reform on the topic of OMB, its meetings with industry, and its impact on EPA.

http://www.progressivereform.org/articles/OIRA_Meetings_1111.pdf)

In this case, the real culprit is the dirty power industry, which continues to push not only for delays and loopholes, but for the right to spew out more toxic mercury.

http://switchboard.nrdc.org/blogs/fbeinecke/say_no_to_polluters_call_to_we.html

The push for weaker standards initially came from the so-called Utility Air Regulatory Group, which called last August in its official comments to EPA for a weakening of the proposed mercury standard from 1.2 lb/TBtu to 1.42 – or going roughly from a 91% mercury control requirement to about 75%. This change would mean thousands of additional pounds of toxic mercury being spewed into the environment each year.

The current push is being driven principally by Southern Company and American Electric Power Company because they apparently believe a weaker standard would cost them less.

Some trade off: more brain poisons so a couple of big companies could save a few bucks.

**Brendan
Gilfillan/DC/USEPA/US**
12/02/2011 11:46 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Betsaida Alcantara, Gina McCarthy, Mathy Stanislaus,
Lisa Feldt, Arvin Ganesan, Laura Vaught, Stephanie Owens,
Dru Ealons

cc

bcc

Subject AP: New proposal eases some requirements on boilers, but
preserves health benefits

New proposal eases some requirements on boilers, but preserves health benefits

WASHINGTON — Facing criticism from industry and lawmakers, the Obama administration is easing rules aimed at reducing toxic air pollution from industrial boilers and incinerators.

But administration officials maintain the health benefits of the regulation won't change.

In a proposal released Friday, the [Environmental](#) Protection Agency said it would place emissions limits on the largest and most polluting boilers. Smaller ones could meet the rule through routine tune-ups.

The Republican-controlled House passed a bill in October delaying the boiler regulation. A bipartisan bill pending in the Senate would give the EPA additional time to rewrite the rule, and for industry to comply.

Industrial boilers burn coal and other fuels to generate steam and hot water for heat and electricity. They're the second-largest source of toxic mercury emissions, after coal-fired power plants.

**Brendan
Gilfillan/DC/USEPA/US**
12/02/2011 03:30 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Gina McCarthy, Mathy Stanislaus, Lisa Feldt, Arvin Ganesan, Laura Vaught, Stephanie Owens, Dru Ealons, Daniel Kanninen, Bob Sussman

cc

bcc

Subject Boilers coverage so far

EPA eases boiler rule; health benefits unchanged

By DINA CAPPIELLO, Associated Press – 1 hour ago

WASHINGTON (AP) — Facing criticism from industry and lawmakers, the Obama administration on Friday proposed easing rules aimed at reducing toxic air pollution from industrial boilers and incinerators.

But administration officials maintained that the health benefits of the regulation wouldn't be compromised.

"We have found a way to get better protections, lower emissions and lower costs as well," said the Environmental Protection Agency's top air pollution official, Gina McCarthy. In a conference call with reporters, McCarthy said the agency had found the "sweet spot" since issuing the final rule under a court-ordered deadline in March.

That "spot is affordable, practical regulations that provide the vital and long overdue health benefits that Americans demand and deserve," she said.

The changes would require pollution controls at the 5,500 largest and most polluting boilers nationwide, such as those at refineries and chemical plants. Another 195,000 smaller boilers would be able to meet the rule through routine tune-ups.

The bulk of boilers nationwide — about 1.3 million — would not be covered by the rule, since they are too small and emit too little pollution to warrant controls.

The tweaks are the latest for a rule that has undergone numerous revisions, and has been among the most criticized by industry and lawmakers for its cost and its scope. Sen. Lamar Alexander, R-Tenn., has said the boiler rule has "come from another planet", even as he has defended the agency in the face of other Republican rollbacks.

The agency had already found ways to cut the cost of compliance in half, by about \$1.8 billion, when it announced the final rule in March, promising future revisions.

On Friday, industry groups still were not satisfied.

Jay Timmons, president and CEO of the National Association of Manufacturers, said in a statement that the boiler rules would still do significant harm to job growth.

"We will continue to urge the EPA to extend the compliance time frame and consider a more reasonable approach to setting the emission standards to ensure additional jobs are not put at risk," he said.

The American Chemistry Council, which represents chemical companies, pressed for legislation to delay the rules while acknowledging improvements had been made.

The Republican-controlled House passed a bill in October seeking to delay the boiler regulation and lower the threshold that boiler operators would have to meet from "maximum achievable" pollution control to the "least burdensome." A bipartisan bill pending in the Senate would give the EPA additional time to rewrite the rule and for industry to comply.

Industrial boilers burn coal and other fuels to generate steam and hot water for heat and electricity. They're the nation's second-largest source of mercury emissions, a potent neurotoxin, after coal-fired power plants. But boilers are among a handful of pollution sources that still have no standards for toxic emissions.

ew Pollution Rules for Boilers and Incinerators

By [JOHN M. BRODER](#)

The Environmental Protection Agency on Friday released its much-delayed and oft-revised [air quality regulations for industrial boilers and incinerators](#). The proposal is a modest refashioning of boiler rules introduced earlier this year, which were themselves a major revision of a 2010 plan by the agency that drew heavy political and industry opposition.

The E.P.A. has been recalibrating its approach to pollution regulation in recent months after President Obama made it clear that he was going to give close scrutiny to rules that impose heavy compliance costs on businesses and local governments. In September, he rejected a major E.P.A. proposal on smog-causing pollutants, saying the cost was too high in a fragile economy.

Gina McCarthy, head of the E.P.A.'s office of air and radiation, said Friday that the new rules for boilers and incinerators were written to minimize costs and maximize benefits. She noted that the costs of putting the rules into effect would be 50 percent lower than the original plan that was issued last year and then pulled back after a broad bipartisan outcry.

She said that 99 percent of the 1.5 million boilers in the United States would be exempt from the new rules or could meet them simply by performing routine maintenance and tune-ups. Only a fraction of the 14,000 boilers that are major sources of mercury, soot and other pollutants will be required to install abatement equipment, she said.

The E.P.A. had previously estimated the cost of compliance at about \$2 billion a year, with health and other benefits of \$27 billion to \$67 billion.

“With this action, E.P.A. is applying the right standards to the right boilers,” Ms. McCarthy said in a press release. “Gathering the latest and best real-world information is leading to practical, affordable air pollution safeguards that will provide the vital and overdue health protection that Americans deserve.”

She said the new standards would prevent as many as 8,100 premature deaths, 5,100 heart attacks and 52,000 asthma attacks a year by 2015.

The American Lung Association encouraged the E.P.A. to move forward with the proposal as written, with no further delay or dilution. “It is past time to move forward with these lifesaving standards,” the association said in a statement. “For the past two decades, the cleanup of toxic air pollution from boilers has been delayed, allowing these industries to pollute communities across the nation.”

The American Lung Association encourages the E.P.A. to uphold its responsibility as required by the Clean Air Act and clean up toxic air pollution from these boilers to protect public health from mercury and other dangerous air toxics,” it said.

The agency will take public comment on the proposed rule for 60 days and expects to finalize the regulation in April 2012.

U.S. proposes less costly pollution rule on boilers

Reuters

WASHINGTON | Fri Dec 2, 2011 1:52pm EST

WASHINGTON (Reuters) - The U.S. environmental regulator said on Friday it slashed the cost of proposed pollution rules on industrial boilers by \$1.5 billion year by allowing some plants to fine tune existing equipment or burn cleaner fuels.

The Environmental Protection Agency, under pressure from Republicans and industrial groups who accuse it of pushing for clean air rules that will cost companies with billions of dollars, has been looking for ways to ease costs and increase flexibility.

The EPA on Friday proposed rules it says are more flexible than ones the agency introduced in 2010. The rules allow some plants to do maintenance on equipment, avoiding costs from adding new controls or replacing boilers.

More than 99 percent of the country's boilers, from heavy industry to small businesses and universities, are either clean enough and not subject to the new rules, or will only need to do tune ups and maintenance to comply.

The agency said health benefits from reduced pollution would be maintained.

"Gathering the latest and best technical information and real-world data has helped us find ... the sweet spot that's affordable, practical regulations that provide the vital and long overdue health benefits Americans demand and deserve," Gina McCarthy, the EPA assistant administrator for air, told reporters in a teleconference.

The EPA said the rules would cost industry about \$2.3 billion a year, not the \$3.8 billion in a previous proposal made last year.

The boiler rule would set limits on mercury and other toxic emissions on about 5,500 boilers at refineries, chemical plants, and heavy industry plants, the EPA said.

About 196,000 boilers would need to do annual tune ups and take other steps to minimize toxic emissions.

The agency estimates that for every dollar spent to cut the pollutants, the public will save some \$12 to \$30 in health costs.

Babcock and Wilcox Co and other boiler makers could benefit from the rules, while some big chemical and heavy industry companies could see extra costs.

Boilers burn fuel including coal, fuel oil and biomass to produce steam to make electricity.

A health group cheered the proposed rules. "This is an important step forward by the EPA," the American Lung Association said.

It encouraged the agency to "uphold its responsibility as required by the Clean Air Act" to prevent cancer, heart attacks, and other health problems resulting from particulates and other pollution from boilers and incinerators.

The EPA will hold a 60-day comment period on the rules and expects to finalize them by spring 2012.

EPA unveils revised air pollution rules for industrial boilers

By Andrew Restuccia, The Hill - 12/02/11 10:53 AM ET

The Environmental Protection Agency proposed revised air pollution regulations for industrial boilers and incinerators Friday that offer industry more flexibility, a response to critics who mounted an opposition campaign to the original rules.

The agency said Friday that the [revised regulations](#), which would require facilities to install technology to reduce harmful air pollutants like mercury and soot, would only apply to about 1 percent of the country's boilers.

The so-called "maximum achievable control technology" standards will offer major public health benefits, according to EPA, including preventing 8,100 premature deaths and 5,100 heart attacks a year starting in 2015.

And they will impose a minimal cost on the industry, agency officials said. The revised regulations are 50 percent less costly than rules proposed in 2010 that industry has blasted as overly burdensome, according to EPA.

"With this action, EPA is applying the right standards to the right boilers," Gina McCarthy, assistant administrator for EPA's Office of Air and Radiation, said in a statement. "Gathering the latest and best real-world information is leading to practical, affordable air pollution safeguards that will provide the vital and overdue health protection that Americans deserve."

The agency said Friday that it made a number of changes to the rules in an effort to respond to industry concerns.

From EPA's statement: "EPA is proposing to create additional subcategories and revise emissions limits. EPA is also proposing to provide more flexible compliance options for meeting the particle pollution and carbon monoxide limits, replace numeric emissions limits with work practice standards for certain pollutants, allow more flexibility for units burning clean gases to qualify for work practice standards and reduce some monitoring requirements."

EPA issued revised final regulations for boilers and solid waste incinerators in February under a court-ordered deadline. The final rules were more lenient than draft standards issued by the agency last year, which industry groups had called unworkable. EPA then opened up a reconsideration process on the revised final standards.

The regulations had come under fire from industry groups, Republicans and some centrist Democrats, who argue that the rules will impose a massive burden on the economy. The House voted in October to delay the implementation of the rules.

Clean air and public health groups praised the regulations Friday.

"It is past time to move forward with these lifesaving standards," the American Lung Association said in a statement. "Research has shown that toxic air pollution from industrial boilers harm human health, targeting the circulatory, respiratory, nervous, endocrine, and other essential life systems."

The American Chemistry Council, an industry group, offered reserved praise for the standards.

"We appreciate EPA's thoughtful consideration of these rules and willingness to make sensible changes," ACC President Cal Dooley said in a statement. "While we need to review the rules for technical details, it appears that improvements have been made."

Brendan
Giffilan/DC/USEPA/US
09/28/2011 05:42 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Gina McCarthy, Stephanie Owens, Dru Ealons, Arvin Ganesan, Laura Vaught, Daniel Kanninen

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bcc

Subject Washington Post/Greg Sargent: The Daily Caller reveals the larger truths

The Daily Caller reveals the larger truths

By [Greg Sargent](#)

Not sure I've ever seen anything quite like this before.

As you may have heard, the Daily Caller took a terrible hit yesterday after falsely [reporting](#) that the Environmental Protection Agency is looking to hire 230,000 new "bureaucrats" — at a cost of \$21 billion! — to implement new climate rules. The tale [quickly went viral on the right](#) as the latest example of Obama overreach and government run amok, and the fact that the tale was comically absurd on its face didn't seem to slow the frenzy.

But now the Daily Caller is doubling down on the story, and the argument it's making in its own defense is really something to behold.

To back up: As Kate Sheppard noted yesterday in [her post debunking the original Daily Caller story](#), there are only 17,000 employees at the EPA, which alone makes the Daily Caller's claim ridiculous. Not only that, but the legal brief that formed the basis for the Daily Caller story was actually pointing to the 230,000 new employees as *a theoretical outcome to be avoided*. That is, EPA was arguing that the high number of new employees *would* be necessary if the agency didn't have a so-called "tailoring rule." This rule, which actually *restricts* the EPA's regulatory powers to limiting emissions from the largest greenhouse gas producers, is being challenged in court, and EPA is trying to defend it.

Case closed, right? Well, no, of course not.

Today, in response to the criticism, Daily Caller executive editor David Martosko [said the publication is standing by the story](#):

"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," he added.

This truly is low comedy. The Daily Caller is now claiming that the original tall tale is true, simply because, well, the government regulatory apparatus *by definition* wants to expand

rapaciously in reach and power. Once it has been established that government regulation is inherently onerous and bad and relentlessly expansionary, literally any fact at all can be pressed into service to support that unshakable overarching truth — even facts that directly contradict it. Nothing else could possibly be true, and therefore, it isn't.

This isn't meant in a glib way. Recognizing the absolute irrelevance of the facts at hand is central to understanding what's really going on in situations such as these. This is an old story, but you almost never see examples in which the cynicism is quite this brazen. In this sense, the Daily Caller *really has* revealed a larger truth, albeit not the one it intended.

UPDATE: Daily Caller executive editor Martosko sends over a longer statement defending the story:

Our story about the EPA was spot-on and accurate. It's true that the agency's court filing outlined a "tailoring rule" as a more gradual approach to hiring 230,000 people at a cost of \$21 billion. But the EPA was clear that "the Tailoring Rule is calculated to move toward eventual full compliance with the statutory threshold" -- meaning it's not a question of if the EPA wants to triple its budget, but when.

This whole kerfuffle illustrates how easy it is for left-wing agitators to manipulate reporters.

Brendan
Gilfillan/DC/USEPA/US
11/28/2011 10:47 AM

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Subject NPR: Obama Office Alters More Federal Rules Than Bush

Obama Office Alters More Federal Rules Than Bush

by [Ari Shapiro](#)

NPR

Tucked away in a corner of the White House's Old Executive Office Building, an office that most people have never heard of affects millions of Americans' lives. It's the last hurdle that every proposed regulation must surmount before seeing the light of day. And a new study of this obscure part of the government suggests that President Obama is altering more of those regulations than President George W. Bush did.

Health and safety regulations are not born fully formed. They have to run a long marathon first. Once an agency devises a rule proposal, whether to regulate air pollution or food safety, scientists and lawyers study the impact and cost of the rule. Agencies gather public comments. After a process that may take years, the regulation goes through one last gantlet in a place called OIRA (pronounced "oh-EYE-ra").

OIRA stands for the Office of Information and Regulatory Affairs. It's part of the White House office that manages the entire federal budget. Michael Fitzpatrick has worked there for three years, in an office taller than it is wide. His window looks out over the White House's West Wing.

"In all of our lives we have others review our work and make sure we're doing it as well as possible. And that's the way I view OIRA's role," he said in an interview with NPR.

He compares his role to that of an editor — looking at every proposed rule and asking, "Are you achieving this regulatory objective in the smartest most effective most efficient way possible?"

A 'Killing Ground' For Protective Rules?

The outcome, according to a [new study](#) by the Center for Progressive Reform, is that the office "has served as a killing ground for protective rules."

"We studied the records of 1,080 meetings that have been held at OIRA over the last ten years," said Rena Steinzor, CPR's president. "And we found that OIRA has changed 84 percent of

environmental regulations, and 65 percent of other agencies' regulations, and the change rate is worse than it was under George W. Bush."

In other words, her group argues, this president is watering down or undoing a greater percentage of proposed regulations than his predecessor did.

Fitzpatrick, who sits at the center of this debate, argues that his office is improving regulations, not gutting them.

"When you are dealing with the most complex questions of policy, it's to be expected that there are going to be questions raised and insights gleaned that cause an agency to say, 'You know what? We should make a change here or there. We can do this in an even better way.'"

While the rest of the public might not know about OIRA, lobbyists have the office on speed dial. Industry groups visit OIRA largely for one purpose: to reduce regulation. Steinzor's analysis found that industry representatives outnumber public health and safety advocates by almost four to one at OIRA meetings.

Jim Tozzi helped create OIRA and worked on regulations under five presidents. He says the tilt towards industry is to be expected.

Regulations, he says, "increase the cost of industry. So they have more direct skin in the game." In contrast, he says, environmental groups' members "don't have skin in the game, because they just say 'they'll cough their lungs out' or something like that."

Besides, Tozzi says, "If they meet with you more, it doesn't mean they're going to agree with you." OIRA has an open-door policy of never turning down a meeting with anyone.

Despite these figures suggesting that the Obama White House is altering more regulations than Bush and meeting with industry far more than with public safety advocates, Republicans accuse President Obama of choking the economy with a glut of "job-killing regulations." Some of that complaint has to do with health care and financial reform — two big laws that include a lot of regulations.

Striking A Balance

Obama always emphasizes the need to strike a balance, saying rules that don't make sense should die, while others are important.

"I reject the argument that says for the economy to grow we have to roll back protections that ban hidden fees by credit card companies or rules that keep our kids from being exposed to mercury. Or laws that prevent the health care industry from short-changing patients," he said in a September speech to Congress.

People who have spent their careers in this field are not surprised to learn that the Obama White House is changing more draft rules than the Bush White House did.

John Graham ran the regulatory oversight office under George W. Bush. In his experience, Republican presidents tend to put people in charge of agencies who don't like new rules. So those agencies don't send a lot of regulations to a Republican-led White House for review.

In fact, "we had to devise an entirely new device called the prompt letter," Graham recalls. "It says, 'you really ought to strengthen the food label by putting the trans-fat content of foods on the label.' But I think what you'll find in the Obama administration is that there are no shortages of ideas of new regulations to be adopted coming out of the agencies."

While OIRA staffers try to evaluate those ideas based on the merits of each proposal, many people who've worked there in the past say sometimes raw politics comes into play.

Susan Dudley, who worked at OIRA in the Reagan administration and came back to run the office at the end of the George W. Bush administration, recalls a former office head telling her, "Sometimes you have to kiss a pig." That is to say, "Sometimes politics wins the day."

Therefore, the person who runs OIRA is tremendously important. If he or she has the president's ear, OIRA can win arguments at the White House. Otherwise the office can easily be bulldozed by other senior advisers.

The man who runs OIRA today is a legal superstar named Cass Sunstein. He is close friends with President Obama. They taught at the University of Chicago law school together. People say half-jokingly that Sunstein could have had any job in the federal government, and he chose to run OIRA.

Sunstein's deputy, Mike Fitzpatrick, acknowledges that senior White House officials sometimes have their say. But he cautions that politics is not always a dirty word.

"I know that there have been times through all administrations of both parties that at the end of the day, in a particularly complex tough situation, the president or his senior advisers have said, 'You know what? I don't want to do this right now.' And frankly, that's why we have national elections."

Ultimately, one of OIRA's main jobs is to put a dollar value on things that nobody wants to price. The office must ask how much money the country is willing to spend to save an endangered species, or what cost the country is willing to inflict on companies in order to provide veterans in wheelchairs access to restrooms. These are questions that nobody is comfortable asking. So perhaps it should be no surprise that few people are happy with OIRA's answers.

**Brendan
Gilfillan/DC/USEPA/US**
12/14/2011 08:22 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
Oster, Betsaida Alcantara, Stephanie Owens, Dru Ealons
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bcc
Subject Time's People that Mattered 2011

Lisa Jackson
by Bryan Walsh

The head of the Environmental Protection Agency (EPA) is never going to be a popular person, except perhaps with environmentalists — and even that's not certain. That's because the EPA spends most of its time telling business what it can't do, as it tries to protect the environment and public health. And in 2011 Jackson came in for all kinds of criticism from the business community and from Republicans in Congress, who called her in to testify so often she should have gotten a free overnight stay in Capitol Hill. But Jackson is nothing if not dogged, and even if the face of some waffling from President Obama — who watered down proposed tougher standards on ground-level ozone — the EPA Administrator managed to crack down on air pollution from coal plants and other sources. She'll face an even tougher fight in 2012 as the EPA looks to implement regulations on greenhouse gases, but I suspect Jackson — a New Orleans native and long-time New Jerseyan — is up to the challenge.

Read more:

http://www.time.com/time/specials/packages/article/0,28804,2101745_2102309_2102328,00.html#ixzz1gYuJUfpB

**Brendan
Gillilan/DC/USEPA/US**
12/14/2011 08:09 PM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth Oster, Betsaida Alcantara, Stephanie Owens, Dru Ealons, Arvin Ganesan, Laura Vaught, Daniel Kanninen, Janet Woodka, Bob Sussman, Michael Goo, Bicky Corman

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Subject Politico: Does politics trump science in the Obama W.H.?

Does politics trump science in the Obama W.H.?

By Carrie Budoff Brown and Darren Goode
12/14/11 8:02 PM EST

President Barack Obama turned it into a campaign-trail talking point: He would end the Bush administration's "war on science."

But four years later, as the White House shifts into reelection mode, Obama is facing the same attacks he leveled against his Republican predecessor: He is putting politics ahead of science.

The complaints about Obama's record come after a pair of controversial administration actions in recent months — and some of the president's most ardent supporters are bracing for more disappointment.

First, the White House shocked the environmental community by overruling the EPA and halting implementation of tough new smog standards until after the presidential election.

Then Obama endorsed his health secretary's unprecedented decision to overrule scientists at the FDA and block over-the-counter sales of emergency contraceptives to minors — a move that prompted 14 senators this week to send a strongly worded letter to the administration demanding to know its "specific rationale and the scientific data" for the denial.

"I feel like I am in a time warp," said Francesca Grifo, senior scientist and director of the Scientific Integrity Program at the Union of Concerned Scientists. "These were both issues that the previous administration wrestled with and came down largely where this one has. So what is all this stuff about scientific integrity about? When the rubber meets the road on two crucial issues, science isn't driving these decisions."

The administration, following a personal review by Obama, will soon decide whether to expand an exemption for religious institutions from new rules that require health plans to offer free contraceptive coverage.

And environmentalists are preparing for a long-awaited ruling from the EPA on controls on coal ash from power plants, worried it will be driven by politics rather than science.

The White House says each decision is based on the merits and that science did inform the administration's actions on the emergency contraceptives known as Plan B and the smog rules.

“Since his first day in office, President Obama has made clear that science should guide administration policies,” Nick Papas, a White House spokesman, said in a statement. “Not only has the administration taken historic steps to make sure that politics not trump science, we have put in place scientific integrity guidelines that agencies across the administration must comply with. Every policy decision has a wide range of criteria that must be considered, and the administration continues to ensure that the best available science and evidence is central to the decision-making process.”

Yet the string of controversial actions, as well as the delay of a decision regarding the Keystone XL pipeline until after the election, has only fueled worry that Obama’s team is more concerned about maneuvering ahead of a tough reelection battle — placating his base on some decisions, appealing to independents with others, and trying to neutralize his Republican opponents whenever possible.

“The White House, as they approach general elections, [tries] to reduce the number of problems and distractions they are facing,” said William Galston, a policy adviser in the Clinton White House and a senior fellow at the Brookings Institution. “I see this as a very systematic effort to reduce the number of problems and distractions.”

The administration bucked up its support in the business community and aggravated environmentalists by delaying the smog rules, but Obama delighted environmentalists and angered business by pushing back a decision on the Keystone pipeline until 2013. Obama infuriated liberals on the Plan B decision but avoided a potentially bigger sideshow in his bid for reelection: a renewed culture war with conservatives.

In the coming weeks, Obama will have an opportunity to side with women’s health advocates on the contraceptive mandate. Catholic bishops are pushing the White House to broaden the exemption to include many universities, hospitals and schools associated with religious institutions, but health advocates want Obama to uphold the more narrow exemption endorsed by HHS Secretary Kathleen Sebelius.

It’s a decision heavy with political pitfalls. If he doesn’t expand the exemption, he risks angering the Catholic vote in swing states across the Rust Belt and the Southwest. If he does, he will further agitate a core constituency willing to challenge him, as the letter on Plan B from 14 senators underscored this week.

“We feel strongly that FDA regulations should be based on science,” the senators wrote. “We ask that you share with us your specific rationale and the scientific data you relied on for the decision to overrule the FDA recommendation. On behalf of the millions of women we represent, we want to be assured that this and future decisions affecting women’s health will be based on medical and scientific evidence.”

After the Plan B ruling, an unfavorable decision on contraceptive coverage will “make it harder” to draw a clear contrast for voters between Obama and the Republican nominee, warned Nancy Keenan, president of NARAL Pro-Choice America.

“It is a family dispute at the wrong time,” she said in an interview.

The focus on the administration’s fealty to science stems, in part, from the president’s own rhetoric during the last campaign.

Obama pledged to do things differently than President George W. Bush, whose administration was accused of devaluing the role of science in government decision making, promoting weak evidence to link abortions to breast cancer and silencing climate scientists.

“We need to end the Bush administration’s war on science, where ideology trumps scientific inquiry and politics replaces expert opinion,” the Obama campaign stated in a 2008 policy paper. “As president, Barack Obama will lead a new era of scientific innovation in America by restoring integrity to U.S. science policy to ensure that decisions that can be informed by science are made on the basis of the strongest possible evidence.”

During his Inauguration address, Obama declared: “We will restore science to its rightful place.” And two months later, he held an East Room ceremony to sign a memorandum on scientific integrity.

The Obama administration has received mostly favorable reviews — until recently.

“On the issue of scientific integrity in this administration, I would have said it was pretty good until the last couple of months,” Grifo said.

The first sign of trouble came in September, when the White House undercut the EPA’s efforts to tighten national standards on smog. Major business groups appealed directly to the most senior presidential advisers, warning that the ozone rule would be one of the most expensive environmental rules ever imposed on the U.S. economy. It would damage Obama’s reelection bid, the groups argued.

“I don’t think there’s any question that politics trumped science there,” said David Baron, a senior attorney at Earthjustice, a nonprofit environmental law firm. “EPA science advisers and EPA itself said it needed to be strengthened. And the president told them not to do that.”

Looking ahead, environmentalists fear the timing and potential details of long-awaited final EPA controls on coal ash from power plants will be more political than scientific.

EPA Administrator Lisa Jackson submitted a rule to the Office of Management and Budget in October 2009 to regulate coal ash as a hazardous waste in response to a 2008 spill at a Tennessee Valley Authority power plant in Kingston, Tenn. In June 2010, a proposed rule was published that included some key changes from the version Jackson submitted. It added the option of not regulating coal ash as a hazardous substance.

“There obviously was an incredible amount of pressure on the White House on this issue,” said Scott Slesinger, legislative director at the Natural Resources Defense Council.

The EPA at one time sought to finalize the rule — which is not governed by any statutory or legal deadlines — by next summer. But Jackson last week indicated that the EPA has pushed the timeline to late next year, perhaps after the election.

One Republican veteran of the 2008 campaign said the Plan B and smog decisions “represent a reversal” for a president who hammered Bush for allowing politics to trump science.

“He did make a big deal out of this in the campaign,” said Douglas Holtz-Eakin, a senior adviser to Sen. John McCain’s presidential campaign. “The statements were very sweeping. ‘Republicans are anti-science. I got my lab coat; they are cavemen.’”

**Brendan
Gilfillan/DC/USEPA/US**
10/05/2011 11:41 AM

To Richard Windsor, Bob Perciasepe, Diane Thompson, Seth
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Subject Politico: Changes coming to EPA's cross-state rule

Changes coming to EPA's cross-state rule

The EPA may increase emission allowances under the Cross-State Air Pollution Rule.

By [DARREN GOODE](#) | 10/5/11 9:12 AM EDT

The EPA is expected soon to announce revisions that would offer more flexibility in meeting a major air pollution rule aimed at blocking power plants' ozone and particle pollution from drifting into downwind states.

The update to the Cross-State Air Pollution Rule would include granting small increases in companies' emission allowances. But the changes may be relatively minor and will probably do little to stem opposition on Capitol Hill and in the courts from a growing list of states, industry groups and congressional Republicans.

“While we don't have anything to announce at this time, EPA often makes technical adjustments based on updated information as we flexibly work to implement Clean Air Act rules,” EPA spokesman Brendan Gilfillan said late Tuesday. “We make these adjustments because data, including data in some cases provided by industry, turns out to be incorrect, outdated or incomplete.”

An Obama administration official emphasized that the upcoming revision “is a routine technical thing,” which may hearten supporters and disappoint critics of the rule following President Barack Obama's controversial move to retreat on separate new ozone controls. “Folks may try to make this into something it isn't, but these kinds of changes are made all the time,” the official said. “It's how the Clean Air Act works.”

The revision will include “changes of 1 to 4 percent to the overall pool of allowances,” the official added.

Unlike with the ozone standard, some environmentalists may not have big objections to the changes in the cross-state rule.

“So long as any proposed changes follow the law and facts, revising the clean air standards could be acceptable,” John Walke of the Natural Resources Defense Council told The Wall Street Journal in an [article](#) published Wednesday. “But cleaning up dirty power plants remains the most cost-effective way to reduce the terrible toll of smog and soot pollution.”

EPA Deputy Administrator Bob Perciasepe — in a Sept. 11 letter to David Campbell, CEO of Texas's largest power company, Luminant — said the EPA “has offered to make technical adjustments, based on technical information you have recently provided, that will give Texas and Luminant thousands of additional tons of pollution allowances to reduce required emission reductions.”

There are also “alternative compliance approaches that rely on existing pollution control technology already installed at your facilities and on the powerful market-based mechanisms” in the cross-state pollution rule “that would not require you to idle any facility or shut down these mines,” he wrote.

But Luminant spokesman Allan Koenig said EPA and the company are “so far apart on the allowances” that the increase in emission allowances would have to be “quite significantly higher for us not to make major changes to the operation in order to comply.” This would be in the order of tens of thousands versus thousands of tons more in emission allowances, he said.

Luminant has joined others in legally challenging the EPA over the rule — which was finalized July 7 — arguing it would force about 500 company employees out of work, shutter two generating units and halt the mining of lignite coal at three locations in Texas. The company is asking the U.S. Court of Appeals for the District of Columbia Circuit to reject the rule as it applies to Texas and to immediately halt it to prevent job losses.

Campbell also met with EPA chief Lisa Jackson last month to discuss the rule.

The rule is aimed at helping downwind states achieve federal air quality standards by forcing power plants in 27 states to slash power plant emissions of sulfur dioxide by 73 percent and nitrogen oxides by 54 percent from 2005 levels starting in January. It's a successor to EPA's 2005 Clean Air Interstate Rule, which a federal appeals court rejected in 2008.

The EPA and its backers have touted the new rule as a major public health accomplishment.

“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,” Jackson said in announcing the rule. “By maximizing flexibility and leveraging existing technology, the Cross-State Air Pollution Rule will help ensure that American families aren't suffering the consequences of pollution generated far from home, while allowing states to decide how best to decrease dangerous air pollution in the most cost-effective way.”

EPA estimates the final rule will result in between \$120 billion and \$280 billion annually in health and environmental benefits starting in 2014 and will result in 13,000 to 34,000 fewer premature deaths per year.

The annual cost to industry will be \$800 million starting in 2014, the EPA estimates, in addition to about \$1.6 billion per year in annual investments that companies began making under the Bush-era CAIR.

Congressional Republicans have been attempting to upend the rule legislatively. Sen. Rand Paul (R-Ky.) is readying a strategy using the Congressional Review Act in a bid to nullify the standard, and the House voted last month to delay implementation of the rule until a cumulative assessment of the economic impact of EPA rules has been completed as part of the broader TRAIN Act.

Seven states so far — Alabama, Florida, Nebraska, Oklahoma, South Carolina, Texas and Virginia — have filed suit in the appeals court against the EPA over the rule.

“Once again the EPA has imposed costly regulations on Florida based on a flawed process and without first working cooperatively with our state,” Florida Attorney General Pam Bondi said in announcing the legal action by the states last month.

The power company coalition Utility Air Regulatory Group petitioned for review of the rule in federal court Monday, and the National Association of Manufacturers also filed notice this week to the appeals court about its plans to sue. In a separate petition, the manufacturers association asked Jackson to reconsider the rule, saying the agency didn’t consider the effects on grid reliability.

In a research note to clients Tuesday afternoon, senior policy analysts at the investment firm Robert W. Baird & Co. said they expect one or more states, three or more companies and possibly as many as three labor unions to seek review by the time the petition period closes Friday. They also expect additional petitions to stay the rule — which is a step further than petitioning for the rule to be reviewed.

The analysts — who were speculating on the potential changes in the upcoming revisions to the rule — also wrote that "potentially substantial changes even closer to the implementation deadline seems to validate, not neutralize, the criticism that states and regulated entities have insufficient time to comply.”

**Brendan
Gilfillan/DC/USEPA/US**
03/18/2010 05:28 PM

To Richard Windsor, Bob Sussman, Seth Oster, Allyn
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cc
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Subject FYI: HF study stories

Here are a few of the stories that have run on our hydro-fracking announcement today - generally positive reactions from the Hill and others:

EPA Launches Hydraulic Fracturing Study on Water Supplies

Dow Jones Newswire

The Environmental Protection Agency Thursday launched a study to determine whether a key oil and natural gas production technique called hydraulic fracturing is contaminating water supplies.

While environmentalists are concerned that the process may be causing groundwater contamination and are calling for federal oversight, the industry says there is no proof and it is already adequately regulated.

At issue are new natural-gas reservoirs deep below the earth's surface that companies such as [Chesapeake Energy](#) Corp. and [XTO Energy](#) Inc. say could multiply the available domestic reserves of a resource that has a fraction of the greenhouse-gas emissions of its fossil fuel cousins, coal and oil.

"Our research will be designed to answer questions about the potential impact of hydraulic fracturing on human health and the environment," said Paul Anastas, assistant administrator for EPA's Office of Research and Development. "The study will be conducted through a transparent, peer-reviewed process, with significant stakeholder input," he said in a statement.

Reps. Diana DeGette, (D., Colo.), and Maurice Hinchey, (D., N.Y.), cosponsors of legislation to bring hydraulic fracturing under EPA regulation, said the study would be a significant step in ensuring drinking water is protected.

The American Petroleum Institute said in a statement, "We expect the study to confirm what 60 years of experience and investigation have already demonstrated: that hydraulic fracturing is a safe and well understood technology for producing oil and natural gas."

Lee Fuller, head of the petroleum-industry group EnergyInDepth, said that if the review "is based on objective, scientific analysis, it will serve as an opportunity to highlight the

host of steps taken at every wellsite that make certain groundwater is properly protected."

Facing increasing pressure from some Democratic lawmakers and environmentalists, the EPA said in its proposed budget earlier this year it planned to conduct a study of the process.

Previous studies by the EPA—including one review of the process for coalbed methane extraction at much shallower levels—haven't found hydraulic fracturing carries a risk of water contamination.

Although the states regulate the actual process of hydraulic fracturing—known as fracking—the EPA already regulates the waste-water systems that either re-inject it into reservoirs or send it to waste-treatment facilities.

Last month, Steve Heare, director of the EPA's Drinking Water Protection Division, said at a conference he hadn't seen any documented cases that the fracking process was contaminating water supplies.

Bill Kappel, a U.S. Geological Survey official, said at the same conference that contamination of water supplies is more likely to happen as companies process the waste water from hydrofracking. In some instances, municipal water systems that treat the water have reported higher levels of heavy metals and radioactivity.

"Treatment of the [waste] water hasn't caught up with the hydrofracking technology," Mr. Kappel said.

Although legislation in the House and Senate to bring greater federal oversight of the hydrofracking process hasn't gained momentum, Mr. Heare said even if such proposals are approved, it wouldn't likely have a dramatic effect on regulation. States would still have the right under the Safe Drinking Water Act to use their own regulatory standards.

Environmental Protection Agency to study controversial gas drilling method

The Hill

By Ben Geman - 03/18/10 01:07 PM ET

The U.S. EPA on Thursday spelled out plans to study the water quality and health effects of "hydraulic fracturing," a controversial method of tapping natural gas supplies that some Democrats want more tightly regulated.

"Our research will be designed to answer questions about the potential impact of hydraulic fracturing on human health and the environment," said Dr. Paul T. Anastas, assistant administrator for EPA's Office of Research and Development, in a prepared statement. "The study will be conducted through a transparent, peer-reviewed process, with significant stakeholder input."

The agency plans to use \$1.9 million in current-year funding and is seeking further funding in the fiscal year 2011 budget. The issue is playing an increasingly prominent role in energy debates. The gas drilling method, dubbed "fracking," involves high-pressure injections of chemicals, water and sand to break apart rock formations to access gas trapped inside.

The increasing viability of tapping gas from these shale rock formations has helped [boost proved U.S. gas reserves to their highest level in over 30 years](#), according to the federal Energy Information Administration.

That's especially important because lawmakers increasingly see natural gas – which emits far less carbon dioxide when burned than coal or oil – as a key part of efforts to curb U.S. greenhouse gas emissions.

But at the same time, the increasing use of fracking has prompted concern among environmentalists that it will contaminate groundwater supplies and endanger human health in communities adjacent to drilling sites.

Several Democrats led by Rep. Diana DeGette (D-Colo.) are pushing legislation to close what's been dubbed the "Halliburton loophole" after the drilling services company. The bill would overturn a provision in a major 2005 energy law that exempts the practice from key Safe Drinking Water Act regulations. House Energy and Commerce Committee Chairman Henry Waxman (D-Calif.) [recently launched an investigation into industry fracking practices](#) as well.

Rep. Maurice Hinchey (D-N.Y.), who authored language in fiscal year 2010 spending legislation that urged EPA to do the study, applauded EPA's action Thursday.

"This is an important step toward ensuring that natural gas drilling is done in a way that protects our environment, vital natural resources and public health. It is also a necessary step since the EPA's 2004 study on the matter was marred by biased data influenced by senior officials in the previous administration," said Hinchey, a co-sponsor of DeGette's measure.

Industry groups are strongly opposing new federal regulation, arguing that it would impose new costs that make some gas production uneconomical. They contend that fracking – which has been around for decades – has a proven safety record and that state laws provide adequate protection.

"We expect the study to confirm what 60 years of experience and investigation have already demonstrated: that hydraulic fracturing is a safe and well understood technology for producing oil and natural gas," said the American Petroleum Institute in response to the EPA announcement. "We hope the agency will provide ample opportunity for stakeholder comment and participation during the course of its study. Our members are experts on well construction and development and on safe and effective hydraulic fracturing operations."

An EPA announcement of the study says the agency is in the early stages of designing its research program and is seeking input from its Science Advisory Board.

EPA Begins Study of Fracturing's Effects on Water Supplies

By KATIE HOWELL of [Greenwire](#)

U.S. EPA announced the start today of a study examining the effects of a controversial oil and gas production technique known as hydraulic fracturing on water supplies.

"Our research will be designed to answer questions about the potential impact of hydraulic fracturing on human health and the environment," EPA Assistant Administrator Paul Anastas said in a statement. "The study will be conducted through a transparent, peer-reviewed process, with significant stakeholder input."

Hydraulic fracturing is a decades-old technology used by the petroleum industry to improve production at aging wells by blasting water, chemicals and sand or plastic beads into a wellbore at high pressure. The technique has grabbed public attention as the industry has used it to tap vast stores of domestic natural gas, and drillers have poured into Pennsylvania and New York to tap the potentially vast Marcellus Shale formation.

"Understanding the risks that hydraulic fracturing poses to drinking water supplies is critical to guiding future policies and regulations that will safeguard the public," Rep. Maurice Hinchey (D-N.Y.) said in a statement heralding the study's launch.

Hinchey pushed for the congressionally authorized EPA study and has also been a key player on a bill ([H.R. 2766](#) (pdf)) that would mandate federal regulation of fracturing under the Safe Drinking Water Act.

The new study is being praised by environmentalists who criticized a 2004 EPA probe whose results were skewed, they say, by data collected selectively from sources with a vested interest in the oil and gas industry.

"Independent, unbiased scientific inquiry into hydraulic fracturing is critical," said Amy Mall, a senior policy analyst for the Natural Resources Defense Council. "We are very pleased that the EPA is responding to families across the country who are concerned that oil and gas development is contaminating their drinking water."

Industry also welcomed the new study, saying it would prove claims that fracturing technology is safe.

"Assuming the study's methodology is technically sound, its evaluations are science-based, and its conclusions are peer-reviewed, there's really only one credible outcome this project can produce," said Chris Tucker, a spokesman for the industry-backed group Energy in Depth. "And -- spoiler alert -- it's not the one that

opponents of responsible shale gas exploration are clamoring for."

The American Petroleum Institute and America's Natural Gas Alliance likewise expressed confidence the study would pacify critics of fracturing.

"We expect the study to confirm what 60 years of experience and investigation have already demonstrated: that hydraulic fracturing is a safe and well understood technology for producing oil and natural gas," API said in a statement.

The trade group added, "While the technology has been used for more than a half century, its continued use is crucial. It is enabling access to massive new supplies of natural gas trapped in shale formations across the United States."

EPA's new study will get a start with \$1.9 million in funding and will be designed by the agency's Office of Research and Development and guided by the EPA science advisory board.

House Energy and Commerce Committee Democrats are continuing with their probe into chemicals used by hydraulic fracturing companies. Meanwhile, H.R. 2766 and Senate companion legislation ([S. 1215](#) (pdf)) that would require federal regulation of fracturing are languishing.

"While we eagerly await the results [of the EPA study], we also think there is sufficient information for Congress to move ahead to protect drinking water by closing the Halliburton loophole and ensuring that hydraulic fracturing is regulated under the Safe Drinking Water Act," NRDC's Mall said.

Hydraulic Fracturing for Natural Gas to Be Studied by U.S. EPA

Bloomberg News

March 18 (Bloomberg) -- Risks to water quality and public health from using hydraulic fracturing to obtain natural gas will be studied by the U.S. Environmental Protection Agency, the regulator said.

The EPA is in "the very early stages" of designing a research program and will spend \$1.9 million this year to begin the work, according to a statement by the agency today.

Energy companies are expanding their use of fracturing, injecting water and chemicals into rock to free gas deposits from shale formations. Organizations such as the Washington-based Environmental Working Group say hydraulic fracturing can taint drinking-water supplies.

"Our research will be designed to answer questions about the potential impact of hydraulic fracturing on human health and the environment," Paul T. Anastas, assistant administrator for EPA's Office of Research and Development, said in the statement. "The study will be conducted through a transparent, peer-reviewed process."

The House of Representatives, in fiscal 2010 budget legislation, urged the agency to study the potential risks that fracturing poses to drinking water.

Gas locked in shale rock formations is expected to account for 50 percent of U.S. supply by 2035, up from 20 percent today, according to a study released last week by IHS Cambridge Energy Research Associates Inc.

Fracturing is "enabling access to massive new supplies of natural gas trapped in shale formations across the United States," the American Petroleum Institute said in an e-mailed statement today.

Committee Inquiry

"We expect the study to confirm what 60 years of experience and investigation have already demonstrated: that hydraulic fracturing is a safe and well understood technology for producing oil and natural gas," said the Washington-based trade group, which represents oil and natural-gas companies.

Halliburton Co. and Schlumberger Ltd., both Houston-based, were among eight companies asked last month by Representative Henry Waxman, a California Democrat and chairman of the House Energy and Commerce Committee, for data on chemicals used in fracturing.

"Hydraulic fracturing could help us unlock vast domestic natural gas reserves once thought unattainable," Waxman said in a Feb. 18 statement. "As we use this technology

in more parts of the country on a much larger scale, we must ensure that we are not creating new environmental and public health problems.”

Exxon Mobil Corp., based in Irving, Texas, included a clause terminating its planned acquisition of Fort Worth, Texas- based XTO Energy Inc. should U.S. policies make using hydraulic fracturing commercially impracticable. The acquisition was announced in December.

**Brendan
Giffilan/DC/USEPA/US**
10/30/2009 11:21 AM

To Richard Windsor, Diane Thompson, Bob Sussman, Bob Perciasepe, Seth Oster, Allyn Brooks-LaSure, Adora Andy, Betsaida Alcantara

cc

bcc

Subject AP: Mountaintop removal mining protests going national

Mountaintop removal mining protests going national

By VICKI SMITH (AP) – 14 minutes ago

MORGANTOWN, [W.Va.](#) — Activists with Mountain Justice, Rainforest Action Network and other groups planned protests at Environmental Protection Agency headquarters and across the country Friday to demand the end of mountaintop removal mining in Appalachia.

An online map showed more than two dozen planned events from California to Maine, including demonstrations at a regional EPA office in Philadelphia and a New Jersey office of JPMorgan & Chase Co., a bank environmentalists say is the biggest financier of the destructive form of strip mining.

It was the third attempt at a national protest since June, and evidence the environmentalists 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 cell phone message.

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, sometimes 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.

West Virginians Bo Webb and Chuck Nelson were in Washington, D.C., with at least two dozen other protesters, hoping to deliver a letter to EPA Administrator Lisa Jackson.

"I do think it's turning in our direction. They're starting to look at scientific evidence showing what filling in the streams and valleys does to our headwaters, to the whole ecosystem," said Nelson, a disabled underground coal miner from Glen Daniel. "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 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.

"As long as there's that uncertainty, not knowing what's going to happen, it's going to keep causing tension in the communities and in the industry," Nelson said. "The threats are becoming more intense because they're uncertain what the future holds for them."

EPA administrators "need to make a quick decision about what is and what is not going to be allowed."

**Brendan
Gillilan/DC/USEPA/US**
11/01/2011 09:55 AM

To Richard Windsor, Diane Thompson
cc Seth Oster
bcc
Subject NJ126 coverage

We think Star-Ledger and potentially the Record will editorialize as well.

Pennsylvania coal power plant blamed for polluting N.J. air must better control its emissions, federal authorities rule

Star Ledger/Bergen Record

A Pennsylvania coal power plant long blamed for belching toxic pollution into Warren, Sussex, Morris and Hunterdon counties must clean up its act within three years, the U.S. Environmental Protection Agency ruled yesterday, handing a major victory to New Jersey officials.

The state has battled the Portland Generating Station, situated across the Delaware River from Warren County, for at least a decade to try to choke off the sulfur dioxide that spews from its smokestacks and endangers the health of residents in the northwestern part of the state.

"The EPA made clear that harmful emissions from a Pennsylvania coal-fired power plant will not be tolerated," Gov. Chris Christie said in a statement. "This is a major step toward our continuing commitment to improving air quality for all residents of New Jersey."

Under the environmental agency's decision, the plant must install equipment to reduce its sulfur dioxide emissions by 81 percent. The pollutant aggravates asthma and contributes to other respiratory problems, and also forms soot that collects on cars, homes and businesses.

Ken Varhola, a spokesman for GenOn Energy, which owns the Portland plant, said in a statement that the company was reviewing the decision.

The plant is among the 44 percent of coal-fired generating stations in the nation that don't have advanced technology to control pollution, the environmental agency said. In 2009, the Portland plant emitted more than twice the total amount of sulfur dioxide from all of New Jersey's plants combined, according to the state Department of Environmental Protection.

"As someone who lived and worked in New Jersey, I know that communities have struggled for years with pollution crossing state lines, fouling the air they breathe and threatening their health," the head of the environmental agency, Lisa Jackson, said in a statement.

Jackson, the former chief of the state DEP, sued the plant in 2007 and admonished the EPA for not taking action during the Bush administration.

Republicans and Democrats alike in New Jersey — including Christie — have long battled plants like the one in Portland, whose pollution blows into the state. About one-third of air pollution in New Jersey, which does not meet federal standards for healthy air, comes from other states.

But in a national court battle over a new rule issued by EPA intended to alleviate the problem, New Jersey is still on the sidelines, and environmentalists, power companies and industry groups are waiting to see what Christie will do as the Nov. 6 filing deadline approaches.

"This is a clear message to Gov. Christie that you can't play it both ways," said Jeff Tittel, head of the New Jersey Sierra Club. "You can't tell people you care about out-of-state pollution and not sign on to the

lawsuit to defend the EPA.”

Under the rule, 27 states, including New Jersey, must install better pollution control equipment. The EPA says this is the only way those states can meet the federal Clean Air Act, though opponents say it could increase electricity prices and cause layoffs.

New York, Vermont, Massachusetts, Connecticut, Rhode Island, Delaware and Maryland — all led by Democratic or independent governors — recently joined the suit to defend the EPA against challenges from cities, states and power companies in the South and the Midwest, where coal plants reign.

Environmentalists in New Jersey are concerned that Christie, whose influence among Republicans is growing, will not defend the federal agency in court to avoid angering those in the party who have criticized it.

EPA grants NJ request to cut GenOn coal emissions

Reuters

EPA grants first single-source petition by another state

HOUSTON Oct 31 (Reuters) - The U.S. Environmental Protection Agency on Monday said it granted New Jersey's request to force a Pennsylvania coal-plant to cut emissions that it determined are worsening air quality in at least three New Jersey counties.

The EPA said the petition -- the first single-source petition the agency has granted -- will require GenOn Energy's Portland Generating Station in Northampton County, Pennsylvania, to significantly pare emissions of sulfur dioxide (SO₂) within three years.

"In granting today's petition, we're taking a common-sense approach that gives the facility flexibility to find the most cost-effective methods for cutting pollution and for helping communities in New Jersey meet the Clean Air Act standards for sulfur dioxide," EPA Administrator Lisa Jackson said in a statement.

U.S. power producers and state regulators are taking sides in the federal push to reduce emissions from coal-fired plants which supply about 45 percent of the nation's electricity.

The EPA said cutting dangerous emissions of SO₂, nitrogen oxide and mercury from the 44 percent of U.S. coal plants that lack advanced pollution controls will produce health benefits and reduce premature deaths.

A number of utilities, state regulators and power grid operators are challenging the EPA action, saying stricter limits will force retirement of 30,000 MW or more of coal generation, raise electricity prices and threaten reliability of the grid.

GenOn spokesman Mark Baird said the Houston-based company was reviewing the order and had no further comment.

The agency said its ruling covers Portland Units 1 and 2 which are about 50 years old and can produce 400 megawatts of electricity.

The Sierra Club of New Jersey praised the EPA action.

"This is an important victory in improving New Jersey's air quality," said Jeff Tittel, director of New Jersey's Sierra Club. "This plant is the largest source of pollution in northwest New Jersey and now they are going to have to clean it up or close it."

Under the Clean Air Act, a state can petition EPA to request a source or group of sources in another state reduce emissions that worsen the complaining state's air quality.

If the EPA finds emissions in one state hurt air quality in another state, the agency can set emissions limits.

In September 2010, New Jersey asked EPA to find that emissions from the Portland power plant worsen New Jersey's air quality and require the facility to reduce its SO₂ emissions.

An EPA analysis showed the SO₂ level in New Jersey exceeded air-quality standards and the Portland plant was the main source of emissions, the agency said. Monitoring data in Warren County supported the modeling results.

Since the 1970s, the EPA has received less than 10 petitions under the single-source provision, the agency said. Only two petitions were reviewed, neither was granted. The EPA has not acted on a second petition filed last year by New Jersey, the agency said.

Upper Mount Bethel plant must cut pollution, EPA says

Allentown Morning Call

The U.S. Environmental Protection Agency has approved drastic emission cuts at an Upper Mount Bethel Township power plant, assuring sharp reductions in pollution but raising fears the employer will shut down.

In a 95-page final response released Monday, federal officials ordered the Portland Generating Station to cut sulfur dioxide levels by 81 percent within three years, or nearly 20,000 tons. Sulfur dioxide, a troublesome pollutant that can travel hundreds of miles on the winds and aggravates asthma, has plagued New Jersey counties along the Delaware River for years, with Garden State officials pointing to Pennsylvania for blame.

It was a good day for New Jersey Sierra Club Director Jeff Tittel, who has fought for well over a decade to force the Portland Generating Station to install scrubbers.

"This was definitely a treat, not a trick," he said. "It's a great victory for clean air and the lungs of the people of New Jersey."

Not for Robert Nelson, a township supervisor at Upper Mount Bethel, which hosts the 70-employee plant. For him, the EPA's decision has raised a new host of anxieties: the possibility of an empty industrial site, laid-off employees and the loss of \$30 million the plant funnels to the local economy every year.

"I hoped there could have been a compromise without them having to take a desperate step," he said. "The power plant is not only an asset to us, it's an asset to the whole state."

New Jersey officials say the plant has fouled the air in four counties, raising asthma rates and exacerbating breathing problems. The 53-year-old power station on the Delaware produces more sulfur dioxide pollution than all of the coal-fired power plants in New Jersey combined, they've said.

Parent company GenOn Energy, based in Houston, agrees that the plant emits sulfur dioxide and concedes that it lacks any meaningful pollution controls. But it has stayed within Pennsylvania's air quality standards, and company officials say the cost of installing scrubbers could force the plant to shut down altogether.

By the EPA ruling, Portland Generating Station must reduce emissions by 60 percent within one year. In six months, it'll have to submit a plan on how it will comply.

GenOn officials could not be reached for comment. They have 60 days to file an appeal, EPA officials said.

New Jersey first filed its petition to the EPA in 2010, calling on the federal government to force Portland to take action. According to previously released EPA statistics, the plant emitted a combined 22,000 tons of sulfur dioxide in 2010.

In a 2011 hearing, the plant defended its record, saying it's been a valuable partner in the community and hasn't violated Pennsylvania law. Garden State activists and officials retorted that maintaining a clean record in Pennsylvania is easy when all the pollution is blown across the Delaware into New Jersey.

Emissions from Pennsylvania have kept at least one New Jersey county from meeting federal air standards, state officials say.

As Congress debates deauthorizing recent air regulations and presidential candidates attack the EPA, clean-air advocates say the ruling was a rare victory — and one hard-fought.

"Many, many folks suggested we could not win this battle," said Larry Ragonese, a spokesman at the New Jersey Department of Environmental Protection. "We were really pleased that EPA took a good hard look at it and considered the impact of air crossing the border."

EPA rules Portland Generating Station must drastically reduce emissions within 3 years

[The Express-Times](#)

The [Environmental Protection Agency](#) ruled an [Upper Mount Bethel Township](#) power plant must drastically reduce emissions within three years, ending a yearlong process sparked by New Jersey complaints of pollution.

In a [95-page decision released this afternoon](#), the EPA ruled the [Portland Generating Station](#) must lower its permitted sulfur dioxide emissions by 81 percent within three years. Studies by the EPA and the [New Jersey Department of Environmental Protection](#) found the 53-year-old coal-burning plant was responsible for most of the sulfur dioxide pollution over northern New Jersey. Though the plant, which is owned by [GenOn Energy](#), was following all Pennsylvania Department of Environmental Protection regulations, crosswinds carried the pollutants into New Jersey, where they did not meet more stringent state requirements.

The New Jersey DEP filed a complaint against the station in September 2010, requesting the EPA take action to bring the plant into compliance with New Jersey standards. New Jersey proposed a 51 percent drop in one year and an 81 percent drop over three years. Instead, the EPA ruled the plant must make improvements more quickly, demanding a 60 percent drop in the first year. The decision marked the first time the EPA has issued a rule against a single polluter.

"In granting today's petition, we're taking a common-sense approach that gives the facility flexibility to find the most cost-effective methods for cutting pollution and for helping communities in New Jersey meet the Clean Air Act standards for sulfur dioxide," said EPA Administrator Lisa Jackson in a news release. Jackson is the former head of the New Jersey DEP.

Ken Vorhola, a GenOn spokesman, declined to comment, saying the company was still going through the decision. Vorhola and Stephen Davies, the company's vice president of asset management, said the company hoped to progress more slowly, [suggesting only a 25 percent drop in emissions the first year](#).

"We're in the process of reviewing the rule, what it means and what the implications will be," Vorhola said.

New Jersey officials praised the decision, saying it would improve the air quality for thousands of people.

"This is a major step towards our continuing commitment to improving air quality for all residents of New Jersey," said Gov. Chris Christie in a news release. "The EPA made clear that harmful emissions from a

Pennsylvania coal-fired power plant will not be tolerated. By giving our request serious consideration and partnering with us to act, we are providing real solutions to a matter that has long been a public health concern for so many of our residents.”

The ruling did provide some relief to the Portland Generating Station. Under the proposed rule, the station had only 90 days to decide if it would commit to meeting the new regulations or shuttering it. Under the final rule, GenOn has six months to determine how it will meet the new limitations and a full year to provide a demonstration.

Even if GenOn chooses to comply with the sulfur dioxide ruling, it may not be able to meet future federal regulations at the plant. The EPA is considering a national regulation limiting the amount of toxic materials produced at power plants. If it's adopted as written, it would require the Portland Generating Station to slash its mercury emissions by 91 percent by 2015. Davies has previously said the plant would either need to shut down or switch to a natural gas fuel to meet those requirements.

**Brendan
Gilfillan/DC/USEPA/US**
10/31/2011 02:17 PM

To Richard Windsor, Diane Thompson, Seth Oster
cc
bcc
Subject Star Ledger: Pennsylvania coal power plant blamed for
polluting N.J. air must better control its emissions, federal
authorities rule

Quick web story - it'll get longer:

Pennsylvania coal power plant blamed for polluting N.J. air must better control its emissions, federal authorities rule

Star-Ledger

TRENTON — A Pennsylvania coal power plant long blamed for polluting Warren, Sussex, Morris and Hunterdon counties must clean up its act within three years, federal authorities ruled today, handing a victory to New Jersey environmental officials.

The state Department of Environmental Protection last year petitioned the U.S. Environmental Protection Agency to force the power plant, located across the Delaware River from Warren County, to better control its emissions of sulfur dioxide.

Sulfur dioxide can aggravate asthma, cause other respiratory problems and contribute to other, more harmful types of air pollution, the EPA said in a news release.

State officials on both sides of the political aisle — including Gov. Chris Christie — have fought for at least a decade to force the plant to install upgrades because it contributes to New Jersey's air pollution, which does not meet federal clean air standards.

Under the EPA's decision, the Portland Generating Station must install the latest technology to capture pollution before sending it from its smokestacks into the air. The power plant is among the 44 percent of coal-fired plants in the country that do have advanced pollution controls, according to the EPA.

The state Department of Environmental Protection petitioned the EPA to force the plant to clean up in September last year. The EPA earlier this year proposed granting the petition, which was finalized in its ruling today, the EPA said.

**Brendan
Gilfillan/DC/USEPA/US**
03/14/2011 06:30 PM

To Richard Windsor
cc Seth Oster, Adora Andy
bcc
Subject Social Media Recap

Social Media Recap: March 14, 2011

Facebook:

1:00 p.m.: Today EPA released a list of the 25 U.S. cities with the most Energy Star certified buildings. Each year the growing number of Energy Star buildings prevents emissions of carbon pollution equal to those of 1.3 million homes, protecting the health of Americans while saving \$1.9 billion in energy costs at the same time. [LINK](#)

3:00 p.m.: Here's an important piece from Politifact setting the record straight on EPA's efforts to protect Americans from unchecked carbon pollution and reduce our oil dependence. The steps EPA and DOT have taken to encourage development of the next generation of clean cars will actually reduce oil dependence and save consumers money at the pump. [LINK](#)

4:00 p.m.: The largest U.S. producer of coal from underground mines agreed to pay a \$5.5 million civil penalty for violating the Clean Water Act at 6 of its mines in W. Va. The company will also invest \$200 million to reduce discharges of harmful mining wastewater into Appalachian streams and rivers. Keeping these waters clean is a crucial part of EPA's work to protect people's health. [LINK](#)

Twitter:

1:00 p.m.: Today EPA released a list of the 25 U.S. cities with the most Energy Star certified buildings - learn more here [LINK](#)

3:00 p.m.: setting the record straight on EPA's efforts to reduce unchecked carbon pollution and our oil dependence [LINK](#)

4:00 p.m.: Consol Energy agreed to pay a \$5.5 million penalty for Clean Water Act violations at 6 of its mines in W. Va. [LINK](#)

**Brendan
Gillilan/DC/USEPA/US**
01/21/2010 04:37 PM

To Richard Windsor
cc Seth Oster, Adora Andy
bcc
Subject Statement re: Murkowski

Administrator -

Here's the final statement we're giving to press re: the Murkowski resolution:

**STATEMENT FROM EPA ADMINISTRATOR LISA P. JACKSON ON SENATOR
MURKOWSKI'S RESOLUTION**

"The Murkowski resolution asks each Senator to deny the overwhelming science that greenhouse gas pollution is a real and serious threat to the health and welfare of our citizens. It disregards the Supreme Court decision that directed us to act and ignores the evidence before our own eyes. Supporting such a resolution would be to reject, without basis, the exhaustive and sound scientific work of 13 federal departments and scientific experts from around the globe. And it would be a reversal of the formal recognition that both the Senate and the House have already made of the harmful effects of greenhouse gas pollution.

“On a day when over 80 U.S. business leaders have called on Congress to advance legislation for a new national energy and climate policy, this resolution would instead delay and waste more precious time. This resolution, at its core, is not about preventing or postponing regulation, but about denying the established scientific fact that greenhouses threaten the health of our people. It puts politics over science, and it should be rejected.”

**Brendan
Gilfillan/DC/USEPA/US**
10/31/2011 02:46 PM

To Richard Windsor
cc Seth Oster
bcc
Subject Fw: Star Ledger: Pennsylvania coal power plant blamed for
polluting N.J. air must better control its emissions, federal
authorities rule

Have also flagged for Moran - they've editorialized on this in the past.

----- Forwarded by Brendan Gilfillan/DC/USEPA/US on 10/31/2011 02:46 PM -----

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth
Oster/DC/USEPA/US@EPA
Date: 10/31/2011 02:17 PM
Subject: Star Ledger: Pennsylvania coal power plant blamed for polluting N.J. air must better control its
emissions, federal authorities rule

Quick web story - it'll get longer:

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Sulfur dioxide can aggravate asthma, cause other respiratory problems and contribute to other, more harmful types of air pollution, the EPA said in a news release.

State officials on both sides of the political aisle — including Gov. Chris Christie — have fought for at least a decade to force the plant to install upgrades because it contributes to New Jersey's air pollution, which does not meet federal clean air standards.

Under the EPA's decision, the Portland Generating Station must install the latest technology to capture pollution before sending it from its smokestacks into the air. The power plant is among the 44 percent of coal-fired plants in the country that do have advanced pollution controls, according to the EPA.

The state Department of Environmental Protection petitioned the EPA to force the plant to clean up in September last year. The EPA earlier this year proposed granting the petition, which was finalized in its ruling today, the EPA said.

**Brendan
Gilfillan/DC/USEPA/US**
11/04/2011 10:23 AM

To Richard Windsor
cc Seth Oster
bcc
Subject Star Ledger CSAPR/126 editorial

Star Ledger Editorial: Gov. Chris Christie must support EPA-ordered coal plant cleanup, not partisan politics

New Jersey governors, both Democratic and Republican, have long pressed for a cleanup of coal plants in other states that are spewing toxins into our air.

Until now. Gov. Chris Christie broke that streak yesterday. He said the Environmental Protection Agency is already doing too much. He said the federal government has too much power. He said he was "inclined" to reject calls to support the coal plant cleanup ordered by the EPA.

This is a day to fly the flags at half-staff. Because hundreds of people in New Jersey will die prematurely every year if Christie gets his way. Many more will suffer from heart attacks and asthma.

That's not melodrama, unfortunately. The EPA has ordered a cleanup of power plants in 27 states, most of them to our west and south. The order will cost New Jersey almost nothing because our power plants are already much cleaner than most.

But the benefits will be huge. The EPA estimates this rule will save up to 1,200 lives a year when the cleanup is complete. That's because more than one-third of our air pollution wafts in from other states, most of it from coal plants in Pennsylvania, Ohio, West Virginia and other states that allow their plants to operate without modern pollution controls.

Christie understands this. The great irony is that he won an important battle earlier this week to force a cleanup of the Portland Generation Station, an old and filthy coal plant that sits on the bank of the Delaware River in Pennsylvania.

Precisely the same principle is at work. An out-of-state plant was spewing pollution our way, making it impossible for New Jersey to clean its air. So Bob Martin, commissioner of the Department of Environmental Protection, asked the federal government for help.

New Jersey won that case because the science was irrefutable. You can draw a direct line between that coal plant and our pollution. You can see the smoke waft across the river. People who live nearby in Warren County have to wipe coal smudge off their cars and windows in the morning. Their kids have much higher rates of asthma, according to testimony before the EPA.

This same pattern occurs on a much larger scale every day. But when pollution floats to New Jersey from Ohio, it's impossible to draw a direct line to an individual plant. We know only that toxins we breathe come from coal plants in the region to our west and south. That's why the EPA ordered a broad cleanup under what's known as the cross-state rule.

Most of the other states that are downwind from these plants have joined in defending the EPA against a lawsuit filed by the dirty power companies, and the cities and states in which they operate. In similar fights in the past, New Jersey has joined them.

But not this time. And with a Nov. 6 deadline approaching, the governor yesterday gave us the thoughtless talking points that have become so familiar as the Republican Party continues its assault on environmental regulations.

What has happened to the species of moderate Republicans, such as former Govs. Tom Kean and

Christie Whitman, who both supported sensible EPA actions against these coal plants?

The drift rightward has hit Washington, as well as Trenton. Until this year, New Jersey Republicans in Congress frequently crossed the aisle in defense of the environment. Not anymore. The entire GOP delegation has joined the assault on the EPA, and this cross-state rule in particular. They voted in favor of the TRAIN Act, which would block the EPA's authority to impose these rules, perhaps indefinitely.

Christie still has a few days to shift directions. He has taken some positive steps on air pollution, such as limiting diesel fumes, emissions from dry cleaners and sulfur content of home heating oil. So there is still a shred of hope.

It would take courage in today's climate. It might even wreck his chances of being selected as a vice presidential candidate. But it would save lives and protect the health of vulnerable New Jerseyans.

**Brendan
Gillilan/DC/USEPA/US**
08/28/2011 07:12 PM

To Richard Windsor, "Scott Fulton", "Gina (Sheila) McCarthy",
"Bob Perciasepe", "Seth Oster", Janet McCabe, Laura
Vaught, "Michael Goo"

cc

bcc

Subject Re: Google Alert - lisa jackson epa

Full piece:

An EPA Moratorium

Since everyone has a suggestion or three about what President Obama can do to get the economy cooking again, here's one of ours: Immediately suspend the Environmental Protection Agency's bid to reorganize the U.S. electricity industry, and impose a moratorium on EPA rules at least until hiring and investment rebound for an extended period.

The EPA is currently pushing an unprecedented rewrite of air-pollution rules in an attempt to shut down a large portion of the coal-fired power fleet. Though these regulations are among the most expensive in the agency's history, none were demanded by the late Pelosi Congress. They're all the result of purely bureaucratic discretion under the Clean Air Act, last revised in 1990.

As it happens, those 1990 amendments contain an overlooked proviso that would let Mr. Obama overrule EPA Administrator Lisa Jackson's agenda. With an executive order, he could exempt all power plants "from compliance with any standard or limitation" for two years, or even longer using rolling two-year periods. All he has to declare is "that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so."

Both criteria are easily met. Most important, the EPA's regulatory cascade is a clear and present danger to the reliability and stability of the U.S. power system and grid. The spree affects plants that provide 40% of U.S. baseload capacity in the U.S., and almost half of U.S. net generation. The Federal Energy Regulatory Commission, or FERC, which is charged with ensuring the integrity of the power supply, reported this month in a letter to the Senate that 81 gigawatts of generating capacity is "very likely" or "likely" to be subtracted by 2018 amid coal plant retirements and downgrades.

That's about 8% of all U.S. generating capacity. Merely losing 56 gigawatts—a midrange scenario in line with FERC and industry estimates—is the equivalent of wiping out all power generation for Florida and Mississippi.

Getty Images

In practice, this will mean blackouts and rolling brownouts, as well as spiking rates for consumers. If a foreign power or terrorists wiped out 8% of U.S. capacity, such as through a cyber attack, it would rightly be considered an act of war. The EPA is in effect undermining the national security concept of "critical infrastructure"—assets essential to the functioning of society and the economy that Mr. Obama has an obligation to protect.

He would also be well within the law to declare that the EPA's rules are technologically infeasible. Later this year, for example, the EPA will release regulations requiring utilities to further limit mercury and other hazardous pollutants. Full compliance will be required by 2015, merely 36 months after the final rule is public, and plants that can't be upgraded in time will be required to shut down.

Yet this is nearly impossible to achieve. Duke Energy commented to the EPA that its average lead time for retrofitting scrubbers was 52 months, including the design, purchase and installation of equipment and the vagaries of the environmental permitting process. For Southern Co., another big utility, it was 54 months, over 16 scrubber systems. Filter systems usually take anywhere from 34 to 48 months end to end.

The environmental regulatory system is so rigid that once a rule is in motion it is almost impossible to stop or roll

back in a way that can withstand scrutiny in the courts. Mr. Obama allowed Ms. Jackson to begin the process, but we rehearse these details to show that he has the legal authority to minimize her damage. An executive order would not make these rules more rational or change them in any way. All it would do is delay them, giving businesses more time to prepare and to amortize the costs over a longer time.

The larger issue is whether the Administration's green campaign is more important than economic growth. The EPA's own lowball cost estimate for the mercury rule is \$11 billion annually, though the capital expenditures to meet the increasingly strict burden will be far higher. That investment could be put to more productive uses than mothballing coal assets and replacing them with more expensive sources like natural gas. With nearly a tenth of America out of work, \$11 billion year after year adds up.

We don't expect Mr. Obama to take our advice and tell his regulators to cool it, but no one should believe the excuse that his hands are tied. Whatever he decides will speak volumes about his real economic priorities.

From: Richard Windsor
Sent: 08/28/2011 06:47 PM EDT
To: "Scott Fulton" <Fulton.Scott@epa.gov>; "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>; "Bob Perciasepe" <perciasepe.bob@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; Brendan Gilfillan; Janet McCabe; Laura Vaught; "Michael Goo" <goo.michael@epa.gov>
Subject: Fw: Google Alert - lisa jackson epa

**Brendan
Gilfillan/DC/USEPA/US**
09/12/2011 09:48 AM

To Richard Windsor, "Seth Oster"
cc
bcc
Subject Re: Articles

White House Regulation Shift Is a Political Bet
SEPTEMBER 12, 2011
WSJ
By LAURA MECKLER And CAROL E. LEE

Cass Sunstein, the White House regulatory chief, had long argued for restraint in the growth of federal rules. As 2011 opened, he found a powerful, new ally inside the White House.

Bill Daley, a veteran of the top circles in business and politics, had been hired by President Barack Obama as chief of staff after the Democrats' disastrous midterm elections. In the months that followed, Messrs. Daley and Sunstein helped reshape the administration's regulatory posture.

Regulation czar Cass Sunstein (pictured) and chief of staff Bill Daley are leading the regulatory rethink. The most prominent result came Sept. 2, when Mr. Obama surprised environmental activists by scrapping a rule that would have toughened air-quality standards, and which business groups had said would cost jobs. But the push to give business arguments greater consideration has been seen in other regulatory moves.

Republicans and some business groups say Mr. Obama must jettison a host of other proposed regulations to reverse what they argue is an antibusiness perspective. Brad Dayspring, a spokesman for House Majority Leader Eric Cantor (R., Va.), said Sunday that Republicans welcomed the decision on air-quality standards but can't yet say that administration posture has fundamentally changed. "It's a welcome sign but there's still more to go if there's really a change," he said. "If he could do a few others like that, that would set us in the right direction."

Still, the U.S. Chamber of Commerce, a lobby group for business, has noted a change at the White House. Bill Kovacs, a senior vice president at the Chamber, said Mr. Sunstein is far more visible than during the first two years of the administration. And he said Mr. Daley had "changed the climate" at the White House.

"For the first two years, when there was a concern raised about regulation, the sense was they're just moving forward," he said. "Now, at least they're listening."

Political imperatives have influenced the new approach. Mr. Obama's political team helped spur the change, aiming to reposition the president in the political center and win back independent voters who deserted Democrats in 2010.

The political bet is that the White House can strike a balance that defuses GOP attacks while keeping core supporters in the fold. The risk is that the president fails to satisfy business groups, while alienating his liberal base.

Mr. Sunstein, who has been friends with Mr. Obama since their days on the University of Chicago law-school faculty, has long written about the need to weigh costs more prominently in determining whether regulations are worthwhile. As an academic, he spoke of the risks of over-regulation. Liberals were concerned about his selection to head the White House Office of Information and Regulatory Affairs, which reviews regulations proposed by federal agencies.

"Unless the law requires otherwise, we are going to give very serious consideration to costs and benefits and choose the least burdensome approach," Mr. Sunstein said in an interview.

He has gotten backing from Mr. Daley, the former J.P. Morgan Chase executive who was brought into the White House partly to improve frayed relations with the business community. Before taking the job, Mr. Daley was co-chairman of a Chamber of Commerce committee on financial regulation, arguing against consumer protections that became part of the final Dodd-Frank law. In June, he told a meeting of the National Association of Manufacturers that some regulatory hurdles are "hard to defend."

Soon after Mr. Daley came on board, the president issued an executive order that had been debated internally for months and which directed cabinet agencies to avoid excessive regulations. Based on that directive, Mr. Sunstein launched a review of existing rules and ultimately proposed killing hundreds of them. In July, Mr. Daley directed cabinet secretaries to consider the impact on jobs when proposing new regulations.

On Aug. 16, Mr. Daley met with environmental, public-health and other groups to discuss the Environmental Protection Agency rule that would tighten air-quality standards. At one point he lamented that the issue couldn't be worked out by consensus with industry, as the White House did with the auto industry on fuel-economy rules.

When the American Lung Association mentioned a poll showing public support for EPA standards, Mr. Daley appeared uninterested, according to one person in the room. "He literally cut the person off and said 'I don't give a [expletive] about the poll,'" this person said. A senior White House official said Mr. Daley wanted to hear arguments about the substance of the regulation and its impact, not political arguments, and he was uninterested in all polls on this topic.

The same day, Mr. Daley met with industry groups, who gave the White House a map showing counties that would be out of compliance with the Clean Air Act if the stricter standards were put in place. The map showed that the rule would affect areas in the politically important 2012 election states of Florida, Pennsylvania, Virginia and Ohio.

