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ADMINISTRATOR JACKSON

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EPA is preparing to regulate emissions in Congress's stead (*Washington Post*)

By: Steven Mufson and David A. Fahrenthold

The Obama administration moved closer Monday to issuing regulations on greenhouse gases, a step that would enable it to limit emissions across the economy even if Congress does not pass climate legislation.

The move, which coincided with the first day of the international climate summit in Copenhagen, seemed timed to reassure delegates there that the United States is committed to reducing its emissions even if domestic legislation remains bogged down. But it provoked condemnation from key Republicans and from U.S. business groups, which vowed to tie up any regulations in litigation.

In Monday's much-anticipated announcement, the Environmental Protection Agency said that six gases, including carbon dioxide and methane, pose a danger to the environment and the health of Americans and that the agency would start drawing up regulations to reduce those emissions.

"These are reasonable, common-sense steps," EPA Administrator Lisa P. Jackson said, adding that they would protect the environment "without placing an undue burden on the businesses that make up the better part of our economy." At the same time, however, EPA regulation is no one's preferred outcome -- not even the EPA's. Jackson said her agency and other administration officials would still prefer if Congress acted before they did.

Sen. John F. Kerry (D-Mass.), a leading proponent of a Senate climate bill, issued a statement after the EPA's announcement saying, "The message to Congress is crystal clear: Get moving."

The EPA's "endangerment finding" -- a key bureaucratic step in the regulatory process -- was seen as a message to Congress and Copenhagen, but it was also a belated response to an order from the U.S. Supreme Court, which ruled in April 2007 that carbon dioxide should be considered a pollutant under the Clean Air Act. As a result, the court said, the EPA had not only the power but the obligation to regulate the gas. (In that case, Massachusetts v. EPA, the Bush administration was fighting against regulating carbon dioxide from vehicle tailpipes.)

Michael Morris, chief executive of American Electric Power, a utility that is the nation's largest emitter of greenhouse gases, said Monday that "we have been a proponent . . . to a congressional approach to this undertaking. This is the most awkward way we could go about it." The EPA had to comply with direction from the courts, Morris said,

but "there are better approaches, more cost-effective approaches and more productive approaches."

It remains unclear whether the EPA's regulatory cudgel will spur Congress to take faster action on the climate legislation that is now mired in the Senate or whether it will provoke a backlash.

"The stick approach isn't going to work. In fact, Congress may retaliate," said Mark Helmke, a senior adviser to Sen. Richard G. Lugar (R-Ind.). "They could stop the funding, and they could change the law."

Anticipating EPA action, Sen. Lisa Murkowski (Alaska) tried unsuccessfully in September to prevent the agency from spending money to regulate stationary sources of greenhouse gases, such as power plants or factories, for one year. Murkowski, the ranking Republican on the Senate Energy and Natural Resources Committee, said in a statement Monday that the endangerment finding is "a blunt instrument that will severely hamper our attempts to bolster the economy and get Americans back to work."

Some senators who environmental groups hope might vote for a climate bill also said they were unhappy. Sen. Olympia J. Snowe (R-Maine) called the move "regrettable." And Sen. Blanche Lincoln (D-Ark.), chairman of the Senate Agriculture Committee, said in a statement that she is concerned that the move "will create burdens on American industry without providing any significant environmental benefits."

"I strongly urge EPA to wait for Congress to find a solution," Lincoln said.

Earlier this year, the Obama administration took the first step toward complying with the Supreme Court's 2007 ruling by requiring automakers to increase the fuel economy -- and therefore decrease the carbon emissions -- of new cars and trucks by 2016. The ailing automakers supported the accord.

Monday's finding is another step toward compliance. "There are no more excuses for delay," Jackson said. "This administration will not ignore science and the law any longer."

Supporters of regulation note that the Clean Air Act has led to some of the great U.S. environmental success stories, producing significant drops in smog and soot. But greenhouse gases could prove far more difficult to fight. They don't just come from smokestacks, but from millions of auto tailpipes, airplanes, ships, home furnaces and even the digestive tracts of cattle. And there is no simple piece of hardware that emitters can buy to keep the gases out of the air.

"There's no catalytic converter. There's no scrubber. There's nothing," said Jeffrey R. Holmstead, who headed the EPA's air-pollution programs during the Bush administration and now works with the law firm Bracewell & Giuliani. Instead, solutions probably would include switching the fuels burned in power plants and, in the future,

using machinery to capture emissions and store them underground.

The Clean Air Act set a low threshold for regulation that opponents argue would require rules for everything from laundries to office buildings, from cow farms to coal plants. But the EPA said it would impose new rules only on large factories, refineries, power plants and other facilities emitting more than 25,000 tons a year of carbon dioxide.

When these plants upgrade their facilities, or when new ones like them are built, they would be required to install the "best available control technology" for limiting greenhouse-gas emissions, while "taking into account costs." In October, the EPA said there were 13,661 facilities that size; it estimated that every year 128 new facilities and 273 existing facilities seeking modifications would require new permits.

"What EPA can require is controls that are technically feasible and cost-effective," said David Donziger, policy director of the climate center at the Natural Resources Defense Council. "With CO2 there is the chance to save money, which is rarer for other pollutants."

Together, these large sources account for about half of all U.S. emissions, the EPA said. But it's still unclear what, exactly, the "best available" technology should be. Jackson said the EPA is still working on that.

Although many business leaders have urged Congress to adopt climate legislation, some remain staunchly opposed. Those groups also condemned the EPA for moving forward with regulations.

"This action poses a threat to every American family and business if it leads to regulation of greenhouse gases under the Clean Air Act. Such regulation would be intrusive, inefficient and excessively costly," said Jack Gerard, president of the American Petroleum Institute, whose members have big oil refineries and petrochemical plants. "It is a decision that is clearly politically motivated to coincide with the start of the Copenhagen climate summit."

Staff writer Juliet Eilperin contributed to this report.

Millions in U.S. Drink Dirty Water, Records Say (*New York Times*)

December 8, 2009 Tuesday
Late Edition - Final
Section A; Column 0; Business/Financial Desk; Pg. 1
By CHARLES DUHIGG; Griffin Palmer contributed reporting.
More than 20 percent of the nation's water treatment systems have violated key provisions of the Safe Drinking Water Act over the last five years, according to a New York Times analysis of federal data.

That law requires communities to deliver safe tap water to local residents. But since 2004, the water provided to more than 49 million people has contained illegal concentrations of chemicals like **arsenic** or radioactive substances like uranium, as well as dangerous bacteria often found in sewage.

Regulators were informed of each of those violations as they occurred. But regulatory records show that fewer than 6 percent of the water systems that broke the law were ever fined or punished by state or federal officials, including those at the **Environmental Protection Agency,** which has ultimate responsibility for enforcing standards.

Studies indicate that drinking water contaminants are linked to millions of instances of illness within the United States each year.

In some instances, drinking water violations were one-time events, and probably posed little risk. But for hundreds of other systems, illegal contamination persisted for years, records show.

On Tuesday, the Senate Environment and Public Works committee will question a high-ranking **E.P.A.** official about the agency's enforcement of drinking-water safety laws. The **E.P.A.** is expected to announce a new policy for how it polices the nation's 54,700 water systems.

"This administration has made it clear that clean water is a top priority," said an **E.P.A.** spokeswoman, Adora Andy, in response to questions regarding the agency's drinking water enforcement. The **E.P.A. administrator,** Lisa P. Jackson, this year announced a wide-ranging overhaul of enforcement of the **Clean Water Act,** which regulates pollution into waterways.

"The previous eight years provide a perfect example of what happens when political leadership fails to act to protect our health and the environment," Ms. Andy added.

Water pollution has become a growing concern for some lawmakers as government oversight of polluters has waned. Senator Barbara Boxer, Democrat of California, in 2007 asked the **E.P.A.** for data on Americans' exposure to some contaminants in drinking water.

The New York Times has compiled and analyzed millions of records from water systems and regulators around the nation, as part of a series of articles about worsening pollution in American waters, and regulators' response.

An analysis of **E.P.A.** data shows that Safe Drinking Water Act violations have occurred in parts of every state. In the prosperous town of Ramsey, N.J., for instance, drinking water tests since 2004 have detected illegal concentrations of **arsenic,** a carcinogen, and the dry cleaning solvent tetrachloroethylene, which has also been linked to cancer.

In New York state, 205 water systems have broken the law by delivering tap water that contained illegal amounts of bacteria since 2004.

However, almost none of those systems were ever punished. Ramsey was not fined for its water violations, for example, though a Ramsey official said that filtration systems have been installed since then. In New York, only three water systems were penalized for bacteria violations, according to federal data.

The problem, say current and former government officials, is that enforcing the Safe Drinking Water Act has not been a federal priority.

"There is significant reluctance within the **E.P.A.** and Justice Department to bring actions against municipalities, because there's a view that they are often cash-strapped, and fines would ultimately be paid by local taxpayers," said David Uhlmann, who headed the environmental crimes division at the Justice Department until 2007.

"But some systems won't come into compliance unless they are forced to," added Mr. Uhlmann, who now teaches at the University of Michigan law school. "And sometimes a court order is the only way to get local governments to spend what is needed."

A half-dozen current and former **E.P.A.** officials said in interviews that they tried to prod the agency to enforce the drinking-water law, but found little support.

"I proposed drinking water cases, but they got shut down so fast that I've pretty much stopped even looking at the violations," said one longtime **E.P.A.** enforcement official who, like others, requested anonymity for fear of reprisals. "The top people want big headlines and million-dollar settlements. That's not drinking-water cases."

The majority of drinking water violations since 2004 have occurred at water systems serving fewer than 20,000 residents, where resources and managerial expertise are often in short supply.

It is unclear precisely how many American illnesses are linked to contaminated drinking water. Many of the most dangerous contaminants regulated by the Safe Drinking Water Act have been tied to diseases like cancer that can take years to develop.

But scientific research indicates that as many as 19 million Americans may become ill each year due to just the parasites, viruses and bacteria in drinking water. Certain types of cancer -- such as breast and prostate cancer -- have risen over the past 30 years, and research indicates they are likely tied to pollutants like those found in drinking water.

The violations counted by the Times analysis include only situations where residents were exposed to dangerous contaminants, and exclude violations that involved paperwork or other minor problems.

In response to inquiries submitted by Senator Boxer, the **E.P.A.** has reported that more than three million Americans have been exposed since 2005 to drinking water with illegal concentrations of **arsenic** and radioactive elements, both of which have been linked to cancer at small doses.

In some areas, the amount of radium detected in drinking water was 2,000 percent higher than the legal limit, according to **E.P.A.** data.

But federal regulators fined or punished fewer than 8 percent of water systems that violated the **arsenic** and radioactive standards. The **E.P.A.**, in a statement, said that in a majority of situations, state regulators used informal methods -- like providing technical assistance -- to help systems that had violated the rules.

But many systems remained out of compliance, even after aid was offered, according to **E.P.A.** data. And for over a quarter of systems that violated the **arsenic** or radioactivity standards, there is no record that they were ever contacted by a regulator, even after they sent in paperwork revealing their violations.

Those figures are particularly worrisome, say researchers, because the Safe Drinking Water Act's limits on **arsenic** are so weak to begin with. A system could deliver tap water that puts residents at a 1-in-600 risk of developing bladder cancer from **arsenic,** and still comply with the law.

Despite the expected announcement of reforms, some mid-level **E.P.A.** regulators say they are skeptical that any change will occur.

"The same people who told us to ignore Safe Drinking Water Act violations are still running the divisions," said one mid-level **E.P.A.** official. "There's no accountability, and so nothing's going to change."

URL: http://www.nytimes.com

December 8, 2009

Greenhouse Gases Imperil Health, E.P.A. Announces (*New York Times*)

By JOHN M. BRODER
WASHINGTON — The Environmental Protection Agency on Monday issued a final ruling that greenhouse gases posed a danger to human health and the environment, paving the way for regulation of carbon dioxide emissions from vehicles, power plants, factories, refineries and other major sources.

The announcement was timed to coincide with the opening of the United Nations conference on climate change in Copenhagen, strengthening President Obama's hand as more than 190 nations struggle to reach a global accord.

The E.P.A.'s administrator, Lisa P. Jackson, said that a 2007 decision by the Supreme Court required the agency to weigh whether carbon dioxide and five other climate-altering gases threatened human health and welfare and, if so, to take steps to regulate them.

She said Monday that the finding was driven by the weight of scientific evidence that the planet was warming and that human activity was largely responsible.

"There have and continue to be debates about how and how quickly climate change will happen if we fail to act," Ms. Jackson said at a news conference at the E.P.A.'s headquarters. "But the overwhelming amounts of scientific study show that the threat is real."

Industry groups quickly criticized the decision, saying that the regulation of carbon dioxide, a near-ubiquitous substance, would be legally and technically complex and would impose huge costs across the economy.

In her prepared remarks and in response to questions, Ms. Jackson waded into the current dispute over leaked e-mail messages from a British climate research group that have stirred doubts among a number of people about the integrity of some climate science.

Several Republicans in Congress had asked the E.P.A. to delay the so-called endangerment finding because of questions about the underlying science. Ms. Jackson rejected their plea.

"We know that skeptics have and will continue to try to sow doubts about the science," she said. "It's no wonder that many people are confused. But raising doubts — even in the face of overwhelming evidence — is a tactic that has been used by defenders of the status quo for years."

She said that the agency had reviewed the arguments of some of those skeptics during months of public comment but that none of them had raised significant new issues.

The Obama administration had signaled its intent to issue an endangerment finding for carbon dioxide and five other greenhouse gases (methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride) since taking office in January. Ms. Jackson announced a proposed finding in April and has since taken steps to draft the rules needed to back it up.

The administration has used the finding as a prod to Congress, saying that if lawmakers do not act to control greenhouse gas pollution it will use its rule-making power to do so.

At the same time, the president and his top environmental aides have said that they prefer such a major step be taken through the legislative process.
The administration struck a deal with automakers last spring to set stricter tailpipe emissions and higher fuel economy standards as part of the greenhouse gas regulation efforts. The E.P.A. has also announced rules requiring all major emitters to report an annual inventory of emissions.
In late September, the agency announced a proposed "tailoring rule" that limits regulation of climate-altering gases to large stationary sources like coal-burning power plants and cement kilns that produce 25,000 tons or more a year of carbon emissions.
Industry groups said that the finding and the proposed regulations would damage the economy and drive jobs overseas. Some groups are likely to file lawsuits challenging the new regulations, which could delay their effective date for some years.
"E.P.A. is moving forward with an agenda that will put additional burdens on manufacturers, cost jobs and drive up the price of energy," said Keith McCoy, vice president of energy policy at the National Association of Manufacturers.
"Unemployment is hovering at 10 percent, and many manufacturers are struggling to stay in business," he said. "It is doubtful that the endangerment finding will achieve its stated goal, but it is certain to come at a huge cost to the economy."
Jeff Holmstead, head of air policy at the E.P.A. under the administration of George W. Bush and now an industry lobbyist, said the finding was mainly symbolic.
"It does not have any immediate effect and does not impose any regulations or requirements on anyone," he said. "Today's announcement comes as no surprise and is clearly designed to set the stage for the Copenhagen conference."
Environmental advocates who have pushed for the finding for years exulted.
"The stage is now set for E.P.A. to hold the biggest global-warming polluters accountable," said Emily Figdor, federal global-warming program director for Environment America, an activist group.

EPA claims right to cut greenhouse gas emissions (*Washington Times*)

Finding highlights Obama's priorities
By Edward Felker THE WASHINGTON TIMES
The **Environmental Protection Agency** on Monday formally declared that greenhouse gases, primarily from the burning of fossil fuels, pose a threat to human health and need to be reduced.

The declaration clears the path for the Obama administration to begin regulating emissions from power plants, factories, automobiles and other major sources of carbon dioxide pollution, perhaps starting as early as next year. The announcement, called an "endangerment finding," also makes it clear that President Obama considers **climate change** legislation to be a top priority, despite opposition from some elements in Congress and on the world stage.

The administration chose the opening day of the U.N. climate summit in Copenhagen to make its declaration as a sign to world leaders that Washington is determined to cut its greenhouse gas emissions. The U.S. stance has been considered critical to the adoption of a political agreement at the 192-nation conference, which concludes Dec. 18. Mr. Obama plans to be in Copenhagen at the end of the event with more than 100 other world leaders. Mr. Obama has met with former Vice President Al Gore in a closed meeting at the White House as the president prepares for his appearance at the summit, according to the Associated Press.

The move also was seen as a prod to Congress to act on **climate change** legislation. The **EPA** now claims the authority to act if lawmakers do not.

Environmental groups praised the move as fresh evidence that Mr. Obama is committed to clean energy development, while business, farm and oil organizations decried what they called a misguided step that will raise consumer energy bills during economic turmoil.

Keith McCoy, a vice president at the National Association of Manufacturers, said the **EPA** finding "will have a cascading effect on the ability of all manufacturers to grow and prosper" and predicted that any new regulations would not be effective.

"It is doubtful that this endangerment finding will achieve its stated goal, but it is certain to come at a huge cost to the economy," he said.

EPA Administrator Lisa P. Jackson portrayed the declaration as a way to launch "reasonable efforts" to fight **climate change.** At the same, she reiterated that she would prefer that Congress enact legislation to lower greenhouse gas emissions rather than leave the task solely to her agency.

Climate change legislation - including a controversial "cap-and-trade" system to limit greenhouse gas emissions - passed the House in June but is stalled in the Senate at least until spring.

"This year, 2009, the United States government is saying once and for all that we are in the clean energy and climate arena, that with respect to climate pollution, we will act," Mrs. Jackson said at a news conference Monday.

She said the immediate practical impact will be to allow the **EPA** to require higher automobile and truck mileage standards for new vehicles and to mandate carbon

emissions controls at new or expanding power plants and factories.

However, she said, the **EPA** has no plans to demand reductions by existing power plants and other major sources of pollution.

White House spokesman Robert Gibbs said the administration continues to favor the cap-and-trade bill, which would expressly direct the **EPA** to regulate carbon dioxide emissions.

"The president continues to strongly believe that the best way forward is through the passage of comprehensive energy legislation," Mr. Gibbs said Monday.

The debate over **climate change** has been rocked in recent weeks by the release of private e-mails from senior researchers in England and the United States that appear to show that the scientists manipulated data to strengthen their case and conspired to stifle the views of critics in top scientific journals.

Mrs. Jackson rejected demands to delay her finding until after the e-mail controversy is resolved.

"The vast body of scientific evidence not only remains unassailable, it has grown stronger. And it only points to one conclusion - that greenhouse gases from human activity are increasing at unprecedented rates and are affecting our environment and threatening our health," she said.

Jeff Holmstead, **EPA** air administrator in the George W. Bush administration who now heads the environmental strategies group at the law firm Bracewell and Giuliani, said the endangerment declaration is primarily symbolic for now.

"It does not have any immediate effect and does not impose any regulations or requirements on anyone," he said. "But it is a necessary prerequisite for the regulation of greenhouse gases from cars, trucks, businesses, factories, farms and potentially even apartment buildings, schools and hospitals."

Daniel J. Weiss, director of climate strategy at the liberal Center for American Progress, said the declaration should stand as a reminder to Congress that the administration will curtail greenhouse gas emissions by regulation if the House and Senate do not act.

"Such an approach is no one's first choice but is a backstop to ensure pollution reductions should conservatives succeed in thwarting progress and reform," he said.

But opponents of **climate change** legislation warned that Mr. Obama is on track to limit business growth and raise energy prices to achieve his environmental goals.

Thomas J. Donohue, president of the U.S. Chamber of Commerce, which has opposed cap-and-trade legislation, said new regulations could affect even small emitters of

carbon dioxide, despite an **EPA** proposal to confine any new greenhouse gas rules to about 14,000 major sources that emit 250,000 or more tons per year of carbon dioxide.

"An endangerment finding from the **EPA** could result in a top-down, command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project. The devil will be in the details, and we look forward to working with the government to ensure we don't stifle our economic recovery," Mr. Donohue said.

Charles T. Drevna, president of the National Petrochemical and Refiners Association, a group that fears that greenhouse gas regulations will force oil companies to shut down domestic refineries in favor of imported motor fuels, called the **EPA** decision "another example of federal policymakers failing to consider the long-term consequences of a regulatory action for consumers and the economy as a whole."

EPA makes historic climate declaration as American opinion shifts (*The Raw Story*)

By Stephen C. Webster
Monday, December 7th, 2009 -- 7:59 pm

In a historic declaration, the Environmental Protection Agency said Monday that enough scientific evidence exists to classify greenhouse gasses as harmful to humans.

The decision comes on the same day of a new opinion poll that found Americans who accept the reality of climate change are in a minority for the first time in the last two years.

The EPA's decision, timed to coincide with the opening of the Copenhagen climate summit, is the first significant step U.S. officials have taken toward imposing emissions limits, the Associated Press reported.

"Environmentalists hailed the EPA announcement as a clear indication the United States will take steps to attack climate change even if Congress fails to act," the AP continued. "And they welcomed the timing of the declaration, saying it will help the Obama administration convince delegates at the international climate talks that the U.S. is serious about addressing the problem. Obama will address the conference next week."

However, a a CNN/Opinion Research Corp. poll released Monday did not give climate activists good news.

Only 45 percent of the 1,041 adults surveyed on December 2-3 believed global warming is a proven fact and mostly caused by human activity, down from 56 percent in October 2007, the survey found.

By comparison, Americans who believe global warming is caused by natural changes unrelated to man have increased to 22 percent from 20 percent two years ago, and those who believe global warming is a yet unproven theory grew to 31 percent from 23 percent.

Regarding how the United States should tackle global warming, 58 percent of those surveyed said it should cut carbon dioxide emissions unilaterally, down from 66 percent in October 2007.

Those who thought the United States should cut CO2 emissions only if other countries do so as well remained basically unchanged at 17 percent, from 16 percent two years ago.

But those who said carbon emissions should not be cut regardless of what the rest of the world does jumped to 24 percent, from 15 percent two years ago.

