



**BNA, INC.**

# DAILY ENVIRONMENT



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**REPORT**

WEDNESDAY, OCTOBER 28, 2009

## HIGHLIGHTS

### **EPA Spending Bill Contains Exemptions for Ships, Manure Emissions**

A House-Senate conference committee reaches agreement on a \$32.2 billion Interior, Environment, and Related Agencies appropriations bill for fiscal 2010 that includes an exemption for Great Lakes shipping from proposed EPA emissions limits for oceangoing vessels. The measure, if passed by both houses of Congress, also would prohibit EPA from requiring mandatory greenhouse gas emissions reporting from manure management systems. House Appropriations Committee Chairman Obey says that without the waiver from emissions limits, the Great Lakes states would be put "at a tremendous economic disadvantage." House Majority Leader Hoyer expects the conference report on the spending bill to move through Congress this week. **A-14**

### **Administration Says Carbon Cap Needed to Encourage Renewable Energy**

Top Obama administration officials give high marks to Senate climate change legislation, telling the Environment and Public Works Committee that the measure would create millions of jobs and would steer the nation toward renewable energy. In testimony on the first of three consecutive days of hearings, Energy Secretary Chu says the Clean Energy Jobs and American Power Act (S. 1733) would bolster domestic renewable energy industries, including solar and wind, as well as U.S. manufacturing of hybrid vehicle batteries. EPA Administrator Jackson says that an agency analysis concludes that the legislation would "transform" a U.S. economy that is relatively inefficient and far too dependent on "highly polluting energy production" that is largely imported. Also testifying are Transportation Secretary LaHood, Interior Secretary Salazar, and Federal Energy Regulatory Commission Chairman Wellinghoff. The administration officials steer clear of formally endorsing the Senate legislation, with Chu telling reporters after the hearing that he is still reviewing the 925-page bill. **A-2**

### **Boxer Says Recent Drop in Emissions Makes 20 Percent Cut Feasible**

Sen. Boxer defends the target of cutting greenhouse gas emissions 20 percent by 2020 under the Senate climate change bill, saying a two-year decline in emissions linked to an economic downturn gives industry a leg up in meeting those targets. Boxer's comments come after Sen. Baucus questioned the feasibility of making such a steep reduction over the next decade at a hearing earlier in the day before the Environment and Public Works Committee, which Boxer chairs. **A-10**

### **EPA to Withdraw Findings on Residual Risks From Refinery Emissions**

The Bush administration's assessment of toxic air emissions from petroleum refineries "may not accurately characterize" the health risks posed by the facilities, EPA says in a proposal being published today to withdraw the prior evaluation along with portions of a final rule that found no further emissions controls were necessary. EPA intends to conduct a second evaluation of any

## WATER RESOURCES

**CALIFORNIA:** California lawmakers begin hearings on draft legislation to overhaul management of the Sacramento-San Joaquin River Delta, the state's primary water delivery system, and restore the environmentally fragile estuary. **A-1**

## HAZMAT TRANSPORT

**NOMINATIONS:** The Senate Commerce, Science, and Transportation Committee approves the nominations of Cynthia Quarterman to head the Department of Transportation's Pipeline and Hazardous Materials Safety Administration and Anne Ferro to head DOT's Federal Motor Carrier Safety Administration. **A-7**

## WEBINARS

**LAND USE:** BNA hosts a webinar Oct. 29 on strategies for the successful closure, cleanup, and sale of former manufacturing properties. Information is available at <http://ehsstore.bna.com/Paganager.aspx?pageId=8832>.

**BANKRUPTCY:** BNA hosts a webinar Nov. 4 on environmental issues in bankruptcy and the lessons learned from *In re: ASARCO*. Information is available at <http://ehsstore.bna.com/Paganager.aspx?pageId=8952>.

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health risks posed by hazardous emissions from refineries after implementing the control requirements set out in 1995. The proposed rule would withdraw the residual risk assessment, which was included as part of a final rule signed Jan. 16 by then-Administrator Johnson. **A-1**

**Monsanto Asks Supreme Court to Review Ruling Barring Alfalfa Strain**

Monsanto Co., Forage Genetics International, and two alfalfa farmers ask the U.S. Supreme Court to reverse a ruling that genetically modified alfalfa cannot be sold or planted until the Agriculture Department performs an environmental study. The petitioners are challenging a ruling by the U.S. Court of Appeals for the Ninth Circuit that upheld a nationwide injunction against Roundup Ready alfalfa because of the possibility of cross-contamination of nearby fields with different varieties of the plant. **A-8**

**Obama Announces \$3.4 Billion in Grants to Help Develop 'Smart Grid'**

President Obama announces \$3.4 billion in funding to modernize the country's electricity transmission system, the largest investment to date in creating a "smart" structure designed to improve the efficiency of the power grid, expand renewable power generation, and allow two-way digital communication between generators and their customers. Obama announces the grants—which went to 100 projects in 49 states—at a Florida utility-scale solar power plant billed as the largest of its kind in the nation. **A-6**

**Report Says EPA Needs Strategy to Identify Violations of Wetlands Rules**

EPA should develop and implement a strategy to identify violations of Clean Water Act provisions that protect wetlands, streams, and other surface waters, the agency's inspector general says in a new report. EPA lacks a consistent framework for identifying violations of Section 404, which regulates the discharge of dredge or fill material into "waters of the United States," including wetlands and other surface waters. **A-11**

**Maryland Drops Fort Meade Lawsuit, Citing Binding Cleanup Agreement**

Maryland has voluntarily withdrawn a lawsuit against the Department of the Army, ending a long-running dispute over cleanup of the Fort George G. Meade superfund site, according to the Maryland Department of the Environment. Since EPA rescinded an administrative order for compliance against Fort Meade and an interagency federal facilities agreement went into effect Oct. 6, no reason exists to pursue the legal complaint, MDE spokesman Jay Apperson tells BNA. The state has submitted a notice of voluntary withdrawal to the U.S. District Court for the District of Maryland, Apperson says. **A-5**

**California Wants Loopholes Closed in Proposed Vehicle Emissions Rule**

California regulators urge the Obama administration to close loopholes in the proposed national greenhouse gas and fuel economy standards for vehicles to ensure the program achieves its emissions reduction goals. The call to strengthen the proposal comes at the third and final hearing on the proposed rule issued jointly by EPA and the National Highway Traffic Safety Administration. **A-13**

**TODAY'S EVENTS**

**CLIMATE CHANGE:** Senate Environment and Public Works Committee hearing on the Clean Energy Jobs and American Power Act of 2009 (S.1733), 9:30 a.m., Room 406 Dirksen Senate Office Building.