The White House is pressing forward on other regulations, including a disputed rule on mercury emissions from power plants, as well as rules implementing the Obama-backed health-care and financial-regulatory laws. The White House considered but ultimately rejected suggestions for a partial moratorium on new regulations.

Mr. Obama explained his effort at balance in his address to Congress on Thursday. Some rules put an "unnecessary burden" on businesses and are unjustified, he said. "But what we can't do, what I will not do, is let this economic crisis be used as an excuse to wipe out" rules that he called "basic protections" for Americans.

Forbes

Why Environmental Policies Don't Kill Jobs

Mindy Lubber

President Obama unveiled his jobs proposal last night and among many strong points, he rebuffed the naysayers who disparage the key role that clean technology jobs have in America's revival.

"If we provide the right incentives and support," he said, "we can be the ones to build everything from fuel-efficient cars to advanced biofuels to semiconductors that are sold all over the world."

And he really came out swinging on the need for environmental policies.

"I reject the argument that says for the economy to grow we have to roll back [regulations]. We shouldn't be in a race to the bottom, where we try to offer the cheapest labor and the worst pollution standards."

Obama is right on both fronts. Clean policies not only offer necessary protections, they stimulate jobs.

Quite simply, the naysayers are wrong on clean tech potential—and here's why:

From Scotland to Shanghai to Sao Paolo, the world is moving decisively toward a clean technology conversion and the jobs that come with it for urgent environmental, security and competitiveness reasons.

It's all about market share: Do we wish to trade our dependence on imported and dirty energy for a new dependence on non-domestic clean technologies? Or would we rather innovate 21st century technologies ourselves and sell them to the world?

Unbiased research is clear:

- A Deutsche Bank report in July found that "countries with more 'TLC' - transparency, longevity and certainty - in their climate policy frameworks will attract more investment and build new, clean industries, technologies and jobs faster than their policy-lagging counterparts." The United States was singled out as a laggard.
- A report by the University of Massachusetts' Political Economy Research Institute showed that EPA-mandated clean tech upgrades to America's Eisenhower-era power plant fleet will generate about 290,000 net new domestic jobs a year in each of the next five years.
- Two Citi Investment Research reports showed that boosting automobile fuel economy standards will boost automakers' variable profits and sales - especially for the Detroit 3 - and also boost US-based suppliers of fuel-savings technologies. In fact, GM is already pushing to export Michigan-made Chevrolet Volt plug-in hybrids to China, the world's largest auto market, later this year.
- Several recent news accounts (see here and here) point to a lack of clear policy in the U.S. - and its presence elsewhere - as a central reason other countries' clean tech industries are swiftly eclipsing U.S. firms' market share. And when American Electric Power this summer abandoned its pioneering effort to capture carbon dioxide from an existing coal-burning power plant, the New York Times reported: "The technology had been heralded as the quickest solution to help the coal industry weather tougher federal limits on greenhouse gas emissions. But Congressional inaction on climate change diminished the incentives that had spurred A.E.P. to take the leap."

So on these and other clean tech fronts America languishes while other countries sprint ahead. These countries get it: smart policy = business certainty = investment = jobs.

The naysayers' analysis of clean tech's potential is consistently and woefully incomplete because it's often a variation of an inadequate costs-only analysis - some version of, 'We can't buy this solar panel because the cost of the coal-fired power it replaces is cheaper.' That of course ignores the total societal cost of the fossil fuel in question, strong market trends, and the myriad other health, economic and security benefits of going from dirty energy to clean energy. Such incomplete analysis wouldn't pass muster in a first-year economics class.

Opponents of new environmental technologies and policies have repeatedly been wildly inaccurate in their cost claims. As one of many examples, in 1981 the Business Roundtable estimated that compliance with the Clean Air Act would cost \$66 billion annually over six years. In 1990, they estimated further compliance costs at \$55 billion annually. Yet in 1997, EPA reported the actual cost of the CAA compliance over its first 20 years at just \$26 billion a year. And that doesn't count the vastly-larger health and environmental gains.

So let's stop fiddling while the rest of the world sprints ahead in a competition that will only grow. As any VC will tell you, priming the pump for cutting-edge industries always has its share of failures and busts - let's not single them out to score political points.

The 21st Century global economy will inevitably be powered by clean tech, and the millions of jobs it spawns elsewhere if not here. It's past time to get moving on the policies we need to nurture it.

Richard Windsor

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

From: Richard Windsor

Sent: 09/12/2011 09:30 AM EDT

To: "Seth Oster" <oster.seth@epa.gov>; Brendan Gilfillan

Subject: Articles

Can you send me the text of the WSJ article on regs featuring Sunstein? Didn't see it in the clips.

Also - the Luber article in Forbes. Thx!

**Brendan
Gillilan/DC/USEPA/US**
10/19/2010 09:45 PM

To Windsor.Richard, Perciasepe.Bob, 221FC614,
Thompson.Diane, Sussman.Bob, Heinzerling.Lisa,
McIntosh.David, "Arvin Ganesan", "Lawrence Elworth", "Gina
McCarthy", "Daniel Kanninen"
cc "Adora Andy", "Betsaida Alcantara"

bcc

Subject Politico: EPA in the cross hairs

EPA in the cross hairs

By Robin Bravender | 10/19/10 @ 7:09 PM EST

Congressional Republicans planning an assault on the Obama administration's environmental record aim to turn Lisa Jackson into public enemy No. 1.

On the campaign trail, Republicans have adopted the Environmental Protection Agency as a favorite symbol of the White House's regulatory overreach. And behind the scenes in Washington, GOP staffers and K Street lobbyists who say they've been dissed by the EPA administrator are looking forward to getting some revenge.

Like other senior administration officials, Jackson can expect to be chained to a witness chair on Capitol Hill if Republicans win either chamber. There, they hope to make her defend policies the GOP contends are unpopular and anti-business.

"I think she'll be very much in demand on the Hill, at times not of her choosing," said a former staffer on the House Energy and Commerce Committee. "It will diminish her free time, shall we say."

With Democrats holding the reins in Congress, and White House energy and climate adviser Carol Browner taking many of the arrows from the GOP, Jackson has had enough of a political buffer zone to issue some of the strictest environmental rules in history. Republicans have decried the EPA at each step along the way but have been unable to do much about it.

Some of the animosity is personal: Republicans in both chambers and K Street attorneys say Jackson and her staff are too dismissive of opposing views and other stakeholders.

"When we write a letter to them, we'll get a form letter back," said a Republican aide. "We have seen no real indication that they hear or understand our concerns. She's loyal to the White House, and beyond that, they're just totally in sync with the view that we need a lot more regulations."

Rep. Joe Barton (R-Texas), ranking member of the energy committee, said Jackson isn't "rude or uncivil" but appears to be "on some sort of a mission, come heck or high water."

"Mrs. Jackson does not appear to be overly concerned about a cooperative relationship with the Congress or, at least, with the minority members of the Energy and Commerce Committee," Barton told POLITICO.

Rep. Shelley Moore Capito (R-W.Va.) complained earlier this year after a contentious meeting with Jackson over coal mining. Jackson told her that "the EPA is not required, and they do not consider, jobs or economic impact when evaluating permits," Capito told the Charleston Daily Mail.

"We had a good give and take. It wasn't adversarial," Capito said. "But there was no door opening where she said she might consider something. There was no door opening for me to say, 'Are you open to some change? Maybe you could come down to the coal fields.' I kept trying to, but there wasn't that possibility."

The showdown on Capitol Hill could be reminiscent of 1995, when Republicans reclaimed both chambers

of Congress in the middle of President Bill Clinton's first term.

"The impact on EPA was significant," said a former agency official who worked under then-Administrator Browner. "There was more oversight, and it was more intense."

Republicans will try to use hearings to discredit the administration and the EPA, that person said. "It can have its nastier side."

Rep. Fred Upton (R-Mich.), the favorite to chair the Energy and Commerce Committee if Democrats lose the House, hopes to investigate the Obama administration's "poisonous regulations" and the role of policy "czars" in the White House, including energy adviser Browner.

"If we have the gavel, I can assure you that the oversight subcommittee will be very busy," Upton told POLITICO, adding that Browner can also expect frequent invitations to testify. "We'll have a seat reserved for her," he said.

Energy and Commerce won't be the only panel on Jackson's dance card: Rep. Darrell Issa (R-Calif.) said he wants to use the Oversight and Government Reform Committee to lead a probe into the science underpinning the EPA's climate regulations. And Rep. Jim Sensenbrenner (R-Wis.) hopes to keep the Select Committee on Energy Independence and Global Warming alive so he can examine the administration's climate and energy policies.

Jackson, 48, is no shrinking violet. New Orleans raised, she earned her chops as an enforcer at both the EPA and New Jersey's Department of Environmental Protection before becoming the state's top environmental official. She has declared she has no plans to leave her post anytime soon.

Under her watch, the EPA has pushed through the nation's first-ever climate rules aimed at curbing emissions from large industries and automobiles. The agency has also come under fire for its efforts to limit toxic coal ash, ozone and soot and smog emissions from power plants.

One industry attorney complained that Jackson sees everything as a "mythic struggle between right and wrong," rather than looking to compromise.

"It's definitely anti-lobbyist rhetoric," Jackson told POLITICO earlier this month. "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 [about] any of a number of issues; they want protection for their families and their children.

"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," she added.

Democratic staffers, meanwhile, are quick to praise the agency. Eben Burnham-Snyder, a spokesman for House energy bill author Rep. Ed Markey (D-Mass.), said the EPA "has been very helpful, especially during the process of passing the energy bill through the committee," in providing reports and analyses.

EPA spokesman Brendan Gilfillan said Jackson's "commitment to openness compares particularly well to the lack of transparency during the previous administration.

"EPA is not always legally able to answer every question a member of Congress might ask," he added. "But we have responded - or are in the process of responding - to every letter sent to us, regardless of the merits of the arguments made in the letters themselves."

And Jackson's supporters say she won't relent under pressure. "She's up to whatever comes," said Dan Becker, director of the Safe Climate Campaign.

Becker warned that Republicans would pay a price for dragging officials to hearings to score political

points. "Merely subpoenaing people and hauling them up to answer the same questions ... will get them nowhere," he said. "The American people don't want nothing to happen; they want the right things to happen."

But not every hearing will produce fireworks, suggested former Rep. Thomas Bliley Jr. (R-Va.), who led the renamed House Commerce Committee from 1995 to 2001.

Bliley said the White House could find creative ways to avoid some GOP attacks. When reluctant officials do appear, he said, "they come in and generally read a long statement; announce in advance that they have another meeting they have to attend, ... and so they won't be there very long.

**Brendan
Gilfillan/DC/USEPA/US**
09/15/2010 10:36 AM

To Windsor.Richard, Perciasepe.Bob
cc Oster.Seth, Andy.Adora
bcc
Subject Re: Climate leaders today

Here's the release:

EPA to Transition Climate Leaders Program

WASHINGTON - The U.S. Environmental Protection Agency (EPA) announced that it will phase down services the agency offers under its Climate Leaders program over the coming year and encourage participating companies to transition to state or non-governmental programs. Factoring into the agency's plans for the program are the many new developments in regulatory and voluntary programs that address greenhouse gas (GHG) emissions, including the first-ever mandatory greenhouse gas reporting rule that took effect on January 1, 2010. In addition, several states and non-governmental organizations (NGOs) now offer climate programs that are now robust enough to serve companies in the Climate Leaders program.

As EPA phases down services the agency provides under the program - including technical assistance and setting greenhouse gas reduction goals - the agency will also take steps to assist the transition of the partners into non-federal programs that will allow them to go above and beyond mandatory reporting requirements to meet their goals. The agency will work with these programs to continue to stay involved in important initiatives related to corporate greenhouse gas accounting and to support companies' actions to reduce their GHG emissions, in particular through other EPA programs such as Energy Star and the Green Power Partnership. The agency will also seek new ways to promote, support and recognize climate leadership.

EPA is confident that this transition will allow the agency to realign resources to better assist companies in learning from the emissions data collected under the Greenhouse Gas Reporting Program. This data will facilitate the exchange and application of best practices and innovative technologies across a wide range of industries. EPA's other voluntary programs will remain in place and continue to work with partner organizations to reduce emissions and increase sustainability.

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 09/15/2010 07:27 AM EDT
To: Richard Windsor; Bob Perciasepe
Cc: Seth Oster; Adora Andy
Subject: Climate leaders today

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

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

Thanks

- Brendan

**Brendan
Gillilan/DC/USEPA/US**
10/20/2010 10:31 PM

To Windsor.Richard, Perciasepe.Bob, Oster.Seth, Andy.Adora,
Thompson.Diane, "Cynthia Giles-AA", "Matt Bogoshian",
"Bob Sussman", "David McIntosh", "Arvin Ganesan"

cc

bcc

Subject Inside EPA: Facing Staff Concerns, EPA Plans Overhaul In
Criminal Enforcement Office

Facing Staff Concerns, EPA Plans Overhaul In Criminal Enforcement Office
Posted: October 20, 2010

EPA enforcement chief Cynthia Giles is implementing sweeping leadership changes in the agency's criminal enforcement division to address retirements along with a host of personnel and resource concerns that several recent reports found may be hampering prosecutions and undermining staff morale.

In an Oct. 19 memo to criminal enforcement staff with the Office of Enforcement & Compliance Assurance (OECA), Giles announces a leadership shuffle to fill slots left by retiring officials within Office of Criminal Enforcement, Forensics & Training (OCEFT). Giles says Howard Cantor, director of the National Enforcement Investigations Center within OCEFT, is being immediately elevated to serve as acting deputy OCEFT director to replace Ellen Stough who retired earlier this year, and then he will becoming the office's acting director once director Fred Burnside retires in December.

She also announces that Becky Barnes, the current director of OCEFT's Criminal Investigation Division (CID), "has decided . . . to pursue new challenges within the criminal enforcement program."

The CID appears to have been the venue for some of the most disputed personnel issues due to concerns over the division's management, according to Giles' memo. A "lack of shared information about the reasons for some personnel decisions has [led] to the spread of rumors, creating in some places a climate of distrust about disciplinary matters," Giles writes.

In the memo, Giles notes that Cantor will seek broad input to determine "an appropriate and effective avenue for agents to communicate their concerns regarding personnel issues, and an appropriate and timely way for management to address those concerns." Giles adds that will consult with EPA's Office of General Counsel and Office of Human Resources to ensure that OCEFT's current personnel practices are consistent with federal policy.

Giles notes that the leadership changes contribute to the challenges facing the criminal office in the wake of two independent reviews -- including one by the federal Office of Personnel Management (OPM) and a second by two former EPA executives -- that had identified a series of problems within the CID and other criminal enforcement offices that she says will now be addressed.

"One of the purposes of this memo is to inform you of the actions we are taking both to improve communication and management processes

within CID, and to ensure that during this transition we maintain our focus on bringing environmental criminals to justice," Giles writes.

The new leadership changes are the latest indication that officials are seeking to strengthen the agency's criminal enforcement efforts. Last month, Giles promised to hire a slew of additional criminal investigators as part of a mandatory legislative requirement and the agency recently adopted a first-time performance measure for criminal enforcement under its five-year strategic plan.

Enforcement Staff Morale Undermined

Giles' memo comes in response to a report from former EPA officials Tom Voltaggio and Bill Finister that found that personnel policies in the criminal enforcement office had undermined staff morale.

The former officials' Sept. 7 report -- commissioned by Giles -- found, for example, that "Implementation of OCEFT's elaborate performance standards and code of conduct allows for a zero tolerance environment which results in a near certainty that anyone can be shown to have performed poorly or has violated some provision at any time, no matter how insignificantly. Many employees fear that they can be disciplined severely for actions out of proportion to the actual violation, thus creating, at a minimum, paranoia, and, at its worst, perceptions of potential unequal implementation."

The June 1 OPM survey also showed widespread employee dissatisfaction with management practices, for example, 45 percent said disciplinary actions are not applied fairly.

According to Giles' memo, this has prompted "personnel actions" in CID, "which will be reviewed to ensure that they are being handled in accordance with the applicable regulations and policies."

EPA released Giles' memo, along with a statement that praises the importance of criminal investigators, to InsideEPA in advance of a survey of EPA criminal investigators to be released Oct. 21 by Public Employees for Environmental Responsibility (PEER) showing "deteriorating pollution enforcement due to lack of resources and competent leadership."

PEER finds that 58 percent of agents responding to the survey believe CID is weaker than it was under the Bush administration and 65 percent believe the division is headed in the wrong direction. It also finds that 71 percent had concern over job retaliation by management and 73 percent expressed concern over micromanagement.

"Polluters go free if these investigators cannot do their jobs. Complex corporate criminal cases require support from managers who understand what it takes to make charges stick," PEER says in a statement accompanying the report.

An EPA spokesman says that criminal investigators "remain the backbone" of the agency's criminal enforcement program and that the agency is "committed to supporting and encouraging its public servants who do this important, and sometimes dangerous, work to protect human health and the environment." The spokesman adds that Giles was made

aware of concerns that criminal investigators had shortly after her confirmation, prompting her to commission the independent reviews to make recommendations for changes.

"While EPA does not agree with all of the reviewers' conclusions and believes certain conclusions are a result of a misunderstanding of the unique nature of law enforcement work, there are a number of recommendations that Assistant Administrator Giles is committed to making -- some right away and others that the program can implement moving forward," the spokesman says.

Giles Praises Retiring Enforcement Official

In her memo, Giles also praised the retiring Burnside as "an outstanding leader and public servant," and cited as an example a program he initiated to integrate a more strategic case selection and targeting method for investigations that can have the largest and more important deterrent impact.

Additionally, Burnside in an Oct. 18 memo to OCEFT staff announcing his retirement, having reached the mandatory age for a special agent says, he is "extremely proud of the progress and achievements of the EPA criminal program during my 23 years of service with CID and OCEFT." Burnside adds that the OCEFT, which he headed since 2008, "has been through numerous transitions of leadership at national and local levels and one fact always remains true -- the line agents, field supervisors, scientists, technicians, attorneys and administrative professionals are the ones who provide the continuity and stability to move forward and remain successful in our mission.

**Brendan
Gilfillan/DC/USEPA/US**
01/24/2012 08:58 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Alcantara.Betsaida, "Stephanie Owens", Kanninen.Daniel,
Moats.Michael, Goo.Michael, Ganesan.Arvin, Sussman.Bob,
"Jose Lozano", Fulton.Scott, Bennett.Barbara,
Elworth.Lawrence, Corman.Bicky, "Lisa Garcia", "Eric
Wachter", "Elizabeth Ashwell", "Laura Vaught"

cc

bcc

Subject Fw: EMBARGOED: President Barack Obama's State of the
Union Address -- As Prepared for Delivery

Final speech below.

From: White House Press Office [noreply@messages.whitehouse.gov]
Sent: 01/24/2012 07:47 PM CST
To: Brendan Gilfillan
Subject: EMBARGOED: President Barack Obama's State of the Union Address -- As Prepared for Delivery

THE WHITE HOUSE
Office of the Press Secretary

EMBARGOED UNTIL DELIVERY

January 24, 2012

Remarks of President Barack Obama - As Prepared for Delivery
State of the Union Address
"An America Built to Last"
Tuesday, January 24th, 2012
Washington, DC

As Prepared for Delivery -

Mr. Speaker, Mr. Vice President, members of Congress, distinguished guests, and fellow Americans:

Last month, I went to Andrews Air Force Base and welcomed home some of our last troops to serve in Iraq. Together, we offered a final, proud salute to the colors under which more than a million of our fellow citizens fought - and several thousand gave their lives.

We gather tonight knowing that this generation of heroes has made the United States safer and more respected around the world. For the first time in nine years, there are no Americans fighting in Iraq. For the first time in two decades, Osama bin Laden is not a threat to this country. Most of al Qaeda's top lieutenants have been defeated. The Taliban's momentum has been broken, and some troops in Afghanistan have begun to come home.

These achievements are a testament to the courage, selflessness, and teamwork of America's Armed Forces. At a time when too many of our institutions have let us down, they exceed all expectations. They're not consumed with personal ambition. They don't obsess over their differences. They focus on the mission at hand. They work together.

Imagine what we could accomplish if we followed their example. Think about the America within our reach: A country that leads the world in educating its people. An America that attracts a new generation of high-tech manufacturing and high-paying jobs. A future where we're in control of our own energy, and our security and prosperity aren't so tied to unstable parts of the world. An economy built to last, where hard work pays off, and responsibility is rewarded.

We can do this. I know we can, because we've done it before. At the end of World War II, when another generation of heroes returned home from combat, they built the strongest economy and middle class the world has ever known. My grandfather, a veteran of Patton's Army, got the chance to go to college on the GI Bill. My grandmother, who worked on a bomber assembly line, was part of a workforce that turned out the best products on Earth.

The two of them shared the optimism of a Nation that had triumphed over a depression and fascism. They understood they were part of something larger; that they were contributing to a story of success that every American had a chance to share - the basic American promise that if you worked hard, you could do well enough to raise a family, own a home, send your kids to college, and put a little away for retirement.

The defining issue of our time is how to keep that promise alive. No challenge is more urgent. No debate is more important. We can either settle for a country where a shrinking number of people do really well, while a growing number of Americans barely get by. Or we can restore an economy where everyone gets a fair shot, everyone does their fair share, and everyone plays by the same set of rules. What's at stake are not Democratic values or Republican values, but American values. We have to reclaim them.

Let's remember how we got here. Long before the recession, jobs and manufacturing began leaving our shores. Technology made businesses more efficient, but also made some jobs obsolete. Folks at the top saw their incomes rise like never before, but most hardworking Americans struggled with costs that were growing, paychecks that weren't, and personal debt that kept piling up.

In 2008, the house of cards collapsed. We learned that mortgages had been sold to people who couldn't afford or understand them. Banks had made huge bets and bonuses with other people's money. Regulators had looked the other way, or didn't have the authority to stop the bad behavior.

It was wrong. It was irresponsible. And it plunged our economy into a crisis that put millions out of work, saddled us with more debt, and left innocent, hard-working Americans holding the bag. In the six months before I took office, we lost nearly four million jobs. And we lost another four million before our policies were in full effect. Those are the facts. But so are these. In the last 22 months, businesses have created

more than three million jobs. Last year, they created the most jobs since 2005. American manufacturers are hiring again, creating jobs for the first time since the late 1990s. Together, we've agreed to cut the deficit by more than \$2 trillion. And we've put in place new rules to hold Wall Street accountable, so a crisis like that never happens again.

The state of our Union is getting stronger. And we've come too far to turn back now. As long as I'm President, I will work with anyone in this chamber to build on this momentum. But I intend to fight obstruction with action, and I will oppose any effort to return to the very same policies that brought on this economic crisis in the first place. No, we will not go back to an economy weakened by outsourcing, bad debt, and phony financial profits. Tonight, I want to speak about how we move forward, and lay out a blueprint for an economy that's built to last – an economy built on American manufacturing, American energy, skills for American workers, and a renewal of American values.

This blueprint begins with American manufacturing.

On the day I took office, our auto industry was on the verge of collapse. Some even said we should let it die. With a million jobs at stake, I refused to let that happen. In exchange for help, we demanded responsibility. We got workers and automakers to settle their differences. We got the industry to retool and restructure. Today, General Motors is back on top as the world's number one automaker. Chrysler has grown faster in the U.S. than any major car company. Ford is investing billions in U.S. plants and factories. And together, the entire industry added nearly 160,000 jobs.

We bet on American workers. We bet on American ingenuity. And tonight, the American auto industry is back.

What's happening in Detroit can happen in other industries. It can happen in Cleveland and Pittsburgh and Raleigh. We can't bring back every job that's left our shores. But right now, it's getting more expensive to do business in places like China. Meanwhile, America is more productive. A few weeks ago, the CEO of Master Lock told me that it now makes business sense for him to bring jobs back home. Today, for the first time in fifteen years, Master Lock's unionized plant in Milwaukee is running at full capacity.

So we have a huge opportunity, at this moment, to bring manufacturing back. But we have to seize it. Tonight, my message to business leaders is simple: Ask yourselves what you can do to bring jobs back to your country, and your country will do everything we can to help you succeed.

We should start with our tax code. Right now, companies get tax breaks for moving jobs and profits overseas. Meanwhile, companies that choose to stay in America get hit with one of the highest tax rates in the world. It makes no sense, and everyone knows it.

So let's change it. First, if you're a business that wants to outsource jobs, you shouldn't get a tax deduction for doing it. That money should be used to cover moving expenses for companies like Master Lock that decide to bring jobs home.

Second, no American company should be able to avoid paying its fair share of taxes by

moving jobs and profits overseas. From now on, every multinational company should have to pay a basic minimum tax. And every penny should go towards lowering taxes for companies that choose to stay here and hire here.

Third, if you're an American manufacturer, you should get a bigger tax cut. If you're a high-tech manufacturer, we should double the tax deduction you get for making products here. And if you want to relocate in a community that was hit hard when a factory left town, you should get help financing a new plant, equipment, or training for new workers.

My message is simple. It's time to stop rewarding businesses that ship jobs overseas, and start rewarding companies that create jobs right here in America. Send me these tax reforms, and I'll sign them right away.

We're also making it easier for American businesses to sell products all over the world. Two years ago, I set a goal of doubling U.S. exports over five years. With the bipartisan trade agreements I signed into law, we are on track to meet that goal – ahead of schedule. Soon, there will be millions of new customers for American goods in Panama, Colombia, and South Korea. Soon, there will be new cars on the streets of Seoul imported from Detroit, and Toledo, and Chicago.

I will go anywhere in the world to open new markets for American products. And I will not stand by when our competitors don't play by the rules. We've brought trade cases against China at nearly twice the rate as the last administration – and it's made a difference. Over a thousand Americans are working today because we stopped a surge in Chinese tires. But we need to do more. It's not right when another country lets our movies, music, and software be pirated. It's not fair when foreign manufacturers have a leg up on ours only because they're heavily subsidized.

Tonight, I'm announcing the creation of a Trade Enforcement Unit that will be charged with investigating unfair trade practices in countries like China. There will be more inspections to prevent counterfeit or unsafe goods from crossing our borders. And this Congress should make sure that no foreign company has an advantage over American manufacturing when it comes to accessing finance or new markets like Russia. Our workers are the most productive on Earth, and if the playing field is level, I promise you – America will always win.

I also hear from many business leaders who want to hire in the United States but can't find workers with the right skills. Growing industries in science and technology have twice as many openings as we have workers who can do the job. Think about that – openings at a time when millions of Americans are looking for work.

That's inexcusable. And we know how to fix it.

Jackie Bray is a single mom from North Carolina who was laid off from her job as a mechanic. Then Siemens opened a gas turbine factory in Charlotte, and formed a partnership with Central Piedmont Community College. The company helped the college design courses in laser and robotics training. It paid Jackie's tuition, then hired her to help operate their plant.

I want every American looking for work to have the same opportunity as Jackie did. Join me in a national commitment to train two million Americans with skills that will

lead directly to a job. My Administration has already lined up more companies that want to help. Model partnerships between businesses like Siemens and community colleges in places like Charlotte, Orlando, and Louisville are up and running. Now you need to give more community colleges the resources they need to become community career centers – places that teach people skills that local businesses are looking for right now, from data management to high-tech manufacturing.

And I want to cut through the maze of confusing training programs, so that from now on, people like Jackie have one program, one website, and one place to go for all the information and help they need. It's time to turn our unemployment system into a reemployment system that puts people to work.

These reforms will help people get jobs that are open today. But to prepare for the jobs of tomorrow, our commitment to skills and education has to start earlier.

For less than one percent of what our Nation spends on education each year, we've convinced nearly every State in the country to raise their standards for teaching and learning – the first time that's happened in a generation.

But challenges remain. And we know how to solve them.

At a time when other countries are doubling down on education, tight budgets have forced States to lay off thousands of teachers. We know a good teacher can increase the lifetime income of a classroom by over \$250,000. A great teacher can offer an escape from poverty to the child who dreams beyond his circumstance. Every person in this chamber can point to a teacher who changed the trajectory of their lives. Most teachers work tirelessly, with modest pay, sometimes digging into their own pocket for school supplies – just to make a difference.

Teachers matter. So instead of bashing them, or defending the status quo, let's offer schools a deal. Give them the resources to keep good teachers on the job, and reward the best ones. In return, grant schools flexibility: To teach with creativity and passion; to stop teaching to the test; and to replace teachers who just aren't helping kids learn. We also know that when students aren't allowed to walk away from their education, more of them walk the stage to get their diploma. So tonight, I call on every State to require that all students stay in high school until they graduate or turn eighteen.

When kids do graduate, the most daunting challenge can be the cost of college. At a time when Americans owe more in tuition debt than credit card debt, this Congress needs to stop the interest rates on student loans from doubling in July. Extend the tuition tax credit we started that saves middle-class families thousands of dollars. And give more young people the chance to earn their way through college by doubling the number of work-study jobs in the next five years.

Of course, it's not enough for us to increase student aid. We can't just keep subsidizing skyrocketing tuition; we'll run out of money. States also need to do their part, by making higher education a higher priority in their budgets. And colleges and universities have to do their part by working to keep costs down. Recently, I spoke with a group of college presidents who've done just that. Some schools re-design courses to help students finish more quickly. Some use better technology. The point is, it's possible. So let me put colleges and universities on notice: If you can't stop tuition

from going up, the funding you get from taxpayers will go down. Higher education can't be a luxury – it's an economic imperative that every family in America should be able to afford.

Let's also remember that hundreds of thousands of talented, hardworking students in this country face another challenge: The fact that they aren't yet American citizens. Many were brought here as small children, are American through and through, yet they live every day with the threat of deportation. Others came more recently, to study business and science and engineering, but as soon as they get their degree, we send them home to invent new products and create new jobs somewhere else.

That doesn't make sense.

I believe as strongly as ever that we should take on illegal immigration. That's why my Administration has put more boots on the border than ever before. That's why there are fewer illegal crossings than when I took office.

The opponents of action are out of excuses. We should be working on comprehensive immigration reform right now. But if election-year politics keeps Congress from acting on a comprehensive plan, let's at least agree to stop expelling responsible young people who want to staff our labs, start new businesses, and defend this country. Send me a law that gives them the chance to earn their citizenship. I will sign it right away.

You see, an economy built to last is one where we encourage the talent and ingenuity of every person in this country. That means women should earn equal pay for equal work. It means we should support everyone who's willing to work; and every risk-taker and entrepreneur who aspires to become the next Steve Jobs.

After all, innovation is what America has always been about. Most new jobs are created in start-ups and small businesses. So let's pass an agenda that helps them succeed.

Tear down regulations that prevent aspiring entrepreneurs from getting the financing to grow. Expand tax relief to small businesses that are raising wages and creating good jobs. Both parties agree on these ideas. So put them in a bill, and get it on my desk this year.

Innovation also demands basic research. Today, the discoveries taking place in our federally-financed labs and universities could lead to new treatments that kill cancer cells but leave healthy ones untouched. New lightweight vests for cops and soldiers that can stop any bullet. Don't gut these investments in our budget. Don't let other countries win the race for the future. Support the same kind of research and innovation that led to the computer chip and the Internet; to new American jobs and new American industries.

Nowhere is the promise of innovation greater than in American-made energy. Over the last three years, we've opened millions of new acres for oil and gas exploration, and tonight, I'm directing my Administration to open more than 75 percent of our potential offshore oil and gas resources. Right now, American oil production is the highest that it's been in eight years. That's right – eight years. Not only that – last year, we relied less on foreign oil than in any of the past sixteen years.

But with only 2 percent of the world's oil reserves, oil isn't enough. This country needs an all-out, all-of-the-above strategy that develops every available source of American

energy – a strategy that’s cleaner, cheaper, and full of new jobs.

We have a supply of natural gas that can last America nearly one hundred years, and my Administration will take every possible action to safely develop this energy.

Experts believe this will support more than 600,000 jobs by the end of the decade. And I’m requiring all companies that drill for gas on public lands to disclose the chemicals they use. America will develop this resource without putting the health and safety of our citizens at risk.

The development of natural gas will create jobs and power trucks and factories that are cleaner and cheaper, proving that we don’t have to choose between our environment and our economy. And by the way, it was public research dollars, over the course of thirty years, that helped develop the technologies to extract all this natural gas out of shale rock – reminding us that Government support is critical in helping businesses get new energy ideas off the ground.

What’s true for natural gas is true for clean energy. In three years, our partnership with the private sector has already positioned America to be the world’s leading manufacturer of high-tech batteries. Because of federal investments, renewable energy use has nearly doubled. And thousands of Americans have jobs because of it.

When Bryan Ritterby was laid off from his job making furniture, he said he worried that at 55, no one would give him a second chance. But he found work at Energetx, a wind turbine manufacturer in Michigan. Before the recession, the factory only made luxury yachts. Today, it’s hiring workers like Bryan, who said, “I’m proud to be working in the industry of the future.”

Our experience with shale gas shows us that the payoffs on these public investments don’t always come right away. Some technologies don’t pan out; some companies fail. But I will not walk away from the promise of clean energy. I will not walk away from workers like Bryan. I will not cede the wind or solar or battery industry to China or Germany because we refuse to make the same commitment here. We have subsidized oil companies for a century. That’s long enough. It’s time to end the taxpayer giveaways to an industry that’s rarely been more profitable, and double-down on a clean energy industry that’s never been more promising. Pass clean energy tax credits and create these jobs.

We can also spur energy innovation with new incentives. The differences in this chamber may be too deep right now to pass a comprehensive plan to fight climate change. But there’s no reason why Congress shouldn’t at least set a clean energy standard that creates a market for innovation. So far, you haven’t acted. Well tonight, I will. I’m directing my Administration to allow the development of clean energy on enough public land to power three million homes. And I’m proud to announce that the Department of Defense, the world’s largest consumer of energy, will make one of the largest commitments to clean energy in history – with the Navy purchasing enough

capacity to power a quarter of a million homes a year.

Of course, the easiest way to save money is to waste less energy. So here's another proposal: Help manufacturers eliminate energy waste in their factories and give businesses incentives to upgrade their buildings. Their energy bills will be \$100 billion lower over the next decade, and America will have less pollution, more manufacturing, and more jobs for construction workers who need them. Send me a bill that creates these jobs.

Building this new energy future should be just one part of a broader agenda to repair America's infrastructure. So much of America needs to be rebuilt. We've got crumbling roads and bridges. A power grid that wastes too much energy. An incomplete high-speed broadband network that prevents a small business owner in rural America from selling her products all over the world.

During the Great Depression, America built the Hoover Dam and the Golden Gate Bridge. After World War II, we connected our States with a system of highways. Democratic and Republican administrations invested in great projects that benefited everybody, from the workers who built them to the businesses that still use them today.

In the next few weeks, I will sign an Executive Order clearing away the red tape that slows down too many construction projects. But you need to fund these projects. Take the money we're no longer spending at war, use half of it to pay down our debt, and use the rest to do some nation-building right here at home.

There's never been a better time to build, especially since the construction industry was one of the hardest-hit when the housing bubble burst. Of course, construction workers weren't the only ones hurt. So were millions of innocent Americans who've seen their home values decline. And while Government can't fix the problem on its own, responsible homeowners shouldn't have to sit and wait for the housing market to hit bottom to get some relief.

That's why I'm sending this Congress a plan that gives every responsible homeowner the chance to save about \$3,000 a year on their mortgage, by refinancing at historically low interest rates. No more red tape. No more runaround from the banks. A small fee on the largest financial institutions will ensure that it won't add to the deficit, and will give banks that were rescued by taxpayers a chance to repay a deficit of trust.

Let's never forget: Millions of Americans who work hard and play by the rules every day deserve a Government and a financial system that do the same. It's time to apply the same rules from top to bottom: No bailouts, no handouts, and no copouts. An America built to last insists on responsibility from everybody.

We've all paid the price for lenders who sold mortgages to people who couldn't afford them, and buyers who knew they couldn't afford them. That's why we need smart regulations to prevent irresponsible behavior. Rules to prevent financial fraud, or toxic dumping, or faulty medical devices, don't destroy the free market. They make the free market work better.

There is no question that some regulations are outdated, unnecessary, or too costly. In fact, I've approved fewer regulations in the first three years of my presidency than my Republican predecessor did in his. I've ordered every federal agency to eliminate rules that don't make sense. 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. 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. With a rule like that, I guess it was worth crying over spilled milk.

I'm confident a farmer can contain a milk spill without a federal agency looking over his shoulder. But I will not back down from making sure an oil company can contain the kind of oil spill we saw in the Gulf two years ago. I will not back down from protecting our kids from mercury pollution, or making sure that our food is safe and our water is clean. I will not go back to the days when health insurance companies had unchecked power to cancel your policy, deny you coverage, or charge women differently from men.

And I will not go back to the days when Wall Street was allowed to play by its own set of rules. The new rules we passed restore what should be any financial system's core purpose: Getting funding to entrepreneurs with the best ideas, and getting loans to responsible families who want to buy a home, start a business, or send a kid to college.

So if you're a big bank or financial institution, you are no longer allowed to make risky bets with your customers' deposits. You're required to write out a "living will" that details exactly how you'll pay the bills if you fail - because the rest of us aren't bailing you out ever again. And if you're a mortgage lender or a payday lender or a credit card company, the days of signing people up for products they can't afford with confusing forms and deceptive practices are over. Today, American consumers finally have a watchdog in Richard Cordray with one job: To look out for them.

We will also establish a Financial Crimes Unit of highly trained investigators to crack down on large-scale fraud and protect people's investments. Some financial firms violate major anti-fraud laws because there's no real penalty for being a repeat offender. That's bad for consumers, and it's bad for the vast majority of bankers and financial service professionals who do the right thing. So pass legislation that makes the penalties for fraud count.

And tonight, I am asking my Attorney General to create a special unit of federal prosecutors and leading state attorneys general to expand our investigations into the abusive lending and packaging of risky mortgages that led to the housing crisis. This new unit will hold accountable those who broke the law, speed assistance to homeowners, and help turn the page on an era of recklessness that hurt so many Americans.

A return to the American values of fair play and shared responsibility will help us protect our people and our economy. But it should also guide us as we look to pay down our debt and invest in our future.

Right now, our most immediate priority is stopping a tax hike on 160 million working Americans while the recovery is still fragile. People cannot afford losing \$40 out of each paycheck this year. There are plenty of ways to get this done. So let's agree right here, right now: No side issues. No drama. Pass the payroll tax cut without delay.

When it comes to the deficit, we've already agreed to more than \$2 trillion in cuts and savings. But we need to do more, and that means making choices. Right now, we're poised to spend nearly \$1 trillion more on what was supposed to be a temporary tax break for the wealthiest 2 percent of Americans. Right now, because of loopholes and shelters in the tax code, a quarter of all millionaires pay lower tax rates than millions of middle-class households. Right now, Warren Buffett pays a lower tax rate than his secretary.

Do we want to keep these tax cuts for the wealthiest Americans? Or do we want to keep our investments in everything else – like education and medical research; a strong military and care for our veterans? Because if we're serious about paying down our debt, we can't do both.

The American people know what the right choice is. So do I. As I told the Speaker this summer, I'm prepared to make more reforms that rein in the long term costs of Medicare and Medicaid, and strengthen Social Security, so long as those programs remain a guarantee of security for seniors.

But in return, we need to change our tax code so that people like me, and an awful lot of Members of Congress, pay our fair share of taxes. Tax reform should follow the Buffett rule: If you make more than \$1 million a year, you should not pay less than 30 percent in taxes. And my Republican friend Tom Coburn is right: Washington should stop subsidizing millionaires. In fact, if you're earning a million dollars a year, you shouldn't get special tax subsidies or deductions. On the other hand, if you make under \$250,000 a year, like 98 percent of American families, your taxes shouldn't go up. You're the ones struggling with rising costs and stagnant wages. You're the ones who

need relief.

Now, you can call this class warfare all you want. But asking a billionaire to pay at least as much as his secretary in taxes? Most Americans would call that common sense.

We don't begrudge financial success in this country. We admire it. When Americans talk about folks like me paying my fair share of taxes, it's not because they envy the rich. It's because they understand that when I get tax breaks I don't need and the country can't afford, it either adds to the deficit, or somebody else has to make up the difference - like a senior on a fixed income; or a student trying to get through school; or a family trying to make ends meet. That's not right. Americans know it's not right. They know that this generation's success is only possible because past generations felt a responsibility to each other, and to their country's future, and they know our way of life will only endure if we feel that same sense of shared responsibility. That's how we'll reduce our deficit. That's an America built to last.

I recognize that people watching tonight have differing views about taxes and debt; energy and health care. But no matter what party they belong to, I bet most Americans are thinking the same thing right now: Nothing will get done this year, or next year, or maybe even the year after that, because Washington is broken.

Can you blame them for feeling a little cynical?

The greatest blow to confidence in our economy last year didn't come from events beyond our control. It came from a debate in Washington over whether the United States would pay its bills or not. Who benefited from that fiasco?

I've talked tonight about the deficit of trust between Main Street and Wall Street. But the divide between this city and the rest of the country is at least as bad - and it seems to get worse every year.

Some of this has to do with the corrosive influence of money in politics. So together, let's take some steps to fix that. Send me a bill that bans insider trading by Members of Congress, and I will sign it tomorrow. Let's limit any elected official from owning stocks in industries they impact. Let's make sure people who bundle campaign contributions for Congress can't lobby Congress, and vice versa - an idea that has bipartisan support, at least outside of Washington.

Some of what's broken has to do with the way Congress does its business these days. A simple majority is no longer enough to get anything - even routine business - passed through the Senate. Neither party has been blameless in these tactics. Now both parties should put an end to it. For starters, I ask the Senate to pass a rule that all judicial and public service nominations receive a simple up or down vote within 90 days.

The executive branch also needs to change. Too often, it's inefficient, outdated and remote. That's why I've asked this Congress to grant me the authority to consolidate the federal bureaucracy so that our Government is leaner, quicker, and more responsive to the needs of the American people.

Finally, none of these reforms can happen unless we also lower the temperature in this town. We need to end the notion that the two parties must be locked in a perpetual campaign of mutual destruction; that politics is about clinging to rigid ideologies instead of building consensus around common sense ideas.

I'm a Democrat. But I believe what Republican Abraham Lincoln believed: That Government should do for people only what they cannot do better by themselves, and no more. That's why my education reform offers more competition, and more control for schools and States. That's why we're getting rid of regulations that don't work. That's why our health care law relies on a reformed private market, not a Government program.

On the other hand, even my Republican friends who complain the most about Government spending have supported federally-financed roads, and clean energy projects, and federal offices for the folks back home.

The point is, we should all want a smarter, more effective Government. And while we may not be able to bridge our biggest philosophical differences this year, we can make real progress. With or without this Congress, I will keep taking actions that help the economy grow. But I can do a whole lot more with your help. Because when we act together, there is nothing the United States of America can't achieve.

That is the lesson we've learned from our actions abroad over the last few years.

Ending the Iraq war has allowed us to strike decisive blows against our enemies. From Pakistan to Yemen, the al Qaeda operatives who remain are scrambling, knowing that they can't escape the reach of the United States of America.

From this position of strength, we've begun to wind down the war in Afghanistan. Ten thousand of our troops have come home. Twenty-three thousand more will leave by the end of this summer. This transition to Afghan lead will continue, and we will build an enduring partnership with Afghanistan, so that it is never again a source of attacks against America.

As the tide of war recedes, a wave of change has washed across the Middle East and North Africa, from Tunis to Cairo; from Sana'a to Tripoli. A year ago, Qadhafi was one of the world's longest-serving dictators - a murderer with American blood on his

hands. Today, he is gone. And in Syria, I have no doubt that the Assad regime will soon discover that the forces of change can't be reversed, and that human dignity can't be denied.

How this incredible transformation will end remains uncertain. But we have a huge stake in the outcome. And while it is ultimately up to the people of the region to decide their fate, we will advocate for those values that have served our own country so well. We will stand against violence and intimidation. We will stand for the rights and dignity of all human beings – men and women; Christians, Muslims, and Jews. We will support policies that lead to strong and stable democracies and open markets, because tyranny is no match for liberty.

And we will safeguard America's own security against those who threaten our citizens, our friends, and our interests. Look at Iran. Through the power of our diplomacy, a world that was once divided about how to deal with Iran's nuclear program now stands as one. The regime is more isolated than ever before; its leaders are faced with crippling sanctions, and as long as they shirk their responsibilities, this pressure will not relent. Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal. But a peaceful resolution of this issue is still possible, and far better, and if Iran changes course and meets its obligations, it can rejoin the community of nations.

The renewal of American leadership can be felt across the globe. Our oldest alliances in Europe and Asia are stronger than ever. Our ties to the Americas are deeper. Our iron-clad commitment to Israel's security has meant the closest military cooperation between our two countries in history. We've made it clear that America is a Pacific power, and a new beginning in Burma has lit a new hope. From the coalitions we've built to secure nuclear materials, to the missions we've led against hunger and disease; from the blows we've dealt to our enemies; to the enduring power of our moral example, America is back.

Anyone who tells you otherwise, anyone who tells you that America is in decline or that our influence has waned, doesn't know what they're talking about. That's not the message we get from leaders around the world, all of whom are eager to work with us. That's not how people feel from Tokyo to Berlin; from Cape Town to Rio; where opinions of America are higher than they've been in years. Yes, the world is changing; no, we can't control every event. But America remains the one indispensable nation in world affairs – and as long as I'm President, I intend to keep it that way.

That's why, working with our military leaders, I have proposed a new defense strategy that ensures we maintain the finest military in the world, while saving nearly half a trillion dollars in our budget. To stay one step ahead of our adversaries, I have already sent this Congress legislation that will secure our country from the growing danger of

cyber-threats.

Above all, our freedom endures because of the men and women in uniform who defend it. As they come home, we must serve them as well as they served us. That includes giving them the care and benefits they have earned – which is why we've increased annual VA spending every year I've been President. And it means enlisting our veterans in the work of rebuilding our Nation.

With the bipartisan support of this Congress, we are providing new tax credits to companies that hire vets. Michelle and Jill Biden have worked with American businesses to secure a pledge of 135,000 jobs for veterans and their families. And tonight, I'm proposing a Veterans Job Corps that will help our communities hire veterans as cops and firefighters, so that America is as strong as those who defend her.

Which brings me back to where I began. Those of us who've been sent here to serve can learn from the service of our troops. When you put on that uniform, it doesn't matter if you're black or white; Asian or Latino; conservative or liberal; rich or poor; gay or straight. When you're marching into battle, you look out for the person next to you, or the mission fails. When you're in the thick of the fight, you rise or fall as one unit, serving one Nation, leaving no one behind.

One of my proudest possessions is the flag that the SEAL Team took with them on the mission to get bin Laden. On it are each of their names. Some may be Democrats. Some may be Republicans. But that doesn't matter. Just like it didn't matter that day in the Situation Room, when I sat next to Bob Gates – a man who was George Bush's defense secretary; and Hillary Clinton, a woman who ran against me for president.

All that mattered that day was the mission. No one thought about politics. No one thought about themselves. One of the young men involved in the raid later told me that he didn't deserve credit for the mission. It only succeeded, he said, because every single member of that unit did their job – the pilot who landed the helicopter that spun out of control; the translator who kept others from entering the compound; the troops who separated the women and children from the fight; the SEALs who charged up the stairs. More than that, the mission only succeeded because every member of that unit trusted each other – because you can't charge up those stairs, into darkness and danger, unless you know that there's someone behind you, watching your back.

So it is with America. Each time I look at that flag, I'm reminded that our destiny is stitched together like those fifty stars and those thirteen stripes. No one built this country on their own. This Nation is great because we built it together. This Nation is great because we worked as a team. This Nation is great because we get each other's backs. And if we hold fast to that truth, in this moment of trial, there is no challenge too great; no mission too hard. As long as we're joined in common purpose, as long as we

maintain our common resolve, our journey moves forward, our future is hopeful, and the state of our Union will always be strong.

Thank you, God bless you, and may God bless the United States of America.

###

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**Brendan
Gilfillan/DC/USEPA/US**
04/30/2012 02:57 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Ganesan.Arvin, Woodka.Janet, Lozano.Jose
cc
bcc
Subject Re: Coverage

NYT

Al Armendariz, the Environmental Protection Agency official who stirred controversy last week after a video circulated in which he declared that that the agency should "crucify" polluters as a deterrent, has resigned, saying he regrets his comments and does not want them to distract from the E.P.A.'s work.

E.P.A. Al Armendariz

Lisa P. Jackson, the E.P.A. administrator, immediately accepted Dr. Armendariz's resignation.

"I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency," Ms. Jackson said in a statement. "We are all grateful for Dr. Armendariz's service to E.P.A. and to our nation."

In his resignation letter, Dr. Armendariz, the Dallas-based administrator for the E.P.A.'s Region 6, said: "As I have expressed publicly, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as regional administrator. As importantly, they do not represent the work you have overseen as E.P.A. administrator."

Region 6 encompasses New Mexico, Oklahoma, Texas, Arkansas, Louisiana and 66 tribal nations.

In the video<<http://www.youtube.com/watch?v=WH9ctBMZLxc>>, posted on YouTube, Dr. Armendariz discussed his approach to enforcement of environmental laws.

"It is kind of like how the Romans used to conquer villages in the Mediterranean - they'd go into a little Turkish town somewhere and they'd find the first five guys they saw and they'd crucify them," he says on the tape. "Then that little town was really easy to manage for the next few years."

He goes on: "And so, you make examples out of people who are, in this case, not complying with the law. You find people who are not complying with the law and you hit them as hard as you can and you make examples out of them. There's a deterrent effect there. And companies that are smart see that. They don't want to play that game, and they decide at that point that it's time to clean up. And that won't happen unless you have somebody out there making examples of people."

Senator James Inhofe, Republican Oklahoma, called attention to the videotape last week, asserting that it showed that the Obama administration's agenda was to restrict oil and gas development through zealous enforcement of environmental laws. Republicans said they planned to demand that Dr. Armendariz appear before a Senate committee.

On Monday, he welcomed Dr. Armendariz's resignation but that "it in no way solves the problem of President Obama and his E.P.A.'s crucifixion philosophy."

"Armendariz was just being honest: his choice of words revealed the truth about the war that EPA has been waging on American energy producers under President Obama," Mr. Inhofe said.

Senior E.P.A. officials moved quickly last week to distance themselves from Dr. Armendariz's comments. Cynthia J. Giles, the E.P.A. assistant administrator for enforcement and compliance, characterized his remarks as "unfortunate and inaccurate." She added: "We, and the official involved, regret the statement, for which he has apologized. It does not reflect our record over the last three years."

Ms. Jackson pointedly did not rise to Dr. Armendariz's defense and spent little time weighing whether to accept his resignation, which agency officials said was voluntary.

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 01:23 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Re: Coverage

Top EPA official resigns over 'crucify' comment

DINA CAPPIELLO, Associated Press

Monday, April 30, 2012

WASHINGTON (AP) – The Obama administration's top environmental official in the oil-rich South and Southwest region has resigned after Republicans targeted him over remarks made two years ago when he used the word "crucify" to describe how he would go after companies violating environmental laws.

In a letter to Environmental Protection Agency Administrator Lisa Jackson sent Sunday, Al Armendariz says he regrets his words and stresses that they do not reflect his work as administrator of the five-state region including Texas, New Mexico, Oklahoma, Arkansas and Louisiana. Armendariz, who holds a doctorate in environmental engineering, apologized for his remarks last week. A senior administration official, speaking on condition of anonymity because of the sensitivity of the subject, told The Associated Press that he has since received death threats. His resignation was effective Monday, when he informed his senior staff.

"I have come to the conclusion that my continued service will distract you and the agency from its important work," Armendariz wrote in the letter, which was obtained by The Associated Press.

Republicans in Congress had called for Armendariz' firing, after Oklahoma Sen. James Inhofe highlighted the May 2010 speech last week as proof of what he refers to as EPA's assault on energy, particularly the technique of hydraulic fracturing, or fracking.

At a town hall meeting in Washington on Friday, Jackson had said only that she would continue to review the case, calling Armendariz' words "inflammatory" and "wrong". President Obama appointed Armendariz in November 2009, at the urging of Texas-based environmental groups. He is one of a few Latinos in senior leadership at the EPA.

The regional administrator's words "don't comport with either this administration's policy on energy, our policy at EPA on environmental enforcement, nor do they comport with our record as well," Jackson said.

The EPA, perhaps more than any other agency, has found itself in the GOP's crosshairs over its regulation of the gases blamed for global warming, steps it has taken to limit air pollution from coal-fired power plants, and its increased regulation of fracking, which is responsible for a gas drilling boom. Republicans, including presidential contender Mitt Romney – who has called for Jackson herself to be fired – have blamed the agency for high gasoline prices and clamping down on American energy.

Armendariz, who was based in Texas, frequently found himself at odds with the state government and the oil and gas industry.

Several disputed contamination cases in Texas in which Armendariz was involved have helped stoke environmental concerns over fracking, a technique in which oil and gas producers inject water, chemicals and sand underground at high pressures to fracture rock so gas can come out.

Armendariz' speech was made in Dish, a small town northwest of Dallas, where residents' concerns over the environmental impacts of hydraulic fracturing helped put the issue on the national stage.

Testing, which was urged by the EPA, showed some groundwater contamination and elevated toxic air pollution after operators began using a new method – a combination of hydraulic fracturing, or fracking, and horizontal drilling – to extract once out-of-reach gas.

Referring to how Romans conquered villages in the Mediterranean in the Middle Ages, Armendariz said, "They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they'd crucify them."

"And so you make examples out of people who are in this case not complying with the law," he said. "Find people who are not complying with the law and you hit them as hard as you can and make examples of them."

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 01:21 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Re: Coverage

ABC and CNN. AP coming next:

ABC News

EPA Regional Administrator Resigns after Outcry over 'Crucify' Comments

By Jake Tapper

April 30, 2012

Over the weekend, Environmental Protection Agency Region VI Administrator Al Armendariz resigned, following a conservative outcry after remarks he made in 2010 came to light, ones suggesting government officials should take lessons from ancient Romans and "crucify" people not complying with environmental laws.

"As I have expressed publically, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as regional administrator," Armendariz wrote in a letter to EPA Administrator Lisa Jackson. "As importantly, they do not represent the work you have overseen as EPA administrator. While I feel there is much work that remains to be done for the people of this country in the region that I serve, after a great deal of thought and careful consideration, I have come to the conclusion that my continued service will distract you and the agency from its important work. Therefore, I am offering my resignation, effective Monday, April 30, 2012."

Jackson said in a statement that "Dr. Armendariz offered his resignation, which I accepted. I respect the difficult decision he made and his wish to avoid distracting from the important work of the Agency. We are all grateful for Dr. Armendariz's service to EPA and to our nation."

The 2010 video, publicized by frequent EPA foe Senator James Inhofe, R-Okla., showed Armendariz saying that he gave the following analogy to his staff about his "philosophy of enforcement," which he acknowledged being crude and perhaps inappropriate, but shared anyway: "It is kind of like how the Romans used to conquer villages in the Mediterranean - they'd go into a little Turkish town somewhere and they'd find the first five guys they saw, they'd crucify 'em, and that little town was really easy to manage for the next few years."

Armendariz continued: "And so, you make examples out of people who are, in this case, not complying with the law. You find people who are not complying with the law and you hit 'em as hard as you can and you make examples out of them, there's a deterrent effect there. And companies that are smart see that. They don't want to play that game, and they decide at that point that it's time to clean up. And that won't happen unless you have somebody out there making examples."

Last Thursday White House press secretary Jay Carney noted that Armendariz had "apologized and made clear that those comments are an inaccurate way to characterize the work EPA does."

EPA Region VI covers Arkansas, Louisiana, New Mexico, Oklahoma, Texas and dozens of tribal nations, and Oklahoma's Inhofe was not convinced.

"With an election on the horizon," Inhofe said in a press release, "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 E.P.A. 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."

CNN

EPA official resigns over 'crucify' remark

By Lesa Jansen and Todd Sperry

April 30, 2012

Washington (CNN) -- The head of the Environmental Protection Agency's office in Dallas has resigned over comments he made in 2010 that became the focus of political condemnation last week. EPA Administrator Lisa Jackson said Monday that she accepted a letter of resignation from Al Armendariz.

"I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency," Jackson said in a written statement.

In the letter dated Sunday, Armendariz said he regrets his comments, adding that they did not reflect on his work or the work of the EPA.

The controversy erupted last week when a video surfaced showing Armendariz saying in 2010 that his methods for dealing with non-compliant oil and gas companies were "like when the Romans conquered the villages in the Mediterranean. They'd go into little villages in Turkish towns and they'd find the first five guys they saw and crucify them."

Sen. James Inhofe's office told CNN it uncovered the video while preparing for a blistering half-hour Senate floor speech that Inhofe delivered Wednesday. In the speech, the Republican from Oklahoma criticized the Obama administration's energy policies and cited Armendariz in particular.

"His comments give us a rare glimpse into the Obama administration's true agenda," Inhofe said. After the video went viral, Armendariz quickly issued an apology. But Inhofe rejected the apology, and the White House and EPA dissociated themselves from the administrator's remarks.

"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," Inhofe said.

"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," Inhofe added.

White House Press Secretary Jay Carney told reporters Thursday that "the official's comments are inaccurate as a representation or characterization of the way the EPA has operated under President Obama."

In a statement posted on its website, the EPA said it was "deeply unfortunate that in a 2010 video an EPA official inaccurately suggested we are seeking to 'make examples' out of certain companies in the oil and gas industry."

Armendariz was on a leave of absence from his job as a professor at Southern Methodist University while he served with the EPA. He was appointed by Obama in 2009.

The remarks surfaced at a critical time for Obama's re-election campaign. The administration's energy policies have been targeted by critics, including Republican presidential candidate Mitt Romney, who blame the president's policies for higher oil and gas prices.

On Friday, a letter signed by the House Energy and Commerce Committee's Republican members requested clarification of Armendariz's enforcement strategies and policies while leading the agency's Region 6 office.

The committee said it "will use all authorities at its disposal to ensure Armendariz's attendance" at an

upcoming hearing.
Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 04/30/2012 12:51 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano
Subject: Re: Coverage
EPA official under fire for 'crucify' quote quits

By Dan Berman and Erica Martinson
4/30/12 12:48 PM EDT

The EPA regional administrator who suggested the agency was out to “crucify” lawbreaking oil and gas companies has resigned. Al Armendariz said he regrets his comments and doesn’t wish to be a distraction for the agency, he wrote in a letter to EPA Administrator Lisa Jackson on Sunday.

Armendariz headed EPA’s Region 6, which covers Arkansas, Louisiana, New Mexico, Oklahoma and Texas. Last Wednesday, Sen. Jim Inhofe (R-Okla.) unveiled a 2010 video of the regional administrator making controversial comments about EPA enforcement against oil and gas companies.

Armendariz said his policy is analogous to Romans overtaking villages, noting that they would “crucify” the first five men they saw as an example. The EPA would do the same to law breakers, he said.

In his letter to Jackson, Armendariz apologized again for the comments. “As I have expressed publicly, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as a regional administrator. As importantly, they do not represent the work you have overseen as EPA administrator,” Armendariz said in the letter<<https://www.politicopro.com/f/?f=9040&inb>>.

Armendariz spoke of his pride in “having built a career built on integrity and hard work.” But, “While I feel there is much work that remains to be done for the people of this country in the region that I serve, after a great deal of thought and careful consideration, I have come to the conclusion that my continued service will distract you and the agency from its important work,” he wrote.

Jackson issued a statement acknowledging his “difficult decision.”

“Over the weekend Dr. Armendariz offered his resignation, which I accepted,” Jackson said. “I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency. We are all grateful for Dr. Armendariz’s service to EPA and to our nation.”

On Friday, Jackson criticized the “crucify” statement. “They were inflammatory, but they were also wrong,” Jackson told reporters.

In a separate letter to supporters, Armendariz said the decision was his alone.

“This was not something that was asked of me by Administrator Jackson or the White House. It is a decision I made myself,” Armendariz wrote, as reported by the Dallas Morning News<<http://thescoopblog.dallasnews.com/archives/2012/04/days-after-damaging-video-surf.html>>. “I had become too much of a distraction, and no one person is more important than the incredible work being done by the rest of the team at EPA.”

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 04/30/2012 12:13 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Coverage

Dina's first:

WASHINGTON (AP) _ The Obama administration's top environmental official in the oil-rich South and Southwest region has resigned after Republicans targeted him over remarks made two years ago when he used the word "crucify" to describe his approach to enforcement.

¶ In a letter to EPA Administrator Lisa Jackson sent Sunday, Al Armendariz says he regrets his words and stresses that they do not reflect his work as administrator of the five-state region including Texas, New Mexico, Oklahoma, Arkansas and Louisiana.

¶ Republicans in Congress had called for Armendariz' firing, after Oklahoma Sen. James Inhofe highlighted the May 2010 speech last week as proof of what he refers to as EPA's assault on energy, particularly the technique of hydraulic fracturing, or fracking.

¶ Several disputed contamination cases in Texas have helped stoke environmental concerns over fracking.

**Brendan
Gillilan/DC/USEPA/US**
04/12/2011 02:46 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Giles-AA.Cynthia, Stoner.Nancy, Sussman.Bob, Oster.Seth,
Andy.Adora, "David McIntosh", "Arvin Ganesan", "Stephanie
Owens", "Dru Ealons", "Janet Woodka"

cc

bcc

Subject Greenwire: Fracking with diesel violated law, EPA says

NATURAL GAS: Fracking with diesel violated law, EPA says
Environmental and Energy daily
Mike Soraghan, E&E reporter
04/12/2011

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<<http://www.eenews.net/eenewspm/2011/01/20/archive/3>>, 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.

**Brendan
Gilfillan/DC/USEPA/US**
12/13/2011 07:39 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Alcantara.Betsaida, Ganesan.Arvin,
Vaught.Laura, Goo.Michael, Kanninen.Daniel, Barron.Alex,
"Joel Beauvais", "Stephanie Owens", "Dru Ealons", "Gina
McCarthy", "Joseph Goffman"
cc
bcc
Subject Fw: Internal FERC emails show rift with EPA over utility
MACT

Please see the below story. This is going to be a significant issue tonight/tomorrow.

From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 12/13/2011 07:33 PM EST
To: Brendan Gilfillan
Subject: Internal FERC emails show rift with EPA over utility MACT

Internal FERC emails show rift with EPA over utility MACT

By Erica Martinson
12/13/11 7:31 PM EST

Internal emails between FERC and the White House show that the EPA may have discounted Energy Department concerns about how its mercury and air toxics rule for power plants could affect power grid reliability.

FERC officials were also frustrated with EPA's intransigence on the issue during the draft rule phase, according to the emails.

"I don't think there is any value in continuing to engage EPA on the issues," FERC senior economist David Kathan wrote in a March [email](#). "EPA has indicated that these are their assumptions and have made it clear" that they will not change "anything on reliability or gas availability in the proposed rule."

"As it has done in other responses, EPA continues to make a lot of assumptions and does not directly answer anything associated with local reliability," Kathan wrote. "They provide the standard response that there will be enough time and they are confident that regional processes will accommodate any local capacity deficiency problem early in the process, or they do not directly respond to the question."

EPA is expected to issue its utility MACT rule on Friday, per a court agreement.

The requirements of the rule will lead to the closure of many coal-fired power plants, and idling of some coal-fired power generation units. Partisan fervor has risen in recent months over concerns that the pollution-control requirements will have dramatic impacts on electric reliability.

House Oversight and Government Reform Committee leaders cited internal FERC and OMB emails to say that EPA shirked its responsibility to appropriately consider reliability concerns.

Chairman Darrell Issa (R-Calif.) and Regulatory Affairs subpanel Chairman Jim Jordan (R-Ohio) sent a [letter](#) Tuesday to White House Office of Management and Budget regulatory chief Cass Sunstein citing the emails and asking that the rule be returned to EPA to more fully consider the impact on jobs and electric reliability.

Originally, EPA mentioned concerns about reliability in its draft, requesting comment on the issue. But on March 3, while the draft rule was under review, Ellen Brown of FERC sent an email to OIRA expressing concern that EPA was planning to ask commenters to “opine on the scope of our authority to ensure compliance with our regulations,” according to the [emails](#).

So EPA removed the request from comment before releasing the rule.

Doing so without requesting input from other FERC offices or commissioners, the committee said in the letter to Sunstein, “does a disservice to the rulemaking process.”

During the March interagency review of the proposed rule, the Energy asked EPA to change a notation that it “has worked closely” with FERC and DOE on the potential impacts to reliability to say “will continue to work” with the agencies.

“In light of this new information, we are writing to request that the Office of Information and Regulatory Affairs immediately return the utility MACT rule to EPA and require that EPA and the Federal Energy Regulatory Commission complete a proper assessment of the rule that includes an analysis of its impact on grid reliability,” the House letter says.

EPA has repeatedly said that it will allow flexibility to ensure that FERC’s reliability needs are met, and also notes that independent assessments of the outcome of EPA’s air toxics rules tends to overstate the rules’ requirements.

To read and comment online:

<https://www.politicopro.com/go/?id=7957>

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<https://www.politicopro.com/member/?webaction=viewAlerts>

**Brendan
Gillilan/DC/USEPA/US**
11/04/2011 06:16 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Alcantara.Betsaida, Ganesan.Arvin, "Laura
Vaught", "Stephanie Owens", "Daniel Kanninen", "Jose
Lozano", "Alisha Johnson", "Janet Woodka"

cc

bcc

Subject Politico: 'Thugs' misquote of EPA's Jackson sparks GOP
uproar

'Thugs' misquote of EPA's Jackson sparks GOP uproar

By Patrick Reis
11/4/11 5:57 PM EDT

Republicans are in an Internet uproar over an erroneous media report quoting EPA Administrator Lisa Jackson as calling them "jack-booted thugs" during a speech at the University of California at Berkeley.

Trouble is, Jackson didn't level the term at Republicans. Instead, she used it to refer to her own employees, jokingly borrowing language that the EPA's critics have used to describe the agency's workers.

According to video of the event<<http://www.youtube.com/watch?v=xcNeR6-EEGc>> Thursday and a transcript of the speech provided by the EPA, Jackson spent part of her speech debunking earlier inaccurate media reports that claimed the agency intended<<https://www.politicopro.com/story/energy/?id=6157>> to "triple its budget and add 230,000 new regulators to cut greenhouse gas emissions from sources like – be prepared – backyard grills and cows."

In fact, she noted, the EPA had proposed a "tailoring rule" meant to limit the permitting requirements to the biggest industrial emitters.

"A massive expansion was never a possibility – and the people who cited the 230,000 new EPA jack-booted thugs knew that," she said. "That number comes from an administration document explaining why you needed a Tailoring Rule."

But in an account of the event that E&E News published Friday, a reporter described Jackson as accusing House and Senate Republicans of deliberately misleading the public with the 230,000-employee figure – then quoted her as saying, "Those jack-booted thugs knew that."

E&E has since republished its account with a correction, but the conservative site RedState<<http://www.redstate.com/aglanon/2011/11/04/epa-chief-lisa-jackson-calls-republicans-jack-booted-thugs/>> picked up the original version, setting Twitter and other sites ablaze with conservative criticism of Jackson.

Jackson's "bureacratic [sic.] speak aside, it was apparently enraging for Jackson that Republicans claimed the EPA wanted to hire 230,000 employees based on a document saying they'd need to hire 230,000 employees to enforce their absurd regulations," wrote RedState's Ben Howe. "So enraging that it caused her to lash out in what I'm sure would've been called 'violent, fascist, police-state, authoritarian, terrorist speak' had it been said while George W. Bush was president."

RedState representatives did not respond immediately to inquiries on whether they'll update their post.

JunkScience.com, a blog for critics of climate science, also posted on the story<<http://junkscience.com/2011/11/04/epa-chief-congressional-gop-are-jack-booted-thugs/>>, accusing Jackson of taking "trash-talking to a new level for a senior government official."

And FOX Nation ran a post<

<http://nation.foxnews.com/epa/2011/11/04/epa-chief-calls-republicans-jack-booted-thugs>> on its front page with the headline "EPA Chief Calls Republicans 'Jack-Booted Thugs,'" which ultimately traced back to the RedState post.

**Brendan
Gillilan/DC/USEPA/US**
05/19/2011 09:29 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
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Subject Wsj: U.S. Scraps Letter Grades for Cars

U.S. Scraps Letter Grades for Cars

By JOSH MITCHELL<

<http://online.wsj.com/search/term.html?KEYWORDS=JOSH+MITCHELL&bylinesearch=true>> And
STEPHEN POWER<

<http://online.wsj.com/search/term.html?KEYWORDS=STEPHEN+POWER&bylinesearch=true>>

WASHINGTON—The Obama administration has scrapped a proposal to assign new passenger cars a letter grade from A to D based on their fuel efficiency, according to people familiar with the matter.

The administration was considering the letter grades as part of a revamp of the familiar price-and-mileage labels affixed to new cars.

Instead, the updated labels, expected to be unveiled by Obama officials next week, will include more information designed to help consumers judge a car's projected gasoline costs and its emissions. But they won't include letter grades assigned by regulators, people familiar with the proposal said.

Under the administration's proposal, released last August, the only cars that would receive an A-plus, A or A-minus would be electrics and plug-in hybrids, and that prompted concerns among U.S. auto makers that specialize in bigger cars and sport-utility vehicles.

The auto industry argued the letter grade proposal would put the government in the position of making value judgments about vehicles. The industry's top lobbyist at the time likened the proposal to elementary school, and members of Congress wrote to the administration opposing the idea.

A spokesman for the Alliance of Automobile Manufacturers, the industry's main trade group, said Thursday that the group hadn't seen the final proposal, but that it welcomed the idea of more-traditional labels without letter grades.

"The addition of a large, brightly colored letter grade may confuse the public about what is being graded and it risks alienating the consumer who has a valid need for a vehicle that does not achieve an 'A' based on greenhouse gas emissions, said Wade Newton, an Auto Alliance spokesman.

The Washington-based Safe Climate Campaign, one of a number of environmental groups that lobbied for the letter grades, criticized the administration's decision to drop the idea.

"It is deeply disappointing that the Obama administration abandoned" the idea of assigning letter grades, said Dan Becker, the campaign's director. "It's appalling that the car makers, some of whom we bailed out, bludgeoned the administration into submission."

Mr. Becker said the administration's decision means his group will push harder for ambitious fuel economy targets in the rule-making to cover 2017-2025 model-year vehicles. The administration has already required all cars sold in the U.S. to average 35.5 miles per gallon by 2016. It is currently in negotiations with California, the auto industry and environmental groups on standards for the subsequent years, and that proposal could come out in September.

The Transportation Department and the Environmental Protection Agency, which are jointly releasing the new labels, declined to comment. The proposal is undergoing a final review by the White House Office of Management and Budget, according to that agency's Web site.

A person familiar with the administration's internal deliberations on the new labels said the agencies struggled with how to account for the upstream emissions of electric vehicles in states that rely heavily on coal-fired electricity. If the government were to give such vehicles A's, the person said, "is everyone going to go out and buy electric vehicles that actually pollute the environment?"

"Even within agencies, there were differences of opinion" on whether to grade vehicles, the person said, adding that administration officials ultimately concluded that letter grades would be "very subjective."

**Brendan
Gillilan/DC/USEPA/US**
06/19/2011 09:36 PM

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Subject NYT Editorial: A.E.P. Protests Too Much

A.E.P. Protests Too Much
NY Times editorial

American Electric Power, one of the nation's largest utilities, warned last week that new air quality rules could force it to "prematurely" shut down about two dozen big coal-fired units and fire hundreds of workers. This is a deceptive and particularly cynical claim. The utility is making a business decision that has little to do with the rules.

Here is what A.E.P. is not saying: These units are, on average, 55 years old. Some are running at only 5 percent of capacity. Many had long been slated for retirement, in part to comply with a 2007 settlement with the George W. Bush administration in which the company agreed to settle violations of the Clean Air Act by spending \$4.7 billion to retire or retrofit aging units.

Blaming the rules is a transparent scare tactic designed to weaken the administration's resolve while playing to industry supporters on Capitol Hill. Fortunately, Lisa Jackson, head of the Environmental Protection Agency, which proposed the rules, refuses to be bullied.

Ms. Jackson called the A.E.P. charges "misleading at best" and made clear she would not retreat from her statutory duty to protect public health. She said she would stick to her timetable and make the rules final this year. We hope that the White House is equally determined.

Two rules are at issue. One, proposed last year, would require utilities to sharply reduce emissions of already-regulated soot and smog-forming pollutants like sulfur dioxide. The other, for the first time, would mandate reductions in toxic pollutants like mercury. Coal-fired plants, which generate the vast bulk of A.E.P.'s power, are by far the biggest producers of all these pollutants. Companies will have to begin complying with the soot and smog rules next year and the air toxics rule by 2015.

A.E.P. says this timeline is "unrealistic" and asks for a delay of up to five years; otherwise, it says, it will have to shut down one-fourth of its coal-fired capacity and lay off up to 600 workers. Yet in a June 1 meeting with investors, Michael Morris, the utility's chairman, who last week warned about the impact of the proposed regulations on "our customers and local economies," told investors that the closings were "the appropriate way to go" for customers and shareholders.

As for the utility's claims of undue haste, they don't stand up to even minimal review. Both rules have been in the works since the Clinton administration, and companies that have made their plants more efficient or invested in cleaner-burning fuels or up-to-date pollution control technologies are by now well prepared to deal with them.

A.E.P., by contrast, has always seemed much more interested in fighting the Clean Air Act than in finding sensible ways to meet its requirements. It fought the statute after it passed in 1970 and resisted efforts to strengthen the law under President George H. W. Bush. Even now it is shopping a bill around Capitol Hill that would block or delay the proposed new standards.

The bill does not so far have a sponsor, though it will likely have plenty of sympathizers among Republicans and some Rust Belt Democrats. It does not reflect the interests or wishes of the vast majority of Americans, for whom cleaner air is rightly a higher priority than any company's bottom line.

**Brendan
Gilfillan/DC/USEPA/US**
12/11/2010 04:32 PM

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Subject Politico: Obama EPA delays cause heartburn

Obama EPA delays cause heartburn
By: Robin Bravender
December 11, 2010 03:27 PM EST

Greens and public health advocates fear the White House is losing its backbone when it comes to defending its environmental policies - at the worst possible time.

The Environmental Protection Agency this week delayed two major clean air regulations aimed at curbing ozone and toxic air pollution from industrial boilers. The Obama administration denies that politics are in play, but that appearance is hard to avoid as House Republicans prepare to use their majority to try and rollback EPA standards.

The delays have garnered national attention, including a front page story of Friday's New York Times - and sent shockwaves through the environmental and public health communities. Now, activists who heralded Obama's aggressive environmental policies are preparing to circle their wagons around other rules they say may be vulnerable.