EPA Administrator Lisa Jackson said that the agency's revised position on greenhouse gasses makes the U.S. "obligated to make reasonable efforts to reduce greenhouse pollutants under the Clean Air Act," according to the AP.

The White House on Monday also dismissed as "silly" the notion that global warming science had been compromised by emails exposing a row between top climate scientists in the United Kingdom.

With AFP.

from the December 07, 2009 edition - http://www.csmonitor.com/2009/1208/p08s01-comv.html

Copenhagen, EPA, and climate change: Obama's false move (*Christian Science Monitor*)

The EPA ruling on global warming and carbon emissions is the wrong way to win over the Senate and to cut a deal in Copenhagen, Denmark.
By the Monitor's Editorial Board
The climate-change debate in Washington and this week in Copenhagen, Denmark, isn't really about whether to act on carbon emissions. It is more about how to share the burden.

That's why the go-ahead by President Obama for the Environmental Protection Agency to regulate greenhouse gases as a threat to public health is so troublesome.

The EPA action, taken Monday, distorts the purpose of the 1970 Clean Air Act by setting up the executive branch, rather than Congress, to decide which emitters of carbon dioxide should pay the price.

The EPA's move would be similar to Mr. Obama trying to mandate universal health insurance for all Americans without waiting for Congress to act. Such a huge decision that sweeps across the economy and demands a balancing of interests needs a legislative solution.

Even EPA administrator Lisa Jackson was reluctant to push her agency's powers too far, knowing the EPA is ill-equipped to equitably spread the burden of curbing global warming. The climate bill passed by the House in November would have barred the EPA from taking such a step; the Senate is weighing a similar measure.

The agency is also on weak legal ground in interpreting a four-decade-old law that was never intended to deal with global warming. And its efforts might be hung up in courts for years, providing yet another excuse for Congress not to act. (Both businesses and some eco-activists are expected to challenge the EPA move.)

Letting the agency take the initiative also makes the effort against global warming vulnerable to a new president reversing its action in future years.

Nonetheless, an impatient US president, frustrated at Senate inaction on a climate-change bill, thought he needed something to show when he goes to the Copenhagen conference next week in order to try to coax other big emitters like China and India into a deal.

Let's hope his unilateral action doesn't worsen a cause that is still in need of wider public support.

Obama has declared that he wants to commit the United States to reduce its emissions 17 percent by 2020 (from 2005 levels). But he now needs to tell the world how much EPA's action will meet that goal.

As it is, the EPA decided not to regulate millions of carbon emitters – those that emit less than 25,000 tons a year – choosing instead to go after the easy targets, big power plants. So it remains unclear how much carbon effluent will be curbed. Under the Clean Air Act, such discrimination may not be allowed – a likely source for lengthy lawsuits. As one Sierra Club lawyer told Congress last year, "CO2 is CO2."

In 1976, the EPA tried to avoid regulating diverse sources for lead emissions, focusing on major ones. But in a lawsuit brought by the Natural Resources Defense Council, it lost in court. It should not try such a move again.

Climate change is too important to be left solely to a Washington bureaucracy. And as a political move to pressure Congress, Obama's move will likely just backfire.

As he has lately started to do with healthcare, Obama needs to spend more time up on Capitol Hill to get the bill he wants. Trying to distort the American system of governance for the sake of a deal in Copenhagen will only heat up, not cool down, the rancor over passing a climate-change law.

Updated December 07, 2009

EPA's Greenhouse Gases Declaration -- Putting America On the Road to Ruin (*FOX News*)

By Phil Kerpen
- FOXNews.com
Today the EPA declared greenhouse gases a danger to public health. And here's the bottom line: The biggest threat to Americans, when it comes to huge new energy taxes and government controls, is not from legislation, it's from regulation.

President Obama, White House Climate Czar Carol Browner, and their Environmental Protection Agency (EPA) are not waiting for Congress to pass cap-and-trade. Shrugging

off the Climate-gate scandal, today EPA administration Lisa Jackson issues a so-called "endangerment finding," paving the way for onerous greenhouse gas regulations to be shoehorned into the 1970 Clean Air Act.

Based on a legal theory originally conceived by Climate Czar Carol Browner in the late 1990s, Obama's EPA is moving ahead with greenhouse gases regulations under the 1970 Clean Air Act even though in 1970 global warming hadn't even been invented yet, and the doom-saying scientists were instead warning of an impending ice age!

The enormous grassroots reaction to the outrageous Waxman-Markey energy tax bill passing the U.S. House has slowed Senate progress to a crawl. While cap-and-trade remains a major threat (especially with new "tri-partisan" negotiations betweens Senators Graham, Kerry, and Lieberman), the biggest threat of huge new energy taxes and government controls right now comes not from legislation, but regulation.

Next week President Obama will go to Copenhagen to make what he has termed a "politically binding" commitment to reduce greenhouse gases 17 percent by 2020 and 83 percent by 2050, the same levels in the now-stalled cap-and-trade bill. He is able to make this commitment, we can tell from today's EPA announcement, because he intends to use EPA regulation to short-circuit the democratic process, boycott the Congress, and put us all under a sweeping regulatory regime.

A 5-4 Supreme Court decision in Massachusetts v. EPA opened the door to this mischief, although that ruling was about motor-vehicle regulation. The EPA decision today, judging by their proposed regulations, goes far beyond that.

Not only would motor vehicles be regulated, so would light-duty trucks, heavy-duty trucks, buses, motorcycles, planes, trains, ships, boats, tractors, mining equipment, RVs, lawn mowers, fork lifts, and just about everything that has a motor. Because there is no control technology for greenhouse gases, the EPA would require complete redesigns and operational changes.

They would also require permitting for businesses and structures that emit as little as 250 tons of greenhouse gases per year. That threshold may make sense for some air pollutants. But for carbon dioxide it's frighteningly low, and would subject millions of never-before-regulated entities to an expensive and lengthy EPA permitting process. Any building over 100,000 square feet would be pulled in, as would numerous smaller buildings that produce carbon dioxide. Small businesses, restaurants, schools, and hospitals that have commercial kitchens with gas burners would all be affected.

Don't take my word for it. Even the 1970 Clean Air Act's original author, Rep. John Dingell of Michigan, who supports cap-and-trade, says the Obama administration's latest move is a recipe for disaster. He said:

> "We are looking at the possibility of a glorious mess being visited upon this country. This is not what was intended by the Congress and by those of us who wrote the

Clean Air Act. We are beginning to look at a wonderfully complex world, which has the potential for shutting down or slowing down virtually all industry and all economic activity and growth."

The 1970 Clean Air Act is such a bad vehicle to address greenhouse gases that EPA is attempting, illegally, to rewrite the law to suit its purposes. EPA wants to handpick which industries and carbon emitters it will regulate, instead of following the law as written. Not only is it illegal, but it's also ineffective, because state regulators and courts will still be able to use these regulations to shut down the whole U.S. economy.

Fortunately, the EPA is required by law to accept public comments on its proposal.

With the Obama administration dead set on selling out our energy policy and economic future to U.N. bureaucrats in Copenhagen, it's imperative that Congress step in and actively stop his backdoor efforts to implement these policies at the EPA. If they don't, they must be held responsible for what happens.

Mr. Kerpen is director of policy for Americans for Prosperity. He can be contacted through PhilKerpen.com. Follow him on Twitter and Facebook. His free two-minute Podcast is available daily.

EPA plan to regulate greenhouse gases gets criticism, cheers in Texas (*Dallas Morning News*)

12:31 AM CST on Tuesday, December 8, 2009
By DAVE MICHAELS / The Dallas Morning News
dmichaels@dallasnews.com
WASHINGTON – The Environmental Protection Agency said Monday that greenhouse gases spewed by power plants, oil refineries and vehicles constitute a public health threat, a verdict that positions the government to set new limits on global-warming emissions.

Such rules would have a significant effect on Texas, which emits more heat-trapping gases than any other state.

The "endangerment finding" allows the EPA to pursue limits on carbon dioxide emissions from automobiles and to require power plants and manufacturers to install technology that reduces such emissions.

"This long-overdue finding cements 2009's place in history as the year when the United States government began seriously addressing the challenge of greenhouse gas pollution and seizing the opportunity of clean-energy reform," EPA Administrator Lisa Jackson said Monday.

The EPA says limits on carbon dioxide and other heat-trapping gases would benefit Texans, who suffer the health effects of increased pollution and more severe storms caused by global warming.

But many of the state's oil and gas producers, as well as its Republican political leaders, say regulations would cripple the fossil fuel sector and penalize Texans who depend on gasoline, natural gas and other fossil fuels for transportation, heating and cooling.

Rebuttal

Gov. Rick Perry filed a 38-page rebuttal of the EPA's proposal and said the ruling continues a pattern of "aggressive federal encroachment into every farm, business, church and household in America." The EPA and other researchers, however, have said greenhouse gas rules would exempt small businesses.

In a letter to Jackson in June, Perry assailed her proposal as "senseless regulation." The chairman of the Texas Commission on Environmental Quality, a Perry appointee, said the finding sets the stage for "extreme economic hardships" throughout Texas.

"It is unconscionable that unelected bureaucrats at the EPA have declared carbon dioxide a public danger despite a lack of scientific evidence to support their ruling," Perry said.

Jackson, most Democrats and many large businesses say there is ample scientific evidence that global warming is caused by man-made emissions.

But U.S. Rep. Joe Barton, R-Arlington, and other congressional Republicans had asked that Jackson abandon her finding in light of e-mails from climate researchers that questioned the scientific foundation of global-warming theories. The e-mails were found by a computer hacker who got them from a server at the University of East Anglia in Norwich, England.

"Today's EPA action mimics the e-mails in one respect – it demonstrates that public relations priorities rather than straightforward science are driving U.S. policymaking on global warming," Barton said.

Jackson said there was nothing in the e-mails "that undermines the science upon which this decision is based."

The EPA is moving forward with regulations as Congress wrestles with legislation that would impose economy-wide limits on greenhouse gas emissions. Jackson said Monday that she would prefer legislation over rules, partly because a climate-change law could not be undone by a future president.

The House passed such a bill in June, which sought to reduce carbon emissions to 83 percent below 2005 levels by 2050. But Senate Democrats have struggled to find the

votes to pass their measure, while climate legislation has taken a back seat to the health care bill.

Environmental groups say the EPA's finding improves the chances that the U.S. and major polluters such as China will endorse new limits on greenhouse gas emissions at a conference in Copenhagen, which began Monday.

"This gives other countries another clear signal that the U.S. is very serious and reliable ... and ready to move under the existing Clean Air Act," said David Doniger, climate policy director of the National Resources Defense Council.

Fuel efficiency

The EPA can also now move toward limiting carbon emissions from automobiles, power plants and factories. The agency says it plans to complete a rule in the spring that would require a 40 percent increase in the fuel efficiency of cars and light-duty trucks.

Separately, the EPA has proposed that power plants and factories that emit over 25,000 metric tons of carbon-dioxide equivalent gases per year install what is called the "best available control technology" to limit emissions.

A study by Duke University found that large power plants, oil refineries, lime manufacturers and most paper mills would have to comply with the proposed rule. But farms, commercial buildings and most hospitals would fall outside its scope.

"What we've done is primarily deregulatory," Jackson said. "It's given assurances to small businesses and medium businesses that they would not be regulated, while giving a clear signal to larger emitters ... that regulations can come under the Clean Air Act."

EPA's "endangerment finding" allows Big Government to regulate carbon emissions (*Natural News.com*)

by Mike Adams, the Health Ranger, NaturalNews Editor
(NaturalNews) Carbon dioxide is a threat to human life, says the EPA under the direction of the Obama Administration. With this declaration, the agency has bypassed Congress and can now begin to regulate CO2 as a toxic substance.

The timing of this declaration was obviously planned to coincide with the Copenhagen climate summit: With the EPA now operating with some fangs, Obama can wheel and deal in Denmark with the credibility of some political weight behind his words. But is the sudden declaration warranted? Is it backed by real science?

Lisa Jackson of the EPA explains the decision "relied on decades of sound, peer-reviewed, extensively evaluated scientific data." But thanks to the recent discovery of

leaked emails from climate change scientists (ClimateGate), I'm beginning to wonder how much of that scientific data was distorted in order to achieve a particular political goal.

Green living = population control?

For the record, I've been working hard to spread awareness about reducing our carbon footprint and living sustainably. And unlike many who just talk about it, I'm knee-deep in living it in Ecuador, where I grow roughly 80% of my diet from my own garden while living increasingly "green" off the local land. But even as a green living advocate, I'm more than little concerned how Big Government might twist these climate laws to encroach upon the rights and freedoms of the People.

If CO2 is regulated, for example, it means the very gas you exhale will be considered a hazard to life on Earth. Thus, regulating CO2 could be a sneaky way to start our nation down the road of population control or even population reduction. When a person reaches the age of 65, for example, and they're about to retire and collect social security, they might then be seen as a carbon-producing financial burden, and mass euthanasia programs could begin to be seriously considered. (This isn't science fiction. Nursing home patients are already being routinely euthanized with psychiatric drugs and painkillers right now...)

Of course, most carbon comes not from the respiration of human beings, but rather from the vehicles they drive and the carbon miles underlying the products they consume. There's no question that Americans, in particular, are extremely wasteful when it comes to energy usage. They drive huge, over-powered vehicles for hours a day as a way of life, and they purchase food and other products that have burned up gallons of fossil fuels just to arrive at the local stores. The American way of life is, without debate, extremely wasteful of energy resources. (In most cities, it is also ridiculously non-sustainable...)

There's a lot that can be done to reduce energy consumption in America and therefore reduce the nation's CO2 emissions, but at what cost, exactly? What will Americans have to give up in order to meet the new emissions goals?

The senseless wasting of energy must stop

That idea frightens a lot of people, but on the other hand, as someone who now lives permanently in a developing nation, I can say with rare authenticity that living in America causes you to become addicted to the luxuries of easy energy. There's a whole lot of room for Americans to reduce their carbon footprint, but it means giving up some of the luxuries we all tend to take for granted. Driving to Blockbuster to return a rented DVD, for example, is just plain stupid. Why burn gas to push a 4,000-pound vehicle around town to return a 6-oz. piece of circular plastic? It makes no sense.

Building new homes with poor insulation makes no sense, either. And yet the building codes all across America still favor the short-term profits of home construction companies rather than long-term sustainability and energy efficiency.

For many years, I lived in Tucson, Arizona. Tucson is a desert, with roughly 330 days of

sunlight a year. It's the perfect environment for a rooftop-mounted solar hot water heater that would replace all the gas and electricity used to heat hot water for local homes. But how many homes in Tucson are built with rooftop solar hot water heaters? Virtually none. It's the same story in Phoenix, Albuquerque, San Diego and even Los Angeles. KB Home and other builders keep erecting these cookie-cutter homes with no renewable energy components whatsoever. And why? Because it makes the homes a thousand bucks cheaper to sell to someone.

This kind of short-sighted energy nonsense has got to stop in America. Even without the climate change debate, it's still senseless to go on burning up the world's fossil fuels when there's so much renewable energy available for the taking if we only had the foresight to think beyond the next fiscal quarter. There's enough spare sunlight in the deserts of Arizona to power the entire nation with solar, by the way. With enough solar panels, Arizona could position itself as the Middle East of America.

I would much rather see America embrace renewable energy (and some commonsense consumption modifications) than have Big Brother wade into the fray with carbon limits and punitive fines. Government is a crude weapon for social change. It only knows how to criminalize behavior it doesn't like. It's terrible at educating consumers and businesses to change in responsible, sustainable ways. My concern with the EPA's decision today is that instead of getting a push towards a sustainable future powered with more renewable energy, we're going to get a new layer of energy tyranny that smothers the freedoms Americans are already fighting desperately to preserve.

Ask yourself this question: What has Big Government done well?
Big Government = Big failures
Think about Big Government has done for you lately: The H1N1 vaccine program was a total fiasco. The national taxation system is a paperwork nightmare. Health care is a complete joke. The Wall Street investment system is a government-sponsored casino that favors the rich. The prison system is a disaster. Public education has fallen to new lows in both funding and innovation. The war in Afghanistan drags on as a failed imperialist catastrophe. Agricultural policy, farm subsidies and the regulation of food and drugs are all completely off course, causing far more harm than good.

Now imagine Big Government running a carbon trading system -- or even personal carbon footprint limits that result in you receiving heavy fines if you exceed the government-mandated personal quota. This is precisely what could happen under a new "energy tyranny" that has just been initiated by the EPA and the Obama Administration.

Don't get me wrong: I'm all for reducing our carbon emissions and living more sustainably. I just don't like to be told what to do under the threat of being fined, arrested or imprisoned.

Do I have a better plan? Actually, I do. Implement my radical, money-saving health reform proposals (www.HealthRevolutionPetition.org) and use the hundreds of billions

of dollars in savings to invest in solar power generation centers that blanket the nation's deserts. Using CSP technology (Concentrated Solar Power) -- or even some of the more innovative stirling engine / solar concentrator inventions -- we could provide power for the entire nation for generations to come. (http://en.wikipedia.org/wiki/Concen...)

Or end the war in Afghanistan (which, strangely, Obama the anti-war President has now chosen to escalate even more), bring the troops home and spend the military budget building solar arrays that power America. Why fight for oil at a million dollars a year per soldier (which is what the war is costing, astonishingly) (http://rawstory.com/2009/10/us-spen...) when you can spend a fraction of that building energy sovereignty right here on American soil?

The solutions to our energy problems and our CO2 problems are found in the same place: Renewable energy technology that exists right now, today! Solar and wind really can provide all the electrical power our country needs, and with electric vehicles coming on line over the next few years, we could see a massive shift away from combustion engines and toward electric vehicles powered by solar energy delivered through the power lines. This isn't radical stuff. It's doable right now.

But if there's one thing that I've learned about Big Government, it's that innovation is the enemy of the status quo. Government rarely likes to innovate. It's more interested in controlling people, and declaring CO2 to be a harmful substance could be just the pretext our bloated, indebted and morally inept national government needs to unleash a new era of carbon controls that suffocate the American people.

Let's reduce our carbon footprint, YES! But let's do it in a way that doesn't increase the reach and power of a government that's already so large and dangerous it poses a far greater threat to the livelihood of the people than climate change ever has.

Sources for this story include:

http://www.telegraph.co.uk/earth/co...

http://online.wsj.com/article/SB126...

EPA Administrator To Make 'Significant' Climate Announcement (*Wall Street Journal*)

DECEMBER 7, 2009, 8:33 A.M. ET
By Ian Talley
Of DOW JONES NEWSWIRES
WASHINGTON (Dow Jones)--The head of the U.S. Environmental Protection Agency will later Monday make a "significant climate announcement," the agency said in a statement.

The agency is expected to officially declare greenhouse gases a danger to public health and welfare, according to people close to the matter and as reported by Dow Jones Newswires on Friday.

The controversial decision is necessary for the administration to move ahead with new light-duty vehicle emission standards and is the precursor to economy-wide regulations on greenhouse gas emissions. Opposed by many business groups and lawmakers who fear such an endangerment finding will place a burden on the economy, the EPA has said it's considering rules that would restrict emissions from large stationary sources such as power stations, refineries, chemical plants and cement kilns. It will be seen as a major victory by environmentalists.

The decision will give the Obama administration political leverage in negotiations at a major international climate summit in Copenhagen, Denmark, beginning this week. It also puts pressure on lawmakers to act; even the administration said a more finely crafted law that cuts greenhouse gases would have a more moderate effect on the economy than regulations under the more blunt Clean Air Act under which the endangerment decision is being made.

The EPA said it will make its announcement at around 1:15 p.m. EST.

-By Ian Talley, Dow Jones Newswires; 202-862-9285; ian.talley@dowjones.com

DECEMBER 7, 2009, 3:24 P.M. ET

Solar Energy Shares Jump On Upgrades,EPA Greenhouse Gas Ruling (*Dow Jones*)

Story also appeared: *Wall Street Journal*

By Shara Tibken
Of DOW JONES NEWSWIRES

NEW YORK (Dow Jones)--Shares of solar energy stocks climbed Monday as the U.S. Environmental Protection Agency declared greenhouse gases a danger to public health and as an analyst turned bullish on several solar names, saying he expects strong demand to continue into the first half of 2010.

The so-called "endangerment finding" announced by EPA Administrator Lisa Jackson is necessary for the administration to move ahead with new light-duty vehicle emission standards and is the precursor to wide-ranging regulations on greenhouse gas

emissions. The EPA said Monday that large emitters of greenhouse gases would come under new regulations next spring to limit such emissions.

The new regulations will require firms that are building or modifying power plants, refineries and other industrial emitters to install the "best available" technology. The EPA will soon begin determining what technology will be required.

The Obama administration has said it will issue tens of billions of dollars in tax credits and stimulus funds for companies and homeowners who buy solar energy products as it pushes clean energy alternatives.

Meanwhile, Barclays Capital analyst Vishal Shah boosted his ratings on JA Solar Holdings Co. (JASO), SunPower Corp. (SPWRA) and Suntech Power Holdings (STP) to overweight from neutral and said he expects the companies to report improving demand trends in the near term.

"Although concerns about German subsidy cuts could remain a potential overhang on the sector, we believe performance of solar stocks has recently lagged the broader markets rally and as such expect continued positive sector momentum in the near term," Shah said in a note.

In recent trading, JA Solar jumped 11% to $4.87, with shares having gained 12% year to date. SunPower climbed 9% to $24.31, and Suntech increased 8.5% to $16.69. SunPower shares have dropped 34% since the beginning of the year, while Suntech has gained 43%.

Other solar stocks trading higher included ReneSola Ltd. (SOL), which is up 6.6% at $4.37, and Yingli Green Energy Holding Co. Ltd. (YGE), with a 3.9% gain to $15.91. First Solar Inc. (FSLR) rose 3.5% to $134.18, and Trina Solar Ltd. (TSL) advanced 2.7% to $48.74.