**CLIMATE CHANGE:** Senate Energy and Natural Resources Committee hearing to examine the role of natural gas in mitigating climate change, 10 a.m., 366 Dirksen Senate Office Building.

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**Documents Available**

Copies of documents referenced in this issue are available for a fee (\$27 for up to 200 pages) from BNA PLUS. To order, call 800 372-1033; fax 703 341-1643; or e-mail bnaplus@bna.com.

# News

## Water Resources

### California Lawmakers Open Hearings On Delta Water Management Legislation

**L**OS ANGELES—California lawmakers Oct. 26 began hearings on draft legislation to overhaul management of the Sacramento-San Joaquin River Delta, the state's primary water delivery system, and restore the environmentally fragile estuary.

S.B. 7X 1 is the most in-depth water legislative package presented since the 1960s, State Senate President Pro Tempore Darrell Steinberg (D) said in Sacramento at a joint hearing of the Senate Natural Resources and Water Committee and the Assembly Water, Parks, and Wildlife Committee.

The bill, which grew out of months of negotiations, would establish a new independent state agency to develop and adopt a long-term management plan for the delta. It also would set up a conservancy to implement ecosystem restoration efforts.

Other elements of the bill would require urban water agencies to cut per capita use 20 percent by 2020 and require agricultural users to develop water management plans. S.B. 7X 1 also would set up a groundwater monitoring and reporting program to track underground water supplies.

California "cannot grow its prosperity and jobs if we cannot ensure a reliable supply of water," Steinberg said at the joint hearing.

**Delta Supplies Water to Two-Thirds of State.** The Sacramento-San Joaquin River Delta supplies water to 23 million Californians, two-thirds of the state's population, as well as to the state's multibillion-dollar agricultural industry.

Decades of pumping and diverting delta water and pollution have degraded the estuary and harmed ecosystems essential to some fish species, including the Delta smelt and salmon.

The levees, dams, and other infrastructure built to deliver the water to farms and cities are old. Studies indicate a single earthquake or flood could cripple the water delivery system.

"The Delta is collapsing . . . it is dying from pollution and neglect," Steinberg said.

Farming interests, urban water agencies, commercial fisherman, sport-fishing groups, and environmental advocates have fought for years over how to restore the delta ecosystem and balance the demands for its water.

**Lobbies for Dams, Canal, Conservation.** The agricultural lobby wants water storage projects, including dams, and a new 49-mile-long canal around the delta to deliver water to farms and cities to the south. Environmental advocates and fishermen want less water pumped and/or diverted to the south.

SB 7X 1, however, does not mention the canal, nor does the bill provide details on how the state would pay to repair levees, dams, or restore the ecosystem.

Assembly Speaker Karen Bass (D) said Oct. 26 a \$9.4 billion water infrastructure and environmental restoration bond proposal would be introduced later in the week. Voters would have to approve the measure.

Gov. Arnold Schwarzenegger (R) has said he would not sign water legislation unless the financing option is included.

This year state and federal agencies cut pumping from the delta by 37 percent.

**Drought, Lawsuits Led to Lower Pumping.** According to state water officials, three-quarters of the reduction was due to the multiyear drought. Endangered species lawsuits filed to protect the salmon and delta smelt resulted in court-ordered pumping restrictions, which accounted for the remaining quarter.

Faced with the cuts in water, many San Joaquin Valley farmers did not plant crops this year, resulting in lost jobs for farm workers. Several cities have imposed water use restrictions on residents (163 DEN A-8, 8/26/09).

"We have spent years, if not decades, talking about these issues," Steinberg said at the joint hearing. "We've conducted studies, convened stakeholder groups, and experimented with a range of options. We held hearings, written legislation, set up legislative select committees, convened special legislative sessions, and held many, many press conferences."

Lawmakers hope to bring the water bills to the full Legislature later this week.

At a news conference, Assembly Speaker Bass said S.B. 7X 1 has the support of many lawmakers, but added that "it would be taking it too far to say we have a solid deal."

By CAROLYN WHETZEL

*Text of the draft bill (S.B. 7X 1) to overhaul management of the Sacramento-San Joaquin River Delta is available at [http://www.leginfo.ca.gov/cgi-bin/postquery?bill\\_number=sbx7\\_1&sess=CUR&house=B&author=steinberg](http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=sbx7_1&sess=CUR&house=B&author=steinberg).*

## Air Pollution

### EPA to Withdraw Study of Residual Risks From Emissions, Plans Second Assessment

**T**he Bush administration's assessment of toxic air emissions from petroleum refineries "may not accurately characterize" the health risks posed by the facilities, the Environmental Protection Agency said in an Oct. 28 proposal to withdraw the prior evaluation and portions of a final rule that found no further emissions controls were necessary.



EPA intends to conduct a second evaluation of any health risks posed by hazardous emissions from refineries after implementing the control requirements set out in 1995, according to a *Federal Register* notice to be published Oct. 28.

The proposed rule would withdraw the residual risk assessment, which was included as part of a final rule signed Jan. 16 by then-Administrator Stephen Johnson that also set the maximum achievable control technology (MACT) standard for heat exchangers at refineries.

Other than issuing the new limits for heat exchangers and additional controls for storage tanks, EPA in that final rule determined no further action was necessary to address residual risk.

The Jan. 16 final rule was never published in the *Federal Register* and was held for evaluation by the Obama administration and therefore never took effect.

EPA will publish the final MACT standard, which has not been modified, in a separate *Federal Register* notice Oct. 28. But the agency said it intends to conduct a second review of any residual risk from refinery emissions (200 DEN A-1, 10/20/09).