"Given the events of this week, environmental regulators are on high alert for signs of future attempts to delay or interfere with the roll-out of important regulatory health protections," said Bill Becker, executive director of the National Association of Clean Air Agencies.

Next up are measures to slash soot, smog and mercury from power plants and a national air quality standard for fine particle pollution.

The delayed air rules "should be a clarion call to arms that we're going to need to step up or we're just going to get rolled," said Frank O'Donnell, president of the advocacy group Clean Air Watch.

Obama administration officials said the delays are based on technical issues, not politics.

"These announcements have nothing to do with each other or with the other rules we've announced in the past, or will announce in the future, to protect Americans' health," said EPA spokesman Brendan Gilfillan. "No one should read anything more into this than the fact that we're doing what we've said we'd do all along: following the best science and the law."

The agency wants to re-propose the boiler rule for legal reasons, he said, and has delayed the ozone rule to get additional input from science advisers.

But Eric Schaeffer, director of the nonprofit Environmental Integrity Project, said the administration is understandably wary after the midterm election. "They lost a ton of seats in the heartland. They took a beating," he said.

"Somewhere in the White House I'm sure they're thinking they need to trim back on some of this stuff, but I just don't think in Ohio people are wandering around thinking the ozone standards are too strict," added Schaeffer, EPA's enforcement chief under the George W. Bush administration until he resigned in 2002.

EPA regulations became an easy mark for lawmakers on both sides of the aisle this year, especially

during the midterm elections. And top Republicans have fallen over themselves pledging to grill EPA Administrator Lisa Jackson to Capitol Hill over standards ranging from air toxics rules to greenhouse gas regulations.

Rep. Fred Upton (R-Mich.), the incoming chairman of the House Energy and Commerce Committee, has pledged to use his new post to lead probes into a spate of EPA rulemakings he has dubbed "job-killing regulations." He listed several of his prime targets in a recent Washington Times op-ed, including the now-delayed ozone rule and air toxics standard for industrial boilers, a controversial coal ash rule and a cooling water intake rule for power plants.

White House spokesman Clark Stevens said the administration is ready for the fight.

"The administration is committed to building on and defending our efforts to transition to a clean energy economy and increase environmental protection," Stevens told POLITICO in a statement. "We will continue to take steps to develop science based, common sense regulations that protect the health of Americans while also focusing on creating jobs, reducing dependence on foreign oil, and cutting pollution."

Paul Billings, vice president of national policy and advocacy at the American Lung Association, said he hopes the delays are not an emerging pattern or a policy decision. "We need EPA to move forward with these rulemakings and the other rules that are in the queue because there are very real consequences for not doing so."

EPA estimates that the proposed ozone standard would help prevent up to 12,000 premature deaths and save up to \$100 billion dollars in health costs, while the air toxics rule for boilers could prevent 5,000 premature deaths and yield up to \$44 billion in health benefits per year.

If EPA weakens or delays a draft air toxics rule for power plants due out in March, "it will be a huge breaking point," Becker said. "If ever a case can be made for additional regulation, it's forcing dirty power plants to take mercury and other poisons out of coal in order to protect children and pregnant women."

Considering the pressure EPA will face from Capitol Hill, some say the extra time could actually help the agency.

"EPA is clearly in for a sustained period of aggressive and even hostile oversight," said Jason Grumet, President of the Bipartisan Policy Center. "It will save the agency time in the long run to ensure that its analysis, explanation and outreach are buttoned up tight."

In an effort to redo many of the Bush administration's policies - including the ozone and boilers regulations, the Obama EPA has "rushed through some major, major rules," said Jeff Holmstead, an industry attorney who served as EPA air chief during the George W. Bush administration. "Not only the air quality standards, but things that ordinarily just kind of cook a much longer time."

This was the third time the Obama administration delayed its final revision of the George W. Bush EPA's ozone standard. Sen. Tom Carper (D-Del.) said he hopes it will be "the last delay we will see on this issue."

**Brendan
Gillilan/DC/USEPA/US**
12/01/2010 10:20 PM

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Subject Wash Post Profile: EPA head Lisa Jackson is prepared for
battle

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EPA head Lisa Jackson is prepared for battle

By Juliet Eilperin
Washington Post Staff Writer
Wednesday, December 1, 2010; 8:49 PM

Not many Environmental Protection Agency administrators are likely to belt out a Stevie Wonder tune when discussing the importance of air quality.

But in the midst of a recent interview, Lisa P. Jackson delivered a slightly off-key rendition of the 1973 hit "Living for the City" to make a point about why she does her job:

"He spends his life walking the streets of New York City/He's almost dead from breathing in air pollution/He tried to vote but there's no solution/Living just enough, just enough for the city."

"I think about that evolution," she added, recounting how many Americans no longer face the same dangers from breathing in the air each day - a change that has brought the agency new challenges and in some senses made it a victim of its own success.

She laughed at her own musical interlude. "That's as emotional as I get."

Jackson's ability to focus on her intellectual priorities have earned plaudits from environmentalists, who see her as one of their most effective champions of public health measures. But it could also put her very mission at risk. As the EPA celebrates its 40th anniversary Thursday, her pursuit of sweeping rules to curb the nation's output of carbon dioxide and other pollutants could trigger a backlash from the newly empowered Republicans in Congress.

"The pendulum could end up swinging back in the other direction," said a White House official from a previous administration who has focused on environmental issues.

The White House is being lobbied hard to rein in the EPA when it comes to several proposals, including those on boilers and smog-forming pollutants. And it is unclear how much influence Jackson wields within the administration, compared with higher-profile environmental officials such as Interior Secretary Ken Salazar and Carol Browner, the White House energy and climate change adviser.

William K. Reilly, who headed the EPA under George H.W. Bush and admires Jackson, said "she doesn't have much margin for error."

"The prospects of a standoff, or a decision to defund the agency in a number of areas, I think are pretty large," Reilly said. "Looking ahead in the next two years, it's going to be a hard ship to steer."

By all indications Jackson - who recalled that, as the child of a postal worker, she knew "my biggest asset was having a brain" - will do as she sees fit, despite the political obstacles.

"Before the last election we should have just been doing our job based on science and the law," she said. "And after this election, we should just do our job based on science and the law."

Jackson, who once mocked the agency she now leads as the "Emissions Permissions Agency," has repeatedly spoken of the need to enforce rules with an eye toward protecting the most vulnerable Americans, including the elderly, poor and minorities, even as others have suggested these measures could cost jobs. Having grown up in New Orleans' Ninth Ward - and taken the wheel to drive her mother, stepfather and aunt out of the city in the face of Hurricane Katrina, which destroyed her mother's home - she visited the region repeatedly during the BP oil spill, telling local residents that the federal government was acutely aware of their predicament.

Opponents have praised Jackson for her personal style: Sen. James M. Inhofe (R-Okla.) calls her "my favorite bureaucrat," and she keeps a photo of the senator and his family in her office. But Inhofe is ready to do battle next year on a range of regulations, and several industry officials note that her friendliness and accessibility has not translated into policy outcomes they can embrace.

Cal Dooley, president and chief executive of the American Chemical Council, said regulations that encourage investment in technology to reduce emissions can't be so onerous that they impede investment and the job base in the United States. "We have some concerns that EPA perhaps hasn't struck that right balance," he told reporters in a recent telephone conference call.

Jackson is operating in a very different political moment from her predecessors. When Richard Nixon established the EPA 40 years ago, environmental disasters including the Santa Barbara oil spill and contamination in Ohio's Cuyahoga River spurred the country to launch an unprecedented push for new environmental regulations. Congress was in the process of adopting laws regulating the air Americans breathed, the water they drank and a host of other activities - most of which would fall under the new agency's jurisdiction.

But as the EPA seeks to finalize a raft of regulations, on everything from smog-forming pollutants to greenhouse gases and emissions, Jackson stands on notice that the new Congress may clip her powers if she overreaches.

Jack Gerard, president of the American Petroleum Institute, said this moment should be "a time of reflection" for top Obama officials such as Jackson when it comes to the administration's environmental agenda.

"The public has soundly rejected a lot of the agenda of Congress and by extension, the Obama administration," Gerard said. "It's time for a course correction, it's time for a policy adjustment."

But Jackson shows little inclination to pull back on the many rules her agency is in the process of finalizing, including new limits on carbon dioxide emissions from industrial sources such as power plants, oil refineries and chemical plants.

A chemical engineer by training who gave up a short-lived post as then-New Jersey Gov. Jon Corzine's chief of staff before moving to Washington, Jackson criticized the EPA under George W. Bush for failing to regulate greenhouse gas emissions from autos and light trucks. Now she has not only helped oversee the first federal curbs on carbon dioxide from vehicles, but is pushing for tougher air quality rules on a range of fronts.

"We are back on the job," she said, adding that she hopes to convey to the public that by implementing new rules. "We are here and having us here is important to your family."

"We have a lot left to do," she added, listing toxic chemical reform among her priorities for the next two years. "Environmental protection doesn't happen just because you pass a law."

**Brendan
Gilfillan/DC/USEPA/US**
12/07/2010 01:26 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Andy.Adora, "Betsaida Alcantara",
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Subject Greenwire: EPA seeks to delay controversial boiler rules

[OBJ]

AIR POLLUTION: EPA seeks to delay controversial boiler rules (12/07/2010)

Gabriel Nelson, E&E reporter

In the face of heavy criticism from industry groups and members of Congress, U.S. EPA is asking to go back to the drawing board with a set of regulations that would limit toxic air pollution from industrial boilers.

The final regulations are due next month, but EPA today asked a federal judge to push back the deadline by more than a year so the agency can issue a new proposal and take more comments. The proposed limits on mercury and other dangerous chemicals have drawn heavy fire from industry groups, which said the standards were so strict that they would force the closure of paper mills, chemical plants and other industrial facilities that get their power from boilers.

EPA recently signaled that it was having second thoughts about the rules, which were proposed in April. Gina McCarthy, EPA's top air official, told Greenwire last week that the agency now believes the draft rules "were simply too tight to be able to be achievable" (Greenwire, Dec. 2).

"After receiving additional data through the extensive public comment period, EPA is requesting more time to develop these important rules," McCarthy said in a statement today. "We want to ensure these rules are practical to implement and protect all Americans from dangerous pollutants such as mercury and soot, which affect kids' development, aggravate asthma and cause heart attacks."

The agency's proposal, which is also known as the "Boiler MACT" rule, has faced widespread criticism on Capitol Hill and become a cause celebre for critics of the Obama administration's environmental agenda. Reps. Joe Barton (R-Texas) and Fred Upton (R-Mich.), the two front-runners to become chairman of the House Energy and Commerce Committee, have both criticized the agency's proposal, and each has cited it as an example of the regulations that will face greater scrutiny if he becomes chairman of the panel next year.

More than 115 House members and 40 senators have signed letters urging EPA to make the final rules less expensive for American businesses. Among them are dozens of Democrats, many of them from states that rely on the forestry industry.

"The proposal they originally put out, by their own admission, lacked data," said Donna Harman, president and CEO of the American Forest and Paper Association, in an interview today. "They now have that, and they have to take the time to get it right."

Enviros criticize EPA

Frank O'Donnell, president of Clean Air Watch, said he was worried by EPA's plan to delay one of the Obama administration's most ambitious steps to address air pollution.

He said the decision could portend more delays for the agency's update to the nationwide standards for smog, which were due this summer but were twice pushed back by EPA. The agency has said it plans to

finalize a rule this month.

"There is an unfortunate appearance here that political pressure from Congress is affecting the situation," O'Donnell said in a statement. "That EPA is running scared."

Though today's request needs to be approved by Judge Paul Friedman of the U.S. District Court for the District of Columbia, it would be the latest in a series of delays for the boiler standards.

Under the Clean Air Act, the agency was initially required to issue standards by 2000. The rules arrived late, and they were delayed again when a federal court ruled that the Bush administration had handled boilers in an illegal way.

Jim Pew, an attorney at Earthjustice who worked on the court case, said it makes no sense for the court to give EPA another year to come out with a final rule. After winning their lawsuit against EPA, the advocacy groups had agreed to give EPA from 2007 until January 2011 -- already longer than the two-year time frame in the Clean Air Act, he said.

EPA told the court that it wants to scrap this year's proposal and issue new draft rules next year, opening them up to another public comment period. It is an "achievable, but very aggressive" schedule, the court filing says.

Pew said the environmental groups will respond to EPA's request in court.

"This schedule is just completely out of touch with Congress' intent," he said

**Brendan
Gillilan/DC/USEPA/US**
12/09/2010 09:52 PM

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Subject NY Times: E.P.A. Delays Tougher Rules On Emissions

E.P.A. Delays Tougher Rules On Emissions
John Broder/NY Times

The Obama administration is retreating on long-delayed environmental regulations - new rules governing smog and toxic emissions from industrial boilers - as it adjusts to a changed political dynamic in Washington with a more muscular Republican opposition.

The move to delay the rules, announced this week by the Environmental Protection Agency, will leave in place policies set by President George W. Bush. President Obama ran for office promising tougher standards, and the new rules were set to take effect over the next several weeks.

Now, the agency says, it needs until July 2011 to further analyze scientific and health studies of the smog rules and until April 2012 on the boiler regulation. Mr. Obama, having just cut a painful deal with Republicans intended to stimulate the economy, can ill afford to be seen as simultaneously throttling the fragile recovery by imposing a sheaf of expensive new environmental regulations that critics say will cost jobs.

The delays represent a marked departure from the first two years of the Obama presidency, when the E.P.A. moved quickly to reverse one Bush environmental policy after another. Administration officials now face the question of whether in their zeal to undo the Bush agenda they reached too far and provoked an unmanageable political backlash.

Environmental advocates are furious. They fear a similar delay on the approaching start of one of the most far-reaching regulatory programs in American environmental history, the effort to curb emissions of carbon dioxide and other greenhouse gases.

But in a striking turnabout, the National Association of Manufacturers and the American Petroleum Institute - which have been anything but friendly to Mr. Obama - are praising his administration.

"Clearly, the agency has heard the calls from manufacturers," said Keith McCoy, vice president for energy and natural resources at the manufacturers' group. "We hope this week's announcements signal that the E.P.A. is slowing down on overly burdensome and unnecessary rules that will crush economic growth and job creation."

White House officials said that no plan was under way to retreat from the president's aggressive environmental agenda. And some Democratic policy analysts said the environmental agency was simply exercising its usual caution, albeit in a new political climate.

"The E.P.A. always operates under the caricature of environmental zealots, and the reality is that economic concerns and the ability for business to continue operating is always a significant consideration," said Joshua Freed, director of the clean energy program at Third Way, a centrist Democratic group. "The administration's number one goal over the next two years is going to be expanding economic growth. The environmental regulatory process has always played out in that context, and that's not going to change."

The delays come as the president is reaching out to a newly empowered Republican Party on tax policy,

a move that is angering his own Democratic base. He must now decide whether to make similar efforts on environmental issues.

"Obama has already signaled that in his quest for re-election he's more than willing to turn against his base in order to make a compromise with his adversaries," Frank O'Donnell, president of Clean Air Watch, an advocacy group, said in an e-mail, responding to the rules delay.

Mr. O'Donnell said the administration was clearly "running scared" from the incoming Congress and said he suspected that it was willing to moderate its stand on a variety of environmental regulations, including pending greenhouse gas rules aimed at reducing the pollutants that contribute to global warming.

The E.P.A. has said that it will begin regulating carbon emissions from power plants and other major stationary sources on Jan. 2, as a prelude to broader regulation of carbon dioxide in future years. Delaying that program would undercut much of what officials are trying to do in international negotiations like the United Nations climate talks now under way in Cancún, Mexico.

"Look, in January there will be appropriations battles and a whole lot of other tough fights," said Jeffrey Holmstead, head of the E.P.A.'s air quality office in the recent Bush administration and now a lobbyist for industry. "The administration is going to be feeling a lot of pressure, and they would be better off to do some sort of a deal acceptable to the Republicans to delay this rather than having to threaten a veto."

The delayed smog rule would lower the allowable concentration of airborne ozone to 60 to 70 parts per billion from the current level of 75 parts per billion, putting several hundred cities in violation of air pollution standards. The agency says that the new rule would save thousands of lives per year but cost businesses and municipalities as much as \$90 billion annually.

The boiler rule would affect 200,000 industrial boilers, heaters and solid waste incinerators and is intended to cut emissions of mercury and other dangerous pollutants in half.

Lisa P. Jackson, the E.P.A. administrator, described the rules delay as a technical and tactical decision. She said she was delaying them for a matter of months merely to get "further interpretation" of scientific and health studies of their effects. An agency official said the delays were not a response to Congressional threats to curb the agency's power or cut its budget.

Still, the threats are looming. Representative Fred Upton, the Michigan Republican who is in line to become the new chairman of the House Energy and Commerce Committee, has made limiting E.P.A. authority one of his main objectives and has promised a steady round of hearings questioning the basis of agency actions.

Mr. Upton suggested recently that Ms. Jackson should be given her own parking place on Capitol Hill because she would be testifying so frequently in the coming year.

In a statement on Wednesday, Mr. Upton called for the environmental agency to "stand down altogether" from the rules, which he said would "send a devastating economic shockwave coast to coast."

Mr. Upton and Senator James Inhofe of Oklahoma, the highest-ranking Republican on the Senate panel that oversees the E.P.A., followed up Thursday evening with a letter to Ms. Jackson in which they said they were "gravely concerned" about the direction the agency is taking. They vowed to conduct a thorough oversight investigation of the new rules.

**Brendan
Giffilan/DC/USEPA/US**
10/17/2010 09:19 AM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
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Subject Boston Globe story on Acid Rain Program

This is the lead story in today's Boston Globe:

A clear water revival

20 years ago, Congress and the president took on acid rain with stunning success. Could such a thing happen today?

By Michael Kranish, Globe Staff | October 17, 2010

WILMINGTON, Vt. — James H. Kellogg hoists a canoe on his shoulders and hikes up a rough trail to Haystack Pond, cradled beneath a mountain peak. The Vermont biologist, snug in a life jacket labeled "acid lakes," is on a mission to learn whether the harm humans do to the earth can be healed.

Twenty years after Congress ordered huge cuts in pollution from Midwestern power plants that had long rained acidic particles on the lakes, streams, and forests of New England — one of the most controversial environmental laws in the nation's history — Kellogg can jubilantly report that the answer is yes.

Pollution has been halved, and at far less expense than expected. Haystack Pond's waters are markedly less acidic, although it may still be years before fish return.

"It makes me ecstatic," Kellogg said.

Yet even as scientists confirm the extraordinary success of the 1990 acid rain legislation, some say its lessons are being ignored. Politicians failed this year to pass legislation on the wider threat of global warming in large part because of Republican ridicule of the bill's "cap-and-trade" approach — capping emissions and letting companies trade credits earned by cutting pollution. Yet it was a similar strategy, devised by a Republican president, that solved the acid rain puzzle.

To understand why the acid rain program succeeded, and what the implications could be for the global warming debate, the Globe retraced a journey taken 20 years ago, when it published a series of stories about the impact of clean air legislation. That meant a return to the Ohio power plant that was considered the single largest cause of acid rain, and to a Vermont pond that had been devastated by the pollution.

Through this lens — of the power plant and the pond — the story that emerges is one of unexpected victories, unintended consequences, and crucial lessons.

Former President George H.W. Bush, who considers the Clean Air Act legislation one of his proudest accomplishments, said that as Washington policymakers clash over how to deal with climate change, it is essential to understand the bipartisan approach that he took on acid rain.

"Public servants have an obligation to try to leave the earth better than we found it," the 86-year-old Bush said in an interview conducted via e-mail. Noting that a friend once suggested he view "the environment as 'creation,'" he said, "It gives you a new appreciation for this issue and why it matters to Republicans and Democrats alike."

A power plant moves in

The village of Cheshire, Ohio, is nestled on a riverbank across from West Virginia. For decades, a few hundred residents lived there quietly, attending the red-brick church, skating at the local rink, and chatting at the small post office. Then, in the 1970s, American Electric Power opened a massive power plant. For many residents, it was a sign of progress and a source of civic pride.

The plant's 1,103-foot-high smokestack could be seen for miles. Taller than Boston's Hancock Tower by more than 300 feet, it was designed to release pollutants so they would drift far away from town. And so they did: picked up by northeasterly winds, thousands of tons of sulfur and nitrogen particles were carried to New England where they mixed with atmospheric moisture and fell to the earth.

This phenomenon became known as "acid rain," and it dominated environmental discussion at the time the way global warming does today.

No plant in the country spewed more acid rain emissions than American Electric's facility in Cheshire, making it a symbol of the fight.

Seven hundred miles northeast of the Cheshire plant, Haystack Pond was one of its downwind victims. At one point, rainfall in the area was found to be more acidic than vinegar, Kellogg said. It was one of

hundreds of ponds and streams in New England rendered essentially dead, with no fish and little plant life.

Efforts to attack the acid rain crisis went nowhere until August 1988, when Vice President Bush, the Republican presidential nominee, declared he would sign legislation to curtail emissions. "I am an environmentalist," Bush said.

Bush's announcement was widely seen as an effort to undercut the Democratic nominee, Governor Michael S. Dukakis of Massachusetts. Democrats had tried for years to require that "scrubbers" be installed on the dirtiest power plants, a costly technology that could remove about 95 percent of the two pollutants that cause acid rain: sulfur dioxide and nitrogen oxide.

Bush offered a game-changing idea. He said it was a mistake to try to implement what he called a "command and control" program that forced power companies to spend billions of dollars on government-mandated technology. Instead, he envisioned a free-market plan in which pollution credits would be traded to spark innovation and bring down costs.

The goal was to cut sulfur emissions in half, then cap them at that level. Power companies could reduce emissions in whatever way was cheapest, with new technology or by burning lower-sulfur coal or natural gas. Companies continuing to burn the dirtiest high-sulfur coal could buy pollution credits from companies that surpassed federal requirements.

It was the beginning of the effort to "cap" pollution and "trade" credits.

Some Democrats were concerned this would be a giveaway to power and coal companies. But Democratic Senate Majority Leader George Mitchell of Maine and others signed on, and Dukakis now congratulates Bush on the strategy. "When he announced that he was going to be the 'environmental president,' I think a lot of us were very skeptical, but I must say he did what he said he would do," Dukakis said in an interview. "It's been a great success and Bush deserves credit for it."

The legislation passed, 401 to 25 in the House and 89 to 11 in the Senate, a strong bipartisan result achieved even as many power companies denounced the plan in apocalyptic terms. An American Electric Power official told the Globe the legislation could lead to "the potential destruction of the Midwest economy."

Such fears proved wildly overblown. The \$2 billion annual cost of the acid rain controls is about one-fourth the initial estimate, due in part to the lower-than-expected cost of controlling pollution. Competition sprang up to produce highly efficient, lower-cost scrubbers, and rail lines competed to bring lower-sulfur coal from Western states to the Midwest.

"We learned that markets are a better solution than command and control," Bush said. "Markets can figure out, through price signals and trading, who can cut pollution at the lowest cost."

The cap-and-trade plan not only cut emissions, it also saved far more lives than expected. The cut in sulfur dioxide emissions reduced a type of tiny particulate matter that causes respiratory problems, an effect that is better understood today than when the legislation was passed.

Nearly 17,000 deaths a year were prevented in the United States and respiratory illnesses were lessened in hundreds of thousands of people, according to a 2005 study commissioned by the federal government. All told, the study found, the acid rain program is saving \$108 billion annually in health costs.

At first, however, the new approach was a disaster for the townspeople of Cheshire.

The blue menacing cloud

American Electric Power, having failed to defeat the legislation, installed scrubbers at its Cheshire plant in hopes of making its emissions so clean it would earn extra credits in the cap-and-trade program.

Then came the menacing cloud.

Many of the 200 or so residents started noticing that emissions hovered over the town in an ominous shade of blue. Some residents reported a burning sensation on their skin. The company discovered that a byproduct of its scrubbers was emissions containing a form of sulfuric acid. The citizens of Cheshire hired a Washington lawyer. The company responded by buying much of the town.

American Electric, which eventually fixed the blue cloud problem, paid nearly \$20 million to buy 78 homes, most of which the company tore down. Today, much of the residential part of Cheshire is a vast lawn around the plant.

James R. Rife, 70, who refused to be bought out by American Electric, lives with his family in the shadow of the giant smokestacks. "There used to be houses right here, right next door," Rife said. But he said the power company has been a good neighbor. "AEP has cleaned their air up real well."

The company's property now is lined with nearly \$1 billion worth of scrubbing machines, interwoven pipes, and other equipment required by the Clean Air Act. The result is that the company removes 95 percent of sulfur dioxide and 91 percent of nitrogen oxide.

But the Clean Air Act had no requirement to eliminate carbon dioxide, the heat-trapping gas generally believed to cause global warming. At the Cheshire plant, carbon emissions have increased in the last decade by 25 percent to 20.1 million tons a year, partly because it takes extra power to run the equipment that scrubs away the acid rain emissions.

Once one of the loudest complainers about government environmental regulation, AEP is now out to prove that a market approach can also work to limit carbon dioxide emissions.

"AEP was one of the big believers that 'just say no' was the right attitude to take" about acid rain, Mike Morris, the company's chief executive, said in an interview. But the concept of trading emission credits "turned out to be a beautiful idea" because it lowered the cost of the program, he said.

Now, he said, the company wants to lead the way on climate change.

Striking evidence of the culture shift at AEP can be seen at a power plant it owns in New Haven, W.V., where a complex of pipes trap some of carbon emissions. A year ago, the company began what it called an unprecedented experiment to determine whether carbon gases emitted by a power plant could be trapped and stored one or two miles underground. The test has proven successful and the company will soon begin work on a larger project, half-funded by a \$334 million federal grant.

Morris said his company craves certainty about the shape of new carbon regulations. Also key is that power companies can recoup the cost of new antipollution technology. As for the environment, he said: "If we can make things better, why wouldn't we?"

AEP has some powerful company in this view. The Edison Electric Institute, which represents many utility companies that fought acid rain controls 20 years ago, endorsed the House version of climate change legislation, which included a cap-and-trade plan.

Initially, the chief Democratic sponsors of the House legislation, Representative Edward J. Markey of Malden and Representative Henry A. Waxman of California, thought such endorsements would win over Republicans. But most GOP House members opposed the measure.

"In 1990, we had industry opposed but we had Republicans willing to work with us," Waxman said. "This time around we had much of industry working hard to get the law passed but we couldn't get the Republicans engaged in this process."

However, some energy interests, such as the National Mining Association, opposed the legislation. GOP leaders have raised questions about the science behind global warming and expressed concerns about the impact that controlling carbon emissions would have on the economy. Senate Minority Leader Mitch McConnell of Kentucky, who supported the clean air legislation 20 years ago, frequently branded the climate change version of cap and trade as a "national energy tax." (McConnell declined comment.)

Republicans say the Obama administration should have taken a lesson from the way Bush pushed the acid rain bill.

Bush staked out a clear position, filing a bill that called for halving emissions, and using it as a basis for negotiations with Congress. "A president has to lead – and at times be firm," Bush said in the interview. "Once we achieved our key objectives, we were more open to compromise to get a final bill passed."

Obama, by contrast, did not send a climate-change bill to Congress. Instead, he laid out key concepts and urged legislators to work out their differences. His budget at first called for selling the carbon emissions credits, collecting \$646 billion over 10 years. There was talk of using the windfall to reduce the deficit or hand out tax cuts to the middle-class. By contrast, Bush's bill gave away acid rain credits, with the understanding that the number of allowances would shrink as emissions were halved.

Opponents labeled Obama's plan "cap and tax." It didn't matter that the idea floated in Obama's initial budget never made it into legislation or that the plan passed by the House allocated most of the credits to help industries adjust to new carbon rules and to offset consumer rate increases. The "tax" label stuck.

The House narrowly passed the legislation, 219 to 212. But it stalled in the Senate, where Senator John F. Kerry of Massachusetts, a co-sponsor, gained the support of at least 55 Democrats but no Republicans, leaving him five short of the number needed to overcome a Republican filibuster.

C. Boyden Gray, who played a key role in the acid rain program as President Bush's White House counsel, said Democrats spoiled the chances for cap and trade by trying to sell the permits. "If they had simply dropped the tax aspects of it, they could have gotten it through," Gray said. "They sort of went over the cliff with it. I don't know if it can be resurrected."

Kerry, who worked on the acid rain provisions in 1990, dismissed assertions that his climate bill was doomed because he wanted to sell about 15 percent of the carbon permits. Instead, he said in an interview, the bill was caught up in a partisan atmosphere during a recession and opposition from some Republicans who doubt global-warming science.

"People were scared by the successful demagoguery of 'cap and tax,'" Kerry said.

As Kerry considers a strategy for bringing up climate change legislation next year, he said he may consider whether to give away nearly all the permits.

"We would have to see what the market will bear – politically," Kerry said.

Backers have leverage

Democrats do have some leverage for trying to pass the bill next year: the threat that the Environmental Protection Agency might regulate global warming gases without congressional action.

The agency has the authority to do so, the Supreme Court ruled in 2007. But it could be just the sort of "command and control" approach that Bush showed 20 years ago could be successfully avoided – to the benefit of industry and of the environment.

Back at Haystack Pond, Kellogg pushes his canoe from the shoreline. The 27-acre pond is in a nearly perfect bowl, seemingly insulated from the outside world. Haystack Mountain rises to the west, and smaller peaks complete the curtain. A breeze rustles the golden leaves from a stand of white birch trees on the eastern shore, and then brushes across the pond, sending thousands of ripples across the water like so many wings.

It seems a place of unstained natural beauty, but as Kellogg rows toward the deepest water, he finds that it isn't – at least not yet. The pond is stunningly – and unnaturally – clear; he can see 30 feet to the bottom. Most of the native aquatic plants, not to mention fish, still cannot survive the remaining acidity.

But while the progress may not be discernible to the naked eye, it is clear to Kellogg. Since the Clean Air Act legislation was adopted in 1990, acidity in Haystack Pond has dropped tenfold, Kellogg said.

"The fish and the bugs will come when the chemistry is less acidic," he said.

Kellogg is an aquatic biologist, not a politician, so the machinations in Washington are a world away. But to him, the improvement at Haystack Pond and lakes throughout New England are proof that government can work, and that environmental harm can be repaired. After a few more years of improvement, the state might determine that fish could survive at Haystack and stock it with brook trout. Or fish might arrive the natural way, via a stream.

Yet, he still worries.

"What it says to a bi

**Brendan
Gilfillan/DC/USEPA/US**
09/28/2011 07:05 AM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, Sussman.Bob, "Gina McCarthy", "Arvin
Ganesan", "Laura Vaught", "Stephanie Owens", "Betsaida
Alcantara"

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Subject Morning Energy on IG

EPA IG REPORT GIVES AMMUNITION TO CLIMATE CRITICS: A report to be released today by the EPA inspector general concludes that the agency did not properly review a technical support document used to complete its 2009 endangerment finding on greenhouse gases. The finding concluded that greenhouse gases are probably a danger to public health and allowed the agency to move ahead with regulations under the Clean Air Act. Many Republicans have decried the finding, and the EPA IG report was requested by Sen. Jim Inhofe (R-Okla.).

While the IG said it "did not assess whether the scientific information and data supported the endangerment finding," it did fault the EPA for treating the document as a summary of previously peer-reviewed research rather than as a "highly influential scientific assessment," which requires stricter independent review. The report recommends that the EPA revise its assessment protocols to better identify review requirements. But Inhofe said in a statement that the report "calls the scientific integrity of EPA's decision-making process into question and undermines the credibility of the endangerment finding." He plans to call for an Environment and Public Works Committee hearing into the matter. The report: <http://politico.pro/oialRt><<http://politico.pro/oialRt>>

**Brendan
Gillilan/DC/USEPA/US**
07/02/2011 09:08 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, "Adora Andy", "Betsaida Alcantara",
ganesan.arvin, vaught.laura, owens.stephanie, ealons.gov,
"Gina McCarthy", "Joseph Goffman", mccabe.janet, "Daniel
Kanninen"

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Subject Washington Post Editorial: An overblown attack on EPA
emissions rules

PRACTICALLY EVERY day on the campaign trail, Republican presidential hopefuls blast President Obama's "job-killing regulations." Atop their list are rules from the Environmental Protection Agency, one of which the EPA will finalize this week.

The would-be presidents aren't alone. Since the Republicans took control of Congress, GOP lawmakers have repeatedly attempted to derail rules on the greenhouse gas that cause climate change, as well as new restrictions on conventional air pollutants that the EPA has regulated for decades – gases and particulates that contribute to asthma, heart attacks and other health problems. Republicans on the House Energy and Commerce Committee have announced that they will introduce a bill in August designed to roll back pending regulations on toxic air pollutants from utilities and industrial boilers.

Yet predictions of EPA-induced disaster are wildly overblown, at best.

Bloomberg Government released a study on greenhouse gas regulation last month, finding that the first phase of the EPA's efforts will cost little and produce little in terms of emissions reductions, since power plants are becoming more efficient and therefore producing fewer emissions anyway. Bloomberg found that forthcoming greenhouse gas rules might be tougher, but that, among other things, utilities will respond by simply burning more cheap natural gas instead of coal.

Meanwhile, the Center for American Progress pointed out that many coal power plants – the sort of facilities that an EPA crackdown on toxic air pollutants such as mercury would affect – already have relevant pollution control technologies installed or in construction. And dozens of those that don't are old, inefficient, rarely used and, in many cases, slated for closure. Last year a Credit Suisse study found that EPA anti-air-pollution rules might encourage some additional coal plants to shut down – but that the closures would actually help utilities in oversupplied power markets, not to mention improving ambient air quality.

There will, of course, be costs. But there will also be benefits. The EPA asserts that for every dollar spent on measures to cut particulate and ozone pollution, there will be \$30 in economic benefits to public health – fewer sick days taken, fewer chronic illnesses, fewer early deaths. On greenhouse gases, a fair reading of the EPA's new air pollution rules suggests that, if anything, they won't do nearly enough to address the risks associated with climate change, perhaps cutting emissions a few percentage points relative to business as usual. And since the EPA is using an old statute to tackle carbon emissions, which it hasn't done before, its effort to do even that will be subject to years of legal challenges.

Instead of blasting the EPA, Congress could craft climate policy that is both more efficient and more effective – upping energy research budgets and putting a price on carbon. But, judging from the rhetoric on the campaign trail and in the House, we aren't optimistic that will happen anytime soon.

**Brendan
Gillilan/DC/USEPA/US**
06/10/2011 10:05 PM

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Oster.Seth, "Adora Andy", "Betsaida Alcantara", "David
McIntosh", "Arvin Ganesan", "Laura Vaught"

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Subject LA Times Upton profile

GOP agenda turns a longtime Republican away from pro-environmental stances

The rise of the 'tea party' movement has pushed Rep. Fred Upton (R-Mich.) to reinvent himself since taking over chairmanship of the House Energy and Commerce Committee.

By Neela Banerjee, Washington Bureau

5:31 PM PDT, June 10, 2011

Reporting from Kalamazoo, Mich.

For years, some conservatives called 13-term Rep. Fred Upton "Red Fred."

The Michigan Republican voted for amendments strengthening the Clean Air Act. He cosponsored a bill to phase out incandescent light bulbs. His website said that "climate change is a serious problem that necessitates serious solutions." So conservatives fumed late last year when Upton took the gavel of the influential panel that oversees environmental regulation, the House Energy and Commerce Committee.

But the rise of the "tea party" movement, with its attacks on the Environmental Protection Agency and climate science, has pushed Upton to reinvent himself. Once a moderate, Upton emerged from an unusually close primary against a tea party candidate and a tough fight for the panel chairmanship as the standard-bearer for the Republican push to block the Obama administration's major environmental initiatives.

Upton's about-face illustrates how the tea party and its wealthy supporters, among them the Koch brothers, have stymied environmental agendas for improving air quality and public health both in his district and nationwide. Under pressure from Upton, other Republicans and industry lobbyists, the administration has delayed or weakened several critical environmental regulations in recent months.

Though Upton remains unfailingly polite, he has gone on the attack, shepherding through the House a bill to strip the EPA of its authority to regulate greenhouse gases. Meanwhile, he has removed the climate change language from his website, and plans to hold hearings reexamining the light bulb standard he had championed three years ago.

"From what I've seen, the old Upton who five, six, eight years ago would have been more moderate on votes and parted company with his party, that old Upton is gone," said Bill Ballenger, editor of the newsletter Inside Michigan Politics, who served in the Ford administration. "He's got to prove to these people that he can walk the walk and not just talk the talk."

The grandson of the cofounder of the Whirlpool appliance corporation, the trim, boyish 58-year-old Upton grew up in the southwest Michigan district he now represents.

He worked for former Rep. David Stockman (R-Mich.) as a congressional aide and later, when Stockman became President Reagan's budget guru, in the Office of Management and Budget. At age 33 he ousted a Christian conservative in the Republican primary and was elected in the overwhelmingly white and white-collar 6th District, in the southwestern corner of the state.

Although a bastion of Republicanism, the district's problems with pollution made the environment an issue. A patchwork of fruit farms, forests and rivers in rural areas, it also has an industrial legacy that is

emblematic of the environmental problems facing the country as a whole.

The Kalamazoo River is laced with toxic residue from the paper mills that lined its banks, making it one of the biggest Superfund cleanup sites in the country. Like much of the rest of Michigan, the district has also suffered serious air pollution. The state is implementing a rule that would force power plants, factories and cement kilns to install equipment limiting mercury from their smokestacks. Yet Upton has fought a similar EPA rule at the national level.

"His district is the poster child for why we need EPA," said Jeff Spoelstra, coordinator of the Kalamazoo River Watershed Council, an environmental group. "And here we are looking at dismantling and weakening EPA's capabilities?"

Upton's staff declined to make him available for an interview. But Spencer Abraham, a former U.S. senator from Michigan and President George W. Bush's first energy secretary, said that in the nearly 30 years he has known Upton, the representative has changed little. "He's always done what he believes is right," Abraham said. "I don't see any inconsistency between who he was then and who he is now."

Retired Rep. Sherwood Boehlert (R-N.Y.), a former colleague of Upton's and a strong environmentalist, spoke sympathetically of his predicament.

"I can appreciate the great difficulty he is facing," Boehlert said. "It's very difficult because of the undue influence on our present that is the tea party movement, and they have determined that EPA is the enemy and regulation is sinful."

As late as 2008, Upton fell in the middle of the League of Conservation Voters environmental policy scorecard, because he "supported clean energy tax credits, green building standards, public transportation grants and public lands protections, among other key environmental priorities," said Navin Nayak, the league's senior vice president for campaigns.

Upton's retreat from his old positions began in 2009, according to the league, and accelerated last year when he faced the most serious primary challenge in his career from a tea party candidate. After the midterm election in November, tea party groups and conservatives such as political commentator Rush Limbaugh revolted against his candidacy for Energy and Commerce Committee chairman. His own committee members ran against him.

But Upton quietly built a base that would testify to his conservative priorities.

"A lot of people were against his chairmanship basically because of his older record that showed a moderate line of voting, but he reached out to some leaders in the movement in late November and early December to say, 'I just want to make sure that we are in tune and I want to make sure to know what you people are thinking,'" said Gene Clem, president of the Southwest Michigan Tea Party Patriots in Kalamazoo. "We wanted to communicate because then we would have input because he heads a very powerful committee. Overall we're very pleased with what he has done so far."

Upon becoming chairman, Upton reassured conservatives by hiring key staffers from the energy industry and libertarian think tanks and focusing the committee on halting EPA rules that would cost coal-burning utilities, refineries and the oil and gas industry billions of dollars in new antipollution equipment.

That agenda has won praise from industry, especially as the Obama administration for now pares back its environmental goals.

"There's a growing consensus in the House and Senate that there is regulatory overreach," said Karen Harbert, president of the energy institute at the U.S. Chamber of Commerce, a critic of the EPA's agenda. "The Energy and Commerce Committee's work has been a very welcome sign by industry that they are taking their mandate seriously."

But it has also drawn criticism from old allies in Upton's district.

"One of my disappointments and frustrations is that Fred can really be a strong leader for how we do business and approach the environment," said Rob Sisson, the former mayor of Sturgis, Mich., and president of Republicans for Environmental Protection. "Fred isn't acting now, but he is carrying the torch for what the majority in his caucus wants."

**Brendan
Giffilan/DC/USEPA/US**
07/06/2011 09:49 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
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"Joseph Goffman"

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Subject USA Today: Tough new clean-air rules will target drifting
pollution

Tough new clean-air rules will target drifting pollution

By Elizabeth Weise, USA TODAY

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.

**Brendan
Gillilan/DC/USEPA/US**
05/18/2011 08:09 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, "Betsaida Alcantara", "David McIntosh", "Arvin
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Subject Politico Pro: Reid, greens spar behind the scenes

Reid, greens spar behind the scenes

By Darren Samuelsohn
POLITICO Pro
5/18/11 7:56 PM EDT

Senate Majority Leader Harry Reid and environmental groups are at odds over how far greens should go in spanking Democrats who don't vote their way on key issues like the EPA's climate change powers and oil industry tax breaks.

Reid and several of his top lieutenants emerged from a meeting Wednesday night with top green group CEOs pledging to protect the Clean Air Act against further assaults from Republicans and even some moderate Democrats.

But behind the scenes, the majority leader and the environmentalists don't all see eye to eye on whether in-cycle Democrats deserve to be the target of ad campaigns when they also help make up Reid's razor-thin majority.

Driving the debate is a League of Women Voters commercial that slammed Sen. Claire McCaskill (D-Mo.) after she voted last month to freeze the EPA's rules for two years.

Sierra Club CEO Michael Brune dragged the issue into the public spotlight Wednesday when he posted on Twitter the premise of the green group's closed-door meeting with the Democratic leaders.

"What do u think about holding D's accountable for votes to gut CI Air Act/keep oil subsidies?" he tweeted, referring to the EPA votes last month and Tuesday's roll call on legislation to repeal \$21 billion in oil industry tax breaks.

Democrats Mary Landrieu of Louisiana, Mark Begich of Alaska and Ben Nelson of Nebraska voted with Republicans to keep the industry incentives in place.

In a conference call with Nevada reporters, Reid sounded none too happy about Brune's posting.

"I think whoever this is in the Sierra Club had better get his facts right," the majority leader said, according to <http://www.lasvegassun.com/news/2011/may/18/sierra-club-tweet-rankles-harry-reid/> the Las Vegas Sun. "I don't buy the illogic of the tweet."

Brune declined comment as he left the majority leader's office, while Reid spokesman Jon Summers insisted that the talks were typical fare with a key constituent group.

"Standard meeting," he said. "They discussed priorities and talked about how best to work together to protect public health and the environment from bad legislation like the bill Republicans tried to pass today."

Majority Whip Dick Durbin was equally tight-lipped, telling reporters only that the meeting centered around this year's Clean Air Act debates.

"I think we all agreed in the room what a high priority it is for public health," Durbin said. "We think we've

achieved quite a bit so far this year but we know there'll be further attacks from the House Republicans."

Asked if the environmental group's attack ads had come up during the talks, Durbin replied, "We had a wide range of discussions. That's all I have."

Also spotted entering the meeting: Democratic Senatorial Campaign Committee Chairman Patty Murray, Environment and Public Works Committee Chairman Barbara Boxer, League of Conservation Voters President Gene Karpinski, NRDC Executive Director Peter Lehner, Center for American Progress President John Podesta, Environment America Executive Director Margie Alt and National Wildlife Federation President Larry Schweiger.

Several of the environmentalists opted to stay silent about their sit down with Reid and the Senate Democrats. "Good meeting," Lehner replied via email before declining to answer any questions.

**Brendan
Gillilan/DC/USEPA/US**
12/30/2010 10:15 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Oster.Seth, "Bob Sussman", mcintosh.david, mccarthy.gina,
"Joseph Goffman", "Janet McCabe", "Stephanie Owens",
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Subject NY Times: E.P.A. Limit on Gases to Pose Risk to Obama and
Congress

E.P.A. Limit on Gases to Pose Risk to Obama and Congress

With the federal government set to regulate climate-altering gases from factories and power plants for the first time, the Obama administration and the new Congress are headed for a clash that carries substantial risks for both sides.

While only the first phase of regulation takes effect on Sunday, the administration is on notice that if it moves too far and too fast in trying to curtail the ubiquitous gases that are heating the planet it risks a Congressional backlash that could set back the effort for years.

But the newly muscular Republicans in Congress could also stumble by moving too aggressively to handcuff the Environmental Protection Agency, provoking a popular outcry that they are endangering public health in the service of their well-heeled patrons in industry.

"These are hand grenades, and the pins have been pulled," said William K. Reilly, administrator of the environmental agency under the first President George Bush.

He said that the agency was wedged between a hostile Congress and the mandates of the law, with little room to maneuver. But he also said that anti-E.P.A. zealots in Congress should realize that the agency was acting on laws that Congress itself passed, many of them by overwhelming bipartisan margins.

President Obama vowed as a candidate that he would put the United States on a path to addressing climate change by reducing emissions of carbon dioxide and other greenhouse gas pollutants. He offered Congress wide latitude to pass climate change legislation, but held in reserve the threat of E.P.A. regulation if it failed to act. The deeply polarized Senate's refusal to enact climate change legislation essentially called his bluff.

With Mr. Obama's hand forced by the mandates of the Clean Air Act and a 2007 Supreme Court decision, his E.P.A. will impose the first regulation of major stationary sources of greenhouse gases starting Jan. 2.

For now, administration officials are treading lightly, fearful of inflaming an already charged atmosphere on the issue and mindful that its stated priorities are job creation and economic recovery. Officials are not seeking a major confrontation over carbon regulation, which offers formidable challenges even in a less stressed economic and political climate.

"If the administration gets it wrong, we're looking at years of litigation, legislation and public and business outcry," said a senior administration official who asked not to be identified so as not to provide an easy target for the incoming Republicans. "If we get it right, we're facing the same thing."

"Can we get it right?" this official continued. "Or is this just too big a challenge, too complex a legal, scientific, political and regulatory puzzle?"

The immediate effect on utilities, refiners and major manufacturers will be small, with the new rules applying only to those planning to build large new facilities or make major modifications to existing plants. The environmental agency estimates that only 400 such facilities will be affected in each of the first few years of the program. Over the next decade, however, the agency plans to regulate virtually all sources of greenhouse gases, imposing efficiency and emissions requirements on nearly every industry and every

region.

Lisa P. Jackson, administrator of the E.P.A., has promised to pursue a measured and moderate course. The agency announced last week that it would not even begin issuing standards for compliance until the middle of 2011, and when it did so the rules would not impose unreasonable costs on industry.

But the reaction in Congress and industry has been outsized, with some likening the E.P.A. to terrorists and others vowing to choke off the agency's financing for all air-quality regulation. A dozen states have filed suit to halt the new greenhouse gas rules, with one, Texas, flatly refusing to comply with any new orders from Washington.

Two federal courts, including one this week in Texas, have refused to issue restraining orders halting the implementation of the new rules. But both left open the possibility of finding the new rules unsupported by federal law.

Representative Fred Upton, the Michigan Republican who is set to become chairman of the powerful House Energy and Commerce Committee, said he was not convinced that greenhouse gases needed to be controlled or that the E.P.A. had the authority to do so.

"This move represents an unconstitutional power grab that will kill millions of jobs - unless Congress steps in," Mr. Upton wrote this week in a Wall Street Journal opinion essay.

His co-author was Tim Phillips, president of Americans for Prosperity, a conservative group financed by Koch Industries and other oil companies that has spread skepticism about global warming and supported many of the Tea Party candidates who will join the new Congress.

Mr. Upton has proposed a moratorium on all global warming regulation until the courts have ruled definitively on the legality of federal action on the issue, decisions that are probably years away.

Others in Congress, including Senator John D. Rockefeller IV and Representative Nick J. Rahall II, both Democrats from West Virginia, have proposed a two-year delay in regulation by the E.P.A. while Congress comes up with its own rules. Virtually no one expects action on climate change legislation in the next Congressional session.

White House officials have said that they will recommend that Mr. Obama veto any measure that restricts the administration's power to enforce clean air laws.

So the stalemate continues.

Greenhouse gas emissions in the United States are already falling faster than any current legislative or regulatory proposal envisions, because of the recession-driven drop in demand for electricity. Carbon dioxide emissions from the energy sector, by far the largest source of total emissions, fell to about 5,400 metric tons in 2009, down from 5,800 metric tons the year before, and they are likely to fall even further this year. Demand for electricity in 2009 fell by the largest amount in six decades and is almost certain to slip further in 2010.

When demand for power begins to rebound with the economy, emissions are expected to rise more slowly than in the past, in part because utilities are using fuel more efficiently and switching to cleaner-burning natural gas for part of their electricity generation. But such moves will not take the place of the across-the-board reductions in emissions that will be required to meet the administration's target of a 17 percent reduction in emissions over 2005 levels by 2020.

And it is that broader mandate that has set off such intense opposition from industry and its allies in Congress.

"Early next year we're going to have a very serious debate on whether the E.P.A. should be allowed to unilaterally go forward and restructure the American economy," Jack Gerard, the president of the

American Petroleum Institute, said in an interview.

"As the president looks to 2012, his message has to be job creation, and this kind of regulation is inconsistent with that," he said. "The public has a long memory. Anything viewed as hurting the opportunity to create jobs will not be well received."

**Brendan
Gilfillan/DC/USEPA/US**
04/19/2012 06:46 AM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Sussman.Bob, Alcantara.Betsaida, Bloomgren.David,
Stanislaus.Mathy, "Lisa Feldt", "Arvin Ganesan", "Laura
Vaught", "Sarah Pallone", "Janet Woodka"

cc

bcc

Subject Fw: USA Today

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

From: David Bloomgren
Sent: 04/19/2012 06:05 AM EDT
To: Brendan Gilfillan; Betsaida Alcantara; Larry Jackson; Stacy Kika
Subject: USA Today

Here it is:

<http://www.usatoday.com/news/nation/story/2012-04-19/smelting-lead-contaminati-on-government-failure/54399578/1>

By Alison Young, USA TODAY

Published: 4/18/2012 9:39:36 PM

Ken Shefton is furious about what the government knew eight years ago and never told him — that the neighborhood where his five sons have been playing is contaminated with lead.

Their Cleveland home is a few blocks from a long-forgotten factory that spewed toxic lead dust for about 30 years.

The Environmental Protection Agency and state regulators clearly knew of the danger. They tested soil throughout the neighborhood and documented hazardous levels of contamination. They never did a cleanup. They didn't warn people living nearby that the tainted soil endangers their children.

"I needed to know that," Shefton said. "I've got a couple of kids that don't like to do nothing but roll around in the dirt."

More than a decade ago, government regulators received specific warnings that the soil in hundreds of U.S. neighborhoods might be contaminated with dangerous levels of lead from factories operating in the 1930s to 1960s, including the smelter near Shefton's house, Tyroler Metals, which closed around 1957.

Despite warnings, federal and state officials repeatedly failed to find out just how bad the problems were. A 14-month USA TODAY investigation has found that the EPA and state regulators left thousands of families and children in harm's way, doing little to assess the danger around many of the more than 400 potential lead smelter locations on a list compiled by a researcher from old industry directories and given to the EPA in 2001.

In some cases, government officials failed to order cleanups when inspectors detected hazardous amounts of lead in local neighborhoods. People who live

nearby – sometimes directly on top of – old smelters were not warned, left unaware in many cases of the factories' existence and the dangers that remain. Instead, they bought and sold homes and let their children play in contaminated yards.

The USA TODAY investigation shows widespread government failures taking several forms:

- A failure to look. At dozens of sites, government officials performed cursory inquiries at best. In Minnesota, Indiana and Washington, state regulators told the EPA they could find no evidence that some smelters ever existed.

Yet in those states and others, reporters found the factories clearly documented in old insurance maps, town council minutes, city directories and telephone books – even in historical photos posted on the Web.

- A failure to act. In Pennsylvania, Maryland and Wisconsin, the EPA sent investigators to scores of sites from 2004 to 2006 after verifying a lead smelter once operated. The investigators recommended soil tests in the neighborhoods. Most of the tests were not done.

- A failure to protect. Even when state and federal regulators tested soil and found high levels of lead, as they did around sites in Philadelphia, Cleveland, Chicago and Portland, Ore., they failed for years to alert neighbors or order cleanups. Some kids who played in yards with heavily contaminated soil have dangerous levels of lead in their bodies, according to medical records obtained by USA TODAY.

In response to the investigation and USA TODAY's soil tests in 21 neighborhoods, government officials are taking action at old smelter sites in 14 states, ranging from reopening flawed investigations to testing soil to cleaning up contaminated property. In March, New York City officials closed four ball fields in a Brooklyn park after learning from USA TODAY that the area was a former smelter site with elevated levels of lead.

"EPA and our state and local partners have overseen thousands of cleanups, through a variety of programs," said Mathy Stanislaus, an EPA assistant administrator. "Unfortunately, some of the sites USA TODAY identified have not yet been addressed or investigated by EPA. EPA will review USA TODAY's information to determine what steps can be taken to ensure Americans are not being exposed to dangerous levels of lead."

The EPA says it has worked with states to assess most of the sites on the 2001 list but that record-keeping is "incomplete" for many. Eighteen sites received some kind of cleanup but most weren't considered dangerous enough to qualify for federal action.

"I am convinced we have addressed the highest-risk sites," said Elizabeth Southerland, director of assessment and remediation for the EPA's Superfund program. "Absolutely and positively, we are open to reassessing sites that we now feel, based on your information, need another look."

EPA staff members said additional site reviews are underway, including checks of 48 sites the agency determined were never assessed. And the EPA said it will work with Ohio environmental regulators to re-examine the Cleveland neighborhood near Shefton's home to see whether a cleanup evaluation there is appropriate.

Ken Shefton and his family aren't waiting for the government to do a cleanup. His 6-year-old son, Jonathan, was diagnosed this spring with having an

elevated level of lead in his body, Shefton said: "That was the last straw." He's in the process of selling his home. The family moved to another neighborhood last week. "Somebody needs to take care of this problem, or inform the people in this neighborhood," he said.

Concerns surfaced a decade ago

Most of the nation's lead factories – some huge manufacturing complexes and others tiny storefront melting shops – had been largely shuttered by the 1970s and 1980s. Often known as smelters, they emitted thousands of pounds of lead and other toxic metal particles into the air as they melted down batteries and other products containing lead.

The particles would land on nearby properties, potentially mixing with lead dust from automobile exhaust or paint chips – significant sources, says the government – to create a hazard. Children who play in lead-contaminated soil, sticking dust-covered hands or toys in their mouths, over time can suffer lost intelligence and other irreversible health problems.

In April 2001, environmental scientist William Eckel published a research article in the American Journal of Public Health warning about the dangers of old smelting factories. While working on his Ph.D. dissertation, Eckel had identified a historical smelting site unknown to federal and state regulators and wondered how many other sites had been forgotten over time, their buildings demolished or absorbed by other businesses.

Eckel used old industry directories, which he cross-referenced with EPA databases, to come up with a list of more than 400 potential lead-smelting sites that appeared to be unknown to federal regulators.

Eckel confirmed that 20 of the sites' addresses were factories – and not just business offices – using Sanborn fire insurance maps, which detail the historical uses of individual pieces of property. An additional 86 sites were specifically listed in directories as "plant" locations. He paid to have soil samples tested from three sites in Baltimore and five in Philadelphia. All but one of the samples exceeded the EPA's residential hazard level for lead in areas where children play.

Eckel's article warned that the findings "should create some sense of urgency for the investigation of the other sites identified here because they may represent a significant source of exposure to lead in their local environments." The research indicates "a significant fraction" of the forgotten sites will require cleanups – likely at state and federal expense – because most of the companies went out of business long ago.

Buried by bureaucracy?

Eckel's research caught the attention of the EPA, which in 2001 asked him for a copy of his unpublished list, then shared it with EPA regional offices.

Records obtained under the Freedom of Information Act offer few details of the exact instructions the EPA gave to those receiving the list. Southerland, the EPA Superfund official, said the agency didn't provide regional offices any additional money or people to evaluate the old smelter locations. It asked only that the sites be put in their queues for possible assessment.

"We only have about 80 people and \$20 million each year to do our site assessment program," Southerland said. About half of that money is sent by the EPA to state agencies.

Cleaning up contamination left by a smelter can be expensive. In Omaha, the EPA has cleaned up 10,000 residential yards and spent nearly \$250 million addressing a former smelter there that wasn't on Eckel's list because it was already known to the agency. Many of the factories on Eckel's list were smaller operations.

With limited resources and many contaminated sites, state and federal environmental officials have to prioritize assessing sites they consider of greatest risk, Southerland said, and drinking-water contamination tends to trump soil contamination.

In addition, Southerland said, the EPA is authorized to clean up contamination only if it can show it came from an industrial release. That can be tricky to determine in some urban areas, where the agency says it's not uncommon to find high levels of lead contamination in soil, "particularly in large cities ... due to historic gasoline emissions from vehicles, aerial deposition from industrial facilities, and lead paint," the EPA said in a statement.

The government's efforts to investigate the sites on Eckel's list varied widely, records show. Dozens were never investigated. Others received a cursory records review or a "windshield survey" – a drive-by type of visit. Soil was tested at some sites, but the testing in some cases was limited to the former smelter's property boundaries and ignored where the wind might have carried airborne contamination; in other cases, testing was also done in nearby neighborhoods.

By 2005, concerned the list of 464 sites had been too large of a workload for the regions, officials at EPA headquarters launched their own assessment effort, Southerland said. The focus was on having regions examine a sampling of 31 sites from Eckel's list. They concluded many lacked evidence that they were ever smelters, according to a 2007 report obtained under FOIA marked "For Internal EPA Use Only." The report said only one of the sites determined to have been factories, Loewenthal Metals in Chicago, might qualify for a federal cleanup and the rest were being addressed by state regulators. Southerland said a North Carolina site ultimately received a federal cleanup.

Only six of EPA's 10 regional offices had undertaken some sort of smelter discovery initiative, according to the 2007 internal EPA report. Two of those initiatives – one by federal officials in Pennsylvania and Maryland, the other by EPA Region 5 and Michigan state officials – focused on sites from Eckel's list, the report said.

Michigan regulators took actions at some Detroit smelters after the Detroit Free Press in 2003 did historical research into 16 Detroit sites on Eckel's list and found smelting or foundry work at most of them. Only one site was being cleaned up at the time of the report. In 2006-07, cleanups occurred in two more neighborhoods, according to a state contractor's report.

But in scores of other cases, USA TODAY found government agencies didn't do much to protect families and children – even when their own tests showed dangerous levels of lead where people live.

Reporters scour 464 sites

The USA TODAY investigation set out to determine which sites remained unaddressed and to examine the depth and quality of any government assessments.

Reporters researched all 464 sites in 31 states that were on Eckel's list to determine how many were factories, rather than just business offices – and

what, if anything, had been done to clean up those hazardous enough to threaten people living nearby.

Reporters spent weeks in the basement of the Library of Congress, researching its extensive collection of Sanborn maps. Maps showing smelting or factories were located for more than 160 sites — including many that regulators never looked for because they lacked exact street addresses. Reporters researched old phone books and city directories, archival photograph collections, old business directories, property records and corporation filings. They filed more than 140 federal, state and local public records requests with environmental, health and other government agencies to determine what, if any, assessments had been done of the sites and the risks posed to people nearby.

As a result, the investigation found evidence of smelting, foundries or lead manufacturing at more than 230 sites in 25 states on the list of forgotten factories.

The failure to protect

Ken Shefton, his wife and five boys lived until last week in a Cleveland neighborhood a few blocks northeast of the former site of the Tyroler Metals smelter. The area's two-story wood homes, mainly built around 1900, are flanked by factories, both operating and abandoned.

A smelter operated at the Tyroler site from about 1927 through 1957, according to the state's report. Smelting no longer occurs at the site, which is now a scrap yard with a different owner.

In 2002 and 2003, state regulators from the Ohio Environmental Protection Agency— working at the request of the federal EPA — tested 12 samples of soil around the old site and in the nearby neighborhood. All but one showed lead contamination above the EPA's residential hazard level of 400 parts per million (ppm) of lead in bare soil where children play. Nine of the samples had lead levels ranging from twice to five times the hazard level, according to the state's report.

The results indicated a possible "airborne depositional pattern or plume towards the northeast," the report said. In layman's terms: a fallout zone.

The state's research also identified that other smelters had been on adjacent properties dating to 1912, as well as a currently operating lead-manufacturing plant nearby. "A problem interfering with future investigation is attribution of lead contamination, due to multiple sources," the state's report said.

No matter the source, regulators never warned residents about what they found, and no cleanup occurred.

State regulators at the Ohio EPA said that without a specific polluter to blame — and force to pay for cleanup costs — there was nothing more they could do. "There are no Ohio EPA monies set aside and dedicated for this type of cleanup," the agency said in written responses to questions. "Our enforcement program focuses on responsible parties with the authority to legally compel them to fund cleanup."

Still, state regulators said that more than seven years ago they "recognized there could be potential for a health concern based on the sampling results." They said they fulfilled their duty by putting their findings about the neighborhood in a report and sending it to the EPA's regional office in Chicago. The state says it sent the report about Tyroler Metals, along with reports on eight other historical Cleveland smelter sites, to the director of

the Cleveland Department of Public Health in June 2004.

Either agency could have followed up, the state said. Neither did.

Officials at the EPA regional office said that because the site didn't meet criteria for federal Superfund action, it was the state's responsibility. Federal and state officials now plan to review the site to see whether a cleanup evaluation is appropriate, the EPA said in a written statement.

Current and former Cleveland health department officials – including Matt Carroll, who at the time was health director, and Wayne Slota, who at the time was in charge of the lead poisoning prevention division – said they don't remember receiving the state's letter and reports about Tyroler Metals.

The only smelter issue they remember involved a different site on Eckel's list: Atlas Metals, where a city park had been built atop the old smelter site and state investigators had observed children playing in dirt that tests showed was significantly contaminated.

Of the 17 Ohio sites on Eckel's list – in Cleveland, Cincinnati, Columbus and Toledo – Atlas Metals was the only one records indicate received a cleanup.

A neighborhood suffers

"I'm concerned. I really don't know what to do," said McKinley Woodby, as he held his then-15-month-old son, Damien, on his lap. "I'm just a renter. I'm on a fixed income, so it ain't like I can dig the front yard up and bring in new dirt."

"I'm not going to let (Damien) back in the yard, I know that," he said, sitting on the front steps of their home about four blocks from the Tyroler Metals site.

When USA TODAY tested soil in the family's yard where Damien played, the results showed potentially dangerous contamination in four of five samples, ranging from 577 to 1,035 ppm. Although the EPA uses 400 ppm as its residential hazard level, California's environmental health agency has set 80 ppm as the level it says will protect children who regularly play in the dirt from losing up to 1 IQ point over time.

Damien's blood was checked a few weeks before USA TODAY tested the yard. Health department records show he had a blood-lead level of 4. That's below the federal action level – set in 1991 – but current science indicates children with levels below 5 are at risk of having decreased academic achievement.

Blood test results filed with the Ohio Department of Health show that during 2007 through mid-2011 in the smelter's ZIP code about 350 kids under age 6 had reported blood-lead levels of 5 or higher. About the same number had blood-lead levels of 2 to 4. There is not a definitive way to know how prevalent lead poisoning is in the area because not all children are screened and some tests are less accurate than others.

How much the lead in the dirt is contributing to the children's blood-lead levels is unclear. But experts say that soil is an important component, along with deteriorating lead-based paint in older homes and contaminated house dust.

Bruce Lanphear, a leading expert on childhood lead poisoning, said his research has estimated that for the average child about 30% of the lead in the

body comes from contaminated soil, about 30% from contaminated house dust – which includes particles of flaking paint – and about 20% from water.

"Those were the major sources, so they're all fairly important," said Lanphear, a professor of children's environmental health at Simon Fraser University in British Columbia.

A child's lead exposure can be very individualized, he said, depending on geography. For some children, it might be all about paint. "If you were to look at a community that's adjacent to a smelter, it might be that it's 80% soil, or 90% soil."

'Oh, my gosh, no, I didn't know'

In Chicago, officials have known for years about a neighborhood where contamination could pose a danger and have done little to address it. Walsh Elementary School in Pilsen is just down the block from the former site of Loewenthal Metals.

Delinda Collier said she had no idea the site used to be a lead smelter and was contaminated. There were no warning signs on the property. "Oh, my gosh, no, I didn't know," said Collier, 38, who rents an apartment across the street and lets her dog play on the vacant lot. "I'll bet nobody else does either."

Federal and state regulators knew.

Tests by the state in 2006 found the former smelter's vacant lot contaminated with up to 5,900 ppm of lead – more than 14 times the amount the EPA considers potentially hazardous in areas where children play.

"Since this site is in a residential area, the possibility of exposure is high," according to the report state officials sent to the EPA, which commissioned the work. But the site wasn't bad enough to qualify for its Superfund list, and the report was archived.

State regulators at the Illinois EPA said Loewenthal Metals was one of about 50 old smelter sites in Chicago they reviewed to varying degrees at the request of the U.S. EPA. The Loewenthal site had even been highlighted in the 2007 EPA headquarters report as the only site examined under its smelter initiative that might need a Superfund removal action.

Still, it fell through the cracks.

"We never got any follow-up instructions from them on what additional things to do with the reports we sent up to them," said Gary King, who was manager of the state agency's division of remediation management until he retired in December.

"Nonetheless, as a result, frankly, of the (open records) request that came in from USA TODAY and going back in and looking at this information ... we concluded that it would be best to send in what we call a 'removal action' referral," King said. That means the state is now formally asking the EPA to remove the contamination from the property.

The state also is formally asking the EPA to clean up a second Chicago site, Lake Calumet Smelting, where its tests in 2004 found high levels of lead – up to 768,000 ppm – on the former factory's property. The nearest homes are about a half-mile away, records show.

The failure to act

Even when officials did identify factory sites and nearby neighborhoods that could be contaminated, they failed to follow through.

The EPA's Philadelphia regional office developed one of the agency's most comprehensive smelter initiatives in response to Eckel's report. Officials there sent contractors in 2005-06 to visit most of the 71 factory sites listed in Pennsylvania, Maryland and Virginia.

The assessments confirmed dozens of the sites had had smelters, reports show, with 34 of them in troubling proximity to homes, parks and schools. As a result, EPA contractors recommended soils nearby be tested. Despite the passage of years, testing has been done at 10 sites, fewer than a third, records show.

The EPA now says the site assessment process is ongoing and the agency must prioritize its use of resources. In some cases, the EPA may not agree with its contractor's recommendations. Still, the EPA said it plans an additional assessment at several sites in late 2012 or early 2013. The "lead smelter sites at this time do not seem to pose the same threats we are encountering at other sites in the region," the EPA said.

The threat seemed serious to others in 2004.

At that time, state and federal health officials distributed a health alert to doctors with a map of the Pennsylvania locations on Eckel's list. The alert by the Pennsylvania Department of Health and the federal Agency for Toxic Substances and Disease Registry recommended doctors consider doing blood tests on children living near the sites to look for lead poisoning.

The EPA's Philadelphia regional office, however, says it sees no need to put out general warnings to neighbors of old smelter sites. "This type of approach would unnecessarily alarm residents and community members," it said. The office also said it saw no need to tell Maryland's state environmental agency about the 11 smelter sites in its state on Eckel's list. Nor did the EPA region alert the state agency that federal contractors had recommended soil testing around five of them.

USA TODAY provided Maryland officials the locations of the sites – and copies of the EPA's reports.

The EPA's failure to share such information is unusual, said Art O'Connell, chief of the Maryland Department of the Environment's state Superfund program. "I don't know what happened in this particular case, but it's certainly not the norm," he said.

As a result of the information provided by the newspaper, O'Connell said, the state recently examined the sites and determined that two former factories in Baltimore warrant further investigation: Industrial Metal Melting and Dixie Metal Co. The state has asked the EPA for funding to do soil testing and other investigation at the sites this year.

As for the three other factory sites where EPA's contractors recommended tests, O'Connell said his department believes they were small operations and had little impact on soil.

The failure to look very hard

Philadelphia-based officials started investigations; other EPA regions did far less.

Of the 120 sites on Eckel's list in New York and New Jersey, the EPA office responsible for those states sent inspectors to 14 locations. (USA TODAY found historical fire insurance maps and other documents showing evidence of smelting at 53 sites in those states.)

And even though the entire focus of Eckel's list involved smelters that had closed long ago, the EPA in 2002-03 inexplicably sent inspectors looking for active smelters at only nine of the locations.

"On each occasion, upon reaching the site where the smelter was supposedly operating, the inspector found the smelter had been closed down long ago," said Philip Flax, an EPA senior enforcement team leader, in a letter to USA TODAY that accompanied copies of some inspection reports.

In 2005-06, the EPA visited four more sites in New York and one in New Jersey.

The New Jersey Department of Environmental Protection had files on only five of the 31 sites listed in its state, according to the department's responses to 31 separate open records requests it required USA TODAY to file. Only two of the files showed evidence the sites were smelters or lead factories. Yet USA TODAY later found evidence that 12 additional sites were factories. The state is now working with EPA to investigate, DEP spokesman Lawrence Hajna said. He also now says the department has located case files on some sites it told USA TODAY it didn't have.

In 2002 and 2003, the New York Department of Environmental Conservation did an "informal investigation" at some of the 89 sites listed in the state, spokeswoman Emily DeSantis said.

Four sites were known to the department and undergoing cleanups. At the remaining sites, the department concluded there was "no evidence" of environmental impacts or "no apparent impact," according to information provided by DeSantis.

Yet the department provided records documenting staff visits to just 13 of those sites. Others were assessed by the department's regional offices, DeSantis said, but the department had no record of those evaluations. There was no soil testing at any of the sites, she said, but USA TODAY's findings will be reviewed for possible follow-up.

In other states, USA TODAY repeatedly located smelters that regulators said their extensive research found no evidence had existed.

The Indiana Department of Environmental Management told the EPA in 2002 they could not find the site of the former Chas. Braman & Sons factory in the north-central Indiana town of Plymouth. The list provided to them by the EPA had only a post office box as an address. "Numerous historical industrial directories, as well as Sanborn maps, were consulted without finding any reference to the site," the state said in a 2002 report sent to the EPA.

The newspaper found a street address for the plant listed in a 1959 edition of Plymouth's telephone directory. A call to Plymouth's City Hall produced council minutes beginning in 1954 showing that emissions from the plant were a source of citizen complaints. According to a 1956 article from a local newspaper that Plymouth's city attorney found in the town's history museum, the Chas. Braman & Sons "smelting plant manufactured granular aluminum, solder and lead."

In response to USA TODAY's findings, state regulators sent staff to Plymouth

and took 24 off-site soil samples from various locations near the former facility. Another six samples were taken on the factory site, which is now a granular aluminum company.

All the state's tests showed lead levels below federal guidelines; many did not detect any lead. "We did not see anything we were concerned about," said Mark Jaworski, a project manager in the state's site investigations section. The current owner of the aluminum company on the property, John Oliver Sr., said there has been no lead smelting since the Bramans' sold their factory around 1965.

Minnesota regulators told the EPA in a 2002 memo they were unable to confirm whether any of the seven sites in their state had been smelters. USA TODAY found evidence of historical smelting at two of them.

A state employee checked corporation records and did a drive-by of the former Hiawatha Avenue location of Northwestern Smelting & Refining in Minneapolis and noted a construction company and a bus line were among current businesses there. "No information available as to the operation of a smelter at this location," wrote Gary Krueger in his 2002 assessment.

The newspaper found photographs from the 1940s of the smelter in operation posted on the Minnesota Historical Society's website. A reporter located a historical Sanborn fire insurance map at the Library of Congress showing three smelters there at one time.

Krueger told the EPA in 2002 he couldn't find evidence of a National Lead smelter, which had been listed in St. Paul without a street address in old industry directories. "Additional use of state resources cannot be justified based solely on name of potential facility somewhere in St. Paul," says the state's report.

A reporter located the factory by searching through old indexes to Sanborn fire insurance maps. The map shows the National Lead plant was in a warehouse district near the Mississippi River and what is now Harriet Island Regional Park and describes it as a manufacturer of lead pipe, babbitt, solder and printers' metals; it also shows melting kettles.

After being given the photos and maps found by USA TODAY, Krueger recently visited the St. Paul site and made a second visit to the Minneapolis site. Krueger, a project manager in the state's Superfund program, noted the areas have undergone redevelopment.

"Quite honestly, it really doesn't change anything," he said. Without more proof of a danger, Krueger said, his department can't justify doing any soil sampling.

USA TODAY tested soil near the former National Lead site in St. Paul and found elevated levels in street-side public rights-of-way ranging up to 539 ppm. None of the three samples taken inside the park — which is in the river's flood plain — showed lead levels above 400 ppm, the EPA's hazard level for children's play areas. Near the Minneapolis smelter site, USA TODAY's tests found varying levels of lead.

•COMING NEXT: More tests, more contamination

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**Brendan
Giffilan/DC/USEPA/US**

04/30/2012 01:23 PM

To Windsor.Richard, Perciasepe.Bob, "Diane Thompson",
Ganesan.Arvin, "Janet Woodka", Lozano.Jose

cc

bcc

Subject Re: Coverage

Top EPA official resigns over 'crucify' comment
DINA CAPPIELLO, Associated Press
Monday, April 30, 2012

WASHINGTON (AP) – The Obama administration's top environmental official in the oil-rich South and Southwest region has resigned after Republicans targeted him over remarks made two years ago when he used the word "crucify" to describe how he would go after companies violating environmental laws.

In a letter to Environmental Protection Agency Administrator Lisa Jackson sent Sunday, Al Armendariz says he regrets his words and stresses that they do not reflect his work as administrator of the five-state region including Texas, New Mexico, Oklahoma, Arkansas and Louisiana. Armendariz, who holds a doctorate in environmental engineering, apologized for his remarks last week. A senior administration official, speaking on condition of anonymity because of the sensitivity of the subject, told The Associated Press that he has since received death threats. His resignation was effective Monday, when he informed his senior staff.

"I have come to the conclusion that my continued service will distract you and the agency from its important work," Armendariz wrote in the letter, which was obtained by The Associated Press.

Republicans in Congress had called for Armendariz' firing, after Oklahoma Sen. James Inhofe highlighted the May 2010 speech last week as proof of what he refers to as EPA's assault on energy, particularly the technique of hydraulic fracturing, or fracking.

At a town hall meeting in Washington on Friday, Jackson had said only that she would continue to review the case, calling Armendariz' words "inflammatory" and "wrong". President Obama appointed Armendariz in November 2009, at the urging of Texas-based environmental groups. He is one of a few Latinos in senior leadership at the EPA.

The regional administrator's words "don't comport with either this administration's policy on energy, our policy at EPA on environmental enforcement, nor do they comport with our record as well," Jackson said.