Shah said Germany, Italy, the U.S., China and Canada could drive positive sector fundamentals, leading to better-than-expected pricing and volumes. He projected demand of 9.3 gigawatts in 2010 versus prior expectations for 7.3 GW.

Gradual improvement in the financing environment, improvement in permitting constraints and the positive impact of stimulus on U.S. and China demand could provide

additional upside to second-half 2010 fundamentals, driving 10.5 GW demand in a bull-case scenario, Shah added.

Still, Shah said near-term negative catalysts include the risk of aggressive pricing behavior and a delay in subsidies from China, which are expected in the first quarter of 2010.

Shah raised his rating on JA Solar shares based on the belief that the downside is limited and solar cell prices will stabilize. He also said there could be upside to Street estimates from better-than-expected shipments and cost reduction.

With Suntech, Shah said several catalysts could drive outperformance, including China and U.S. market-share gains.

As for SunPower, Shah believes shares don't fully reflect the near-term demand environment or the longer-term prospects of the company's business model. Also, potential resolution of an accounting overhang could boost shares.

-By Shara Tibken, Dow Jones Newswires; 212-416-2189; shara.tibken@dowjones.com

(Ian Talley and Mark Peters contributed to this article.)

DECEMBER 7, 2009, 8:26 P.M. ET

EPA's Carbon Proposal Riles Industries (*Wall Street Journal*)

Airlines, Utilities, Others Say New Rules Would Undercut U.S. Firms; Some Want Congress to Act
By REBECCA SMITH And TIMOTHY AEPPEL
Industry groups vowed to fight an Obama administration proposal to regulate emissions of carbon dioxide, even as some companies prepared to comply with restrictions they regard as inevitable.

The U.S. Environmental Protection Agency on Monday declared emissions of greenhouse gases, including carbon dioxide, to be a danger to human health. That clears the way for the EPA to limit emissions, initially from power plants, refineries, cement plants and other big factories.

Critics questioned the timing of the announcement, on the same day as the start of an international climate conference in Copenhagen.

"It is hardly the time to risk the remainder of the U.S. industrial sector in an attempt to achieve a short-term international public-relations victory," said Charles T. Drevna, president of the National Petrochemical & Refiners Association.

"American consumers and businesses alike will be dramatically affected" if the agency forces refiners to make costly changes to their facilities, Mr. Drevna said in a statement. The refiners group contends the EPA has failed to consider science that contradicts its conclusions.

Others questioned the impact of limiting greenhouse gases in one country, when airborne emissions easily cross borders and the threat of climate change is global. "We don't fly just within the 50 states," said Elizabeth Merida, a spokeswoman for the Air Transport Association, a Washington-based industry group for U.S. airlines.

Like other trade groups, ATA said its members had already cut emissions significantly, by increasing fuel efficiency of commercial airplanes by 110% between 1978 and 2008. ATA joined global airlines earlier this year in an industry plan that would raise fuel efficiency another 1.5% annually through 2020 and limit carbon-dioxide emissions after that date.

Journal Community

Vote: Are humans fueling climate change?

Monday's action makes it more likely EPA will limit emissions from power plants, which produce about 40% of U.S. industrial greenhouse gases, and other facilities that emit more than 25,000 tons of greenhouse gases each a year. The EPA on Sept. 30 said it would require these plants to limit emissions of carbon dioxide in new or expanded facilities, by requiring them to install the best emission-control equipment, beginning as soon as next spring.

Utility executives, joined by EPA Administrator Lisa Jackson, have said they prefer that Congress, rather than the EPA, regulate greenhouse emissions. That is because Congress has more freedom than the EPA to set up a system using incentives and, possibly, a trading mechanism, to gradually reduce emissions.

"A carbon bill would give more clarity to what you need to do and when," said David Ratcliffe, chief executive of Southern Co., a big utility based in Atlanta, in a recent interview.

An executive of DuPont Co. agreed. "Only Congress can enact the kind of comprehensive program needed to ensure we achieve emissions reductions in the most cost-effective manner," Michael Parr, the chemical maker's manager of government

affairs, said in an e-mailed statement. The EPA, Mr. Parr said, can't regulate greenhouse-gas emissions "in a flexible and economically efficient way."

Ms. Jackson has said the administration prefers that Congress act, but that EPA is required to move ahead if Congress doesn't.

Several utilities are planning to shut smaller coal-burning power plants that don't warrant upgrades. Progress Energy Inc. and Duke Energy Corp. in recent weeks said they likely will retire nearly 30 smaller coal-fired plants in the next decade.

Emissions of energy-related carbon dioxide dropped 2.9% in 2008, after growing an average of 1% per year from 1990 to 2007, the Department of Energy's Energy Information Administration reported Friday.

"The recession has given everyone a chance to stand still" and take stock, Southern Co.'s Mr. Ratcliffe said.

Other executives say they don't know whether they would be affected by the EPA rules, because they haven't measured their carbon-dioxide emissions.

Fletcher Steele, president of Pine Hall Brick Co., said he plans to measure how much carbon dioxide his company might release when it is running full tilt. The Winston-Salem, N.C., company uses natural gas and sawdust to fire kilns that bake bricks; it is running at about 40% of capacity because of the building-industry collapse.

Mr. Steele said controls on carbon dioxide would be costly and technically complex. But he knows he is somewhat insulated from such expenses because bricks are too heavy and low value to be globally traded. If other domestic makers face the same costs, they will pass them on to consumers, he said.

Mr. Steele noted that the EPA three years ago forced Pine Hall and other brick makers to study carbon-monoxide emissions. The company found it could significantly reduce those emissions with subtle adjustments in how gases are burned and other technical tweaks.

"I don't know that we can do the same with CO2," he said. "It's a natural byproduct of combustion, so I just don't know how you get around it."

Most small businesses wouldn't be affected by the rule. Rasma Zvaners, policy director of the American Bakers Association, said most members emit fewer than 25,000 tons of carbon dioxide a year. But she worries that bakers may be affected by higher natural gas prices, if power plants and other manufacturers switch to burning gas from coal or other fuels.

EPA's Jackson: We've Done More On Climate In 11 Mos Than Bush In 8 Yrs (*NPR*)

4:32 pm
December 7, 2009
By Frank James
While some critics have accused the Obama Administration of being an extension of its Republican predecessor, especially on foreign policy or the treatment of detainees, it's a harder argument to make in terms of environmental policy.

And in case anyone had any doubts, Lisa Jackson, the Environmental Protection Agency administrator, underscored that difference in her announcement Monday of the administration's decision to declare greenhouse gases a hazard to the population.

She didn't mention the Bush Administration by name. She didn't have to.

An excerpt from her statement Monday afternoon:

In 2007, the U.S. Supreme Court handed down perhaps the most significant decision ever reached in environmental law. The Court ruled that the Clean Air Act, the landmark 1970 law aimed at protecting our air, is written to include greenhouse gas pollution. That verdict echoed what many scientists, policymakers, and concerned citizens have said for years: there are no more excuses for delay.
Regrettably, there was continued delay. But this administration will not ignore science or the law any longer, nor will we avoid the responsibility we owe to our children and grandchildren. Today, I'm proud to announce that EPA has finalized its endangerment finding on greenhouse gas pollution, and is now authorized and obligated to take reasonable efforts to reduce greenhouse pollutants under the Clean Air Act.
his long-overdue finding cements 2009's place in history as the year when the United States Government began seriously addressing the challenge of greenhouse gas pollution and seizing the opportunity of clean-energy reform. In less than 11 months, we have done more to promote clean energy and prevent climate change than happened in the last eight years.
Earlier this year, EPA established this country's first -- and what I believe will be a world-leading -- nationwide greenhouse gas emissions reporting system. Next month, large emitters in the U.S. will begin working with EPA to monitor their emissions. Beginning in 2011, large emitters will -- for the first time -- submit publicly available information that will allow us to meaningfully track greenhouse gas emissions over time. This reporting will also bring to light opportunities to jump-start private investment in energy efficiency and new technologies and products -- saving money, improving bottom lines and growing the economy. And it does all this in a common-sense way -- without putting a burden on small businesses or other critical sectors of our economy.

The EPA's decision that carbon dioxide and other greenhouse gases endanger public health allows the agency under the Clean Air Act to impose new rules to govern the emission of greenhouse gases.

Jackson also took a shot at the climate change naysayers:

We know that skeptics have and will continue to try to sow doubts about the science. It's no wonder that many people are confused. But raising doubts -- even in the face of overwhelming evidence -- is a tactic that has been used by defenders of the status quo for years. Those tactics have only served to delay and distract from the real work ahead, namely, growing our clean energy economy and freeing ourselves from foreign oil that endangers our security and our economy.
It's time that we let the science speak for itself. In making this finding, we relied on decades of sound, peer-reviewed, extensively evaluated scientific data. That data came from around the world and from our own U.S. scientists.
Today's action is a step towards enduring, pragmatic solutions to the enormous challenge of climate change. It is a step towards innovation, investment and implementation of technologies that reduce harmful emissions. And it's a step towards green jobs, reduced dependence on foreign oil, and a better future for our children.

House Minority Leader Rep. John Boehner saw Monday's EPA announcement as a misguided preamble to what he believes is ahead:

"Today's EPA announcement paves the way for Washington Democrats' 'cap-and-trade' national energy tax, a bureaucratic nightmare that would make households, small businesses and family farms pay higher prices for electricity, gasoline, food and virtually every product made in America. One independent analysis determined that this national energy tax would cost our economy millions of jobs each year for the foreseeable future.
"What's more, the timing of this announcement is yet another indication President Obama is preparing to unilaterally commit the United States to mandatory emissions cuts at the UN Climate Change Conference in Copenhagen. If the President truly believes these job-killing mandates are in the nation's best interests, he should slow down and first seek the advice and consent of the people's elected representatives.

The Endangerment Finding (*New York Times*)

December 8, 2009 Tuesday
Late Edition - Final
Section A; Column 0; Editorial Desk; EDITORIAL; Pg. 36
The Environmental Protection Agency formally declared on Monday that carbon dioxide and other greenhouse gases constitute a threat to human health and welfare. The move empowers the agency to regulate these emissions and gives President Obama an important tool if Congress fails to pass legislation to reduce global warming emissions.

Mr. Obama and the E.P.A. administrator, Lisa Jackson, have said repeatedly that they would much prefer a comprehensive legislative approach. But while the House has passed a broad climate change bill, the prospects in the Senate are uncertain. The threat of regulation gives Congress extra incentive to act; regulation would provide a

strong backstop if it does not.

The E.P.A.'s declaration -- known as an "endangerment finding" -- is a necessary precondition under the Clean Air Act to regulatory action. Earlier this year, the administration proposed new rules limiting greenhouse gas emissions from cars and light trucks. Those rules, which have been broadly accepted by industry and will be accompanied by big increases in fuel-economy standards, will now be finalized.

The finding also allows the E.P.A. to regulate emissions from stationary sources including power plants, refineries and factories. So far, Ms. Jackson has offered no specific proposals -- though she is working on them -- beyond a "tailoring rule" that would limit any new regulations to big operations that produce 25,000 tons or more a year of carbon emissions.

Even so, the mere prospect of regulation has inspired something approaching panic, with industry groups like the Chamber of Commerce railing against "top-down, command-and-control" regulation. The House, in an otherwise admirable climate change bill, included a provision restricting the E.P.A.'s authority to control emissions.

This is utterly wrongheaded. The Supreme Court ruled two years ago that the E.P.A. has clear authority under the Clean Air Act to regulate greenhouse gases. It should be retained as both a goad and a backstop.

There is one obvious way to keep the E.P.A. from having to use this authority on a broad scale. And that is for Congress to pass a credible and comprehensive bill requiring economywide cuts in emissions.

No one would be cheering louder than Ms. Jackson, who has neither the resources nor the ambition to regulate what would amount to 70 percent of the American economy. If Congress fails to act, she will have no choice.

URL: http://www.nytimes.com

EPA adds teeth on emissions (*Los Angeles Times*)

December 8, 2009 Tuesday
Home Edition
MAIN NEWS; National Desk; Part A; Pg. 1
EPA adds teeth on emissions;
Its declaration clears a path for Obama to act on greenhouse gas regulation if Congress gets bogged down.
BYLINE: Christi Parsons and Jim Tankersley
WASHINGTON AND COPENHAGEN

The Obama administration on Monday declared that greenhouse gases produced by

vehicles, power plants and factories were a danger to public health, clearing the way for broad federal limits on climate-warming emissions.

The announcement by the Environmental Protection Agency is a key step in a legal process that would allow the agency to act, without Congress, to develop tough rules to control emissions of carbon dioxide and other gases that scientists blame for global warming.

"The vast body of evidence not only remains unassailable, it's grown stronger, and it points to one conclusion," said EPA Administrator Lisa P. Jackson in announcing the decision. "Greenhouse gases from human activity are increasing at unprecedented rates, and are adversely affecting our environment and threatening our health."

The EPA's "endangerment finding" came on the opening day of an international two-week climate conference in Copenhagen aimed at hammering out an accord on reducing greenhouse gas emissions.

Though the White House said the timing of the EPA announcement and the conference was a coincidence, the finding still sent a clear message of the administration's resolve to push ahead with emission controls -- with or without Congress.

In making the announcement Monday, Jackson said the administration "will not ignore science or the law any longer."

"Look at the droughts, the flooding, the changes in diseases, the changes in migratory habits, the changes in our water cycle and climate that we now find affect human health and welfare," she said.

The finding might be the latest step in the Obama administration's carrot-and-stick strategy for keeping pressure on Congress to approve a comprehensive climate bill, while giving the president an alternative approach if the legislation bogs down.

The White House has said repeatedly that it would prefer to deal with the complex and emotion-charged issue through congressional action.

The House passed a climate bill in June that proposed a 17% reduction in carbon emissions from 2005 levels. A similar bill is pending in the Senate.

Climate legislation would affect a broad swath of the American economy; it could raise consumer prices and manufacturing costs in at least some areas and faces formidable opposition from business groups, Republican lawmakers and some Democrats.

The challenge of passing a bill is all the greater at a time when Congress is preoccupied with the even more controversial healthcare overhaul and voters seem more concerned about jobs and the economy than about long-term climate change.

As a result, President Obama, who promised action on global warming during his campaign, has moved forward on the alternative track: direct administrative action by the EPA.

Coming on the eve of Obama's trip to the climate summit in Copenhagen, the endangerment announcement gives the White House something positive to point to in the absence of congressional action.

But even with the EPA finding, the White House has not committed to pushing ahead with the regulatory process if climate legislation stalls.

Criticism of the EPA announcement came quickly.

"The elected Congress, not an administrative agency, should write the laws governing the economy's response to climate change," Sen. Lamar Alexander (R-Tenn.) said.

Alexander, chairman of the Senate Republican Conference, added: "The costs of compliance with the EPA's unilateral announcement today could run into hundreds of billions of dollars a year -- costs borne by average Americans through huge increases in their electric bills and at the gas pump. This is an especially bad idea when unemployment is at 10%."

Jeff Holmstead, EPA air administrator in the George W. Bush administration, expressed concern that new paperwork requirements would bring new construction "to a standstill."

"If the agency's eventual regulatory approach is mishandled, it could result in profound consequences for the economy with little environmental benefit to show for it," Holmstead said.

Climate legislation is also strongly opposed by the U.S. Chamber of Commerce, though its position has drawn criticism from some of its prominent members, with some major companies withdrawing from the organization in protest.

The endangerment finding was part of a process prompted by a Supreme Court decision in 2007 that ordered the EPA to review scientific evidence for regulating climate-altering gases under the Clean Air Act.

The Bush administration largely ignored the decision. Obama, however, had promised before taking office that he would address the issue quickly.

The long-anticipated announcement upped the ante for the administration and the Democrats in their push to pass a climate bill.

White House Press Secretary Robert Gibbs, however, cautioned not to read too much into the timing of the announcement.

"This is part of a process that started more than two years ago with a Supreme Court finding that the EPA should regulate greenhouse gases that threaten the public health because it's a pollutant," he said.

Jackson said Monday that the endangerment finding was not intended to pressure Congress and that legislation was still the best way to address climate pollution and move toward clean energy.

In economic terms, complying with new emission regulations would be much more expensive than using the "cap-and-trade" provision in the climate bill, some analysts say.

The cap-and-trade system, under which companies could buy and trade permits to cover the greenhouse gases they release, is designed to minimize costs to emitters. For example, major emitters could use permits to spread the cost of reducing pollutants over time.

If the EPA imposes rules, companies would probably have to move more quickly to make costly changes in their operations.

Even so, Jackson said, "I do not believe this is an 'either-or' proposition. I actually see this as a 'both-and.' I believe the Clean Air Act can complement legislative efforts."

She said the administration still planned to work with Congress to get a climate change bill to the president's desk.

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Ruling allows emissions to be regulated (*USA TODAY*)

December 8, 2009 Tuesday
FIRST EDITION

SECTION: MONEY; Pg. 1B
Ruling allows emissions to be regulated;
EPA says greenhouse gases are hazard to public health
By Dan Vergano
The Environmental Protection Agency issued a long-expected ruling Monday that greenhouse gases threaten public health, giving the Obama administration power to regulate smokestack and tailpipe emissions that feed global warming.

Coming near the start of the international climate change conference now underway in

Copenhagen, some experts said the ruling tells the other conference participants the U.S. can now control emissions whether or not the U.S. Congress passes legislative caps.

"The U.S. is telling the international community we will act even if Congress doesn't get its act together," says David Bookbinder of the Sierra Club in Washington, D.C., a member of the legal team that won a 2007 Supreme Court decision that said greenhouse gases are pollutants and subject to **Clean Air Act** regulation. The ruling required the **EPA** to decide if **global warming** threatens human health and if so, to start controlling the emissions.

"The overwhelming amount of evidence shows the threat is real," **EPA Administrator Lisa Jackson** said Monday.

The finding covers six greenhouse gases, including carbon dioxide, produced as a byproduct of burning fossil fuels such as coal, oil and natural gas. Jackson cited **global warming** risks of heat waves, asthma and rising seas, among others, in making the finding.

No emission regulations spring immediately from the announcement, but the finding opens the door to stricter car and truck rules expected in March and cement manufacturing rules expected in June.

In 2007, the Intergovernmental Panel on **Climate Change** concluded it is "highly likely" that greenhouse gases largely contributed to a roughly 1-degree Fahrenheit rise in global average temperatures since 1905, and likely will lead to a 3- to 7-degree rise by 2100.

Jackson said emission limits were intended for large sources of greenhouse gases, those burning hundreds of train cars of coal each year for example, "not small or medium businesses."

Melissa McHenry, a spokeswoman for American Electric Power in Columbus, Ohio, a $14.4 billion power company, said the announcement signals the need for energy legislation, "rather than the clumsy tool of regulation," to address greenhouse gas emissions. "We've expected this announcement for months."

EDITORIAL/COMMENTARY/OP ED/LETTERS

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The EPA's long-overdue climate change ruling (*Los Angeles Times*)

The agency finally agrees that greenhouse gases are a danger to public health.
December 8, 2009
The Environmental Protection Agency released a historic finding Monday that greenhouse gases are endangering public health and welfare. Rep. Darrell Issa (R-Vista), an outspoken critic of the theory of climate change and of congressional attempts to cut carbon, responded by issuing a statement headlined, "Why the Rush? What's to Hide?"

We have a different question for the EPA: Why has it taken so long?

In 2007, the Supreme Court ruled that greenhouse gases were pollutants covered by the Clean Air Act, and it directed the EPA to determine whether they represented a health threat that would require federal regulation. Thus began more than a year and a half of foot-dragging by the Bush administration, which had reams of data pointing out the clear dangers of climate change but refused to take action. The EPA is hardly rushing to judgment by finally obeying the law and acknowledging the overwhelming worldwide consensus that carbon-fueled climate change threatens human health. Global warming is expected to cause deaths related to adverse temperatures, greater incidence of disease, worsened air quality, rising sea levels, more intense weather events and food and water shortages, among other things. These are not the conclusions of a handful of conspiracy-minded scientists at a British university, as climate skeptics would have people believe; the EPA's finding was based primarily on the work of the U.S. Global Change Research Program, the Intergovernmental Panel on Climate Change and the National Research Council.

The finding by the EPA, which paves the way toward concrete regulatory limits on greenhouse gases, is the most significant action taken by the federal government to date to address the problem. That should make President Obama's mission in Copenhagen next week a little bit easier. As global leaders convene to negotiate a worldwide climate treaty, all eyes are looking to the United States, the world's second-biggest carbon emitter after China (and a far bigger polluter than China on a per capita basis). If the U.S. refuses to take strong steps, which it has done consistently until now, it's unreasonable to ask or expect any other nation to do so.

Nonetheless, the EPA finding on its own isn't enough to spur a breakthrough in Copenhagen. The agency has signaled that it plans to go after only the very largest polluters, at least initially. In March, it will issue guidelines on major sources such as oil refineries and coal-fired power plants; it is also expected to set rules on light-duty vehicles patterned on tailpipe emissions standards approved by California. That's a nice start, but climate negotiators are looking for a strict commitment on economy-wide greenhouse gas emissions by 2020, something the EPA isn't in a position to provide.

More important, the EPA action sends a strong message to the Senate, where progress on a crucial climate bill has stalled. The cap-and-trade system created by the bill is a market-based method for cutting carbon that would be less expensive to industry and consumers than the direct regulatory approach taken by the EPA. In other words: If you

don't like cap-and-trade, you'll like the alternative less. That's something even science-denying obstructionists ought to be able to understand.

An Affordable Truth (*New York Times*)

By PAUL KRUGMAN
December 7, 2009
Maybe I'm naïve, but I'm feeling optimistic about the climate talks starting in Copenhagen on Monday. President Obama now plans to address the conference on its last day, which suggests that the White House expects real progress. It's also encouraging to see developing countries — including China, the world's largest emitter of carbon dioxide — agreeing, at least in principle, that they need to be part of the solution.