“Upon further review, EPA has determined that the residual risk and technology reviews may not accurately characterize the risk posed by this source category,” the agency said.

Section 112 of the Clean Air Act requires EPA to review MACT standards every eight years to evaluate any residual risk posed by current emissions. The technology-based limits for controlling hazardous emissions reflect the average emissions level of the best-performing 12 percent of sources in a source category. EPA set the MACT standard for refineries in 1995.

In comments filed on the earlier proposal, commenters questioned whether the data used for the residual risk analysis were representative of refinery emissions during the proposed rule process, EPA said.

“Accordingly, after additional consideration of these issues, we believe it is necessary to withdraw the rule that was signed on January 16, 2009, so that we may develop a more robust analysis based on the improved information we are developing,” EPA said.

The American Petroleum Institute, which participated in the residual risk evaluation, has said it anticipates no changes from a second review.

**Heat Exchanger Rule Published.** The finalized MACT rule, which amends 40 C.F.R. Parts 9 and 63, set technology-based control requirements for hazardous pollutant emissions from heat exchange units at refineries.

The final rule defines a leak as 6.2 parts per million by volume (ppmv) of strippable volatile organic compounds for existing units and 3.1 ppmv for new units. The heat-exchanger controls are expected to reduce emissions of hazardous air pollutants such as benzene by 630 tons annually and volatile organic compound emissions by 4,100 tons per year.

The MACT rule setting control requirements for hazardous pollutant emissions from heat exchange units is effective immediately.

BY ANDREW CHILDERS

For more information contact Robert Lucas in EPA's Office of Air Quality Planning and Standards at (919) 541-0884 or lucas.bob@epa.gov.

## Solid Waste

### **North Carolina Agency Launches Site For Online Trading of Biomass Commodities**

**R**ALEIGH, N.C.—An online organic waste exchange for biomass commodities has been launched in North Carolina, the state Department of Environment and Natural Resources announced Oct. 27.

The electronic trading site is aimed at reducing waste disposal and boosting the use of alternative fuels, the department said in its announcement. Individuals and entities seeking to trade organic materials such as waste vegetable oil, restaurant grease, wood waste, manure, food waste, and other biomass may trade on the exchange free of charge, the department said.

According to the department, the new website is aimed at providing “a platform for trading valuable materials that may otherwise be discarded, buried in landfills, discharged to sewers, or otherwise disposed.” In addition to reducing waste disposal, the biomass exchange will serve as a source of alternative fuels, the department said.

As part of pollution prevention efforts, North Carolina has provided an online waste-trading exchange since 2003. The department said it decided to launch a site specifically aimed at organic material due to the increasing interest in such waste.

Chris Frazier, a spokeswoman for the department's Division of Pollution Prevention and Environmental Assistance, told BNA that entities outside of North Carolina could use the exchange even though it is aimed at individuals, organizations, and businesses within the state.

BY ANDREW BALLARD

North Carolina's online organic material trading site is available at <http://www.ncbiomasstrader.com/home.aspx>.

## Climate Change

### **Obama Officials Say Carbon Caps Needed To Steer Capital to Wind, Other Renewables**

**T**op Obama administration officials gave high marks to Senate climate change legislation Oct. 27, telling the Environment and Public Works Committee that the measure would create millions of jobs and would steer the nation toward renewable energy.

Energy Secretary Steven Chu said the bill (S. 1733) would bolster domestic renewable energy industries, including solar and wind, as well as U.S. manufacturing of hybrid vehicle batteries, that have fallen behind competitors in Denmark and Japan.

But Chu said the driving force for expanding renewable energy would be the cap-and-trade provisions in the Clean Energy Jobs and American Power Act authored by Sen. John Kerry (D-Mass.) and committee Chairman Barbara Boxer (D-Calif.). The provisions are designed to cut U.S. carbon dioxide emissions 20 percent by 2020 from 2005 levels and 83 percent by 2050. The carbon caps alone would steer investment to low-

carbon technologies and away from existing fossil fuel technologies, including coal-fired power plants, that do not capture and store their carbon emissions, Chu said.

“The most important element of this bill is that it puts a cap on carbon emissions that ratchets down over time,” a departure from the “on-again, off-again” tax credits and other incentives the United States has largely relied upon to bolster renewable industries, he said.

“Denmark and Germany developed their wind turbine industry, they took it away from us because they take a long-term view” of providing steady support for their renewable technology industries, Chu said.

**Transformation of Economy.** Environmental Protection Agency Administrator Lisa Jackson told the committee that an agency analysis of the bill released Oct. 23 concluded that the legislation would “transform” a U.S. economy that is relatively inefficient and far too dependent on “highly polluting energy production” that is largely imported.

The bill would steer the economy toward low-carbon energy sources at a cost of less than 50 cents per day for each U.S. household in 2020, while keeping regional cost differences, such as spikes in energy costs in the coal-dependent Midwest, to a minimum, Jackson said. EPA’s analysis concluded that the bill would impose relatively minor costs on household consumption “on the order of hundreds of dollars per year.”

Joining Chu and Jackson in testifying on the bill were Transportation Secretary Ray LaHood, Interior Secretary Ken Salazar, and Federal Energy Regulatory Commission Chairman Jon Wellinghoff. The administration officials steered clear of formally endorsing the Senate legislation, with Chu telling reporters after the hearing that he is still reviewing the 925-page bill, which was revised last week.

**Swift Action Urged.** Jackson said the Senate “is responding to the president’s call to action” to pass a climate and clean energy package and that only “new legislation can bring about the comprehensive and integrated changes” the United States needs to curb greenhouse gas emissions and to bolster energy independence.

The House passed climate change legislation in June, but the outlook is less certain for the Kerry-Boxer bill in the Senate. The bill is under the jurisdiction of multiple Senate committees, and supporters will need 60 votes to avert the threat of a filibuster and force the bill to the floor.

Boxer opened the hearing, the first of three scheduled this week on the measure, with a call for swift action to combat global climate change that was echoed by Kerry in his testimony before the environment committee.