The EPA, perhaps more than any other agency, has found itself in the GOP's crosshairs over its regulation of the gases blamed for global warming, steps it has taken to limit air pollution from coal-fired power plants, and its increased regulation of fracking, which is responsible for a gas drilling boom. Republicans, including presidential contender Mitt Romney – who has called for Jackson herself to be fired – have blamed the agency for high gasoline prices and clamping down on American energy.

Armendariz, who was based in Texas, frequently found himself at odds with the state government and the oil and gas industry.

Several disputed contamination cases in Texas in which Armendariz was involved have helped stoke environmental concerns over fracking, a technique in which oil and gas producers inject water, chemicals and sand underground at high pressures to fracture rock so gas can come out.

Armendariz' speech was made in Dish, a small town northwest of Dallas, where residents' concerns over the environmental impacts of hydraulic fracturing helped put the issue on the national stage.

Testing, which was urged by the EPA, showed some groundwater contamination and elevated toxic air pollution after operators began using a new method – a combination of hydraulic fracturing, or fracking, and horizontal drilling – to extract once out-of-reach gas.

Referring to how Romans conquered villages in the Mediterranean in the Middle Ages, Armendariz said, "They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they'd crucify them."

"And so you make examples out of people who are in this case not complying with the law," he said. "Find people who are not complying with the law and you hit them as hard as you can and make examples of them."

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 01:21 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Re: Coverage
ABC and CNN. AP coming next:

ABC News
EPA Regional Administrator Resigns after Outcry over 'Crucify' Comments
By Jake Tapper
April 30, 2012

Over the weekend, Environmental Protection Agency Region VI Administrator Al Armendariz resigned, following a conservative outcry after remarks he made in 2010 came to light, ones suggesting government officials should take lessons from ancient Romans and "crucify" people not complying with environmental laws.

"As I have expressed publically, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as regional administrator," Armendariz wrote in a letter to EPA Administrator Lisa Jackson. "As importantly, they do not represent the work you have overseen as EPA administrator. While I feel there is much work that remains to be done for the people of this country in the region that I serve, after a great deal of thought and careful consideration, I have come to the conclusion that my continued service will distract you and the agency from its important work. Therefore, I am offering my resignation, effective Monday, April 30, 2012."

Jackson said in a statement that "Dr. Armendariz offered his resignation, which I accepted. I respect the difficult decision he made and his wish to avoid distracting from the important work of the Agency. We are all grateful for Dr. Armendariz's service to EPA and to our nation."

The 2010 video, publicized by frequent EPA foe Senator James Inhofe, R-Okla., showed Armendariz saying that he gave the following analogy to his staff about his "philosophy of enforcement," which he acknowledged being crude and perhaps inappropriate, but shared anyway: "It is kind of like how the Romans used to conquer villages in the Mediterranean - they'd go into a little Turkish town somewhere and they'd find the first five guys they saw, they'd crucify 'em, and that little town was really easy to manage for the next few years."

Armendariz continued: "And so, you make examples out of people who are, in this case, not complying with the law. You find people who are not complying with the law and you hit 'em as hard as you can and you make examples out of them, there's a deterrent effect there. And companies that are smart see that. They don't want to play that game, and they decide at that point that it's time to clean up. And that won't happen unless you have somebody out there making examples."

Last Thursday White House press secretary Jay Carney noted that Armendariz had "apologized and made clear that those comments are an inaccurate way to characterize the work EPA does."

EPA Region VI covers Arkansas, Louisiana, New Mexico, Oklahoma, Texas and dozens of tribal nations,

and Oklahoma's Inhofe was not convinced.

"With an election on the horizon," Inhofe said in a press release, "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 E.P.A. 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."

CNN

EPA official resigns over 'crucify' remark

By Lesa Jansen and Todd Sperry

April 30, 2012

Washington (CNN) -- The head of the Environmental Protection Agency's office in Dallas has resigned over comments he made in 2010 that became the focus of political condemnation last week. EPA Administrator Lisa Jackson said Monday that she accepted a letter of resignation from Al Armendariz.

"I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency," Jackson said in a written statement.

In the letter dated Sunday, Armendariz said he regrets his comments, adding that they did not reflect on his work or the work of the EPA.

The controversy erupted last week when a video surfaced showing Armendariz saying in 2010 that his methods for dealing with non-compliant oil and gas companies were "like when the Romans conquered the villages in the Mediterranean. They'd go into little villages in Turkish towns and they'd find the first five guys they saw and crucify them."

Sen. James Inhofe's office told CNN it uncovered the video while preparing for a blistering half-hour Senate floor speech that Inhofe delivered Wednesday. In the speech, the Republican from Oklahoma criticized the Obama administration's energy policies and cited Armendariz in particular.

"His comments give us a rare glimpse into the Obama administration's true agenda," Inhofe said. After the video went viral, Armendariz quickly issued an apology. But Inhofe rejected the apology, and the White House and EPA dissociated themselves from the administrator's remarks.

"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," Inhofe said.

"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," Inhofe added.

White House Press Secretary Jay Carney told reporters Thursday that "the official's comments are inaccurate as a representation or characterization of the way the EPA has operated under President Obama."

In a statement posted on its website, the EPA said it was "deeply unfortunate that in a 2010 video an EPA official inaccurately suggested we are seeking to 'make examples' out of certain companies in the oil and gas industry."

Armendariz was on a leave of absence from his job as a professor at Southern Methodist University while he served with the EPA. He was appointed by Obama in 2009.

The remarks surfaced at a critical time for Obama's re-election campaign. The administration's energy policies have been targeted by critics, including Republican presidential candidate Mitt Romney, who blame the president's policies for higher oil and gas prices.

On Friday, a letter signed by the House Energy and Commerce Committee's Republican members requested clarification of Armendariz's enforcement strategies and policies while leading the agency's Region 6 office.

The committee said it "will use all authorities at its disposal to ensure Armendariz's attendance" at an upcoming hearing.

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 12:51 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Re: Coverage

EPA official under fire for 'crucify' quote quits

By Dan Berman and Erica Martinson

4/30/12 12:48 PM EDT

The EPA regional administrator who suggested the agency was out to "crucify" lawbreaking oil and gas companies has resigned. Al Armendariz said he regrets his comments and doesn't wish to be a distraction for the agency, he wrote in a letter to EPA Administrator Lisa Jackson on Sunday.

Armendariz headed EPA's Region 6, which covers Arkansas, Louisiana, New Mexico, Oklahoma and Texas. Last Wednesday, Sen. Jim Inhofe (R-Okla.) unveiled a 2010 video of the regional administrator making controversial comments about EPA enforcement against oil and gas companies.

Armendariz said his policy is analogous to Romans overtaking villages, noting that they would "crucify" the first five men they saw as an example. The EPA would do the same to law breakers, he said.

In his letter to Jackson, Armendariz apologized again for the comments. "As I have expressed publicly, and to you directly, I regret comments I made several years ago that do not in any way reflect my work as a regional administrator. As importantly, they do not represent the work you have overseen as EPA administrator," Armendariz said in the letter<<https://www.politicopro.com/f/?f=9040&inb>>.

Armendariz spoke of his pride in "having built a career built on integrity and hard work." But, "While I feel there is much work that remains to be done for the people of this country in the region that I serve, after a great deal of thought and careful consideration, I have come to the conclusion that my continued service will distract you and the agency from its important work," he wrote.

Jackson issued a statement acknowledging his "difficult decision."

"Over the weekend Dr. Armendariz offered his resignation, which I accepted," Jackson said. "I respect the difficult decision he made and his wish to avoid distracting from the important work of the agency. We are all grateful for Dr. Armendariz's service to EPA and to our nation."

On Friday, Jackson criticized the "crucify" statement. "They were inflammatory, but they were also wrong," Jackson told reporters.

In a separate letter to supporters, Armendariz said the decision was his alone.

"This was not something that was asked of me by Administrator Jackson or the White House. It is a decision I made myself," Armendariz wrote, as reported by the Dallas Morning News<<http://thescoopblog.dallasnews.com/archives/2012/04/days-after-damaging-video-surf.html>>. "I had

become too much of a distraction, and no one person is more important than the incredible work being done by the rest of the team at EPA.”

Brendan Gilfillan

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

From: Brendan Gilfillan

Sent: 04/30/2012 12:13 PM EDT

To: Richard Windsor; Bob Perciasepe; Diane Thompson; Arvin Ganesan; Janet Woodka; Jose Lozano

Subject: Coverage

Dina's first:

WASHINGTON (AP) _ The Obama administration's top environmental official in the oil-rich South and Southwest region has resigned after Republicans targeted him over remarks made two years ago when he used the word "crucify" to describe his approach to enforcement.

¶ In a letter to EPA Administrator Lisa Jackson sent Sunday, Al Armendariz says he regrets his words and stresses that they do not reflect his work as administrator of the five-state region including Texas, New Mexico, Oklahoma, Arkansas and Louisiana.

¶ Republicans in Congress had called for Armendariz' firing, after Oklahoma Sen. James Inhofe highlighted the May 2010 speech last week as proof of what he refers to as EPA's assault on energy, particularly the technique of hydraulic fracturing, or fracking.

¶ Several disputed contamination cases in Texas have helped stoke environmental concerns over fracking.

**Brendan
Gilfillan/DC/USEPA/US**
06/20/2011 10:28 PM

To Windsor.Richard, perciasepe.bob, oster.seth, andy.adora,
alcantara.betsaida, Bennett.Barbara
cc
bcc
Subject Re: Wash Post budget story

EPA budget cuts put states in bind

By Juliet Eilperin<http://www.washingtonpost.com/juliet-eilperin/2011/03/02/ABZpz6M_page.html>,
Published: June 20

When congressional Republicans cut the Environmental Protection Agency's budget 16 percent as part of a deal with President Obama in April to keep the government running, they hailed it as a blow to a federal bureaucracy that had overreached in its size and ambition.

But now that the agency has detailed how it is making the \$1.6 billion cut for fiscal 2011, the reality is somewhat different. Because the EPA passes the vast majority of its money through to the states, it has meant that these governments – not Washington – are getting the biggest hits. Already constrained financially at home, state officials have millions of dollars less to enforce the nation's air- and water-quality laws, fund critical capital improvements and help communities comply with new, more stringent pollution controls imposed by the federal government.

Indian Head, Md., won't get the nearly \$1 million it has requested to improve sewer lines and rehabilitate manhole covers. Wyandotte County, Kan., has suspended its hazardous-waste public awareness programs. And Virginia will scale back the studies it is conducting to evaluate nitrogen runoff into the Chesapeake Bay.

"The federal government and state grants are both shrinking while our demands are increasing exponentially," said Andrew Ginsburg<<http://www.deq.state.or.us/aq/climate/>>, air quality division administrator at Oregon's Department of Environmental Quality. "We're definitely feeling the crunch here."

The EPA was a central target for Republicans during the spring budget battle, as they tried to curtail its authority to curb greenhouse gases, mercury and other pollutants. Although lawmakers failed to secure those provisions, they limited the agency's activities through budget cuts.

But as lawmakers and local officials assess the impact of those cuts, few seem pleased with the outcome.

"We made some tough choices in there," said EPA deputy administrator Robert Perciasepe<<http://projects.washingtonpost.com/2009/federal-appointments/person/robert-perciasepe/>> in an interview. "We're very close to the edge where you start to erode the capacity of the agency."

S. William Becker<<http://www.washingtonpost.com/wp-dyn/content/article/2007/12/19/AR2007121902012.html>>, executive director of the National Association of Clean Air Agencies, said lawmakers didn't realize that targeting EPA's budget meant "that they're cutting jobs at the state and local level. If they knew that, maybe Congress might have acted differently."

Key Republicans say the cuts have failed to reshape the agency the way they had envisioned.

"By stepping into the process in the middle of the year, we weren't able to provide the kind of details you can when you're doing an appropriations bill from the outset," said Rep. Bob Goodlatte (R-Va.), vice chairman of the House Agriculture Committee and a frequent EPA critic. "The EPA made a lot more decisions in how they made the cut, and I certainly don't agree with how they made the cut or spent the money."

In fact, many of the funding decisions the EPA made this year were based on a mandatory formula, since \$1 billion of the overall reduction affected just two programs helping underwrite clean-water and drinking-water projects.

"This is one of the problems with cutting EPA's budget. You look at a lot of their programs and they are pass-through programs," said House Interior and Environment Appropriations Subcommittee chairman Mike Simpson <http://www.whorunsgov.com/Profiles/Michael_K_Simpson> (R-Idaho), referring to programs whose funds flow directly from the agency to the states. "When you're reducing the budget, those programs are going to go down substantially."

Agency officials were able to protect some of the administration's top priorities, such as providing more funds to clean up the Chesapeake Bay <<http://www.washingtonpost.com/wp-dyn/content/article/2010/12/29/AR2010122904663.html>>. It provided an additional \$4.3 million to the Chesapeake Bay program while cutting every other regional cleanup, including in the Great Lakes and Puget Sound. It allotted nearly \$4.6 million for research into endocrine disrupters, chemicals that have entered American waterways and pose a potential public health threat.

"We're using the funds to proceed on some of the key things we're trying to do," Perciasepe said, adding that the EPA has identified 2011 as a critical year for finalizing Chesapeake Bay cleanup plans.

But Republicans succeeded in blocking more than \$8.5 million the EPA would have provided to help states cope with new rules limiting greenhouse gas emissions from power plants and refineries.

Simpson said he and other Republicans are going to look at whether they can target reductions at EPA headquarters for the next fiscal year, perhaps by limiting the number of full-time-equivalent positions at the agency. By doing so, he said, it might curb EPA's efforts to impose mandatory limits on greenhouse gases and other forms of pollution: "Many of us believe the EPA has gone beyond what Congress has wanted or authorized it to do," he said.

In the meantime, state and local officials who oversee the nation's air and water quality – most of whom were already dealing with smaller state budgets – are struggling to cope with the sudden dip in federal funds.

Walter Gills, program manager for Virginia's clean-water revolving loan fund, said the state learned so late it was losing \$10 million for low-interest loans that it had to find money elsewhere and will cut the program much deeper next year.

"We just couldn't pull the plug," Gills said. He added that since EPA's budget will probably shrink again in the next appropriations cycle, "it could actually be a double whammy next year."

In Oregon, Ginsburg said, his agency has postponed hiring an environmental engineer and is reducing its pollution monitoring work. Just as his agency is being asked by the federal government to enforce new smog, soot and greenhouse gas rules, it is facing a cut in federal assistance to execute this task.

"We're just a microcosm of what's going on around the country. The same thing is going on in every state," Ginsburg said. "It's just adding up to a crisis mode."

Brendan Gilfillan

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

From: Brendan Gilfillan
Sent: 06/20/2011 07:20 PM EDT
To: Richard Windsor; perciasepe.bob@epa.gov; oster.seth@epa.gov; andy.adora@epa.gov; alcantara.betsaida@epa.gov; Barbara Bennett
Subject: Wash Post budget story

All -

The long-awaited Washington Post budget story will run on A3 tomorrow.

The focus is on how budget cuts targeted at EPA will actually impact state environmental programs.

- Brendan

**Brendan
Giffilan/DC/USEPA/US**
10/20/2011 10:19 PM

To "Richard Windsor"
cc
bcc
Subject Op-ed

'Too dirty to fail'?

House Republicans' assault on our environmental laws must be stopped.

By Lisa P. Jackson

October 21, 2011

Americans must once again stand up for their right to clean air and clean water.

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 Environmental Protection Agency and our nation's environmental laws. They have picked up the pace recently – just last week they voted to stop the EPA's efforts to limit mercury and other hazardous pollutants from cement plants, boilers and incinerators – and it appears their campaign will continue for the foreseeable future.

Using the economy as cover, and repeating unfounded claims that "regulations kill jobs," they have pushed through an unprecedented rollback of the Clean Air Act, the Clean Water Act and our nation's waste-disposal laws, all of which have successfully protected our families for decades. We all remember "too big to fail"; this pseudo jobs plan to protect polluters might well be called "too dirty to fail."

The House has voted on provisions that, if they became law, would give big polluters a pass in complying with the standards that more than half of the power plants across the country already meet. The measures would indefinitely delay sensible upgrades to reduce air pollution from industrial boilers located in highly populated areas. And they would remove vital federal water protections, exposing treasured resources such as the Gulf of Mexico, Lake Erie, the Chesapeake Bay and the Los Angeles River to pollution.

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.

This is not hyperbole. The link between health issues and pollution is irrefutable. Mercury is a neurotoxin that affects brain development in unborn children and young people. Lead has similar effects in our bodies. Soot, composed of particles smaller across than a human hair, is formed when fuels are burned and is a direct cause of premature death. Nitrogen oxides and volatile organic compounds contribute to the ozone alert days when seniors, asthmatics and others with respiratory problems are at serious risk if they do nothing more dangerous than step outside and breathe the air.

"Too dirty to fail" tries to convince Americans that they must choose between their health and the economy, a choice that's been proved wrong for the four decades that the EPA has been in existence. No credible economist links our current economic crisis – or any economic crisis – to tough clean-air and clean-water standards.

A better approach is the president's call for federal agencies to ensure that regulations don't overburden American businesses. The EPA has already put that into effect by repealing or revising several unnecessary rules, while ensuring that essential health protections remain intact.

We can put Americans to work retrofitting outdated, dirty plants with updated pollution control technology.

There are about 1,100 coal-fired units at about 500 power plants in this country. About half of these units are more than 40 years old, and about three-quarters of them are more than 30 years old. Of these 1,100 units, 44% do not use pollution controls such as scrubbers or catalysts to limit emissions, and they pour unlimited amounts of mercury, lead, arsenic and acid gases into our air. Despite requirements in the bipartisan 1990 Clean Air Act amendments, these facilities have largely refused to control their emissions – creating an uneven playing field for companies who play by the rules and gaming the system at the expense of our health.

If these plants continue to operate without pollution limits, as a legislative wish list from House Majority Leader Eric Cantor (R-Va.) would allow, there will be more cases of asthma, respiratory illness and premature deaths – with no clear path to new jobs.

By contrast, the nation's first-ever standards for mercury and other air toxic pollutants which the EPA will finalize this fall – and which the Republican leadership aims to block – are estimated to create 31,000 short-term construction jobs and 9,000 long-term jobs in the utility sector through modernizing power plants. And the savings in health benefits are estimated to be up to \$140 billion per year by 2016.

Contrary to industry lobbying, this overhaul can be accomplished without affecting the reliability of our power grid.

Our country has a long tradition of treating environmental and public health protections as nonpartisan matters. It was the case when President Nixon created the EPA and signed into law the historic Clean Air Act, when President Ford signed into law the Safe Drinking Water Act and when President George H.W. Bush oversaw important improvements to the Clean Air Act and enacted the trading program that dramatically reduced acid rain pollution.

Our environment affects red states and blue states alike. It is time for House Republicans to stop politicizing our air and water. Let's end "too dirty to fail."

**Brendan
Giffilan/DC/USEPA/US**
04/30/2012 06:36 PM

To "Richard Windsor"
cc
bcc
Subject

<http://dallasmorningviewsblog.dallasnews.com/archives/2012/04/oh-well-epa-off.html>

Oh, well: EPA official quits before we can demand it

By Mike Hashimoto/ Editorial Writer
mhashimoto@dallasnews.com | Bio
4:35 PM on Mon., Apr. 30, 2012 | Permalink

Another example of the best-laid plans of mice, men and editorial writers going awry:

Your local editorial board was all set, based on a vigorous discussion in our morning meeting, to call for the resignation or removal of EPA Region 6 administrator Al Armendariz, after his colossal "crucify them" blunder came to light last week.

If you missed it, the former SMU professor and noted environmental activist was entertaining some folks in the little town of Dish, north of Fort Worth, when he let slip his personal view of how best to enforce environmental regulations in Texas, Oklahoma, Louisiana, Arkansas and New Mexico:

"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.

"And so you make examples out of people who are in this case not compliant with the law. Find people who are not compliant with the law, and you hit them as hard as you can and you make examples out of them, and there is a deterrent effect there. And, companies that are smart see that, they don't want to play that game, and they decide at that point that it's time to clean up.

"And, that won't happen unless you have somebody out there making examples of people."

Remember, your local editorial board has marched right along with Armendariz on pretty much every environmental issue, even taking the EPA's side when any number of Texas officials bucked the agency's perceived heavy-handedness.

So I thought it was a fairly gutsy position to call for an ally to step down, mostly because he had permanently compromised his credibility in any future enforcement actions. Armendariz, however, up and quit on us before we could get that editorial in the newspaper.

So it goes. Can't control the weather.

Here's the editorial we ended up writing for Tuesday's newspaper, which, remember is the collective sense of your local editorial board (not any individual writer like, oh, me):

For EPA's sake, regional chief had to go

Suffice it to say that the EPA's approval rating isn't particularly high in Texas, especially among some state officials and the energy-producing companies it regulates.

This is unfortunate and counterproductive. The Environmental Protection Agency plays an important role in Texas, which has been slow to strike the right balance between public health and energy-related jobs. Texas often seems more interested in fighting regulators than getting in line. This newspaper has largely

supported the EPA's mission, as should anyone who wants clean air and water today and for future generations.

And this makes it all the more important that Al Armendariz resigned Sunday as administrator for EPA Region 6, which covers Texas, Oklahoma, Arkansas, Louisiana, New Mexico and 66 tribal nations. Whatever good the former Southern Methodist University professor did since his November 2009 appointment, he brought it all crashing down with one staggeringly inappropriate analogy.

Armendariz shared his enforcement philosophy at a May 2010 public meeting in the North Texas town of Dish, in video that surfaced last week. Armendariz acknowledges the tale may seem "crude" but tells it anyway. In the Middle Ages, he said, the Romans would enter a troublesome village, "take the first five guys they saw and crucify them." Then the town would be "really easy to manage for the next few years."

His point was to take energy companies thought to be breaking the law and make cautionary tales of them. Unfortunately, what Armendariz did was hand every oil and gas driller in five states a built-in defense against any future enforcement action by the EPA, which identifies violators and assesses penalties.

Armendariz's "crucify" blunder forever undercut his credibility as an independent arbiter. Instead of viewing the EPA as an impartial protector of public health, suspicious oil and gas producers, guilty or not, would have screamed that the agency had targeted them for head-on-a-spike justice.

Given this window into Armendariz's thinking, every future Region 6 enforcement action would have been tainted. It certainly casts new light on the EPA's 2010 efforts to sanction Fort Worth-based Range Resources for water contamination allegedly caused by its hydraulic fracturing in Parker County. Range and the Texas Railroad Commission, which regulates oil and gas drilling, studied the EPA's claims and found no evidence. Finally, after 18 months, the EPA withdrew its emergency order, and a federal court dismissed its case.

In his resignation announcement, Armendariz wrote that neither EPA Administrator Lisa Jackson nor anyone else in the Obama administration had asked him to step aside, that he decided himself that he "had become too much of a distraction."

The point isn't whether you share Armendariz's views as an environmental advocate. It's whether you believe a federal regulator can be fair and even-handed in enforcing the law. By his own words, Armendariz indicated he could not.

Remember, this story broke last week, when Sen. Jim Inhofe's office unearthed that YouTube video. Forbes' Christopher Helman had the money column on Armendariz before he quit.

Today, I also heard from Steve Everley, spokesman for Energy in Depth, an Independent Petroleum Association of America research, education and public outreach campaign focused on getting the facts out about the promise and potential of responsibly developing America's onshore energy resource base:

"There's a role for activists and there's a role for regulators. When one becomes the other, that's when you can run into problems. The bigger story here was always that his comments weren't just made in isolation - they were made just before his agency did exactly what he described in this video, grabbing the first company he saw and issuing a groundless endangerment order, which would later be proven as such. We're hopeful that the next administrator's decisions will be based more on actual science than the political stuff."

**Brendan
Gilfillan/DC/USEPA/US**
02/12/2011 08:03 PM

To "Richard Windsor", Perciasepe.Bob, Thompson.Diane,
Bennett.Barbara, Oster.Seth, andy.adora, "Betsaida
Alcantara", "David McIntosh", "Arvin Ganesan",
owens.stephanie, Ealons.Dru

cc

bcc

Subject Re: CR one pager

Administration rails against GOP plan to block funding for climate regulations

By Andrew Restuccia - 02/12/11 06:54 PM ET
The Hill

A government spending bill authored by House Republicans that would block funding for the Environmental Protection Agency's pending climate rules is "irresponsible and reckless," a "preliminary analysis" of the legislation being circulated by the administration says.

"The impacts of some language would be far wider than they intend," the analysis, obtained by The Hill from a source in the administration, says.

The analysis represents an initial effort by the administration to push back against the legislation, which would cut spending by \$100 billion when compared to President Obama's 2011 budget request. The bill would also cut the EPA's budget by \$3 billion. If passed, the bill would fund the government through the end of the fiscal year.

The legislation would create wide-spread industry uncertainty, delay the construction of new projects and result in job losses, the analysis says.

"[T]he [government spending bill] would undo all of the reasonable, common-sense steps EPA has taken to give certainty to American business re: carbon pollution permitting - and would compromise the plans of any company anywhere in the United States to build a new factory or expand an existing one," the analysis says.

The government spending bill would expose the EPA to litigation because the agency would not be able to issue greenhouse gas permits for new facilities.

"Therefore, remarkably, the result of this rider would be to throw all attempted large, job-creating construction projects across the country into great uncertainty - a completely irresponsible and counter-productive step given the nation's economic situation," the analysis says.

The analysis also addresses other key provisions in the government spending bill. A provision in the bill blocking the EPA from retroactively vetoing Clean Water Act permits would also have wide-ranging effects, the analysis says.

The provision was added into the government spending bill after the EPA vetoed a permit for a major mountaintop removal mine project in West Virginia. The move infuriated Republicans, who argue that such efforts create industry uncertainty.

But the analysis says the effort threatens public health.

"More than 1/3 of the population - 117 million Americans - gets their drinking water from sources fed by waters that may lack protection under the CWA - the [government spending bill] would make it impossible for EPA to protect those waters and the health of Americans who rely on them," the analysis says. The government spending bill would also prevent the administration from implementing the Energy Star program, which deals with appliance efficiency, and a major biofuels program, the analysis says.

Brendan Gilfillan

**Brendan
Giffilan/DC/USEPA/US**
03/31/2012 02:19 PM

To "Richard Windsor"
cc "Bob Perciasepe"
bcc
Subject BNA story

Long story...

Draft Version of Oil, Gas Industry Rule
Would Cost Less Than Proposed Version
BNA Snapshot

Key Development: A draft final rule being prepared by EPA for White House review in late February would cost less than the proposed rule and cut fewer emissions from the oil and gas industry.
What's Next: EPA must sign the final rule by April 3.

By Jessica Coomes

A draft final rule expanding air pollution rules for oil and gas operations that the Environmental Protection Agency was preparing for White House review would cost significantly less than the proposed rule and reduce less pollution, agency documents show.

The documents indicate the version of the final rule EPA was readying for the Office of Management and Budget in late February would cost \$348 million per year, about half the cost of the proposal. The final rule would cut emissions of volatile organic compounds by 300,000 tons per year, slightly more than half the emission reductions outlined in the proposed rule.

Methane emissions would be reduced by 1.7 million tons annually under the draft final rule, versus 3.4 million tons under the proposed rule.

EPA is under a court deadline to sign the final rule by April 3, and it was unclear if the version the agency was working on in late February has undergone any changes since then. The draft final rule was sent to OMB on March 2 and is still under review.

The description of the draft rule was contained in a Feb. 23 memorandum from Gina McCarthy, EPA assistant administrator for air and radiation, to Administrator Lisa Jackson.

The memo and other documents related to the oil and gas rule was placed in the online rulemaking docket March 29 but removed March 30.
It was unclear what accounted for the changes, and EPA did not provide clarification March 30.

"This is an old, out-of-date draft document that is not representative of any final decision," EPA spokesman David Bloomgren told BNA March 30. "EPA is still working through the interagency review process to complete these standards."

Standards Proposed in 2011

In July 2011, the agency proposed new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAP) for the oil and natural gas sector (76 Fed. Reg. 52,738; 146 DEN A-2, 7/29/11).

The new source performance standards would cover new and modified oil and gas production, processing, transmission, and storage. The air toxics standards would affect oil and gas production facilities and gas transmission and storage facilities.

The existing NSPS addresses only VOC leak detection and repair at new and modified natural gas

processing plants, which means significant sources of emissions are not subject to national regulation, according to EPA.

The new standards would cover processes or equipment in oil and gas production that have not been covered by federal rules. Those include well completions at new hydraulically fractured gas wells and existing wells that are fractured or refractured, EPA said.

The proposed version of the rule would affect 25,000 fractured wells as well as storage tanks and other equipment, according to the agency.

Rule Required Under Consent Agreement

EPA must sign the rule by April 3 under terms of a consent decree with WildEarth Guardians (WildEarth Guardians v. Jackson, D.D.C., No. 09-00089, 10/28/11).

"Whatever EPA does is going to be a good step forward," Jeremy Nichols, director of climate and energy programs for WildEarth Guardians, told BNA March 30. "It's the EPA's first foray into getting a handle on oil and gas production, so it's not going to be perfect. There's going to be progress even after this rule comes out, and our group and others are going to be pushing for progress to be made."

Howard Feldman, director of regulatory and scientific affairs for the American Petroleum Institute, said, "Hopefully, the rule is getting more reasonable, and that has been something that we have been asking for. We have met several times with EPA and with OMB, and we hope that those meetings have been effective about conveying our concerns with the proposal."

The McCarthy memo said EPA expected industry to support "changes that reduce compliance burden" but to oppose the expansion of coverage under the NSPS to cover a number of previously unregulated emission sources and to oppose the agency's broad review of the existing NESHAP.

Support From Environmental Groups

EPA expected environmental groups generally to support the final rule but to be concerned that the rule does not directly regulate methane emissions and does not regulate existing sources, according to the memo.

"Environmental groups may also express concern that we did not make changes to attain greater reductions of more pollutants in the final rule and further expand controls for unregulated sources" of hazardous air pollutants, it said.

A Feb. 21 communications strategy document, also posted in the rulemaking docket, expected state and local environmental agencies to support the proposed rule but energy agencies to have mixed reaction. EPA said it received 156,000 comments on the proposed rule.

For More Information

The memo from McCarthy to Jackson is available at <http://op.bna.com/fcr.nsf/r?Open=jcos-8svs7x>.

The communications strategy is available at <http://op.bna.com/fcr.nsf/r?Open=jcos-8svse9>.

The full docket, EPA-HQ-OAR-2010-0505, is available at <http://www.regulations.gov>

**Brendan
Gillilan/DC/USEPA/US**

04/27/2012 08:01 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",
"Arvin Ganesan", "Janet Woodka"

cc

bcc

Subject Politico: 'Apolitical' ex-professor at center of 'crucify' storm

'Apolitical' ex-professor at center of 'crucify' storm

By Erica Martinson and Darren Samuelsohn
4/27/12 7:50 PM EDT

Al Armendariz hasn't posted on Twitter since Wednesday.

The EPA Region 6 administrator is usually a prolific tweeter, sending out regular updates on topics like environmental science, natural gas prices and sea levels – all tied to his pet issues of climate change and holding polluters accountable. But now Armendariz is lying low, while furor rages on and off the Hill about his 2010 videotaped comments about “crucifying” <<https://www.politicopro.com/story/energy/?id=11056>> oil and gas polluters.

The fuss has some in Washington wondering: Who is this mild-seeming bureaucrat and former academic, and how did he morph into a right-wing symbol of oppressive, energy-hostile government?

To some extent, the controversy should come as no surprise: EPA Region 6 covers Arkansas, New Mexico, 66 American Indian tribal nations and the oil- and gas-heavy states of Oklahoma, Texas and Louisiana.

That's a tough crowd – especially for anyone committed to environmental enforcement.

Texas Monthly included Armendariz in its February 2011 list <<http://www.texasmonthly.com/preview/2011-02-01/feature>> of the 25 most powerful people in the state, alongside Gov. Rick Perry and Houston homebuilder and GOP mega-donor Bob Perry.

“He's the only environmentalist who gives Rick Perry fits,” the magazine wrote, noting that the EPA regional chief in his short time in the post had “made himself a lightning rod in Perry's self-declared war on Washington.”

“There's certainly tension at the political level” between state and federal regulators regarding enforcement in Texas, Armendariz told the San Antonio Current <<http://sacurrent.com/news/epa-regional-administrator-al-armendariz-on-environmental-justice-texas-and-t-he-gop-s-war-against-his-agency-and-the-recent-environmental-summit-in-corpus-christi-1.1235597>> in November.

“There's, I think, some unfortunate rhetoric that comes from the heads of some of the agencies in the state of Texas and by people in the governor's office,” he said. “But at the staff level we still have very good working relationships with people of [the Texas Commission on Environmental Quality], people with the Railroad Commission, the General Land Office, and we still do get a lot done collectively.”

Houston environmentalist Matthew Tejada said, “It's been a fraught relationship, of course, and probably more fraught than it needs to be.”

But Texas is a perfect microcosm of the “national reaction to EPA,” Tejada said, adding that “Region 6 and EPA as a whole for the past three years have been trying to make up for 20 years” of work left by prior administrations.

“I think people like TCEQ and the public in general had probably gotten used to an EPA that didn't do a

whole lot," Tejada said.

Environmentalists aren't jumping for joy, though – they're still suing over EPA decisions that they find to be too lenient.

Meanwhile, industry insiders say he's always had it out for the oil and gas industry.

Before his appointment at EPA, Armendariz spent eight years in the department of environmental and civil engineering at Southern Methodist University in Dallas. Before that he worked as a chemical engineer, and as a research assistant at MIT's Center for Global Change Science.

He earned a doctorate in environmental engineering at the University of North Carolina at Chapel Hill's School of Public Health, an M.E. in environmental engineering at the University of Florida, and an undergraduate degree in chemical engineering from MIT.

Not long before he came to EPA, though, Armendariz dipped into the now-controversial issue of hydraulic fracturing when the Environmental Defense Fund tapped him to help study air pollution from hydraulic fracturing operations in the Dallas-Fort Worth area.

His research, released in February 2009, concluded that volatile organic emissions were a significant and uncounted source of air pollution in the North Texas region. The report also proposed several new technologies that would cut emissions and perhaps reduce costs for oil and gas operators.

Industry groups attacked his findings.

"But at that point, it was just another report from just another professor," said Tom "Smitty" Smith, state director of the Texas chapter of Public Citizen. "He was not somebody who had any authority over their operations."

In the early months of the Obama administration, Texas greens and Rep. Silvestre Reyes (D-Texas) floated Armendariz's name for the regional EPA job.

Still, Smith said he was surprised when Obama appointed Armendariz in November 2009.

"We didn't think he had a chance because he was not politically connected to anybody in the Obama administration or in the traditional political circles," Smith said.

Jim Marston, regional director for the Environmental Defense Fund in Austin, said he gave Armendariz a positive review to the Obama officials doing the background work, though he expressed some reservations too.

"I said good things about him, but frankly I was worried he didn't have a lot of political experience and some of the legislators, both state and federal legislators in Texas and Oklahoma, are unfair and vicious and might make his life miserable," Marston said. "I was anxious he was not going to be political enough. I knew it'd be a tough job for someone who's not a political animal."

"I don't know if anybody can ever be politically ready for this position," said Tejada, executive director of environmental group Air Alliance Houston.

"I think Al was really well suited to try to understand all of the technical issues" and to be sensitive to the human impacts of pollution, Tejada said. And "Region 6 has more of those issues and has more of those [environmental justice] communities than anywhere else in the country, bar none," he said.

But "he's not a politician. I think he speaks from the heart a lot," Tejada said. "I hope he doesn't lose his position."

As a professor, Armendariz is no stranger to trying to break down complicated topics in

easy-to-understand ways. "One of the things that's delightful about Al is he reads history and he has a range of analogies that he uses to explain issues," Smith said.

In likening EPA enforcement strategy to the Roman Empire's crucifixion of prisoners, "he chose the wrong analogy, the wrong metaphor, out of his stack," Smith said. "It's unfortunate."

Smith called the howls from Armendariz's critics "the height of hypocrisy."

"For tough-on-lawbreaker Republicans to go after an environmental regulator that is actually following the law and enforcing the law is about as hypocritical as they come," Smith said, adding that the same people would cheer a Drug Enforcement Administration leader who went after lawbreakers. "They can't have it both ways. Either you are tough on enforcement or not."

But others called Armendariz's analogy a sign that he lacks the necessary balance or professionalism.

"Nowhere in the EPA's mission does it call for use of baseless accusations, scare tactics, fear-mongering to pursue its charge. Sadly, all three have become commonplace at the EPA," said Debbie Hastings, executive vice president of the Texas Oil & Gas Association.

Hastings charged that the EPA's recent withdrawal of an emergency order against the oil and gas company Range Resources "is just the latest in this EPA trend of attacking without facts, followed by a forced retreat."

Armendariz caught the attention of Texas environmentalists in 2005 when the SMU professor landed a job with Downwinders at Risk monitoring air emissions from the cement industry.

"You look at his résumé, and God – graduated from MIT, he's got all the credentials," Jim Schermbeck, chairman of the local environmental advocacy group, told the Dallas Observer in a March 2011 profile<<http://www.dallasobserver.com/content/printVersion/2118975/>> of Armendariz. "The problem was he had never been involved with anything like this before."

Asked if he thought environmentalists in Texas would be upset if Obama fired Armendariz, EDF's Marston replied, "I think the White House has to make judgments about whether this is a distraction that prevents policy from being implemented. They've got to make that political call. That's not something that I can do."

**Brendan
Giffilan/DC/USEPA/US**

12/03/2011 05:47 PM

To "Richard Windsor", "Bob Perciasepe", "Diane Thompson",
"Seth Oster", "Betsaida Alcantara"

cc

bcc

Subject Tom Friedman's Sunday column

This is a Big Deal

Thomas Friedman

IN many ways, President Obama has been a disappointment on energy and the environment. He has been completely missing in action on the climate debate. His decision to block his own Environmental Protection Agency from setting new rules to cut smog levels was disappointing. And, while I believe in using the balance sheet of the U.S. government to spur clean-tech research and start-ups, Solyndra was a case of embarrassing excess - precisely what happens when you rely too much on government push not consumer pull, spurred by price and regulatory signals.

But, for me, all is forgiven - because Obama came through big-time last month.

He backed his great E.P.A. administrator, Lisa Jackson, and Department of Transportation secretary, Ray LaHood, in producing a deal with all the top U.S.-based automakers that will go into effect in 2017 and require annual mileage improvements of 5 percent for cars, and a little less for light trucks and S.U.V.'s, until 2025 - when U.S. automakers will have to reach a total fleet average of 54.5 miles per gallon. The current average is 27.5 m.p.g.

This deal will help America's cars and trucks approach the mileage levels of Europe and Japan and spur innovation in power trains, aerodynamics, batteries, electric cars and steel and aluminum that will make cars lighter and safer.

The E.P.A. and the Transportation Department estimate that these new innovations will gradually add about \$2,000 to the cost of an average vehicle by 2025 and will save more than \$6,000 in gasoline purchases over the life of that car - savings that will go into the rest of the economy. And all that assumes that gasoline prices will only moderately increase and there are no innovation breakthroughs beyond what we anticipate. If gasoline prices soar higher and innovation goes faster - both highly likely - the savings would be even more.

The new vehicles sold over the life of the program - including its first phase between 2012 and 2016 - are expected to save a total of four billion barrels of oil and prevent two billion metric tons of greenhouse gas pollution.

This is a big deal - a legacy deal for Obama that will make a significant, long-term contribution to America's energy, environmental, health and national security agendas.

The compromise was worked out between the E.P.A. and the Transportation Department with General Motors, Ford, Chrysler, Toyota, Honda, Nissan, BMW and six other major car companies. It was announced Nov. 16 and came about largely because once the Supreme Court ruled that carbon dioxide was a pollutant - and once California made clear that it and several other states were going to impose their own improved auto emissions standards, if the federal government didn't - the major auto companies saw the handwriting on the wall and entered into talks with the Obama administration on a deal that will transform the industry.

The Global Automakers trade association - which endorsed the deal because it gives the industry long-term regulatory certainty to do research and invest - called the Obama plan a "comprehensive and harmonized national approach to reducing greenhouse gas emissions and improve fuel economy ... while providing manufacturers the needed flexibility and lead time to design and build advanced technology vehicles."

Dan Becker, director of the Safe Climate Campaign of the Center for Auto Safety, said the mileage deal "is the biggest single step that any nation has taken to cut global warming pollution," but he cautioned that, like any Washington compromise, it does contain loopholes that "give the auto companies opportunities to behave irresponsibly - if they choose." If the companies' total fleet mix of cars and trucks stays roughly as projected, they would hit the 54.5 m.p.g. target by 2025. But, because the deal allows for a weaker mileage standard for trucks than cars, Becker added, "if the industry as a whole decides to make many more trucks than now projected, we will not achieve the 54.5 m.p.g. target, although average mileage would still improve significantly from today's levels." Naturally, the E.P.A.-haters hate the deal. They focus on the increase in vehicle costs that will phase in over 13 years - and ignore the net savings to consumers, plus the national security, innovation, jobs, climate and health benefits. These critics are the same "conservatives for OPEC" who, after Congress agreed in 1975 on a 10-year program to raise the fleet average mileage of American cars from 15 m.p.g. to 27.5 m.p.g., got together not only to

halt mileage improvements in American vehicles during the Reagan administration, but to roll them back. This helped to drastically slow U.S. auto mileage innovation and ultimately helped to bankrupt the American auto industry and make sure the United States remained addicted to oil.

Of course, today's G.O.P., whose energy policy was best described by Lisa Jackson as "too dirty to fail" - i.e., we can't close any polluting power plants or impose cleaner air rules because it might cost jobs - is fighting a last-ditch effort to scuttle the deal. Representative Darrell Issa, a California Republican and chairman of the House oversight committee, is leading the charge to kill it. What a thing to be proud of.

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From: Google Alerts [googlealerts-noreply@google.com]

Sent: 12/03/2011 10:16 PM GMT

To: Brendan Gilfillan

Subject: Google Alert - President and "Environmental Protection Agency

**Brendan
Gillilan/DC/USEPA/US**
08/30/2011 02:48 PM

To "Richard Windsor"
cc "Seth Oster"
bcc
Subject Final blog

Telling the truth about the environment and our economy.
Lisa P. Jackson

Here are some claims you might have heard about the U.S. Environmental Protection Agency: The EPA is setting air pollution standards that will lead to the closure of multiple power plants. The EPA is regulating spilled milk at dairy farms as if it were equivalent to spilled oil. The agency is pushing "a train wreck" of regulations on the energy industry.

These charges above have appeared in mainstream newspapers, lobbyist talking points, and inside-the-beltway speeches -- and not one of them is true.

Closing a plant is a business decision, made by companies based on market factors unrelated to EPA standards -- a point that industry leaders have acknowledged. The Chairman and CEO of Exelon Corporation said, "These regulations will not kill coal...up to 50% of retirements are due to the current economics of the plant due to natural gas and coal prices." The CEO of American Electric Power said in April, "We've been quite clear that we fully intend to retire to the 5,480 megawatts of our overall coal fleet because they are less efficient and have not been retrofitted in any particular way."

Regarding spilled milk, EPA's has worked closely with dairy farmers to exempt them from an oil spill prevention law that was written so broadly as to include spilled dairy products.

And the so-called "train wreck" of regulations has been urged along by utilities and state regulators and characterized as "a golden opportunity to look for synergies between different compliance options."

All of these are part of the debate over EPA's effect on the economy. It is an important debate, especially at a time when job creation is our nation's top priority. But things have taken a turn for the absurd when EPA is being attacked for measures we're not taking and our most fundamental responsibilities to protect the health and environment for all Americans are targeted as job killers.

Recent EPA actions have been met with a robotic response that they are too costly and too burdensome. Calls have intensified to weaken safeguards and gut laws designed to protect our families from pollution that causes asthma, cancer and other illnesses, especially in children. Special interests have sought loopholes that will allow big polluters to use our air and water as dumping grounds.

It's time to have a real conversation about protecting our health and the environment while growing our economy. It's time to recognize that EPA's forty years of environmental and health protection prove our ability to create jobs while we clean our air, water and land.

It's time to make clear that when big polluters distort EPA's proposals as a drag on our economy, they ignore the fact that clean air, clear water and healthy workers are all essential to American businesses. They overlook the innovations in clean technology that are creating new jobs right now.

It's time to recognize that delays and reversals of long expected health standards leave companies uncertain about investing in clean infrastructure, environmental retrofits, and the new workers needed to do those jobs. Even those who accept the idea that EPA actions are costly should know that those costs often represent investments in new technology and newly hired workers. Pledges to weaken or slow proposed standards, many of which have been developed over years and with industry input, prevent businesses from making those investments.

To counterbalance misleading accusations with good common sense, we need to hear from American business owners, like the CEO of Michigan's Clean Light Green Light, who recently said, "EPA has opened the doors to innovation and new economic opportunities. By spurring entrepreneurs who have good ideas and the drive to work hard, the EPA has helped give rise to countless small businesses in clean energy, advanced lighting, pollution control and more, which in turn are creating jobs." We need reasonable assessments from people on both sides of the aisle, like the senior EPA appointee from the George W. Bush administration who recently wrote, "Abolishing the EPA will not cause a revival of America's economy, but it will certainly result in a major decline in public health and our quality of life." And we need the input of objective sources, like the Congressional Research Service, which just released a report confirming that the benefits of EPA's protections far outweigh the costs.

This is more than just being smart about our economy and our environment -- it's about respecting the priorities of the American people. More than 70 percent of Americans want EPA to continue to do its job effectively. Those same Americans want to see a robust economic recovery. We have the capacity to do both things, but it will require a better job creation strategy than misleading attacks on commonsense safeguards for our health and the environment.

**Brendan
Gilfillan/DC/USEPA/US**
11/04/2011 06:03 PM

To "Richard Windsor"
cc "Seth Oster"
bcc
Subject Fw: 'Thugs' misquote of EPA's Jackson sparks GOP uproar

From: POLITICO Pro [politicoemail@politicopro.com]
Sent: 11/04/2011 05:59 PM AST
To: Brendan Gilfillan
Subject: 'Thugs' misquote of EPA's Jackson sparks GOP uproar

'Thugs' misquote of EPA's Jackson sparks GOP uproar

By Patrick Reis
11/4/11 5:57 PM EDT

Republicans are in an Internet uproar over an erroneous media report quoting EPA Administrator Lisa Jackson as calling them “jack-booted thugs” during a speech at the University of California at Berkeley.

Trouble is, Jackson didn't level the term at Republicans. Instead, she used it to refer to her own employees, jokingly borrowing language that the EPA's critics have used to describe the agency's workers.

According to [video of the event](#) Thursday and a transcript of the speech provided by the EPA, Jackson spent part of her speech debunking earlier inaccurate media reports that claimed [the agency intended](#) to “triple its budget and add 230,000 new regulators to cut greenhouse gas emissions from sources like — be prepared — backyard grills and cows.”

In fact, she noted, the EPA had proposed a “tailoring rule” meant to limit the permitting requirements to the biggest industrial emitters.

“A massive expansion was never a possibility — and the people who cited the 230,000 new EPA jack-booted thugs knew that,” she said. “That number comes from an administration document explaining why you needed a Tailoring Rule.”

But in an account of the event that E&E News published Friday, a reporter described Jackson as accusing House and Senate Republicans of deliberately misleading the public with the 230,000-employee figure — then quoted her as saying, “Those jack-booted thugs knew that.”

E&E has since republished its account with a correction, but the conservative site [RedState](#) picked up the original version, setting Twitter and other sites ablaze with conservative criticism of Jackson.

Jackson's "bureacratic [sic.] speak aside, it was apparently enraging for Jackson that Republicans claimed the EPA wanted to hire 230,000 employees based on a document saying they'd need to hire 230,000 employees to enforce their absurd regulations," wrote RedState's Ben Howe. "So enraging that it caused her to lash out in what I'm sure would've been called 'violent, fascist, police-state, authoritarian, terrorist speak' had it been said while George W. Bush was president."

RedState representatives did not respond immediately to inquiries on whether they'll update their post.

JunkScience.com, a blog for critics of climate science, also [posted on the story](#), accusing Jackson of taking "trash-talking to a new level for a senior government official."

And FOX Nation ran [a post](#) on its front page with the headline "EPA Chief Calls Republicans 'Jack-Booted Thugs,'" which ultimately traced back to the RedState post.

To read and comment online:

<https://www.politicopro.com/go/?id=7081>

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<https://www.politicopro.com/member/?webaction=viewAlerts>

**Brendan
Gilfillan/DC/USEPA/US**

11/04/2011 05:47 PM

To "Richard Windsor"

cc "Seth Oster"

bcc

Subject Greenwire stories

Original and correction - the speech has also been posted here:

<http://www.youtube.com/watch?v=xcNeR6-EEGc>

EPA chief decries attacks on agency by 'jack-booted thugs'

Debra Kahn, E&E reporter

Published: Friday, November 4, 2011

BERKELEY, Calif. -- U.S. EPA Administrator Lisa Jackson took on congressional Republicans for trying to blame a sour economy on environmental regulations yesterday in a speech at the University of California, Berkeley, School of Law.

Jackson accused House and Senate Republicans of deliberately misusing EPA's assertion that it would need 230,000 people to enforce greenhouse gas regulations. The number, she said, was drawn from an agency document arguing for "tailoring" the regulations to exempt small businesses.

"Those jack-booted thugs knew that," she said of the Republicans.

The EPA chief has been on an offensive lately against Republican charges that environmental regulations are threatening the U.S. economy. Yesterday, she reprised the assertion she made in a Los Angeles Times op-ed last month that Republicans consider coal-fired power plants, industrial boilers and other polluting facilities "too dirty to fail."

Jackson defended President Obama's decision to shelf a proposed toughening of the air pollution standards for ozone in the face of industry and Republican assertions that the rule would cost American jobs.

EPA had proposed a standard for ground-level ozone within the 60 to 70 parts per billion range -- tougher than the 75 ppb standard chosen in 2008 by the George W. Bush administration and in line with the recommendation of EPA's science advisers. But Obama told EPA to wait until the next review of the standard wraps up in 2013.

"The president made a tough call," Jackson said. "He said [the ozone standards] would be re-evaluated anyway under their normal cycle. Given all that's going on, let's wait for the latest science."

Moving to a major concern for environmentalists about the administration's handling of the proposed Keystone XL pipeline, which would link Canada's oil-sands region to the Gulf Coast, Jackson tried to assure the audience here that the State Department, EPA and President Obama himself would handle the matter carefully.

Jackson elaborated on Obama's statement Tuesday that the president would himself do a thorough review of the State Department's "recommendation" on the \$7 billion pipeline (E&E Daily <<http://www.eenews.net/EEDaily/2011/11/02/archive/2>>, Nov. 2).

"I think what he conveyed is an acknowledgement that communities across this country and many students have made it clear this is a decision that's extremely important to them," Jackson said. "The president didn't want anyone to walk away thinking he is not aware of those concerns or his administration is not looking at this together. It's not going to be State versus EPA looking at it."

EPA, she said, would weigh in with more comments on State's environmental impact statement, which predicts limited environmental effects from the pipeline (Greenwire <

<http://www.eenews.net/Greenwire/2011/08/26/archive/1>>, Aug 26).

"We have another set of comments to go," she said.

Correction: EPA Administrator Lisa Jackson's use of "jack-booted thugs" referred to how her agency's critics characterized new employees that EPA would need to enforce greenhouse gas regulations without a "tailoring rule" to limit the number of regulated businesses. She was not referring to congressional Republicans.

EPA chief decries attacks by congressional Republicans

Debra Kahn, E&E reporter

Correction appended.

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**Brendan
Gillilan/DC/USEPA/US**
06/20/2011 06:19 PM

To "Richard Windsor"
cc "Seth Oster"
bcc
Subject MATS comment period extension

Hey Boss -

Here's the latest draft of the release we're planning to issue tomorrow on the MATS comment period extension.

Thanks

- Brendan

EPA Extends Public Comment on Mercury and Air Toxics Standards

Extension will have no impact on timeline for finalizing standards

Washington, DC -- At the request of members of Congress, EPA Administrator Lisa Jackson today announced that the agency will extend the public comment period for the proposed Mercury and Air Toxics Standards by 30 days, but that this extension will not alter the timeline for issuing the final standards. The target date to finalize these new standards - which will prevent tens of thousands of premature deaths and heart attacks a year - remains November 2011.

"EPA will put these long-overdue standards in effect in November, as planned. In our effort to be responsive to Congress and to ensure that there is additional opportunity for public comment, we will extend the timeline for public input by 30 days. But the timeline for issuing the final standards will not be impacted or delayed," said Administrator Jackson. "These standards are critically important to the health of the American people and rely on technology already in use at over half of the nation's coal and oil-fired power plants to slash emissions of mercury and other hazardous pollutants. When these new standards are finalized, they will assist in preventing hundreds of thousands of asthma and heart attacks, 17,000 premature deaths, 120,000 cases of childhood asthma symptoms and approximately 11,000 fewer cases of acute bronchitis among children each year. Hospital visits will be reduced and nearly 850,000 fewer days of work missed due to illness."

EPA proposed the first ever national Mercury and Air Toxics Standards in March. The standards will be phased in over three years, and states have the ability to give facilities a fourth year to comply. Currently, 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. Once final in November, these standards will ensure the remaining coal-fired plants, roughly 44 percent, take similar steps to decrease dangerous pollutants.

Bryon
Griffith/GMPO/USEPA/US
12/11/2011 08:24 PM

To Richard Windsor
cc John Hankinson
bcc

Subject Fw: Lead Story in today's Corpus Christi Caller Times

Fyi....

The press has been very, very good following your announcement on Monday. I think you two will love the characterizations in this article...

i.e., **"The highlight of the summit was the announcement by Environmental Protection Agency Administrator Lisa Jackson of a far-reaching plan developed by President Barack Obama's Gulf Coast Ecosystem Restoration Task Force and kick-started by a \$50 million endowment from the U.S. Department of Agriculture to begin bringing the Gulf back from decades of neglect.**

"He said some of the top federal leaders are moving to the Gulf coast to personally oversee restoration projects." For instance, John Hankinson Jr., the president's appointee to head the task force, is moving to the Gulf Coast to be there, hands on," he said. Hankinson, a former EPA administrator, is not a typical federal bureaucrat, McKinney said." He is a very common sense leader with no real ego," he said. Hankinson will sit at the top of a pyramid that, McKinney said, hopefully one day will be a monument to progress, not institutional inertia and bureaucratic sloth."

Congratulations!

----- Forwarded by Bryon Griffith/GMPO/USEPA/US on 12/11/2011 08:19 PM -----

From: "McKinney, Larry" <Larry.McKinney@tamucc.edu>
To: Chris Harte <cmh@swr.us.com>, "Elizabeth \"Biddy\" Owens" <bidness59@comcast.net>, Julia Widdowson <juliawiddowson@mac.com>, "Alejandra Manzur (Clariond-Admin)" <alejandra.manzur@cuprum.com>, Alejandro Junco de la Vega <ajunco@elnorte.com.mx>, "Andrew \"Andy\" Sansom" <andrewsansom@txstate.edu>, "Anna Tischer (Fitzsimons-Admin)" <atischer@ufjlaw.com>, "Bert Ragsdale (UoA-Admin)" <bragsdale@uasystem.ua.edu>, "Betty Aridjis (Aridjis-Admin)" <bettyaridjis@yahoo.com>, Bryon Griffith/GMPO/USEPA/US@EPA, Catherine Nixon Cooke <catherinencooke@hotmail.com>, Chula Ross Sanchez <chula@ddc.net>, "Donna Basso (Mote-Admin)" <donna@mote.org>, "Eric W. Gustafson" <ericwgustafson@gmail.com>, Eugenio Clariond Reyes <ecr@cuprum.com>, Eva Fernandez <eva.fernandez@femsa.com.mx>, Guillermo Garcia Montero <guillermog@acuaronacional.cu>, Guillermo Garcia Montero <guilleg2005@gmail.com>, Homero Aridjis <grupo100@laneta.apc.org>, John Ogden <jogden@marine.usf.edu>, Joseph Fitzsimons <jfitzsimons@ufjlaw.com>, Katherine Armstrong <katarminc@earthlink.net>, Kumar Mahadevan <kumar@mote.org>, Lu-Ann Kleibacker/DC/USEPA/US@EPA, Mark Watson <mewjr@swbell.net>, "Pam Rogers (Plant-Admin)" <pjrogers@hpo.com>, Pat Murray <pdmurray@joincca.org>, Phil Plant <phil@hpo.com>, Raul Rodriguez <rdzr@hotmail.com>, Ray Hayes <crhayes@uasystem.ua.edu>, "Sarah Wardlow (Sansom-Admin)" <sw46@txstate.edu>, Sylvia Earle <saearle@aol.com>, "William B. Baker" <William.BakerJr@genon.com>, "Gibeaut, James" <James.Gibeaut@tamucc.edu>, "Knight, Allison" <Allison.Knight@tamucc.edu>, "McKinney, Larry" <Larry.McKinney@tamucc.edu>, "McLaughlin, Richard" <Richard.McLaughlin@tamucc.edu>, "Montagna, Paul" <Paul.Montagna@tamucc.edu>, "Nelson, Jodie" <Jodie.Nelson@tamucc.edu>, "Shirley, Thomas" <Thomas.Shirley@tamucc.edu>, "Stunz, Greg" <Greg.Stunz@tamucc.edu>, "Sutton, Gail"

<Gail.Sutton@tamucc.edu>, "Tunnell, Wes" <Wes.Tunnell@tamucc.edu>, "Yoskowitz, David" <David.Yoskowitz@tamucc.edu>, David Sinak <DSinak@gibsondunn.com>, Joe Hornblower <ho@hmwpc.com>, Will Harte <will@willharte.com>

Date: 12/11/2011 05:50 PM

Subject: Lead Story in today's Corpus Christi Caller Times

Very complimentary story in today's paper. Thanks to all of you and especially the Harte family. We would have had the opportunity without it.

Best regards

Larry

Front page of Caller Times – lead story

Harte Research Institute for Gulf of Mexico Studies at the summit of Gulf restoration plans

Research group presents plans of action

By [Rick Spruill](#)

Corpus Christi Caller Times

December 11, 2011 at 2:54 a.m.

CORPUS CHRISTI — A wide grin unfurls across Larry McKinney's ruddy face anytime the subject of "those guys" comes up.

"Those guys," the now well-known group of endowed chairs who lead the Harte Research Institute for Gulf of Mexico Studies were, for a few days last week, rock stars in comfort shoes and sensible ties. They are the nucleus of a scientific community that heads of state are looking to for help charting a course to bring the Gulf of Mexico back from a decades-long slide.

"I'm no rock star," McKinney said between sessions at last week's second annual Gulf of Mexico Summit, a four-day meeting in Houston of the best minds in the Gulf science business. "But some of my guys are. I'm so proud of the institute and to be a part of it."

McKinney, the institute's executive director, said the institute, which focused in the months following the 2010 Deepwater Horizon oil spill on sound science and research, is on the verge of taking the science and "doing something with it," a catchphrase used often by the late Ed Harte, the institute's largest benefactor.

Paul Montagna, endowed chair for ecosystems studies and modeling, and James Gibeaut, endowed chair for geospatial sciences, are working on oil spill analysis with the help of \$8 million in related grants, he said. Gibeaut's work in particular will be important in linking the mountains of data collected related to the spill.

The institute is hiring high-level research and data development positions and is

growing so fast it is running out of space in its \$18 million, 57,000-square-foot facility on the Texas A&M University-Corpus Christi campus. Harte gave almost \$50 million in 2000 to the institute with one string attached: Do excellent science and research, and then put it to good use.

The vision took a step forward at the summit, McKinney said. On Wednesday he and Wes Tunnell, a Gulf marine science and research guru who also is associate director of biodiversity and conservation for the institute, unveiled their vision for a Gulf of Mexico report card — a science-based, easy-to-digest progress report on Gulf issues. The report card, developed by McKinney, Tunnell and teams from Harwell Gentile & Associates, an ecological risk modeling firm, and three scientists from the University of Maryland's Center for Environmental Science, is buoyed by thousands of hours of research conducted since the Deepwater Horizon disaster in 2010.

The report card, once developed, will be used to regularly hold agencies and academics and scientists accountable for the way they spend a tsunami of money — estimates range as high as \$23 billion — paid by BP and other responsible parties to help restore the Gulf's complex ecosystems.

For Corpus Christi and other South Texas coastal communities, the Deepwater Horizon is a warning siren, McKinney said. "For Corpus, where oil and gas plays such a big role in the local economy, all the new finds are in the deep waters of the western Gulf, so the greatest risk for future spills is going to be in our backyard," he said. "We need to deal with the problems now, learn how to minimize impact now, and have a Gulf response plan in hand. Our future is right there. The next one could be off our coastline, and we weren't ready at Macando (Gulf well site)."

"The institute is playing a very important role in Gulf restoration initiatives," said Chris Dorsett, director of the Ocean Conservancy's Gulf restoration program and summit participant. "They've played a great role in developing the restoration vision." Dorsett said the summit was an opportunity for a meeting of a diverse group that shares a love of the Gulf and a desire to see it protected. "It was a good opportunity for people who don't eat and breathe this stuff every day to understand what restoration means and all the working parts," he said. "It helps us understand the collective effort needed for restoration in the Gulf of Mexico."

The highlight of the summit was the announcement by Environmental Protection Agency Administrator Lisa Jackson of a far-reaching plan developed by President Barack Obama's Gulf Coast Ecosystem Restoration Task Force and kick-started by a \$50 million endowment from the U.S. Department of Agriculture to begin bringing the Gulf back from decades of neglect.

Ray Allen, executive director of the Coastal Bend Bays & Estuaries Program, attended the summit. He said although the Macando spill brought to the forefront the need for better Gulf resources management, it means little without action.

"The data and research and planning — it all eventually must lead to on-the-ground efforts," he said. "Habitat restoration and water quality improvement projects are greatly helped by the supporting information behind it." He said there have been earlier Gulf restoration plans. "But the fact is they

require money to implement," he said. "These are challenging times. I'm optimistic something can come out of this, but I'm anxious that we actually see some of the penalty dollars are applied to on-the-ground activities, including estuaries."

Allen said some of the \$50 million will be put into the San Antonio Bay area — the northern area of the bays and estuaries program boundary — but did not know whether any will make its way to the program. Allen, like Dorsett, said the institute's role as moderator in Gulf dialogue is an important one. McKinney's involvement is vital, Dorsett said. "With Larry involved I can see many more of these happening," he said.

McKinney said the "art of herding cats — taking a bunch of independent-thinking, brilliant scientists and moving them in one direction," is his strength. "You get everyone moving together and then get out of the way," he said. He said the timing of the summit was coincidental with the federal task force announcement, and acknowledged that it is normal for people to question the role of government in pursuit of such an enormous goal.

"It's like an onion, not a silo — the top officials work closely together and then you go to the lower levels in the field and see good cooperation — it's the middle management empire builders where you see the loggerheads," he said.

He said some of the top federal leaders are moving to the Gulf coast to personally oversee restoration projects." For instance, John Hankinson Jr., the president's appointee to head the task force, is moving to the Gulf Coast to be there, hands on," he said. Hankinson, a former EPA administrator, is not a typical federal bureaucrat, McKinney said." He is a very common sense leader with no real ego," he said. Hankinson will sit at the top of a pyramid that, McKinney said, hopefully one day will be a monument to progress, not institutional inertia and bureaucratic sloth.

"Last year we all were in a dark time, focused on the spill and gathering the data and doing the science," McKinney said. "Now we are moving beyond the science and addressing the issues such as overfishing, dead zones, freshwater inflows, climate change. ... Now the plan is in place, and we are ready to build a sustainable effort for the whole Gulf.

"We finally are on the brink of no longer talking but doing. It is finally becoming what Mr. Harte envisioned — taking science and doing something with it."

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Seth Oster/DC/USEPA/US
Sent by: Candace White

07/21/2011 04:58 PM

To Adrian Collins, Al Armendariz, Alex Barron, Alexandria Carter, AO OEAE EVERYONE, Arthur Elkins, Arvin Ganesan, Avi Garbow, Barbara Bennett, Beth Craig, Beth Zelenski, Bicky Corman, Bob Perciasepe, Bob Sussman, Cameron Davis, Catherine McCabe, Charles Imohiosen, Charlie Bartsch, Christopher Busch, Comm Directors and Alternates, Craig Hooks, Curt Spalding, Cynthia Giles-AA, Daniel Kanninen, Daniel Ryan, Darlene Yuhas, David McIntosh, Debbie Dietrich, Dennis McLerran, Diane Thompson, Don Zinger, Elle Beard, Eric Wachter, Erica Canzler, Erica Jeffries, Gilberto Irizarry, Gina McCarthy, Gloria Swanson, Heidi Ellis, James Jones, James Martin, Janet McCabe, Janet Woodka, Jared Blumenfeld, Joel Beauvais, Joel Sonkin, John Hankinson, John Reeder, Jose Lozano, Joseph Goffman, Juan Reyes, Judith Enck, Justin Cohen, Karen Higginbotham, Karl Brooks, Kevin Teichman, Laura Vaught, Lawrence Elworth, Layla Mansuri, Lisa Feldt, Lisa Garcia, Lisa Heinzerling, Lisa Plevin, Malcolm Jackson, Marcus McClendon, Margo Oge, Marygrace Galston, Mathy Stanislaus, Matt Bogoshian, Michael Goo, Michelle DePass, Michelle Moore, Nancy Stoner, Noah Dubin, Paul Anastas, PADs and Alternates, Peter Grevatt, Peter Silva, Rachael Schultz, Raul Soto, Richard Windsor, Ryan Robison, Sarah Dale, Sarah Dunham, Sarah Pallone, Scott Fulton, Shalini Vajjhala, Shawn Garvin, Stan Meiburg, Steve Owens, Taylor Fiscus, Tseming Yang

cc

bcc

Subject TALKING POINTS: Final Guidance to Protect Water Quality in Appalachia

All -

Today, EPA finalized guidance designed to protect water quality in Appalachia from the impacts of mountaintop mining.

- Seth

- The people of Appalachia should not have to choose between jobs and the economy or their health and a clean environment – we can achieve both.
- The final guidance is designed to ensure more consistent, effective, and timely review of surface coal mining permits.
- The final guidance provides additional clarity and flexibility on the use of Clean Water Act tools in protecting Appalachian waters and residents from the impacts of mining activity.
- EPA's final guidance reflects significantly enhanced science, extensive public comment and experience working with federal and state agencies and mining companies.

Press Release

<http://yosemite.epa.gov/opa/admpress.nsf/1e5ab1124055f3b28525781f0042ed40/1dabfc17944974d4852578d400561a13!OpenDocument>

July 21, 2011

Seth Oster
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Seth Oster/DC/USEPA/US
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To

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02/09/2011 06:36 PM

bcc Richard Windsor

Subject TALKING POINTS: Administrator Testified on the Energy Tax
Prevention Act of 2011

I wanted to share with you the Administrator's testimony from today hearing's of the House Energy and Commerce Committee's Subcommittee on Energy and Power. The focus of the hearing was to discuss the legislation introduced by Congressman Upton that would strip EPA of certain authorities under the Clean Air Act.

Below are talking points, the link to the Administrator's opening statement and a story about the hearing from the NY Times.

Talking points

- The bill appears to be part of a broader effort in this Congress to delay, weaken, or eliminate Clean Air Act provisions.
- EPA's implementation of the Clean Air Act saves millions of American children and adults from the debilitating health effects that occur when smokestacks and tailpipes release unrestricted amounts of harmful pollution into the air we breathe.
- EPA's implementation of the Act also has contributed to dynamic growth in the U.S. environmental technology industry. In 2008, that industry generated nearly 300 billion dollars in revenues and 44 billion dollars in exports.

Administrator Lisa P. Jackson, Opening Statement Before the House Energy and Commerce Committee's Energy and Power

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/53c1ebf66cfd05ce8525783200>

Republicans Assail E.P.A. Chief on Emission Limits

The New York Times

JOHN M. BRODER

February 9, 2011

WASHINGTON — Congressional Republicans opened a formal assault on Wednesday on the authority of the Environmental Protection Agency to regulate greenhouse gases, raising doubts about the legal, scientific and economic basis of rules proposed by the agency.

The forum was a hearing convened by the energy and power subcommittee of the House Energy and Commerce Committee to review the economic impact of pending limits on carbon dioxide and other heat-trapping gases. But much of the discussion focused instead on whether climate science supports the agency's finding that greenhouse gases are a threat to human health and the environment; that finding is what makes the gases subject to regulation under the Clean Air Act.

Lisa P. Jackson, the E.P.A. administrator, was subjected to more than two hours of questioning, some of it hostile and disrespectful, about proposed limits on emissions from factories,

refineries, power plants and vehicles.

Republican lawmakers asserted that the science underpinning the regulatory effort was a hoax, questioned the agency's interpretation of a Supreme Court decision giving it power to regulate carbon dioxide, and accused the Obama administration of sacrificing American jobs in its misplaced zeal to address climate change.

"The E.P.A. and the Obama administration have decided that they want to put the American economy in a straitjacket, costing us millions of jobs and billions of dollars a year," Representative Joe Barton, Republican of Texas, said in his opening remarks. "They couldn't get it through the legislative process, so they've tried to do it by a regulatory approach. It's not going to work."

He later told Ms. Jackson he was delighted she could appear before the committee and said that she should plan to be there frequently over the next two years.

Another Republican, John Shimkus of Illinois, asked Ms. Jackson whether she believed in the law of supply and demand. Ms. Jackson, who holds a graduate degree in chemical engineering from Princeton University, replied, "I was trained in it."

"But do you believe that as costs go up, supply goes down?" Mr. Shimkus demanded.

"It depends on the elasticity of the cost curve," Ms. Jackson responded.

Ms. Jackson repeated her now-familiar defense of greenhouse gas regulation, saying that cleaning up the environment will not only improve health but also create jobs.

She said the Supreme Court, in *Massachusetts v. Environmental Protection Agency*, obliged the agency to determine whether carbon dioxide emissions endangered human health and welfare. She said that both the George W. Bush administration and the Obama administration had concluded that the emissions do so.

And she strenuously objected to a bill introduced last week by two top Republicans on the committee, Fred Upton of Michigan and Ed Whitfield of Kentucky, seeking to overturn that court decision and thwart the agency's efforts to carry it out.

"Chairman Upton's bill is part of an effort to delay, weaken or eliminate Clean Air Act protections of the American public," Ms. Jackson said in her opening statement. "Chairman Upton's bill would, in its own words, 'repeal' the scientific finding regarding greenhouse gas emissions. Politicians overruling scientists on a scientific question — that would become part of this committee's legacy."

Mr. Upton said that his bill, dubbed the Energy Tax Prevention Act of 2011, was narrowly drawn to restrict agency regulation only of carbon dioxide and other greenhouse gases, not the other air pollutants that have been shown to have more direct effects on health.

He said that regulating carbon dioxide emissions would make the most abundant fuels prohibitively expensive to use, and would put American manufacturers at a disadvantage compared with industries in countries that have no such rules.

“Needless to say,” Mr. Upton said, “the Chinese government and other competitors have no intention of burdening and raising the cost of doing business for their manufacturers and energy producers the way E.P.A. plans to do here in America. Our goal should be to export goods, not jobs.”

February 9, 2011

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Seth Oster/DC/USEPA/US
Sent by: Candace White

To

cc

03/16/2011 05:04 PM

bcc Richard Windsor

Subject TALKING POINTS: EPA Proposed First National Standards
for Mercury Pollution from Power Plants

All,

As you all know this morning the Administrator announced the first national standards for mercury pollution from power plants at a press conference in the green room with the president of the American Lung Association, Charles Connor as well as public health professionals. Below is a link to the press release, talking points and the AP story of the announcement.

TALKING POINTS

- Today's announcement is 20 years in the making, and is a significant milestone in the Clean Air Act's already unprecedented record of ensuring our children are protected from the damaging effects of toxic air pollution.
- The proposed rules would for the first time regulate emissions from coal-fired power plants, including limiting mercury, lead, arsenic and acid gas pollution.
- The American Lung Association applauds the release of this sensible public health measure. When it becomes final, the cleanup rule that the EPA is putting forward today will save lives, protect the health of millions of Americans and finally bring about an action that is 20 years overdue.
- There are currently no limits on how much mercury or other pollutants can be released from a power plant's smoke stacks. The EPA said the new regulations – which would go into effect by 2014 – would reduce mercury emissions from these power plants by 91 percent.
- This rule will provide employment for thousands, by supporting 31,000 short-term construction jobs and 9,000 long term utility jobs.

PRESS RELEASE

<http://yosemite.epa.gov/opa/admpress.nsf/bd4379a92ceceeac8525735900400c27/55615df6595fbfa3852578550050942f!OpenDocument>

AP STORY

EPA proposes regulating mercury from coal plants
Associate Press
March 15, 2011

HOUSTON — The U.S. Environmental Protection Agency proposed rules on Wednesday that would for the first time regulate emissions from coal-fired power plants, including limiting mercury, lead, arsenic and acid gas pollution.

Environmental and medical groups praised the move, which came in response to a court-ordered deadline, saying the new regulations will remove toxins from the air that contribute to respiratory illnesses, birth defects and developmental problems in children.

There are currently no limits on how much mercury or other pollutants can be released from a power plant's smoke stacks. The EPA said the new regulations — which would go into effect by 2014 — would reduce mercury emissions from these power plants by 91 percent.

This standard that "will save lives, prevent illnesses and promote vital economic opportunities across the country," said EPA Administrator Lisa P. Jackson, who invited second graders to attend the event in Washington, D.C. where she signed the proposal. She said the proposal could become law by late 2011 or early 2012.

Such rules would have the greatest impact on Texas, which is home to more coal-fired power plants than any other state. Texas has at least 17 coal-fired plants and about a dozen more in various stages of the permitting process.

The new rules require power plants to install technologies that would limit the emissions. Industry has argued that installing the technologies would be expensive and could significantly increase electricity rates paid by consumers.

Jackson said the EPA's models found installing the technologies would increase rates about \$3 to \$4 a month, though it could be less depending on fuel costs. For example, she said, a New Jersey provider that already installed pollution cutting technologies recently reduced its rates.

March 16, 2011

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Seth Oster/DC/USEPA/US

Sent by: Candace White

07/13/2011 07:09 PM

To

cc

bcc

Subject TALKING POINTS: Clean Water Act Editorials and Statement & Points on Secondary Air Standards for Nitrogen and Sulfur Oxides

All,

Today the House of Representatives has debated and is expected to vote on the Mica Bill, which would de-federalize the Clean Water Act. This is obviously legislation we are following closely and we wanted to share with you several related items for your information, including a few recent newspaper editorials and the "Statement of Administration Policy" issued yesterday by the White House that articulates their opposition to this bill and the advice of presidential advisors to veto it, should it ever reach the president's desk.