Of course, if things go well in Copenhagen, the usual suspects will go wild. We'll hear cries that the whole notion of global warming is a hoax perpetrated by a vast scientific conspiracy, as demonstrated by stolen e-mail messages that show — well, actually all they show is that scientists are human, but never mind. We'll also, however, hear cries that climate-change policies will destroy jobs and growth.

The truth, however, is that cutting greenhouse gas emissions is affordable as well as essential. Serious studies say that we can achieve sharp reductions in emissions with only a small impact on the economy's growth. And the depressed economy is no reason to wait — on the contrary, an agreement in Copenhagen would probably help the economy recover.

Why should you believe that cutting emissions is affordable? First, because financial incentives work.

Action on climate, if it happens, will take the form of "cap and trade": businesses won't be told what to produce or how, but they will have to buy permits to cover their emissions of carbon dioxide and other greenhouse gases. So they'll be able to increase their profits if they can burn less carbon — and there's every reason to believe that they'll be clever and creative about finding ways to do just that.

As a recent study by McKinsey & Company showed, there are many ways to reduce emissions at relatively low cost: improved insulation; more efficient appliances; more fuel-efficient cars and trucks; greater use of solar, wind and nuclear power; and much, much more. And you can be sure that given the right incentives, people would find many tricks the study missed.

The truth is that conservatives who predict economic doom if we try to fight climate change are betraying their own principles. They claim to believe that capitalism is

infinitely adaptable, that the magic of the marketplace can deal with any problem. But for some reason they insist that cap and trade — a system specifically designed to bring the power of market incentives to bear on environmental problems — can't work.

Well, they're wrong — again. For we've been here before.

The acid rain controversy of the 1980s was in many respects a dress rehearsal for today's fight over climate change. Then as now, right-wing ideologues denied the science. Then as now, industry groups claimed that any attempt to limit emissions would inflict grievous economic harm.

But in 1990 the United States went ahead anyway with a cap-and-trade system for sulfur dioxide. And guess what. It worked, delivering a sharp reduction in pollution at lower-than-predicted cost.

Curbing greenhouse gases will be a much bigger and more complex task — but we're likely to be surprised at how easy it is once we get started.

The Congressional Budget Office has estimated that by 2050 the emissions limits in recent proposed legislation would reduce real G.D.P. by between 1 percent and 3.5 percent from what it would otherwise have been. If we split the difference, that says that emissions limits would slow the economy's annual growth over the next 40 years by around one-twentieth of a percentage point — from 2.37 percent to 2.32 percent.

That's not much. Yet if the acid rain experience is any guide, the true cost is likely to be even lower.

Still, should we be starting a project like this when the economy is depressed? Yes, we should — in fact, this is an especially good time to act, because the prospect of climate-change legislation could spur more investment spending.

Consider, for example, the case of investment in office buildings. Right now, with vacancy rates soaring and rents plunging, there's not much reason to start new buildings. But suppose that a corporation that already owns buildings learns that over the next few years there will be growing incentives to make those buildings more energy-efficient. Then it might well decide to start the retrofitting now, when construction workers are easy to find and material prices are low.

The same logic would apply to many parts of the economy, so that climate change legislation would probably mean more investment over all. And more investment spending is exactly what the economy needs.

So let's hope my optimism about Copenhagen is justified. A deal there would save the planet at a price we can easily afford — and it would actually help us in our current economic predicament.

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Media complicity in Climategate (*Washington Times*)

THE WASHINGTON TIMES
Monday, December 7, 2009
A tale of destroyed documents, fraud, conspiracy and the misuse of millions of government dollars would seem to have all the juicy ingredients of a scandal that journalists would kill to cover. However, the mainstream media apparently doesn't think that Climategate is news. ABC News hasn't deemed the story newsworthy. Neither has CBS nor NBC. If Americans only got their news from the networks, they would not know about the global-warming fraud or would merely think there was a simple misunderstanding about what scientists meant in some vague e-mails

Never mind that two major universities have at least temporarily removed prominent academics from heading major climate research facilities. Never mind that there are real questions raised about the United Nations Intergovernmental Panel on Climate Change's (IPCC) controversial assessment report that the Obama administration and global-warming advocates have continually hyped in order to advance their case for new global regulations to curtail purported global warming.

Liberal news agencies might be casting a blind eye at this controversy, but even left-wing comedians such as "The Daily Show's" Jon Stewart take these events seriously enough to make fun of the defenses being offered by the scientists caught in the scandal. Take one of Mr. Stewart's jokes regarding the now infamous e-mail about the "trick of adding in the real temps to each series ... to hide the decline [in temperature]." A Tuesday repartee follows:

Mr. Stewart: "It's nothing. He was just using a trick to hide the decline. It is just scientist speak for using a standard statistical technique recalibrating data in order to trick you into not knowing about the decline. But here is what is great about science in disagreement. We go back and look at the raw data."

Announcer: "University scientists say raw data from the 1980s was thrown out."

Jon Stewart: "Why would you go and throw out data from the 1980s? I still have Penthouses from the 1970s."

Despite cracks on late-night TV, the scandal is not considered newsworthy by the major television networks. The Media Research Center reported that through Tuesday, "none of the broadcast network weekday morning and evening news shows addressed Climategate or the incriminating [East Anglia climate scientist Phil] Jones development. ... This marked 12 days since the information was first uncovered that they have ignored this global scandal."

The networks found plenty of airtime to cover rumored family problems plaguing professional golfer Tiger Woods. Yet, even though there is climate-regulation legislation pending in Congress that could cost Americans trillions of dollars, network producers don't see anything newsworthy in a scandal exposing fraud in global-warming research. Such omissions make mainstream news complicit in the cover-up.

Water under the federal bridge (*Washington Times*)

Monday, December 7, 2009

As The Washington Times reported ("Democrats navigate 1-word solution to expand water act," Page 1, Friday), the Democrats' proposal to eliminate the word "navigable" from the Clean Water Act is more than just a little word-smithing. That word also appears in the Federal Power Act. Upon that word the whole concept of federal water jurisdiction rests.

The states have dominion over their own resources except those that are shared by neighboring states and that can be said to affect interstate commerce. The Commerce Clause is referred to in federal regulation as the hinge pin of federal jurisdiction. Navigable waters are waters that at some time have allowed the transport of goods across state lines.

The Federal Energy Regulatory Commission has claimed federal jurisdiction over some streams on the basis that Native Americans transported animal pelts by canoe on those streams and claimed jurisdiction on streams on which logs were floated to saw mills for processing into lumber. The U.S. Army Corps of Engineers and the U.S. Bureau of Reclamation can construct federal water-control projects only on navigable waters of the United States, which keeps them from building federal projects that are within any state and affect only that state.

If the word "navigable" is eliminated from the Clean Water Act, the federal government will take environmental control of all waters of all the states. There will be no need for states to have their own departments of environmental protection because their jurisdiction will be usurped by the federal government.

The Environmental Protection Agency, under the Clean Water Act, has effectively blocked the construction of any new dams or impoundment structures on any navigable waters of the United States. The EPA claims that any increase of temperature in a stream or river constitutes thermal pollution and thereby effectively blocks the construction of any new impoundments on any federal jurisdictional waters. It is impossible to develop any new lake or reservoir without increasing the temperature of the water passing through it.

If "navigable" is removed from the Clean Water Act, the federal government will be able to block the construction of any new dams or lakes anywhere in any state of the

country. The states no longer will have developmental control of any of their own waterways. There will be no new ponds or lakes built so that lake recreation and lakeside property can be developed. There will be no new reservoirs built that some industrial developments require.

The elimination of the single - and seemingly innocuous - word "navigable" will allow an undue federal usurpation of states' rights. American governors had better take heed before they lose control of their own states.

JACK DUCKWORTH
Burke, Va.

Reckless 'endangerment' for breathing (*Washington Post*)

New EPA ruling could suffocate job growth
BYLINE: THE WASHINGTON TIMES

Hey, you over there, stop breathing so much. You're endangering the rest of us.

Or at least that's what the Environmental Protection Agency would have you believe. The EPA officially ruled yesterday that carbon dioxide (CO2) is a dangerous pollutant subject to government regulation even without benefit of new legislation. CO2 is, of course, what animals and people exhale with every breath, after inhaling oxygen.

The EPA hastens to add that its CO2 "endangerment" ruling is aimed only at organizations that emit more than 250 tons of CO2 a year, not at ordinary people. But that's cold comfort. Common-sense limitations on regulations have a way of evaporating into thin air when the bureaucratic state starts ruling by administrative fiat. The EPA in recent years has become known for sending armed SWAT-type teams into small businesses for relatively minor enforcement actions. Indeed, businesses, both large and small, are likely to suffer drastically from the EPA's decision.

The U.S. Chamber of Commerce warned that the ruling "could result in a top-down command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project." The National Association of Manufacturers likewise blasted the decision, and political and think-tank leaders warned of massive job losses because of it.

What might be even worse is what trial lawyers make of the ruling. As explained a year ago by California superlawyer Joanne Lichtman, writing on the respected, bipartisan Global Climate Law Blog, "Regulatory determinations that carry a government seal of approval ... can be very persuasive and influential for jurors asked to resolve complex questions of science." In other words, aggressive plaintiffs' attorneys could use the endangerment ruling as a pretext for all sorts of suits concerning purported lung or

respiratory problems.

The timing of the EPA's ruling is manifestly a political play meant to coincide with the Copenhagen climate conference, which begins this week. Already, though, even Democratic members of Congress are warning President Obama not to use Copenhagen negotiations as an end-run around Congress - as Sen. Jim Webb, Virginia Democrat, did in a late November letter to the president. The same warning against foreign negotiations ought to apply to bureaucratic fiats within this country.

Congress, not the EPA, should decide whether to impose such drastic new rules on the struggling U.S. economy. The economy, too, needs room to breathe.

At the Copenhagen Climate Talks (*New York Times*)

December 8, 2009 Tuesday
Late Edition - Final
Section A; Column 0; Editorial Desk; LETTERS; Pg. 36
To the Editor:

Re "Forecast: Expect Temperatures to Rise in Copenhagen" (Week in Review, Dec. 6):

Despite many divisions at the Copenhagen climate talks, there is one part of society that is united: young people. The two of us, both in our 20s, from India and the United States, are here in Copenhagen with over 1,000 more youth from over 100 countries as part of a growing international youth climate movement.

This October, we helped organize over 5,200 events in over 180 countries to call for a strong climate target to safeguard our survival: 350 parts per million, the safe upper limit of carbon dioxide in the atmosphere.

Now we're looking for our leaders to set aside the divisions that we as youth have overcome and sign a fair, ambitious and binding treaty here in Copenhagen. If we can work together, so can our parents.

Roselin Dey Jamie Henn Copenhagen, Dec. 6, 2009

The writers are organizers with 350.org.

To the Editor:

Your Week in Review article about the Copenhagen gathering notes the perceived importance of parity among nations' emissions plans, in their efforts to reach agreement. Parity is the wrong target and the wrong measurement.

As long as our leaders focus on parity, its absence remains an excuse for avoidance of

real issues. Without parity, some key nations will not sign an international agreement. Negotiators return home and blame someone else for failure.

Instead of holding occasional meetings like this to sign a global agreement, our leaders should meet more frequently to publicize the issues of emissions and climate change, and the achievements and failures of nations around the globe.

Change the focus from international agreements to local change, and let each nation's industries, citizens and politicians battle out solutions. Make this a race among nations; do not hinder progress by tying all our legs together.

Some will progress more rapidly. There will not be parity, but there will be progress.

Stanley Goodman Wyckoff, N.J., Dec. 7, 2009

To the Editor:

Re "In Face of Skeptics, Experts Affirm Climate Peril" (front page, Dec. 7):

Ten years ago the world was holding its breath awaiting the devastating impact of the millennium bug. Though we had been assured by countless scientific experts that this was a huge problem, we now know that the global hysteria was almost entirely baseless.

It should not be a surprise that people have second thoughts about what scientific pundits tell them about global warming, particularly when this is attended by quasi-religious fervor and denigration of those who hold an opposing view.

Gary Kitchen Southport, England, Dec. 7, 2009

To the Editor:

Re "That Climate Change E-Mail" (editorial, Dec. 6):

What the e-mail messages hacked from British climate scientists show is that scientists, too, have human frailties and are capable of behaving in a partisan and even vindictive manner.

What they clearly do not show is anything that would alter the enormous preponderance of evidence that human-caused climate change is occurring.

Throughout 2009 I have read several articles in The Times reporting new data showing that conditions are worsening even faster than had been anticipated. There is accumulating evidence that we are losing ice sheets and glaciers faster, that sea levels have risen more and that global temperatures are rising faster than the models had predicted. Of course, these are the very consensus models that the global warming

skeptics are now stridently attacking.

What the skeptics call Climategate is just another in the seemingly endless parade of phony conspiracy theories that attract attention because of their sizzle, not their substance.

Russ Weiss West Windsor, N.J., Dec. 6, 2009

To the Editor:

Your editorial concludes, "It is also important not to let one set of purloined e-mail messages undermine the science and the clear case for action, in Washington and in Copenhagen."

Hold on a minute. It was precisely because "one set" of opinions has been driving climate politics that the whistleblowers, not hackers, published the evidence. And it is precisely because of the type of coverage that The New York Times and other mainstream news organizations are giving the whistleblowing incident that the integrity of both the scientific and journalistic communities is being threatened.

Honest questions have been raised and honest attempts have been made to shed light on questionable claims about climate science for decades. We need to push for greater disclosure, more scrutiny, better research and a halt in the action before we jump into policy and regulatory schemes that we will deeply regret.

Michelle Michot Foss Houston, Dec. 6, 2009

The writer, an energy economist based at the University of Texas at Austin, is a past president of both the United States and International Associations for Energy Economics.

URL: http://www.nytimes.com

Finally, the EPA gets it (*Los Angeles Times*)

December 8, 2009 Tuesday
Home Edition
MAIN NEWS; Editorial pages Desk; Part A; Pg. 34

The Environmental Protection Agency released a historic finding Monday that greenhouse gases are endangering public health and welfare. Rep. Darrell Issa (R-Vista), an outspoken critic of the theory of climate change and of congressional attempts to cut carbon, responded by issuing a statement headlined, "Why the Rush? What's to Hide?"

We have a different question for the EPA: Why has it taken so long?

In 2007, the Supreme Court ruled that greenhouse gases were pollutants covered by the Clean Air Act, and it directed the EPA to determine whether they represented a health threat that would require federal regulation. Thus began more than a year and a half of foot-dragging by the Bush administration, which had reams of data pointing out the clear dangers of climate change but refused to take action. The EPA is hardly rushing to judgment by finally obeying the law and acknowledging the overwhelming worldwide consensus that carbon-fueled climate change threatens human health. Global warming is expected to cause deaths related to adverse temperatures, greater incidence of disease, worsened air quality, rising sea levels, more intense weather events and food and water shortages, among other things. These are not the conclusions of a handful of conspiracy-minded scientists at a British university, as climate skeptics would have people believe; the EPA's finding was based primarily on the work of the U.S. Global Change Research Program, the Intergovernmental Panel on Climate Change and the National Research Council.

The finding by the EPA, which paves the way toward concrete regulatory limits on greenhouse gases, is the most significant action taken by the federal government to date to address the problem. That should make President Obama's mission in Copenhagen next week a little bit easier. As global leaders convene to negotiate a worldwide climate treaty, all eyes are looking to the United States, the world's second-biggest carbon emitter after China (and a far bigger polluter than China on a per capita basis). If the U.S. refuses to take strong steps, which it has done consistently until now, it's unreasonable to ask or expect any other nation to do so.

Nonetheless, the EPA finding on its own isn't enough to spur a breakthrough in Copenhagen. The agency has signaled that it plans to go after only the very largest polluters, at least initially. In March, it will issue guidelines on major sources such as oil refineries and coal-fired power plants; it is also expected to set rules on light-duty vehicles patterned on tailpipe emissions standards approved by California. That's a nice start, but climate negotiators are looking for a strict commitment on economy-wide greenhouse gas emissions by 2020, something the EPA isn't in a position to provide.

More important, the EPA action sends a strong message to the Senate, where progress on a crucial climate bill has stalled. The cap-and-trade system created by the bill is a market-based method for cutting carbon that would be less expensive to industry and consumers than the direct regulatory approach taken by the EPA. In other words: If you don't like cap-and-trade, you'll like the alternative less. That's something even science-denying obstructionists ought to be able to understand.

AIR

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EPA's carbon dioxide emissions ruling could raise energy costs (*USA TODAY*)

By Julie Schmit, USA TODAY
The latest step by the government to regulate carbon dioxide emissions saddles industry with uncertainty and potentially higher costs, industry groups said Monday after the Environmental Protection Agency declared carbon dioxide a health hazard.

The EPA's decision paves the way for new regulations on carbon dioxide emissions from power plants and factories even if Congress doesn't pass legislation to do so.

EPA RULING: Regulation of greenhouse gases approved

If nothing changes, the EPA, sometime next year, could require big carbon emitters – such as power plants, steel mills, cement makers and others – to put the best available equipment on new and modified plants to curb emissions.

Industry groups say EPA regulation would eventually drive up energy costs, lead to lost jobs and delays in project permits and construction. More immediately, "This adds more uncertainty and could impact how companies make decisions," says Keith McCoy, vice president of the National Association of Manufacturers.

Instead of EPA regulation, industry wants Congress to pass climate change legislation to limit carbon emissions – a stance also taken by the EPA and the White House. Such efforts are underway in the House and Senate.

That way, emission cuts could be made more strategically and "soften the impact on consumers," says Dan Riedinger of the Edison Electric Institute, a power industry trade group. He says energy costs will "go up more under EPA regulation."

As a result of EPA regulation, U.S. companies could also face higher operating costs than foreign competitors, says Larry Kavanagh of the American Iron and Steel Institute. The institute wants legislation crafted to help U.S. companies stay competitive – while still cutting emissions – via trade measures, rebates and other incentives.

Congress could override EPA's regulations or retain them.

Either way, the "train is moving down the tracks" to regulate emissions, says David Doniger of the Natural Resources Defense Council, an advocacy group. He says that's key "to rebuilding the economy along clean-energy lines."

The EPA's decision is expected to face legal challenges. Shortly after the announcement, the Competitive Enterprise Institute, a public interest group, said it would file a lawsuit to overturn the EPA's finding on the grounds that EPA ignored scientific issues around global climate modeling.

The carbon dioxide decision comes seven months after the Obama administration set national rules to improve auto fuel efficiency nearly 40% by 2016, which would reduce tailpipe emissions. Given a Supreme Court ruling, the EPA's finding on carbon dioxide is needed before it can regulate carbon dioxide emissions from autos, factories and power plants.

Corn Growers Concerned with Impacts of EPA Endangerment Finding (*KMEG News 14*)

Posted:
Dec 7, 2009 03:52 PM EST
ST. LOUIS (December 7, 2009) -- The National Corn Growers Association expressed concern today about the impacts on farmers of the U.S. Environmental Protection Agency's newly released and long-awaited endangerment finding on greenhouse gas emissions in relation to climate change.

"The release of EPA's findings is a significant development of the agency's move forward in its effort to regulate greenhouse gas emissions," NCGA President Darrin Ihnen said. "NCGA continues to have serious concerns with using the Clean Air Act to regulate GHG's and the implications this could have for America's corn farmers."

The agency's final determination comes in response to a 2007 U.S. Supreme Court ruling that ordered the agency to reconsider whether greenhouse gases are pollutants subject to regulation under the Clean Air Act. However, the court stated EPA must determine if these pollutants would threaten public health and welfare before being allowed to regulate. The six greenhouse gases subject to regulation are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride.

"The livestock industry is also particularly concerned with certain production facilities that will fall within regulatory parameters," Ihnen said. "The intended purpose of the Clean Air Act was never to regulate every farm in America as part of the overall effort to curb greenhouse gas emissions."

The finding is not expected to include any proposed regulations, but will pave the way for several pending EPA rules.

Posted on Mon, Dec. 07, 2009

EPA's Clean Air ruling lashes coal-producing Kentucky (*McClatchy Newspaper)*

Halimah Abdullah and Dori Hjalmarson | McClatchy Newspapers
last updated: December 07, 2009 09:27:02 PM

WASHINGTON — The Environmental Protection Agency's declaration Monday that carbon dioxide and other greenhouse gas emissions endanger the public's health could deeply impact Kentucky's coal economy.

The announcement, which comes as an historic climate change conference gets under way in Copenhagen, could set the groundwork for broader cap-and-trade policies in the U.S. — the kinds of policies the state's coal companies and most of the state's congressional delegation have long tried to block.

“What his arbitrary administrative edict would do is what Congress has refused to do statutorily — tell coal-burning utilities how much, or little, coal can be burned,” said Rep. Hal Rogers, a Republican whose district blankets coal-rich eastern Kentucky. “It could prove devastating to Kentucky’s coal industry and cause havoc to our working men and women of eastern Kentucky.”

Meanwhile, Kentucky environmentalists lauded the EPA’s announcement as a first step toward addressing global warming and curbing pollution.

“We have chosen an energy source for our electricity,” said Tom FitzGerald, director of the Kentucky Resources Council. “What was an economic development edge — the allure of cheap power — is about to become a significant liability.”

Fifty percent of the nation runs on coal-generated electricity, and more than 90 percent of Kentucky’s electricity is coal-fired — part of the reason the state’s energy rates are so low, attracting factories and other industries, coal advocates say.

The coal industry suffers when overly stringent environmental regulations are put in place, said David Gooch, president of Coal Operators & Associates Inc. in Pikeville, Ky. High-sulfur western Kentucky and northern West Virginia mines “saw tremendous downturn” after 1990 crackdowns on sulfur dioxide emissions, he said. Those mines were only able to resume business after they got contracts with power plants that installed sulfur scrubbers.

“Who wants to sit unemployed for 15 years again?” Gooch said.

Passage of the climate bill by the U.S. House of Representatives earlier this year was an important political test for President Barack Obama, who made personal appeals to lawmakers and stressed his desire to travel to Copenhagen buoyed by a strong national stance on the matter.