Boxer hopes to mark up the climate bill in the Environment and Public Works Committee the first week of November and has expressed confidence she has the votes to do so, as Democrats outnumber Republicans on the committee 12–7. In three days of hearings Oct. 27–29, Boxer plans to bring a total of 54 witnesses on nine panels to testify on the bill before she moves to the markup.

The chairman said a growing chorus from scientists, from the National Academies to the United Nations Intergovernmental Panel on Climate Change, have concluded “that we have a narrow window of time in which

to avert the ravages of global warming” by curbing greenhouse gas emissions.

The Senate climate bill was introduced by Kerry and Boxer on Sept. 30. Boxer released a revised version of the bill, the chairman’s mark that she hopes to pass through her committee in the coming weeks, late on Oct. 23 (188 DEN A-17, 10/1/09).

**Boxer Urged to Slow Process.** Republicans on the committee complained that Boxer is moving too quickly on legislation that could profoundly impact the U.S. economy without adequate analyses of its costs and impacts on various industries.

Sen. James Inhofe (Okla.), the committee’s ranking Republican, said Boxer’s Oct. 23 release of an EPA analysis and her “chairman’s mark”—a revised bill that sets out for the first time formulas for distributing emissions allowances—provides too little time for Republicans to address their concerns about the bill (205 DEN A-8, 10/27/09).

Inhofe said the Kerry-Boxer cap-and-trade approach “will mean more economic pain and suffering” for U.S. households and the economy.

Sen. George Voinovich (R-Ohio) said the committee is being rushed due to proponents’ “hurried political agenda.” He called on Boxer to delay the bill’s markup so that EPA can complete a more thorough analysis of the bill beyond the 38-page study it released last week. Voinovich said that study lacked a detailed review of regional impacts and added that he would be willing to release his “hold” on Senate confirmation of Robert Perciasepe as EPA deputy administrator if the agency “is given the time necessary to provide a comprehensive analysis.”

Perciasepe was nominated for the position in May, and the Environment and Public Works Committee approved the nomination in July (134 DEN A-2, 7/16/09).

**Allowance Distribution, Auctions.** The revised climate bill unveiled Oct. 23 sets aside a significant portion of allowances to be distributed for free to electric utilities, coal-fired power plants, and natural gas distribution companies to hold down their compliance costs as well as energy costs for consumers. The chairman’s mark also would auction 15 percent of allowances and would use the proceeds to benefit low and moderate income families, with that portion increasing to 18.5 percent beginning in 2029.

Many majority members of the committee, including Sens. Frank Lautenberg (D-N.J.), Ben Cardin (D-Md.), Bernard Sanders (I-Vt.), and Jeff Merkley (D-Ore.), said Congress has delayed action on climate change for too long. Kerry, while not a member of the committee, echoed those concerns in his testimony before the panel.

“I understand that there is some concern inside the Senate that this process is moving too quickly,” Kerry said. “I’ll put aside my own feeling that a process that began over twenty years ago is quick only by Senate standards. But within the constraints of the Senate, we know this is only one step—albeit a crucial one—in a broad, comprehensive, Senate-wide effort” that will include input from five other Senate committees and continued negotiations after that.

Sens. Arlen Specter (D-Pa.) and Max Baucus (D-Mont.) were more cautious. Baucus said the bill’s 20 percent by 2020 target for cutting emissions is too aggressive, and both senators said the bill should preempt EPA regulation of greenhouse gases. That prohibition

was included in the House-passed climate bill but is absent from the Kerry-Boxer measure.

“I have serious reservations about the depth of the midterm reductions,” said Baucus, who urged Boxer to find a compromise on the targets and EPA preemption before the bill clears the committee.

**Drop in Emissions Reductions.** Boxer told reporters after the hearing that she believes Baucus will be swayed by data showing U.S. emissions reductions have declined sharply as a result of the economic downturn, which would make the 20 percent reductions by 2020 more easily attainable.

But Baucus, who also will play a key role in the passage of the Senate climate bill as chairman of the Senate Finance Committee, applauded Kerry and Boxer for working to reduce the impacts of carbon caps on various industries.

The Senate must act to combat climate change, Baucus said. “That’s why I support passing common-sense climate legislation—and the key word there is passing” legislation.

BY DEAN SCOTT

*Links to the full text of Sen. Boxer’s chairman’s mark, summaries of key changes from the earlier version of the bill and of the distribution of allowances, and EPA’s analysis are available at <http://epw.senate.gov/public/index.cfm?FuseAction=Majority.PressReleases>. Click on “10/23/09 Boxer Releases Chairman’s Mark of Clean Energy Jobs and American Power Act.”*

## Solid Waste

### **GAO Report Sees Progress by Government On Electronic Waste, Room for Improvement**

**T**he federal government has taken positive steps toward ensuring that its electronic goods are responsibly managed, but many agencies and facilities could be doing more, according to a Government Accountability Office report released Oct. 27.

The federal government spent nearly \$75 billion on electronic products and services in 2009, and it disposes of 10,000 units each week, according to the report, *Federal Agencies Could Improve Participation in EPA’s Initiatives for Environmentally Preferable Electronic Products*. Two five-year-old initiatives are designed to assist federal procurement officials in selecting electronics with environmental attributes that save money through reduced energy usage and extend the life spans of those products.

Testifying before the House Committee on Oversight and Government Reform’s Subcommittee on Government Management, Organization, and Procurement Oct. 27, report author John B. Stephenson, director of natural resources and environment for GAO, said the fact that one-third of agencies are taking part in those initiatives is admirable, but it also means that two-thirds are not participating.

Executive Order 13423, signed by President Bush in January 2007, requires agencies to take steps to manage electronics more responsibly, but many agencies have yet to do so, the report said.

The GAO report focused on two Environmental Protection Agency initiatives: the electronic product envi-

ronmental assessment tool, which was developed along the lines of the Department of Energy’s Energy Star program and seeks to help procurement officials make informed decisions about electronics; and the federal electronics challenge, which provides resources to extend product life spans, operate them efficiently, and expand markets for recovered materials.

**Government Participation.** Sixteen federal agencies and 215 federal facilities participated in the federal electronics challenge to some extent in 2008, the GAO report said.