Also today, we opened public comment on secondary air standards for nitrogen and sulfur oxides. Below the information on the Mica bill you will also find talking points and a link to the press release.

-Seth

WHITE HOUSE STATEMENT

Executive Office of the President: Statement of Administration Policy (Mica Bill H.R. 2018)

The Administration strongly opposes H.R. 2018 because it would significantly undermine the Clean Water Act (CWA) and could adversely affect public health, the economy, and the environment.

Under the CWA, one of the Nation's most successful and effective environmental laws, the Federal Government acts to ensure safe levels of water quality across the country through the Environmental Protection Agency (EPA). Since the enactment of the CWA in 1972, the Federal Government has protected the waterways our citizens depend on by using its checks and balances authority to review and adjust key State water pollution control decisions, where necessary, to assure that they reflect up to date science, comply with the law, and protect downstream water users in other States. H.R. 2018 would roll back the key provisions of the CWA that have been the underpinning of 40 years of progress in making the Nation's waters fishable, swimmable, and drinkable.

H.R. 2018 could limit efforts to safeguard communities by removing the Federal Government's authority to take action when State water quality standards are not protective of public health. In addition, it would restrict EPA's authority to take action when it finds that a State's CWA permit or permit program is inadequate and would shorten EPA's review and collaboration with

the Army Corps of Engineers on permits for dredged or fill material. All of these changes could result in adverse impacts to human health, the economy, and the environment through increased pollution and degradation of water bodies that serve as venues for recreation and tourism, and that provide drinking water sources and habitat for fish and wildlife.

H.R. 2018 would disrupt the carefully constructed complementary CWA roles for EPA, the Army Corps of Engineers, and States in protecting water quality. It also could eliminate EPA's ability to protect water quality and public health in downstream States from actions in upstream States, and could increase the number of lawsuits challenging State permits. In sum, H.R. 2018 would upset the CWA's balanced approach to improve water quality across the Nation, risking the public health and economic benefits of cleaner waters.

If the President is presented with this legislation, his senior advisors would recommend that he veto the bill.

MIAMI HERALD EDITORIAL

House attempt to gut EPA's enforcement of clean-water rules is dangerous

The following editorial appeared in the Miami Herald on Tuesday, July 12:

When you go swimming at the beach, do you mind if there's a little sewage in the water?

Going fishing? Would you mind a few industry contaminants in your favorite river or lake, maybe a little mercury, with that fish fry?

Clean water is not a jobs killer - certainly not in Florida, which counts on its beaches and natural assets to lure millions of tourists and billions of dollars. Yet U.S. Reps. John Mica, an Orlando-area Republican, and Nick Rahall, a West Virginia Democrat, have sponsored a bill that seeks to gut the Environmental Protection Agency's ability to regulate water quality, wetlands protection and the removal of mountain tops in coal mining.

Why? It's all in the name of states' rights. And they blame the Obama administration for toughening enforcement and hurting jobs creation in the states.

Whoa, fellas. Clean water doesn't have state boundaries. The reason the EPA was created and the Clean Water Act was strengthened in 1972 was the confusing patchwork of state-by-state water rules that allowed governors and legislatures to curry favor with big industries in their states and permitted uses with disastrous consequences. Those short-cuts don't just have consequences for a state that allows an industry to dump poisonous chemicals into a stream - but for its neighbors, too.

Consider that the Gulf of Mexico suffered huge dead zones because contaminated water from

septic tanks and factories that dumped into the Mississippi River carried such high levels of nitrogen and phosphorus into the Gulf that marine life couldn't survive.

Ohio's Cuyahoga River was so polluted it caught fire back before there were national standards to protect water quality.

Consider, too, closer to home, that the dredging at the Port of Miami needs strict rules to ensure Biscayne Bay's water quality and that islands such as Key Biscayne surrounded by the bay are protected from irresponsible dumpers.

The legislation, HB 2018, is being hailed as a "state-federal partnership" that will help states create jobs. This is laughable if it weren't so frightening.

Fast-tracked through the House Transportation and Infrastructure Committee, the panel passed the bill without even holding a hearing. Now it's scheduled to come before the full House as early as Wednesday.

Make no mistake. This legislation would hamstring the EPA from overruling any state's vague water-quality limits or ensuring dredge permits are feasible even when there is evidence of contamination. Under HB 2018, the misnamed Clean Water Cooperative Federalism Act, the EPA could not veto a state's assessment of a project unless the state agrees. In effect, outdated state rules on water-quality standards, requirements for dumping waste or trash would no longer have to answer to federal oversight. Even if states failed to meet clean water standards, the EPA would have no hammer to stop them from getting federal funding.

This latest assault on the EPA comes after it nixed a West Virginia mine's attempt to dump mountaintop coal waste into waterways. Downstream North Carolina might have something to worry about.

The GOP-led House, apparently embracing tea-party hysteria about federal overreach, needs a reality check. Surely South Florida House Republican members Ileana Ros-Lehtinen, Mario Diaz-Balart and David Rivera - who have fought for a cleaner Miami River and Biscayne Bay - aren't so clueless as to gut the EPA. Are they?

TAMPA TRIBUNE EDITORIAL
Don't pollute Clean Water Act

Published: July 08, 2011

The Clean Water Act ranks as one of the most effective laws Congress has ever passed, forcing the cleanup of contaminated water bodies throughout the nation, including Tampa Bay.

Before its adoption, industries and municipalities treated rivers and bays as toxic dumping grounds. The Cuyahoga River in Ohio actually caught fire in 1969.

But the Clean Water Act, adopted in 1972, stopped all that. It returned scores of water bodies to usable conditions, eliminated serious health threats and bolstered local economies. It also spared taxpayers burdensome cleanup costs.

Now Rep. John Mica, a Jacksonville Republican, wants to gut the act. He would allow each state to determine water-quality standards, just as they did prior to the act.

The bill would restrict the U.S. Environmental Protection Agency's authority to veto dredge-and-fill permits, where federal authorities have provided a valuable check on state regulators eager to please influential interests.

This wholesale attack on water quality standards surely stems from the EPA's proposed nutrient-pollution standards for Florida, which business interests claim would cripple the state economy.

Advocates of the cleanup rules say opponents are exaggerating, using the most expensive cleanup methods possible, such as reverse osmosis, to calculate costs. But many businesses express reasonable fears about increased costs.

Whatever the case, the conflict does not justify eviscerating an essential federal law.

Indeed, the issue shows that the EPA has hardly been overly aggressive in enforcing the law.

Though it was intended to return waterways to fishable and swimmable conditions by 1983 and stop the discharges of all pollutants by 1985, the EPA has come nowhere close to meeting those lofty goals.

It devised the hotly contested "numeric nutrient criteria" for Florida only after environmental groups forced the issue. The EPA directed the state to develop nutrient standards in 1998 but did nothing when the state did not comply by the 2004 deadline. Environmentalists sued, and a judge ordered the EPA to develop the rules.

Last year, when the rules met intense opposition from business interests, EPA officials delayed their adoption for 15 months and said they will work with state and local officials to ensure the cleanup plans meet local needs. The feds promise not to impose a "one-size-fits-all approach."

Opponents are still raising alarms, but we suspect the ultimate rules won't be as burdensome as they fear.

Without a doubt, nutrient pollution is a problem. A state Department of Environmental Protection study found that half of Florida's rivers and more than half of its lakes have poor water quality. Even many of the state's famed springs, including Wakulla and Silver, are tainted. About 500 square miles of estuaries are fouled by nutrient pollution, which causes fish-killing algae blooms, clouds the water and smothers sea grasses that sustain marine life.

Some action is necessary.

But even this volatile episode illustrates the Clean Water Act's value. It provides a necessary safeguard for the public, which suffers when states refuse to protect water quality. Yet it is hardly executed with zeal, as the continued delays in the rules' adoption underscores.

And laws can be changed to address specific actions taken under the act if Congress feels regulators have gone too far. It is significant that the Clean Water Act is exercised only when states have failed to adequately protect public waters.

Until the Clean Water Act, citizens could do little as industry-friendly states allowed widespread pollution. History has proved the law's value and effectiveness. Congress should leave it alone.

Public Comment on Secondary Air Standards for Nitrogen and Sulfur Oxides

TALKING POINTS

- After a careful review of the best available science, the U.S. Environmental Protection Agency (EPA) is proposing secondary air quality standards to protect the environment from nitrogen oxides (NOx) and sulfur oxides (SOx).
- Today's proposal builds on EPA efforts already underway to reduce NOx and SOx emissions.
- EPA is proposing to keep the current secondary standards to protect plants and trees from the direct effects of NOx and SOx pollution in the air, because the science shows they are protective.
- EPA's review of the science shows that these standards; however, do not sufficiently protect vulnerable ecosystems, including streams and lakes.

Press Release

<http://yosemite.epa.gov/opa/admpress.nsf/d0cf6618525a9efb85257359003fb69d/9e3fc848999850bb852578cc0059f5ef!OpenDocument>

JULY 13, 2011

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Imohiosen/DC/USEPA/US
11/18/2009 10:17 AM

To Gina McCarthy, Diane Thompson, Richard Windsor, Seth
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Subject "Cash for Caulkers" has been made public

November 18, 2009
Economic Scene

A Stimulus That Could Save Money

By [DAVID LEONHARDT](#)

WASHINGTON

The one highly visible success of the stimulus program has been the cash-for-clunkers program. It induced a boom in vehicle sales this summer that clearly would not have happened otherwise.

The rest of the stimulus has created a lot of jobs — 700,000 to 1.5 million, according to [economists' estimates](#). But it has done so in thousands of little ways: scattered construction projects, plugged-up school budgets and the like. Politically, these measures are not popular enough to create a groundswell for more of them.

And the economy still needs help. So White House officials are looking at creating a new version of [cash for clunkers](#) — this time for home weatherization.

[John Doerr](#), the Silicon Valley venture capitalist, and former President [Bill Clinton](#) have separately suggested versions of the idea to the White House. Mr. Doerr calls his proposal, which would give households money to pay for weatherization projects, “cash for caulkers.” [Rahm Emanuel](#), [President Obama](#)'s chief of staff, told me, “It’s one of the top things he’s looking at.”

The idea has a lot to recommend it. The housing bust has idled contractors and construction workers, who could be put to work insulating homes and caulking air leaks. Many households, meanwhile, would save substantial money — not to mention help the climate — by weatherizing their homes, research by McKinsey & Company has shown. All in all, a cash-for-caulkers program seems like a promising part of the jobs program for 2010 that Mr. Obama [has suggested he is planning](#).

But I would also mention one point of caution: the details of any caulkers plan will matter enormously. Weatherizing a home, as I recently discovered, turns out to be a lot more complicated than buying a car.

This year, my wife and I had an energy audit done on our home. We were interested in finding out if we could save money and, given the attention that [weatherizing](#) was starting to get, I figured it could also make for good column fodder. For \$400, an auditor spent hours scouring our house, with the help of a big fan he set up in our front door and an infrared camera. He

produced a full-color, 13-page detailed report, informing us of the leaks in our house, and he was also willing to tell us which changes were usually a waste of money (new windows).

Even so, we are still trying to figure out which weatherization projects we should do. The whole package would probably cost \$4,500 and save us something like \$400 a year. We may not stay in the house nearly long enough to justify the investment.

Such concerns are typical. How do you find an auditor? How do you know whether you should seal a few ducts or pay \$2,000 for new insulation? Which of the existing subsidies — state and federal — might you qualify for?

Mr. Doerr and Mr. Clinton are well aware of these problems. Mr. Clinton has sent the White House a memorandum written by his foundation staff that lays out the reasons people don't weatherize their homes. Mr. Doerr, who sits on [a board of outside economic advisers to Mr. Obama](#) that is working on a formal cash-for-caulkers proposal, told me that his goal was to "keep it really simple so we can do it really fast."

The Doerr plan would cost \$23 billion over two years. Most of the money would go for incentive payments, generally \$2,000 to \$4,000, for weatherization projects. The homeowner would always have to pay at least 50 percent of the project's total cost. About \$3 billion would be set aside for retailers and contractors in the hope that they would promote the program, much as car dealerships promoted cash for clunkers. (Mr. Doerr says he owns no stake in any weatherization companies.)

The Clinton plan depends on the reallocation of clean energy money from the stimulus bill that has not yet been spent. It covers not just houses and apartments but also commercial and industrial buildings.

Perhaps most intriguing is its proposal to help homeowners and building owners who are nervous they will end up selling their property before a weatherization project has paid for itself. Under the Clinton plan, they could add the project's cost to their long-term property tax bill, effectively splitting the cost with the next owner. The New York State Legislature [approved](#) such a program on Monday.

All these efforts would lead to more weatherization. But I would be surprised if they were enough to create a program as successful as cash for clunkers. Remember: Many homeowners could already save money by weatherizing their homes. And they are not doing so.

That's in large part because the projects can seem so daunting. To date, energy experts, in the government and the private sector, have not done a good job of distributing useful information. What does exist tends to be either too complicated or too general. I recently asked various experts what percentage of homes should get new insulation, for example, and several replied that it varied by region — which is both true and unhelpful.

Imagine, though, if the Energy Department put together a weatherization-for-dummies fact sheet and Mr. Obama began promoting it.

It could start by noting that almost all homes should have a programmable thermostat (about \$100) to turn down the heat or the air-conditioning when nobody is home. Other simple steps can include wrapping a water heater with an insulation blanket and replacing heating and cooling filters. Next on the list would be sealing easily accessible holes in air ducts, which can cost just a few hundred dollars and pay for itself in a few years. In California, the average duct system loses 30 percent of its heating or cooling to leaks.

Finally would come the more complicated categories, including insulation and heating equipment. Yet some basic information could still help enormously here. What share, say, of Midwestern homes built before 1950 could use more attic insulation? How quickly would the insulation pay for itself on average? Every home is different, obviously. But without any reference point, many people won't be confident enough to plunge into a project.

The shining example that Mr. Clinton cites is [a Houston program](#) in which the local government pays about \$1,000 to weatherize any home in a given neighborhood. It works in part because the houses need similar improvements, which makes the program easy for residents to understand.

“Unlike traditional programs that provide an audit and a customized package of solutions for each home,” the Clinton memorandum notes, Houston “offers a fixed set of interventions that include climate-appropriate ‘low hanging fruit.’ ”

The bottom line is that cash for caulkers would be trickier than cash for clunkers — yet would have the potential to do far more good. McKinsey, the consulting firm, [estimates](#) that households could reduce their energy use by 28 percent over the next decade. In terms of greenhouse gases, that would be the equivalent of taking half of all vehicles in this country off the road.

And unlike many other climate-friendly policies, it would not cost money over the long term. Done right, cash for caulkers would be [precisely the kind of stimulus](#) that makes the most sense: spending money now to save money later.

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05/21/2011 03:51 PM

To Richard Windsor

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Subject EPA participates in SAB corporate sustainability conference

Published on [GreenBiz.com](http://www.greenbiz.com) (<http://www.greenbiz.com>)

What's Holding Back Corporate Sustainability Efforts?

By *Matthew Wheeland*
Created 2011-05-18 08:46

SAP, the business-intelligence software giant, has thrown its weight behind sustainability in a big way in the last few years, which you know if you've been reading these pages for any length of time.

But how strong a grasp have SAP's customers got on green issues? To what extent do they factor efficiency and emissions, among many other concerns, into daily operations?

Before attending SAP's massive annual conference, Sapphire Now, I would have guessed "not much." But the answer actually seems to be "both more and less than you'd think."

I'll explain: There were plenty of deep sessions on sustainability at Sapphire Now -- but they were almost never couched in green language. Instead, many of the companies I met with have taken to heart SAP's new mantra of "making the world run better" -- where better in this case means more efficiency, and which in turn means less waste, fewer emissions; leaner, greener companies.

Because there is still an inconceivably long way to go to get every company -- or even a majority of companies -- on the sustainability train, I was heartened by both the presence of and content presented during one of the panel discussions explicitly about sustainability. During the first afternoon of Sapphire Now, SAP convened thought leaders from industry, government and NGOs to take the pulse of corporate sustainability and offer prescriptions and predictions for progress in a panel called "What Does a Sustainable Company Look Like in 2015?"

[Disclosure: SAP paid for my travel to the event in Orlando.]

Nigel Topping, the chief innovation officer for the Carbon Disclosure Project, said that on the investor front, pressure is not only growing, but shareholders are burrowing in to demand more.

"This year we're working with 550 investors, representing \$71 trillion in assets -- that's trillion dollars, quite a lot -- and we've started to see investors getting more demanding," Topping told the audience at the panel. "They're not just saying 'please be more transparent,' but saying we

know there are savings to be had from energy efficiency, and you need to be taking those savings or explaining why you're not. We expect you to reduce, not just to disclose."

Although the relentless pressure for companies to disclose has been the topic of a lot of coverage recently -- see [here](#), [here](#) and [here](#) for a few recent examples -- the panelists presented a compelling case for asking or requiring more from companies they own or do business with.

"The vast majorities of companies around the world still haven't started," Peter Graf, SAP's Chief Sustainability Officer, said. "We need to get everyone on the first rung of the ladder, whether it's by regulation, by procurement or by executive order.:

Next page: To regulate, or not to regulate?

<!--pagebreak-->

The reason most companies haven't started, Graf said, is simple: They don't know where to start. And the reason they don't know where to start is equally simple.

"No one has specifically asked them," Graf explained. "If your chairman gets a letter from \$71 trillion worth of investors, you're a brave chairman who says 'Let's not answer.' If you get told by Walmart, 'we want to know this...' if you get told by executive order, 'if we don't know this, you won't be on the list,' you're a fool not to respond. But a lot of you are outside most of those barriers."

Susan Wickwire, the at the EPA, explained that the executive order signed by President Obama in 2009 that required has had a huge impact on getting the government to take stock of and make improvements in its own operations and its 600,000-company supply chain. But the executive order could only go so far.

Part of the solution for getting slow-moving enterprises and small-to-medium business alike up on the first rung of the ladder will have to be regulation. And although Wickwire spent much of her time on the panel downplaying the regulatory nature of the EPA's work, it's clear that it is a significant part of the process.

"Regulation is a baseline," Wickwire explained. "What [the] EPA has been doing over the last few years is using its Clean Air Act authorities to introduce new requirements." So far, the agency has 10,000 companies covered under mandatory reporting rules, and Wickwire said, "This is starting to get companies to think about carbon and how they need to factor it in to their business operations."

Given the glacial pace of legislation in the U.S., there will have to be other solutions. Graf said that price volatility in energy markets would make a case for sustainability investments even without a carbon tax or cap-and-trade, but that there was a bigger issue at hand.

"There's an elephant in the room, and it's called probability," Graf said. "When it comes to sustainability, we have always had a conversation about probability ... the probability of climate

change happening or not, the probability of risk, and so on. What needs to happen to this is to understand that we need to move from probability and risk to a conversation about certainty and opportunity."

Topping of the Carbon Disclosure Panel echoed this later in the panel when he said that investors are much more excited about opportunities than about risk. At the CDP's last global conference, perspectives on the issue were twofold.

"First, when businesses look at their operations through a sustainability lens, they see waste that they hadn't seen before, and there's always money behind it somewhere," Topping said. "Second, is an opportunity to create new services and create new markets. Siemens announced last year that a big area of growth for it is products and services for energy efficiency; and look at what GE is doing here, too."

Of course, this being an SAP event, the conversation eventually turned to software and solutions, and how those solutions both shadow and predict the trend toward greater interest in sustainability and resource efficiency in the enterprise.

"In five years I believe you will be hard-pressed to sell an enterprise software system that doesn't have the ability to track natural resources built in," Graf said. "Think about selling a system today that doesn't allow you globalize and operate in different currencies and infrastructures - it'd be like selling something that doesn't work on the internet -- it's just impossible. And the same will happen to sustainability, because sustainability in essence is a transformation of business and business models, and that needs to be reflected in the way that business operations are run."

Charles
Imohiosen/DC/USEPA/US
09/26/2011 05:28 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Seth
Oster, Barbara Bennett
cc
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Subject EPA moving too fast on air rules for refining, drilling -- API

OIL AND GAS:

EPA moving too fast on air rules for refining, drilling -- API

Jean Chemnick and Mike Soraghan, E&E reporters

Published: Monday, September 26, 2011

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Now that U.S. EPA has delayed two major rules for the power sector, the oil and natural gas industry hopes some of its own regulations will get the same treatment, including a new greenhouse gas rule for refineries.

American Petroleum Institute, which represents the oil and gas industry, is asking EPA not to finalize new restrictions for refineries, including for carbon dioxide, until late 2013, to allow additional time to review the rules and for industry to comply with them.

"This rulemaking is unprecedented in scope for our industry," API's regulatory affairs director, Howard Feldman, said today in a letter to EPA air chief Gina McCarthy. He noted that the agency is due to propose rules for a range of conventional pollutants and first-time greenhouse gas standards in December.

"Based on the demonstrated time needed for EPA to gather and analyze data for other

recent rulemakings, it is expected that much more time is needed to conduct a comprehensive review of the dozens of complex rules EPA is undertaking related to petroleum refineries," Feldman wrote.

API has reason to hope that EPA will delay at least the greenhouse gas rule for refineries. Already this month EPA has abandoned plans to tighten ozone restrictions for power plants, and it has announced that it will miss a Sept. 30 deadline for a similar new greenhouse gas rule for power plants.

The agency has not said yet whether it will meet a Dec. 10 deadline for the refineries rules, but EPA is expected to release a new schedule for greenhouse gas rules soon.

"We think that EPA really has to pause in terms of the greenhouse gas emissions rules that they've said they're going to come out with in December of this year," said Feldman said in a call with reporters. "We think they really need to spend time looking at the data that refineries submitted to them that was due in August and September."

Refineries were required to provide the Obama administration with information about their emissions of carbon dioxide, sulfur dioxide, nitrogen oxides and other emissions over the last two months -- the deadline for greenhouse gas reporting is Friday, and Feldman said the current timeline would not allow regulators to process that information before setting the new standards.

"We would like to spend time using those data that people spent a lot of money dealing with," he said.

Feldman noted that the new rules would have to be sent to the White House Office of Management and Budget for review weeks in advance of the deadline.

"Clearly, more time is needed to review these regulations, and the administration has yet to make a strong case that additional sulfur requirements will produce environmental improvements worth their cost," said Khary Cauthen, API's director of federal relations.

Instead of proposing the new source performance standards and hazardous emissions standards for refineries this year to be finalized next year, the two suggested that EPA instead issue an advance notice of proposed rulemaking this year, followed by a proposed rule late next year and a final rule in late 2013.

If EPA issued a notice of proposed rulemaking first, it would give industry some idea of how the agency planned to proceed on the rules, he said.

"For example, for greenhouse gases, we don't know what they're thinking about how they're going to regulate them, so we don't know what information to tell them right now," he said.

Drilling rules

Feldman and Cauthen also asked EPA to provide a longer public comment period and longer phase-in for two rules for oil and natural gas producers, and additional years to comply with them.

The package of four rules was proposed in July to protect people from smog, cancer-causing chemicals and climate change. It includes new limits on both volatile organic compounds

(VOCs) and toxic emissions ([E&ENews PM](#), July 28). It also includes the first air quality rules regarding fracturing. EPA says the standards would cut smog-forming VOCs across the industry by 25 percent and toxics by about 30 percent.

The agency is holding [public hearings](#) to receive public comment starting with a hearing tomorrow in Pittsburgh, followed by one in Denver on Thursday and one in Arlington, Texas, on Friday.

In places where shale gas wells are popping up by the thousands, neighbors have also raised concerns that they are being exposed to toxic emissions such as benzene.

And in some remote parts of the country, such as northeastern Utah and southwestern Wyoming, locals blame the boom in gas development for spikes in levels of ground-level ozone, the main ingredient in smog, that rival levels in big cities in the summertime.

EPA, under fire from a business community that accuses it of killing jobs, has said that the rules would save businesses money by forcing companies to do more to keep natural gas from escaping into the air. EPA says it would cut methane emissions -- from drillers' allowing their product to drift into the sky -- by about 26 percent.

The rules would cost businesses an estimated \$754 million in 2015, but the natural gas and condensate that would be captured by new pollution controls could be sold for \$783 million, the agency's analysis shows.

The four rules need to be finalized by the end of February 2012 under a settlement with environmentalists. But officials at API, which represents the major oil companies and thousands of other oil and gas businesses, says EPA is moving too fast.

API is asking for a 60-day delay in the public comment period that ends in late October to afford more time to develop a response to what it says is a complex, interconnected set of rules. It is also asking for a one-year delay in implementation of standards requiring low-emission, or "green," completions.

The equipment needed to meet the standards exists and is being used in the field, it says, but production could not be ramped up in time to meet the deadline EPA proposed.

But API refrained from some of the more vehement language that has frequently been aimed at the agency from the business community.

"What EPA proposed went in the direction of reasonable," Feldman said.

The rules would apply to about 1.1 million wells that are already producing oil and gas, as well as 500,000 existing gas wells and the 11,400 new gas wells being drilled each year. They also apply to 600 natural gas processing plants, 3,000 compressor stations and 1.5 million miles of pipelines.

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07/17/2011 07:49 AM

To Richard Windsor, Bob Perciasepe, Cynthia Giles-AA, Barbara
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Subject How Shareholder Activism Moved the Needle on
Sustainability in 2011

How Shareholder Activism Moved the Needle on Sustainability in 2011

By [Leslie Guevarra](#)

Published July 08, 2011

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From fracking by companies such as Chevron, Exxon Mobil and Ultra Petroleum to greater use of recyclable cups by McDonald's and Starbucks, a host of CSR issues captured shareholders' attention and support this year, according to reports on the 2011 proxy season from [As You Sow](#) and [Ceres](#).

A record number of shareholder resolutions calling for companies to be more responsible in handling corporate sustainability challenges were filed, [according to Ceres' report](#).

And the response -- in terms of votes cast supporting the resolutions and decisions by some companies to engage on issues before votes were taken -- illustrates the growing impact of the strategy as well as a dawning realization by shareholders of the power they can wield, according to As You Sow CEO Andrew Behar.

[Click on image to view full chart of As You Sow resolutions.](#)

"The number of shareholders that actually realize they have power has been [increasing](#) and, overall, the number of votes have been increasing," Behar told [GreenBiz.com](#).

On matters such as natural gas fracking, the votes on resolutions clearly show that "shareholders are looking at issues and saying, 'This is really risky and the company has to do something about it,' " Behar said.

"Extraordinary show of support," "exceptionally strong showing" and "outstanding" were among the phrases As You Sow used to describe responses to the 20 resolutions that the organization filed or co-filed on behalf of shareholders this year. Here is a breakdown of the results, which are detailed in a [report](#) released this week:

- 11 resolutions went to ballot. The votes cast in support of each resolution exceeded the thresholds set by the Securities Exchange Commission to qualify for refiling next proxy season. The chart, right, shows the vote results.
- Seven resolutions were withdrawn as a result of company commitments to take up the issues, meaning that firms agreed they should act and pledged to do so, if they hadn't already taken steps by the time the withdrawal occurred. Companies that don't make good on their promises can expect the filers of the resolutions to press their points until the matters are resolved.
- Two resolutions are scheduled for shareholder votes in fall.

The first two stats count as "wins" in the [world of shareholder proposals](#). Ideally, resolutions would receive a majority vote. That seldom happens, so as a practical matter, the aim is to keep issues alive and highly visible to companies, their shareholders and their market until the concerns are resolved. Refiling resolutions and the interactions that occur until companies fulfill their promises are ways of maintaining that focus on issues.

"We're seeing more proactive work by some companies," Behar said of the commitments that prompted withdrawal of resolutions. "When we're dealing with companies with brands that have customer goodwill, those companies want to protect their brands and they're willing to come to the table to hear us out in good faith." he said, pointing out Yum's decision to use receipts without Bisphenol A and successes in earlier years involving [General Electric's mercury labeling for CFLs](#) and [Best Buy's e-waste takeback program](#).

Traditional energy companies, however, "tend not to have the same sort of goodwill from the market and those folks are more difficult to move," Behar said. But this season, three energy companies responded to resolutions calling for reports on the financial risks the firms face by continuing to use coal to generate electricity. And the organization's [research on risks posed by reliance on coal](#) led to productive outcomes where votes were taken. "Even if the votes were low this year, it was a good starting place," said

Behar.

As expected, fracking was in the spotlight this proxy season and investors strongly signaled their concerns as [Robert Kropp from SocialFunds.com](#) and [Ceres President Mindy Lubber](#) noted in posts that appeared on GreenBiz.

As You Sow filed four shareholder resolutions on fracking. A resolution involving Anadarko Petroleum Corporate was withdrawn, and the vote percentages for the three others ranged from nearly 30 percent to 42 percent. The high end of that range represents "an extraordinary show of support," the organization said.

In all, nine shareholders resolutions were filed on fracking, including those from As You Sow, according to Ceres. Votes taken in five of the cases demonstrated "substantial support" of about 30 percent to just under 50 percent, Ceres said. Of the four remaining resolutions, three firms -- Cabot Oil & Gas, El Paso Corporation and Southwestern Energy -- joined Anadarko in promising better disclosure about possible consequences of fracking and prompting the resolutions to be withdrawn.

In its report two weeks ago, Ceres said 109 shareholder resolutions were filed this proxy season with 81 firms in the United States and Canada. Ceres tracks and coordinates shareholder resolutions related to climate change, energy, water and supply chain. Ceres' tally includes As You Sow's resolutions involving fracking, coal and chemicals.

Ceres works with the [Interfaith Center on Corporate Responsibility](#) to coordinate shareholder resolutions and lent assistance to the [Investor Environmental Health Network](#) and [Green Century Capital Management](#), which marshaled resolutions on fracking.

Other highlights from the Ceres report include:

- 45 resolutions were withdrawn after companies made commitments about natural gas fracking, water scarcity, coal ash disposal and oil refinery risk management.
- 28 resolutions, another record, were filed with 18 electric power providers.
- Seldom-seen majority votes were logged in shareholder resolutions with three companies:
 - 92.8 percent on a demand for sustainability reporting from water infrastructure services company Layne Christensen.
 - 52.7 percent on a resolution about coal ash involving Ameren, an electric

utility.

- 54.3 percent on a resolution about oil refinery risks and Tesoro, one of the Texas firms that helped bankroll [a failed measure](#) to overturn California's landmark climate law last year.

"The strength of this year's proxy season shows unwavering investor concern about how companies are managing the environmental risks of fossil fuel sourcing and the ongoing shift to a clean, low-carbon global economy," Lubber of Ceres said in a statement released with her organization's report.

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To Richard Windsor, Bob Perciasepe, David McIntosh
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Subject AIR POLLUTION: Fate of old coal plants may hinge on new
toxic-cutting technology (04/13/2011)

AIR POLLUTION: Fate of old coal plants may hinge on new toxic-cutting technology (04/13/2011)

Gabriel Nelson, E&E reporter

With the Obama administration moving to impose tougher limits on toxic air pollution as well as emissions that lead to smog and acid rain, it's betting the private sector can add a new technology to the utility industry's arsenal.

It is a given that the new regulations will seal the fate of older and less efficient coal-fired power plants that are not worth enough to justify the expense of new pollution controls. But as U.S. EPA prepares to go final with its emissions rules later this year, the agency is taking flak from industry lobbyists who say the rules would be expensive enough to kill coal plants that would otherwise keep producing electricity at competitive prices.

People disagree on the number of coal-plant casualties to expect. EPA is predicting that coal plants with 10 gigawatts of capacity would be shuttered because of the new limits on mercury, heavy metals and acid gases that were proposed last month. Add in the upcoming Clean Air Transport Rule, which will limit soot- and smog-forming emissions that cross state lines, and the agency is expecting 25 gigawatts of retirements -- 8 percent of the U.S. coal fleet.

But according to a report last fall by the North American Electric Reliability Corp., a quasi-public commission that makes sure there is enough power on the electric grid, those rules and two others could lead to as much as 78 gigawatts of coal-plant retirements. Analysts at Credit Suisse predicted that EPA regulations will lead to shut downs of 60 of the nation's 340 gigawatts -- about 37 percent of the coal-fired capacity that lacks advanced pollution controls.

Supporters of the new rules say existing power capacity and new plants will make up for the retirements, but some analysts are predicting that the transition won't be so easy. They say the number of retirements will hinge on whether an emerging technology called dry sorbent injection (DSI) can be put to wide use by the power sector as a cheaper substitute for scrubbers.

EPA estimated that the new technology would achieve "full penetration of the addressable market," but if sorbent injection does not pan out, the power sector could lose more than 50 gigawatts of coal-fired capacity, according to a new report by FBR Capital Markets Corp.

The agency made "bullish assumptions" about dry sorbent injection, said Marc De Croisset, an

energy analyst at the investment bank. The technology seems to be working for some power plants, but limited data make it hard to tell whether most plants that burn low-sulfur coal could use it and comply with proposed EPA rules, he said in an interview.

"I think the EPA's job here will be to find that happy medium, where the industry avoids a major upheaval and there is a gradual and realistic path to compliance," De Croisset said.

EPA's analysis says utilities would flock to sorbent injection systems, in which sodium- or calcium-rich minerals are ground into a chalky powder and mixed with the hot flue gas that is produced when coal is burned. The powder, also called a reagent, binds with acid gases such as hydrogen chloride and sulfur dioxide through a chemical reaction, allowing them to be filtered out before the flue gas is released from the smokestack.

In general, sorbent injection is mainly used to meet limits on sulfur dioxide, or SO₂, which can cause breathing problems and make rain more acidic. If a power plant cannot meet the new standards with DSI alone, it would likely need a scrubber -- and in many cases, that cost would make the plant unprofitable.

These systems are often used to control emissions from coal-fired industrial boilers, and EPA is predicting that the technology will translate well to the larger boilers used at power plants. The agency estimated that utilities would meet the toxic pollution standards by installing DSI systems on coal plants with 56 gigawatts of electric generating capacity, which is enough to power about 28 million homes.

To analysts, that was a leap of faith. The analysis by NERC, for instance, did not consider the likelihood that DSI could save plants from shutting down. And while the Credit Suisse analysts heard optimism about sorbent injection from some companies, there are lingering doubts about whether the technology can cut enough emissions all the time.

"The practical applicability of DSI remains a debatable point due to the disposal of additional ash produced, reliability of the reagent supply chain, the lack of utility sector experience with this technology, and the potential impact on dispatch," the FBR report says.

Will it work?

For some plants, DSI systems could be more attractive than scrubbers, which are better at capturing acid gases but are prohibitively expensive for all but the largest boilers, experts say. Installing a new scrubber can cost \$400 per kilowatt -- for a 500-megawatt plant, that comes to \$200 million -- but EPA estimates that the upfront cost of a DSI system will range from about \$30 to \$150 per kilowatt.

Dry sorbent injection has several advantages, engineers from Solvay Chemicals Inc. said during a conference call Tuesday. Solvay is a major supplier of trona, a mineral used as a sorbent for DSI systems.

The systems can be installed fairly quickly and pose little risk for power companies because the

capital costs are low, said Mike Wood, a business manager at Solvay. The main reason the utility sector is not already using the technology is that power plants have not been ordered to install it yet, he said.

"It's not new," he said. "It just hasn't been used."

Compared to a scrubber, however, the technology could be more expensive for certain plants because companies need a constant stock of the reagents that are used to absorb the harmful gases.

Some power companies are already using DSI, though. Among them is NRG Energy Inc., which wrapped up a project last year that added sorbent injection systems at its 530-megawatt power plant in Dunkirk, N.Y., and the 380-megawatt Huntley plant in Tonawanda, N.Y.

Reducing emissions of acid gases by about 87 percent, the "systems performed better than guaranteed on a range of fuels, as confirmed by testing," NRG spokesman David Gaier said. The company says the plants would already comply with EPA's proposed toxics rules.

But the argument that DSI technology is unproven is being put forth by power companies that are vigorously lobbying against the new rules. That was the point made on Capitol Hill last week by the head of the Electric Reliability Coordinating Council, a coalition that was formed by coal-heavy utilities such as Duke Energy Corp. and Southern Co.

Scott Segal, the group's director and an industry lobbyist at Bracewell & Giuliani LLP, said EPA was fudging the numbers when it cited a slideshow by a supplier of pollution controls that said DSI would allow power plants to meet the new standards. If a business did that in a statement to investors, it would "be in a world of trouble," Segal told a House Energy and Commerce subcommittee.

Faced with such claims, EPA and its supporters have argued the emerging technologies have usually ended up being cheaper than expected as companies have gotten experience working with them.

Power companies made similar claims when EPA started pushing them to add scrubbers and switch to low-sulfur coal. While EPA predicted that the 1990 amendments to the Clean Air Act would cost \$6 billion per year, and industry groups said the cost would be much higher, the White House Office of Management and Budget found in 2007 that the actual costs were between \$1.1 billion to \$1.8 billion annually.

The mercury controls that would be ordered by the toxics rules have also proven cheaper than expected as states have moved forward with their own regulations, said Susan Tierney, a Clinton-era Department of Energy official who now tracks reliability as a consultant at the Analysis Group in Boston.

"The thing that these studies always underestimate is ingenuity," Tierney said. "Once people have to commit to doing something because the rules are coming down, people start being much

more aggressive to figure out how they can do it as cost-effectively as possible."

Cleaner vs. cheaper

In the Capitol Hill debate, the retirement figures are a point of contention between proponents of clean energy and cheap energy.

Many public health and environmental groups want the rules to be as strict as possible, knowing that every coal plant that closes would mean less toxic pollution and less of the greenhouse gases that most scientists agree are warming the planet.

But many industry groups worry that energy costs would rise if the rules shut down coal plants, which have historically sold electricity at the lowest prices.

EPA estimates the toxics rules will raise electricity prices by 7 percent in some parts of the country.

Though supporters say that increase is justified because the pollution reductions would stop 6,800 to 17,000 premature deaths per year and prevent a variety of health problems, the rising prices worry critics such as Rep. Ed Whitfield (R-Ky.), the chairman of the House subcommittee that oversees the Clean Air Act.

"I think this administration is overselling green energy," Whitfield said last week at a hearing on the cost of new EPA rules.

"Green energy may be available in the long-out future," he added, but with U.S. energy demand expected to increase by 40 percent and many coal-fired plants expected to be taken off the grid, "how in the world can we meet our electricity demands? Windmills, solar panels, hydropower are simply not going to be able to do it."

If fewer coal plants must shut down, less new capacity would be needed to replace them. That is where DSI could help.

James Staudt, a consultant on air pollution controls at Massachusetts-based Andover Technology Partners, said the technology has not caught on widely because EPA has mainly limited acid gases through trading programs, which encourage companies to get big pollution reductions from their largest plants. If every boiler must meet an emissions standard, DSI will make more sense.

According to the FBR report, there are currently at least nine coal-fired boilers in the United States that use DSI without a scrubber and would meet EPA's proposed limit on acid gases. Many other utilities have already tested it, Staudt said.

"Until they're required to run it continuously, they're not going to do it," Staudt said. "But in anticipation of that day coming, they've been running test programs."

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01/19/2011 03:19 PM

To Richard Windsor, Bob Perciasepe, David McIntosh
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Subject Utilities explore deal on emissions

POLITICO

Utilities explore deal on emissions

By: [Darren Samuelsohn](#)
January 19, 2011 04:49 AM EST

President Barack Obama scored a landmark environmental victory in May 2009 when his team wrestled the auto industry into agreement on a plan to ratchet down its greenhouse gas emissions.

Now, top electric utility officials, think tank leaders, states and key Democratic lawmakers are talking about how to replicate the car companies' deal for the nation's power plants.

But the power companies are far more complicated to deal with than the Big Three carmakers, given the utilities' competing and diverse fuel portfolios, from coal to natural gas to nuclear to wind. Also, the Clean Air Act — the primary law governing power plants' emissions — doesn't afford Obama as much flexibility for wheeling and dealing with electric utilities, which contribute a third of the nation's greenhouse gases and spew emissions that cause premature deaths, asthma and neurological problems.

All agree that the type of victory Obama celebrated with the car companies almost two years ago in the Rose Garden is still a long way off — if it happens at all.

"We may be dreaming, I don't know," said Glenn English, president of the National Rural Electric Cooperative Association and a former Oklahoma Democratic congressman. "It's tough when you start to seek some kind of agreement like this when you've got so many different circumstances. But there does seem to be that common-ground recognition that EPA is not the best way to do this."

Power companies have been complaining for years about the regulatory "train wreck" bearing down on them from the Environmental Protection Agency.

Nearly all of the rules are long overdue, and many blame the George W. Bush administration for writing industry-friendly policies that the courts declared illegal after years of legal battle. The political hot potato continued into Obama's term and it now must be handled, however gingerly, thanks to a series of legal deadlines set to play out over the next 18 months.

Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.) helped spawn the informal

discussions when they shifted last summer from writing a climate bill for multiple sectors of the industrial economy to one that deals just with power plants. It was too little, too late to salvage a bill, but English said the talks with Kerry got the electric utility industry thinking about ways to clean up the air and to achieve regulatory certainty as the economy starts coming back to life.

"This is a long-shot approach, but it is one of the stones that's not yet been overturned," he said.

Tom Kuhn, president of the Edison Electric Institute, told POLITICO that he has had informal talks about a deal for power companies with White House energy adviser Carol Browner, who brokered the closed-door car deal, and EPA Administrator Lisa Jackson. "But no in-depth discussions yet," he said.

Several administration officials acknowledged hearing from industry about a carmakerlike deal for power companies, though they insisted any talk is premature.

Obama supports EPA's work writing the new climate rules, as well as related efforts on air pollution. He has said there are many ways to "skin the cat" on climate change policy in the absence of action on cap and trade on Capitol Hill.

The auto deal came at a pivotal moment for the industry. For starters, General Motors, Chrysler and Ford were all in a financial nose dive. They also were facing regulatory demands they'd long opposed. Bush signed a 2007 energy law that forced the first major overhaul in fuel economy standards in decades, and California was trying to use its unique ability among states to force even stronger air standards than those of the federal government. Add to the mix American consumers fed up with rising gas prices who were trading in their SUVs for smaller models.

Obama benefited from the crossfire, and the White House was quickly able to get states, environmentalists and the car companies together on a plan to set the nation's first greenhouse gas standards for the auto sector.

At a time when most major environmental decisions are challenged in court or in Congress, the deal stands out.

"The auto agreement is one of the recent high points of environmental regulation in the sense you can take that kind of conflict and navigate an outcome," said Jason Grumet, president of the Bipartisan Policy Center and a former Obama 2008 campaign adviser.

Power plant officials say they've got lots of work to do if they're going to get on the same page. One of their biggest obstacles is navigating differences among so many companies that are reliant on different forms of energy.

In a recent Wall Street Journal op-ed, the CEOs of PG&E Corp., Calpine Corp., NextEra Energy Inc., Public Services Enterprise Group Inc., National Grid, Exelon Corp.,

Constellation Energy Group and Austin Energy — companies heavy on natural gas, nuclear and wind power — disputed arguments from coal-based utilities that the EPA rules would cause power plants to close prematurely.

“Contrary to the claims that the EPA’s agenda will have negative economic consequences, our companies’ experience complying with air quality regulations demonstrates that regulations can yield important economic benefits, including job creation, while maintaining reliability,” the CEOs wrote.

Kuhn and English say some of the contours of a deal are a wide-open question. It might involve extending EPA’s compliance deadlines, which could create room to accept early retirements for some of the nation’s aging coal plants.

“You got the possibility of not only flexibilities in how you design the rules but flexibilities in how you implement the rules,” Kuhn said. “You can do on a case-by-case basis consent decrees or negotiated settlements or things of that nature.”

Beyond its internal disputes, the industry also would need to satisfy other critical constituents, including the environmental groups they’ve battled for years through litigation. Greens are resistant to trade-offs, especially when it comes to the global warming rules that they secured through a 2007 Supreme Court decision.

“We clearly haven’t made enough progress, and it’s been far too slow,” said Gene Karpinski, president of the League of Conservation Voters. “The good news is the court made clear that the EPA has an obligation to act. EPA is beginning to act. And we need to make sure they do their job, to hold polluters accountable and protect public health.”

State officials could accept a blanket agreement for climate and air pollutants, “so long as it achieves similar or greater environmental and health benefits than the individual programs,” said Bill Becker, director of the National Association of Clean Air Agencies.

“A utilitywide program has the potential to provide regulatory certainty for power plants, increased administrative expediency for governmental agencies and important emissions reductions necessary to comply with the Clean Air Act,” Becker added.

Whether any type of industry deal gains support on Capitol Hill is another question.

Senate Democratic aides say lawmakers might start taking notice of the power industry’s predicament once the EPA rules are finished. New cleanup requirements are expected to be imposed in many parts of the country that previously had met EPA’s national air pollution limits for soot and smog, meaning the list of dirty air areas will grow — especially in the West. For now, EPA also doesn’t have much flexibility in tweaking its compliance requirements beyond a year or so.

But in the Republican-led House, skepticism abounds about expanded government, and powerful new committee leaders are pledging to cut EPA off at the knees.

“I don’t think a deal between industry, the utilities and the Obama administration that most likely would lead to higher utility prices for the American consumer is a deal that House Republicans would be comfortable with,” said a senior House GOP aide close to the Energy and Commerce Committee. “But certainly, we’d have to take a look before making that determination.”

Darren Goode contributed to this report.



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10/25/2011 09:41 PM

To Richard Windsor, Bob Perciasepe, Gina McCarthy, Barbara
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Subject Banks draw up code on lending for power plants (not
earth-shattering, but hey -- it's a start)

Financial Times

October 23, 2011 5:43 pm

Banks draw up code on lending for power plants

By Pilita Clark, Environment Correspondent

Dirty coal-fired power plants would not be financed under standards being drawn up by some of Europe's best-known banks in a sign of the growing pressure on lenders to scale down support for fossil fuels.

HSBC and [Standard Chartered](#) in the UK, and France's [BNP Paribas](#) and [Crédit Agricole](#) have helped develop the code, along with [F&C Asset Management](#), in what is believed to be the first time financial institutions have joined together to produce such a measure.

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"I think this is extremely significant in terms of sending a message that commercial banks are able to write policies relating to the financing of coal-fired power plants that take [climate change](#) into consideration," said Francis Sullivan, HSBC's group environment adviser.

HSBC issued its own [policy](#) in January that prohibits the financing of new coal plants with emissions above certain levels.

BNP Paribas published a similar [policy](#) in September and the two other banks are expected to follow shortly.

The four banks, like many large international commercial banks, have an extensive

background in financing coal-fired power stations, which generate more than 40 per cent of the world's electricity and are estimated to account for more than 70 per cent of power-related carbon emissions.

The number of coal-fired plants is expected to soar in coming years, especially in fast-growing economies such as China and India, making those banks that finance them a target for environmental campaigners.

"The standards apply to any country in which a coal-fired power plant is being built, be it in Europe or Asia," said Bjorn Roberts of [The Climate Group](#), a London-based non-profit body that worked with the banks to develop what it calls the "guidance note" on coal plant financing.

"But developing countries are where it has the potential to have the most impact, simply because of the scale of new construction," Mr Roberts said.

HSBC's Mr Sullivan said he could not say if the bank had rejected any applications as a result of its policy of not financing large coal plants with an emissions intensity above 850g of carbon dioxide per kilowatt hour in developing countries, and 550g CO₂/kWh in developed nations.

"The challenge we have is that, where we have rejected funding requests, you are never sure if it's just because of this policy or whether the credit aspects, or other aspects of the project, may have been a contributing factor."

He said it was likely that the policy meant some coal projects would not make it past the early stages of a lending application. "We're cutting it off earlier," he said. "It avoids that time-wasting aspect."

A number of coal-fired plants have been financed by HSBC this year, he said, but was not able to say how many.

The guidance note, which The Climate Group hopes other banks will use to form their own policies, is to be issued this week.

It outlines several carbon intensity options, including one that would preclude finance for any new plant emitting more than 830 grammes of carbon dioxide per kilowatt hour, which would exclude many proposed plants in developing countries with lax regulations.

Another limit of 550gCO₂/kWh would be aimed at plants in developed countries where there is wider availability of more environmentally friendly coal plants, such as those that burn plant-based fuels as well as coal.

The Climate Group note urges new coal-fired plants to be made ready for carbon capture and storage, even though it says this technology is "unlikely to be available for commercial deployment before 2020-2025", a point underlined by the [collapse of the UK's first pilot CCS project](#) last week.

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09/13/2011 08:26 PM

To Richard Windsor, Bob Perciasepe, Nancy Stoner, Cynthia
Giles-AA, Ellen Gilinsky, Sarah Pallone
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Subject WATER: Risk and uncertainty hinder widespread investment
in green infrastructure -- report Paul Quinlan, E&E reporter

WATER:

Risk and uncertainty hinder widespread investment in green infrastructure -- report

Paul Quinlan, E&E reporter

Published: Tuesday, September 13, 2011

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Green roofs, rain gardens and permeable pavement may be the future of urban stormwater management, but the risk and uncertainty that come with large-scale investment in green infrastructure top the list of barriers to its catching on in cities across the United States, according to a new report.

The [report](#) released today by the Clean Water America Alliance, a nonprofit and nonpartisan coalition of utilities, companies and green groups headed by former U.S. EPA water chief Ben Grumbles, outlines the technical, legal, financial and institutional hurdles that are preventing the nation's aging and overloaded urban stormwater systems from shifting to cleaner, greener alternative solutions for disposing of runoff.

Based on a survey of more than 200 respondents across the United States, the report also makes recommendations to policymakers at all levels urging, among other things, that EPA move forward the recently delayed green infrastructure -- or "post-construction" -- rules that are flexible and account for regional differences in, for example, climate.

"The keywords we find over and over are risk and uncertainty," Grumbles said. "Risk and uncertainty about outcomes, standards, techniques and procedures."

The report comes at a critical time for the nascent technology, which is considered the potential solution to one of the most vexing problems facing the nation's largest cities: finding a way to meet legal obligations and court-ordered deadlines to clean up discharges into waterways without relying solely on cost-prohibitive expansions of old systems of pipelines, underground storage tunnels and energy-sucking treatment plants, also known as "gray" infrastructure.

Green infrastructure aims to stop stormwater before it ever reaches a storm drain -- to "slow it down, spread it out, soak it in," as Grumbles put it. The result is more soil and vegetation that not only beautifies a city but also absorbs some stormwater and allows the rest to evaporate.

Cities such as Cleveland and Washington, D.C., which have struck Clean Water Act settlements with EPA and the Department of Justice over stormwater and sewage discharges, pledging multibillion-dollar upgrades of gray infrastructure systems, are seeking to get those settlements amended to allow for the use of less-expensive green infrastructure to meet new cleanup and discharge targets.

But green infrastructure faces a slew of challenges, according to the report. Federal, state and local rules sometimes conflict. For example, features designed to allow urban stormwater to soak into the ground run up against aquifer protection rules that require permits for underground injection meant to protect aquifers from pollution.

What's more, there is little data available to quantify the benefits, cost and performance of certain green infrastructure features. This, in turn, can create hesitation on the part of regulators to greenlight the use of green in place of gray infrastructure and city managers to invest in it.

Residents may also resist, viewing mandates for rain gardens and landscaping requirements as government infringement on personal property rights. Or they may think certain features are simply ugly.

"One person's native plant is another person's weed," wrote one respondent.

The reports outlines several recommendations, that Grumbles admits will not be easy to implement and will require efforts at every level of government and society.

"Given that green infrastructure is still a relatively young movement, education, coordination and collaboration are extremely important," he said.

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

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10/28/2011 10:33 PM

To Richard Windsor, Bob Perciasepe, Seth Oster, Gina
McCarthy, Michael Goo

cc

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Subject The rebirth of renewable energy By Daniel Yergin, Special to
CNN

The rebirth of renewable energy

By Daniel Yergin, Special to CNN

updated 10:05 AM EST, Thu October 27, 2011

(CNN) -- Renewable energy is generating a lot of political heat. The bankruptcy of solar-panel manufacturer Solyndra, after a half billion dollar loan from the Federal government, has set off a hot debate on Capitol Hill. And a group of American-based solar companies are demanding 100% tariffs on imports of Chinese solar panels. They charge that China unfairly competes by subsidizing the Chinese industry, which Beijing resolutely denies.

All this, however, is occurring against a larger backdrop. Around the world renewable energy is going through a rebirth. It is becoming a big business. It is also becoming a more established part of the world's overall energy supply. Last year, \$120 billion was spent to install renewable electricity generation worldwide. Yet it is still a relatively small business compared to the overall energy business, and one that still faces big challenges in getting to scale on a global basis.

The position of renewable energy is very different from where it was even a decade ago. The modern renewable industry -- wind, solar, and other forms of energy -- was born with a great deal of excitement in the 1970s and early 1980s. But the early hopes soon crashed on the harsh reality of lower energy prices and the fact that the technologies were still immature and not yet ready for primetime. The subsequent years were tough. For many people in the renewable business, the late 1980s and 1990s are remembered as the "valley of death" as the pioneers struggled to hang on, often by their fingernails.

But around the beginning of this century, several things came together to breathe new life into the field. Now, it was not only concerns about energy security and general environmental protection, which had stimulated the first boom. The rise of climate change as a central issue in energy policy drove governments to much more actively promote carbon-free electricity. The European Union's energy policy is now predicated on using renewables to reduce carbon dioxide emissions by 80% by 2050.

The other is the rapidly growing energy needs of emerging market countries such as China and India. They have turned to renewables as part of their future supply. As a senior official in Beijing told me, China used to regard the fierce winds in its northwest as a "natural disaster," but now they are prized as a "very precious resource." But it would be a mistake, as is sometimes said, to assume that China has embraced renewables as the only solution. In order to meet its rapidly growing needs for energy, China is pursuing all options -- oil and coal and natural gas and nuclear power, as well as renewables.

Over the last decade, growing support by governments for renewable energy has been critical to its development. Germany and Denmark took the lead in repowering renewables with a new system of electricity rates that blended the higher cost of renewable power into the overall price. As a result, consumers do not see the direct cost of the renewables when

it comes time to pay their bills.

In the United States, both federal and state governments provide tax incentives and subsidies that have been critical in stimulating demand, with the aim of increasing output and reducing costs. Moreover, an increasing number of states now require that a certain percentage of electricity must be renewable -- the so-called "renewable portfolio standards."

The most aggressive of all is California, where about 15% of electricity today is renewable. Earlier this year, Gov. Jerry Brown signed a new law requiring that a third of California's electricity be renewable by 2020. This is considered extremely ambitious, especially given the state's difficult economic situation and a 12% unemployment rate.

Renewables need to overcome two big hurdles. One is that the sun does not shine all the time, and wind does not blow all the time. As the renewable share of electric power goes up, this "intermittency" will be a bigger concern. One solution is more use of natural gas as renewables' "partner" -- to generate electricity at those times when the sun and wind are off duty. Another -- the subject of much research -- is to find some way to store electricity in large scale. Success there would be a major breakthrough for renewable energy

The other challenge is costs. Renewables are carbon free. But, without direct incentives and subsidies, renewables are still generally more expensive than competing sources.

Technology also is critical. A "great bubbling" of innovation is at work all across the energy spectrum, conventional as well as alternatives. In the case of renewables, much of the focus is on cost reduction. And certainly the technological advance is evident. A wind turbine today is a far larger and more sophisticated machine than a wind turbine of the 1980s, and it may produce as much as a hundred times more electricity. The costs of solar energy continue to come down, and many of the new approaches under development and in the lab are aimed at further cost reductions.

To achieve big impact, however, renewables still need to establish that they are competitive at large scale. And they are not there yet. Indeed, they have run into an unexpected new challenge. This comes from the recent appearance of large volumes of low-cost natural gas, known as shale gas, which is extremely competitive as a fuel for electricity generation. That adds to the cost pressures on renewable energy.

In the first half of 2011, renewables constituted 9% of total U.S. energy. But over 80% of that renewable energy comes from three sources -- hydropower, which has been around a long time; wood, which has been around even longer; and biofuels, primarily ethanol in gasoline. Wind and solar are small, but they are growing. Wind today constitutes over 3% of U.S. electricity. Solar is much, much smaller.

As costs go down, more solar will come into use around the world. Solar panels will proliferate both on rooftops and in generating stations. As much as 6% of the capacity installed between now and 2025 could be solar. But, in total, because of the huge size of the global electric power industry, it would only constitute 1% of total electricity supply.

In other words, wind and solar have much ground to cover, and it will take time. But they have been growing fast, and in the past few years, wind has been one of the main choices of many utilities for new generation. Wind-generated electricity today in the United States is 20 times greater than it was a decade ago.

Overall, renewables are destined to grow. There will be cycles, and hills and valleys to cross -- but no more "valley of death." Renewable will be part of a growing global business that will be measured in hundreds of billions of dollars. But how big a role will they have in

keeping on our lights and powering our computers and all the other proliferating gadgets on which we depend? That will be determined by a mix of government policy, technological advance, the world's energy needs -- and by sheer economics.

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06/28/2011 01:13 PM

To Richard Windsor, Bob Perciasepe, Steve Owens
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Subject

Global consumers crave green energy in survey: Vestas



8:30am EDT

NEW YORK (Reuters) - Consumers around the world overwhelmingly support the rollout of renewable energy, but many have mistaken views about "green" products, according to a survey conducted by TNS Gallup for Vestas Wind Systems.

The survey, which polled 31,000 consumers in 26 countries in May, was designed to show companies how they could link their image to their customers' views on climate change and renewable energy.

But the poll also showed that many consumers were ill-informed about companies' environmental impacts, as well as the availability of renewable power.

Consumers viewed car makers, such as BMW AG and Volkswagen, as the most climate friendly, followed by technology companies, consumer goods makers retailers and food and beverage companies.

"Vehicles powered by fossil fuel account for a significant part of global CO2 emissions, yet automobile manufacturers ... have acted to persuade consumer opinion, for instance with advertising claims about the energy efficiency of gasoline or diesel powered vehicles," Vestas said in statement about the survey.

The poll showed that 79 percent of the consumers surveyed would view as "positive" the companies that primarily use wind energy, with only 4 percent viewing that as "negative."

Vestas is the world's leading maker of wind turbines, but the company has struggled in the past 18 months because of difficulty in financing new wind parks and rising competition from Chinese manufacturers, forcing it to cut jobs.

A strong 90 percent of global consumers backed an increase in renewable energy, while 15 percent said nuclear power sources should increase and 8 percent said use of fossil fuels use should rise.

Consumers in China were strongly in favor of increasing renewable energy sources, with 95 percent of those surveyed supporting it, well above the 77 percent in the United States who favored it.

But 72 percent of Chinese consumers also believed they had access to green electricity -- a figure far higher than reality.

Coal remains by far the largest source of Chinese power generation, according to International Energy Agency, even though the wind industry there is growing rapidly.

Half the consumers surveyed said they would be willing to pay higher prices for products made using renewable energy, while 45 percent said they would not pay more.

Developing nations' consumers were the most willing to pay extra for products produced using renewable energy, with 72 percent of those in China, Chile and India saying they would spend more.

(Reporting by [Matt Daily](#), editing by Bernard Orr)

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03/28/2011 08:59 AM

To Sarah Pallone
cc "Sarah Pallone", Richard Windsor
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Subject Re: full story for ease of review

[REDACTED]

3. POLITICS: Christie suggests he might take N.J. out of regional greenhouse gas control program (03/28/2011)

Christa Marshall, E&E reporter

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New Jersey's governor is floating the idea that he might take his state out of the upper East Coast's greenhouse gas regulatory program, raising questions about the future of the nation's only operating cap-and-trade system.

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The comments from Republican Gov. Chris Christie also prompted further speculation about the governor's presidential ambitions and whether he is catering to national voters' suspicions of emissions caps.

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At a town hall last week in Nutley, N.J., Christie expressed concern that the Regional Greenhouse Gas Initiative, or RGGI, is putting his state at a disadvantage because neighboring Pennsylvania is not a participant. He said he would decide within two months about the state's role in the program, which has been capping carbon dioxide emissions of utilities in 10 Northeastern and mid-Atlantic states since 2008.

"Is there enough of a benefit to the state to keep it going, or is it too much of a detriment on business? And the thing I'm most concerned about is that it doesn't seem to be working in the entire region. The value of these credits are getting less and less as we continue to go further and further out, and so the value of the program is becoming less and less," Christie said in response to a question from the audience.

"And in addition, I'm concerned about the burden that it places on our businesses, making them less competitive with Pennsylvania, because our businesses have greater costs involved than in Pennsylvania. So we are evaluating all that, and within the next two months, I'll give you a definitive answer on whether we are going to continue it," he said.

The re-evaluation of RGGI would come as part of a new energy master plan for the state that Christie said he would release in the "next couple of months."

Christie is making a smart political move if he wants to be a viable Republican candidate in the 2012 presidential race, considering that "cap and trade" is not a winning phrase in the GOP these days, said Ross Baker, a political scientist at Rutgers University. The RGGI comments, combined with November remarks expressing climate skepticism, signal that the governor could be positioning himself for a spot on the presidential ticket, he said.

Part of a presidential bid?

Christie's name is often included in pundit predictions of likely 2012 presidential contenders, particularly in

the wake of the governor's recent speeches in Washington, D.C., and appearances on national talk shows.

At the same time, Baker said, Christie could face push back from the state Legislature and New Jersey voters who are progressive on environmental issues.

"He's sticking a stick in a hornet's nest," said Baker. The climate program is not something that is flying high on voters' radar but now could become a volatile issue in New Jersey, he said.

The remarks also raised the ire of environmentalists who said that a departure from RGGI would shoot the state in the foot by depriving it of needed revenue to fund clean-energy programs. Furthermore, they said New Jersey ratepayers would continue paying for the program in cases where utilities in other participating RGGI states ship power into New Jersey.

The suggestion that New Jersey is at a disadvantage is wrong, since the program has a very small impact on electricity prices and offers benefits by funding efficiency programs with money from carbon auctions, said Daniel Sosland, executive director of Environment Northeast. The program provided \$36.8 million for large-scale energy efficiency and renewable energy projects in New Jersey through 2010, according to a March report from the Initiative.

New Jersey actually is at a competitive advantage because it has fewer coal plants than Pennsylvania, which must address pending U.S. EPA regulations of coal-fired power plants, said Sosland. "All the evidence says we have benefited from RGGI economically," he said.

But others applauded the governor's comments.

"I think it's good that we take a long hard look at RGGI," said Michael Egenton, a senior vice president at the New Jersey Chamber of Commerce.

His organization does not have a stance on the program, but he said there needs to be a more detailed analysis of the impact of RGGI on prices and businesses, he said. He also commended the governor for moving ahead of schedule on a master plan for the state, since he said there is no clear backup plan if the state closes the Oyster Creek nuclear plant.

Koch group mounts anti-RGGI campaign

The group Americans for Prosperity, which has been running advertisements against RGGI, has an active presence in the state via Internet postings and state meetings. The state director of the group, Steve Lonagan, slammed the "RGGI scheme" at a local event last week, partially because of what he called "speculators" playing the carbon market, according to NorthJersey.com. Americans for Prosperity was co-founded by oil billionaire David Koch.

It is not clear whether New Jersey law allows Christie to unilaterally leave the initiative, said one legal expert. "If he were to try it, there would most certainly be a legal challenge," said the expert.

According to official RGGI documents, the other participating states in the Northeast and mid-Atlantic would "appropriately adjust" allowances bought and sold in the trading market to account for the withdrawal of one state.

In the case of a New Jersey departure, the issue would be more political than technical, at least initially, said Stacy VanDeveer, an associate professor of political science at the University of New Hampshire.

The program's cap on emissions is too small at this point for any New Jersey action to matter much in terms of how the trading platform operates, he said. Instead, the action of state representatives during an upcoming regional review of the initiative is more important, he said. New Jersey's sheer size -- and percentage of emission allowances -- means its viewpoint could sway the outcome of things under consideration, such as whether the cap is strengthened, he said.

It also takes "momentum away" from the program at a time when climate legislation is defunct on Capitol Hill, he said. The initiative is also facing a challenge in New Hampshire, where Republicans have moved a bill through one chamber of the Legislature to exit the regional plan.

Spokespeople in the governor's office and the New Jersey Department of Environmental Protection denied there was any movement to leave the program.

"At the moment, we're not going anywhere," said Lawrence Ragonese, a spokesman for the Department. A Christie official said it would be crossing a "bridge we not have come to" to speculate about how the state procedurally would leave the greenhouse gas initiative.

And in his comments, Christie said the program had upsides along with its downsides.

"It's a green type of policy," he said. "The upside to it is that it helps to create some revenue that you can use to be able to reinvest in green initiatives in the state."

Charles Imohiosen
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Sent via Blackberry
Sarah Pallone

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

From: Sarah Pallone
Sent: 03/28/2011 08:57 AM EDT
To: Charles Imohiosen
Cc: "Sarah Pallone" <pallone.sarah@epa.gov>; Richard Windsor
Subject: Re: NJ

Wow.

Sarah Hospodor-Pallone
Deputy Associate Administrator
for Intergovernmental Relations
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202-564-7178
pallone.sarah@epa.gov

Charles Imohiosen . POLITICS: Christie suggests he mi... 03/28/2011 08:51:55 AM

From: Charles Imohiosen/DC/USEPA/US
To: "Sarah Pallone" <pallone.sarah@epa.gov>
Date: 03/28/2011 08:51 AM
Subject: NJ

. POLITICS: Christie suggests he might take N.J. out of regional greenhouse gas control program<
<http://www.eenews.net/cw/2011/03/28/3>>

Charles Imohiosen
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Sent via Blackberry

Charles
Imohiosen/DC/USEPA/US
09/30/2010 09:32 AM

To "Bob Perciasepe", "Richard Windsor"
cc
bcc
Subject Nothing new here, but ...EPA: Republicans eye heavy oversight in 2011 (09/30/2010)

[OBJ]

3. EPA: Republicans eye heavy oversight in 2011 (09/30/2010)

Allison Winter, E&E reporter

If Republicans take control of Congress next year, U.S. EPA Administrator Lisa Jackson may need to clear her schedule for frequent appearances on Capitol Hill.

A group of Republicans comprising the "House Rural Solutions Working Group" aired grievances with EPA at a forum in the Capitol yesterday that served as a sort-of dress rehearsal for ranking members hoping to take a gavel next year.

Fourteen GOP representatives and one senator -- several of whom are eyeing possible committee leadership spots next year -- presided at the forum with representatives from farm and business groups. The lawmakers said they want a GOP Congress to clamp down on EPA efforts to expand environmental regulations.

"Oversight is a primary responsibility of Congress -- we're going to have some oversight next year," Rep. Frank Lucas (R-Okla.), one of the co-chairmen of the rural group, told reporters after the forum.

Lucas, the top Republican on the House Agriculture Committee, said he expects a packed schedule of oversight hearings if he and his GOP colleagues take committee gavels. Lawmakers have frequently used oversight hearings as an opportunity to bash agency policy when the party in power in Congress differs from the party controlling the White House.

And with several committees having some say over EPA, Lucas said it could become a popular agency on the Hill.

"At least a half-dozen committees have a slice of the jurisdiction. When it comes to an agency like the EPA, I could see where once a week, we could each take our turn," Lucas said.

The House and Senate Agriculture committees are generally very bipartisan. In the last farm bill debate, Republicans and Democrats on the committees worked closely together, with members more divided along regional lines than party lines. But Lucas said to expect changes if he takes the chairmanship next year: namely, much more scrutiny of EPA and USDA.

"If holding the executive branch accountable, if making sure that everyone follows the law, if making sure bureaucracies don't create law but simply administer the law, if that is what this was a reflection of today, then you betcha, that's what I hope we have in the spring," Lucas said.

Yesterday's briefing was not an official congressional hearing but held the trappings of one: Lawmakers sat up at several tables in the front of a room with witnesses at another, lined up behind timing lights.

Representatives from forestry, farm, livestock and coal groups expressed concern about potential EPA regulations on greenhouse gas emissions, watersheds and pesticides. The groups said the regulations could raise the cost of doing business and make them subject to lawsuits from environmental groups.

"Federal EPA bureaucrats are on the verge of killing thousands of rural jobs and communities through an arcane maze of rules and regulations that can only make sense to a lawyer in Washington, D.C.," said

Rep. Doc Hastings (R-Wash.), the ranking member of the House Natural Resources Committee.

Jackson was not present at the briefing, but lawmakers said she was invited.

EPA has become a whipping post for some lawmakers. The Senate Agriculture Committee criticized the agency's regulations at a hearing last week. And Sen. James Inhofe (R-Okla.), ranking member of the Environment and Public Works Committee, promoted a new report at yesterday's briefing that found regulations under consideration at EPA could threaten hundreds of thousands of jobs.

Jackson attended the Senate Agriculture Committee hearing last week and said she has worked hard to shield farmers from EPA rules. For instance, the new "tailoring" rule exempted farms from greenhouse gas regulations by raising the emissions threshold. Jackson said her agency imposed fewer rules on farms last year than it did during the last year of George W. Bush's administration (E&E Daily, Sept. 24).

E&E Daily Headline

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Sent via Blackberry

Charles Imohiosen/DC/USEPA/US

03/12/2010 07:22 AM

To "Bob Sussman", "Mathy Stanislaus", "Lisa Heinzerling",
"Richard Windsor"

cc

bcc

Subject Looks like the reuse market is alive and well

Solid Waste Mirant Aiming to Build Ash Recycling Plant To Produce Low-Carbon Cement Alternative

Mirant Corp. will soon ask Maryland authorities for permission to construct a coal-ash recycling facility that would allow it reduce its disposal of coal ash in landfills and produce a low-carbon alternative to portland cement, a company spokeswoman said March 9. An application for a certificate of public convenience and necessity will be filed before the end of March with the Maryland Public Service Commission, said Misty Allen, Mirant's spokeswoman for mid-Atlantic operations. If permitting and construction go as planned, the facility would begin operations in 2012, she told BNA. The facility would be built next to the company's coal-fired Morgantown power plant in Charles County, Md. According to Allen, the recycling plant could process 400,000 tons of coal ash per year, roughly the total produced by two of Mirant's five coal-fired power stations in the mid-Atlantic states. According to Allen, the recycling plant would produce an alternative to portland cement, the main ingredient in concrete, while emitting one-quarter of the carbon dioxide generated in the production of portland cement. The plant would reuse water from the power plant's operations, requiring no new water and generating no water effluent of its own, she added. Portland cement is produced by quarrying rock and transporting it to a plant where it is ground into fine grains along with clay, slate, or blast furnace slag, silica sand, and iron ore, according to the Portland Cement Association. The resulting powder is then heated to 1,450 degrees Celsius in industrial ovens called cement kilns that are fired by powdered coal, oil, or gas. The output is cooled, producing the small nodules, or clinkers, that constitute portland cement. EIP Attorney Calls Idea 'Encouraging.' Asked to comment on the Mirant proposal, Jennifer Peterson, an attorney with the Environmental Integrity Project, said she knew nothing about such plants but added, "anything that keeps ash out of dumps is encouraging." Commenting on the plant's apparent low-carbon footprint, Petersen noted that the coal ash is a byproduct of a high-carbon fuel. Peterson said she hopes Mirant quickly cleans up its ash dump adjacent to Charles County's Zekiah Swamp, an important part of the Chesapeake Bay watershed. She said the landfill is leaching toxic pollutants into the swamp in violation of the Clean Water Act and Maryland law. A lawsuit over the landfill's alleged releases was filed in 2008 in Charles County Circuit Court by Maryland Attorney General Douglas F. Gansler (D). The case is pending, Gansler spokeswoman Raquel Gregory told BNA March 9. By Jeff Day

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Charles
Imohiosen/DC/USEPA/US

12/08/2009 08:47 PM

To "Gina McCarthy", "Richard Windsor"

cc

bcc

Subject CNN report on cash for clunkers - at least we are in the game

() By Steve Hargreaves, CNNMoney.com staff writer Last Updated: December 8, 2009: 6:24 PM ET 8 weird ways to save the Earth Geoengineering, or deliberately tinkering with the earth's climate, could help if global warming proves disastrous for mankind, but the ideas are untested and the risks unknown. View Photos NEW YORK (CNNMoney.com) -- President Obama proposed a new program Tuesday that would reimburse homeowners for energy-efficient appliances and insulation, part of a broader plan to stimulate the economy. The administration didn't provide immediate details, but said it would work with Congress on crafting legislation. Steve Nadel, director at the American Council for an Energy-Efficient Economy, who's helping write the bill, said a homeowner could receive up to \$12,000 in rebates. The proposal is part of the President's larger spending plan, which also includes money for small businesses, renewable energy manufacturing, and infrastructure. We know energy efficiency "creates jobs, saves money for families, and reduces the pollution that threatens our environment," Obama said. "With additional resources, in areas like advanced manufacturing of wind turbines and solar panels, for instance, we can help turn good ideas into good private-sector jobs." The program contains two parts: money for homeowners for efficiency projects, and money for companies in the renewable energy and efficiency space. The plan will likely create a new program where private contractors conduct home energy audits, buy the necessary gear and install it, according to a staffer on the Senate Energy Committee and Nadel at the American Council for an Energy-Efficient Economy. Big-ticket items like air conditioners, heating systems, washing machines, refrigerators, windows and insulation would likely be covered, Nadel said. Consumers might be eligible for a 50% rebate on both the price of the equipment and the installation, up to \$12,000, said Nadel. So far, there is no income restriction on who is eligible. That would mean a household could spend as much as \$24,000 on upgrades and get half back. Homes that take full advantage of the program could see their energy bills drop as much as 20%, he said. The program is expected to cost in the \$10 billion range. It's not clear how the home efficiency plan would be administered - the government may issue rebates to consumers directly, homeowners might get a tax credit, or the program could be run via state agencies. If consumers have to spend a lot of money up front to get the credit, it could throw a wrench in the works, David Kreutzer, an energy analyst at the Heritage Foundation, told CNN. "This will not be something that's attractive to people who are having trouble already making their budget payments month to month or week to week," he said. To keep consumers from having to spend thousands of dollars before getting reimbursed, Nadel said, one idea is to have contractors or big box retailers pay part of the cost up front. Fraud issues could also come up, Kreutzer said. "Any program that is going to run through a third party and is going to distribute billions of dollars needs to have lots of checks and balances to make sure there's not abuse," he said. Nadel noted that as a way to guard against fraud, contractors would have to be certified to participate. Energy company boost Obama's new spending plan also calls for renewable energy companies to get additional support. That could come in the form of loan guarantees - basically, money the government uses to secure loans for startups. In the original stimulus bill passed earlier this year, \$6 billion was earmarked for such loan guarantees. But then lawmakers took away \$2 billion to fund Cash for Clunkers - the popular program that paid people to turn in their old cars. The \$4 billion from the original bill has funded about \$40 billion in loans, said the staffer on the Senate Energy Committee. Meanwhile, firms are hoping for another \$4 billion in loan guarantees, since they have another \$40 billion worth of projects that need funding. A bill on energy efficiency reimbursements already has supporters in the Senate. "Not only will [such legislation] increase our energy security and transform our energy infrastructure to a modern, clean and efficient one," Senate Energy Committee Chairman Jeff Bingaman, D-N.M., wrote in a recent op-ed column in the Hill, a Capitol Hill newspaper. "But it also will position the United States to lead in the development of clean energy technologies."