It was also an important political test for Rep. Ben Chandler, a Democrat who faced heavy backlash for supporting cap-and-trade energy policies that could lead to penalties for his state’s leading industry.

A renewed focus on climate change could once again force Chandler, who generally eschews the spotlight, to take a very public stand on policies aimed at curbing greenhouse emissions.

Chandler's office did not respond Monday to a request for comment about the EPA's announcement.

The Obama administration's announcement also signals that, regardless of Congress' actions, the EPA will use its regulatory powers to curb greenhouse emissions.

The move rankles lawmakers who feel stricter regulations will affect power companies' ability to compete, employ workers and maintain low prices.

"With double-digit unemployment and over 3.5 million jobs already lost this year, the administration inexplicably continues to push for a job-killing national energy tax — either through legislation or regulation," said Senate Minority Leader Mitch McConnell.

Last year, McConnell led a largely successful push against Democratic-backed climate change legislation that would have encouraged companies to use natural gas instead of coal, capped greenhouse gas emissions over the next 40 years and required businesses to buy permits in exchange for going over those caps.

At one point, McConnell brought proceedings to a standstill after calling for all 492 pages of the bill to be read aloud.

The Senate may revisit climate change legislation in 2010. However, both of the state's senators remain firmly opposed.

"EPA's finding is reckless, irresponsible, and will only serve to increase the reach of Washington's bureaucratic arm into the American taxpayer's pocket," said GOP Sen. Jim Bunning. "This finding is based on flawed science and will only serve to kill jobs in Kentucky and endanger industries across the country."

Environmentalists, though, say Kentucky's cheap energy has come at too steep a price. Lexington has the country's largest "carbon footprint" — leading the nation in emitting the greenhouse gases that contribute to global climate change.

Other Kentucky cities follow closely, including the Cincinnati-Northern Kentucky area and Louisville, according to a study of the nation's 100 largest metropolitan areas by the Brookings Institution.

MetroPool and Cartus workers noted for meeting EPA standards (*Dansbury News Times*)

By Martin B. Cassidy, STAFF WRITER
Published: 08:37 p.m., Monday, December 7, 2009
MetroPool Inc. in Stamford and Cartus Corp. in Danbury are among just over two dozen companies being given national praise for being ahead in meeting federal environmental standards by offering workers benefits to eliminate driving to work, taking mass transit and getting cars off heavily traveled highways.
Last week, MetroPool, a commuter services agency supported by the state Department of Transportation, was named one of eight companies nationwide awarded a gold medal award by Best Workplaces for Commuters, a program run by the University of Florida's Center for Transit Research as part of the Race for Excellence program.

The program is the successor to an Environmental Protection Agency program which uses federal standards to gauge the use of incentives and other measures by employers to encourage sustainable commuting.

Cartus, which provides executive relocation services to other companies, was given a silver medal in recognition of its employees' accomplishments in reducing auto trips, including use of the NuRide and its own internal ridesharing program and extensive internal promotion of carpooling.

"The winners have shown great environmental leadership through their dedication of promoting cleaner transportation options," said Julie Bond, project manager for Best Workplaces for Commuters. "Some of the outstanding efforts include adding new commuter benefits and expanding telework or transit benefits."

MetroPool was also named a "Champion" of the Best Workplaces for Commuters program. This was in recognition of both its work in Connecticut and New York helping companies offer commuter benefit programs to meet federal standards, as well as its own efforts to curb driving to work, said Metro Pool Executive Director John Lyons.

Several companies assisted by MetroPool in tailoring commuter benefit programs, including Pitney Bowes, have garnered a separate Best Workplace for Commuters designation at different times over the past decade in part because of MetroPool's outreach efforts.

Among the options offered by MetroPool are up to $100 a month in tax-free transit checks to use for train, bus, ferry travel, along with compressed work weeks, telecommuting and flex time to make mass transit and carpooling more attractive, Lyons said.

From January to June, MetroPool's 19-person staff in Connecticut and New York eliminated more than 24,000 vehicle miles travelled, reducing 17,587 tons of carbon emissions and saving 879 gallons of gasoline, according to MetroPool.

"It is definitely a nice award to receive as a corporate citizen," Lyons said. "It gives you sort of bragging rights, and shows a company is paying attention and treating their employees well."

The Center for Transit Research took over running the Best Workplaces for Commuters program from the federal EPA and the U.S. Department of Transportation in 2007.

Cartus now uses a combination of both the state-endorsed NuRide carpool-match program and its own ridesharing program, in which about 300 of its 1,400 employees participate on a regular basis, said Mark Langdon, its manager of facilities and conservation committee head.

To make it easier to reach the company's campus by mass transit, Cartus also has arranged for CTTransit's Hart Bus line from Norwalk to Danbury to make additional stops at their campus, he said.

The corporation also won the DOT's year-long Earth Day Commuter Challenge, which ran from May 2008 to May 2009, reducing 21,457 trips to and from its office.

"The ridesharing program is extensively promoted internally," Langdon said. "Once a month, MetroPool comes and talks to employees to make them aware of different options for ride sharing, whether they are using the train, carpooling, or vanpooling."

To encourage use of NuRide, the company also conducts a free raffle for carpoolers with prizes including free gas vouchers and premium parking spaces on the company's campus, Langdon said.

Staff Writer Martin B. Cassidy can be reached at martin.cassidy@scni.com or at 203-964-2264.

Larry Post, Cartus' vice president of global facilities, said its employees have become more committed to the program's goals as the company continues to promote it.

"Our employees really get the whole theme of being environmentally friendly, carbon disclosure projects and getting cars off the road and the program has become more successful," Post said.

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EPA: Greenhouse gases endanger health (*Associated Press*)

This story also appeared: *Washington Times*

Dina Cappiello and H. Josef Hebert ASSOCIATED PRESS

Originally published 10:18 a.m., December 7, 2009, updated 10:26 a.m., December 7, 2009
WASHINGTON (AP) -- Officials tell The Associated Press that the Environmental Protection Agency has concluded greenhouse gases are endangering people's health and must be regulated.

The EPA will announced its findings at a news conference Monday.

The announcement is timed to boost the Obama administration's arguments at an international climate conference -- beginning this week -- that the United States is taking actions to combat global warming, even though Congress has yet to act on climate legislation.

Under a Supreme Court ruling, the so-called endangerment finding is needed before the EPA can regulate carbon dioxide and five other greenhouse gases released from power plants, factories and automobiles under the federal Clean Air Act.

CLIMATE CHANGE/GLOBAL WARMING

Finally, the EPA gets it (*Los Angeles Times*)

December 8, 2009 Tuesday
Home Edition
MAIN NEWS; Editorial pages Desk; Part A; Pg. 34
The Environmental Protection Agency released a historic finding Monday that greenhouse gases are endangering public health and welfare. Rep. Darrell Issa (R-Vista), an outspoken critic of the theory of climate change and of congressional attempts to cut carbon, responded by issuing a statement headlined, "Why the Rush? What's to Hide?"

We have a different question for the EPA: Why has it taken so long?

In 2007, the Supreme Court ruled that greenhouse gases were pollutants covered by the **Clean Air Act,** and it directed the **EPA** to determine whether they represented a health threat that would require federal regulation. Thus began more than a year and a half of foot-dragging by the Bush administration, which had reams of data pointing out the clear dangers of **climate change** but refused to take action. The **EPA** is hardly rushing to judgment by finally obeying the law and acknowledging the overwhelming worldwide consensus that carbon-fueled **climate change** threatens human health. **Global warming** is expected to cause deaths related to adverse temperatures, greater incidence of disease, worsened air quality, rising sea levels, more intense weather

events and food and water shortages, among other things. These are not the conclusions of a handful of conspiracy-minded scientists at a British university, as climate skeptics would have people believe; the **EPA's** finding was based primarily on the work of the U.S. Global Change Research Program, the Intergovernmental Panel on **Climate Change** and the National Research Council.

The finding by the **EPA,** which paves the way toward concrete regulatory limits on greenhouse gases, is the most significant action taken by the federal government to date to address the problem. That should make President Obama's mission in Copenhagen next week a little bit easier. As global leaders convene to negotiate a worldwide climate treaty, all eyes are looking to the United States, the world's second-biggest carbon emitter after China (and a far bigger polluter than China on a per capita basis). If the U.S. refuses to take strong steps, which it has done consistently until now, it's unreasonable to ask or expect any other nation to do so.

Nonetheless, the **EPA** finding on its own isn't enough to spur a breakthrough in Copenhagen. The agency has signaled that it plans to go after only the very largest polluters, at least initially. In March, it will issue guidelines on major sources such as oil refineries and coal-fired power plants; it is also expected to set rules on light-duty vehicles patterned on tailpipe emissions standards approved by California. That's a nice start, but climate negotiators are looking for a strict commitment on economy-wide greenhouse gas emissions by 2020, something the **EPA** isn't in a position to provide.

More important, the **EPA** action sends a strong message to the Senate, where progress on a crucial climate bill has stalled. The cap-and-trade system created by the bill is a market-based method for cutting carbon that would be less expensive to industry and consumers than the direct regulatory approach taken by the **EPA.** In other words: If you don't like cap-and-trade, you'll like the alternative less. That's something even science-denying obstructionists ought to be able to understand.

December 9, 2009

Europe Praises E.P.A.'s Ruling on Greenhouse Gases (*New York Times*)

By JAMES KANTER
COPENHAGEN — The European Commission Tuesday applauded a decision by the United States Environmental Protection Agency to pave the way for federal limits on emissions of carbon dioxide, saying it should give further impetus to negotiations underway here aimed at crafting a new global agreement to curb greenhouse gases.

The so-called endangerment finding by the E.P.A. was "an important signal by the Obama administration that they are serious about tackling climate change and are demonstrating leadership," a spokesman from the European Commission said. The finding "gives new momentum following their announcement of cuts," he said.

Political leaders in Copenhagen welcomed the ruling, but they were quick to press the Obama administration to do more now to sweeten its offer.

Andreas Carlgren, the environment minister of Sweden, the country that currently holds the rotating presidency of the E.U., said in an e-mail message on Tuesday morning that the ruling "shows that the United States can do more than they have put on the table."

Connie Hedegaard, the Danish politician who was elected on Monday as president of the conference, said in an e-mail message on Tuesday morning that the ruling in the United States "is a helpful step, as it could provide a larger degree of flexibility in the negotiations." So far President Barack Obama has signaled a cut emissions by about 17 percent by 2020 compared to 2005 levels. The White House also has indicated that the United States would contribute to a fund to tackle climate change.

The announcement by the E.P.A. came after more than 190 nations began a crucial climate meeting here on Monday. The gathering opened with appeals for urgent action from the United Nations and from officials of countries endangered by warmer temperatures, rising sea levels and other damage such as melting glaciers.

Shortly after dawn on Tuesday morning, inside the vast blocks that make up the conference center, environmental groups already were chanting in favor of preservation of forests and handing out symbolic carbon cutouts labeled as carbon dioxide in the central area.

Representatives from governments said there would be further ceremonial events on Tuesday morning before the hard negotiating begins, later in the day.

A major reason that hopes have risen in recent weeks is the expectation that President Obama — who plans to attend closing days of the conference next week — will formally commit the United States to making cuts in greenhouse gases. The United States declined to ratify the Kyoto Protocol, a previous agreement on curbing greenhouse gases, because of strong opposition in the Senate and from the Bush administration. The refusal to ratify the Kyoto protocol has left a lingering mistrust of the United States in other parts of the world. The finding by the E.P.A. is expected to allow President Obama to tell delegates in Copenhagen that the United States is moving aggressively to address the problem even while Congress remains stalled on broader legislation to curb global warming legislation.

Senator Barbara Boxer of California, chairman of the Senate Environment and Public Works Committee, said that in light of the ruling, "the president's appearance in Copenhagen will carry even more weight, because it shows that America is taking this issue very seriously and is moving forward."

Over the next two weeks, the nations gathered in Copenhagen will try to reach what has so far been elusive common ground on the issue of climate change.

Delegates will try to hammer out some of the most vexing details attending the pursuit of a global climate deal. These include broad cuts in greenhouse gas emissions, particularly from big polluters like the United States and China, and a commitment from wealthy nations to deliver what could ultimately be hundreds of billions of dollars in financing to poor countries, which argue that they are ill equipped to deal with a problem they did little to create.

Several countries announced new emissions goals in the days leading up to the meeting here, including China, Brazil, the United States and more recently India and South Africa. But many conference participants have noted that these commitments remain far too low to keep rising temperatures in check over coming decades.

The pledges so far are "not going to get us as far we need to go, to really stay within the two-degree limit," Koko Warner, an observer with the United Nations University in Bonn, Germany, said Monday. He was referring to scientists' recommendations that temperature increases be capped at two degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels.

"We don't want to admit it, because the consequences are so bad," she said.

Still, speakers at the conference's opening plenary session — which began with a video appeal from children across the world to save them from what looked like an apocalyptic future of deserts and rising seas — were clearly aiming to spur negotiators forward.

After several hundred delegates and observers settled inside the main conference hall of the Bella Center to music from a trumpeter, a harpist and the Danish Girls Choir, Ms. Hedegaard, the Danish minister presiding over the conference, noted the recent string of emissions commitments by various countries.

"Every positive announcement will improve our chances of staying below the two degrees Celsius target," she said. "But as we all know only too well, we are not there yet."

"This goes for financing as well," Ms. Hedegaard said, noting that arriving at a consensus on that issue "may be an even bigger challenge" than emissions cuts.

Rajendra K. Pachauri, the chairman of the Intergovernmental Panel on Climate Change, spoke before delegates of the urgent need for action. And, alluding to a recent controversy over e-mail messages between scientists hacked from a university computer server, he had pointed remarks for those who "find it difficult to accept" climate change science.

Climate change skeptics have argued that the e-mail shows that the evidence for global warming is less unequivocal than scientists assert.

But Dr. Pachauri ticked off a list of trends that robustly reflect the warming of the global climate. “Internal consistency from multiple lines of evidence strongly supports the work of the scientific community, including the individuals singled out in these e-mail messages,” he said.

Both inside and outside the plenary session, the mood among negotiators and other participants was one of cautious optimism. Alden Meyer, who directs climate policy for the Union of Concerned Scientists, said he was encouraged that the meeting appeared to have nudged previously reluctant nations to begin offering up emissions cuts.

“It has focused attention and gotten all the major players to put their initial offers on the table,” Mr. Meyer said. “I think that’s good news.”

Still, negotiators who have spent the last year working out the technical details of a potential treaty are now coming up hard against political pressures at much higher levels that will ultimately shape any agreement.

The challenge, Mr. Meyer said, will be getting parties to “rise above the politics as usual” that threatens to bog down the process.

Jonathan Pershing, the State Department’s special climate envoy, who represented the United States at the opening plenary, said he saw strong signs that the conference would prove critical in getting traction on curbing emissions and helping poor countries that are urgently threatened by climate change — particularly given the decision by more than 100 leaders, including President Obama, to attend.

He said he saw no indication that efforts could be blunted by Saudi Arabia and other countries that have cited the e-mail flap in challenging climate findings.

At a subsequent news conference, however, Mr. Pershing faced questions from European reporters about the adequacy of Mr. Obama’s plan for emissions cuts, which is roughly parallel to what is laid out in legislation in the House and Senate.

Mr. Pershing said the American proposal — which calls for a reduction in emissions by 30 percent from 2005 levels by 2025, 42 percent by 2030 and 80 percent by 2050 — was in keeping with cuts that scientists say would avert the worst dangers, but only if all countries, including emerging economies, did their part.

“It’s a vision that moves the United States down the curve of greenhouse gas emissions at a level that no other country has even begun to seriously contemplate,” Mr. Pershing said. While the United States produces one-fifth of worldwide greenhouse emissions, he noted, four-fifths are coming from elsewhere.

“Unless the world can combine its efforts, we won’t solve the problem,” he said.

Outside the Bella Center, calls were growing for conference participants to overcome their differences and deliver results in coming days.
An open letter from a coalition of groups, including Friends of the Earth, the Third World Network and others, accused Danish leaders of "undemocratic practices" and of "convening small and exclusive groups of countries before the Copenhagen meeting."
The assertion is a reference to rumors that "alternate" treaties are being readied by some big players, including conference organizers, should efforts to resolve differences on the current text prove fruitless.
Meanwhile, 56 newspapers around the world published the same editorial calling for "decisive action" in Copenhagen.
"In scientific journals the question is no longer whether humans are to blame, but how little time we have got left to limit the damage," read the editorial, which was widely distributed in a campaign led by Britain's Guardian newspaper. "Yet so far the world's response has been feeble and half-hearted."
Continued inaction will ravage the planet and wreak havoc on economies and livelihoods, the editorial's authors warned.
"The politicians in Copenhagen have the power to shape history's judgment on this generation: one that saw a challenge and rose to it, or one so stupid that we saw calamity coming but did nothing to avert it," the editorial said. "We implore them to make the right choice."
Tom Zeller Jr. contributed reporting from Copenhagen, and John M. Broder contributed from in Washington.

Meeting on Climate Opens With Calls for Urgent Action (*New York Times*)

By TOM ZELLER Jr.
December 8, 2009

COPENHAGEN — A much-anticipated global meeting of nearly 200 nations — all seeking what has so far been elusive common ground on the issue of climate change — got under way here on Monday with an impassioned airing of what leaders here called the political and moral imperatives at hand.
"The clock has ticked down to zero," said the United Nations' climate chief, Yvo de Boer. "After two years of negotiation, the time has come to deliver."
From now until Dec. 18, delegates will try to hammer out some of the most vexing details involved in the pursuit of a global climate accord. Among these are broad cuts in

greenhouse gas emissions — particularly from big polluters like the United States and China — and a commitment from wealthy nations to deliver what could ultimately be hundreds of billions of dollars in financing to poor countries, who argue that they are ill equipped to deal with a problem they did little to create.

Several countries announced new emissions goals in the days leading up to the meeting, including China, Brazil, the United States, India and South Africa — although many participants have noted that the targets are far too low to keep rising temperatures in check in coming decades.

The pledges so far are "not going to get us as far we need to go, to really stay within the two-degree limit," said Koko Warner, an observer with the United Nations University in Bonn, Germany. He was referring to scientists' recommendations that temperature increases be capped at two degrees Celsius (3.6 degrees Fahrenheit) above pre-industrial levels.

"We don't want to admit it, because the consequences are so bad," she said.

Still, speakers at the conference's opening plenary session — which began with a video appeal from children across the world to save them from what looked like an apocalyptic future of deserts and rising seas — were clearly aiming to spur negotiators forward.

After several hundred delegates and observers settled inside the main conference hall of the Bella Center to music from a trumpeter, a harpist and the Danish Girls Choir, Connie Hedegaard, the Danish minister presiding over the conference, noted the recent string of emissions commitments by various countries.

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of the scientific community, including the individuals singled out in these e-mail messages," he said.

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Andrew C. Revkin and James Kanter contributed reporting from Copenhagen.

E.P.A. Sets Carbon Crackdown (*New York Times*)

By JOHN M. BRODER
December 7, 2009, 8:58 am

The Environmental Protection Agency on Monday will complete its determination that greenhouse gases pose a danger to human health and the environment, paving the way for regulation of carbon dioxide emissions from vehicles, power plants, factories refineries and other major sources.

The move gives President Obama a significant tool to combat the gases blamed for the heating of the planet even while Congress remains stalled on economy-wide global warming legislation.

The agency finding also will allow Mr. Obama to tell delegates at the United Nations climate change conference that began today in Copenhagen that the United States is moving aggressively to address the problem.

The E.P.A. administrator, Lisa P. Jackson, is expected to announce the step at a news conference this afternoon in Washington.

The Obama administration has signaled its intent to issue a so-called endangerment finding for carbon dioxide and five other greenhouse gases since taking office in January. Ms. Jackson announced a proposed finding in April and has taken steps to implement the rules that would be needed to back it up.

The administration has wielded the finding as a prod to Congress to act on legislation, saying in effect that if lawmakers do not act to control greenhouse gas pollution they will use their rule-making power to do so. At the same time, the president and his top environmental aides have frequently said that they prefer such a major step be taken through the give-and-take of the legislative process.

The administration struck a deal with automakers in the spring to set stricter tailpipe emissions and higher fuel economy standards as part of the greenhouse gas regulation efforts. The E.P.A. has also announced rules requiring all major emitters to report an annual inventory of emissions.

In late September, the agency announced a proposed "tailoring rule," that limits regulation of climate-altering gases to large stationary sources such as coal-burning power plants and cements kilns that produce 25,000 or more tons a year of carbon emissions.

Industry groups and the United States Chamber of Commerce have objected to the proposed regulations, saying they would damage the economy and drive jobs overseas. Some groups are likely to file lawsuits challenging the new regulations, which could delay their effective date for years.

Thomas J. Donohue, the president of the Chamber of Commerce, said that the endangerment finding “could result in a top-down command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project.” He said that his group supports “rational” federal legislation and an international agreement to control global carbon emissions.

“The devil will be in the details, and we look forward to working with the government to ensure we don’t stifle our economic recovery,” Mr. Donohue said.

Obama administration will formally declare danger of carbon emissions (*Washington Post*)

By Juliet Eilperin
Washington Post Staff Writer
Monday, December 7, 2009 9:48 AM
The Obama administration will formally declare Monday that carbon dioxide and other greenhouse gas emissions pose a danger to the public's health and welfare, a move that lays the groundwork for an economy-wide carbon cap even if Congress fails to enact climate legislation, sources familiar with the process said.

The move, which Environmental Protection Agency administrator Lisa P. Jackson will announce at an afternoon press conference, comes as the largest climate change conference in history gets underway in Copenhagen. It will finalize an initial "endangerment finding" by the government in April.

While an EPA spokeswoman declined to comment on the matter, the agency sent out a press advisory that Jackson will make "a significant climate announcement at a press briefing" at 1:15 p.m. at EPA headquarters. Jackson will also speak at the U.N.-sponsored climate conference Wednesday; her address is titled "Taking Action at Home." Obama, who will attend the end of the U.N. talks Dec. 18, has sent a series of recent signals to the international community that the United States will curb its carbon output as part of a new global climate deal.