Those participating reported that 50 percent of electronics taken out of service were donated for reuse, 40 percent were recycled, 8 percent were sold, and 2 percent were disposed of.

The GAO report said that despite that participation and relative success, “few participating agencies and facilities maximize these programs’ resources and their potential benefits.”

It added, “For some, participation simply means the agency identified its current practices for managing electronic products and set goals to improve them” rather than fully implementing parts of the program designed to ensure that waste is handled appropriately.

For example, Stephenson said, an August 2008 GAO report found that federal government electronic waste is sometimes shipped overseas to countries that do not have the capacity to safely handle the waste (181 DEN A-6, 9/18/08).

**Restrictions on Exporting E-Waste.** Testifying before the committee, Reps. Mike Thompson (D-Calif.) and Gene Green (D-Texas) said the issue is an important one for the federal government to address. In May, Green introduced and Thompson co-sponsored a bill (H.R. 2595) that would amend the Solid Waste Disposal Act to prohibit the export of restricted electronic waste to countries that are not equipped to safely recycle it.

Rep. Brian Bilbray (R-Calif.) said he would like to see the federal government take the lead in encouraging electronics recycling within the United States.

“It pains me to watch ships on the West Coast drop off automobiles and get filled up with cardboard and plastics and for those ships to go off with our waste products,” he said.

He said the government should be more proactive in providing solutions such as encouraging recycling within the United States.

“We’re quick to outlaw certain options, but we’re not good at providing solutions,” he said. “That’s when the bootleg options become popular.”

BY CHARLOTTE E. TUCKER

*The GAO report, Federal Agencies Could Improve Participation in EPA’s Initiatives for Environmentally Preferable Electronic Products, is available at <http://www.gao.gov/new.items/d10196t.pdf>.*



## Federal Facilities

### Maryland Drops Fort Meade Cleanup Lawsuit, Credits Binding Federal Facilities Agreement

**M**aryland has voluntarily withdrawn a lawsuit against the Department of the Army, ending a long-running dispute over cleanup of the Fort George G. Meade superfund site, according to the Maryland Department of the Environment (*Maryland Department of the Environment v. U.S. Department of the Army*, D. Md., No. AMD-08-CV-3443, lawsuit withdrawn 10/16/09).

Department spokesman Jay Apperson told BNA Oct. 26 that the state submitted a notice of voluntary withdrawal Oct. 16 to the U.S. District Court for the District of Maryland.

Getting an “enforceable and binding agreement” for the cleanup of the site was the purpose of the lawsuit, he said. The lawsuit was filed in December 2008 (249 DEN A-1, 12/30/08).

Since the Environmental Protection Agency rescinded an administrative order for compliance against Fort Meade on Oct. 19 and an interagency federal facilities agreement went into effect Oct. 6, no reason exists to pursue the legal complaint, Apperson said.

Fort Meade is situated between Baltimore and Washington. It has been on EPA’s National Priorities List of the most seriously contaminated superfund sites since 1998. Contaminants at various operating units, or “sub-sites,” scattered across the 13,500-acre property include solvents, heavy metals, explosives, munitions, arsenic, and polychlorinated biphenyls. Volatile organic compounds and pesticides have been detected in residential wells in nearby Odenton, Md.

**Standoff Over Cleanup.** For several years there was a standoff between the Army and EPA over which agency had the authority to determine and enforce a remediation plan and schedule for cleanup of the contamination.

Army officials had refused to sign a federal facilities agreement with EPA, although the Army did carry out some remediation activities. In 2007, EPA issued an administrative order for compliance, but the Army did not recognize EPA’s authority at that time.

In September 2008, the Senate Environment and Public Works Committee conducted hearings on the matter. Sen. Benjamin Cardin (D-Md.), a member of the committee, and Sen. Barbara Boxer (D-Calif.), who chairs the committee, chastised Army officials for failure to comply with EPA’s order.

In early December, the Department of Justice issued a letter upholding EPA’s authority to require the Army to sign a federal facilities agreement for Fort Meade.

Maryland initiated the lawsuit Dec. 23, 2008, saying the Army had taken “no specific and enforceable steps to do so.”

EPA announced June 22 that an agreement had been reached by the Army, EPA, the U.S. Fish and Wildlife Service, and the U.S. Architect of the Capitol (118 DEN A-4, 6/23/09).

According to Mary Doyle, community relations officer at Fort Meade, the federal facilities agreement went into effect Oct. 6 after a public comment period.

Doyle said in an e-mail that Fort Meade continued to work through its environmental remediation efforts throughout the negotiation of the federal facilities agreement. “We are dedicated to correcting our mistakes of the past and completing the remediation tasks set before us for the benefit of our residents and employees as well as our neighbors in surrounding communities,” Doyle said.

BY JANICE VALVERDE

*The 90-page Federal Facilities Agreement for Fort Meade is available at [http://www.fortmeade-ems.org/users/admin\\_gdoc/%7B64160877-7A21-4E47-AA0B-B3FC85044DB1%7D\\_Fort%20Meade%20FFA%20Effective%20on%20October%206,%202009.PDF](http://www.fortmeade-ems.org/users/admin_gdoc/%7B64160877-7A21-4E47-AA0B-B3FC85044DB1%7D_Fort%20Meade%20FFA%20Effective%20on%20October%206,%202009.PDF).*

## Water Pollution

### Oregon Releases Final Toxic Pollutant List As One Step in Long-Term Reduction Plan

**P**ORTLAND, Ore.—The Oregon Department of Environmental Quality released the final list in late October of 118 toxic pollutants as part of a long-term plan to reduce their presence in water over the coming years.

Oregon appears to be the first state in the nation to have developed a list of toxic pollutants related to surface waters combined with a regulatory strategy to reduce these pollutants, Kevin Masterson, toxics coordinator for the Department of Environmental Quality, said Oct. 27.

The final list of toxic pollutants includes two types: substances that persist in water environments and those that accumulate in the tissues of people, wildlife, or plants. The pollutants include flame retardants, pesticide and herbicide ingredients, pharmaceuticals, ingredients in personal care products, metals, and industrial chemicals.