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Sent via Blackberry

Charles
Imohiosen/DC/USEPA/US
04/28/2011 01:07 AM

To "Richard Windsor"
cc
bcc
Subject BUSINESS: 'Wal-Mart effect' is economic driver for solar power (04/27/2011)

[REDACTED]

BUSINESS: 'Wal-Mart effect' is economic driver for solar power (04/27/2011)

Joel Kirkland, E&E reporter

[REDACTED]

Wal-Mart may have more to do with expanding solar power in America than homeowners with wide roofs or government subsidies.

Dow Chemical's Elizabeth Singleton calls the idea that one huge retailer can force other big companies to adopt sustainable energy practices the "Wal-Mart effect."

"Why do they care so much about energy? Nobody cares as much about cost as Wal-Mart," Singleton said. "When you sell to them, they drive a very hard bargain across the board. They want to know what suppliers are doing to minimize their risks."

[REDACTED]

Speaking on a panel about the future of solar power, sponsored by the Department of Energy and George Washington University, in Washington, D.C., Singleton and others said the melding of emerging price competitiveness with conventional energy and longer-term economic incentives will keep U.S. solar power producers in business. For companies like Wal-Mart, they said, driving down volatile electricity costs by first investing in expensive solar panels -- and pressing their vendors to spend money on renewable energy -- is a business decision that shareholders understand.

"It's that driver that takes us back to the economics," Singleton said. "I don't think Wal-Mart would be doing it, otherwise. It drives it down the supply chain."

Slowly but surely, panelists said, renewable energy is moving from a debate about electricity prices to one about the "economic value" in wind or solar power. For product suppliers pressed by Wal-Mart to explain how sustainable their energy supplies are, the underlying "value" in adopting clean energy is a company's future business with Wal-Mart.

U.S. solar power capacity has grown considerably in the past four years, but it's a fraction of U.S. energy output. But U.S. solar companies and big banks are looking for investors. BrightSource Energy Inc., based in Oakland, Calif., filed papers with U.S. securities regulators this week announcing plans to conduct an initial public offering. It hopes to raise \$250 million through the IPO.

Talking value

BrightSource, a maker of concentrated solar power technology, has secured a \$1.6 billion loan guarantee from DOE to help it raise enough money to build the proposed 400-megawatt Ivanpah project in California's Mojave Desert. Google this month also said it will spend \$168 million to help fund the Ivanpah project.

Last week, DOE also offered a \$2.1 billion credit line to Solar Trust of America LLC to help build a 484-megawatt plant in Riverside County, Calif.

With the federal government sinking a hefty direct investment into BrightSource, panelists yesterday said

buy-in by private investors remains critical.

"How do we move the discussion about renewables and solar away from price [to] talk about value?" said Andrew Murphy, an executive vice president at NRG Energy, an independent power producer that plans to spend at least \$2 billion on renewable power projects in the near term.

On price, comparisons should be made between building new coal- or natural gas-fired power plants and the capital costs of building utility-scale solar projects.

Kathy Weiss, vice president for federal affairs for First Solar, based in Tempe, Ariz., said solar technology development is driving toward producing electricity for 10 cents per kilowatt-hour. As utilities respond to U.S. EPA efforts to enforce the Clean Air Act by shutting the nation's cheapest but dirtiest power plants, she said solar quickly becomes competitive with the cost of building a high-efficiency coal plant.

"If you're judging renewables versus new coal, versus new nuclear, versus gas peaking, then you're really not very far away from being quite competitive," she said

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**Charles
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03/09/2012 09:59 AM

To "Richard Windsor"
cc
bcc

Subject Cities to Pursue Innovative Strategies For Financing Green
Infrastructure Projects

BNA Daily Environment Report: News Archive > 2012 > March > 03/09/2012 > News > Sustainability:
Cities to Pursue Innovative Strategies For Financing Green Infrastructure Projects

Key Development: New York Mayor Bloomberg and Chicago Mayor Emanuel announce cooperative initiatives aimed at mobilizing private investment dollars for sustainable urban development projects.

Potential Impact: Mayors and urban policy experts believe the initiatives will give cities wider opportunities to pursue economic development without contributing to global warming and energy dependence.

By Michael Bologna

CHICAGO—Mayors and urban policy experts from around the globe pledged their support March 8 for two new cooperative initiatives aimed at mobilizing investment for green infrastructure projects and sustainable urban development.

New York Mayor Michael Bloomberg (I) and Chicago Mayor Rahm Emanuel (D) announced the launch of a Sustainable Infrastructure Finance Network and a global Green Growth Initiative. Both initiatives will be coordinated through the C40 Cities Climate Leadership Group, a collaboration among large cities around the world committed to local actions that control carbon emissions and promote energy efficiency.

Bloomberg, who serves as chairman of C40, and Emanuel were joined by dozens of mayors and ministers participating in a global summit on sustainable cities. The two-day summit in Chicago was sponsored by the Organization for Economic Cooperation and Development.

In announcing the two C40 programs, Bloomberg said global warming and sustainable development are frequently viewed as duties belonging to nations and international bodies. But he said cities carry important responsibilities for tackling these complex problems.

Bloomberg is the founder and majority owner of Bloomberg BNA's parent Bloomberg LP.

Not Waiting for Others to Act First

"While cities around the world really do understand that action at the national and international levels is crucial, the launch of these networks shows that we are not waiting for anybody to go first," Bloomberg said during a briefing with reporters.

"We are the level of government closest to the majority of the world's people," he said. "We are directly responsible for their wellbeing and their futures. So while nations talk—but all too often drag their heels—I think it's fair to say that around this world it is the cities that are acting. The launch of these networks, I think, also demonstrates C40's belief that when cities act locally we can have an impact globally."

Bloomberg said the Green Growth Initiative would be based in Copenhagen and would involve leaders from 15 C40 cities. The network is expected to examine and act on innovative strategies for sustainable urban infrastructure projects.

"It will focus on the full range of ways cities can work with the private sector to attract investment and create jobs in ways that also meet our environmental goals," he said.

Network as Forum for Cities

The Sustainable Infrastructure Finance Network is expected to serve as a forum for C40 cities to interact, share information, and coordinate activities as they locate resources for next-generation infrastructure

projects. Specifically, C40 cities are expected to:

- collect and share case studies on infrastructure projects featuring unique financing strategies;
- share legal and financing documents;
- develop partnerships with global accounting firms willing to provide pro bono assistance; and
- launch unique financing programs with financial institutions.

Formation of Chicago Trust

The Sustainable Infrastructure Finance Network will be chaired by Emanuel, who has developed a reputation for using innovative financing to achieve urban development and environmental goals. A key example emerged March 1, when Emanuel and former President Bill Clinton announced the formation of the Chicago Infrastructure Trust.

The trust will serve as an important financing mechanism for infrastructure projects that might otherwise be ignored by traditional channels. In many cases projects will be able to take advantage of structured revenue streams to repay investors and offer long-term returns.

The infrastructure trust initially will be backed with \$1 billion in conditional commitments from five financing organizations. Partners in the endeavor include Citibank NA, Citi Infrastructure Investors, Macquarie Infrastructure and Real Assets Inc., J.P. Morgan Asset Management Infrastructure Investment Group, and Ullico.

The trust's first project, known as Retrofit Chicago, will involve a \$200 million investment to cut energy consumption by at least 20 percent in more than 100 buildings operated by the city. Emanuel said the effort would cut the city's energy costs by up to \$20 million, creating a revenue stream to repay investors. In addition, the project is expected to create 2000 construction jobs over several years and cut greenhouse gas emissions.

Emanuel said Retrofit Chicago would provide the city with several significant environmental benefits and mark the city as a leader in green technologies.

"We will end up developing a set of skills and technologies that will serve as an industry leader not just for the city of Chicago," Emanuel told reporters. "So people will look to our architectural firms, our engineering firms, the workforce skills we have. They will see it as an industry that lives in Chicago and becomes an export for economic growth."

The two initiatives were applauded by OECD Secretary-General Angel Gurría. He pointed to a \$3 trillion price tag for making the C40 cities carbon neutral, suggesting that innovative financing strategies will be needed to help them combat climate change. At the same time, Gurría said economic development and environmental protection do not need to be mutually exclusive.

"It's not green or growth," Gurría said. "Both can go together provided that the appropriate framework conditions are in place. Cities can build an environmentally sustainable infrastructure that will help them go green, promote growth and create jobs."

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Charles
Imohiosen/DC/USEPA/US
05/26/2011 08:04 AM

To "Richard Windsor"
cc
bcc

Subject Corporate Responsibility: ExxonMobil Shareholders Rebuff
Proposals On Fracking, Oil Sands, Climate Change Risks

Daily Environment Report: News Archive > 2011 > May > 05/26/2011 > News > Corporate Responsibility:
ExxonMobil Shareholders Rebuff Proposals On Fracking, Oil Sands, Climate Change Risks

Corporate Responsibility

ExxonMobil Shareholders Rebuff Proposals
On Fracking, Oil Sands, Climate Change Risks

ExxonMobil Corp. and Chevron Corp. shareholders rejected environmental activists' proposals on climate change, hydraulic fracturing, and a variety of other environmental issues at the companies' annual shareholder meetings May 25.

Activist groups asked both companies to develop reports on the known and potential environmental effects of hydraulic fracturing in oil and gas drilling and the policy options for reducing them.

The boards of directors of ExxonMobil and Chevron opposed the calls for hydraulic fracturing reports, which they said would be duplicative and unnecessary given the existing policies and communications the companies provide on their drilling practices.

The proposal at the ExxonMobil meeting in Dallas won 28 percent of shareholders' votes, according to a company spokeswoman. Like many activist proposals, it was a repeat attempt, having won 26 percent in 2010, the spokeswoman said. It was backed by As You Sow and other groups.

About 41 percent of Chevron shareholders supported the proposal on hydraulic fracturing at that company's meeting in San Ramon, Calif.

Hydraulic fracturing, or "fracking," involves the high-pressure injection of water, sand, and chemical additives into a geologic formation to create fractures through which gas or oil can flow to a well. The practice is half a century old but has been spreading rapidly in recent years as companies drill for gas trapped in layers of shale.

Climate Change, Other Risks

A proposal at the Chevron annual meeting asked the company to prepare a report on the financial risks resulting from climate change and on actions necessary to provide long-term protection of business interests and shareholder value. The proposal cited the Investor Network on Climate Risk and the Carbon Disclosure Project as prominent examples of groups calling for such information.

Chevron said it saw no need for such a report. "Chevron already discloses material risks related to climate change and climate change regulation in its Annual Report on Form 10-K," the company said in its prepared proxy materials for the meeting. The proposal won 8 percent of shareholder votes.

At the ExxonMobil meeting, the Sisters of St. Dominic of Caldwell, N.J., proposed that the company's board adopt quantitative goals for reducing emissions of greenhouse gases, which can contribute to climate change. It won 26.5 percent of shareholders' votes in its fifth year of being proposed, the company spokeswoman said.

The board of ExxonMobil said it did not believe that setting absolute emission goals was the most effective way to manage climate risks. It said the company should meet growing demand for energy

efficiently while pursuing technical solutions on greenhouse gas emissions.

Green Century Capital Management proposed that the company prepare a report on the financial risks posed to ExxonMobil by the environmental, social, and economic challenges of Canadian oil sands, in which the company has a substantial investment. The board responded that the company already communicates its risk factors through an annual outlook, its annual Form 10-K, and other publications.

The oil sands proposal won 27 percent of the shareholder votes this year and 26.4 percent last year, the ExxonMobil spokeswoman said

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Charles
Imohiosen/DC/USEPA/US
03/29/2012 08:04 PM

To "Richard Windsor"
cc
bcc

Subject I recall that you participated in event with the green sports group ... Looks like it has really taken flight

BUSINESS: Renewable energy has become a home run for pro sports
Daniel Cusick, E&E reporter

Published: Thursday, March 29, 2012

They're still debating the pros and cons of renewable energy in Washington, D.C., but it's a slam-dunk for the owners of the Phoenix Suns.

Strategic marketing of renewable energy through sports brands may have reached a new zenith this month as the National Basketball Association's Suns became the latest professional sports franchise to tie its brand to environmental stewardship and renewable energy.

And what better symbol for the Suns than 966 solar photovoltaic (PV) panels installed atop the team's US Airways Center parking garage?

Steve Nash, the franchise's best-known face and one of the league's most admired players, "flipped the switch" on the PV panels March 5, fulfilling a personal goal he set several years ago when he returned to the Suns after a six-year stint in Dallas.

Point guard Steve Nash, executives and mascots of the Phoenix Suns at the "flip the switch" ceremony turning on solar panels at their stadium in Phoenix. Photo courtesy of Arizona Public Service. Nash, a South African-born Canadian citizen with a penchant for environmental causes, also lends his image and endorsement to regional utility Arizona Public Service as its primary pitchman for energy efficiency and conservation.

"The spirit of innovation and environmental consciousness shown by the Suns, APS and the city of Phoenix is something I'm proud to be a part of," Nash said of the solar array. "I've become very passionate towards environmental issues over the years, so it's great to know that solar power is now impacting my life both at home and here at work."

"At work" for Nash means the Suns' 18,400-seat US Airways Center, where the team has played for 20 years. The building's new panels will generate 227 kilowatts of electricity, enough to power 20 game days each season, according to the team's website.

"We are excited to dedicate a project that was simply a vision back in 2008," said Suns President Brad Casper. "APS stepped up and helped make that vision a reality here at US Airways Center, powering the arena with clean, renewable energy, enhancing our commitment to sustainability."

The 'greening' of pro sports

The Suns are not alone.

Since the mid-2000s, more than a dozen professional sports franchises -- including some of the world's best-known brands -- have embraced renewable energy and other environmental sustainability projects. They are hoping to generate goodwill in their local communities, but also aiming at reducing their energy costs and carbon footprints, in some cases significantly.

Among the other franchises embracing solar power on their stadium sites are the NBA's Los Angeles

Lakers and Clippers and Denver Nuggets; the National Football League's Philadelphia Eagles, Seattle Seahawks and Washington Redskins; and Major League Baseball's Boston Red Sox, San Francisco Giants, Kansas City Royals and Cleveland Indians.

According to the Natural Resources Defense Council's "Sports Greening Initiative," which works closely with leagues, franchises and sporting event host cities on environmental sustainability, such programs have reduced or offset more than 20 million pounds of carbon dioxide equivalent in just four years.

A new solar array will greet fans coming to this year's All-Star Game at Kauffman Stadium, home of the Kansas City Royals. Photo courtesy of Chris Vleisides/Kansas City Royals.

Allen Hershkowitz, a senior NRDC scientist and director of the Sports Greening Initiative, said that level of greenhouse gas offsets is no accident. Sports franchises and professional leagues, he said, have been more receptive to conservation, clean energy and climate change mitigation than most other sectors of the U.S. economy.

"Sports matters," Hershkowitz said in an interview. "People think that dealing with climate change is about reaching the auto industry or the [electric] utility industry, and that's true. But the sports industry is a \$425-billion-a-year enterprise with a global supply chain, and its messages reach hundreds of millions of people around the world."

The messages resonate locally, too, and allow the issue of climate change to be carried to the broadest possible audience, since sports provides a common gathering place for people of all political persuasions. "When we get professional sports embracing renewable energy, that's a meaningful nonpartisan statement," Hershkowitz said.

A new kind of bragging rights

Moreover, the recent boom in sustainability efforts among pro sports franchises has set off a new kind of competition between franchise owners and facilities managers, where the coveted prizes are not only championship trophies but the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) certifications and bragging rights over which franchise has the smallest environmental footprint.

Sports governing bodies have caught on, too. Major League Baseball, in a partnership with NRDC, asks every big-league team to measure energy consumption at its home stadium and report the figures to the home office, Hershkowitz said. The National Hockey League will soon begin a similar program.

The figures have not been made public, Hershkowitz said. But in the statistics- and standings-driven world of sports, there's little doubt that the data will hit the scoreboards.

"Sports teams are by their nature very competitive. They strive to be the best in every aspect of their operations," said Logan Gerken, a project architect and LEED design specialist at the Kansas City, Mo., architecture firm Populous, one of the nation's most sought-after stadium designers. "And they're finding ways to sell these aspects to their fans and their athletes."

Just ask the Kansas City Royals, a franchise that hasn't won a World Series championship in 27 years but now ranks among the MLB's best for "green energy" achievements. The recently remodeled Kauffman Stadium, which will host this summer's annual All-Star Game, is now adorned with 120 solar PV panels capable of producing an estimated 36,000 kilowatt-hours of electricity per year.

The blue-tinted, aluminum-framed panels lining the stadium's curved outfield wall are visible from most of the stadium's seats, something team officials and partner Kansas City Power & Light will promote as part of the game-day "Outfield Experience." KCP&L will staff an educational kiosk to educate fans about the solar energy system, stressing how solar energy benefits Kauffman Stadium and the greater Kansas City region.

A field day for green designers

And while other MLB franchises have installed solar panels on their sites, Kansas City's will be the largest in-stadium solar array in the major leagues, and its generation will be used directly by the stadium.

Kevin Uhlich, the Royals' senior vice president for business operations, said the array is in keeping with the team's commitment to make Kauffman Stadium "one of the most environmentally friendly facilities in sports."

Meanwhile, the Royals' American League rival Cleveland Indians, whose Progressive Field is just a few downtown blocks from windy Lake Erie, are preparing to install an 18-foot-wide "helix wind turbine" developed by a Cleveland State University professor atop the stadium's southeast corner.

The experimental "wind amplification" turbine, developed by CSU engineering professor Majid Rashidi to produce energy at low wind speeds, will produce just a fraction of the electricity used to power the ballpark. But it should help to build fan awareness of green energy production and aid the team in reaching its sustainability goals.

"We want to show that this experiment born here in Cleveland works in Cleveland," Brad Mohr, the Indians' assistant director of ballpark operations, told the Cleveland Plain Dealer in October. "The goal is not just to have the turbine in the ballpark. It is to get them into urban areas where traditional wind power won't work."

Reducing the environmental footprint of a 40,000-seat arena or 70,000-seat stadium is no small feat, experts say, but neither does it have to be extraordinarily complex or cost-prohibitive.

Martin Tull, executive director of the Green Sports Alliance, a Portland, Ore.-based nonprofit that promotes energy efficiency and conservation measures in sports at all levels, said some teams are reaping significant savings in facility operations and maintenance costs simply by turning off nonessential lights and incorporating zoned heating and cooling systems.

Others have made modest investments, such as replacing incandescent lighting at indoor arenas with light-emitting diode (LED) fixtures that consume less energy and have much longer operating life. An LED lighting project at the Staples Center in Los Angeles paid for itself in seven months through lower electricity bills, Tull said. In Seattle, meanwhile, the Mariners reduced by 88 percent the electricity consumption of their Safeco Field scoreboard by replacing an older incandescent bulb board with one illuminated with LED lights.

Raising the bar in Seattle

But advances in materials science, energy systems and green technology have allowed big venues to do even bigger things, said Tull, including in regions of the country where renewable energy resources are limited.

Consider CenturyLink Field in Seattle, home to the NFL's Seahawks and Major League Soccer's Sounders. With a seating capacity of 72,000, the stadium is among the largest sports venues on the West Coast. The stadium is a crown jewel of design inspired by billionaire Microsoft co-founder Paul Allen, and it offers some of the most tech-savvy stadium experiences in the country.

Yet its latest hallmark feature -- 3,750 thin-film solar panels atop the adjacent CenturyLink Field Event Center -- isn't visible to most fans. Covering an estimated 2.5 acres, or 80 percent of the sprawling event center's roof, the panels are capable of generating more than 830,000 kilowatt-hours of electricity annually, or roughly the amount consumed by 95 Seattle-area homes in a year.

Tull of the Green Sports Alliance said that kind of investment in Seattle, whose large number of rainy days make it a kind of anti-Phoenix for solar resources, sends a strong signal to franchise owners across the country that every sports stadium or arena can reduce its carbon footprint, whether through renewables or

other efficiency and conservation measures.

"I think for new facilities, at this point, the bar has been raised pretty high to where the norm in new facilities is going to include these kinds of technologies and efficiency measures," Tull said.

"If you're a facility owner and you're not aggressively looking at the energy efficiency, you're losing money," he added. "And on the renewables side, there is a competition now for the best-in-class, high-performance facilities. If one [franchise] installs 8,000 solar panels, I guarantee you the next installation is going to be 8,010 panels. It's great to see that competitive nature there."

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12/02/2010 07:34 AM

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Subject Uncertainty is hurting alternative energy investment --- Hedge Funds Short Clean Energy as Goldman Pares Stakes

News Headline: Hedge Funds Short Clean Energy as Goldman Pares Stakes | [REDACTED] [REDACTED]

Outlet Full Name: Bloomberg BusinessWeek - Online

News OCR Text: (Adds BlackRock sale of American Superconductor in ninth paragraph.)

Dec. 1 (Bloomberg) -- Hedge funds increased short selling in U.S. renewable energy stocks to the highest level in a year, boosting bets against First Solar Inc. and Tesla Motors Inc. as government support for low-polluting technologies faltered.

Seventeen percent of the freely traded shares of the 35 U.S. stocks in the WilderHill New Energy Index are sold short, compared with 16 percent in October and 15 percent in August, data compiled by Bloomberg show. That's almost four times the 4.4 percent short ratio of the Standard & Poors 500 index. In the run-up to this week's global climate talks in Mexico, short sellers targeted makers of wind turbines, solar panels and electric cars whose sales also were undermined by cash-strapped European governments cutting subsidies. Goldman Sachs Group Inc. and BlackRock Group trimmed long positions in renewable-energy shares in the third quarter, filings show. The lack of an international agreement on climate change and short-term uncertainty on policy support across the globe makes the sector fairly susceptible to predatory trades from hedge funds, said Krishnan Shakkottai, a market analyst at Bloomberg New Energy Finance in London. Republican gains in U.S. mid-term elections are a huge deal, he said. President Barack Obama said he may be unable to reduce U.S. greenhouse-gas emissions after Republicans regained control of the House in Nov. 2 elections. Republicans say they will seek to roll back Environmental Protection Agency rules limiting carbon venting, ease curbs on coal mining and may try to block billions of dollars in federal subsidies for clean power. Uncertainty over future subsidies already cut installation of new wind turbines in 2010, the American Wind Energy Association said. The industry added 395 megawatts of capacity in the third quarter, the least since 2007, the AWEA said.

Zoltek Cos., a maker of carbon fiber for blades used in wind turbines, and American Superconductor Corp., whose converters connect those machines to power grids, were among the most-shortest stocks, according to the data, which doesn't include investor names.

Investors borrowed 4.4 million Zoltek shares to sell, 16 percent of its float, according to Bloomberg data. American Superconductor has 27 percent of its traded shares loaned to short-sellers, who promise to buy back the stock at a later date, hoping to acquire them at a discount to the price they received. At First Solar, which is 25 percent shorted, spokesman Alan Bernheimer declined to comment.

Goldman Sachs sold 178,441 American Superconductor shares in the third quarter, reducing its stake by a third while Deutsche Bank cut its holding by 5 percent, according to regulatory filings. Investment firm BlackRock, the company's second-biggest shareholder, reduced its stake to 9 percent from 12 percent. The stock has since gained about 9 percent. Goldman Sachs London-based spokeswoman Fiona Laffan, Deutsche Bank's Mayura Hooper in New York and BlackRock's Lauren Trengrove in New York declined to comment. Spokespeople for Zoltek, First Solar and American Superconductor didn't return calls seeking comment.

The most-shortest stock was Tesla Motors, the California electric carmaker headed by PayPal Inc. founder Elon Musk, which gained about 60 percent this month after it sold a \$30 million stake to Panasonic Corp.

Investors had shorted 65 percent of Tesla's free-float as of the latest data compilation, dated Nov. 15. Almost 90 percent of the company's stock is controlled by major shareholders including Musk, Toyota Motor Corp. and Abu Dhabi Water & Electric Authority. Tesla's press office didn't respond to an e-mail

seeking comment.

Solar panel makers are also suffering as European governments, struggling to contain the fallout from the financial rescue packages requested by Greece and Ireland, curb rates paid for power from photovoltaic panels. We are just coming off a period of strong fundamental performance and we expect demand to weaken sharply, Robert Clover, global head of clean power research at HSBC Plc in London, said in an interview. Clover forecast that global panel demand will drop 50 percent in the first quarter of next year from the previous three months.

Still, U.S. demand for photovoltaic panels may offset the declines in Europe as falling panel prices allow utilities to build industrial-scale solar generators, according to Shayle Kann, an analyst at GTM Research in Boston. Kann forecasts U.S. power companies will install 5,000 megawatts, or \$8 billion, of solar panels annually by 2015.

Investors have shorted 25 percent of the shares of Tempe, Arizona-based First Solar, the worlds biggest solar module producer, and 22 percent of SunPower Corp., its rival based in San Jose, California.

Goldman sold 17 percent of its holding in First Solar in the third quarter and Deutsche sold 28 percent. Edgewood Management LLC, Calamos Advisors LLC and Morgan Stanley & Co. also cut their exposure to that stock, U.S. regulatory filings show.

--With assistance from Christopher Martin in New York; Editors: Todd White, Randall Hackle

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05/12/2011 07:13 AM

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Subject California Air Board Chair, Investors Join in Promoting Stricter Vehicle Standards

Daily Environment Report: News Archive > 2011 > May > 05/12/2011 > News > Climate Change: California Air Board Chair, Investors Join in Promoting Stricter Vehicle Standards

California Air Board Chair, Investors
Join in Promoting Stricter Vehicle Standards

LOS ANGELES—California Air Resources Board Chairman Mary D. Nichols joined investment analysts May 11 in touting the potential economic benefits of stricter vehicle fuel economy and greenhouse gas standards.

Speaking at a conference in Oakland, Nichols said the state's decades-long battle for the cleanest cars possible and reductions in air pollution has yielded trillions of dollars in benefits by reducing hospital stays and increasing worker productivity.

"We've made our citizens better off and we've got great cars," Nichols said during a session at a conference sponsored by Ceres, which continues May 12. Ceres is a national network of investors, environmental organizations, and other public interest groups that promote sustainability.

Nichols spoke briefly on the joint effort under way by California and the Obama administration to draft a new generation of national standards for 2017-2025 model year vehicles, but offered no specifics on the proposed rulemaking other than to say it is due in September.

"I'm very interested in the results of the Ceres report" that came out in March, which indicated that the most stringent standards the Environmental Protection Agency and Department of Transportation are considering could boost profits for U.S. automobile makers 8 percent by 2020 and save drivers \$3,000 a year in fuel costs, Nichols said.

Released March 30, the report was based on an assumption that fuel economy standards would increase by 6 percent a year between 2017 and 2025 (62 DEN A-3, 3/31/11).

Fuel Economy Boost Sought

In a notice of intent and technical analysis released in October, EPA and the National Highway Traffic Safety Administration asked for comment on a range of new standards that would boost fuel economy from 3 percent to 6 percent each year.

Investment analysts on the panel stressed the need for the new national standards to provide the regulatory certainty needed to attract investment in advanced vehicle technologies in the United States.

In the opening session at the conference, California Public Employees' Retirement System Chief Executive Officer Anne Stausboll announced the pension plan has made commitments to integrate the Ceres environmental, social, and governance goals into its practices and its work to encourage signatories of the Investor Network on Climate Risk to address environmental sustainability issues.

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09/16/2010 08:42 PM

To "Richard Windsor", "Barbara Bennett", "Mathy Stanislaus",
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bcc

Subject Green Investment Groups Urge EPA To Regulate Coal Ash
as Hazardous Waste

Solid Waste

Green Investment Groups Urge EPA To Regulate Coal Ash as Hazardous Waste

Institutional investors representing \$240 billion in assets urged the Environmental Protection Agency Sept. 15 to adopt the stricter of two proposed options for regulating coal ash, saying current regulations protect neither the environment nor the financial interests of coal-fired power plant owners.

"The catastrophic coal ash spill at the Tennessee Valley Authority pond in December 2008 demonstrated that current regulations are not enough to mitigate environmental and financial risks for utilities and shareholders," said a letter drafted by Green Century Capital Management and As You Sow.

The letter signed by 24 groups of investors was submitted to EPA Sept. 15 as a comment on the proposed rules. Green Century calls itself "an investment advisory firm focused on environmentally responsible investing." As You Sow is a nonprofit organization dedicated to promoting "corporate responsibility, social justice and environmental protection."

They told EPA that it is not just the TVA situation that concerns them. "There is documented evidence of coal ash contamination from leaching or spillage at over 67 different sites in the U.S.," according to Emily Stone, a shareholder advocate at Green Century.

Groups Endorse Subtitle C Option

The investors endorse the financial assurance requirement in Subtitle C, which would assure shareholders and enforcement agencies that a company has sufficient financial resources in place to cover response and cleanup of any releases of coal ash, to close down coal ash sludge ponds, or to deal with any other coal ash-related impacts.

The investors said in their letter that coal ash ponds and landfills are subject to "less consistent regulation than landfills accepting household trash."

They note that the TVA is facing over \$1 billion in costs along with dozens of lawsuits after the December 2008 spill of over 1 billion gallons of coal ash sludge from a storage pond in Kingston, Tenn. (250 DEN A-4, 12/31/08)

Two Options Proposed in May

EPA proposed a rule in May offering two options for regulating disposal of the ash generated by coal-fired power plants. One proposal would regulate it through EPA's regulatory scheme for hazardous waste, and the other would continue to designate it as nonhazardous waste, and the primary enforcement authority would rest with the states (85 DEN A-11, 5/5/10).

The first plan would govern coal ash disposal under Subtitle C of the Resource Conservation and Recovery Act, and is supported by most environmental groups and states that have publicly commented.

The Subtitle D option, generally favored by the industry, would still "raise the bar nationally" by requiring disposal site liners, monitoring, and other protective measures, a Duke Energy official said at an EPA

public hearing in Charlotte, N.C., on Sept. 14 (177 DEN A-10, 9/15/10).

The coal-fired power industry is citing lack of landfill capacity and increased costs of doing business among other reasons for opposing the more stringent regulation.

In addition to accepting written comments, EPA is holding public hearings in states most affected by the coal ash generated by coal-fired power plants.

Five have been held and three more are scheduled: Sept. 16 in Chicago, Sept. 21 in Pittsburgh, and Sept. 28 in Louisville. Another will be scheduled in Knoxville, Tenn., the week of Oct. 25, but no specific date has been set.

Signatories to the comment letter from investors included the state treasurers of Oregon and Connecticut, and the comptroller of the New York State Common Retirement Fund, as well as several private investment groups.

By Janice Valverde

More

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11/17/2010 03:33 PM

To "Richard Windsor", "Barbara Bennett", "Paul Anastas"
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Subject 4. BUSINESS: Corporate 'sustainability' push flowers in
sluggish economy (11/17/2010)

4. BUSINESS: Corporate 'sustainability' push flowers in sluggish economy (11/17/2010)

Nathanial Gronewold, E&E reporter

NEW YORK -- The recession taught many companies that "sustainability" can mean profits.

Slashing energy use and streamlining production in hard times, businesses learned that being green made a positive difference in their bottom lines and made a positive impression on Wall Street analysts and investors.

[REDACTED]

So companies are now zeroing in on a range of green targets -- from curbing water consumption to analyzing the greenhouse gas emissions of suppliers -- to show the Street that solid managers are in control.

[REDACTED]

Consider the case of Goldman Sachs Group. Three and a half years ago, the firm launched GS SUSTAIN, a research-advice service that looks to environmentalism as much as it does management talent and market share. At the time, the firm said it wanted to prove investors could achieve solid, long-term returns from equity holdings through a focus on a company's performance on environmental, social and corporate governance (ESG).

Although GS SUSTAIN began just before the 2008 financial crash, the effort has survived and thrived, tripling its staff through the period and generally outperforming the overall market by a significant gap. Goldman Sachs says the GS SUSTAIN Focus List, an index of the top tier of the 1,000 companies tracked, has outperformed the more generalized MSCI All Country World Index by 39.9 percent since the unit's creation in June 2007.

Key to that performance, they say: methodology developed to measure corporate social responsibility, determining how closely and carefully a company's managers heed the environmental and social impacts of doing business.

"On average, the performance of the companies we've highlighted has been extremely strong," said Andrew Howard, Goldman's head of GS SUSTAIN research. "The philosophy and the logic behind what GS SUSTAIN is trying to achieve has been effective over the last three and a half years."

Companies large and small seem to be taking notice, and consultancies are reaping the benefit as firms scramble to understand how they stack up to their competitors.

In the latest example, Unilever this week announced a campaign to "decouple future growth from environmental impact." Central to the announcement is a goal to cut by half the amount of water, solid waste and carbon emissions from product production, supply chain and end-use consumers. Unilever CEO Paul Polman said he sees no conflict between sustainability and shareholder returns.

"We are already finding that tackling sustainability challenges provides new opportunities for sustainable growth," Polman said at an event announcing the initiative. "It creates preference for our brands, builds business with our retail customers, drives our innovation, grows our markets and, in many cases, generates cost savings."

Not to be outdone, Avon, the cosmetics giant more famous for tackling women's issues, said it has launched a new global green campaign starting this year with a focus on product manufacturing. "We set very, very tight and stringent goals," Avon CEO Andrea Jung told a sustainability-focused event for executives in Manhattan. "We're committed to progress in water, energy, recycling and waste."

Green consultants doing 'quite well'

Companies that consult on corporate sustainability, many with their own specialized ESG offices, have also done well throughout the downturn.

Firms scrambling to hire them not only to manage their corporate social-responsibility reports but also to integrate green practices into their entire operations are signs, many executives say, that corporations are taking to heart the concept that firms that are more environmentally and socially aware are also more profitable.

The "Big Four" accounting and auditing firms as well as a range of smaller competitors are reporting that their divisions specializing in greenhouse gas accounting, managing water consumption and auditing energy use have all grown during the recession years, with demand for these services only getting stronger.

"It's been doing quite well, even in spite of the recession," said Chris Park, national leader of sustainability and climate change services at Deloitte. "While we slowed down a little bit during the recession in sustainability, we took the opportunity to really refresh our growth strategy and kind of double down on sustainability, alternative energy and related topics as the growth areas."

Today, sustainability advising is one of Deloitte's top five growing business segments. Officials with Ernst & Young, PricewaterhouseCoopers and KPMG all report similar results.

Though the firms had built up those service areas in anticipation of cap-and-trade legislation for curbing U.S. greenhouse gas emissions, the business of carbon management and green consulting has branched out into services ranging from assurance to tax compliance and corporate performance audits.

"The business is very robust," said Steve Starbuck, Americas head of climate change and sustainability services at Ernst & Young. "Even without federal regulation, and even without state regulations, our clients are being driven by a number of different business drivers; the most obvious one is that companies are trying to make money off of this."

The strength of that approach hasn't gone unnoticed. Through the ups and downs of the stock markets, Wall Street analysts' appetite for verifiable environmental and social indicators placed alongside financial data is getting stronger, raising the odds that financial regulators may require companies to report on their green performance every time they file quarterly earnings statements.

"What you're seeing also is regulators like the [Securities and Exchange Commission] taking some steps to require financial reports to cover material sustainability issues," said Aron Cramer, CEO of BSR, a consulting firm that specializes in social responsibility and environmental, social and corporate governance.

"I think there's a trend. I think where it lands is to me still uncertain, but I think you'll see more sustainability information in the financial, mainstream financial reporting."

Sustainability splits from climate debate

However, it's unlikely there will soon be a merging of sustainability and financial reports in the United States, although a handful of European firms are said to already be doing this, Cramer said.

"On balance, it's a good thing, but it's not unequivocally a good thing, and figuring out how to maintain both the quantity and quality and essence of the information that companies report will have to be

rethought if you have integrated reporting," he said.

The sustainability movement is also becoming more divorced from the larger climate change debate.

From a focus on carbon ahead of last December's U.N. summit on greenhouse gas emissions in Copenhagen, Denmark, the market has grown "and really has shifted to companies looking at the complete sustainability footprint," said Dailey Tipton, sales and marketing leader for FirstCarbon Solutions, an eco-consultancy.

FirstCarbon's own experience is telling.

A spinoff from ADEC Solutions, the company grew out of units that dealt mainly with credit-card application, human resources and expense management to moving into carbon footprint calculations and assessments of supply chain waste streams in 2007.

Though its very name implies a climate change-centric approach, Tipton says demand for his company's services has only increased since Copenhagen, and that customer requests reflect a higher level of sophistication as companies start to take sustainability more seriously.

"At this time last year, everyone was concerned about carbon management this, carbon management that, how do I get my footprint, how do I get my energy bills into a program to allow so on and so forth," he said. Lately, however, his clients seem to be driven more by investors and analysts' concerns and a desire to stay afoot of the trend toward sustainability in business.

Market data and information giants that serve investors are also joining the fray as they scramble to acquire in-house expertise on renewable energy, waste management and climate matters.

Most of these information firms are buying the expertise they very recently lacked.

Hence Bloomberg's purchase of New Energy Finance last December and Thompson Reuters' acquisition of the ESG-focused investment research firm ASSET4 late last year and carbon market monitor Point Carbon in May.

Booming participation in sustainability index

More and more major corporations are also working hard to get their brands listed on the Dow Jones Sustainability Index (DJSI), which has emerged over the past decade as a sort of seal of quality that identifies well-managed firms.

"We see a steady rise in the participation rate," said François Vetri, a researcher at Sustainable Asset Management in Zurich, the company that assists Dow Jones with creating the index.

"Even during the recession, because sustainability has reached top management or even board level, each company wants to be perceived as being sustainable, and since the DJSI is one of the most renowned indexes, yes, they do want to get in it," Vetri said. "That's exactly what we want."

Competition for spots on the DJSI is exploding.

From just 200 firms agreeing to fill out the lengthy questionnaire at the start of measuring in 1999, Vetri said, today, more than 700 firms actively do so, a number that is steadily rising.

Though the corporate world has experienced bouts of green euphoria in the past, many experts say it's here to stay this time.

"Our sincere belief is that if it were a fad, it would have dwindled out in '03, '04 or maybe '05," Deloitte's Park said. "It stuck around longer than that, it has weathered this recession as a top issue, and now, if anything, the global recovery will only reignite the debate about human impact on climate, energy, energy

security, social impact and all those other sorts of things.

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04/21/2011 10:02 AM

To "Richard Windsor", "Barbara Bennett", "Seth Oster"
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Subject Report Finds 62 Percent of Businesses Have Corporate
Sustainability Programs

Daily Environment Report: News Archive > 2011 > April > 04/21/2011 > News > Sustainability: Report
Finds 62 Percent of Businesses Have Corporate Sustainability Programs

77 DEN A-3

Sustainability

Report Finds 62 Percent of Businesses
Have Corporate Sustainability Programs

Governments need to design regulations that will encourage businesses to invest in sustainability and foster accurate measurements to verify environmental gains, according to an April 18 report by the consulting firm KPMG.

The report, Corporate Sustainability: A Progress Report, surveyed 378 executives from a range of industries across the globe on their businesses' sustainability plans. It found that 62 percent of businesses have corporate sustainability plans, up from 50 percent in 2008. Only 5 percent of surveyed businesses said they had no plans to address sustainability issues, while the remainder said they were working on their plans.

However, only one-third of those that have such plans publicly report their progress. Half of the executives surveyed thought sustainability programs would improve their company's profitability.

The report defined corporate sustainability as "adopting business strategies that meet the needs of the enterprise and its stakeholders today while sustaining the resources, both human and natural, that will be needed in the future."

The report identified three obstacles to encouraging businesses to invest in sustainability programs:

- a lack of financing options that would allow longer-term benefits of sustainability to compete with cheaper short-term options,
- a lack of common measurements and credible information to perform the required analyses, and
- international regulation to provide businesses with the certainty they need to make the investments.

Source of Innovation

"These initiatives need to succeed because it is clear from our investigations that sustainability can be a source of innovation and growth, if governments help businesses make it so," according to the report. "The large amount of private sector funds necessary to achieve climate change goals will be released only when investors are confident that governments are committed to making these new systems work."

Additionally, properly crafted regulations could meet environmental goals and "create a self-sufficient market for sustainability," according to the report.

In 1996, about 300 businesses had developed corporate sustainability reports. That number has grown to more than 3,100 in 2010, according to the report. The growth in sustainability planning requires industries to have reliable data to plan properly and to calculate return on investment, the report said.

"For sustainability programs to be properly integrated into operational strategy, meaningful and reliable metrics must be developed along with the underlying processes and systems to produce such information," according to the report.

The survey was done in October 2010 before the United Nations Framework Convention on Climate Change talks in Cancun, Mexico. At those talks, negotiators from 194 countries adopted a series of agreements recognizing the need for deeper cuts in greenhouse gas emissions, providing a foundation for broad forest protection, and helping developing countries adapt to climate change (238 DEN A-4, 12/14/10).

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To "Richard Windsor"
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Subject Bloomberg-Clinton group

Administrator,

Would you be interested in meeting with the leadership of the newly merged Bloomberg (C40)-Clinton Climate Initiative (CCI) organization?

Best,

Charles

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04/28/2011 08:10 PM

To "Richard Windsor", "Bob Perciasepe"
cc
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Subject Climate Change Risk Disclosure Shareholder Proposal Faces
GE Shareholders

[OBJ]

Climate Change Risk Disclosure Shareholder Proposal Faces GE Shareholders

WASHINGTON, April 27, 2011 /PRNewswire-USNewswire/ -- Officials from the National Center for Public Policy Research will present a Climate Change Risk Disclosure shareholder proposal at the GE shareholder meeting Wednesday. If adopted, the proposal will require GE management to follow SEC guidance by disclosing the business risk from changes in the scientific, legislative and political landscape regarding developments in climate change.

Participating in the shareholder meeting are Tom Borelli, Ph.D., director of the National Center's Free Enterprise Project, David A. Ridenour, vice president of the National Center, and Deneen Borelli, full-time fellow of the National Center-sponsored Project 21 black leadership network.

"The shareholder proposal was based on guidance issued by the Securities and Exchange Commission, which voted in 2010 to encourage corporations to disclose the possible business and legal impact of climate change to shareholders," said Dr. Tom Borelli. "Many CEOs have not been forthcoming about the business risk related to changes in climate change policies and have failed to exercise their fiduciary responsibility by not assessing and communicating the impact of emissions regulations on their businesses."

GE petitioned the SEC to permit it to reject consideration of the proposal, but the SEC ruled in favor of the National Center for Public Policy Research.

Polling conducted by the National Center for Public Policy Research and FreedomWorks in October 2010 reveal GE has further placed itself at financial risk by alienating conservative consumers.

"Among self-identified conservatives, which is 42% of the U.S. population, GE had a 51% favorable and 25% unfavorable rating until they learned that GE lobbied for President Obama's \$787 billion stimulus plan, from which it benefited, and for cap-and-trade," said David Ridenour. "Then the numbers almost switched: 20% favorable and 50% unfavorable."

"What's more, added Ridenour, "our polling showed sixty percent of conservative voters are less likely to buy products from companies that have lobbied in favor of Obama's legislative agenda, as GE repeatedly has done, and in a high-profile manner. GE is driving away these consumers by lobbying for big government."

Polling results are available at <http://www.nationalcenter.org/teapartysurvey.pdf>

In 2011, the National Center and FreedomWorks jointly produced a commercial questioning the leadership of GE CEO Jeffrey Immelt, viewable at <http://youtu.be/9op8B3ZcnD4>

National Center for Public Policy Research personnel will participate in the "Fire Jeff Immelt Rally" being organized by Utah Rising, FreedomWorks and local Tea Party organizations before the shareholder meeting. Dr. Tom Borelli and Deneen Borelli are scheduled speakers.

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Subject Former EPA Policy Chief Sees OTAQ As Model To Reduce,
Prioritize Rules

Daily News

Former EPA Policy Chief Sees OTAQ As Model To Reduce, Prioritize Rules

Posted: February 6, 2012

Former EPA policy chief Lisa Heinzerling says the agency is overburdened with rules driven by statutory and legal deadlines and should cut its workload by pursuing fewer rules and focusing on high priority regulations, citing EPA's Office of Transportation and Air Quality (OTAQ) as a model for other offices on prioritizing rules.

Although OTAQ faces various deadlines under the Clean Air Act for issuing air and other regulations, the office identifies high priority rules that fit its "vision" of what the transportation industry should look like, Heinzerling told a Feb. 2 American Law Institute-American Bar Association (ALI-ABA) conference in Washington, DC. As a result OTAQ misses some deadlines to focus on other rules, avoiding a "conveyor belt" of putting out rules, she said.

Environmentalists have sued EPA for failing to issue rules, with activists currently pursuing a lawsuit against EPA for failing to develop a finding on whether greenhouse gases (GHG) endanger human health and welfare. But EPA is fighting the lawsuit by arguing that it has "more urgent" priorities to address ahead of the risk finding.

For example, OTAQ is first targeting larger mobile sources of GHGs such as automobiles, with a final fuel economy and GHG rule for model year 2017-2025 light-duty vehicles due for release this fall.

OTAQ's delay on the risk finding "in no way indicates that EPA is somehow lacking in commitment to greenhouse gas regulation -- it means only that EPA has pursued more urgent priorities first, and has ordered its actions with an eye to obtaining the greatest environmental return for its investment of agency time and resources," the agency argued in a July 27 motion filed with the U.S. Court of Appeals for the District of Columbia Circuit.

At the ALI-ABA event, Heinzerling said that OTAQ's approach of prioritizing rules that fit the office's broader vision and letting some deadlines slip for other regulations is a good model for other offices. "Perhaps, the agency could instead re-group a little," identify those rules that are the most important, "and just do them."

This involves the "painful" process of telling some offices in the agency that their rules are a lower priority and will not be pursued for the time-being, she said. But shifting the focus to higher priority regulations could also help alleviate the resource burdens that some agency offices face in crafting dozens of new regulations.

For example, EPA's Office of Air and Radiation faces a slew of deadlines for issuing or revising rules set out in the air law, through court mandates and in consent decrees with environmentalists and others that sue to force action on rules.

Heinzerling's comments suggest that EPA should take a more selective approach agency-wide in deciding which of those deadlines are priorities, and let some slip in order to focus on the most important rules.

Some panelists at the ALI-ABA event said the idea that EPA's rulemaking is deadline-driven is a "legal fiction," but Heinzerling rejected that claim. At the same time, she suggested EPA focus its shrinking resources on the most important new rules rather than ensuring it abides by all of the legal or statutory deadlines it faces.

EPA On 'Autopilot'

Environmental attorney E. Donald Elliott, of law firm Willkie Farr & Gallagher LLP, speaking at the same event, noted that the Clean Air Act amendments of 1990 set EPA on "autopilot" by requiring rules on several fixed schedules, resulting in the conveyor belt effect. He added, though, that this is still preferable to trying to limit pollution from major industry sectors through legislation, given the current gridlock in Congress on environmental issues.

Both Elliott and Heinzerling noted the trend for EPA to issue "mega rules," or packages of major rules such as the maximum achievable control technology (MACT) standards for utilities and boilers, and the cross-state air pollution rule (CSAPR), EPA's cap-and-trade program to limit interstate pollution from power plants.

Congress in the past tried to address the goals of rules of this magnitude through legislation, such as the acid rain program of the 1990s, but in the current political climate this is not an option, they said.

The two speakers also noted the likelihood of more so-called mega rules being issued in the future, with Heinzerling citing forthcoming ozone and particulate matter national ambient air quality standards as examples.

At the event, Heinzerling also said that the Administrative Procedure Act's notice-and-comment requirements for rulemakings should be reassessed. Heinzerling said it is "ridiculous" that rules can take up to 15 years to be issued because of notice-and-comment for various stages of the procedure. Further delays can occur when groups file suits claiming flaws in the notice-and-comment process, she said. -- Stuart Parker (sparker@iwpnews.com)

Related News: Air

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Subject North America 2050 Initiative Created For State Collaboration
on Climate, Energy

Daily Environment Report: News Archive > 2011 > November > 11/28/2011

North America 2050 Initiative Created For State Collaboration on Climate, Energy

By Carolyn Whetzel

LOS ANGELES—States interested in collaborating on climate change and energy policies have a new forum called North America 2050.

The forum grew out of an effort that began in 2009 when representatives of the Regional Greenhouse Gas Initiative (RGGI) in the East, the Western Climate Initiative (WCI), and the Midwestern Greenhouse Gas Reduction Accord (Midwest Accord) teamed up to share information, Doug Scott, former director of the Illinois Environmental Protection Agency and representative to the Midwest Accord, told BNA Nov. 23.

Political shifts in state houses have prompted states involved in WCI and the Midwest Accord to retreat from plans to pursue regional greenhouse gas emissions cap-and-trade programs, but the states still want to keep working together on a variety of issues, said Scott, now chairman of the Illinois Public Utilities Commission (224 DEN A-13, 11/21/11).

"There are a lot of reasons for states to work together on climate and energy policies," Scott said. "The ability to promote energy efficiency and create jobs" is something all states can get behind. Sharing and developing strategies for implementing federal regulations, like the new source performance standards for stationary sources the Environmental Protection Agency is proposing, can be helpful, he said.

"All the states are going to have to deal with the federal rule," Scott said.

Formal Structure Sought

Efforts are under way to formally establish North America 2050 (NA 2050), which will adopt the basic "work group" framework for collaboration established when WCI and the Midwest Accord were formed, Scott said.

Specifically, NA 2050 will create work groups to address the energy, climate change, and economic challenges facing each partner jurisdiction, he said.

The first news of NA 2050 emerged with the Nov. 10 announcement by WCI Inc. that California and the Canadian provinces of British Columbia, Manitoba, Ontario, and Quebec had formed a nonprofit organization to support linking their respective cap-and-trade programs.

A fact sheet on the WCI website said NA 2050 "is open to all U.S. States, Canadian Provinces, and Mexican States committed to policies that move their jurisdictions toward a low-carbon economy while creating jobs, enhancing energy independence and security, protecting public health and the environment, and demonstrating climate leadership."

"We plan a face-to-face meeting early in 2012," Scott said.

The new partnership will aim to coordinate efforts to develop cost-effective policies; advocate for appropriate roles for federal, state, and provincial governments; reduce greenhouse gas emissions; and demonstrate the economic benefits of policies, the fact sheet said.

Creation of Seven Work Groups

NA 2050 envisions the creation of seven work groups to:

- evaluate the benefits of a low-carbon economy,
- better understand and prepare for implementing the new source performance standard requirements for the power sector,
- develop programs to promote industrial energy efficiency,
- examine issues surrounding carbon capture and sequestration,
- evaluate and support the use of harvested biomass fuels,
- develop high-quality offsets that could be used for emissions trading or for other purposes, and
- examine issues related to possible linking of emissions trading programs in the future.

According to Scott, all the original partners of WCI (Arizona, California, Montana, New Mexico, Oregon, Utah, Washington, British Columbia, Ontario, and Quebec); the Midwest Accord (Wisconsin, Minnesota, Illinois, Iowa, Michigan, Kansas, and Manitoba), and RGGI (Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont) are expected to continue working together through NA 2050.

In addition, the hope is that other states will join the forum, Scott said.

CARB Chief Supports New Entity

Mary D. Nichols, chairwoman of the California Air Resources Board, said in a Nov. 17 statement in support of NA 2050, "We have high hopes that this effort will enable our state and provincial partners to join us in taking comprehensive action that reduces greenhouse gas emissions and creates economic opportunities."

"There are many opportunities for states and provinces to take real, measurable steps to cut carbon emissions and reduce petroleum dependency," the statement said.

Nichols reiterated California's commitment to link its multisector greenhouse gas emissions trading program to those being developed in British Columbia, Manitoba, Ontario, and Quebec.

The fact sheet on North America 2050 is available at

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[\[REDACTED\]](#) CAMPAIGN 2012: Obama highlights energy agenda at NYC fundraisers (04/28/2011)

Elana Schor, E&E reporter

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President Obama cast energy reform as a major piece of unfinished business for his administration in a trio of New York City fundraisers last night, defending his spending on renewable power and promising not "to sacrifice clean air and clean water" during deficit-reduction talks.

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The president's remarks came as Republicans gear up for a summer of slamming the White House over domestic fossil-fuel production policies that they blame for driving gas above \$4 per gallon in many areas of the country. Even as polls show Obama's popularity taking a hit from the price spikes, he doubled down on the same calls for more clean-energy investment and fewer oil and gas subsidies that are driving the Democratic agenda on Capitol Hill.

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"We want to invent the next big energy breakthrough that is going to make sure that we're no longer dependent on foreign oil, and we can start finally doing something about climate change, and we're not vulnerable to huge spikes in gasoline prices," Obama told about 350 people at the Waldorf-Astoria Hotel.

The absence of the phrase "climate change" from Obama's State of the Union address this year came as a symbolic blow to some environmentalists who worked on the issue during the 111th Congress. But last night, Obama followed that mention by touting the multibillion-dollar infusion given to the Department of Energy by his 2009 economic stimulus law, another arena where Republicans have slammed the White House as wasting taxpayer money.

The stimulus is "already changing how jobs and businesses across the country are thinking about energy," Obama said at a town hall fundraiser, his third on a night that raised an estimated \$2 million to \$3 million for the Democratic National Committee and his re-election.

Still, the president added, "we've got a lot more work to do to have an energy policy that works." That work could be paid for, Obama contended, by rolling back more than \$4 billion in tax benefits for major oil and gas companies -- a plan that stoked a political conflagration this week after House Speaker John Boehner (R-Ohio) appeared open to considering it (Greenwire, April 26).

"I'm not going to reduce our deficit by sacrificing the things that always made us great as a people," Obama said at the town hall fundraiser. "I'm not going to sacrifice clean air and clean water."

The central role for energy in Obama's remarks -- during his first fundraiser, at the home of former Gov. Jon Corzine (D-N.J.), he put it on par with immigration in terms of still-pending priorities -- suggests that if bipartisan accord cannot be reached during this Congress, the issue would climb even higher on the agenda for his second term.

Yet Republicans are anything but willing to give ground to the White House on energy, particularly given the potential for high gas costs to kneecap Obama's re-election efforts. GOP lawmakers point out that eliminating tax subsidies for the oil industry, as Democratic leaders are pushing for, would translate into

scant immediate help for consumers squeezed by prices at the pump.

Moreover, the president's party is far from unified on an issue now consuming an increasing amount of oxygen in Washington. Rep. Dan Boren (D-Okla.), a member of the conservative Blue Dog Democrats, lambasted the president for pursuing a rollback of tax benefits that he said would lead to job losses in the oil patch.

"He may write off Oklahoma," Boren said of Obama in an interview with Fox News yesterday. "I don't know if he has been to Oklahoma since the last election, but he should be in places like the Gulf Coast, because, I mean, people are losing their jobs every single day because of this administration's policies

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Subject OIL AND GAS:House Republicans spoil for fight on fracking

OIL AND GAS: House Republicans spoil for fight on fracking

Mike Soraghan, E&E reporter

Published: Friday, January 20, 2012

House Republicans' top investigator is going after the Obama administration's approach to shale gas drilling and hydraulic fracturing, creating the potential for an election-year fight about the nation's drilling boom.

House Oversight and Government Reform Chairman Darrell Issa (R-Calif.) is questioning whether U.S. EPA chief Lisa Jackson has "prejudged" fracturing as an environmentally threat worthy of strict federal regulation. And he has subpoenaed Energy Secretary Steven Chu about how he chose a panel to look into the safety of shale gas drilling.

Issa issued the subpoena Oct. 5, but he is now taking the fight public as the congressional Solyndra investigation winds down and the Keystone XL pipeline debate picks up steam. The move also comes as EPA and Jackson spar with Pennsylvania officials about drilling and water contamination in Dimock, Pa. (Greenwire, Jan. 16).

"Three federal agencies are vying for the role of federal regulator of the industry," Issa wrote in a letter yesterday that was also signed by Rep. James Lankford (R-Okla.), who chairs an oversight subcommittee. "It appears EPA is preparing to regulate the practice of hydraulic fracturing in such a way as to make an unreliable method of obtaining natural gas."

Issa also demanded an answer to a question often asked by industry backers: "Can EPA cite a single instance where the practice of hydraulic fracturing has led to groundwater contamination?"

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For the first time, Jackson's answer to that could be yes. EPA officials recently released a study of water contamination in Pavillion, Wyo., that found "constituents associated with hydraulic fracturing have been released into the Wind River drinking water aquifer" under Pavillion (E&ENews PM, Jan. 17).

However, EnCana Corp., the local driller, has categorically denied the allegations. And EPA didn't report finding fracturing chemicals in residents' drinking water, only in the deeper aquifer. The EPA study was done by some of the same EPA offices conducting a wide-ranging inquiry into whether fracturing poses a threat to drinking water. The study is due after the November election.

In response to Issa's letter, an EPA spokeswoman issued a statement that sidestepped his accusations.

"EPA has in several instances responded to public concerns about potential drinking water contamination. We have conducted a water investigation in Pavillion, Wyo., and will begin a round of water sampling at residences in Dimock, PA, in both cases after residents expressed concern about water contamination in their wells," the agency said. "In the meantime, if we see an immediate threat to public health, we will not hesitate to take steps under the law to protect Americans whose health may be at risk."

Issa's accusation that EPA expects U.S. EPA to try to block hydraulic fracturing is extrapolated from emails between staffers at the Federal Energy Regulatory Commission during a review of the Utility

MACT rule. He cites a March 15, 2011, email from David Kathan, an economist in FERC's Office of Energy Policy and Innovation.

"EPA rejects the option of fuel switching based [on] its concerns about natural gas availability and environmental impacts of hydraulic fracturing associated with shale gas production," Kathan wrote. He said EPA would support a conclusion about electricity availability only if FERC believes certain amounts of power could be generated "without the use of hydraulic fracturing."

To Issa, that contradicts Jackson's testimony in hearings that state governments are the appropriate "first line of defense" against environmental damage.

"EPA's comments to FERC demonstrate EPA has come to a predetermined conclusion that hydraulic fracturing will be imminently regulated by EPA," Issa wrote.

A fine line

The Obama administration expanded a Department of Energy advisory panel in May and asked members to undertake a study into the safety of shale gas drilling and hydraulic fracturing.

President Obama was trying to walk a fine line between supporting the job-creating shale gas industry and environmentalists pointing out water contamination and other industrial pollution around drilling sites.

The committee issued a report that hailed the potential of shale gas as an energy source, but said drilling companies' lax approach to environmental protection risked a political backlash that could jeopardize expansion of the industry (Greenwire, Aug. 11, 2011).

As soon as the panel was formed, Issa, other Republicans and industry groups such as the American Petroleum Institute complained that Chu had not chosen any oil and gas company employees for the panel, while the group did include the head of an environmental group.

Environmentalists, on the other hand, complained that all but one member of the panel had financial ties to the oil and gas industry.

Since the subpoena was issued, there has been a behind-the-scenes tussle between administration appointees at DOE and Issa's staff that was laid out in a letter yesterday to Chu.

But DOE hasn't given committee staffers the documents they want. So Issa is demanding that seven DOE staffers submit to transcribed interviews, including White House liaison Mackey Dykes and Chief of Staff Brandon Hurlbut.

DOE officials said they're reviewing Issa's letter and said they have cooperated with Issa's investigation. But they defended the composition of the fracking panel.

"While Chairman Issa's investigation is based on the concern that the panel would be biased against industry, the group of experts brought together by Secretary Chu to help improve the safety and sustainability of natural gas fracturing included leaders from industry, states, environmental groups, and academia," said DOE spokeswoman Jen Stutsman. "The final report produced by the group was widely recognized as balanced and nonpartisan."

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Top News

Analysis: Gas is killing green energy in price war

Thu, Jun 16 15:57 PM EDT



By Gerard Wynn

LONDON (Reuters) - A widening shale gas revolution is killing the economics of renewable energy, even as falling costs allow wind and solar to overtake fossil fuels in niche areas, say energy executives and analysts.

Solar panel prices are down about 10 percent this year, but chasing a moving target as discovery of cheap shale gas spreads beyond the United States, experts told Reuters energy and climate summit.

Even big renewables investors, such as French energy company Total, see solar as a tiny part of the picture decades out, compared with gas. Total paid \$1.4 billion for a majority stake in U.S.-based SunPower Corp.

"You have one energy that represents today more than 20 percent of the energy mix, and solar today is close to zero and will represent maybe 1 or 1.5 percent in 20 years from now," said Jean-Jacques Mosconi, Total head of strategy.

The trouble is that a new "golden age of gas," as the International Energy Agency dubbed it, has created massive over-capacity in a key rival fuel for power generation.

"The economic viability of a lot of the renewables are getting killed because we have too much gas in the world right now," said Jeff Currie, global head of commodities research at Goldman Sachs.

"It's made a lot of these other projects like solar and wind struggle in terms of their economic viability, and coal too."

Building new gas plants was half the price of new nuclear, and much cheaper than wind and solar, said John Rowe, chairman of U.S. power company Exelon Corp. Shale gas has especially suppressed prices in the United States.

Energy ripples from a Japan quake, where some countries are now rolling back nuclear plans after the Fukushima crisis, would favor coal and gas as much as renewables, said International Energy Agency chief economist Fatih Birol.

"When Germany say they are going to use alternative energy sources, I just don't see it, if you try to switch now to solar power it will cost them 20 times more," said Peter Csoregh at Robeco's Natural Resource equities fund, expecting instead greater use in Germany of gas, coal and imported nuclear.

FALLING SOLAR

Offshore wind may be in the same cost range as gas by 2015, said Joergen Kildahl, a board member at Germany's E.ON group, one of the world's biggest utilities.

But that did not include the cost of building back-up for the intermittent power source. "You need to buy the flexibility to balance your production. That's a big question mark," he said.

After steep price falls solar power is now close to being economic without subsidies -- called grid parity -- but only in niche areas including parts of California and Italy, sunny places with high power prices and fewer alternatives.

Falls in solar panel prices may flatten by 2013-2014, said Steven Chan, president of Suntech America, the North American unit of Chinese panel maker Suntech, who cited studies suggesting widespread grid parity with retail power prices by 2015.

Trina Solar, China's largest solar panel maker by value, was shipping modules at \$1.50-1.55 now, down nearly 10 percent from a year ago, and expected prices at \$1.40-\$1.45 by year-end.

Industry module prices had fallen by about 10 percent in the first half this year and would fall a further 4-5 percent in the summer, said Frank Asbeck, chief executive of SolarWorld, Germany's second-largest solar company by value.

"(That) is when some Chinese players will run into difficulties," he added, referring to further price falls.

Analysts and renewable energy supporters often point to hidden costs in the case of fossil fuels and nuclear.

Fossil fuels, for example, produce carbon emissions whose damaging impact on the world's climate is not priced outside Europe. Rare accidents and waste disposal may not be fully costed in the case of nuclear power. Question marks have been raised over the impact of shale gas on water quality.

"It's essential that we provide a policy framework that provides a level playing field," said Rajendra Pachauri, the head of a U.N. panel of climate scientists.

-- Additional reporting by Nina Chestney, Vera Eckert, Barbara Lewis, Karolin Schaps and Muriel Boselli in London; Christoph Steitz in Frankfurt; Nichola Groom in Los Angeles; Alister Doyle in Germany; Eileen O'Grady in Houston; and Leonora Walet in Hong Kong

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Subject House Members Predict More Riders To Limit EPA As
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News

House Members Predict More Riders To Limit EPA As Spending Bill Moves

Posted: July 7, 2011

A House Appropriations subcommittee on July 7 approved its fiscal year 2012 spending bill for EPA, but Democrats and Republicans alike expect a slew of additional riders to limit EPA policies, including its utility and boiler air toxics rules, as the measure moves to full committee markup next week and then on to the floor. The bill passed by the interior and environment subcommittee would block funding for EPA's climate change program and nullify already-issued Clean Air Act permits for greenhouse gas emissions.

Such provisions are unlikely to pass the Senate, but in this year's muddled budget environment, it is unclear how any of the annual appropriations bills ultimately will be reconciled. The Senate has yet to begin work on its EPA spending bill. The Senate earlier this year rejected a House-passed continuing resolution that would have undone climate change and other EPA rules.

The interior and environment spending bill would cut overall EPA funding 18 percent from its existing \$8.6 billion level down to \$7.1 billion, 20 percent less than President Obama's roughly \$9 billion request for EPA in FY12.

Rep. Mike Simpson (R-ID), chairman of the subcommittee, said that the policy provisions would help rein in EPA's "overly aggressive regulatory agenda."

Appropriations Committee Chairman Hal Rogers (R-KY) said the bill "sends a very strong message" to rein in EPA's actions. "I am hopeful that these provisions are sufficient to prod EPA in the right direction."

Lawmakers suggested that when the bill goes to full committee and the House floor, they expect several more attempts to attach policy riders to limit EPA's authority. Simpson said at the hearing that the committee "turned away far more policy provisions than we included."

Speaking to reporters after the hearing, Simpson said GOP members submitted amendments to the subcommittee covering a full range of issues, including air toxics rules for industrial boilers and power plants. "I think you're going to see a whole lot of amendments. This bill could take some time on the floor," Simpson said.

Simpson said that one reason amendments were either included or not -- including riders not offered on blocking EPA's boiler and utility air rules -- was because the subcommittee was coordinating with the relevant House committees, including the House Natural Resources Committee and the House Energy & Commerce Committee.

Simpson said the subcommittee worked with and received comment from those committees as well as House leadership about language to include or exclude, and that some items were left out of the appropriations bill because the relevant committee said such provisions could complicate the ongoing work of that committee.

Democrats Ready Amendments

Rep. Jim Moran, ranking member on the interior and environment panel, told reporters after the markup that Democrats plan to offer their own amendments at the full committee markup, including attempts to strike some of the Republicans' policy provisions. While saying it would be "premature" to discuss the substance of the upcoming Democratic amendments, Moran said that what happens during the full committee markup will be a precursor to what happens on the House floor. "I expect it's going to be a drawn out markup," Moran said.

Moran also predicted the Democratic-controlled Senate would help block the riders. "This bill is never going to make it through the Senate as it is, let alone be signed, but we can't take that fact for granted," he said. "We're going to have to fight this. These are defining issues between the Republican and Democratic parties."

During the subcommittee markup, lawmakers also clashed over a provision that would block funding for new species to be listed or critical habitats to be designated under the Endangered Species Act (ESA). The act has become a flashpoint in the debate over climate change controls, as species listings could lead to new requirements for power plants and major energy consumers throughout the country.

Simpson said the provision aims to put pressure on stakeholders to work toward reauthorizing the ESA and enacting needed reforms, noting that the authorization for the legislation expired more than 20 years ago.

But Rep. Norm Dicks (D-WA), ranking member of the full appropriations committee, said the provision would "paralyze our nation's ability to protect hundreds of imperiled wildlife" under ESA, as it would deny funding for species to be listed or moved from threatened to endangered but allows funding for species to be de-listed or downgraded. -- Bobby McMahon

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Subject BUSINESS: MIT report shows sustainability means profits for
some companies

BUSINESS: MIT report shows sustainability means profits for some companies

Umair Irfan, E&E reporter

Published: Wednesday, January 25, 2012

Sustainable practices are not only good for the environment; some businesses have found that they are good for their bottom line, according to a report released yesterday.

The study from the Massachusetts Institute of Technology's Sloan Management Review and the Boston Consulting Group found that 70 percent of surveyed companies included sustainability on their management agendas and 31 percent said these initiatives have proved profitable. The report, titled "Sustainability Nears a Tipping Point," surveyed 4,000 business managers and leaders across 113 countries.

Companies are embracing sustainability in growing numbers, despite the global economic downturn, indicating that environmentally friendly practices are no longer viewed as luxuries available only in a favorable economic climate. "It might have been a case that good intentions go away in bad times. Actually, we haven't seen that," said Martin Reeves, director of the Boston Consulting Group's Strategy Institute. "There's a very big momentum here that trumped the recessionary phenomenon."

Nick Robins, head of HSBC's Climate Change Centre of Excellence, said in the report that "people are seeing that sustainability is part of the next phase of development, and that it will be disruptive and structural rather than incremental change here and there."

Part of the incentive comes from investors who are pushing for green and clean programs among businesses. "Regular institutional investors now demand sustainability credentials," said Reeves. Legislation and regulations played a role, as well, but they were not dominant forces, he said.

These changes are also driven by customers, as 41 percent of respondents said that consumer preferences drove their firms to sustainable practices. However, these inclinations don't always translate into sales. "It's very difficult to motivate individual consumers around sustainability," said Chris Librie, Hewlett-Packard Co.'s environmental initiatives director, in the report. "It's a nice-to-have, but they're generally not going to pay more for it."

As a result, sustainability is not a top priority for many businesses. "While sustainability has made it onto many management agendas, responses indicate it ranks eighth in importance among other agenda items," says the report.

Changing operating strategies

The research focuses mainly on the companies that say sustainability is enhancing their profits, a group designated "Harvesters." According to the report, this cadre of businesses goes beyond reducing carbon emissions, curbing electricity use and using recycled products; they are changing their operating strategies.

The Harvesters saved a great deal of money by improving their efficiency with respect to energy and resources. Companies like Kimberly-Clark Corp. and Campbell Soup Co. gained a great deal from

innovation, by developing new ways and technologies to reduce their environmental impact.

The report also found that Harvesters created new ways to assess sustainability and restructured their practices around it rather than trying to shoehorn conservation and efficiency into their existing management structure. These companies also have strong sustainability commitments from their leaders and collaborate with stakeholders to meet their targets. In addition, the companies that claimed sustainability enhanced their profits tended to have more experience with it, usually having spent more than six years pursuing such programs.

The global survey shows that these initiatives are taking root in companies even in developing countries. "The fastest rate of growth and adopt of sustainability is in emerging markets," said Reeves. "The image that this is a rich man's game was perhaps once true and is increasingly untrue."

Still, sustainability has room to grow in terms of influence and priority. "If we look very critically at this study, it doesn't only tell us what's baked, it tells us what's unbaked, what's the unfulfilled part of the agenda," said Reeves. "Interestingly, if we take the word sustainability literally, one of the key challenges of sustainability is short-term sustainability of the company." That is, in turbulent economic times, a company must factor in its own survival when trying to reduce its impact on the planet.

Using these strategies, Reeves said, other companies can also learn from Harvesters to profit from their own sustainability initiatives and create a sound business case for cutting consumption and tackling climate change. "I think [sustainability] is now gone from the fringe element of strategy and organization to being a core element of the managerial agenda," he said.

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03/10/2011 03:56 PM

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Subject 4. NATURAL GAS: U.S. shale-drilling technologies finding
new homes abroad (03/10/2011)

4. NATURAL GAS: U.S. shale-drilling technologies finding new homes abroad<
<http://www.eenews.net/gw/2011/03/10/4>>



Nathanial Gronewold, E&E reporter

HOUSTON -- The United States is starting to see its shale gas revolution spread around the globe, but drilling technologies that allowed U.S. production to soar are likely to remain a North American phenomenon for some time.

Efforts are under way to export hydraulic fracturing technology that has dramatically increased U.S. gas reserves to Europe, primarily to Poland. The CEO of the French oil giant Total told an industry conference here that his company is interested in European shale gas development, and the Italian oil company Eni SpA is exploring shale gas potential in Latin America.

And China has authorized studies to determine the size and nature of shale gas reserves there. Experts say China's capacity is likely comparable to initial estimates of shale gas reserves in Europe. One estimate puts European unconventional gas potential at around 173 trillion cubic feet of total resources, a figure that rivals North American reserves, though many other experts doubt that either Europe or China enjoy reserves as high as those discovered in the United States.

But both European energy executives and U.S. oil and gas market experts caution that no one should expect the "shale gale" to wash over Europe anytime soon. Pawel Konzal, head of oil and gas industry research at the World Economic Forum, estimates that serious production of shale gas in Europe is still several years away.

"If you look at Europe, certainly we've seen in the last two years a great number of companies, which were traditionally not present in the European market entering, especially in central and Eastern Europe, so Germany, Poland, Hungary, Ukraine, doing preliminary research," Konzal said. Still, "from all the conversations we've had also at the World Economic Forum at the meetings with the industry, we can see that this is still eight to 10 years until the production will start."

China may not see serious shale natural gas developments for a decade or more, Konzal said.

There are myriad reasons for this, but chief among them are worries over the disposal of water used in the fracturing, which is also called fracking. Outside of Poland, shale gas receives mostly negative press in Europe, where the debate has focused on potential water contamination. Experts also point out that European populations are much less familiar with oil and gas drilling than their U.S. contemporaries, adding further hurdles to its widespread adoption.

"We cannot expect in Europe the quick development of shale gas," said Jean-Francois Cirelli, president of the energy firm GDF Suez. "We still have to convince all our stakeholders."

Shale gas is again the No. 1 topic at the annual IHS CERA Week energy conference here this week, as it was at last year's gathering.

Impressed by how quickly the breakthrough in hydrocarbon extraction has overturned international gas markets, speculation is rife over whether other nations have taken notice and are making inroads to spread gas use overseas.

U.S. gas producers are also being peppered with questions on whether they intend to begin exporting some of the U.S. supply as liquefied natural gas (LNG).

Thomas Farrell, CEO at Dominion Resources Inc., confirmed his company is considering investing in a platform for LNG exports from the East Coast, exploiting the abundant Marcellus Shale gas play. Exports could go not only to Europe but also to Asia, via an expanded Panama Canal once upgrade work is complete there.

But Farrell cautioned that talk of the United States becoming a major LNG supplier is just that at this point "It may turn out that we don't do it at all," he said.

Drifting overseas

Nevertheless, shale gas development is creeping overseas, at least according to announcements made here this week.

Algerian Energy and Mines Minister Youcef Yousif caused a stir yesterday when he announced that his government's geologists have discovered shale gas reserves as large as some of the major U.S. fields and that his firm is moving forward on a pilot production that could see first production by the end of this year.

Yousif said Algeria aims to become the next major shale gas developer and invited Houston's community of energy experts and shale oil and gas field service providers to enter into talks on exploration options.

Some European firms are also eager to jump aboard the shale gas bandwagon.

They are trying to sell shale gas as a cheap and easy way to dramatically cut greenhouse gas emissions in a short period of time, pointing to examples in the U.S. Northeast, where a major transition from oil- and coal-fired generation to natural gas helped the region cut its CO₂ emissions by some 33 percent in five years.