The endangerment finding stems from a 2007 Supreme Court decision in which the court ordered the EPA to determine whether greenhouse gases qualify as a pollutant under the Clean Air Act. It could trigger a series of federal regulations affecting polluters, from vehicles to coal-fired power plants.

Businesses argue that such a finding would mean even emitters as small as a mom-and-pop grocery store would be forced to comply with onerous greenhouse gas regulations. The administration has crafted rules that would exempt facilities that emit less than 25,000 tons of carbon dioxide or its equivalent annually. But it remains unclear if that exemption would hold up in court.

"An endangerment finding from the EPA could result in a top-down command-and-control regime that will choke off growth by adding new mandates to virtually every major construction and renovation project," Thomas Donohue, president and CEO of the U.S. Chamber of Commerce, said in a statement. "The devil will be in the details, and we look forward to working with the government to ensure we don't stifle our economic recovery."

Facilities that produce at least 250,000 tons of carbon dioxide or its equivalent yearly account for in excess of 70 percent of the nation's greenhouse gas emissions.

Environmentalists said the scientific finding will spur Congress, which has yet to enact a final climate bill, to take action. The House passed a bill in June, but the Senate will not take up its version until 2010.

Bill Becker, executive director of the National Association of Clean Air Agencies, said officials on the state and local level "are extraordinarily pleased that President Obama is making this endangerment finding. It will trigger subsequent measures to continue on the road toward making significant progress to address the global warming problem."

'Hopenhagen' is the mood at summit (*Los Angeles Times*)

December 8, 2009 Tuesday
Home Edition
MAIN NEWS; Foreign Desk; Part A; Pg. 27
'Hopenhagen' is the mood at summit;
Climate talks begin with forceful calls for a binding emissions pact. 'This is our chance,' one official says.
By :Jim Tankersley
DATELINE: COPENHAGEN
After a long day of dire warnings and impassioned pleas about the world's changing climate, hundreds of Danes and visitors from around the globe bundled themselves against a damp cold Monday and filled the Copenhagen town square.

They jumped with a live rock band, pedaled stationary bikes on display and gazed at a 65-foot rotating globe.

At the party entrance hung a banner, stenciled in green with a play on words that summed up the crowd's mood: "Hopenhagen."

The optimism grew from the opening of a much-hyped international climate summit in the Danish capital, even as friction continued among the vast array of government, environment and industry interests surrounding the negotiations. It was a feeling that seemed all but unthinkable this fall, when top world leaders acknowledged they saw little hope of completing a new treaty to curb harmful gas emissions and **global**

warming by the time the summit ends Dec. 18.

In recent days, however, the world's largest economies have pledged to reduce the greenhouse gas emissions scientists blame for **global warming.** Summit leaders have won commitments from 110 heads of state, including President Obama, to participate in the negotiations' final days to push for a broad agreement that would presage a legal treaty.

Emboldened by those announcements, international climate leaders launched their two-week summit with appeals for action, rebuking critics and warning against failure.

"This is our chance," conference President Connie Hedegaard of Denmark told dignitaries gathered for the opening ceremony. "If we miss it, it could take years before we got a new and better one."

At a news conference later, top United Nations climate official Yvo de Boer said that delegates were set to heed that call. "What we heard in the conference room this morning is that countries want to deliver that strong and ambitious outcome," he said.

Late in the day, the Obama administration further buoyed delegates and many environmentalists with news that it is formally declaring greenhouse gases a danger to human health and subject to regulation under the **Clean Air Act.** That decision allows the **Environmental Protection Agency** to cut U.S. emissions even if Congress does not pass legislation dealing with **climate change.**

"We are committed to achieving the strongest possible outcome in the next two weeks," Jonathan Pershing, the U.S. deputy special envoy for **climate change,** told reporters, adding later, "There is a deal to be done."

However, several key players in the climate debate, in and out of Washington, sounded a pessimistic note.

European Union officials expressed dissatisfaction with the proposed emission reductions announced by the United States and China, though they stopped short of saying such concerns might kill a climate agreement.

Some environmental groups and developing nations worried that the process will not end with a legally binding, scientifically meaningful treaty. A group of island nations, which could disappear someday if global seas rise high enough because of warming temperatures, issued an apparent threat to walk away from the talks.

"If a legally binding outcome is not achieved," said Grenadian diplomat Dessima Williams, speaking for the island nations, "we do not accept [that] a political agreement will be adequate, and we will have to consider our options."

At the opening of Klimaforum09, a protest event running alongside the formal talks,

Canadian author Naomi Klein told a group of activists that "the deal we really need is not even on the table."

The proceedings also continued to receive dogged criticism from skeptics who say an e-mail scandal at a leading climate study center in Britain has undermined the case that humans are causing **global warming.**

Republican leaders in Washington renewed calls for the Obama administration to hold off on the so-called endangerment finding on greenhouse gases until the administration investigates thousands of documents hacked from the computers of a leading climate research department at a university in Britain and posted online last month.

Climate change skeptics say the documents undercut the evidence that humans are warming the planet. By not investigating the hacked documents, administration officials are guilty of a "sad abdication of their responsibility to ensure that U.S. policies are not driven by corrupted science and data," said Rep. Darrell Issa (R-Vista).

Conference leaders in Copenhagen returned fire, saying the e-mail scandal in no way undermines a scientific consensus on **climate change.** The head of the U.N.'s Intergovernmental Panel on **Climate Change,** Rajendra Pachauri, called the evidence of **global warming** "overwhelming" and said the document scandal "shows that some would go to the extent of carrying out illegal acts, perhaps in an attempt to discredit the IPCC."

Pershing, the **climate change** envoy, told reporters that the documents and the furor surrounding them would have "virtually no effect at all" on climate legislation pending before Congress.

"The science is incredibly robust," he said, "and as we look forward, I worry much more about not acting urgently than about what will ultimately be a small blip on this process."

jtankersley@latimes.com

EPA Said to Issue Carbon-Emissions Rule, Giving Obama New Tool (*Bloomberg*)

By Jim Efstathiou Jr. and Kim Chipman
Last Updated: December 7, 2009 12:34 EST
Dec. 7 (Bloomberg) -- The U.S. Environmental Protection Agency will declare carbon dioxide a health hazard today, paving the way for limits on emissions from sources such as power plants and factories, people familiar with the matter said.

The move, on the opening day of an international climate summit in Copenhagen, arms President Barack Obama with new regulatory powers that could help forge consensus in efforts to curb global warming. EPA Administrator Lisa Jackson “will make a

significant climate announcement" today, the agency said in a statement. The people requested not to be identified discussing the announcement in advance.

Unleashing the EPA to set emissions rules will give Obama standing when asking other nations to make commitments for a new global climate treaty, said Kevin Book, a Washington-based managing director for analysis firm ClearView Energy Partners LLC. Obama now plans to visit Copenhagen at the close of the talks on Dec. 18, when other world leaders will be there, rather than this week.

"It's exactly what you would want to have in your bag on the way to Copenhagen," Book said in an interview today. "You can't go and argue for other nations to make changes if you haven't made any yourself."

Autos, Factories

The EPA rules will govern heat-trapping pollution that many scientists say may lead to disruptive and irreversible climate shifts.

The Washington-based America Petroleum Institute, which represents oil companies, said today the EPA rules will be "inefficient and excessively costly." The National Petrochemical and Refiners Association, also based in Washington, said the proposed new rules are based on "selective science."

"The implications of today's action by EPA are far- reaching, Charles Drevna, president of the refiners group, said in a statement. "This is yet another example of federal policy makers failing to consider the long-term consequences of a regulatory action."

The first regulations under a finding that carbon dioxide is dangerous will be made final on March 10, and will cover emissions from cars and trucks beginning with model year 2012, said David Doniger, policy director for the climate center of the Natural Resources Defense Council, an environmental group based in New York. Automakers signed on to that plan, announced in May.

After that, the EPA is expected to begin writing emissions rules for factories, power plants and other stationary pollution sources, Doniger said. The agency has said it would regulate only facilities that produce 25,000 tons of CO2 a year or more.

Best Technology

The rules are expected to require polluters to use the best available technology to limit emissions of CO2 and other greenhouse gases, Doniger said. The agency can take months or years to complete regulations.

White House press secretary Robert Gibbs announced on Dec. 4 that Obama will show up for the conclusion of the talks in Copenhagen, when about 100 heads of government

are going, and help guide decisions. Earlier Obama had planned to stop by on Dec. 9. "There is progress toward a meaningful Copenhagen accord," Gibbs said.

The U.S., the world's second biggest emitter of greenhouse gases, is in the spotlight at the talks in part because lawmakers haven't approved legislation to set a mandatory limit on carbon-dioxide gas that many scientists say could lead to dangerous climate shifts if left unchecked.

"To have this come out now is another concrete sign that the Obama administration is joining the fight on global warming," Doniger said of EPA rules.

Chamber of Commerce

The U.S. Chamber of Commerce, the nation's biggest business-lobbying group, says EPA regulation of carbon would be "burdensome" to businesses and hurt the economy. Chamber President Tom Donohue has said the Washington-based agency, whose top administrator is chosen by the White House, was basing its proposed finding on "shaky, cherry-picked data."

The U.S. House passed legislation in June to cap carbon emissions and set up a market for the trading of pollution allowances. The Senate has yet to act.

Lack of guidance from the Senate, the only U.S. body authorized to ratify treaties, left Obama's negotiators in Denmark without firm guidelines on how to proceed.

The administration's use of the EPA to regulate greenhouse gases under existing law provides a "primary catalyst" for Congress to act, Book said.

"The administration's climate strategy has resembled a coordinated "good cop, bad cop' routine where Hill Democratic Party leaders (the 'good cop') offer new law as a way to prevent EPA's 'bad cop' from imposing economy-wide regulations on lawmakers' constituents," Book said in a research note.

EPA officials didn't return calls seeking comment.

To contact the reporters on this story: Kim Chipman in Copenhagen at **kchipman@bloomberg.net**; **Jim Efstathiou Jr**. in New York at **jefstathiou@bloomberg.net**.

Obama May Visit Climate Talks Armed With EPA Carbon Ruling (*Bloomberg*)

By Kim Chipman
Last Updated: December 7, 2009 07:22 EST

Dec. 7 (Bloomberg) -- President Barack Obama may come to climate-treaty negotiations in Copenhagen armed with a ruling that could help him push U.S. lawmakers into line.

The Environmental Protection Agency may act as soon as today to issue a final rule that gives it power to regulate carbon-dioxide pollution from power plants, factories and other sources, according to Kevin Book, a Washington-based managing director for analysis firm ClearView Energy Partners LLC.

Concluding that CO2 emissions are dangerous, an opinion the EPA previously said it may make, would clear the path for Obama to regulate heat-trapping pollution that many scientists say may lead to disruptive and irreversible climate shifts. It also may bolster the U.S.'s credibility in Denmark, where 192 nations are gathering to negotiate a new global climate treaty.

"This 'endangerment finding' would provide U.S. negotiators with credible evidence that the U.S. has already taken steps to limit and reduce greenhouse-gas emissions" at home, according to a Dec. 4 report by Book.

Obama, who will attend the Copenhagen meeting on Dec. 18 along with more than 100 heads of government, is facing pressure from countries to prove the U.S. is moving toward a low- emissions economy.

The U.S. is in the spotlight at the talks in part because lawmakers in the world's second-biggest greenhouse-gas polluter haven't approved legislation to set a mandatory limit on carbon- dioxide gas that many scientists say could lead to dangerous climate shifts if left unchecked.

Senate Ratification

The U.S. House passed legislation in June to cap carbon emissions and set up a market for the trading of pollution allowances. The Senate has yet to act.

Lack of guidance from the Senate, the only U.S. body authorized to ratify treaties, means Obama's negotiators in Denmark lack firm guidelines on how to proceed.

The administration's use of existing federal law to regulate greenhouse gases is a "primary catalyst" for Congress to act, according to Book. Many businesses may prefer legislation to EPA regulations because the latter is likely to be more complicated and vulnerable to legal challenges.

"The administration's climate strategy has resembled a coordinated ''good cop, bad cop' routine where Hill Democratic Party leaders (the 'good cop') offer new law as a way to prevent EPA's 'bad cop' from imposing economy-wide regulations on lawmakers' constituents," according to Book's report.

EPA officials didn't immediately return calls seeking comment on the matter.

To contact the reporter on this story: Kim Chipman in Copenhagen at kchipman@bloomberg.net.

Endangerment finding may boost Obama's negotiating power (*Greenwire*)

Robin Bravender, E&E reporter
12/07/2009
U.S. EPA's expected release of its long-awaited endangerment finding could boost President Obama's political leverage at international climate change talks getting under way today in Copenhagen, Denmark.

The agency said today that EPA Administrator Lisa Jackson will make a "significant climate announcement" this afternoon, which is widely believed to be the unveiling of the final endangerment determination that sets the stage for broad nationwide regulations to limit greenhouse gas emissions.

EPA's **proposed endangerment finding**, released in April, concludes that greenhouse gas emissions endanger public health and welfare and that emissions from new motor vehicles are contributing to this mix of greenhouse gases in the atmosphere (*Greenwire*, April 17). Experts say they expect today's finding to reach those same conclusions.

The finding is not expected to include any proposed regulations, but it will pave the way for several pending EPA rules. The agency will be able to finalize draft regulations to impose the first-ever federal tailpipe standards for greenhouse gases and to require the largest industrial sources to install the best available control technology to curb their emissions. EPA is expected to finalize both of those rules by March 2010.

The determination is expected to add to the Obama administration's bargaining power in the absence of comprehensive U.S. energy and climate legislation.

The "U.S. as a whole wants to open the discussions with an accomplishment," said Roger Martella, former EPA general counsel during the George W. Bush administration.

Steve Seidel, vice president for policy analysis at the Pew Center on Global Climate Change, said the announcement will signal that the administration is serious about tackling global warming.

"It adds to the case the Obama administration has been making that it is moving forward on all fronts to address climate change and that it's a major change in policy from the previous administration," Seidel said.

President Obama last month announced a provisional greenhouse gas emissions target for 2020 "in the range of 17 percent below 2005 levels" (*Greenwire*, Nov. 25). Obama was initially scheduled to appear at the Copenhagen talks Wednesday but announced late last week that he will instead appear at the end of the two-week summit on Dec. 18 during what are widely seen as the more critical closing hours of the negotiations (*E&ENews PM*, Dec. 4).

The release of the endangerment finding is also seen as an effort to prod U.S. lawmakers into finalizing comprehensive global warming legislation. Many industry groups and some lawmakers oppose efforts to regulate greenhouse gases under the Clean Air Act, and some observers say the prospect of EPA regulations could convince opponents to back what they might see as the lesser of two evils.

"EPA's action serves as a reminder that greenhouse gases will be regulated one way or another," said Dan Riedinger, a spokesman for the Edison Electric Institute. "But most people's strong preference is for Congress to cross that finish line first, establish a workable cap-and-trade program because it will be much more cost-effective, much more easy to implement than regulations under the Clean Air Act."

Regulating greenhouse gases under the Clean Air Act would be "intrusive, inefficient and excessively costly," said Jack Gerard, president of the American Petroleum Institute, in a statement. "The Clean Air Act was meant to control traditional air pollution, not greenhouse gases that come from every vehicle, home, factory and farm in America. A fit-for-purpose climate law is a much preferred solution."

Top Obama administration officials have repeatedly said they would prefer cap-and-trade climate legislation over EPA regulations, which are certain to be the target of lawsuits.

The agency's final determination comes in response to the 2007 *Massachusetts v. EPA* Supreme Court decision that ordered the agency to reconsider whether greenhouse gases are pollutants subject to regulation under the Clean Air Act.

EPA under the George W. Bush administration concluded in December 2007 that greenhouse gas emissions from motor vehicles were endangering public welfare, but senior White House officials resisted finalizing any actions linked to the Supreme Court opinion (*E&ENews PM*, Oct. 13).

E-mail controversy

Republican lawmakers have urged the Obama administration to delay its finding in the wake of a controversy surrounding e-mails that were hacked from computers at the Climatic Research Unit at the University of East Anglia in Britain. Global warming skeptics and some Republican lawmakers have alleged that discussions between climate scientists show that researchers intentionally withheld climate data and sought to stifle competing theories.

Data from the research unit were used in assessments by the Intergovernmental Panel on Climate Change, reports that EPA used in turn to formulate its climate policies.

Rep. Darrell Issa (R-Calif.), ranking member of the House Oversight and Government Reform Committee, today reiterated his call for the Obama administration to withdraw the proposed endangerment finding and other pending EPA climate rules until a thorough investigation shows that the science underlying the policies has not been compromised.

When pressed last week by Senate Republicans, Jackson said that while the e-mails "show a lack of interpersonal skills ... and maybe more," she had not heard anything that altered the overwhelming consensus that man-made emissions are contributing to climate change (*E&ENews PM*, Dec. 2).

Copenhagen talks open with pleas -- 'The time has come to deliver' (*Greenwire*)

Darren Samuelsohn, E&E senior reporter
12/07/2009
Long-awaited U.N.-sponsored global warming talks opened today in Copenhagen amid pleas from the Danish hosts for more than 190 countries to reach agreement by the end of next week on everything from emission limits to billions of dollars in funding to help the developing world deal with the inevitable effects of climate change.

"We have reached the deadline and there is no going back," said Connie Hedegaard, the former Danish climate minister and president of the two-week summit. "Now is the time to capture the moment and conclude a truly ambitious global deal. This is our chance. If we miss this opportunity, we will not get a better one."

Yvo de Boer, the head of the U.N. climate office, outlined a packed negotiation schedule that concludes Dec. 18 with 110 presidents, prime ministers and other heads of state and government expected to personally be at the bargaining table. Never before has such a large group of world leaders attended an annual U.N. climate summit, underscoring the urgency many see as necessary to reduce greenhouse gas emissions and stave off rising sea levels, drought and mass human migrations.

"The clock has ticked down to zero," de Boer said. "After two years of negotiations, the time has come to deliver."

Representatives from all of the key negotiation blocs ticked through their positions during an opening plenary session in the cavernous Bella Center.

Australian climate ambassador Louise Hand said that the "umbrella group" that includes Canada, the United States, Japan and Russia wants the Copenhagen talks to conclude

with a midcentury global emissions cut of 50 percent, with emissions peaking "as soon as possible."

The loose coalition also supports a three-year, $30 billion short-term fund for developing country emissions reduction and adaptation efforts, so long as those countries agree to transparent and international oversight.

"Copenhagen can't be a business-as-usual outcome," Hand added.

In Washington, President Obama plans an Oval Office meeting later today with former Vice President Al Gore, a fellow Nobel laureate who will speak at the Copenhagen talks next Tuesday, Dec. 15. Obama will also discuss Copenhagen on Wednesday during a White House meeting with business and environmental officials.

State Department deputy climate envoy Jonathan Pershing, speaking in Denmark, praised the recent announcements from major developing countries, including China, India and Brazil, of plans to curb their emissions relative to economic group, calling each "a major accomplishment clearly catalyzed by Copenhagen."

Pershing also recited Obama's pledge to reduce U.S. emissions in the range of 17 percent below 2005 levels by 2020, and by more than 80 percent by midcentury -- thresholds consistent with House-passed climate legislation and a Senate counterpart that Democratic leaders hope to move early next year.

While some countries have criticized the U.S. targets for being too weak, Pershing countered, "This trajectory is consistent with the science."

The U.S. emissions target, Pershing added, would be subject to international review and he called on other nations to undertake the same transparency commitments to give everyone confidence in the overall process. "We all recognize we're collectively engaged in a critical undertaking," he said. "Let there be no mistake, it is one in which the United States is fully committed."

Obama's efforts on the world stage come with risks back at home. Two dozen House Republicans warned the White House in a **letter** sent Friday against taking positions in Copenhagen that go beyond anything Congress has already approved.

"It is clear that a binding plan agreed to in Copenhagen would cost jobs in the United States," wrote Minority Leader John Boehner (R-Ohio) and 23 other GOP lawmakers. "Congress has the sole responsibility to approve such a program and as such would like a clarification that U.S. negotiators will not commit our government to an emissions reduction protocol at Copenhagen."

'No plan B'

Representatives from some of the world's smallest countries, and its least developed, used the U.N. conference's opening spotlight to plead for more financing and stronger commitments from wealthy nations.

"There is no plan B for planet Earth," a Bangladeshi government official told reporters during a press conference where the low-lying country called for the developed world to dedicate a little more than 1 percent of gross domestic product annually toward adaptation efforts.

Dessima Williams, the Grenada ambassador, on behalf of the Alliance of Small Island States, questioned the slow pace of the U.N. negotiations in Copenhagen, where world leaders have already agreed to punt on the final legally binding text until either mid-2010 or later.

"If a legally binding outcome is not achieved, we do not accept a political agreement will be adequate and we will have to consider our options," Williams said.

Several other countries have also threatened to walk out of the Copenhagen negotiations if they do not get their way, including a coalition of African nations and the emerging industrial powerhouses of China and India. Such intangibles could cause problems for the U.N. process, in which all final decisions must be reached via consensus.

The Organization of Petroleum Exporting Countries, for example, is often a source of dissent as its members demand financial aid if they lose oil revenue because of diminished demand for fossil fuels. Saudi Arabian officials today called for an investigation into the science of global warming in the wake of the controversy over hacked e-mails from a major British research university. All eyes are also on Venezuelan President Hugo Chavez, an outspoken OPEC member, who is expected to be at the final plenary next week.

"There's a larger set of people who'd like to blow this one up than in the past," said Ned Helme, president of the Center for Clean Air Policy and a longtime observer of the U.N. climate negotiations.