The second type of toxic pollutant includes “legacy” pollutants that have been banned or restricted for years but remain in sediment and tissues samples at detectable levels. They include dioxins, DDT, furans, PCBs, and chlordane.

**State to Set ‘Trigger Levels.’** Early next year the agency plans to develop rules for “trigger” levels for priority persistent pollutants. Data in the final list will include detailed criteria for determining at what point the levels of persistent, bioaccumulative, and toxic pollutants should trigger wastewater facilities to prepare reduction plans for specific pollutants (166 DEN A-6, 8/31/09).

By June 2010, the agency plans to issue a report to the Legislature on the final list of toxic pollutants, identify the sources of the pollutants, and devise ways to reduce the amount of the pollutants that end up in Oregon’s waters.

By July 2011, large municipal wastewater treatment plants are to develop toxic reduction plans to reduce persistent toxic pollutants as part of their National Pollutant Discharge Elimination Systems permits.

The long-range plan for reducing such persistent toxic pollutants was developed as part of a bill (S.B. 737) that was adopted by the Legislature in 2007.

BY TOM ALKIRE



More information on the final list of toxic pollutants is available at <http://www.deq.state.or.us/wq/SB737> under "Documents to Download," in the right hand column.

## Energy

### Obama Announces Billions for Smart Meters, Other Components of Advanced Grid System

President Obama on Oct. 27 announced \$3.4 billion in funding to modernize the country's electricity transmission system, the largest investment to date in creating a "smart" structure designed to improve the efficiency of the power grid, expand renewable power generation, and allow two-way digital communication between generators and their customers.

Obama announced the grants—which went to 100 projects in 49 states—at a Florida utility-scale solar power plant billed as the largest of its kind in the nation.

"[W]e've got to do more than just add extra solar megawatts to our electrical grid," Obama said, according to a transcript of his remarks. "That's because this grid—which is made up of everything from power lines to generators to the meters in your home—still runs on century-old technology."

The largest chunk of the funding—\$3 billion—will be used for so-called smart meters that give customers two-way communication capability to see their electric prices and consumption levels in real time, as well as other digitized grid components.

Other components funded by the awards include more than 200,000 smart transformers that alert power companies before they fail, 850 sensors that allow operators to better monitor grid conditions to prevent blackouts and incorporate intermittent renewable energy sources into the electricity supply, and 700 automated substations that will make it easier to respond to power outages, according to the White House.

Specific awards included \$200 million for Maryland's Baltimore Gas and Electric Co., which plans to deploy smart meters for the utility's entire 1.1 million customer base.

**'Antiquated System.'** Carol Browner, White House energy and environmental policy coordinator, told reporters in an Oct. 26 telephone briefing that the investments will have a "transformational impact on how electricity is generated and delivered."

"We have a very antiquated system in this country," she said. "We need to upgrade that system."

The funding, appropriated through the American Recovery and Reinvestment Act, totals more than \$8 billion when combined with matching industry funds and will create tens of thousands of jobs across the country, administration officials said.

Conversion to a nationwide smart grid is expected to cost \$150 billion or more over the next two decades and reduce electricity use in the country 4 percent by 2030, according to the Electric Power Research Institute.

The awards were applauded by Rep. Gabrielle Giffords (D-Ariz.), one of Congress' leading proponents of solar power. A utility in her district, Southwest Transmission Cooperative Inc., was awarded \$32 million for

the installation of smart meters and other improvements.

"This critical investment by the federal government will be key in the large-scale use of solar energy," Giffords said in a statement. "We need a 21st century distribution system to bring the full benefits of solar and other renewable energy sources to as many people as possible."

Karen Harbert, president and chief operating officer of the U.S. Chamber of Commerce's Institute for 21st Century Energy, also lauded the "long overdue" funding announcement but said siting and permitting issues that have held up the construction of transmission projects need to be resolved as well.

"Without additional transmission capacity, our grid will not be able to meet increased demands, no matter how smart it is," she said in a statement.

The announcement contained no funding for the construction of new power lines, though administration officials said funding for building power lines that connect renewable energy sources with cities and other areas of high demand will be addressed under a recently announced loan guarantee program.

**Nine Agencies Sign Agreement.** In addition, Obama said nine federal agencies have signed a memorandum of understanding "that will help break down the bureaucratic barriers that currently make it slow and costly to build new transmission lines on federal lands."

The nine agencies are the Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Environmental Protection Agency, Council on Environmental Quality, Federal Energy Regulatory Commission, Advisory Council on Historic Preservation, and Department of the Interior.

Separately, the U.S. Treasury Department announced the allocation of \$2.2 billion in Clean Renewable Energy Bonds for 805 recipients across the country to help government agencies, public power providers, and cooperative electric companies obtain lower-cost financing for clean energy development projects.

By ARI NATTER

A full list of the smart grid projects selected for funding by the Obama administration is available at [http://www.energy.gov/recovery/smartgrid\\_maps/SGIGSelections\\_Category.pdf](http://www.energy.gov/recovery/smartgrid_maps/SGIGSelections_Category.pdf).

## Toxic Substances

### Report to Highlight Retailers' 'Best Practices' Managing Chemicals in Products They Sell

Large and small retailers are adopting a variety of practices to know about and manage chemicals in the products they sell, the author of a forthcoming report on that subject told BNA in a recent interview.

Yve Torrie, project manager at the University of Massachusetts' Lowell Center for Sustainable Production, told BNA Oct. 14 that she is working on a report that looks at drivers causing retailers to develop chemicals management systems for products, the structure of different approaches they are using, obstacles encountered, and benefits recognized.

A draft copy of that report, *Best Practices in Product Chemicals Management in the Retail Industry*, pro-

duced in partnership with the Green Chemistry and Commerce Council (GC3), was released Oct. 6 at the Retail Industry Leaders Association's Environmental Sustainability and Compliance Conference. The GC3, a project of the Lowell Center, seeks to promote and support green chemistry and the design for environment approach to research and practices nationally and internationally among companies and other governmental and nongovernmental entities.

A final version of the report is expected to be released by the end of November, Torrie said.