"We're going to need a lot of gas as a bridge and as destination fuel," to cut CO₂ emissions, said Gertjan Lankhorst, CEO at GasTerra BV. "The U.S. and Europe are well, if not best, placed to combine environmental and economic aspirations."

But there is still a major perception problem to overcome in Europe, executives admit.

"Gas is considered less fashionable than speaking about renewables," said GDF Suez's Cirelli. But he has not totally given up hope. "I'm sure that economically we will win," he said.

There are also said to be regulatory barriers to shale development in many European countries. Yet industry officials consider it a positive that energy policy is still set at the national level and is not dictated to governments by the European Union's bureaucrats in Brussels.

In China, the picture is much murkier.

Unlike in Europe and the United States, gas imports in China are almost entirely devoted to household and industrial use, and not to power generation. And coal is so cheap and abundant there that the government and energy companies have little economic incentive to make the switch.

Some observers hold out hope that China's severe environmental problems will mobilize the government to expand gas's use in power generation, at least for new power projects.

Still, IHS CERA's China experts report that the potential gas resources there lie far from major energy markets, unlike in the United States, where the Marcellus is found just outside the densely populated Northeast. And China has almost no pipeline infrastructure that could accommodate it there, many point

out.

Energy firms in Australia are said to be exploring shale gas potential in the western part of their country.

The aim is to add shale reserves to LNG export terminals already being built or expanded to accommodate several offshore gas projects. Australian exports of shale gas to China could pique Beijing's interest in exploring some domestic production.

Aside from Algeria and Australia, industry insiders say Poland is poised to become the first European nation committed to shale gas development there. Media reports of finds that could satisfy Poland's need for 150 years has apparently won the public over, as they remain very wary on their absolute dependence on Russian gas imports to heat their homes.

The shale story has already upended conventional thinking on energy markets in the United States, and it could do the same overseas if production gradually comes online and environmental concerns are alleviated.

Will gas dethrone King Coal?

Stephen Pryor, president of ExxonMobil Chemical Co., says his firm projects that by 2030, natural gas will replace coal as the world's second-largest fuel source, largely through the expansion of shale gas production.

"In the United States, the world's largest gas consumer, unconventional natural gas supplies have driven a 20 percent growth in U.S. gas production over the last five years," Pryor said. He added that cheap and abundant gas reserves are giving U.S. chemical manufacturers a significant cost advantage over their overseas competition, a trend that could increase pressure on governments to pave the way for development of shale reserves outside the United States.

John Rowe, chairman and CEO of the giant electricity supplier Exelon Corp., surprised many here when he advised that his peers give up on developing expensive renewable and nuclear power and focus on natural gas-fired generation instead. Exelon operates the largest number of U.S. nuclear power plants, and Rowe is said to have been a staunch advocate for expanded nuclear generation only a few years ago.

"I have never seen the degree of consistency in supply forecasts that exist for natural gas today," he said.

Several U.S. utility company executives say that, thanks to the shale boom, natural gas can now be got cheaper than coal. And the switch to gas could now be migrating to the Southeast, where several massive coal consuming energy producers are said to now be rethinking earlier plans to refurbish older coal-fired power plants, considering instead retiring those and replacing them with newer combined cycle natural gas fed generation.

Greenw

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Subject Coal Utilities' Closure Plans Signal Push To Extend EPA
Rule Compliance

InsideEPA

Coal Utilities' Closure Plans Signal Push To Extend EPA Rule Compliance

Posted: June 10, 2011

American Electric Power's (AEP) plan to meet pending EPA utility sector rules by shuttering coal-fired power plants is seen by industry sources as the first of similar shutdown plans from other coal-heavy utilities intended to serve as leverage in a push for the White House and EPA to extend the rules' compliance deadlines until 2020.

The Edison Electric Institute (EEI), representing investor-owned power companies, is already close to presenting the Obama administration with a plan to delay the compliance deadline for the agency's proposed air toxics rule for power plants, from 2015 out to 2017. An EEI source declined to share details of the plan, calling it "an internal process" and "a work in progress," but notes the proposed rule's deadline is "a key issue for us."

Other power companies with large coal portfolios -- including Southern Company and Detroit Edison -- are also expected to soon release plans about the facilities they will shutter to comply with EPA's rules, sources say. The goal is to use the plans to put pressure on the administration to use its maximum flexibility under the Clean Air Act to extend deadlines, though environmentalists and public health advocates would fight such a move.

By warning about job losses and adverse impacts on electricity grid reliability resulting from the project coal plant shutdowns, industry hopes to make the case for winning more time to adjust and meet the regulations.

One industry source notes that power company CEOs -- including AEP's Michael Morris and Southern Company's Thomas Fanning -- are broadly pushing their message that with a few extra years, they can meet the requirements of EPA's various pending air, water and waste rules for the power sector with "a whole lot less dislocation and job loss. . . This is not about their ability to meet [the limits] but about time" to curb negative impacts such as job losses.

Industry, Republicans and other EPA critics have warned of adverse economic and grid impacts from the agency's pending air rules for the utility sector that include a maximum achievable control technology (MACT) standard to cut toxic air emissions, and a cap-and-trade rule to cut sulfur dioxide and nitrogen oxide emissions.

The agency has also proposed a first-time coal combustion waste disposal rule and a strict Clean Water Act rule for cooling water intake structures, prompting claims that sector faces a regulatory "train wreck."

Big coal utilities are pushing for a broad 2020 deadline and are leaving the door open to negotiate individual settlements for such extensions, to be negotiated after the suite of rules are final, the industry source notes.

AEP June 9 released its plan for complying with the four rules, saying it would have to close five coal plants, retire units at five others, re-power with natural gas and build new natural gas-fired generation at an estimated cost of \$6 billion to \$8 billion, a company spokeswoman says. AEP's Morris in a June 9

statement said the rules had “unrealistic deadlines” that will hamper electric reliability, boost rates and cost jobs.

AEP says its plan would lead to the shuttering of 6 gigawatts (GW) of coal generation. The spokeswoman adds that AEP released its plan to suggest that EPA's estimate that the various rules will close 10 GW of coal power nationwide is understated, as AEP alone would represent 60 percent of that amount.

AEP also realizes that EPA under existing Clean Air Act authority lacks the flexibility the industry would like to see in delaying the various rules' deadlines to 2020, which is “why we've been talking with lawmakers about the potential for a legislative approach that would have the flexibility to get to the same environmental goals but still take into account the impact on jobs,” the company spokeswoman says. But draft legislation floated by AEP last month to delay deadlines and exempt retiring plants drew wide criticism and is seen as dead on arrival if ever introduced.

Seeking Compliance Deadline Extensions

As a result, industry is now seeking a strong signal from the White House that it is willing to extend compliance deadlines for the MACT and other utility sector rules to minimize impacts on reliability and the economy. A second industry source says the AEP announcement, while directed to investors and the public, is really meant for the Obama administration.

The push “is not limited to AEP. I would expect to start seeing several utilities beginning to quantify the jobs impacts, shutdowns over the next few months. . . . They've decided if they are going to face this then they are going to tell the jobs story and put it in perspective and make it real. . . . This is going to be a trend,” the first source says.

Because EPA is constrained by the Clean Air Act in the amount of extra time it can grant for compliance with the MACT - which has a three-year compliance window beginning in 2012 -- companies are pushing for “the White House to signal some certainty about” using the statutory authority EPA does have “to delay compliance by one year, and by two if possible,” the source says.

The source adds, “They need to signal that now. . . . And the reason to do that is, if you are living in the real world of making decisions on closures and investments in control technology, you need to know you have that time to think about 2017 instead of 2015 today.”

However, the source adds that most companies believe 2017 is “not enough time” and that legal settlements are also an option. “If companies cannot accomplish what they need to on controls by 2017, then I would expect them to go to EPA to seek some sort of an enforcement schedule for completing that work, and I think there is some historical precedent for that . . . putting them on a schedule to install [emissions controls] by say, Dec. 31, 2019.”

The source adds any such deal is likely to be inked only after EPA finalizes the MACT rule, for which the agency faces a November, court-ordered deadline. EPA is unlikely to want to negotiate anything now because of pressure it faces to finalize a strict rule from environmentalists and public health officials.

Critics See AEP 'Business Decision'

Activists and other proponents of strict utility sector rules call AEP's announcement a “business decision,” noting that the EPA rules do not require closure of any plant, and that companies could install pollution controls at plants rather than close them. They also argue the vast public health benefits from the rules will far outweigh costs.

Their criticism that AEP is blaming EPA for a business decision is backed by another industry source who suggests the power company decided “it might have been time for a clean sweep” of its older, uncontrolled plants, noting some units are more than 50 years old. “It might be . . . a fortuitous time to modernize and upgrade.”

This source also expects similar announcements by other companies but perhaps not on the scale of AEP's, and sees negotiations over the deadline as one that might be "sellable" to administration officials.

Southern Company says it plans to spend \$0.7 billion and \$2.9 billion between 2011 and 2013 "for potential environmental controls, replacement generation capacity and/or transmission upgrades," according to a May 11 presentation Fanning gave to Deutsche Bank's Alternative Energy, Utilities & Power Conference in New York. "Compliance strategy will be determined based on the nature of any final rules, compliance timeframes and costs."

Fanning also told investors on an April 27 first-quarter earnings call that the EPA's "accelerated three-year timeline for compliance [with the MACT] could put the reliability of the nation's electric generating system at risk. . . . [W]e are already transitioning our generating fleet. We don't need an overly complex and unworkable set of new regulations to hurt our customers by decreasing reliability, increasing costs, reducing job growth and burdening an already challenged economy," he said according to a transcript. -- Dawn Reeves

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03/06/2010 09:16 AM

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Subject Ugh!

Mobile-Friendly Display (Disable) Daily Environment Report: All Issues > 2010 > March > 03/08/2010 > News > Energy: Senate Bill Would Provide Rebates, Loans For Commercial Energy Efficiency Upgrades 43 DEN A-11 Energy Senate Bill Would Provide Rebates, Loans For Commercial Energy Efficiency Upgrades Legislation that would provide consumer rebates and low-interest loans to be used for energy efficiency improvement projects in commercial and multifamily residential buildings was introduced in the Senate March 4. The Building STAR Energy Efficiency Act of 2010 (S. 3079), introduced by Sens. Jeff Merkley (D-Ore.) and Mark Pryor (D-Ark.), would authorize \$6 billion in rebates for improvements such as the installation of high-efficiency heating systems and improved insulation. The legislation also would "extend low-interest financing options" to small business and building owners to help cover the up-front costs of energy efficiency building retrofits, according to a statement from Merkley's office. "Buildings represent 40 percent of the energy used in the United States, and many have old equipment that wastes energy and money," Pryor said in a written statement. According to the bill's backers, the legislation would create about 150,000 jobs, would save building owners more than \$3 billion in energy bills, and would reduce "the pollution that contributes to climate change" by 21 million metric tons. "As we take action to put Americans back to work, we need to set our targets on programs that provide the biggest bang for our buck and set our economy up for future growth," Merkley said in a written statement. "Clean energy is not only the next great growth industry, but it's an engine for job creation today." The legislation parallels the Home Star Act of 2010, unveiled as a draft by Sen. Jeff Bingaman (D-N.M.) and other lawmakers, which would create a homeowner energy efficiency rebate program championed by President Obama (41 DEN A-3, 3/4/10). Co-sponsors of the "Building Star" legislation include Sens. Debbie Stabenow (D-Mich.), Sherrod Brown (D-Ohio), Bernie Sanders (I-Vt.), and Ben Cardin (D-Md.) By Ari Natter

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Subject 5. CHEMICALS: Wal-Mart bans flame retardant (02/25/2011)

[REDACTED]

5. CHEMICALS: Wal-Mart bans flame retardant (02/25/2011)

Wal-Mart Stores Inc. has wielded its power as the world's largest retailer to ban a controversial flame retardant used in consumer goods from cameras to child car seats.

The retail giant is bypassing federal regulators by requiring suppliers to conform to certain production standards in an effort to move away from chemicals researchers say endanger human health and the environment.

[REDACTED]"This really shows the market being able to move more decisively than the government," said Andy Igrejas, national campaign director of Safer Chemicals, Healthy Families, a coalition of environmental and public health groups.

Wal-Mart's ban prohibits use of polybrominated diphenyl ethers (PBDEs) and follows the decision of a handful of states to ban the chemicals. A recent notice distributed by the retailer asked suppliers to make sure their products do not contain PBDEs, which have been linked to liver, thyroid, reproductive and brain development problems. Wal-Mart will begin verification testing in June.

Although U.S. EPA identified PBDEs as chemicals of concern last year, attempts to limit new use of them have been mired in a lengthy bureaucratic process. Chemical laws make it difficult for the federal government to place such bans. EPA has been unable to ban even asbestos, widely acknowledged as a likely carcinogen and banned in more than 30 countries.

Suppliers who move away from using PBDEs must find other flame extinguishing methods, whether it involves using alternative chemicals that pose separate health risks or redesigning products so there is no need for flame retardants at all.

Absent federal regulations, states have taken on the responsibility of banning controversial chemicals, creating a patchwork of regulations that poses problems for corporations spanning several states.

Retail regulation might provide a faster route for chemical bans, said Richard Denison, senior scientist at the Environmental Defense Fund.

"The companies producing for Wal-Mart are not going to make a special line for them and another line with those chemicals for everyone else," Denison said. "And this is going to make it easier for other retailers to follow suit" (Lyndsey Layton, Washington Post, Feb. 25). -- PK

E&ENews PM Head

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Subject 1. POLITICS: Democrats cry foul over GOP's attempts to tie
fuel prices to EPA (03/11/2011)

[OBJ]

1. POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA (03/11/2011)

Elana Schor and Sarah Abruzzese, E&E reporters

House Republicans' move to join the two most politically volatile threads in the Washington, D.C., energy debate -- gas prices and U.S. EPA rules -- sparked Democratic charges of deception yesterday and silence so far from the Obama administration.

Speaker John Boehner (R-Ohio) amplified the GOP gambit as he laid out a new project, dubbed the American Energy Initiative, calling for more domestic fossil-fuel production, new nuclear power plants and an end to EPA's authority over greenhouse gases. While the Republican message had percolated all week, Boehner's decision to spotlight the anti-EPA bill now sailing through the House Energy and Commerce Committee gave the gas-price charge a far broader platform.

[OBJ]

The administration's offshore oil-production policies and regulation of greenhouse gases, Boehner said yesterday, represent a systematic hit to economic growth. "If the White House has its way -- and the EPA imposes a backdoor national energy tax -- gas prices will only go higher," the Ohioan told reporters.

Energy and Commerce Chairman Fred Upton (R-Mich.) began invoking the effect of EPA emissions rules on fuel prices earlier this week, citing cost estimates from a 2009 study of the now-defunct House climate change bill (E&E Daily, March 9). But Democrats were still perplexed by the elevation of that argument, with several accusing the GOP of stretching the boundaries of logic to serve its political goals.

"If they could fool people into believing there's a connection, I think they would gain some political mileage, but it's all deceptive," said Rep. Henry Waxman of California, the Energy and Commerce panel's top Democrat and a chief author of that 2009 climate bill. "There's no connection to EPA regulating greenhouse gases for certain stationary sources by requiring them to be more efficient and the price of gasoline."

In fact, Waxman added, large-scale emitters are more likely to reduce their fuel consumption in response to the EPA regulations, saving industry more money. Another senior Energy and Commerce Democrat, Rep. Jay Inslee of Washington, raised similar points by billing the emissions rules as "incentives for industry to make investments" in efficiency -- with no direct effect on gas prices.

"We're locked into higher oil prices, and the only way to get off of it is finding efficiencies," Inslee said in an interview.

As for Republicans' chances of scoring politically with their new strategy, Inslee quipped: "You can repeal the Clean Air Act. You can't repeal the First Law of Thermodynamics. You can't repeal the law of supply and demand. ... People realize there are much bigger forces on gas prices than the Republican caucus."

Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) appeared nonplussed upon hearing about the Republican strategy.

"They're ignoring the political upheaval in the Middle East and the fact that we're not moving fast enough to alternative fuels and clean vehicles," she said. Of the 2009 study employed by House Republicans, she added: "It's funny that they're blaming a law that didn't pass for high gas prices."

Yet the rhetoric was not confined to the House side of the Capitol. The ranking Republican on Boxer's panel, Sen. James Inhofe of Oklahoma, delivered a floor speech blaming the White House for rising gas prices and dismissing the impact of recent unrest in the Middle East.

"[A] lot of people are saying that the gas prices that are going up are a result partially of what's happening over there," Inhofe said. "That isn't the real problem. The real problem is a political problem."

Several Democrats, however, found problems with the factual basis of the relationship between gas prices and greenhouse gas emissions limits that would apply to refineries and power plants starting in 2012. Rep. Emanuel Cleaver (D-Mo.), for one, termed the argument "bizarre."

"It reminds me of somebody who ate a hamburger and then ends up catching pneumonia and then says, 'Hamburgers cause pneumonia,'" Cleaver said.

EPA did not respond to requests for comment last night.

Refiners' avowals

In addition to the 2009 study of the House-passed climate bill, Energy and Commerce aides pointed to testimony and supportive letters from refiners who hailed Upton's plan to revoke EPA power over greenhouse gases under the Clean Air Act.

"Every credible economic analysis that has been performed shows that Americans will pay higher prices at the pump and that the refining sector, its high-paying jobs and our nation's energy security will suffer as a direct result of EPA's action," Valero Energy Corp. CEO Bill Klesse wrote in a Wednesday letter to Upton.

Rep. Ed Whitfield (R-Ky.), who chairs the House Energy and Power Subcommittee, cited such testimony as the reason the Republicans are pushing for legislative changes.

In some cases, Whitfield said there is not even technology available to deal with new EPA mandates. "The additional costs that they would have to go through and investments they would have to be making to try to start complying would increase the price of gasoline," he said.

Another letter of support from 16 trade associations, including the National Petrochemical and Refiners Association and the U.S. Chamber of Commerce, praised the economic benefits of restricting EPA regulations but did not specifically address gas prices.

However, in recent testimony before the Energy and Commerce Committee, a top executive at Arkansas-based refiner Lion Oil Co. directly linked the EPA regulations to higher gas prices. New fuel-efficiency standards for vehicles drove up costs for his industry by reducing demand, Lion Vice President Steve Cousins told House members last month, and legislation blocking EPA's greenhouse gas rules would be "necessary to protect consumers, farmers and truckers from higher gasoline and diesel fuel prices," he said.

Rep. Ed. Markey (D-Mass.), the co-sponsor of the climate change bill that passed the House two years ago, said flatly, "the EPA has not done anything to increase gas prices."

That's a point Whitfield acknowledged as well.

"I'm not saying it's contributing to it right now, because the regulations haven't been finalized but we're talking down the road," he said.

Markey dismissed the GOP argument as a distraction from larger issues like the unrest in the Middle East, which is influencing American energy prices.

"Instead of focusing on Gaddafi and the other Middle East dictators, they have decided just to use it as a way of engaging in partisan political finger pointing, and I just think they have no credibility," Markey said.

[Click here to read Valero's letter to Upton.](#)

[Click here to read the multi-association letter to Upton and Whitfield.](#)

Reporters Jean Chemnick, Katie Howell, Jeremy P. Jacobs, Hannah Northey and John McArdle contributed

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Subject New York DEC Issues Draft Regulations On Power Plant
Siting, Carbon Emissions

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Daily Environment Report: News Archive > 2012 > January > 01/19/2012 > News > Energy: New York
DEC Issues Draft Regulations On Power Plant Siting, Carbon Emissions

11 DEN A-10

Energy

New York DEC Issues Draft Regulations
On Power Plant Siting, Carbon Emissions
By John Herzfeld

NEW YORK—Electricity generating facilities in New York would be required to evaluate potential environmental justice impacts in siting decisions and to limit carbon dioxide emissions from new or expanded power plants under a pair of regulations proposed Jan. 18 by the state Department of Environmental Conservation.

In announcing the two “groundbreaking” draft rules, DEC said the environmental justice rules would be the first in the United States to require an analysis of potential disproportionate impacts on nearby communities in major power plant siting decisions.

The carbon dioxide draft rules would limit emissions from new major generating facilities and certain expansions at existing power plants, DEC added.

The draft rules (6 NYCRR Part 487 and 6 NYCRR Part 251) were proposed to implement provisions of the Power NY Act of 2011, which was signed by Gov. Andrew M. Cuomo (D) in August (151 DEN A-2, 8/5/11).

Environmental Justice Framework

The proposed Part 487 regulations would establish a regulatory framework to analyze environmental justice issues associated with the siting or expansion of major generating facilities, DEC said. Applicants would have to evaluate any “significant and adverse disproportionate environmental impacts” from a facility’s construction or operation.

“Negative environmental impacts from industrial operations like power plants often disproportionately affect environmental justice communities,” DEC Commissioner Joe Martens said in a statement. “Our proposed regulations are the first in the nation that seek to protect public health and the environment in overburdened communities.”

The analysis would have to include the cumulative air quality impact of the facility, as well as comparative demographic, economic, and physical data for the community where the facility would be located, versus data for the county and adjacent communities, DEC said.

Carbon Dioxide Limits

The proposed Part 251 regulations would establish carbon dioxide limits for proposed new major power plants with a capacity of at least 25 megawatts and for increases in capacity of at least 25 megawatts at existing facilities.

“Carbon dioxide emissions are chief contributors to climate change,” Martens said. “We are proposing

CO2 emissions limits for new and expanding power plants to further reduce the carbon footprint of New York's power sector.”

For most new or expanded base load fossil-fuel-fired plants, the proposed carbon dioxide emission rules would set an output-based limit of 925 pounds per megawatt-hour or an input-based limit of 120 pounds per million British thermal units.

For simple cycle combustion turbines, the draft rules would set an output-based limit of 1,450 pounds per megawatt-hour or an input-based limit of 160 pounds per million Btus.

Output-Based, Input-Based Choice

Each facility's owner or operator could choose whether to comply with the output-based or input-based emission limits, DEC said.

For certain power plants that fire non-fossil fuels, the draft rules would allow DEC to set case-specific limits and require recordkeeping, monitoring, and reporting consistent with existing state and federal regulations, the department added.

Power plants in the state currently are required to comply with the Regional Greenhouse Gas Initiative program, as well as certain federal requirements regarding greenhouse gas emissions, DEC said.

For the first time, the department said, the proposed Part 251 would establish a specific limit on the allowable carbon dioxide emission rate of new and expanded power plants. That would make New York “one of only a few states in the country with a CO2 performance standard for both new and expanding power plants,” it said.

The department set three public hearings: March 5 in Albany, March 6 in New York City, and March 8 in Buffalo. Written comments are due by March 15.

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Subject CLIMATE:Obama praises Australia's plan, vows to pursue
emissions cuts in U.S.

CLIMATE: Obama praises Australia's plan, vows to pursue emissions cuts in U.S.

Elana Schor, E&E reporter

Published: Wednesday, November 16, 2011

President Obama yesterday vowed to keep pursuing greenhouse gas emissions cuts despite the demise of congressional climate legislation, calling carbon cuts "good for the world" and "good for our economies" -- even as he acknowledged that global progress would be a "tough slog."

Addressing the press in Australia, where legislators passed a carbon tax earlier this month, Obama praised Prime Minister Julia Gillard for pursuing "a bold strategy" to trim industrial emissions that most scientists say are contributing to global warming. Though a broad climate bill failed to clear Congress last year, Obama predicted that other steps his advisers have taken -- including stronger auto efficiency rules and low-emissions energy spending -- would help the United States abide by carbon-cutting promises it made during global talks in 2009 and 2010.

"I think that's good for the world," Obama said. "I actually think, over the long term, it's good for our economies, as well, because it's my strong belief that industries, utilities, individual consumers -- we're all going to have to adapt how we use energy and how we think about carbon."

The next global summit on climate change is set to kick off in Durban, South Africa, next month with extension of the Kyoto Protocol emissions-reduction treaty high on the agenda. But tensions between long-developed nations and new powerhouses over the extent of mutual carbon cuts could impede the path to a deal, and Obama laid down a marker on that front yesterday.

"Part of our insistence when we are in multilateral forum -- and I will continue to insist on this when we go to Durban -- is that if we are taking a series of steps, then it's important that emerging economies like China and India are also part of the bargain," the president said.

Even though those nations' per-capita emissions might lag behind the United States', he added, "they've got to take seriously their responsibilities, as well ... ultimately, what we want is a mechanism whereby all countries are making an effort. And it's going to be a tough slog, particularly at a time when a lot of economies are still struggling."

Australia's \$24-per-ton carbon tax has drawn some criticism for being excessive, given that emissions credits in Europe are trading at about half that level (Greenwire, Nov. 8).

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Subject CLIMATE: Sulfur from Chinese coal stations has masked effects of warming (07/05/2011)

Obj: Tue., Jul. 5 Fri., Jul. 1 Thu., Jun. 30 Update Jun. 30 Edition Archive

CLIMATE: Sulfur from Chinese coal stations has masked effects of warming (07/05/2011)

The impact of global warming has been masked in the past decade by the cooling effect of sulfur emissions from China's huge number of new coal-fired power plants, new research shows. But the full heating effect of carbon dioxide will be felt as the short-lived sulfur pollution -- which also causes acid rain -- is cleaned up.

□

The last decade was the hottest on record and the 10 warmest years have all occurred since 1998. But within that period global surface temperatures did not show an upward trend, prompting some scientists to question whether climate change had stopped. The new study, published yesterday in the Proceedings of the National Academy of Sciences, shows that while greenhouse gas emissions continued to rise, their warming effect was offset by the cooling produced by the increase in sulfur pollution. This also came at a time when the sun entered a less intense part of its 11-year cycle, and during the peak of the El Niño climate warming phenomenon

China built an enormous number of coal-fired power stations during that period. Between 2002 and 2006, China's electricity-generating capacity rose from 10 gigawatts to more than 80 gigawatts.

Robert Kaufman, a Boston University professor who led the study, said the findings are not the good news that they may at first seem.

"If anything the paper suggests that reductions in carbon emissions will be more important as China installs scrubbers [on its coal-fired power stations], which reduce sulfur emissions," he said. "This, and solar insolation increasing as part of the normal solar cycle, [will mean] temperature is likely to increase faster."

Scientists have long known that sulfur, spewed from volcanic eruptions, for example, has a cooling effect on climate. Sulfur dioxide forms droplets of sulfuric acid in the stratosphere, which reflects the sun's heat back into space, cooling the Earth's surface (Damian Carrington, London Guardian, July 4). -- AS

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Subject Retired Coal-Fired Power Plant Sites Offer Good Reuse
Potential, Report Says

Daily Environment Report: News Archive > 2011 > August > 08/11/2011 > News > Brownfields: Retired
Coal-Fired Power Plant Sites Offer Good Reuse Potential, Report Says

Retired Coal-Fired Power Plant Sites
Offer Good Reuse Potential, Report Says

Many of the dozens of coal-fired power plants predicted to close in the coming decade present
"tremendous" redevelopment opportunities, according to a report released Aug. 10 by the American Clean
Skies Foundation.

According to the report, Repurposing Legacy Power Plants: Lessons for the Future, such brownfield
redevelopment can include civic and private uses such as riverfront housing, shops, offices, museums,
and parks.

Industry analysts predict that 15 percent to 20 percent of coal plants in the United States could be retired
by 2020 because of their age, stricter Environmental Protection Agency rules to reduce toxic emissions,
and increased price competition from cleaner-burning, natural gas-fired generators, Gregory C. Staple,
chief executive officer of the American Clean Skies Foundation, told a briefing to announce the report

At least 20 of the dozens of plants expected to close may be good candidates for redevelopment, Staple
said.

American Clean Skies Foundation is a nonprofit organization seeking to advance U.S. energy
independence and a cleaner environment through expanded use of natural gas, renewables, and
efficiency.

The group's report profiles eight projects to redevelop sites of retired power plants and discusses costs,
time frames and financing, community involvement and implications, and design and reuse.

Challenges in Redevelopment

The report said one lesson of coal plant site reuse is that development frequently takes several years.
Site cleanup, working with old buildings, meeting requirements for historic preservation, and special
financing challenges add to the time required for redevelopment, the report said.

"Nonetheless, successful projects have shown redevelopment to be worth the potential challenges," the
report said.

Costs for redeveloping old power plants have various ranges. Smaller projects can cost under \$10 million,
according to the report. Mid-size projects can cost from \$40 million to \$80 million. And larger projects can
cost from \$150 million to \$180 million, the report said.

Another challenge in brownfield redevelopment is up-front costs, the report said. The end use of the site—
whether it will be residential, commercial, industrial, or recreational—decides the extent of required
remediation, so early planning can help reduce costs.

Local, state, and federal assistance programs for sustainable site reuse may provide different kinds of
grants and loans, the report said. Public financing can include interest-rate reductions, due diligence

assistance, repayment grace periods, tax abatements, and training and technical assistance.

For public financing, the most important programs are offered by the Environmental Protection Agency, the Department of Housing and Urban Development, and the Agriculture Department, the report said.

Redevelopment Concept Introduced

The foundation also released a proposed plan to redevelop a power plant site in Alexandria, Va., as a model for power plant redevelopment.

The city of Alexandria has been trying to close the 60-year old Potomac River Generating Station, now owned by GenOn Energy Inc. of Houston, for two decades, according to Del Pepper, a member of the Alexandria City Council.

The \$450 million proposal by the foundation would open a portion of the Potomac River waterfront to the public, develop more than 600 riverfront housing units, create more than 200,000 square feet of retail and office space, and serve as an energy education center with clean fuel and electric vehicle recharging stations.

By Pat War

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Subject Cost of Environmental Impact From Business Doubling Every
14 Years, Report Says

Daily Environment Report: News Archive > 2012 > February > 02/15/2012 > News > Climate Change:
Cost of Environmental Impact From Business Doubling Every 14 Years, Report Says
30 DEN A-2
Climate Change

Cost of Environmental Impact From Business Doubling Every 14 Years, Report Says

By Avery Fellow

The costs of the environmental impact from business operations are doubling every 14 years, according to a Feb. 14 report by the auditing firm KPMG International.

External environmental costs in 11 sectors jumped 50 percent, from \$566 billion in 2002 to \$846 billion in 2010, averaging a doubling of these costs every 14 years, the report said. These costs are often not included in company financial statements because they are borne by individuals or society, rather than businesses, and they can be difficult to quantify, according to the report.

The report, *Expect the Unexpected: Building Business Value in a Changing World*, found that if companies paid the full environmental costs of production, they would lose an average of 41 cents for every dollar in earnings.

'Megaforces' Affecting Businesses

Climate change, energy and water scarcity, fuel price volatility, population growth, and water and resource availability will drive up the cost of doing business as well as provide possible business opportunities over the next 20 years, the report said.

The report identifies 10 sustainability "megaforces" that will affect businesses over the next 20 years.

The 10 factors are as follows:

- Climate change, which is expected to cause output losses for business of between 1 percent and 5 percent per year;
- Energy and fuel, the markets for which are likely to become more volatile and unpredictable due to higher demand;
- Resource scarcity, which will occur due to the industrialization of developing countries, increased demand, and trade restrictions;
- Water scarcity, which will make businesses vulnerable to water shortages, declines in water quality, water price volatility, and reputational challenges;
- Population growth, which will place pressure on ecosystems and the supply of natural resources such as food, water, energy, and materials;
- Wealth, which will reduce the availability of inexpensive labor and increase the demand for goods;

- Urbanization, which will create demand for infrastructure improvements including construction, water and sanitation, electricity, waste, transport, health, public safety, and Internet and cell phone connectivity;
- Food security, which will be threatened by population growth, water scarcity, and deforestation;
- Ecosystem decline, which will increase the costs of water and escalate the damage caused by invasive species to sectors including agriculture, fishing, food and beverages, pharmaceuticals, and tourism; and
- Deforestation, which will make the timber, pulp, and paper industries vulnerable to potential regulation.

Report Identifies Opportunities

The report also identified opportunities arising out of these expected global changes.

Scarcity creates opportunities to develop substitute materials or to recover materials from waste, the report said. Population growth presents an opportunity for innovation in the areas of agriculture, sanitation, education, technology, finance, and healthcare, according to the report.

Additionally, business opportunities may arise through the development of market mechanisms and economic incentives to reduce deforestation, the report said.

"Corporations are recognizing that there is value and opportunity in responsibility beyond the next quarter's results; that what is good for people and the planet can also be good for the long term bottom line and shareholder value," said Yvo de Boer, KPMG's special global adviser on climate change and sustainability, in a statement.

"Without action and strategic planning, risks will multiply and opportunities will be lost," he said. De Boer formerly served as the executive secretary of the United Nations Framework Convention on Climate Change.

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Subject State Department unveils new super-office: economics,
energy, and the environment

State Department unveils new super-office: economics, energy, and the environment

Posted By Josh Rogin

Thursday, December 8, 2011 - 4:35 PM [Share](#)

The State Department formally rolled out a new plan today for how it will tackle economic, energy, and environmental issues -- by combining them all into one bureaucratic structure.

Undersecretary Bob Hormats is the leader of the newly expanded "E" team in Foggy Bottom, making him the undersecretary for economic growth, energy, and the environment. Before today, Hormats was the undersecretary for economic, energy and agricultural affairs. The change moves several offices under Hormats' umbrella, and also places him in charge of two new offices that never existed before.

Hormats is now in charge of three bureaus led by assistant secretaries and their teams: the Bureau of Oceans and International Environmental and Scientific Affairs (OES), led by Assistant Secretary Kerri-Ann Jones, the Bureau of Economic and Business Affairs (EB), led by Assistant Secretary Jose Fernandez, and the brand new Bureau of Energy Resources (ENR), led by State's Coordinator for International Energy Carlos Pascual, pending the confirmation of an assistant secretary.

The new "E" family will also, for the first time, include the Office of the Science and Technology Advisor, led by E. William Colglazier, and a new Office of the Chief Economist, which will be led by someone who hasn't been hired yet - interviews are ongoing.

Hormats could have as many as 150 to 200 new people under his leadership, but the changes are basically cost neutral. The idea is to combine these three bureaus into a cohesive team, which can take advantage of the increasing overlap between energy policy, environmental policy, and the economy.

"If this was only moving the bureaucratic boxes around it wouldn't be worth the effort," Hormats told The Cable in an interview. "This really responds to Secretary Clinton's challenge to break down silos and to create greater efficiencies within the State Department and focus attention in developing economic statecraft."

The changes in the State Department's bureaucracy were spelled out in the Quadrennial Diplomacy and Development Review, which was released last year, but also fits perfectly into Secretary of State Hillary Clinton's new favorite initiative, "Economic Statecraft," as laid out in her speech in October.

"America's economic strength and our global leadership are a package deal," Clinton said. "A strong economy has been a quiet pillar of American power in the world. It gives us the leverage we need to exert influence and advance our interests. It gives other countries confidence in our leadership and a greater stake in partnering with us."

Hormats said the State Department was currently evaluating several ways in which the new offices could work together. For example, the United States could use economic strategies to promote access for U.S. energy technology companies in Africa, he said. The environmental experts could also chip in to make sure development in the African energy sector is ecologically sound.

Another initiative State is thinking about, Hormats said, is an effort to strengthen science and technology cooperation with the European Union in areas such as nanotechnology, smart grids, and electric cars.

The idea is to play a role in setting industry-wide standards for new green technologies, helping U.S. businesses establish an international foothold in these emerging industries.

The conventional wisdom is that environmental and business objectives are at odds with each other, but Hormats is aiming to disprove that. He made the case that environmentally conscious companies are more energy efficient, and therefore more economically successful. President Barack Obama's Energy and Climate Partnership of the Americas is an existing example of this type of thinking, and a project that will be managed in his shop.

Hormats has also been meeting over several months with environmental groups to assure them that their concerns will not be made subservient to the overwhelming drive to seek economic gains and greater energy independence.

"The last thing we want to do is make the environmental bureau a subsidiary of the economic or energy bureaus," Hormats said. "The goal is to find synergies among co-equals. That's the key."

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Subject Universities push for bigger U.S. role in commercializing
clean energy technologies

RESEARCH: Universities push for bigger U.S. role in commercializing clean energy technologies
(09/20/2010)

American research universities are looking for the federal government to become a long-term partner in facilitating innovation and maintaining the country's lead in a wide range of high-tech industries needed in order to remain globally competitive.

Top research officers from nearly a dozen academic institutions came to the Capitol not looking for funding but rather to argue a need to reimagine how research flows between them, government and the private sector.

During a roundtable discussion organized by the Science Coalition, a group pushing to expand the role of the federal government in supporting academic research, many officials said several positive changes were already under way. However, an economic crisis, growing international competition and efforts by many developing countries to replicate American-style universities have created a new sense of urgency. And few areas are expected to grow so much with so little participation from the United States than clean energy technology.

As Boston and Berkeley, Calif., have nurtured a culture of startup companies and industry partnerships with local universities, many other schools are looking to replicate that relationship in their own cities.



Universities and individual faculty members were pursuing collaborations with private industry more than ever before, said many of the officers. The new partnership models want to extend the involvement of academics beyond the laboratory and into the marketplace. Prolonging these relationships, it was argued, would create better feedback mechanisms between each party and get new technology to the market much faster.

"We more than basic research being thrown out by the universities and being picked up elsewhere," said Michael Witherell, vice chancellor for research at University of California, Santa Barbara, and moderator of the discussion. "We need universities to stay with it longer and down the pipeline," he said.

But the attraction clearly goes both ways. Private industry has also become more willing to seek out academics.

Leo Chalupa, vice president for research at George Washington University, said that three startup companies in northern Virginia approached Stuart Licht, a professor of chemistry, after an article he wrote on solar energy was published in a peer-review journal. The reaction was so fast that the article could be found online but had yet be issued in print.

John Marburger, vice president for research at Stony Brook University.

"That would not have happened, I think, even a decade ago," Chalupa said.

Looking beyond federal stimulus money

Amid the massive budget cuts that have ravaged almost every state across the country, universities were

more than happy to accept whatever funds they could get from the American Recovery and Reinvestment Act. But some of the research officers were wondering what might happen once the funding dries up next year.

"I think the big gorilla in the room is the end of the stimulus money," said Chalupa. George Washington University received almost \$42 million, he said, but he wondered: "The question is, what happens when the stimulus money is over?"

"Is this going to be kind of like a 'falling off the cliff' thing?" Chalupa asked. "Or is it going to be more like an NIH [National Institutes of Health] model?" -- a gradual phaseout.

There was a silver lining, however, said John Marburger, vice president for research at Stony Brook University and former White House science adviser during the George W. Bush administration. Most of the funds from the Recovery Act, he said, were directed toward facilities and equipment that will continue to serve research projects long after the so-called stimulus money runs out.

George Washington University, for instance, received a \$15 million grant to renovate its medical science complex.

"There has never been a time when we've all had to do so much with, essentially, so little," said Francine Berman, vice president for research at Rensselaer Polytechnic Institute. But this financial strain, she said, has also encouraged institutions to pool resources and drive interest in partnering with the private sector.

A price on carbon is needed to move clean technology

What is ultimately at stake in developing new relationships between those inside and outside the ivory tower is to ensure that the American economy stays competitive with a rapidly developing rivals. The edge of the U.S. economy that remains the sharpest, everyone agreed, is the country's commitment to basic research.

But as Europe angles toward redesigning its universities with American schools in mind and as developing nations like India and China use the American design as a model for their own institutions, it is dangerous to take the United States' research advantage for granted.

"I do think the U.S. is as productive as ever in new ideas" when it comes to alternative energy sources, said Marburger, of Stony Brook. But, he said, "Who actually makes money on this depends on a lot of things other than the technology."

Marburger said, "We have global imbalances in the manufacturing sector that need to be addressed by many leaders, whether it's manufacturing the technology itself or in some sort of labor policy."

"There's a wide range of investments that the federal government is making in a number of agencies to address energy problems," said Marburger. "But that by itself is not going to guarantee that the U.S. will be a leader in commercialization."

"The management of the energy economy is most difficult," he said, "because it is so ubiquitous and, frankly, coal is so cheap."

Because the United States has such large deposits of fossil fuels, like coal and natural gas, the energy issues of present and future are not as compelling as they might be in countries with few natural resources.

"Advanced technology by itself will not lead to widespread adoption of clean energy, because it's too expensive now," Marburger said. "I don't think a mass market can be created for expensive [clean energy] technology without having price on carbon."

Developing technologies that are used elsewhere?

"Even if we had a price on carbon," Marburger said, "that wouldn't address the manufacturing problem." However, carbon pricing "would draw more investment into clean energy," he said. "Where we buy the devices that give us the clean energy is a bigger issue."

He said he understood why U.S. EPA was targeting utilities and other big, stationary greenhouse gas emitters first but thought that the agency was clearly over its head, saying "to regulate everything -- it's going to be a nightmare."

"I'm skeptical about the long-term ability of EPA to regulate [carbon] in a way that would satisfy the courts," said Marburger. "But right now, it's the only way we have."

"China could be the key economy, the key country, in the drive for clean energy, because they have the market and they also have a growing awareness of the problems that cheap energy can cause," said Marburger. "They may very well be the international leader in it."

The U.S. role in the drive for clean energy, he predicted, will be its ability will continue to "develop technologies that can be used elsewhere and play in this game at the high end, which is what we're doing now."

Witherell, of UC Santa Barbara, said "the world knows that the one area of education where the U.S. is still top of the world are research areas."

"We have to understand that that's our main advantage," he said, referring to research. "We do have to be careful, because other countries understand this now, and they're investing a lot to knock us off in that."

Despite this, Witherell said, compared to the next three largest economies, the United States has a very small part of the growing clean energy market, causing concern. "I think some people are starting to get discourage about whether the U.S. is going to be a very big player in it. And that is something that U.S. does have to face up to."

"Frankly, U.S. universities will be involved, but are the companies that we're going to be working with foreign or U.S.?" Witherell said. "And that's the role for the federal government -- to help. Because the other governments are tilting the scales toward their companies."

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Subject Water Scarcity Will Soon Outweigh Energy As World's Top
Concern, Global Leaders Say

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Daily Environment Report: News Archive > 2010 > September > 09/17/2010 > News > Water Resources:
Water Scarcity Will Soon Outweigh Energy As World's Top Concern, Global Leaders Say

179 DEN A-14

Water Resources

Water Scarcity Will Soon Outweigh Energy
As World's Top Concern, Global Leaders Say

TIANJIN, China—The world is facing an emerging water crisis that will outweigh climate change as a pressing concern and shift oil to the backseat as the most sought-after natural resource, government and business leaders said during three days of discussion on sustainability at the World Economic Forum's summer meeting.

The meeting, held in China Sept. 13-15, focused this year on sustainability for both governments and businesses. Policymakers and corporate leaders warned that water will soon replace oil as the natural resource causing strife and division in the world. Political leaders, they said, should react now to avert crisis.

Water resources and distribution are most problematic in Asia, where the issue could lead to armed conflict in years to come, Iceland's president, Olafur Ragnar Grimsson, told one panel on water and land sustainability.

Global Compact

Grimsson and others proposed that governments and businesses get moving now on a global agenda for governance of the world's water resources.

"We are not going to deal with this water crisis on a local or even national level," Grimsson said. "This requires global intervention."

While drinking water is important, it is only a fraction of what water is used for globally, according to Grimsson and other panelists. As the world's population grows wealthier and living standards, trade, and commerce increase, demand for water will grow with the population. Increasing use of biofuels has further accelerated demands for water globally.

Pricing, Distribution Pacts Needed

Panelists suggested that global leaders develop water pricing and distribution agreements to manage scarce resources. Water pollution, on the rise in developing countries, has further exacerbated the problem.

On one panel, the deputy mayor of Tianjin, located about 100 miles south of Beijing, said his city has been experimenting with desalinization to use seawater as a replacement for freshwater.

But another panelist, Peter Brabeck-Letmathe, chairman of the board of Nestle S.A., said desalination uses large amounts of energy in its process, negating the potential benefits. "It does not work in the long term," he said, suggesting that time is better spent convincing governments of the need to press for global water compacts.

"There will be an emergent trade in water globally" in years to come, Brabeck-Letmathe said.

The Nestle chairman also said companies need to work more to assure consumers of the safety of genetically modified foods, which can be grown with less water and land. With wealthier societies demanding more and better food, creative solutions are necessary, he said. Still, he cautioned, "All of this can only work if we have real free trade."

China Outpaces Other Countries on Solar

In a separate panel discussion on sustainability, corporate and government leaders discussed how China's solar industry has managed to outpace that of other, developed countries. Officials said China's solar power development owes much of its success to government support.

An industry index released Sept. 8 by Ernst & Young indicated that China has surpassed the United States as the most attractive place for all types of renewable energy investments (176 DEN A-10, 9/14/10).

Shi Zhenrong, chief executive officer of China's Suntech Power, said more governments should see the value of subsidizing clean energy development, though China's situation is somewhat unusual and has created concern among its trade partners.

"In China, people's standards of living have increased tremendously and fast," Shi said.

The government, through incentives and policy measures, has made it clear that clean energy is a priority.

"This is a new sector for economic growth in China," Shi said. "It's very good to know we're headed in the right direction."

By Kathleen E. McLaughlin

Full text of the Ernst & Young Renewable Energy Country Attractiveness Index is available at <http://op.b>

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Subject EPA: Upton's constituents don't like his anti-reg efforts -- poll<<http://www.eenews.net/gw/2011/05/19/6>>

EPA: Upton's constituents don't like his anti-reg efforts -- poll<<http://www.eenews.net/gw/2011/05/19/6>>

EPA: Upton's constituents don't like his anti-reg efforts -- poll (05/19/2011)

Jean Chemnick, E&E reporter

When Rep. Fred Upton (R-Mich.) took the helm of the House Energy and Commerce Committee this year, the one-time moderate on environmental issues became the standard-bearer for the House Republican majority's efforts to roll back U.S. EPA's authority to regulate greenhouse gas emissions.

But the new role may not be sitting well with the constituents who elected him, according to a new poll commissioned by the Natural Resources Defense Council Action Fund.

Upton shepherded a bill (H.R. 910) through his committee earlier this spring that would permanently strip EPA of its authority to regulate carbon dioxide, and the House approved it on April 19. The Energy and Commerce chairman also plans to hold hearings and craft legislation later this year that would affect other EPA air quality rules, including constraints on sulfur dioxide, nitrogen oxides and other pollutants.

But the survey, conducted in late April by Democratic polling firm Public Policy Polling, showed that residents of Michigan's 6th District have reservations about Upton's plans to limit EPA authority, and those concerns may affect how they view the congressman himself.

"Clearly, there is significant disappointment with his current policy choices," said Matt Howes, a spokesman for NRDC Action Fund, in a memo accompanying the poll results. "He has held his chairmanship for less than six months. If he continues to prioritize policies that benefit special interests, we can expect further erosion of constituent support."

The survey, which has not been released publicly, asked residents their views on whether EPA should do more to regulate air pollutants in general. Fifty-three percent of respondents answered in the affirmative, while 33 percent said they opposed the idea and 14 percent had no opinion.

Another question asked whether constituents supported EPA's taking steps to limit carbon dioxide and other heat-trapping emissions, rather than waiting for Congress to pass a new climate change law.

"The Head of the American Petroleum Institute says Congress should decide when and how greenhouse gases should be regulated. But others say Congress should let EPA do its job," the question read. "The head of the American Public Health Association says that blocking the EPA's work to reduce carbon dioxide could mean the difference between a healthy life for many Americans or chronic debilitating illness. Which opinion do you support?"

The survey showed 59 percent of respondents choosing the answer "Congress should let the EPA do its job," more than twice the 28 percent who said the agency should wait for Congress to act.

The survey also hinted that Upton's constituents might be dissatisfied with him for leading the charge against EPA air quality rules.

Forty-nine percent said they would be less likely to vote for the congressman because of his efforts to roll back emissions limits, while 29 percent said they would be more likely to support him. Twenty-two percent

of respondents said it would not affect their voting plans.

Upton represents a district in southwestern Michigan that includes the urban centers of Kalamazoo and Benton Harbor-St. Joseph. It is both an industrial and an agricultural district. While Upton has never won less than 58 percent of the vote during any of his 13 successful campaigns for the seat, it is a classic swing district in presidential election years. President Obama won it by 10 points in 2008; George W. Bush won it by 6 points four years earlier.

Upton's committee office did not respond this morning to calls for comment.

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Subject Article indicates that Cash for Caulkers likely to be included in
job bill

Jobs Bill As Next Legislative Priority Offers Climate Opportunities Posted November 25, 2009 The push by Congress to quickly enact a new "job-creation" bill to address rising unemployment likely will keep climate legislation on the back burner for the time being, but the fast-tracked jobs measure is expected to offer significant possibilities for climate change- and energy-related provisions, according to sources on and off Capitol Hill. One suite of proposals gaining some traction would have Congress provide federal grants or loans to building owners to fund energy efficiency and weatherization retrofits, which environmentalists say would generate early reductions in greenhouse gas emissions from the building sector that could ease eventual compliance with reduction targets in a cap-and-trade program. However, the bill also is expected to heavily fund traditional federal "infrastructure" programs, such as road construction, which environmentalists worry could lead to a larger increase in emissions, depending on how the programs are structured. After dealing with health care legislation, House and Senate Democratic leaders plan to move directly to a jobs bill, according to a key Democratic committee spokesperson, who adds that job creation will be the "number one issue" for the Senate next year after health care passes. The bill could move even sooner through the House, with some sources suggesting leadership is aiming to have legislation passed prior to its Dec. 18 target adjournment date. While details are scant, Senate Majority Leader Harry Reid (D-NV) and House Speaker Nancy Pelosi (D-CA) are soliciting input from members and either existing or new energy legislation could become part of the still-unformed jobs bill, the spokesperson says. Reid announced after a Democratic caucus meeting Nov. 16 that the Senate would take up a bill after health care, and "Pelosi signaled that's now her top legislative priority," the source says. House lawmakers seem to be taking the lead in shaping the legislation, the details of which could be unveiled as soon as Dec. 3, when a jobs summit is scheduled at the White House, according to sources off Capitol Hill who are tracking the process. A labor source says lawmakers are focused on areas where they can spend money quickly to hire new workers, and are focusing on funding existing programs rather than trying to develop entirely new initiatives. "The prevailing school of thought at least of the folks I know who are talking on the House side is a lot of money—hard dollars for spending on infrastructure—and state fiscal relief," the source says, noting that there is persistent debate over how to define those goals. The source says candidates for a jobs bill could include school construction and/or weatherization programs, as well as traditional highway and transit construction projects that are normally funded through regular surface transportation bills. Concern over outsourcing in the clean energy sector may dampen enthusiasm for more funding there, the source added. "Nobody's [going] to say we need the Chinese to come in and build more windmills in Texas," the source says, referring to a controversy that erupted this month following reports that a Chinese firm would provide turbines for a wind farm that was funded in part with money from the first economic stimulus bill. An environmentalist following development of the jobs bill says one climate-friendly component likely to be included is a proposal known as "cash for caulkers" that aims to help building owners cover the up-front costs of retrofitting their homes or commercial buildings to improve energy efficiency. Such improvements can cost several thousand dollars although that cost is eventually recouped over several years of lower energy bills. It's not clear how much money would be available for the program, but the source says a figure of \$6 billion has been circulating among advocates hoping to have the program included. Weatherization retrofit proposals are written into the House-passed climate bill and appear in versions of the legislation under consideration in the Senate, but those programs would not go into effect until 2012 because they are paid for with carbon allowances created at the outset of the cap-and-trade program, the source says. Including such provisions in a jobs bill would provide a head start for the emissions reductions that can be reaped through building efficiency, which is seen as a key component of the economy-wide effort to reduce emissions. The environmentalist says that for the U.S. to meet its long-term goals, virtually every building in the country eventually will need to be retrofit to improve efficiency. Sen. Jeff Merkley (D-OR) has a separate proposal to improve weatherization that he hopes to have included in the jobs bill, a Senate source says. The proposal, introduced in August as the Clean

Energy for Homes and Buildings Act, would provide loan guarantees, financing and credit support for homeowners to undertake weatherization upgrades; the homeowners would then re-pay those loans over several years with money they save on utility bills. The source says the proposal would create construction jobs and allow homeowners to upgrade their homes without having to pay the high initial costs out-of-pocket. "It's common sense," the source says. A source with the liberal think tank Center for American Progress (CAP), which has consistently advocated the creation of jobs through pursuit of low-carbon policies, says CAP, along with the Energy Future Coalition, has recently promoted its "Rebuilding America" energy efficiency "white paper," which includes a number of recommendations that would be good candidates for a jobs bill. Included in the white paper are a series of tax provisions that would encourage the installation of smart grid equipment and efficient heating, ventilation and air-conditioning systems. Climate Bill Impacts Any debate about a jobs bill likely will involve extensive discussion of whether climate legislation or regulations will cause widespread job losses, an issue that has been highly controversial with regard to both the House and Senate climate bills and was raised in a Nov. 17 letter from House energy committee ranking member Joe Barton (R-TX) and oversight panel ranking member Greg Walden (R-OR) to EPA Administrator Lisa Jackson. In their letter, Barton and Walden ask Jackson for information on how EPA's proposed regulation of greenhouse gases under the Clean Air Act will affect jobs. "Given the billions of dollars in compliance costs, complexity of the reporting and permitting requirements, potential enforcement actions, potential fines and penalties, and threats of citizen suits and other third-party litigation, we have serious concerns that the administration and EPA's proposed global warming regulations will cumulatively result in job losses, and contribute to the flight of U.S. manufacturing and other business overseas--stifling future economic growth," the letter says. Democratic leaders are focusing on jobs in the wake of the Bureau of Labor Statistics' announcement in early November that unemployment is at 10.2 percent, despite the \$787 billion economic stimulus package launched in February. Reportedly, using the jobs bill to expand or extend elements of the stimulus legislation, including unemployment benefits and subsidies to help the jobless pay for health insurance, are under discussion. But House Majority Leader Steny Hoyer (D-MD) said Nov. 17, "I wouldn't characterize it as a second stimulus. I don't want to be as broad as that, I want it to be very targeted on jobs." While some observers have suggested a jobs bill would jump ahead of climate change legislation, Kevin Book--the Managing Director for Research at consulting firm ClearView Energy Partners who has testified before Congress on energy and climate legislation--in a Nov. 24 report suggests that climate legislation will become a jobs bill. In an interview with sister publication EnergyWashingtton, Book notes that it is no coincidence that the senate bill, S. 1733, is called "The Clean Energy Jobs and American Power Act." The House-passed legislation, "The American Clean Energy and Security Act of 2009," is not a jobs bill but "looks like industrial policy," and since passage of the American Jobs Creation Act of 2004, which had a large energy component, "every bill with a broad economic basis has had a large energy component," Book says. According to Book, when policymakers discuss the kinds of jobs to stimulate, they are primarily energy-related jobs, including retrofitting coal-fired power plants--as suggested by boilermakers--and other retrofit jobs, as well as transportation-related energy jobs. "The ultimate green job is retrofits," Book says, noting that Democratic leaders are struggling with defining a jobs bill in the wake of the stimulus bill's failure to impact unemployment. A GOP spokesperson says its is too early to tell how Sen. Lisa Murkowski (R-AK) and other Republicans might respond to the Democrats' jobs bill because they would have to see it first to comment. But the source notes that in the past Murkowski has stressed that if the United States wants more jobs then developing offshore oil and gas can provide immediate, well-paying employment and give states badly needed revenue

Charles Imohiosen
Office of the Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.

Sent via Blackberry

**Charles
Imohiosen/DC/USEPA/US**
05/26/2011 01:38 PM

To "Richard Windsor", "Sarah Pallone", "Gina McCarthy"
cc
bcc
Subject You probably already saw, but CLIMATE: N.J. pulls out of
RGGI (05/26/2011)

CLIMATE: N.J. pulls out of RGGI (05/26/2011)

Nathanial Gronewold, E&E reporter

NEW YORK -- New Jersey will leave the the Northeast's experiment in carbon emissions cap and trade by the end of the year, GOP Gov. Chris Christie announced this morning.

At a press conference in Trenton, Christie said his state is pulling out of the Regional Greenhouse Gas Initiative, known by its acronym RGGI. The 10-state system puts a cap on greenhouse gas emissions by utilities but allows companies to meet compliance through trades in emissions allowances. New Jersey is currently the second-largest member of RGGI, after New York state.



By doing so, the cash-strapped state will forgo millions of dollars in future revenues that it could generate from the auctioning of RGGI emissions allowances. But Christie said the system had failed to make an impact on climate change and was unlikely to do so in the future. He called it an unfair tax on energy companies.

"RGGI has not changed behavior and it has not reduced emissions," Christie said, according to the state newspaper The Record. "It's a failure."

Heralded by environmentalists as the nation's only legally mandated attempt to combat greenhouse gas emissions through cap and trade, RGGI has fallen victim to the shale gas revolution and the recent deep economic recession. Cheap and abundant supplies of natural gas from Pennsylvania's Marcellus Shale has compelled scores of Northeastern energy producers to switch from oil and coal to more gas-driven generation, cutting the region's greenhouse gas footprint by about a third in less than five years.

RGGI initially foresaw emissions rising slightly before falling by 10 percent by 2018. Consultants hired by RGGI's Manhattan administration to review the program said the 10 member states must either tighten the cap or see the program remain largely irrelevant to the fight against global warming for the foreseeable future.

RGGI members had begun tentative consultations to adjust the cap to account for the new energy mix in the region. RGGI's operating rules allow for an adjustment of the system to be undertaken in 2012 should its members choose to do so.

Environmentalists decried the announcement. But some carbon market experts anticipated that the governor's decision would have little impact on carbon trading, which in the United States has been largely moribund for several months.

"We expect the cap to be adjusted proportionately to New Jersey's emissions, so that the overall supply and demand balance will not be affected," said Emilie Mazzacurati, head of North American research at the carbon market analytical firm Point Carbon, in a statement. Trading might fall in the short term, but "in reality New Jersey's decision won't affect fundamentals," she added.

According to RGGI Inc., New Jersey has received more than \$102 million from the 11 allowance auctions since they began in September 2008. RGGI members generally commit to using the proceeds to promote renewable energy and energy efficiency programs, but many state governments have been dipping into the proceeds to plug budget gaps. The New Jersey governor recently tapped \$65 million generated from

RGGI auctions to balance the state's budget.

Earlier this month, a move to withdraw New Hampshire from RGGI failed in the state's Senate. The next allowance auction is scheduled for June 8, and most market experts anticipate that the clearing price will remain at the legal floor due to weak demand.

Charles Imohiosen
Counselor to the Deputy Administrator
Office of the Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.

Sent via Blackberry

Chuck Fox/CBP/USEPA/US
07/20/2010 09:46 AM

To Richard Windsor, perciasepe.bob, thompson.diane, Peter Silva, stoner.nancy, garvin.shawn, Seth Oster, Brendan Gilfillan, Sarah Pallone, Arvin Ganesan
cc
bcc
Subject Norfolk Article on LPJ Letter to McDonnell

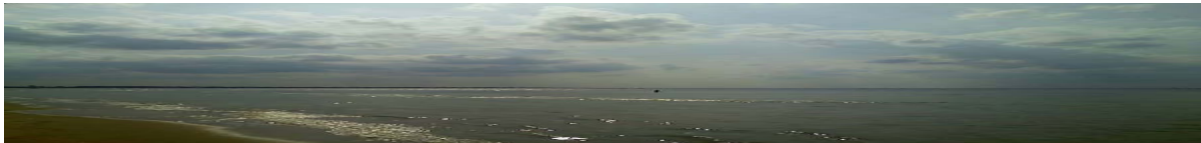
Pretty good piece, all things considered. My favorite quote is from the VA DNR Secretary: "The Bay is getting cleaner. Why all this fuss about us 'failing' the Bay. We're not failing; the cleanup is working."

The comments on the article are running strongly in our favor.

I'll let you know when we get other clips.

<http://hamptonroads.com/2010/07/va-us-odds-over-new-chesapeake-bay-rules>

Va., U.S. at odds over new Chesapeake Bay rules



[Close Gallery](#)



Clouds roll over the Chesapeake Bay along Shore Drive near the Lesner Bridge in Virginia Beach (Cathleen Sullivan Echard | Pilot13 Weather Spotter).

By [Scott Harper](#)
The Virginian-Pilot
© July 20, 2010

RICHMOND

Tensions are mounting between Gov. Bob McDonnell's administration and the federal government over plans pushed by President Barack Obama for creating new regulations to hasten the Chesapeake Bay cleanup.

Some environmentalists worry this latest feud between Richmond and Washington could escalate to legal action from Virginia - or even lead to the state's withdrawal from a 30-year-old partnership with the U.S. government to save the Bay.

In an interview last week, McDonnell's secretary of natural resources, Doug Domenech, said Virginia is pursuing a two-track policy: remaining committed to restoring the Bay, but also taking a hard line toward the science and computer modeling behind proposed rules aimed at cutting pollution from agriculture, new development and other sources.

Domenech said he and other administration officials "have not talked about walking" away from the six-state partnership, nor have they discussed a lawsuit against the U.S. Environmental Protection Agency.

Still, Domenech said he would not be surprised if industry groups sue over the proposed regulations, which he described as based on "admittedly flawed computer models, whose numbers keep changing - and will continue to change even as we go forward."

Specifically, he is referring to a prescribed pollution diet that the Bay is supposed to start living under next year. The diet seeks to reduce nitrogen, phosphorus and sediments entering the Bay.

Those three pollutants are chiefly responsible for the Bay's water-quality problems, which include dead zones, scant oxygen levels and soupy conditions that make it difficult for plants, fish and shellfish to thrive.

"The mitigating factor here is the economy," Domenech said from his office in Richmond. "It's such a bad time to impose all these new restrictions on farmers, foresters, land developers. It's the worst time to be kicking these guys."

Some of these issues will be flushed out today at a hearing in Richmond before the House Committee on Agriculture, Chesapeake and Natural Resources.

Jeff Corbin, a former scientist with the Chesapeake Bay Foundation and an assistant secretary of natural resources under former Gov. Timothy M. Kaine, is scheduled to attend the meeting in his new role as a senior adviser to the EPA. Domenech and other Virginia officials also are slated to make presentations.

McDonnell sent EPA Administrator Lisa Jackson a letter last month outlining his concerns in blunt fashion. He wrote about a perceived lack of transparency, ill-defined mandates and rushed deadlines.

"We believe the EPA's time and energy would be better spent in Virginia educating farmers on best practices and positive actions... rather than expanding the scope of its regulatory authority through enforcement measures," the governor wrote.

Jackson responded Friday with her own letter. It seeks to ease tensions and better explain the Obama administration's rationale.

"The first Chesapeake Bay Agreement was signed in 1983 by the region's most senior elected and appointed officials. We have made significant progress since that time," Jackson wrote. "However, we have fallen short in achieving our goals for controlling pollution. Working together, I am confident that we can change the course of history on the Chesapeake."

It might not be surprising to some that the McDonnell administration, which already is feuding with the EPA over climate change and air-pollution rules, is voicing concerns over new

regulations related to the Bay. But the Bay cleanup has always enjoyed an apple-pie political status in the mid-Atlantic region, even when less-regulation-is-better conservatives were in office in Virginia and other states involved in the cleanup.

To some environmentalists, McDonnell's administration is spending more time punching holes in the Obama formula than trying to help the Bay.

"If they don't like this, what then do they want to do?" asked Skip Stiles, executive director of Wetlands Watch, a Norfolk-based environmental group. "This all seems more obstructionist than anything."

Asked last week what the Republican administration wants, Domenech said he favors the existing approach - of voluntary goals and voluntary actions, a no-penalty system that has guided the partnership through mixed results for three decades.

"The Bay is getting cleaner," he said. "Why all the fuss about us 'failing' the Bay? We're not failing; the cleanup is working."

He said Maryland has not complained about the Obama approach because "they're highly regulated already. But we in Virginia have a different mentality."

Domenech said other states, including New York, Pennsylvania and West Virginia, also have complained about disparities in computer models.

"People assume this is based on science," he said, "but there's always been a factor of horse-trading in it. Sometimes, it makes you feel you can't have confidence in the science."

Scott Harper, (757) 446-2340, scott.harper@pilotonline.com

J. Charles Fox
Senior Advisor to the Administrator
410 Severn Avenue, Suite 112
Annapolis, Maryland 21403

Chuck Fox/CBP/USEPA/US
10/06/2010 05:14 PM

To Richard Windsor, Sarah Pallone, perciasepe.bob, Bob Sussman
cc
bcc
Subject Governor O'Malley's October message on the Chesapeake

FYI. He sends these out every month.

Your link to the Chesapeake Bay

October 2010

IN THIS ISSUE

From the Desk of Governor
Martin O'Malley
Your Vote will Earn a \$1
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DNR Now Accepting
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Water Quality
Maryland Green Registry Wins
National Honor
UMCES Rebuilding Historic
Research Pier
Brown Stink Bugs Invade
Maryland Homes and Crops

What Can I Do?

Buy a Bay Plate

Do you recognize those Chesapeake Bay license plates on many Maryland cars? You can have one too! Money from sale of Chesapeake Bay plates funds trash removal from streams, tree planting, wetland

From the desk of...

Martin O'Malley, Governor of Maryland

Governor O'Malley addressed the 27th Chesapeake Bay Executive Council on June 3, 2010.

We recently learned that Maryland's Draft Watershed Implementation Plan has received a very positive assessment from Environmental Protection Agency Administrator Lisa Jackson. EPA's response demonstrates that our hard work over the past four years has laid the groundwork for moving forward to restore our cherished Chesapeake Bay. The plan represents the best science from the region's best experts to move the Bay off of life support, and off of the nation's dirty waters list.

When we took office, we saw that many state agency efforts were operating in isolation, without the coordination and targeting needed to make the efforts efficient and effective. During the first year of BayStat, we examined each of those agency efforts in detail and initiated changes to focus them on Bay restoration and make them work more efficiently. We redesigned Maryland's CREP program and obtained federal approval. We targeted septic upgrades where they provide the greatest benefit to the Bay, replacing failing septic systems in the Critical Area along the Bay's shoreline. After we worked with our colleagues in the General Assembly to create the Chesapeake Bay 2010 Trust Fund, we targeted the use of that fund towards the subwatersheds whose improvement provides the greatest benefit to the Bay as a whole.

We also moved solid science back into the forefront of decision-making. We collected data that identifies the areas of land that have the greatest ecological value to the health of the Bay, and now use that to decide which lands merit investment of state land preservation funds. The results are displayed for everyone to see on the [GreenPrint website](#). In 2008 we followed

restoration, living shoreline installation, and other activities that help restore the Chesapeake Bay.

[More info...](#)

Bay Fact

Can you name all the states in the Chesapeake Bay watershed, the area that drains into the Chesapeake Bay? The watershed drains from six states plus the District of Columbia: Maryland, Pennsylvania, New York, Virginia, Delaware and West Virginia. Half of the fresh water that flows into the Chesapeake Bay comes from the Susquehanna River, which flows 444 miles from Otsego Lake in central New York State and drains half of the land area of Pennsylvania. [More details...](#)

More News

[State proposes new Chesapeake Bay cleanup efforts](#)

[Maryland, D.C. on target for Chesapeake cleanup](#)

[EPA calls on 5 states to strengthen bay plans](#)

[EPA: \\$491M in 2011](#)

the advice of fisheries scientists and put in place the new strategy that led to the resurgence of blue crab populations in the Bay. We have now adopted a scientifically-backed strategy for oysters and expect that new strategy to lead to a resurgence of oysters in the Bay as well.

Those are just some of the actions that helped us submit a plan that will significantly reduce pollution in the Bay by 2020, the deadline we set for ourselves, a full five years ahead of the target set by the EPA and the other Bay States. The actions proposed in the plan will improve our environment and public health, and help create jobs to protect the enormous economic value of the Chesapeake Bay. Now we look forward to hearing from Marylanders, via [our website](#) and at [regional public meetings](#), as we work to finalize our Watershed Implementation Plan and the Bay TMDL (Total Maximum Daily Load) report by the end of this year.

We can be proud that all of our efforts have combined to make the Chesapeake Bay at least a little bit healthier today than it was four years ago. I hope that you will join us in renewing our commitment to continue the effort until the Chesapeake Bay is restored as a vital centerpiece of bounty, beauty, recreation and commerce for our generation and for generations to come.

Sincerely,

You can make a difference another way!

Your Vote will Earn a \$1 Donation to Maryland State Parks

Maryland is competing against all 49 other states for \$17,000 toward planting trees in State Parks. Voters can now vote by using the special code "MD8000" from the FREE *Maryland Park Welcome Guide* (available when you enter a state park) to vote one additional time. Money raised will go to Maryland State Parks. Your help is greatly appreciated. [Click here to vote!](#) **And tell your friends and family.**

BayStat Team Meeting Update

At the September BayStat meeting, Maryland's Department of Planning presented information about PlanMaryland, which is a developing, comprehensive statewide strategy to address growth, development and land preservation while protecting water quality. To access information about PlanMaryland on the Internet, [click here](#).

Maryland Government at Work for the Bay

[Chesapeake restoration funding](#)

[Bay 'pollution diet' details unveiled](#)

[EPA Announces Public Meetings on Chesapeake Bay 'Pollution Diet'](#)

[Bay crab harvest offsets problems from Gulf oil spill](#)

[Citizen Oyster Growing Project Expands from 12 to 19 Rivers](#)

[Potomac River now healthier than in '50s, study shows](#)

[Anacostia development boom tied to river cleanup](#)

[Brown pelicans have a toehold again in the bays](#)

[Aquatic conservation efforts pay off](#)

[Artists hope images of Susquehanna River life capture lawmakers' attention](#)

[Stimulus funding restoring Shady Side shoreline](#)

[Flounder numbers look good for next year](#)

[USGS develops new bay restoration tracking method](#)

Maryland and D.C. on Target for Chesapeake Bay Cleanup

Maryland submitted its draft plan for actions to restore the Chesapeake Bay to the federal Environmental Protection Agency (EPA) on time at the end of September. The EPA commented that the plans from Maryland and the District of Columbia are on target, while the draft plans from the other five Bay states need major strengthening. Your comments and suggestions are still needed to help improve the draft plan. Both Maryland and EPA are holding public meetings to receive input, and you can also send comments by email. [Further details...](#)

DNR Now Accepting Aquaculture Permit Applications

DNR is now accepting applications for aquaculture permits under oyster leasing regulations that implement the State's new Oyster Restoration and Aquaculture Development Plan that became effective on September 6. The regulations open thousands of acres to leasing for aquaculture; establish a new application process and rules for aquaculture; identify areas that remain available for a continued public oyster fishery; and identify the State's new network of oyster sanctuaries. The oyster sanctuaries are expanding from 9% of the Bay's remaining oyster bars to 25%, including some of the most productive bottom. [More details...](#)

Stimulus Funds to Help Reduce Stormwater Runoff, Improve Water Quality

Maryland received \$119.2 million in federal stimulus funds that are being invested to improve water quality and drinking water infrastructure in every county in the state. [Click here](#) for a description of two projects that have been completed in Takoma Park. You can also see a complete list of projects on the Department of the Environment's website [here](#).

Maryland Green Registry Wins National Honor

The National Pollution Prevention Roundtable has recognized Maryland's Green Registry with a Most Valuable Pollution Prevention award. The Green Registry, created by Governor O'Malley in 2009, provides a voluntary way for businesses and other organizations to document their environmentally-sustainable practices and share the results with others on a public website. [For more information...](#)

UMCES Rebuilding Historic Research Pier

The University of Maryland Center for Environmental Science (UMCES) will rebuild its historic research pier on Solomons Island, thanks to a grant of federal stimulus funds from the National Science Foundation. Since 1936, the pier has been instrumental for research, data collection on climate change,

[NOAA Project to Investigate Impacts of Shallow Water Hypoxia in Chesapeake Bay](#)

[Ship Serial Polluter Ordered to Pay \\$4 Million](#)

[Algae eyed to clean Chesapeake Bay](#)

[Progress, but not perfection, on the Potomac](#)

['Trash Pollution Diet' Announced at 5th Annual Potomac Watershed Trash Summit](#)

[Chesapeake Bay's Quest for Eco-Balance and Sustainable Seafood](#)

[Dam makes way for free passage of fish](#)

[Officials mapping out spots for wind farms](#)

[Can Oyster Eaters Save Oysters?](#)

[Navy destroyer to be sunk off Ocean City for fish reef](#)

Quick Links

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[How to Use BayStat](#)
[BayStat Newsletter Archives](#)

fisheries management and the health of the Chesapeake Bay. The funds allow UMCES to make critical repairs to the pier, including extensive replacement of the support structure, decking and pumping station, as well as securing the seawater intake lines to protect them from future storm threats. [For more information...](#)

Brown Stink Bugs Invade Maryland Homes and Crops

As cooler temperatures arrive, brown stink bugs that originated in Asia are seeking cover in Maryland homes. The bugs do not bite or sting, but create a nuisance and smell bad if squished. Large numbers of these bugs are also causing damage in some orchards and farm fields. For more details on this new invasive pest, [click here](#).

Contact Info

Important: Please add baystat@dnr.state.md.us to your address book to make sure we don't get caught in your spam filter.

For comments and suggestions regarding this newsletter, please send an email to baystat@dnr.state.md.us

[Forward email](#)

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BayStat Office | Office of Governor O'Malley | State House | Annapolis | MD | 21401

Craig Hooks/DC/USEPA/US

04/29/2010 09:25 PM

To "Richard Windsor"

cc

bcc

Subject Fw: TIME 100: Lisa P. Jackson

I'm so very happy and proud of you and to work for you. This is too cool!

Benita told me to tell you, you are her shero!

Betsaida Alcantara

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

From: Betsaida Alcantara

Sent: 04/29/2010 01:52 PM EDT

To: Betsaida Alcantara <alcantara.betsaida@epa.gov>

Subject: TIME 100: Lisa P. Jackson

Team,

As some of you may already know, today our boss was named by Time Magazine as one of the 100 Most Influential People in the world.

Below is the link to the article as well as a statement from the Administrator responding to the requests we've received for her feelings on this honor.

"Being one of Time's 100 Most Influential people is an incredible honor. More than anything else, it's an acknowledgement of the people at the Environmental Protection Agency and their contribution to the lives of 300 million Americans and counting. It's a special privilege to be at EPA 40 years after it was created to protect our health and our environment, and to build on the history of healthier families, cleaner communities and a stronger America. We're also called to address new challenges -- to expand our conversation and fight for environmental justice; to modernize laws that ensure the safety of the chemicals all around us; and to confront climate change with clean energy innovation. As always, our influence and our success will be measured by the difference we make for all Americans, today and in the generations to come."