Some 25 environmental and civil society groups, including Friends of the Earth International and the United Kingdom's Rainforest Foundation, took a pre-emptive swipe at the Danish hosts for working in smaller groups toward a final outcome in Copenhagen. In a letter, the groups said Denmark was "acting in a biased, manipulative and nontransparent manner in its role" as conference president.

"The global community trusted the Danish government to host a fair and transparent process but they have betrayed that trust," said Raman Mehta of ActionAid India. "Most

importantly, they are betraying those who are disproportionately impacted by climate change and whose voices are not being heard."

Negotiations during the first week of an annual U.N. summit are usually low-key, but this year's efforts have taken on a heightened sense of urgency, given the packed schedule, including an earlier-than-usual arrival on Saturday for top environmental ministers. Delegates working on a raft of issues -- from adaptation to emission limits, deforestation and technology financing -- are expected to have their ideas whittled into shape by next Tuesday, just two days before the arrival of the 110 world leaders.

"Things are going to get more intense much earlier than they usually do in these meetings," said Alden Meyer, director of strategy and policy for the Union of Concerned Scientists. "But the stakes are much higher."

Among other things, the U.N. talks must deal with critical housekeeping questions involving whether to fuse two tracks of negotiations together into one: countries that ratified the Kyoto Protocol and a broader group that includes the United States. U.S. officials and other major developed countries prefer a single effort, but many developing countries are pushing back out of concern that they'll lose carefully crafted agreements in Kyoto that were reached over the last dozen years of U.N. negotiations.

Diplomats also must decide on when to formally wrap up the climate talks, either in June 2010 or at the next annual U.N. conference scheduled for Mexico City. A provisional **U.N. schedule** envisions all of the conference's final decisions being reached by the early evening on Dec. 18, though people familiar with the process predict the high-level talks will go into overtime.

ENERGY

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Toyota and Dow in West Virginia partner with EPA (*Reliable Plant Magazine*)

Author: RP news wires
The U.S. Environmental Protection Agency's mid-Atlantic region welcomed two new members into its Sustainability Partnership Program in two signing ceremonies held on December 4.

EPA regional administrator Shawn M. Garvin joined Secretary Randy Huffman of the West Virginia Department of Environmental Protection in recognizing Toyota Motor Manufacturing West Virginia, Inc. at its Buffalo, W.Va., facility, and Dow West Virginia at

its South Charleston facilities.

The Sustainability Partnership is an innovative program developed by EPA's mid-Atlantic region to create a one-stop shopping approach for organizations that use large quantities of energy, water, and natural resources and want to "go green." Instead of dealing with each of EPA's voluntary programs individually, EPA staff will work out a comprehensive 'green' plan for organizations that often saves money and makes good business sense. The overall goal of the SPP is to minimize the use of energy, resources and waste generation in the mid-Atlantic states.

"Today, both companies take a tremendous step forward in providing a more sustainable future for the people of West Virginia," said Garvin. "EPA is making a concerted effort to partner with states and businesses to improve environmental performance and make larger strides in sustaining our communities. And voluntary efforts that are initiated and tracked through programs like our Sustainability Partnership are a proven way to go."

"It's a great day for Toyota and Dow as they have come a long way in the area of corporate sustainability," said Secretary Huffman. "Toyota and Dow have learned to recognize the complementary relationships among the environment, economy and communities in West Virginia, and further realize that this Sustainability Partnership goes far beyond stakeholder involvement – it requires working within their facilities and with communities to tackle specific environmental issues."

In 2000 Toyota's Buffalo, W.Va., facility began implementing an environmental management system (EMS). Three years later, it had become, and remains, a zero landfill contributor - reusing or recycling materials that otherwise would have been sent to landfills. By implementing the EMS and setting long-term goals, Toyota is already addressing ways to reduce waste, water usage, greenhouse gas emissions, hazardous materials usage and wastewater discharge.

At Dow West Virginia Operation's South Charleston facility, the company has been working to reduce energy, water use, waste generation, and has increased the facility's land and habitat conservation.

During a three-year demolition project, Dow saved 49,939 tons of concrete/masonry from going to the landfill by reusing the material. During 2007-2008, Dow recovered 3,726 tons of ferrous and non-ferrous metals for reuse; developed a 10-acre wildlife habitat certified by Wildlife Habitat Council; worked with South Charleston Middle School students to install birdhouses, plant native wildflowers and prairie grasses. Dow continues to work on the implementation of a wildlife management plan and is exploring collaborative opportunities with EPA and WVDEP to help schools remove hazardous materials and waste.

Additionally, Dow West Virginia's South Charleston facility is implementing the American Chemistry Council's Responsible Care Program, which requires CEO-level

commitments to measure and publicly report environmental performance and to obtain independent certification that the company's environmental management plan functions according to professional standards.

For more information about EPA mid-Atlantic's Sustainable Partnership, go to http://www.epa.gov/reg3wcmd/spp/index.html

Obama admin will speed reviews of 'green' patents (*Greenwire*)

Michael Burnham, E&E senior reporter
12/07/2009
The Obama administration vowed today to streamline the patent review process for "green" technologies and committed $100 million for federal research, development and demonstration projects.

The U.S. Patent and Trademark Office will expedite the examination of applications for "green" technologies, which could range from building-integrated photovoltaic materials to electric vehicle batteries. The pilot program is aimed at reducing the patent review time from 40 months to 12 months, a move that will enable inventors to secure funding and launch businesses more quickly, Commerce Secretary Gary Locke told reporters today.

"By ensuring that many new products will receive patent protection more quickly, we can encourage our brightest innovators to invest needed resources in developing new technologies and help bring those technologies to market more quickly," Locke said.

The Patent and Trademark Office will consider on an expedited basis the first 3,000 petitions that are filed, said Undersecretary of Commerce David Kappos, the office's director. Roughly 25,000 pending applications would be eligible for the program, he estimated.

"The development of green technologies is being unacceptably delayed," Kappos said.

The Patent and Trademark Office will not hire additional employees for the pilot program, he noted. If the program proves successful, the agency will expedite the review process for additional patent applications.

Energy Secretary Steven Chu announced at the news conference that his agency's Advanced Research Projects Agency-Energy (ARPA-E) will make $100 million available for "green" research, development and demonstration projects. The money comes as part of the $787 billion American Recovery and Reinvestment Act, which President Obama signed into law in February.

DOE will provide funding to projects aimed at making liquid transportation fuels -- without using petroleum or biomass -- by using microorganisms to harness chemical or electrical energy to convert carbon dioxide into liquid fuels. The agency will provide additional funding to "high risk, high reward" research efforts that will improve the capture of carbon dioxide from coal-fired power plants. Lastly, DOE will provide funding to develop ultra-high energy density, low-cost battery technologies for electric vehicles.

ARPA-E's first solicitation, announced earlier this year, resulted in funding 37 projects aimed at innovations in energy storage, biofuels, carbon capture, renewable power, building efficiency, vehicles and other areas. DOE received 3,700 applications for funding, Chu said.

Byrd's swipe at industry stirs strong reactions in W.Va. (*Greenwire*)

Patrick Reis, E&E reporter
12/07/2009
West Virginia Sen. Robert Byrd's comments last week on mountaintop-removal mining have drawn criticism from the state's coal industry and praise from environmental groups.

In an **opinion piece** Thursday, Byrd implored the industry to cooperate with mining regulators and take a proactive role in addressing climate change. West Virginia's long-term economic well-being, the senator said, depends on the state's diversifying its economy to include renewable energy sources and adopting carbon capture technology to reduce its greenhouse gas emissions.

At a company event this weekend, Massey Energy Co. CEO Don Blankenship accused Byrd of putting his allegiance to the Democratic Party ahead of his state's best interest.

"Obama's expecting their support, meaning [West Virginia Democrats Sen. Jay] Rockefeller, Byrd, [Rep. Nick] Rahall, and they're sort of caught between what they know is best for West Virginia and having all this favor with Obama," Blankenship said.

Byrd, a nine-term senator, also chided the coal industry for stoking anger among West Virginians over U.S. EPA's regulations on mountaintop-removal mining.

"The greatest threats to the future of coal do not come from possible constraints on mountaintop removal mining or other environmental regulations, but rather from rigid mindsets, depleting coal reserves, and the declining demand for coal as more power plants begin shifting to biomass and natural gas as a way to reduce emissions," Byrd said in an op-ed his office released (*E&ENews PM*, Dec. 3).

But Blankenship said West Virginians' anger did not need to be stoked. "People aren't afraid because of what I or others are saying," he said. "They're afraid because they're losing their jobs to government bureaucracy."

EPA has frozen dozens of pending Clean Water Act permits for mountaintop-removal mines for enhanced review, as well as revoked a previously issued permit for one of West Virginia's largest mines. The Obama administration has said it supports coal and continued coal mining but wants to ensure it is done with minimal environmental damage.

Blankenship, who does not believe in man-made climate change, said the Obama team is actively trying to drive coal under and to say otherwise is "either naïveté on the politicians' part or just looking after themselves."

Game changer from the 'golden boy'?

State environmental groups said Byrd's statements represented a major shift in the 92-year-old's stance.

"This is big," said Jim Sconyers, chairman of the West Virginia chapter of the Sierra Club. "Let's face it, both of our U.S. senators in West Virginia have flacked for coal for decades. When I first saw the release, I was wondering if it was authentic. It sounded like a press release from us."

Byrd's clout could go a long way toward shifting public opinion on mountaintop-removal mining or proposed climate legislation, Sconyers said.

"People in West Virginia think he walks on the water. Basically, for decades, he's been the golden boy -- they love him," said Sconyers. "He might win over some non-Democrats because he has so much respect."

Byrd's W.Va. peers keep quiet

Other members of West Virginia congressional delegation said little about Byrd's announcements. Rahall, chairman of the House Natural Resources Committee, declined to comment.

A representative for Rockefeller referred questions to a November opinion piece in which he said he thought climate change needs to be addressed but would not support any climate legislation that threatens to drive the coal industry out of business.

"We need solutions -- solutions that stabilize investments in coal, prohibit states and localities from imposing haphazard regulations, prevent excessive EPA regulation, protect consumers and dramatically speed up the development of new technology -- especially technology to capture and store the carbon that comes from burning coal and other fossil fuels," he wrote.

"I haven't yet seen federal energy legislation that achieves these goals and protects our way of life, and I won't support any bill that threatens coal or West Virginia's future," Rockefeller said. "I will demand a place at the table, and I will be a lead advocate for coal's future."

Forest-saving deal could boost summit hopes (*Greenwire*)

12/07/2009
Governments and environmentalists hope that a plan to save the world's forests will encourage delegates to overcome their differences and set ambitious targets for curbing carbon emissions at the Copenhagen, Denmark, summit starting today.

"This can be one of the things that brings countries together around a real north-south bargain to protect climate," said Duncan Marsh of the Nature Conservancy.

Deforestation is thought to account for up to a fifth of all the carbon dioxide sent into the atmosphere -- as much as all the world's cars, trucks, trains, planes and ships combined.

The Reducing Emissions from Deforestation and Degradation (REDD) draft plan worked out at negotiations in Bangkok and elsewhere seems close to an agreement, according to government negotiators. Financed either by the taxpayers in richer nations or by a carbon-trading-mechanism, it calls for halving deforestation rates by 2020 in poor nations and ending it completely by 2030.

Proponents of the plan say it is a cheap and easy way to start tackling global warming. Under the scheme, each country would have an emissions ceiling. Those who undershoot it can sell their remainder to over-pollutors, so rich countries would pay the poor ones to keep their forests intact.

Critics of the plan are skeptical about the seed money needed to get the program started and say that it could allow rich nations to avoid making more costly cuts in their own emissions.

The plan would take several years to set up, according to the United Nations, and could cost more than $30 billion a year toward forest protection in more than 40 tropical nations (Michael Casey, Associated Press, Dec. 4). **-- DFM**

GRANTS

EPA awards grant to city in Kansas for sewer upgrades (*Waste & Recycling News*)

Dec. 7 -- The U.S. EPA has awarded the city of Great Bend, Kan., a grant of $291,000 to fund sewer improvements.
The city will use the money to upgrade aging sanitary sewer pipes and manholes to help restore the capacity of the system. The grant will help rehabilitate or replace approximately 13,775 feet of sewer and 27 manholes.

Contact Waste & Recycling News reporter Amanda Smith-Teutsch at 330-865-6166 or asmith-teutsch@crain.com

HAZARDOUS WASTES

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Small town asks: Why so many birth defects?; (*Los Angeles Times*)

December 8, 2009 Tuesday
Home Edition
MAIN NEWS; Metro Desk; Part A; Pg. 1
Small town asks: Why so many birth defects?;
Some Kettleman City residents wonder if a hazardous waste facility is to blame.
By: Louis Sahagun
KETTLEMAN CITY, CALIF.
When environmental activists began a survey of birth defects in this small migrant farming town halfway between Los Angeles and San Francisco, the results were alarming.

Approximately 20 babies were born here during the 14 months beginning in September 2007. Three of them died; each had been born with oral deformities known as clefts. Two others born with the defect during that period are undergoing medical treatment.

The 1,500 primarily Spanish-speaking residents of this impoverished enclave just off Interstate 5 want to know what is causing these health problems. Some blame them on a nearby hazardous waste facility -- the largest landfill of its kind west of Louisiana and the only one in California licensed to accept carcinogenic PCBs.

Residents and environmental activists want the Kings County Board of Supervisors to stop a proposed expansion of the 1,600-acre landfill until the issue can be investigated by state and federal regulatory agencies. Even Chemical Waste Management Inc., which owns the site, has also expressed concerns about the county's reluctance to call for an outside investigation.

County health officials say it is extremely difficult to quantify the relationship between pollution and birth defects.

"I understand why people are concerned," Kings County health officer Michael MacClean said in an interview. "But most of the time, when we are talking about small numbers such as these, they are just random occurrences.

"We will definitely continue to monitor the situation to see if over time the apparent excess of cleft palates continues," he said. "If so, I would at that point ask for the state to come in and investigate."

On Monday, dozens of Kettleman City residents and hundreds of landfill employees and supporters traveled to Hanford Civic Auditorium, some 40 miles away, to hear the Board of Supervisors consider an appeal of the county planning commission's recent unanimous approval of the expansion.

Supervisors heard from several witnesses into the evening. A final decision on whether to approve the expansion is expected Dec. 22.

Holding up hand-painted posters that read "Health First, Money Last," 150 people gathered on the steps of the auditorium and demonstrated boisterously against the landfill firm and the county. Inside, about 300 company supporters filled the seats wearing black T-shirts emblazoned with the Waste Management logo.

For decades the people of Kettleman City have endured a variety of toxic substances, including agricultural sewage, pesticides sprayed on surrounding fields and orchards and tons of chemicals and contaminated soils hauled each day into the landfill, which is 3 1/2 miles west of town.

The appeal of the landfill expansion was filed by community groups led by Greenaction for Health and Environmental Justice.

Among other things, they question the county's reliance on state Department of Health statistics showing low birth-defect rates for Kettleman City from 1998 to 2006. The data showed a ratio of 2.9 birth defects per 1,000 live births in Kettleman City during those years. County officials said they are waiting for state birth-defect data covering the 14-month period in question.

"It's a cover-up, a whitewash . . .," said Bradley Angel, a Greenaction spokesman. "We

stumbled upon the problem while conducting a community health survey. Since then, not one agency has bothered to investigate. They're dismissing it as a random coincidence.

"We never said that Waste Management caused this problem," he added. "We said we want an investigation. All we know for certain is that there are dead and ailing children and a community whose members are suffering with a health emergency."

Maria Saulcedo's daughter Ashley, who had a cleft palate and other ailments, died at 11 months.

"I tried to give her all my love. I learned to feed her with a tube. She was always constipated. She died of a blood infection," said Saulcedo, 41.

Daria Hernandez's 1-year-old son, Ivan, has undergone two surgeries for a cleft palate and related problems. "He suffers from ear infections and will require speech therapy later," said Hernandez, 23.

Looking out her living room window, she added: "I don't want other children to make fun of him when he is older."

Chemical Waste Management officials have also chastised county officials for not formally requesting a state investigation.

"We may never find the exact cause of this problem," said Jim Sook, the company's waste approvals manager. "But they should at least show some concern. The people of Kettleman City will never feel they are getting a fair shake if they are being ignored."

Kettleman City residents were already distrustful of the company, which said it contributes about $3 million annually in taxes and disposal fees to the Kings County general fund.

In 1985, the Environmental Protection Agency fined the company $2.1 million for violations that included operating additional landfills and waste ponds without authorization.

In 1990, residents defeated a proposed commercial toxic waste incinerator project -- which had been approved by the Kings County Board of Supervisors -- by pointing out that the environmental impact report had not been translated into Spanish, the primary language of the town's citizens.

In 2003, the waste dump was among 22 such facilities that California Environmental Protection Agency officers determined contained unusually high levels of radiation.

Now, residents are voicing concerns about the legacy of toxic substances buried at the landfill.

Company officials sympathized, but they insisted their facility is heavily regulated and not the source of the birth defects.

"We are a lightning rod for the anger of the community, and in some ways it is deserved," said company spokeswoman Kit Cole. "The challenge for us as a company now is to work through this issue in a two-way dialogue with the community and have a tolerance for the pain and frustration it will unleash on us."

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Toxic chemical spills in La. have environmental element -- report (*Greenwire*)

12/07/2009
Thousands of accidents at 10 of Louisiana's biggest refineries led to the release of millions of pounds of toxic chemicals into the state's air and water supply between 2005 and 2008, according to a report released today by the Louisiana Bucket Brigade.

About a third of the 2,116 accidents occurred as a result of hurricanes or other bad weather events, the report says.

The study drew from statistics sent to the state Environmental Quality Department from the refineries about each unplanned chemical release.

The Bucket Brigade study found that refinery accidents occurred largely as a result of hurricane winds, flooding or erosion from pipelines. It also pointed out that such accidents most often affect people with less economic means who live closer to the plants, a high percentage of whom are African-American residents.

The report called for refinery representatives to participate in a stakeholder roundtable on accidents to discuss ways to reduce emissions in the future.

Anne Rolfes, executive director of the organization said several refinery officials and state DEQ representatives have already committed to such a meeting (Mark Schleifstein, New Orleans *Times-Picayune*, Dec. 7). **-- DFM**

SUPERFUND

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Auto Site Cleanup Liability May Boost Push For Reinstating Superfund Tax (*Inside EPA*)

Monday, December 07, 2009
New legal filings show that entities holding liability for General Motors (GM) and Chrysler in their bankruptcy cases may be liable for part of $1.9 billion in future cleanup costs for sites contaminated by the auto industry, which activists say may boost a push for Congress to reinstate the Superfund tax on industry to pay for the cleanups.

Although the entities only hold partial liability at some complex sites where numerous parties are responsible, the filings may also help make the case for EPA to swiftly issue financial assurance rules, activists say. Such rules, which the agency has delayed issuing for decades, would require companies to prove they have enough funds on hand to clean up contamination.

The U.S. Attorney's Office submitted the filings ahead of a Nov. 30 deadline to file claims in the bankruptcy cases for the entities holding liability for GM and Chrysler, a process that senior agency officials say may be the only way to obtain cleanup funds for some of the contaminated sites.

EPA officials recently said, however, that the agency may not be able to identify all contaminated sites in time for the deadline, while there may also be inadequate funds to deal with those sites that are identified -- creating problems for state and local governments (see related story).

It is unclear whether the agency managed to identify all the cleanup sites before the deadline, though the U.S. Attorney's office filed proof of claim documents obtained by *Inside EPA* that show that EPA has incurred about $98 million in unreimbursed cleanup costs at sites where the companies are at least partially liable. The agency predicts that the remaining cleanup cost at these sites is about $1.9 billion and that the entities are liable for about $36 million in civil penalties.

Sources say the total cleanup costs could be even higher, because there may be undiscovered water contamination at some of the sites that would be much more expensive to clean up than current estimates suggest.

The documents specifically list 49 sites in the bankruptcy cases for Motors Liquidation Company (MLC), the company created to deal with GM's liability, and Old Carco, the company formed to deal with Chrysler's liability. Both MLC and Old Carco are potentially liabile parties for cleanup costs at several of the sites. The documents also list eight multi-regional sites and 62 sites where the government is reserving its right to bring future liability claims.

Cleanup Sites Dispersed Nationwide

The sites are dispersed across the country from New York to California, but many are in the states of New Jersey, Ohio, Michigan, Maryland and Pennsylvania. The totals do not include the costs incurred or predicted by the Department of Interior and the Department of Commerce, which were also included in the filing. The MLC filing included both sites that were owned by the company and third-party sites. The Old Carco filing only included third-party sites. The U.S. Attorney's office declined to provide details about the differences between the filings.

Some of the sites where cleanup is expected to be most expensive are landfills or industrial areas where many companies are responsible and the bankrupt companies may have only a small portion of the liability.

For example, there are 31 parties involved in the cleanup of the Diamond Alkali Superfund Site in New Jersey, which EPA estimates will cost $790 million. The site is named after the Diamond Shamrock Chemicals Company that manufactured pesticides and contaminated the Passaic River, but EPA argues that MLC is liable for releasing to the soil and water polychlorinated biphenyls, dioxins, lead, mercury and other hazardous substances from an auto facility there.

The documents also show that MCL and Old Carco have abandoned their cleanup duties at some sites. For example, GM told EPA Sept. 24 that it would no longer perform work required under a 2001 agreement to clean up contamination at a facility in Ohio formerly owned by GM for metal machining, electroplating, painting and other purposes. EPA estimates future cleanup costs at the site will be at least $4.2 million.

A source with the activist Center for Health, Environment and Justice (CHEJ) says that if the auto cleanup sites are orphaned in the bankruptcy process -- meaning EPA cannot recover cleanup costs -- communities will likely increase pressure on Congress and EPA to pass legislation and write regulations to force industry to pay for cleanups, with one possible approach being a push by some Democrats to reinstate a Superfund tax on industry.

The Superfund program has been struggling since Congress let expire in 1995 the Superfund fee on business, which was intended to pay to cleanup orphaned sites. Newly abandoned auto sites will only worsen the situation, according to the CHEJ source, who notes, "It's a lot of money and Superfund is already financially ailing."