**Regulations, Consumers Driving Trend.** The draft report states that "a growing regulatory trend toward limiting the use of certain hazardous chemical ingredients has many retailers scrambling to find ways to manage their complex supply chains. They also are on the front line with consumers concerned about the safety of the products they sell."

But retailers are "quickly learning that all too often information available to them regarding the chemical contents, let alone the toxicity, of these products is lacking in detail or is non-existent, and that complex supply chains can hinder the collection of critical product content information," the draft report said.

The draft report states that its goal is to provide firms with experiences and lessons from a range of retailers' efforts to more effectively manage chemicals in products so that other retailers can understand and improve their own chemical and ingredient management practices.

Torrie said the final list of companies that will be featured in the final report is under discussion, but the draft report includes Apple, Wal-Mart, Staples, Patagonia, and Boots, a British-based firm that describes itself as a "pharmacy-led health and beauty retailer."

**'Completely Different' Approaches.** The approaches retailers are using are all completely different, Torrie said.

Some retailers use a restricted substances list that bans certain chemicals from being in products they sell, Torrie said.

Other retailers look for independent organizations to certify a product as meeting particular safety or environmental criteria and then encourage their suppliers to become certified, she said.

For example, Patagonia has used bluesign®, an independent environmental standard for the textile industry.

According to bluesign's website, it looks for production processes that are designed around maximum resource productivity with a view to environmental protection, health, and safety and which provide an assurance for manufacturers and retailers that quality and sustainability criteria are fulfilled and that applicable regulations and limits are complied with.

**GreenWERCS Seeks to Serve Retailers, Suppliers.** In 2006, Wal-Mart announced that it wanted its suppliers to find substitutes for two chemicals used in household insecticides and for nonyl phenol ethoxylates, an ingredient in some cleaning products (210 DEN A-3, 10/31/06).

Since then, the draft report said, Wal-Mart decided not to urge the elimination of specific chemicals but to give preference to products that score well through the GreenWERCS screening process, the draft report said.

A coalition of suppliers and nongovernmental organizations worked with Wal-Mart and The Wercs®, which has developed Material Safety Data Sheet software, to develop a software program called the GreenWERCS Chemical Screening Tool, which was completed in May.

The software assesses chemicals in products based on ingredient information provided on a confidential basis by suppliers plus MSDS sheets, the draft report said.

The chemicals in a product are screened and classified as persistent, bioaccumulative, and toxic; carcinogens, mutagens, and reproductive toxicants; or endocrine disruptors based on "published and authoritative lists of chemicals of concern," according to the draft report. The software uses 30 separate lists that contain information on about 2,400 chemicals, it said.

**Scores Product.** GreenWERCS generates a score for a finished product based on the properties and levels of the individual chemicals in a product.

Wal-Mart receives information it would need to know about the safety and other characteristics of a product, she said. Wal-Mart and other retailers using GreenWERCS can ask the supplier to let them download additional information, but the exact ingredient percentages and trade secret information will not be sent to a retailer, the draft report said.

Suppliers receive a score for their products along with scores from other products in the same category, the draft report said.

GreenWERCS has developed a feature called a "sandbox" that allows suppliers to experiment with different product formulations. "This encourages suppliers to make changes in product formulations so they can gain a better score in the GreenWERCS system," the draft report said.

**Consumers' Issues Change.** A lot of retailers have been working on their chemical management systems "below the radar screen," Torrie said. They are concerned that if it becomes known they are active on one societal issue, they may be criticized for not being active on another topic, she said.

Consumer preferences change, she said. Boots began working on a chemical management system in the early 2000s when the issue of toxics was paramount on consumers' minds, Torrie said. Now climate change and labor practices are foremost on its customers' minds, she said.

By PAT RIZZUTO

*Once finalized, the best practices report will be available on the Green Chemistry and Commerce Council's website at <http://www.greenchemistryandcommerce.org/home.php>.*

## Hazmat Transport

### **Senate Commerce Committee Approves Quarterman, Ferro Nominations**

**T**he Senate Commerce, Science, and Transportation Committee on Oct. 27 approved the nominations of Cynthia Quarterman to head the Department of Transportation's Pipeline and Hazardous Materials

Safety Administration and Anne Ferro to head DOT's Federal Motor Carrier Safety Administration.

The nominees had their confirmation hearings together on Sept. 24, and Ferro was questioned about whether she was a good fit for the job. Ferro's background as the head of the Maryland Motor Truck Association made some of the senators question whether, as Sen. Frank Lautenberg (D-N.J.) said, she would be able to take the "bold action needed to keep Americans safe" (183 DEN A-11, 9/24/09).

Quarterman also was the subject of some criticism, though not from senators. The Pipeline Safety Trust, a nonprofit pipeline safety organization, said her job as an oil and gas industry attorney raised questions about whether she would be tough enough on the pipeline industry.

Quarterman is a partner with Washington, D.C., law firm of Steptoe & Johnson LLP. She said during her confirmation hearing that an examination of the special permits program would be a top priority if she is confirmed, and added that she would like to step back and focus on how the special permits program works.

Quarterman served in the Department of the Interior from 1995 to 1999 as director of the Minerals Management Service.

The nominees were asked after the hearing to answer more detailed questions from committee members.

It is not clear when the full Senate will vote on the nominations.

BY CHARLOTTE E. TUCKER

## Biotechnology

### Monsanto Asks Supreme Court to Review Ninth Circuit Bar on Roundup Ready™ Alfalfa

**M**onsanto Co., Forage Genetics International, and two alfalfa farmers on Oct. 22 asked the U.S. Supreme Court to reverse a ruling that genetically modified alfalfa cannot be sold or planted until the Agriculture Department performs an environmental study (*Monsanto Co. v. Geertson Seed Farms*, U.S., No. 09-475, petition filed 10/22/09).

The petitioners are challenging a ruling by the U.S. Court of Appeals for the Ninth Circuit that upheld a nationwide injunction against Roundup Ready® alfalfa because of the possibility of cross-contamination of nearby fields with different varieties of the plant (*Geertson Seed Farms v. USDA*, 570 F.3d 1130, 69 ERC 1 (9th Cir. 2009); 171 DEN A-10, 9/4/08).