THINKERS - TIME 100

http://www.time.com/time/specials/packages/article/0,28804,1984685_1984745_1985493,00.html

Lisa Jackson

By William D. Ruckelshaus

Thursday, Apr. 29, 2010



Lisa Jackson is doing exactly what an Environmental Protection Agency Administrator is supposed to do – thoughtfully and carefully but aggressively implementing our environmental laws to protect public health and our environment. The job of the EPA Administrator is not to make people happy but to make them and their environment healthier.

She arrives equipped with a rare combination of assets to help her do her job: in equal measure, experience, fairness, sure-footedness, determination and the ability to sound a credible and measured voice in defense of citizens' rights to fresh air, clean water and a stable climate.

A chemist by training, Jackson, 48, grew up in New Orleans, went to Tulane and Princeton and spent 16 years at the EPA before becoming New Jersey's environmental commissioner. She inherited an EPA suffering from a reputation as a political wind sock. It is tempting to conclude that the EPA's authority is drawn primarily from its regulatory power, as indeed much of it is. But Jackson has correctly sensed that restoring public trust in the agency is essential. In this era of growing public mistrust of government, that same public – as well as states, industry, small businesses and, importantly, EPA staff – must have confidence that decisions are being driven by science and an unbiased interpretation of the law, and not a political agenda. Jackson is inspiring this kind of confidence.

Ruckelshaus was the EPA Administrator from 1970 to '73 and 1983 to '85

Read more:

http://www.time.com/time/specials/packages/article/0,28804,1984685_1984745_1985493,00.html#ixzz0mUgfdlqy

Curt Spalding/R1/USEPA/US

01/14/2012 11:06 AM

To Richard Windsor

cc

bcc

Subject Fw: speech AFLCIO President

Hi Administrator,

On Thursday I attended the CERE's Investors Summit on Climate Risk and Energy Solutions. You may have heard that Richard Trumpka spoke to the hundreds in the audience about AFL-CIO's commitment to work for a low-carbon economy within 30 years. . It was powerful presentation because he linked AFL-CIO's commitment to his personal experience growing up in a coal mining community. He suggested that the economic transformation that must occur is causing enormous fear of the green economy. He proposed that an "honest constructive dialogue" must be initiated to reduce that fear and the associated consequences. The link below should get you to the speech.

<http://aflcio.org/mediacenter/prsptm/pr1122012a.cfm>

He was given a standing ovation. Having written and given many speeches, the crafting and delivery was well done. It was clearly was an important effort for him and the AFL-CIO.

- Curt

Dan Abrams

Executive Assistant to Curt Spalding, Regional Administrator

US Environmental Protection Agency

Region 1 New England

office: (617) 918-1067

mobile: (857) 321-3084

**Daniel
Gerasimowicz/DC/USEPA/US**
01/21/2010 10:28 AM

To
cc
bcc

Subject Beneficial Reuse Meeting with the Reuse Industry

Meeting

Date 01/27/2010
Time 11:15:00 AM to 12:00:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Bullet Room

Ct: Georgia Bednar (OA) 564-9816

Staff:

Bob Sussman (OA)
Avi Garbow, Laurel Celeste (OGC)
Mathy Stanislaus, Matt Hale , Matt Straus, Lisa Feldt (OSWER)
Lisa Heinzerling (OPEI)

Attendees:

Thomas H. Adams, Executive Director, American Coal Ash Association
Greg Andersen, Vice President, Global Sales and Marketing, Harsco Minerals
Craig Campbell, Vice President, Environmental and Governmental Affairs, Lafarge North America
Lisa Cooper, Chief Executive Officer, PMI Ash Technologies,
Dominic Dannessa, Vice President and Chief Technology Officer, USG Corporation,
Bill Gehrman, President, Headwaters Resources
Brett McMahon, Vice President, Business Development, Miller & Long Concrete Construction,
Thomas Pounds, President, CalStar Cement,
Robert Spoerri, President, Beneficial Reuse,

**Daniel
Gerasimowicz/DC/USEPA/US**
02/17/2010 01:10 PM

To
cc
bcc

Subject Briefing on Utility MACT "Early Guidance"

Meeting

Date 03/01/2010
Time 11:00:00 AM to 12:00:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bullet Room
Ct: Teri Porterfield (OAR) 564-7404

Staff:

Bob Perciasepe, Peter Grevatt (OA)
Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Brian McLean, Rob Brenner, Peter Tsirigotis, Robert Wayland, Sam
Napolitano, Kevin Culligan, Ellen Kurlansky (OAR)
Scott Fulton, Patricia Embrey, Paul Versace (OGC)
Bob Sussman (OA)
Lisa Heinzerling (OPEI)
Adam Kushner, Lisa Garcia (OECA)

Optional: Diane Thompson (OA) and AAs

(hookup to Admin's conference line needed)

**Daniel
Gerasimowicz/DC/USEPA/US**
03/03/2010 04:26 PM

To
cc
bcc

Subject Briefing to discuss Boiler MACT Proposal

Meeting

Date 03/09/2010
Time 09:30:00 AM to 10:30:00 AM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Bullet Room

Ct: Georgia Bednar (OA) 564-9816

Staff:

Bob Sussman, Bob Perciasepe (OA)
Gina McCarthy, Janet McCabe, Steve Page, Peter Tsirigotis, RobertJ Wayland, Rob Brenner (OAR)
Scott Fulton, Avi Garbow (OGC)
Lisa Heinzerling (OPEI)
Matt Strauss (OSWER)
Optional: Diane Thompson (OA)

(hookup to Admin's conference line needed)

**Daniel
Gerasimowicz/DC/USEPA/US**
04/08/2009 11:55 AM

To
cc
bcc

Subject Briefing to discuss Bonn Climate Negotiations

Meeting

Date 04/16/2009

Time 04:45:00 PM to 05:15:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location The Administrator's Office

Ct: Georgia Bednar 564-9816

Staff:

Scott Fulton, Lisa Heinzerling (OA)

Jackie Krieger, Leif Hockstad, Kimberly Klunich, Scott Bartos (OAR)

Joe Ferrante (OIA)

**Daniel
Gerasimowicz/DC/USEPA/US**
04/05/2010 01:08 PM

To
cc
bcc

Subject Briefing to discuss Coal Ash

Meeting

Date 04/08/2010

Time 09:15:00 AM to 10:00:00 AM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Georgia Bednar (OA) 564-9816

Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

Seth Oster (OPA)

Mathy Stanislaus, Lisa Feldt (OSWER)

Lisa Heinzerling (OPEI)

Scott Fulton (OGC)

Arvin Ganesan (OCIR)

**Daniel
Gerasimowicz/DC/USEPA/US**
06/14/2010 02:47 PM

To
cc
bcc

Subject Briefing to discuss Coal MAC and Czar Coal

Meeting

Date 06/17/2010
Time 02:15:00 PM to 03:00:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Bullet Room

Ct: Georgia Bednar (OA) 564-9816

Bob Sussman, Bob Perciasepe (OA)
Nancy Stoner, Denise Keehner, Nancy Gelb, Greg Peck, Brian Frazer, Brian Topping, Christopher Hunter, David Evans, Matthew Klasen (OW)
Bill Early, John Pomponio (R3)
Stan Meiburg, Jim Giattina, Duncan Powell, Tom Welborn, Philip Mancusi-Ungaro (R4)
Tinka Hyde, Wendy Melgin (R5)
Optional: Diane Thompson, Robert Goulding (OA)

(Hookup to Admin's conference line needed)

**Daniel
Gerasimowicz/DC/USEPA/US**
07/24/2009 10:51 AM

To
cc
bcc

Subject Briefing to discuss Surface Coal Mining - Multi-Criteria
Integrated Resource Assessment (MIRA) Tool

Meeting

Date 07/28/2009
Time 04:00:00 PM to 04:45:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bullet Room
Ct: Lori Keyton (OW) 564-5768

Staff:
Bob Sussman, Lynn Zipf (OA)
Bill Early, Randy Pomponio, Cynthia Stahl (R3)
Pete Silva, Mike Shapiro, Greg Peck, Suzanne Schwartz, David Evans, Brian Frazer, Ann Campbell (OW)
Steve Neugeboren, Kevin Minoli, Karyn Wendelowski (OGC)
Bharat Mathur (R5)
Stain Meiburg, Jim Giattina (R4)
Cynthia Giles, Susan Bromm (OECA)

(hookup to the Administrator's conference line needed for Regions - Internet access also needed)

Daniel
Gerasimowicz/DC/USEPA/US
03/04/2009 03:03 PM

To
cc
bcc

Subject Briefing to discuss the Lieberman-Warner Climate Security Act of 2008

Meeting

Date 03/11/2009

Time 04:00:00 PM to 04:45:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location 3530 ARN

Ct; Shela Poke-Williams 564-1850

Heinzerling/McIntosh/McGartland/Frantz/Lewis/Craig/McLean/Krieger/Kruger/Napolitano/Dunham/Tsirigotis/Harvey/Culligan/Fawcett
/Adamantiades/Johnson/Ketcham-Colwill/Zinger

**Daniel
Gerasimowicz/DC/USEPA/US**
11/15/2010 04:45 PM

To
cc
bcc

Subject Briefing to discuss the Status of the Boiler MACT and Area
Source Boiler Rule

Meeting

Date 11/22/2010
Time 10:15:00 AM to 10:45:00 AM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bullet Room
Ct: Cindy Huang (OAR) 564-7404

Staff:

Bob Perciasepe, Bob Sussman (OA)
Gina McCarthy, Janet McCabe, Joe Goffman, Don Zinger, Steve Page, Peter Tsirigotis, Robert Wayland, Rob Brenner, Ellen
Kurlansky, Jeneva Craig (OA)
Cynthia Giles, Lisa Garcia (OECA)
Avi Garbow, Patricia Embrey, Wendy Blake (OGC)
Lisa Heinzerling (OP)
Mathy Stanislaus (OSWER)
Optional:
Diane Thompson (OA)
Al McGartland, Thomas Gillis (OP)

Hookup to Administrator's conference line needed

**Daniel
Gerasimowicz/DC/USEPA/US**
08/20/2009 10:16 AM

To
cc
bcc

Subject Briefing to discuss the Surface Coal Mining MOU Permit
Review Update

Meeting

Date 08/27/2009
Time 02:30:00 PM to 03:15:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bullet Room
Ct: Lori Keyton (OW) 564-5768

Staff:

Bob Sussman, Diane Thompson, Lynn Zipf (OA)
Bill Early, John Pomponio (R3)
Stan Meiburg, Jim Giattina (R4)
Bharat Mathur, Kevin Pierard (R5)
Pete Silva, Mike Shapiro, Greg Peck, Suzanne Schwartz, Jim Hanlon, David Evans, Brian Frazer, Ann Campbell (OW)
Catherine McCabe, Susan Bromm (OECA)
Pat Hirsch, Steve Neugeboren, Kevin Minoli, Karyn Wendelowski (OGC)

(hookup to Admin's conference line needed for Regions)

**Daniel
Gerasimowicz/DC/USEPA/US**
11/01/2010 04:41 PM

To
cc
bcc

Subject Briefing to discuss Utility MACT Proposal

Meeting

Date 12/06/2010
Time 10:35:00 AM to 11:20:00 AM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bullet Room
Ct: Cindy Huang (OAR) 564-7404

Staff:

Bob Perciasepe, Bob Sussman (OA)
Gina McCarthy, Janet McCabe, Joe Goffman, Don Zinger, Cate Hight, Amit Srivastava, Steve Page, Peter Tsirigotis, RobertJ
Wayland, Rob Brenner, Ellen Kurlansky, Jeneva Craig, Brian McLean, Sam Napolitano (OAR)
Scott Fulton, Patricia Embrey, Wendy Blake, Paul Versace, Manisha Patel (OGC)
Lisa Heinzerling, Alex Cristofaro (OP)
Kevin Teichman (ORD)
Cynthia Giles, Lisa Garcia, Asam Kushner, Phil Brooks (OECA)
Peter Grevatt, Matthew Davis (OCHP)
Rick Albright (R10)

Optional:

Diane Thompson (OA)
Lucy Edmondson (R1)

Video/audio bridge hookup needed

**Daniel
Gerasimowicz/DC/USEPA/US**
12/01/2010 10:23 AM

To
cc
bcc

Subject Briefing to discuss Boiler MACT

Meeting

Date 12/06/2010
Time 11:30:00 AM to 12:00:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Administrator's Office

Ct: Cindy Huang (OAR) 564-7404

Staff:

Bob Perciasepe, Bob Sussman (OA)
Gina McCarthy, Janet McCabe, Joe Goffman, Steve Page, Peter Tsigotis (Steve and Peter by phone from RTP) (OAR)
Scott Fulton, Avi Garbow (OGC)

Optional:

Diane Thompson (OA)

Hookup to Administrator's conference line needed

**Daniel
Gerasimowicz/DC/USEPA/US**
10/12/2010 09:19 AM

To
cc
bcc
Subject EPA Hispanic Roundtable

Meeting

Date 11/10/2010
Time 01:15:00 PM to 02:00:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location 1153 EPA East

Ct: Dru Ealons (OPE)
Advance Ct: Clay Diette

*The Administrator will give offer remarks at a roundtable with Hispanic leaders from various areas (business, civil right groups, community and EJ groups)

Confirmed Attendees:

1. Javier Cuebas, Amelia Group Inc.
2. Brenda Reyes, MD, City of Houston Department of Health and Human Services
3. Juan Parras, TEJAS-Environmental Justice Organization
4. Margarita Delgado, President, MRD Consulting
5. Javier Sierra, Sierra Club en español
6. Carlos Alcazar, Hispanic communications Network
7. Josie F. Garza, National Latino Children's Institute
8. Marcela Gutierrez, WILD COAST
9. Magda Cardenas, Greater Washington Hispanic Chamber of Commerce
10. Arturo Garcia-Costas, Outreach, Education, and Strategic Partnerships
11. Elizabeth C. Yeampierre, UPROSE-United Puerto Rican Organization of Sunset Park
12. Roger Rivera, National Hispanic Environmental Council (NHEC)
13. Carlos Santiago, President, Hispanic College Fund
14. Dr. Andres Gil, VP Florida International University
15. Dr. Cecilio Ortiz Garcia, Professor, University of Puerto Rico-Mayaguez
16. Pat Martinez, National Hispanic Corporate Council
17. Devon Tezozomoc, South Central Farmers Feeding Families
18. Cynthia Verdugo-Peralta, Strategic Energy, Environmental & Transportation Alternatives
19. Patricia Villarreal Tamez, Congressional Hispanic Caucus
20. Angela Adrar, National Latino Farmers & Ranchers Trade Association
21. Ana Parras, TEJAS-Environmental Justice Organization
22. Eliza Leighton, CASA Multicultural Center
23. Andrea Delgado, National Latino Coalition on Climate Change (NLCCC)
24. Brent Wilkes, League of United Latin American Citizens

Daniel
Gerasimowicz/DC/USEPA/US
10/07/2009 11:54 AM

To
cc
bcc
Subject Interview

Meeting

Date 10/15/2009
Time 03:45:00 PM to 04:15:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Administrator's Office
Subj: NPR Weekend Edition

In-person Interview

Topic: Climate

Ct: Brendan Gilfillan (OPA) 564-2081

Daniel
Gerasimowicz/DC/USEPA/US
09/24/2009 12:23 PM

To
cc
bcc

Subject Keynote Address at Governor's Global Climate Summit

Meeting

Date 09/30/2009
Time 01:50:00 PM to 02:30:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Hyatt Regency
Century Plaza Hotel
Otana Jaktor will accompany the Administrator

**Daniel
Gerasimowicz/DC/USEPA/US**
01/03/2011 02:33 PM

To
cc
bcc

Subject Meeting on Utility MACT Check-In

Meeting

Date 02/01/2011

Time 05:00:00 PM to 05:45:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Administrator's Office/By Phone

Ct: Don Maddox (OA) 564-4711

re: economic work

Staff:

Bob Perciasepe, Bob Sussman, Diane Thompson (OA)

Gina McCarthy, Janet McCabe, Joe Goffman (OAR)

hookup to the Administrator's Conference line is needed.

**Daniel
Gerasimowicz/DC/USEPA/US**
08/30/2010 12:19 PM

To
cc
bcc

Subject Meeting with Canadian Environment Minister Jim Prentice
and Deputy Minister Paul Boothe

Meeting

Date 09/14/2010
Time 10:00:00 AM to 10:30:00 AM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bullet Room
Ct: Gary Waxmonsky (OITA)

The Deputy Administrator will lead this meeting from 9:30 - 10 AM and then depart. The Administrator will complete the meeting from 10 - 10:30 AM

Staff:
Michelle DePass, Neilima Senjalia (OITA)
Joe Goffman, Maurice LeFranc, Brian McLean (OAR)
Joe Freedman (OGC)
Cameron Davis (R5) - in person

Attendees Arriving for 9:30 AM Deputy Meeting:

Paul Boothe, Deputy Minister, Environment Canada
Marc LePage, Special Adviser (Climate and Energy), Canadian Embassy
Catherine Godin, Program Manager (Environment and Energy), Canadian Embassy

Attendees Arriving for 10 AM Administrator Meeting:

Jim Prentice, Minister, Environment Canada
Gary Doer, Ambassador
Dean Knudson, DG for Americas, Environment Canada
Stephen Kelly, Chief of Staff, Environment Canada
William Kittleberg or Bill Rodgers, Director of Communications, Environment Canada

Daniel
Gerasimowicz/DC/USEPA/US
12/07/2009 04:01 PM

To
cc
bcc
Subject Meeting with Hedegaard, Danish Minister of Climate and Energy

Meeting

Date 12/09/2009
Time 09:00:00 AM to 09:30:00 AM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Bella Center
Copenhagen

**Daniel
Gerasimowicz/DC/USEPA/US**
09/14/2009 02:53 PM

To
cc
bcc

Subject Meeting with Senator Landrieu

Meeting

Date 10/08/2009

Time 02:15:00 PM to 02:45:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Hart 328

Ct: Kate Nicolai, Kate_Nicolai@landrieu.senate.gov

Staff:

David McIntosh (OCIR)

**Daniel
Gerasimowicz/DC/USEPA/US**
07/01/2009 12:36 PM

To
cc
bcc

Subject Meeting with US Climate Action Partnership (USCAP)

Meeting

Date 07/07/2009
Time 01:30:00 PM to 02:00:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional

FYI

Location Bullet Room

Ct: Martha Friedrichs, 202-822-2000

Attendees:

Peter Darbee, President and CEO of PG&E Corp

David Crane, President and CEO of NRG Energy

Eileen Claussen, President of the Pew Center on Global Climate Change

Merribel Ayres, USCAP Political Outreach Coordinator

Nikki Roy, Director, Markets & Business Strategy, Pew Center on Global Climate Change

Melissa Lavinson, Director, Federal Env. Affairs & Corporate Responsibility, PG&E Corp.

Steve Corneli, Senior Vice President, Market and Climate
Policy, NRG Energy

Tom Dower, Vice President, Lighthouse Consulting Group

Tobyn Anderson, Senior VP, Lighthouse Consulting Group?

Staff:

Gina McCarthy (OAR)

Joyce Frank (OCIR)

David McIntosh, Lisa Heinzerling (OA)

**Daniel
Gerasimowicz/DC/USEPA/US**
10/13/2009 03:21 PM

To
cc
bcc

Subject Options Selection for Endangerment and Cause/Contribute Findings for GHG under CAA

Meeting

Date 10/29/2009

Time 10:15:00 AM to 11:00:00 AM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location 3530 ARN

Ct: Teri Porterfield (OAR) 564-7683

Staff:

Gina McCarthy, Brian McLean, Dina Kruger, Ben DeAngelo, Rona Birnbaum, Don Zinger (OAR)
Scott Fulton, Carol Holmes, John Hannon (OGC)
Lisa Heinzerling, Paul Balsarak (OPEI)
Pete Silva, Karen Metchis (OW)
Fred Hauchman (ORD)
Cynthia Giles, Adam Kushner (OECA)
Seth Oster (OPA)
Bruce Rodan, Tim Benner (ORD)

**Daniel
Gerasimowicz/DC/USEPA/US**
03/20/2009 03:08 PM

To
cc
bcc

Subject Options Selection: Coal Combustion Residue Regulatory Effort

Meeting

Date 04/17/2009
Time 02:00:00 PM to 02:30:00 PM
Chair Daniel Gerasimowicz

Invitees
Required
Optional
FYI

Location The Bullet Room

Ct: Elyn Fine 566-2775

Barry Breen, Matt Hale, Robert Dellinger, Betsy Devlin, Richard Kinch, Richard Mattick, Matt Straus, Richard Mattick, Richard Kinch (OSWER)

Marcia Mulkey, Louise Wise, Alex Cristofaro (OPEI)

Pat Hirsch, Mary Kay Lynch, John Michaud, Laurel Celeste (OGC)

Barnes Johnson (OAR)

Bharat Mathur (R5) - by phone

Bob Sussman (OA)

Jace Cuje (ORD)

Linda Travers (OEI)

Randy Hill (OECA)

Stan Meiburg (R4) - by phone

Susan Thorneloe (ORD, RTP) - by phone

William Early (R3) - by phone

(hookup to The Administrator's conference line needed)

**Daniel
Gerasimowicz/DC/USEPA/US**
04/06/2010 03:03 PM

To
cc
bcc

Subject Pre-Brief for Arch Coal Meeting

Meeting

Date 04/15/2010

Time 02:00:00 PM to 02:30:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Administrator's Office

Ct: Georgia Bednar (OA) 564-9816

Staff:

Bob Sussman (OA)

Shawn Garvin (R3)

Scott Fulton (OGC)

**Daniel
Gerasimowicz/DC/USEPA/US**
09/24/2009 12:14 PM

To
cc
bcc

Subject Roundtable Dinner with Environmental Leaders

Meeting

Date 09/29/2009
Time 07:30:00 PM to 09:30:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Huntington Hotel
Big Four Restaurant

Confirmed Attendees:

Buddy Burke, Republicans for Environmental Protection, California Chapter President

Hal Harvey, CEO, Climate Works Foundation

Eric Heitz, President, The Energy Foundation

Steve Kline, VP, Environmental and Federal Affairs, PG&E

Amy Lyons, Executive Director, Richard and Rhoda Goldman Fund

Felicia Marcus, Western Director, NRDC

Sunil Paul, Partner, Spring Ventures

Fran Pavley, Senator, California State Senate

Carl Pope, Executive Director, The Sierra Club

Bill Reilly, Senior Advisor, TPG, Former Administrator, US EPA

EPA Staff:

Eric Wachter (OA)
Seth Oster (OPA)
Laura Yoshii (R9)

**Daniel
Gerasimowicz/DC/USEPA/US**
06/23/2009 11:51 AM

To
cc
bcc

Subject SEPW Hearing - Climate Legislation

Meeting

Date 07/07/2009

Time 10:00:00 AM to 12:00:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location Dirksen 406

Ct: Jessica Holliday, Jessica_Holliday@epw.senate.gov

Secretary Chu and Secretary Vilsack will also be providing testimony at this hearing

**Daniel
Gerasimowicz/DC/USEPA/US**
07/16/2009 12:39 PM

To
cc
bcc

Subject Special Session I: Climate Change

Meeting

Date 07/27/2009
Time 11:15:00 AM to 12:15:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Ronald Reagan Building, Atrium Hall

Daniel
Gerasimowicz/DC/USEPA/US
02/21/2009 04:03 PM

To
cc
bcc

Subject Stop-by Climate Work Group Meeting

Meeting

Date 03/11/2009
Time 12:00:00 PM to 12:15:00 PM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location 1310 L Street, Room 890

Daniel
Gerasimowicz/DC/USEPA/US
06/03/2010 03:32 PM

To
cc
bcc

Subject Stop-by OAR Meeting with Dr. R.K. Pachauri, Chair of the Intergovernmental Panel on Climate Change (IPCC) and Director General of The Energy and Resources Institute

Meeting

Date 06/07/2010

Time 02:30:00 PM to 02:40:00 PM

Chair Daniel Gerasimowicz

Invitees

Required

Optional

FYI

Location 5400 ARN

Ct: Cindy Huang (OAR) 564-7404

Gina and OAR staff will be meeting with Dr. Pachauri from 2:30 - 3 PM -

The Administrator will stop in briefly for a meet and greet and then depart

**Daniel
Gerasimowicz/DC/USEPA/US**
10/05/2010 11:29 AM

To
cc
bcc

Subject TEPAC Meeting

Meeting

Date 11/04/2010
Time 10:00:00 AM to 11:00:00 AM
Chair Daniel Gerasimowicz
Invitees
Required
Optional
FYI
Location Green Room

Ct: Myesha T. Ward (Assistant U.S. Trade Representative Intergovernmental Affairs & Public Engagement) 202-395-9495
Advance Ct: Marcus McClendon (OA)

EPA Staff:

Michelle DePass, Shalini Vajjhala, Walker Smith,
Joe Ferrante (OITA)
Scott Fulton, Joe Freedman (OGC)

Attendees from USTR:

Ambassador Ron Kirk, US Trade Representative
Mark Linscott
Myesha Ward Assistant U.S. Trade Representative for
Intergovernmental Affairs & Public Engagement (TBD)

TEPAC Members Attending:

Joseph G. Block, Venable LLP
Nancy Zucker Boswell, Transparency International
Jennifer Haverkamp, Environmental Defense Fund
Rhoda Karpatkin, Consumers Union
Dawn Kristoff-Champney, Water & Wastewater Equipment Manufacturers Assn.
Daniel B. Magraw, Center for International Environmental Law
Naotaka Matsukata, Alston & Bird, LLP
Frederick O'Regan, International Fund for Animal Welfare
Marta Prado, Humane Society International
Peter Robinson, U.S. Council for International Business (TBD)
James Salzman, Duke University
Jeffrey J. Schott, Institute for International Economics
John P. Smirnow, King & Spalding LLP
Frances B. Smith, Competitive Enterprise Institute
Alexander F. Watson, Hills & Company
Durwood Zaelke, The Center for Governance and Sustainable Development

TEPAC Liaisons Attending:

Sofia Plagakis, Center for International Environmental Law
Sarah Stewart, Humane Society International

Attendance TBD:

Anne Alonzo, Kraft Foods
Dennis Avery, Hudson Institute
Frank H. Habicht, Global Environment & Technology Foundation
Thomas B. Harding, Agrisystems International
William J. Snape, III, Endangered Species Coalition

*The Administrator and the Ambassador will attend from 10 - 11 AM. The meeting will continue with EPA and USTR staff from 11 AM - 1 PM

**Daniel
Kanninen/DC/USEPA/US**

11/16/2011 12:55 PM

To Alisha Johnson

cc Andra Belknap, Arvin Ganesan, Betsaida Alcantara, Brendan Gilfillan, David Bloomgren, Dru Ealons, Elizabeth Ashwell, Heidi Ellis, Jose Lozano, Dan Kanninen, Laura Vaught, Michael Moats, Richard Windsor, Sarah Pallone, Seth Oster, Stephanie Owens

bcc

Subject Re: Madison Clips - 11/15/2011

One more just popped up on my google alerts...with a pic!



Environmental Protection Agency Administrator Lisa Jackson works with first-graders at Leopold Elementary School on a science experiment Tuesday.

Chalkboard: EPA chief visits Leopold Elementary

SUSAN TROLLER | The Capital Times | stroller@madison.com | Posted: Wednesday, November 16, 2011 7:45 am

It's not often that an elementary school class gets a visit from a member of the President's Cabinet.

On the other hand, Cabinet members don't often meet 6- or 7-year-old scientists wearing lab coats and goggles.

On Thursday afternoon, Lisa Jackson, chief of the Environmental Protection Agency and a top member of President Barack Obama's cabinet, visited Leopold Elementary first-graders about things like water quality, acid rain and why rain gardens are important.

Those are things that are important to Jackson, a chemical engineer, and they appeared to be important to the kids, too.

When she asked the first-graders who wanted to be a scientist when they grew up, a dozen small hands shot up.

Earlier in the day, Jackson was talking with older folks at Union South on the UW campus, warning of threats to environmental protection.

But in the afternoon it was a happier message as the EPA chief toured Madison's largest elementary school, which has quickly racked up a record number of energy efficiency awards in a couple of years.

The school has been working in partnership with Sustain Dane and Madison Gas and Electric as part of a comprehensive program that aims to help the city of Madison to use energy more wisely and efficiently. The project, coordinated by Sustain Dane and funded through a \$500,000 federal grant, makes Madison one of just 25 Climate Showcase Communities in the United States.

The next step is ramping up energy efficiency and sustainability in local schools. According to Madison Superintendent Dan Nerad, the school's students are leading the way by good example.

"Leopold has done more than any other school in the district to reduce its environmental footprint by saving energy and conserving resources. Sustain Dane and our other partners on making local schools models of environmental sustainability."

In her remarks at the school, Jackson made it clear that investing in school buildings would be an important aspect of energy savings and efficiency.

"Right now, a majority of our school buildings in America are over 40 years old. We spend over \$6 billion in energy to run these schools combined," she says, adding that improving energy use and efficiency by reinvesting in school infrastructure is a "win/win" proposition.

Read more:

http://host.madison.com/ct/news/local/education/blog/chalkboard-epa-chief-visits-leopold-elementary/article_43dtMjs3tO

Dan Kanninen
White House Liaison
U.S. Environmental Protection Agency
202.564.7960
kanninen.daniel@epa.gov

Alisha Johnson All, Below are the clips covering the Ad... 11/16/2011 12:31:21 PM

From: Alisha Johnson/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Andra Belknap/DC/USEPA/US@EPA, David Bloomgren/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Sarah Pallone/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Laura Vaught/DC/USEPA/US@EPA, Heidi Ellis/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Jose Lozano/DC/USEPA/US@EPA, Dan Kanninen <kanninen.daniel@epa.gov>, Elizabeth Ashwell/DC/USEPA/US@EPA
Date: 11/16/2011 12:31 PM
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 country \$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.

DANIEL RYAN
<dryan0@msn.com>
09/29/2011 12:50 PM

To Richard Windsor
cc
bcc
Subject Must Read article on the decline of coal in Appalachia (blog in Rolling Stone)

The Coming Decline and Fall of Big Coal

POSTED: September 28, 12:47 PM ET | *By* Jeff Goodell

[Comment 0](#)

A large mountaintop coal mining operation in West Virginia.

MANDEL NGAN/AFP/Getty Images

AP ran [a great story](#) yesterday about the coming decline of the coal industry in Appalachia that I fear is not going to get nearly the attention it deserves. Because if you think about this story seriously for more than 30 seconds, you will come to see that it has huge implications not only for future U.S. energy policy but also for the coming presidential election.

The AP story captures, in brief, what journalists who cover the Appalachian coal industry (like Ken Ward Jr. of the *Charleston Gazette*, whose blog, [Coal Tattoo](#), is a must-read), have been saying for a long time: the coal industry as we know it today is a dead man walking. All the high-quality, easy-to-get coal is gone, and what's left is increasingly expensive and difficult to mine. In the last couple of decades, coal operators have dealt with this by shifting to cheap but highly destructive ways of getting coal out of the ground, such as blasting away the mountains above the coal with explosives (a practice known as mountaintop-removal mining). But now the remaining coal seams are so deeply buried and so thin that even that isn't working anymore. As the AP story points out, the U.S. Department of Energy projects that in a little more than three years, the amount of coal mined in Appalachia will be just half of what it was in 2008. After that, the downward spiral will continue. There is no magic remedy, no quick fix: when the coal is gone, it's gone.

The implications of this are profound and far reaching – and not only for the people who live and work in the coal fields. As the AP story points out, there were about 37,000 coal industry employees in Central Appalachia in 2008, accounting for anywhere from 1 to 40 percent of the labor force in individual counties. "We are going to see declines in labor and jobs, and it's going to happen rapidly" in West Virginia, said Rory McIlmoil, who helped draft [a recent report](#) (PDF) on the future of coal in Appalachia. West Virginia is also expected to see a decline of over \$100 million in the taxes coal operators pay to mine in the state, which means dramatic cuts in social services and education that people in the region can ill afford.

The end of coal in Appalachia doesn't mean that America is running out of coal (there's plenty left in Wyoming). But it should end the fantasy that coal can be an engine of job creation – the big open pit mines in Wyoming employ a tiny fraction of the number of people in an underground mine in Appalachia. And for a variety of reasons – railroad congestion among them – Wyoming coal is never going to ramp up production enough to have a meaningful impact on job creation. For better or worse, the bulk of coal industry jobs are in Appalachia – and when that coal is gone, so are the jobs.

More important, the decline of Appalachian coal means it's time for every political candidate with national aspirations to stop kissing the industry's ass in important swing states like Ohio, Pennsylvania, and West Virginia. The future of these states depends on their ability to re-invent their economies, not preserving

a relic of the past. The relevant questions now are: How do we move beyond coal? How do we bring new jobs to the coal fields and retrain coal miners for other work? How do we inspire entrepreneurialism and self-reliance in people whose lives have been dependent on the paternalistic coal industry?

It also means it's time to stop letting Big Coal spike every conversation about climate and energy policy. For decades, climate and energy policy has been held hostage by bullshit arguments from the coal industry that any attempts to reduce greenhouse gas pollution or shift to renewable energy will bring economic ruin to America.

Well, the decline and fall of the coal industry shows that just the opposite is true: Our future is not dependent on burning more coal, but on getting off it as quickly as possible and creating a new economy based on clean, renewable energy. It may be too late for West Virginia to save itself from the ravages of Big Coal. But it's not too late for America.

Darlene Yuhas/R3/USEPA/US To Richard Windsor, "Eric Wachter", "Darlene Yuhas"
09/28/2010 07:14 AM cc
bcc
Subject Re: YOU WON SIERRA CLUB AWARD

Wow ... That's awesome! Congratulations. Will be happy to write something nice for you.
Richard Windsor

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

From: Richard Windsor
Sent: 09/27/2010 09:05 PM EDT
To: "Eric Wachter" <wachter.eric@epa.gov>; "Darlene Yuhas" <yuhas.darlene@epa.gov>
Subject: Fw: YOU WON SIERRA CLUB AWARD

Cool. I need a nice thank you. And one for Tittel.
Adora Andy

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

From: Adora Andy
Sent: 09/27/2010 04:16 PM EDT
To: Richard Windsor
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

Check out our Press Room archive:
<http://action.sierraclub.org/site/R?i=zI15qNLDryirhWeMYtXW8Q..>

View a web version:
http://action.sierraclub.org/site/R?i=EOaA51_bMf6p2E-QPOiHMg..
+++++

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.

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85 Second St., San Francisco, CA 94105

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David Cohen/DC/USEPA/US
03/09/2009 06:14 PM

To Allyn Brooks-LaSure, Adora Andy, Bob Sussman, David
McIntosh
cc
bcc Richard Windsor
Subject Fw: Senator Boxer and Senator Carper press release on
EPA's plans to regulate coal ash

----- Forwarded by David Cohen/DC/USEPA/US on 03/09/2009 06:13 PM -----

From: Carolyn Levine/DC/USEPA/US
To: Amy Hayden/DC/USEPA/US@EPA, Raquel Snyder/DC/USEPA/US@EPA, Joyce
Frank/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, George
Hull/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Latisha
Petteway/DC/USEPA/US@EPA, Roxanne Smith/DC/USEPA/US@EPA, Matt
Hale/DC/USEPA/US@EPA
Date: 03/09/2009 05:53 PM
Subject: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

Boxer and Carper Applaud EPA Plan to Better Assess and Regulate Coal Ash Dangers

March 9, 2009

Washington, DC - U.S. Senators Barbara Boxer (D-CA), Chairman of the Senate Committee on Environment and Public Works, and Tom Carper (D-DE), Chairman of the Subcommittee on Clean Air and Nuclear Safety, today applauded U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson's announcement that EPA will begin reviews and inspections of all coal ash impoundments in the U.S. and will start the process of issuing rules to regulate coal combustion waste.

The Senate Committee on Environment and Public Works held a hearing on the Kingston, Tennessee, coal ash spill immediately after the disaster. Senator Boxer also raised the Tennessee spill and the potential for similar disasters at other coal ash impoundments nationwide at Administrator Jackson's confirmation hearing. On March 4, Senators Boxer and Carper introduced a Senate Resolution (S. Res. 64) calling on EPA to use its authority under existing law to inspect coal combustion waste facilities and begin the rulemaking process under the Resource Conservation and Recovery Act (RCRA).

Senator Boxer said: **"The plans EPA Administrator Jackson announced today reflect the measures we included in our Senate resolution last week, and are an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future."**

Senator Carper, chairman of the Senate Subcommittee on Clean Air and Nuclear Safety, which has oversight and jurisdiction over TVA said: **"I am pleased to see our nation's new EPA Administrator Lisa Jackson is making real environmental improvements in this crucial area by using her authority to regulate the disposal of coal ash waste. This decision shows the EPA is serious about cleaning up our nation's dirtiest coal facilities."**

###

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

David Cohen/DC/USEPA/US
04/07/2009 10:28 AM

To David McIntosh, Arvin Ganesan
cc
bcc Richard Windsor
Subject just fyi

a thoughtful treatment in politico today on what they take to be the nub of climate change legislation:

POLITICO

Emissions bill fuels fight in Congress

By: [Lisa Lerer](#)

April 7, 2009 04:42 AM EST

Last week, House Democrats unveiled the first outline of their much-awaited climate change bill.

Cue the congressional fighting.

Democrats are already wrangling over how to spend the windfall — potentially hundreds of billions of dollars — raised by the new system. The bill would create a cap-and-trade system, with a cap on industrial emissions of greenhouse gases and a market for companies to trade their pollution allowances.

The way that the government distributes the allowances will have a significant impact on companies forced to buy, sell and collect the permits starting in 2012.

The draft bill was purposely vague on the issue, but the sponsors — House Energy and Commerce Committee Chairman Henry A. Waxman (D-Calif.) and Energy and Environment Subcommittee Chairman Ed Markey (D-Mass.) — support giving away some free allowances to industries that are most vulnerable to international competition, such as steel, glass and paper.

“There are trade-sensitive, energy-intensive industries that need assistance during the transition,” said Markey.

Rep. Jay Inslee (D-Wash.), a member of the Energy and Commerce Committee, has proposed setting aside about 15 percent of the potential revenue as free allowances for those industries.

That type of approach is favored by lawmakers from manufacturing states, who fear that costly compliance with a cap-and-trade system could force fossil-fuel burning industries to buy overseas from cheaper, less-regulated countries like China and India.

Their votes, particularly in the Senate, are critical to passing any significant climate change legislation.

But members of the House Ways and Means Committee, which has jurisdiction over all revenue provisions, have voiced support for the “cap and dividend” approach to tackling carbon emissions and climate change.

Cap and dividend, popularized by California entrepreneur Peter Barnes, regulates the first sellers of fossil fuels, such as the producers of coal, crude oil and natural gas.

That’s a shift from cap and trade, which targets electrical utilities, factories and other “downstream” consumers.

Last week, Ways and Means Committee member Chris Van Hollen (D-Md.) introduced a cap-and-dividend bill that proposed selling all of the allowances at auction — reserving no free permits for trade-sensitive industries — and giving all the proceeds back to consumers as a “monthly consumer dividend” to offset any possible increase in energy prices.

“We are going to be putting a price on carbon-intensive fuels to create an incentive to purchase clean energy, but we’re also going to be minimizing the hit on consumer pocketbooks in the process,” he said.

Van Hollen’s approach could gain traction from Republicans who are concerned about climate change but fear the higher energy prices that an emissions cap could cause. Tennessee Republican Sen. Bob Corker and New York Mayor Michael Bloomberg have come out in support of the idea.

In 2008, Corker introduced a cap-and-dividend amendment to a climate change bill sponsored by Sens. Joseph I. Lieberman (I-Conn.) and John Warner (R-Va.).

“I believe we should return more money directly to the pockets of American citizens, prevent massive government expansion and keep more U.S. dollars at home rather than sending them overseas,” Corker said at the time.

President Barack Obama supports a somewhat hybrid approach of a cap-and-trade system that auctions off all the allowances and spends a large portion of the “climate revenues” on tax credits and energy and efficiency projects.

In its budget, recently passed by Congress, the administration estimated that a cap-and-trade system could generate nearly \$645 billion over the next decade. Most of the revenues would go into the “making work pay” tax credit, but a smaller percentage would be used for clean-energy projects.

Lobbying groups representing environmentalists and business have been pushing

lawmakers hard from both sides, hoping to influence them before they write the official version of the bill.

The United States Climate Action Partnership, a coalition of business and environmental groups, is pushing for “a significant portion” of free allowances to help its membership — which includes General Motors, Alcoa and Shell — adopt new, less-polluting technologies.

The free allowances, which would be phased out over time, would go to trade-exposed businesses and state-regulated local distribution companies for electric and natural gas, according to the group’s plan.

State regulators “are in a much better position to know the particular needs of consumers in those areas,” said Melissa Lavinson, director of federal environmental affairs and corporate responsibility for PG&E Corp., a member of the group.

Environmentalists, however, fear that the free allowances will create a windfall for polluting companies.

“Part of doing it right is charging people for creating greenhouse gases and taking the money from that and investing it appropriately to make the transition to a climate-constrained economy,” said Debbie Sease, national campaign director for the Sierra Club. “You don’t want to give it all back to the people who are creating pollution to make a profit.”

David Cohen/DC/USEPA/US

03/23/2009 02:09 PM

To Richard Windsor

cc

bcc

Subject assume u've seen

EPA: Global Warming Threatens Public Health, Welfare

By [Juliet Eilperin](#)

Washington Post Staff Writer

Monday, March 23, 2009; 12:18 PM

The Environmental Protection Agency sent a proposal to the White House that global warming is endangering the public's health and welfare, according to several reports. The move could have far-reaching implications for the nation's economy and environment.

The proposal -- which comes in response to a 2007 Supreme Court decision on whether carbon dioxide and other greenhouse gases should be regulated under the Clean Air Act -- could lay the groundwork for nationwide measures to limit such emissions. It follows the administration's landmark environmental decisions: In July 2008 then-EPA Administrator Stephen Johnson rejected his scientific and technical staff's recommendation and announced a 12-month seek months of further public comment on the threat posed by global warming.

"This is historic news," said Frank O'Donnell, who heads the public watchdog group. "It will set the stage for the first-ever national limits on global warming pollutants and help light a fire under Congress to get moving."

But business groups decried the move as an economic disaster.

"By moving forward with the endangerment finding on greenhouse gases, the EPA has set a course for a set of decisions that may have far-reaching unintended consequences," said a spokesman for the U.S. Chamber of Commerce. "Once the finding is made, no matter how limited, some environmental groups will apply it to all aspects of the Clean Air Act."

"This will mean that all infrastructure projects, including those under the program, will be subject to environmental review for greenhouse gases. Since not only those projects but also those not subjected to that review, it is possible that the projects under the stimulus program could be devastating to the economy."

In December 2007 EPA submitted a written recommendation to the White House administration to allow EPA to state officially that global warming is a threat. However, senior White House officials refused to open the document and urged John McCain to veto such a finding would trigger sweeping regulatory requirements under the 4th Amendment. EPA analysis had found the move would cost utilities, automakers and other industries, also bringing benefits to other economic sectors.

EPA officials could not be reached immediately today for comment on the finding.

Several congressional Democrats had urged EPA administrator Lisa P. Jackson to issue an endangerment finding on the grounds that it was scientifically warranted and necessary to enact a national cap on greenhouse gases. Unlike former President George W. Bush, Obama backs such mandatory limits.

On Thursday [Sen. Barbara Boxer](#) (D-Calif.), who chairs the Environment and Public Works Committee, said, "There is no question that the law and the facts require an action and it should happen without further delay, and I believe it will."

David Cohen/DC/USEPA/US

03/27/2009 04:29 AM

To Richard Windsor

cc

bcc

Subject editorial: today's post

The First Green Step

Fighting global warming starts with a greenhouse gas registry.

Friday, March 27, 2009; A16

THE LACK of concrete data on which facilities were emitting greenhouse gases and how much they were spewing into the atmosphere led to a major flaw in the European Union's cap-and-trade system: the over-allocation of pollution permits to industry. This mistake led to the collapse of the carbon market. Thanks to action taken by the Environmental Protection Agency this month, the United States will not make the same mistake.

EPA Administrator Lisa P. Jackson [issued](#) a proposal to establish a greenhouse gas registry. This is the first step in a process that will lead to the development, discussion and implementation of a program that will tabulate the amount of carbon dioxide, methane and other gases from about 13,000 large industrial facilities that emit more than 25,000 metric tons or more a year each. The EPA estimates this would cover 85 to 90 percent of all greenhouse gas emissions in the United States. The plan, required by Congress but ignored by President George W. Bush, must be in place by June 26.

Collecting this data would also be the first step in devising a cap-and-trade system that President Obama wants to use to reduce greenhouse gas emissions by about 83 percent below 2005 levels by 2050. He wants to auction 100 percent of the pollution permits to generate \$650 billion over the next 10 years. But there's one small wrinkle in this. The first report from the EPA would be submitted in 2011 for emissions in 2010. Mr. Obama's budget plan submitted to Congress anticipates the cap-and-trade system being in place by 2012. In short, there's a question as to whether there will be enough data on which to base the carbon caps.

The administration should consider ramping up voluntary greenhouse gas inventory plans already underway such as the Climate Leaders program at the EPA and the Energy Department's Voluntary Reporting of Greenhouse Gases Program. This would bolster the effort to get as much solid information as possible. And it would help to ensure that the United States avoided making Europe's mistakes.

Just minutes ago, I signed a proposed finding indicating that six greenhouse gases pose a threat to the health and welfare of current and future generations of Americans. This was an historic action, and the first formal recognition by the U.S. government of the threats posed by climate change.

Two years ago, the Supreme Court urged EPA scientists to speak on the question of greenhouse gas pollution and the threats it poses to our health and welfare. They recognized the seriousness of this matter and I'm proud of the work you've done to tackle this question head-on.

We release this proposal amid the President's call to transition to a low-carbon economy, and strong Congressional leadership on clean energy and climate legislation. In the weeks and months ahead, we will work closely with all stakeholders to find the best solutions to the threats of climate change. I believe that the right answer will come through legislation that focuses on green jobs, clean energy, and new technologies.

This is an historic day for our country and our agency. As Earth Day approaches, today's announcement should remind all Americans that change has come for the environment. Change has come to the EPA.

Many hands played a part in this effort. You all have my sincerest appreciation and respect. I know staff and managers in OAR, ORD and OGC played a crucial role in this document's development. In particular, let me highlight the tireless work of Lisa Heinzerling, Dina Kruger, Ben DeAngelo, Rona Birnbaum, Carol Holmes and John Hannon. They, like all

EPA employees, have given so much to advance our mission of protecting human health and the environment.

As always, I'm proud to serve with you. Thanks for your extraordinary work.

Sincerely,

Lisa P. Jackson

David Cohen/DC/USEPA/US

03/10/2009 03:16 AM

To Richard Windsor

cc

bcc

Subject fyi

good "green" diversity piece in times today. website version includes photo of you.

March 10, 2009

In Environmental Push, Looking to Add Diversity

By [MIREYA NAVARRO](#)

When Jerome C. Ringo joined the board of the National Wildlife Federation in 1995, he was the only African-American at the meetings.

Mr. Ringo, now president of the Apollo Alliance, a coalition of environmental, labor and business groups, says that even today, he is often the only environmentalist in the room who is not white.

“We’re not where we were, but we’re not where we want to be,” Mr. Ringo said of the environmental movement’s efforts to diversify.

National environmental organizations have traditionally drawn their membership from the white and affluent, and have faced criticism for focusing more on protecting resources than protecting people.

But with a black president committed to environmental issues in the White House and a need to achieve broader public support for initiatives like federal legislation to address [global warming](#), many environmentalists say they feel pressure to diversify the movement further, both in membership and at higher levels of leadership.

“Our groups are not as diverse as we’d like, but every one of the major groups has diversity as a top priority,” said Frances Beinecke, president of the [Natural Resources Defense Council](#).

“There’s great commitment to making the environmental movement representative of what the country is.”

The effort to broaden support comes as the groups find themselves competing with industries that oppose environmental measures, sometimes claiming that they will result in higher energy bills or the loss of jobs.

“The organization has to be able to credibly build trust with communities of color who are going to be targeted by the opponents of change,” said Sanjay Ranchod, a member of the [Sierra Club](#) board who is leading efforts to attract more minorities.

The need for racial diversity has been a persistent issue in the environmental movement: In 1990, leaders of civil rights and minority groups wrote an open letter that accused the 10 biggest environmental organizations of “racist” hiring practices.

Richard Moore, one of the letter’s signers, said the public indictment was set off by several cases in which the groups had pushed for protection of lands at the expense of minority rural communities.

Over the years, organizations like the Natural Resources Defense Council have formed partnerships with smaller environmental groups that emerged in the 1980s and ’90s to represent the interests of low-income and minority constituencies.

But more substantial change, Mr. Moore said, has been slow to come.

“If you’re going to be impacted by an issue, you bring the impacted people to the table,” said Mr. Moore, who is now executive director of the Southwest Network for Environmental and Economic Justice, a coalition of 60 groups.

Cara Pike, the author of a 2007 study commissioned by the environmental law group Earthjustice, said the research found that the “greenest Americans,” many of them members of environmental groups, were overwhelmingly white, over 45 and college-educated. “The focus of green groups has been to target the greenest Americans,” Ms. Pike said, “and as a result, we’ve left other people out of the equation.”

National polls show high environmental concern among minorities. A post-election poll for the National Wildlife Federation in November, for example, found increasing support among blacks and Latinos for candidates keen on addressing global warming. And surveys by the Public Policy Institute of California have found that minorities are sometimes even more concerned than white respondents about environmental issues like air pollution.

But until recently, social concerns did not appear to be “on the radar” of many large environmental organizations, said Julian Agyeman, chairman of the department of urban and environmental policy and planning at [Tufts University](#) and author of the 2005 book “Sustainable Communities and the Challenge of Environmental Justice.”

Even organizations like the Sierra Club, which has incorporated social justice work since the 1990s, concede that their diversity efforts have failed to gain traction. The organization’s executive director, Carl Pope, points at “cultural barriers” that in effect shut the door to nonwhites regardless of good intentions.

“If you go to a Sierra Club meeting, the people are mostly white, largely over 40, almost all college-educated, whose style is to argue with each other,” Mr. Pope said. “That may not be a welcoming environment.”

Those who join such groups sometimes do not stay long. Marcelo Bonta, 35, who worked for

four environmental groups before becoming a diversity consultant in Portland, Ore., five years ago, said he found “a need to conform,” down to the way to dress.

“It’s the tyranny of fleece,” Mr. Bonta said. “I always felt I had to dress down.”

Some larger environmental groups are taking steps to make up for the past.

Roger Rivera, president of the National Hispanic Environmental Council, an advocacy group in Washington that promotes environmental careers among Latino students, said that for more than a year he had been attending meetings of the Green Group, a loose association of about three dozen environmental organizations, as “an observer.”

Mr. Rivera, who served on [President Obama’s transition team](#) for the [Interior Department](#), said the Green Group formally invited his organization to join in January — soon after the election of the first black president, he pointed out.

Larry Schweiger, who is chairman of the association and president of the National Wildlife Federation, said the invitation to groups like Mr. Rivera’s was “part of an overall effort to get more engagement in the climate issue.”

[Lisa P. Jackson](#), whom Mr. Obama appointed as administrator of the [Environmental Protection Agency](#), emphasized inclusion at a recent conference of environmental justice groups in New York City. Ms. Jackson told the audience that she hoped to bring more diversity to the agency — its staff of about 1,700 is 69 percent non-Hispanic white — “so we look like the people we serve.”

(In addition to Ms. Jackson, who is black, Mr. Obama’s environment team includes an Asian, [Steven Chu](#), as energy secretary; a Latino, [Ken Salazar](#), as interior secretary; and [Carol M. Browner](#), who is white, as the coordinator of energy and climate policy.)

Van Jones, whose national organization, Green for All, was also invited to join the Green Group, said that while environmental justice groups were focused on “equal protection from bad stuff,” groups like his wanted “equal access to good stuff” and to use green jobs to lift urban youths and others out of poverty.

“The more the green movement transforms into a movement for economic opportunity,” Mr. Jones said, “the more it will look like America.”

David Cohen/DC/USEPA/US

To Richard Windsor

05/07/2010 02:39 PM

cc

bcc

Subject i'm sure u've seen, but just in case. . .

----- Forwarded by David Cohen/DC/USEPA/US on 05/07/2010 02:38 PM -----

From: Betsaida Alcantara/DC/USEPA/US

To: Bob Sussman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA

Date: 05/07/2010 01:58 PM

Subject: Greenwire: EPA Backed Off 'Hazardous' Label for Coal Ash After White House Review

fyi

May 7, 2010

EPA Backed Off 'Hazardous' Label for Coal Ash After White House Review

By PATRICK REIS of [Greenwire](#)

U.S. EPA's proposed regulation of coal ash as a hazardous waste was changed at the White House to give equal standing to an alternative favored by the coal industry and coal-burning electric utilities.

The Obama administration is now considering two competing rules for regulating the ash that contains toxins that include arsenic, lead and mercury. The first would set binding federal disposal requirements for the ash, and the second would label the ash nonhazardous and leave enforcement to the states ([E&ENews PM](#), May 4).

EPA released the two-headed proposal Tuesday for public comments.

But there was just one rule proposal that EPA sent to the White House's Office of Management and Budget last October and that would have labeled coal ash a hazardous waste, documents released yesterday show. EPA said then that compliance with the hazardous-waste regulations would be more expensive but that costs would be outweighed by health and environmental benefits.

EPA wrote then that "maintaining a [nonhazardous] approach would not be protective of human and the environment."

What changed in the six months that the proposal was in OMB's hands? Says EPA: Its administrator, Lisa Jackson, changed her mind about the hazardous-waste designation.

"After extensive discussions, the Administrator decided that both the [hazardous and

nonhazardous] options merited consideration for addressing the formidable challenge of safely managing coal ash disposal," EPA said in a statement.

In its deliberations on the rule, OMB had more than 40 meetings with stakeholders, 30 with industry groups and at least 12 with environmental and public health groups, according to office's records. OMB declined to comment on the matter, referring questions to EPA.

Proponents of the hazardous designation say Jackson was bullied away from the agency's original proposal by industry lobbyists and OMB economists.

"OMB is substituting its judgment for the judgment of the EPA administrator, and that's not the way this is supposed to work," said Rena Steinzor, president of the Center for Progressive Reform and a professor at the University of Maryland Law School. "Lisa Jackson is accountable for environmental protection and that she could be overruled by a bunch of economists in the basement of the executive office tells us that this process is frighteningly dysfunctional."

Environmentalists have been pressing EPA for the hazardous designation for years, but the campaign gained momentum 16 months ago when a wet storage pond at a Kingston, Tenn., power plant failed, spilling about 1 billion gallons of sludge into surrounding lands and rivers. Even when the ponds do not fail, they can leach toxic concentrations of heavy metals into water supplies, said Lisa Evans, an attorney with the nonprofit Earthjustice.

Under the hazardous option EPA proposed Tuesday, such ponds would be phased out over five years. The nonhazardous alternative would allow new wet storage ponds to be built but require new safety measures and pollution monitoring devices.

Utilities and companies that sell coal ash for recycling as a building material argue that a hazardous designation overstates the health risks from coal ash and would unnecessarily impose new storage costs. They also say it would stigmatize building materials that use recycled coal ash and send more of the waste to landfills ([Greenwire](#), Jan. 13).

The changes to EPA's proposal during the OMB review suggest the regulatory-review process worked properly, said Jim Roewer, executive director of the Utility Solid Waste Activities Group.

Both environmental groups and affected business had an opportunity to share their views, Roewer said. The number of meetings with industry groups should not be seen as "undue influence" but rather the result of the high number of companies affected by coal ash rules, he said.

The review process "does open the opportunity for interested stakeholders to present their views so that EPA or whatever federal agency is developing a rule can get as much information as possible," Roewer said. "To say this is a bad thing for public policy seems like a strange argument."

David Cohen/DC/USEPA/US
03/23/2009 10:22 PM

To Richard Windsor
cc
bcc
Subject news of the weird

from politico.com:

Bachmann urges "armed" revolt over climate plan

Rep. Michele Bachmann, the firebrand Minnesota conservative Republican, may have gone a bit over the rhetorical line last weekend when attacking the Obama administration's cap-and-trade proposal.

Speaking on a right-wing talk radio show in Minnesota on Saturday, Bachmann said:

"I want people in Minnesota armed and dangerous on this issue of the energy tax because we need to fight back. Thomas Jefferson told us 'having a revolution every now and then is a good thing,' and the people – we the people – are going to have to fight back hard if we're not going to lose our country. And I think this has the potential of changing the dynamic of freedom forever in the United States."

David Cohen/DC/USEPA/US

03/25/2009 06:31 AM

To Richard Windsor

cc

bcc

Subject one more of interest

op.ed. in the post

Hope in the Mountains

By Robert F. Kennedy Jr.

Wednesday, March 25, 2009; A15

Yesterday was a great day for the people of Appalachia and for all of America. In a bold departure from Bush-era energy policy, the Obama administration [suspended](#) a coal company's permit to dump debris from its proposed mountaintop mining operation into a West Virginia valley and stream. In addition, the administration promised to carefully review upward of 200 such permits awaiting approval by the U.S. Army Corps of Engineers.

With yesterday's action, President Obama has signaled his intention to save this region. His moratorium on these permits will allow the administration to develop a sensible long-term approach to dealing with this catastrophic method of coal extraction.

I join hundreds of Appalachia's embattled communities in applauding this news. Having flown over the coalfields of Appalachia and walked her ridges, valleys and hollows, I know that this land cannot withstand more abuse. Mountaintop-removal coal mining is the greatest environmental tragedy ever to befall our nation. This radical form of strip mining has already flattened the tops of 500 mountains, buried 2,000 miles of streams, devastated our country's oldest and most diverse temperate forests, and blighted landscapes famous for their history and beauty. Using giant earthmovers and millions of tons of explosives, coal moguls have eviscerated communities, destroyed homes, and uprooted and sickened families with coal and rock dust, and with blasting, flooding and poisoned water, all while providing far fewer jobs than does traditional underground mining.

The backlog of permit applications has been building since Appalachian groups won a federal injunction against the worst forms of mountaintop removal in March 2007. But the floodgates opened on Feb. 13 when the U.S. Court of Appeals for the 4th Circuit in Richmond [overturned that injunction](#). Since then, the Corps has been working overtime to oblige impatient coal barons by quickly issuing the pending permits. Each such permit amounts to a death sentence for streams, mountains and communities. Taken together, these pending permits threatened to lay waste to nearly 60,000 acres of mountain landscape, destroy 400 valleys and bury more than 200 miles of streams.

The Corps already had issued a dozen permits before the White House stepped in, and coal companies have begun destroying some of these sites. The bulldozers are poised for action on the rest. Typical of these is Ison Rock Ridge, a proposed 1,230-acre mine in southwest Virginia that would blow up several peaks and threaten a half-dozen communities, including the small town of Appalachia.

In a valiant effort to hold back destruction, the Appalachia Town Council, citing its responsibility for the "health, safety, welfare, and properties" of its residents, recently passed an ordinance prohibiting coal mining within the town limits without approval from the council. But that ordinance lacks the power to override the Army Corps of Engineers' permit. And while the Obama administration order will reverse the Bush-era policies and stop the pillaging elsewhere, the town of Appalachia remains imperiled.

The White House should now enlarge its moratorium to commute Appalachia's death sentence by suspending the dozen permits already issued. The Environmental Protection Agency should then embark on a rulemaking effort to restore a critical part of the Clean Water Act that was weakened by industry henchmen recruited to powerful positions in the Bush administration. Former industry lobbyists working as agency heads and department deputies issued the so-called "fill rule" to remove 30-year-old laws barring coal companies from dumping mining waste into streams. This step cleared the way for mountaintop removal, which within a few years could flatten an area of the Appalachians the size of Delaware. This change must be reversed to restore the original intent of the Clean Water Act and prevent mining companies from using our streams and rivers as dumps.

The Obama administration's decision to suspend these permits and take a fresh look at mountaintop removal is consistent with Obama's commitment to science, justice and transparency in government and his respect for America's history and values. The people of Appalachia, Va., and the other towns across the coalfields have been praying that Barack Obama's promise of change will be kept. Thanks to yesterday's decision, hope, not mining waste, is filling the valleys and hollows of Appalachia.

The writer is chairman of the Waterkeeper Alliance and senior attorney for the Natural Resources Defense Council.

David Cohen/DC/USEPA/US

02/28/2009 09:55 AM

To Richard Windsor

cc

bcc

Subject Re: krissah in the post

link below, with cut and pasted story below that. . . photo inside the hardcopy of paper is of you right next to one of holder -- than bigger one yet of first lady is to the right of you two.

<http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022703242.html>

Top Officials Expand The Dialogue on Race

Month's Celebrations Evoke a Mix of Views

By Krissah Thompson

Washington Post Staff Writer

Saturday, February 28, 2009; A01

When the country's racial chasms seemed to threaten President Obama's election, his team had to tread carefully. A month into his administration, the tone has changed. Top officials are engaging the subject of race more freely, with a boldness and confidence they once shunned.

With the federal government's annual African American History Month celebrations as a backdrop, the attorney general, the first lady and the head of the Environmental Protection Agency spoke more frankly about race recently than any of Obama's surrogates did during the hard-fought campaign.

Lisa P. Jackson, the EPA administrator and a native of New Orleans, told her staff about having grown up in an area where she would have had to drink from unsafe water fountains because of her race. "Now in 2009, I am, along with you, responsible for ensuring that all Americans have clean water to drink," Jackson said. "Change has certainly come to this agency."

First lady Michelle Obama hosted middle-schoolers in the White House East Room and taught the children about African Americans and their roles in the executive mansion: the slaves who built it, the signing of the Emancipation Proclamation there, the meetings held with civil rights leaders.

Attorney General Eric H. Holder Jr., who ignited the most debate, used his Feb. 18 address as an admonition that "to get to the heart of this country, one must examine its racial soul."

"Though this nation has proudly thought of itself as an ethnic melting pot, in things racial we have always been and continue to be, in too many ways, essentially a nation of cowards," Holder said. "Though race-related issues continue to occupy a significant portion of our political discussion, and though there remain many unresolved racial issues in this nation, we, average Americans, simply do not talk enough with each other about race."

The plain talk may be an attempt to expand the racial dialogue Obama called for during his speech on the subject in Philadelphia last year, but whether Americans want to go there remains unanswered. White House officials said the African American History Month celebrations were choreographed across the federal government. Reaction so far has been mixed.

Holder has been rebuked by some who contend that with Obama's election, the country proved its willingness to move beyond the color line. New York Times columnist Maureen Dowd likened Holder's remarks at the Justice Department's African American History Month program to a lecture on race by Jesse Jackson or Al Sharpton. "Barack Obama's election was supposed to get us past that," she wrote.

Jen Singer, author of "You're a Good Mom (and Your Kids Aren't So Bad Either)," wrote on the Web site BettyConfidential.com that "Michelle Obama could talk all she wanted about Black History Month, slavery and segregation, but no words could better illustrate to today's schoolchildren how far this country has come than her presence as First Lady."

There is a risk in talking about it too much, said Thomas Mann, a political scientist at the Brookings Institution, in an e-mail. During his campaign, Obama made an explicit decision not to emphasize race and did so only when it threatened to damage his candidacy. Changing course now could make some feel uncomfortable.

Nearly six in 10 Americans said Obama's presidency will do more to help race relations in this country, according to a January Washington Post-ABC News poll. But whites and African Americans start out with widely divergent views on the racial climate in the country. Overall, about three-quarters of those surveyed called racism a problem in society today, with one-quarter labeling it a "big" problem. Twice as many blacks (44 percent) as whites (22 percent) called it a big problem.

"They definitely have to be careful," Mann said of the Obama administration. "Better to have the president and his top African American aides serve as role models and achieve the broader objective by indirection."

Others argue that African American administration officials are simply bringing their background, perspective and history to the public sphere. Holder, Jackson and Obama are the first African Americans in their positions, and it should come as no surprise that their celebration of black history is different from their predecessors', said Shawnta Walcott, a pollster at Ariel & Ethan.

"I think what we know about the first lady is that part of her persona is to go one level down into

something that she thinks is significant," Walcott said. "She is the first African American first lady, so we should expect to see those sorts of nuanced pieces of information coming from her. It is unusual for the norm, but she is not the norm."

There are attempts now to define the new normal. Last weekend, after Holder's use of the phrase "nation of cowards" drew criticism, it became a subject of discussion at a Princeton University symposium titled "From the Middle Passage to the Oval Office: Defining the Black Experience."

One of the panelists, Jeff Johnson, host and producer of Black Entertainment Television's "The Truth," said the reaction to the attorney general's comments read as if "he was saying only white Americans were cowards."

Holder "was talking about all of us, from white Americans to African Americans to Asians to Latinos," said Eddie S. Glaude Jr., a professor of religion and African American studies at Princeton. "The fact that we would read Holder's comments as only about white Americans shows us how we are thinking about race when it is invoked."

Glaude noted that reaction to Holder's comments coincided with publication of a controversial editorial cartoon in the New York Post. NAACP officials decried the cartoon as a racist depiction of the president as a slain chimpanzee. The NAACP called for the cartoonist and his editor to be fired and held protests Thursday at Fox News affiliates in 50 cities. The Fox News affiliates and the New York Post have the same owner, News Corp.

Other people have shushed protesters as overly sensitive.

"It is just the traditional theater of American racial politics," Glaude said.

Rinku Sen, president of the Applied Research Center, a think tank on race in Oakland, Calif., Chicago and New York, said she also worries that the dialogue about race is being pushed back into the old paradigm that kept the nation in a stalemate.

"I think that the line is, 'We've elected the black president, and now we're post-racial and everybody should just shut up.' It's very dismissive," Sen said. "We did elect the first black president, but people seem to forget that it was a hard campaign."

To Jelani Cobb, a professor of African American history at Spelman College, the back-and-forth about race in the age of Obama already feels old.

"Our major concerns about race are not conversations," Cobb said. "They are about policies, and they are about entrenched legacies of privilege and underprivilege. So in some ways, these conversations are a substitute for other kinds of more meaningful reform or interaction."

Polling analyst Jennifer Agiesta contributed to this report.

Richard Windsor

[Can u send the link please. This bberr...](#)

02/28/2009 09:46:59 AM

From: Richard Windsor/DC/USEPA/US

To: David Cohen/DC/USEPA/US@EPA
Date: 02/28/2009 09:46 AM
Subject: Re: krissah in the post

Can u send the link please. This bberry is internet challenged.

David Cohen

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

From: David Cohen
Sent: 02/28/2009 09:02 AM EST
To: Richard Windsor
Cc: Allyn Brooks-LaSure
Subject: krissah in the post

i'm so glad for her that she made the front page. and i'm glad for us that we invested time with her. great photo! and most importantly, a far better quote from us than for a.g. holder (i think even he would admit!) congratulations on good representation in an important story.

David Cohen/DC/USEPA/US

03/09/2009 09:39 PM

To Richard Windsor, Allyn Brooks-LaSure, Bob Sussman

cc

bcc

Subject ap on ash

EPA to study, regulate coal ash waste after spill

By DINA CAPPIELLO, Associated Press Writer Dina Cappiello, Associated Press Writer

WASHINGTON – The Environmental Protection Agency on Monday launched a review of coal ash storage facilities and said it would draft regulations for coal ash by the end of the year.

In a letter sent to the corporate headquarters of 61 power companies, the agency asks for information about the contents, historic spills and record of inspections at the estimated 300 coal ash storage ponds and landfills nationwide.

The review comes after a spill at a Tennessee Valley Authority power plant in Kingston, Tenn., flooded more than 300 acres of land and killed fish in nearby rivers. The information provided by power producers as well as inspections conducted by the EPA will help prevent future threats to human health and the environment, EPA administrator Lisa Jackson said.

"Environmental disasters like the one last December in Kingston should never happen anywhere in the country," said Jackson.

Coal ash is a byproduct of burning coal that can include heavy metals and other toxic contaminants. The latest Energy Department data shows that 721 power plants nationwide produced 95.8 million tons of coal ash in 2005.

But no federal regulations or standards govern its storage and disposal, even though the EPA has long recognized coal ash as a risk to human health and the environment and knows of 67 cases where it is known or suspected of causing water pollution.

Eight years ago, the agency said it wanted to set a national standard for coal ash as it does household trash. The agency could also regulate coal ash as a hazardous waste, something it has decided against in the past.

Jim Roewer, executive director of the Utility Solid Waste Activities Group, a consortium of electricity producers that includes many on the EPA's mailing list, said the agency was right to investigate before drafting regulations to address any shortcomings.

"There are some gaps out there, but most states have very good programs," Roewer said, adding that the industry is not against regulation, as long as it does not classify coal ash as hazardous waste.

Sen. Barbara Boxer, D-Calif., chairwoman of the Senate Environment and Public Works Committee, said the effort was "an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future."

Boxer last week proposed a resolution calling on the EPA to regulate coal ash. Rep. Nick Rahall, D-W.Va., chair of the House Natural Resources Committee, had introduced a bill directing the Interior Department to set uniform design and engineering standards for coal ash ponds at power plants. Rahall said Monday that he would no longer pursue legislation in light of EPA's announcement.

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On the Net:

EPA Coal Ash Letter: <http://tiny.cc/coalash>

David Cohen/DC/USEPA/US
02/28/2009 08:53 AM

To Richard Windsor, Allyn Brooks-LaSure, Lisa Heinzerling
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Subject fyi: in case u have not seen yet:

broder today in the times has an interesting analysis of the politics of climate change:

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News Analysis

Obama's Greenhouse Gas Gamble

By [JOHN M. BRODER](#)

WASHINGTON — In proposing mandatory caps on the greenhouse gases linked to [global warming](#) and a system for auctioning permits to companies that emit them, [President Obama](#) is taking on a huge political and economic challenge.

Business lobbies and many Republicans raised loud objections to the cap-and-trade program Mr. Obama proposed as part of his budget this week, saying the plan amounted to a gigantic and permanent tax on oil, electricity and manufactured goods, a shock they said the country could not handle during economic distress.

Green groups and supportive members of Congress applauded, saying the proposal was long overdue after eight years of inaction on climate change under President [George W. Bush](#). The costs, they said, would not begin to bite until at least 2012.

But the full costs and benefits of controlling greenhouse gas emissions remain unknown, and perhaps unknowable. While there is rough consensus on the science of global warming — with some notable and vocal objectors — there is less agreement on the economics of the problem and very little on the policy prescriptions to address it. And while a cap-and-trade approach bears substantial cost, it also brings a benefit whose value is incalculable — a steady decrease in emissions that scientists say will over time reduce the risk of climate catastrophe.

Mr. Obama's budget estimates \$645 billion in cap-and-trade revenue over the next 10 years that will largely be paid by oil, electric power and heavy industries that produce the majority of carbon dioxide and other gases blamed for the warming of the planet. Many of these costs are expected to be passed on to consumers.

But Mr. Obama offered a sweetener in the form of tax relief for lower- and middle-income families and billions of dollars in new spending for renewable sources of power to cut emissions and ultimately, it is hoped, bring down the cost of energy. He also plans to spend billions to weatherize homes to bring down heating costs for the poor.

Congress has debated versions of a cap-and-trade regime for years but never enacted one, in part because it would become so complex. The House is working on such legislation now; Senate

leaders promise action later this year. Mr. Obama laid out only broad principles and targets, and his aides admit that revenue estimates are only a rough guess and will depend on whatever emerges from Congress. The White House projects the program to be in place starting in 2012.

Mr. Obama and his allies have a steep hill to climb. The recession-scarred public rates global warming low on its list of priorities. Lobbyists for business interests are lined up to weaken or kill any carbon regulation effort. The president's own party is divided over costs, and many Republicans hate the whole idea.

"Let's just be honest and call it a carbon tax that will increase taxes on all Americans who drive a car, who have a job, who turn on a light switch, pure and simple," said [John A. Boehner](#) of Ohio, the House Republican leader. "And if you look at this whole budget plan, they use this carbon tax as a way to fund all of their big government ideas."

One utility executive, Thomas Williams of Duke Energy, predicted that electricity rates would jump as much as 40 percent in states that are reliant on coal for much of their power, like Indiana and Kentucky.

"It's a coal state stickup," he said. He based his figures on a first-year price of \$20 per ton of carbon dioxide emissions, a higher price than used by others who have studied the Obama proposal.

Some economists support Mr. Obama's approach to curbing emissions because they say the other main alternative, a tax on polluting fuels, is politically unpopular.

But others warn that a cap-and-trade bill could produce great volatility in permit prices and drive up energy costs.

"It's much easier for me to think of scenarios where cap-and-trade goes crazy, prices fluctuate like mad, and people get turned off," said Martin Weitzman, a Harvard economist. "That could end up discrediting the system for a decade or a generation."

Supporters of the plan acknowledge that there will be price increases and an uneven distribution of costs. But the White House allocates tens of billions of dollars in tax relief and promises to return any excess revenues directly to the public. Over time, officials contend, new technologies, like hybrid-electric cars and more efficient power plants, will lower energy costs and greenhouse gas emissions at the same time.

"We're in a different world," said Nathaniel Keohane, director of economic policy at the [Environmental Defense Fund](#), a supporter of strong and immediate action on climate change. "The president understands, and the world is coming to understand, that the costs of doing nothing are high to catastrophic."

Dr. Keohane said numerous independent studies, as well as the [United Nations](#) Intergovernmental Panel on Climate Control, estimate the cost of a carbon-reduction program like that advocated by the president would be around 1 percent of gross domestic product per

year by 2030, which he considers a reasonable trade-off. Industry-financed studies, not surprisingly, found a higher cost.

Veronique Bugnion, managing director for research at Point Carbon, a consulting firm on emissions trading, said the Obama plan would lead to gasoline price increases of about 6 percent, or 12 cents a gallon at current American prices, starting in 2012 and rising gradually until 2020. Average utility rates would rise about 7 percent nationwide, she predicted, although with significant regional variations.

Mr. Obama's plan dedicates \$15 billion a year of revenue from the sale of emissions permits to develop new sources of clean energy. But that leaves a large pool of potential government income — by some estimates, as much as \$200 billion a year by 2020. How that money would be spent is expected to lead to a huge battle in Congress.

Paul Bledsoe, a spokesman at the National Commission on Energy Policy, a bipartisan research organization, said policy makers should not forget that the purpose of a cap-and-trade plan is to reduce carbon emissions and global warming, not to finance pet projects or balance the [federal budget](#).

“A cap-and-trade system is absolutely essential to spur private sector innovation, but must be combined with clean energy technology funding to meet the president's ambitious emissions goals,” he said. “This funding should be a top priority when dealing with revenue generated by the program.”

Andrew C. Revkin and Jad Mouawad contributed reporting.