The potentially high cost of the cleanup of auto sites will likely lead to increased pressure on Congress to pass legislation to reinstate the fees, which is the intent of a bill introduced this year by Rep. Earl Blumenauer (D-OR) and a Senate companion introduced last year by Frank Lautenberg (D-NJ), the CHEJ source says. Blumenauer told *Inside EPA* in July that the health care reform debate is delaying the legislation but said he is optimistic the House Ways and Means Committee, of which he is a member, will take up the bill "when the dust settles."

Tax Insufficient To Cover Sites?

But legislation to reinstate the Superfund fees will not be enough to cover the existing Superfund sites, much less new auto sites, according to a second environmentalist. It will likely be necessary to set aside new funding for auto sites, possibly as part of EPA's brownfields program, the source says. EPA's existing brownfield program and funding is not sufficient, because it typically funds small projects that cost thousands of dollars and are leveraged with private investment, not large projects that cost millions of dollars, the source says.

The cost of the new sites may also increase pressure on EPA to issue decades-delayed financial assurance rules that would require companies to prove they have enough funds on hand to clean up contamination.

A U.S. district court earlier this year ruled that EPA had to publish a list of industries likely to be subject to such rules but declined to set a deadline for EPA to issue the rules. EPA Nov. 27 sent a "prerule" document about Superfund financial responsibility to the White House Office of Management and Budget for review before it is published in the *Federal Register*, though no further information was available at press time.

EPA officials have suggested that the agency will move forward with long-delayed Superfund financial assurance rules despite the "perfect storm" of being compelled to issue the rules by the court and the economic downturn that has undermined many of its favored financial assurance mechanisms.

But an EPA enforcement office presentation earlier this year says many of its "traditional" financial assurance mechanisms are proving unworkable. For example, companies are having trouble getting letters of credit and related cash "instruments," which is having an impact on financial assurance, according to the presentation.

The CHEJ source also warns communities to be wary of cleanup plans for non-Superfund sites that are resolved in bankruptcy court. For example, a cleanup plan for a site in El Paso, TX developed in bankruptcy proceedings for ASARCO, a mining, smelting and refining company, did not allow public participation and capped cleanup costs at a level insufficient to address the widespread contamination from the site, the source says.

The second environmentalist says the total cleanup costs from sites like landfills where many parties are liable overstates the liability of MLC and Old Carco. In addition, Superfund would theoretically require the other liable parties at these sites to take over the cleanup responsibility, the source says.

However, the source notes that the bankrupt entities will likely have little, if any money to contribute to the cleanups. And EPA's estimates for the auto facility sites likely underestimate cleanup costs due to likely undetected water contamination, which is very expensive to clean up.

The source says contamination from the auto sites is extensive enough to raise questions about what action the government will take to respond. “A decision was made to cast this liability loose so that the auto companies could recover,” the source says, “But they still have a moral obligation to respond” to the contamination, the source says. -- *Kate Winston*

WATER

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EPA will review claims of leniency on water polluters (*Baltimore Sun*)

December 8, 2009
Federal officials said Monday that they plan to review claims by a coalition of Maryland environmental groups that the state is going easy on water polluters. Evelyn MacKnight, chief of water pollution discharge permits in the Environmental Protection Agency's mid-Atlantic regional office in Philadelphia, said agency staff just received the 58-page petition from Waterkeepers Chesapeake of Maryland. The Waterkeepers contend that the state Department of the Environment is not doing enough to limit pollution piped into rivers and the Chesapeake Bay from businesses, farms and sewage plants, and is not inspecting or enforcing tightly enough. An MDE spokeswoman called the groups' allegations of lax enforcement "unfounded and baseless."

- Timothy B. Wheeler

Critics Intensify Push On Grass Limit In EPA's Imminent WaterSense Plan (*Inside EPA*)

Monday, December 07, 2009
With EPA slated to finalize its controversial WaterSense home water efficiency specification this week, opponents of outdoor landscaping limits in the voluntary standard are stepping up their efforts to convince Senate Majority Leader Harry Reid (D-NV) and other lawmakers to minimize the landscaping limits through amendments to bills that would authorize WaterSense or win legislative support to pressure EPA to delay the program.

In a sign of the opponents’ broadening their push, they have brought on board a coalition of Hispanic community and farmworkers groups, which is now engaging Congress on the issue by portraying EPA’s planned outdoor landscaping restriction -- which would limit turf grass as a way to conserve water -- as a “jobs killer.” Separately,

a group of Hispanic advocates addressing global warming is weighing possible opposition to the grass limit due to concerns about its impact on climate change.

EPA intends to finalize its WaterSense home specification the week of Dec. 7, according to an agency spokeswoman. WaterSense, a spinoff of the agency's popular Energy Star efficient product label, will provide a similar label for new homes that conserve water by at least 20 percent. While a draft of the specification has generally won praise for its indoor water-limiting criteria, EPA has faced stiff opposition from landscapers, irrigators and other outdoor industry groups over its proposal to limit the use of turf grass.

The draft outdoor criteria includes two options for turf grass, with the first imposing a 40 percent across-the-board limit and a second "budget" option potentially allowing more turf grass but requiring the use of a complicated formula to determine plants' water use.

Industry opposes both options and also criticizes EPA's plan to impose the same limit everywhere in the country, regardless of rainfall amounts. Groups continue to discuss their position with EPA and are circulating legislative language that would curb EPA's planned turf grass criteria by limiting it to desert communities, as well as letters to lawmakers seeking to stop the agency from finalizing the program.

However, "It's very hard to get interest on this. . . . It's hard for [lawmakers] to see past the program's voluntary nature," one informed source says. "Most members that we've met with are sympathetic to our issues but no one wants to take the lead. They will sign [a letter] but we don't have an original author."

Opponents of the turf grass limit are trying to win the insertion of provisions in pending Senate climate and water bills in order to significantly narrow the limit from the proposal in EPA's draft.

In late September, Reid and Senate Environment & Public Works Committee (EPW) water panel Chairman Ben Cardin (D-MD) introduced legislation authorizing EPA's WaterSense program that included language specifically backing EPA turf grass limits. The bill, S. 1712, the Water Efficiency, Conservation & Adaptation Act of 2009 provides $87.5 million over four years for EPA to improve and expand the program.

Additionally, the climate bill introduced by EPW Chairwoman Sens. Barbara Boxer (D-CA) and John Kerry (D-MA) contains similar authorizing language for WaterSense, including the turf grass limit.

When Reid introduced his bill, sources said the turf grass language appeared to have come directly from EPA and they were hoping Reid would be open to making changes to the limitation. "We think we can get Reid's office to be flexible and work with us on these things," the informed source said at the time (see related story).

Now, the same source says that following lobbying efforts, Reid may agree to amend the bills to include language that would limit the turf grass criteria to desert communities. "He is not necessarily wedded" to the EPA language that applies the limit to "non-water challenged communities," the source says.

A Reid spokeswoman says the senator "will take a look at this and other issues when we move forward with global warming legislation." Democrats on EPW recently approved the Boxer-Kerry bill.

Hispanics Criticize Turf Limits

Meanwhile, industry sees the Hispanic community's recent engagement on the issue by opposing the turf limits as a positive boost in their effort to win congressional support to narrow the limits, sources say.

The Hispanic community has concerns over the grass limits due to fears it could cause more job losses in a down economy, particularly for lawn care businesses that they say has been a "bright spot" economically for Hispanics. "If you begin to shrink landscapes, you shrink landscaping jobs," the informed source says. "No matter how you apply the EPA water budget tool, you'll shrink the green footprint everywhere in the country."

Some of the groups involved include the Hispanic Chamber of Commerce, United Farmworkers and the League of United Latin American Citizens, sources say. One Hispanic organizer says, "This will have a significant impact on the Latino community via the landscape industry. We're mobilizing a number of landscape company owners who are Latino to let them know what's going on. We are getting them to make phone calls to their members of Congress."

Hispanic groups critical of the grass limits recently sent letters to the Hill, including one unsigned standard letter which says, "[W]e fear that adoption of these criteria as currently drafted will eviscerate employment opportunities for our members and darken what has been a bright spot economically for the Hispanic community."

Additionally, Hispanic groups are asking newspapers to run a column written by Juan Carlos Vila, who owns one of the largest Latino landscape companies in the country, opposing the limit. "The lawn care business is largely populated by Hispanics who are traditionally disenfranchised," the column says. "It is clear that the impact from this program will be disproportionately felt among Latinos who are the backbone of the lawn care business. . . . Now is not the time to enact a federal policy that will increase unemployment -- particularly among some of the most vulnerable groups."

A source with the National Latino Coalition on Climate Change says that group is also looking at the issue but has not yet decided whether to take action. The source says the group has concerns about the potential jobs impact of a turf grass limit as well as "a decrease in green space overall as a concept. . . . We all know that green space reduces carbon and cools the earth, and if you reduce green space as a policy, there

could be a significant effect on the heating of the earth and the reduction of carbon." The source says the coalition may write a letter to EPA. -- *Dawn Reeves*

Waterkeepers ask EPA to revoke Md. permit power (*Associated Press*)

Story also appeared: *Washington Examiner, WJZ Channel 13 News*

12/07/09 8:45 PM EST
BALTIMORE — Environmental activists are asking the federal Environmental Protection Agency to take over permitting responsibilities from the state of Maryland for pollution discharges into the Chesapeake Bay.

The Waterkeepers Chesapeake of Maryland and Waterkeeper Alliance filed a petition Monday asking the EPA to withdraw Maryland's authority to administer the Clean Water Act's pollution permitting program. The activists say the state has failed to effectively administer the permitting program.

Michele Merkel, the Waterkeepers Chesapeake regional Coordinator, says the failing health of the bay is the proof of the state's failure to enforce the Clean Water Act.

Dark Side of a Natural Gas Boom (*New York Times*)

December 8, 2009 Tuesday
Late Edition - Final
Section B; Column 0; Business/Financial Desk; Pg. 1
By JAD MOUAWAD and CLIFFORD KRAUSS
DIMOCK, Pa.
Victoria Switzer dreamed of a peaceful retirement in these Appalachian hills. Instead, she is coping with a big problem after a nearby natural gas well contaminated her family's drinking water with high levels of methane.

Through no design of hers, Ms. Switzer has joined a rising chorus of voices skeptical of the nation's latest energy push. "It's been 'drill, baby, drill' out here," Ms. Switzer said bitterly. "There is no stopping this train."

Across vast regions of the country, gas companies are using a technology called hydraulic fracturing to produce natural gas from previously untapped beds of shale. The push has been so successful that the country's potential gas reserves jumped by 35 percent in two years. The new supplies have driven down natural gas prices for consumers and might help the global environment by allowing more production of electricity from natural gas, which emits fewer **global warming** emissions than coal.

What the drilling push will do to local environments is another matter.

The drilling boom is raising concern in many parts of the country, and the reaction is creating political obstacles for the gas industry. Hazards like methane contamination of drinking water wells, long known in regions where gas production was common, are spreading to populous areas that have little history of coping with such risks, but happen to sit atop shale beds.

And a more worrisome possibility has come to light. A string of incidents in places like Wyoming and Pennsylvania in recent years has pointed to a possible link between hydraulic fracturing and pollution of groundwater supplies. In the worst case, such pollution could damage crucial supplies of water used for drinking and agriculture.

So far, the evidence of groundwater pollution is thin. Environmental groups contend that is because governments have been slow to react to the drilling boom and are not looking hard for contamination. Gas companies acknowledge the validity of some concerns, but they claim that their technology is fundamentally safe.

The debate is becoming more urgent as gas companies move closer to more populated areas, especially in the Northeast, where millions of people are likely to find themselves living near drilling operations in coming years.

"To be able to scale up our drilling, clearly we have to be in sync with people's concerns about water," said Aubrey K. McClendon, chief executive of the Chesapeake Energy Corporation, a leading gas company. "It's our biggest challenge."

Hydraulic fracturing consists of injecting huge volumes of water at high pressure to break shale rocks and allow natural gas to flow out more easily. The water is mixed with sand, chemicals and gels to lubricate the process and help keep the rocks open.

After refining the technique in Western states in recent years, gas companies are moving to tap the nation's largest shale structure, the Marcellus shale, which stretches from Virginia to New York.

"It's a very reliable, safe, American source of energy," said John Richels, president of the Devon Energy Corporation.

Environmental activists, however, say there is at least scattered evidence that fracturing operations can pose risks to groundwater sources, particularly when mistakes are made in drilling operations. They have also questioned how some companies deal with the wastewater produced by their operations, warning that liquids laced with chemicals and salt from drilling can overload public sewage treatment plants or pollute surface waters.

Deborah Goldberg, a lawyer for the nonprofit environmental group Earthjustice who is fighting to toughen Pennsylvania's discharge rules, said the state "is facing enormous

pressure from gas drillers, who are generating contaminated water faster than the state's treatment plants can handle it."

According to the New York State Department of Environmental Conservation, which is going through a public review of its new rules on hydraulic fracturing, gas companies use at least 260 types of chemicals, many of them toxic, like benzene. These chemicals tend to remain in the ground once the fracturing has been completed, raising fears about long-term contamination.

The most immediate hazard from the national drilling bonanza, it is clear, involves contamination of residential drinking water wells by natural gas. In Bainbridge, Ohio, an improperly drilled well contaminated groundwater in 2007, including the water source for the township's police station, according to a complaint filed this year. After building to high pressures, gas migrated through underground faults, and blew up one house.

Here in Dimock, about 30 miles north of Scranton, Pa., 13 water wells, including that of Ms. Switzer, were contaminated by natural gas. One of the wells blew up.

Under prodding, environmental regulators are stepping up the search for groundwater contamination. In Pavilion, Wyo., for instance, the **Environmental Protection Agency** has begun an investigation into contamination of several drinking water wells.

Luke Chavez, an **E.P.A.** investigator, said that traces of methane and 2-butoxyethanol phosphate, a foaming agent, had been found in several wells near an area where the EnCana Corporation, a Canadian gas company, had used hydraulic fracturing in recent years.

He said the compounds could have come from cleaning products or oil and gas production, but "it tells us something is happening here that shouldn't be here."

An EnCana spokesman, Doug Hock, said the company was "committed to working with **E.P.A.** to resolve this issue." But he added, "At this point, no specific connection has been made between the tentatively identified compounds and oil and gas activities."

In a 2004 study, the **E.P.A.** decided that hydraulic fracturing was essentially harmless. Critics said the analysis was politically motivated, but it was cited the following year when the Republican-led Congress removed hydraulic fracturing from any regulation under the Safe Drinking Water Act.

The current Democratic Congress recently enacted a law requiring the **E.P.A.** to review the study. Lawmakers from Colorado and New York have also introduced legislation to end the water act exemption and require gas companies to disclose all chemicals used in fracturing operations.

The agency has begun an analysis of whether hydraulic fracturing requires tighter federal regulation.

"**E.P.A.** is reviewing available information to determine whether hydraulic fracturing fluids have contaminated drinking water and has dedicated resources to properly studying this issue," the agency said in a statement.

The political situation has put the gas companies on the defensive. "It's not going to stop us, but we do have to solve the problem in a prudent manner," said Rodney L. Waller, a senior vice president at the Range Resources Corporation, a major gas producer in the Marcellus shale.

Partly in response to opposition it has encountered in New York, Chesapeake recently indicated that it would not drill in the New York City watershed, a region that supplies drinking water to nearly 10 million people. Schlumberger, a service company that performs fracturing operations on behalf of gas companies, said it was working on "green" fracturing fluids, including safer substitutes for hazardous chemicals.

In the Barnett shale gas field in Texas, Devon Energy and Chesapeake are trying various treatment techniques for disposing of contaminated drilling water. Gas executives hope that wider use of such techniques will damp public opposition in some regions. Several companies are starting a joint water treatmenteffort in Pennsylvania in the next few weeks.

Still, around Dimock, the gas boom is viewed with mixed feelings. Many public officials support drilling. Governor Edward G. Rendell has called the surge "a great boon" to Pennsylvania. Many people have leased their land here and are collecting royalty checks from gas production.

The hills around Dimock have been bulldozed to clear the ground for dozens of drilling pads the size of football fields. Eighteen-wheelers thunder down narrow country roads, kicking up dust and fumes. Recently, a helicopter buzzed overhead while dangling heavy cables used for seismic tests.

In September, the Cabot Oil and Gas Corporation, a Houston energy company, was required to suspend its fracturing operations for three weeks after causing three spills in the course of nine days. Cabot, which was fined $56,650 by the state, said the spills consisted mainly of water, with only 0.5 percent chemicals. This month, Cabot was fined an additional $120,000 by Pennsylvania for the contamination of homeowners' wells. It must now submit strict drilling plans to the state.

A company spokesman, Kenneth S. Komoroski, said it was too early to blame hydraulic fracturing -- the technology at the heart of the boom -- for pollution of water wells. He said Cabot was still investigating the causes of last January's contamination incidents.

"None of the issues in Dimock have anything to do with hydraulic fracturing," he said.

The fines were little consolation to Ms. Switzer, the woman who can no longer draw

drinking water from her well.

After moving here in 2005, she sold drilling rights on her property for a mere $180 after, as she recalled it, a gas company representative convinced her only one well might be drilled. In fact, no well was drilled, but three were on surrounding properties. Her well was contaminated at the beginning of the year after gas leaked from a well drilled by Cabot.

Her family now uses bottled water supplied by Cabot every week. She fears that if she tried to sell her home, which sits in the middle of a drilling zone, no one would buy it.

"Can you imagine the ad? 'Beautiful new home. Bring your own water,' " Ms. Switzer said. "We're like a dead zone here."

URL: http://www.nytimes.com

Should drugs go down the drain? (*Washington Post*)

By Nina Shen Rastogi
I've been hearing a lot about how prescription medications and the other drugs we take end up in the water supply. It got me wondering: What's the most environmentally responsible way to dispose of old pills and cough syrups?

It's true: A wide range of pharmaceuticals have been found in our lakes, streams and drinking water. Scientists are trying to puzzle out what effects these drugs might have on people and wildlife, but there's still a lot we don't know. Even without hard evidence on the impacts of long-term exposure to trace contamination from our water, most government organizations recommend that you dispose of old medications in the trash, rather than the toilet. (Of course, that doesn't address the fact that, according to most estimates, the vast majority of pharmaceutical pollution comes through our bodily excretions.)

Sometimes, however, broad environmental risks have to be balanced against more-immediate hazards, such as the danger that a child or a pet might accidentally consume a toxic drug that's lying in a trash can or that someone might steal medication and use it illicitly. In that case, flushing may be preferable, since the drug is immediately removed from the home and rendered unusable.

In 2007, the Office of National Drug Control Policy, the **Environmental Protection Agency** and the Department of Health and Human Services issued the first set of federal guidelines for proper disposal of prescription drugs. For the vast majority of medications, the government suggests taking them out of their original containers, mixing them with an "undesirable substance" (such as kitty litter or used coffee grounds), putting the mixture in a zip-lock bag or a container with a lid, then throwing

the whole package in the trash.

The guidelines do recommend flushing in a few select cases -- such as Demerol, OxyContin and Percocet -- where the risk from accidental ingestion or the potential for abuse is very high. The Food and Drug Administration maintains an ever-evolving list of drugs that should be sent down the toilet.

These federal guidelines aren't binding, and your state or local authority may have somewhat different advice. For example, several states caution people never to flush any medications, dangerous or otherwise. (Connecticut suggests taking extra steps to keep your meds out of unwanted paws or hands, such as dissolving pills and capsules in water, wrapping blister packs in duct tape, and adding flour, salt or mustard powder to liquid medications to make "a pungent, unsightly mixture.")

Take-back programs -- in which unused drugs are collected for disposal by pharmacies, community organizations or government groups -- are starting to pop up throughout the United States, though they're often expensive to operate. A law enforcement officer must supervise the collection sites if "controlled substances" (such as Ambien, Vicodin and codeine) are involved. To see if there's a facility in your area, search the database at http://www.earth911.comhttp://for "unwanted or expired medications." Sharps Compliance, a Houston-based medical waste company, also operates a mail-in program for unused medications. Drugs collected through take-back programs are generally incinerated.

Finally, there are limited opportunities to donate your unused medications to charity. According to a recent report from the National Conference of State Legislatures, 15 states have enacted laws allowing individuals to donate various kinds of prescription drugs, typically provided that they're not expired, that the packaging is unopened and that the person donating can provide proper documentation. These programs are a source of concern for some physicians and pharmacists, who worry about the pedigrees of donated drugs.

When you finish all your pills, what should you do with your empties? Pharmaceutical packaging (bottles, caps, blister packs) uses a fair amount of plastic: 1.2 billion pounds in the United States in 2007, according to the Freedonia Group, an industry research firm. And this plastic is often difficult to recycle.

Most over-the-counter bottles are made of high-density polyethylene (that's No. 2 plastic), though some may be made of polyethylene terephalate (No. 1). Both types are widely recyclable, but many curbside programs won't take such bottles because they're small and can jam up equipment. Amber prescription bottles are usually polypropylene (No. 5), which is rarely accepted by recyclers. The design company Preserve collects No. 5 plastics at many Whole Foods, though, and you can also mail your polypropylene empties directly to the company. Some shelters, clinics and veterinarians' offices also collect prescription vials and reuse them, so if you've got a whole bunch of them on your hands, it might be worth looking for such a facility in your area. The Lantern likes to use

hers as coin containers or carrying cases for earrings and safety pins when she travels.

Meanwhile, if you want to reduce the footprint of your personal pharmaceutical habit, you should also spare a thought at the beginning of the process. Buying in bulk usually makes a lot of environmental sense, but those benefits are undercut if you have to throw away an unused product because it has gone bad. If you know you're not going to consume 500 Advil capsules before the expiration date, get the smaller bottle.

Is there an environmental quandary that's been keeping you up at night? Send it to ask.the.lantern@gmail.com, and check this space every Tuesday.

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