Petitioners argue that the Ninth Circuit erred in holding that plaintiffs relying on the National Environmental Policy Act are exempt from a requirement to show a likelihood of irreparable harm to obtain an injunction.

They also assert that the appellate court erred in holding that a district court may enter an injunction sought to remedy a NEPA violation without conducting an evidentiary hearing on genuinely disputed facts.

**Adequacy of NEPA Process at Issue.** The U.S. District Court for the Northern District of California halted planting of the modified seeds pending a full evaluation under NEPA (*Geertson Farms Inc. v. USDA*, No. C-06-1075 (N.D. Cal. 5/3/07); 87 DEN A-7, 5/7/07).

Petitioners also argued that by affirming a nationwide injunction, the Ninth Circuit misapplied the Supreme Court's holding in *Winter v. NRDC*, 129 S.Ct. 365, 67 ERC 1225 (2008)—a case involving alleged harm to whales—which said that a mere remote possibility of irreparable harm was insufficient to affirm a nationwide injunction.

In June 2005, the USDA approved genetically engineered alfalfa for release that month. The engineered seeds are resistant to glyphosate, the active ingredient in Roundup herbicide.

Farmers, consumers, and environmentalists then joined together to block Monsanto's commercial introduction of the alfalfa by filing suit in the district court, alleging that the government had failed to correctly assess the risks of the herbicide-tolerant alfalfa.

The plaintiffs asked the court to vacate the USDA determination until a full environmental impact assessment could be conducted.

The lawsuit demanded that the altered alfalfa not be allowed to taint natural alfalfa crops.

An attorney for Monsanto did not immediately return a phone call on Oct. 27.

**Dissent in Case.** The 2-1 Ninth Circuit opinion was written by Judge Mary M. Schroeder and joined by Judge Valerie Fairbank. Judge N. Randy Smith dissented, saying, "The district court's failure to conduct the requisite evidentiary hearing prevents me from joining the majority's opinion."

Foreage Genetics is a subsidiary of Land O' Lakes Inc.

Daniel Mederos and Mark Watte are farmers who made substantial investments in and grew Roundup Ready alfalfa.

Monsanto is represented by Maureen E. Mahoney, Richard P. Bress, Philip J. Perry, J. Scott Ballenger, and Drew C. Ensign of Latham & Watkins LLP, Washington, D.C.

The other three petitioners are represented by Martha C. Luemers of Dorsey & Whitney LLP, Palo Alto, Calif.

In the Ninth Circuit, the federal appellants were represented by Marc Kesselman and the plaintiff-appellees were represented by George Kimbrell, both of Washington, D.C.

The Supreme Court has taken fewer cases as of late without any explanation as to why. Along that same line, only a small number of environmental cases are on the docket for the Supreme Court's October 2009 Term, which began this month.

BY ROBERT C. COOK

*Text of the U.S. Court of Appeal's Geertson Seed Farms v. USDA amended opinion is available at <http://www.ca9.uscourts.gov/datastore/opinions/2009/06/24/07-16458.pdf>.*



## *Climate Change*

### **New Chevron Chief Joins U.S. Chamber In Criticizing Climate Change Legislation**

**T**he incoming head of Chevron Corp. said Oct. 27 that climate change legislation being debated in Congress will put the nation “on a straight path back to a preindustrial economy.”

John S. Watson, who will take over the reins Jan. 1 as Chevron’s chairman of the board and chief executive officer, delivered a bluntly negative assessment of the two leading carbon cap-and-trade bills (H.R. 2454, S. 1733) under consideration in Congress during a speech at the U.S. Chamber of Commerce.

“Both the House and Senate bills are an example of how goals detached from reality can do far more harm than good to the economy and to American workers,” Watson said.

Watson’s remarks come at a time when several Fortune 500 companies have left the Chamber because of the group’s vocal opposition to pending climate change legislation.

Watson said Chevron remains “a proud member” of the Chamber and praised the group’s efforts on behalf of U.S. businesses, large and small.

Watson, formerly Chevron’s chief financial officer, will succeed David J. O’Reilly, who has been Chevron’s chairman and CEO for the past 10 years.

**Unrealistic Goals, Watson Says.** The Senate draft bill, introduced by Sens. John Kerry (D-Mass.) and Barbara Boxer (D-Calif.), is working its way through the committee process. It would require a 20 percent drop in greenhouse gas emissions by 2020 from 2005 levels and an 83 percent cut by 2050.

“Sounds very catchy—20 by 20,” Watson said.

The reductions would be achieved through a cap-and-trade program that caps emissions and creates an allowance trading system for polluters, in addition to using offsets.

A similar cap-and-trade bill, introduced in the House by Reps. Henry Waxman (D-Calif.) and Ed Markey (D-Mass.), was passed by the House in June. It would require reductions of 17 percent by 2020 from 2005 levels and 83 percent by 2050.

Watson argued that even if the world’s entire transportation system had a zero-carbon solution, it would reduce global greenhouse gas emissions only by 15 percent.

If the entire global power generation system were replaced with a no-carbon solution, it would yield only a 25 percent reduction in global emissions, he said.

Together, zero-carbon transportation and electric generation would provide only a 40 percent reduction in emissions, which would not come close to meeting the long-term goals, he said.

**‘Trading in False Hopes.’** “In short, the world cannot replace its entire energy system in just a few decades,” Watson said, adding that in 20 years, the most that renewable energy can provide is about 20 percent of energy needs.

Watson accused climate change proponents of “trading in false hopes and inflated numbers.”

Watson said fossil fuels, which provide 80 percent of the world’s energy supply, will be around a long time.

“We need to accept that an economy free of all fossil fuels may just be beyond our reach,” Watson said.

Watson, making his first speech since his selection as the next Chevron boss, said the conversion away from conventional fuels will not take place in years or even decades. “It is the work of generations,” he said.

According to a company statement, Chevron has reduced its own carbon footprint and reduced its own energy usage through voluntary measures.

**Ecuador Lawsuit Continues.** Watson said Chevron will continue to fight a long-running environmental lawsuit involving oil exploration in Ecuador that makes some “wild claims.”

Plaintiffs representing the indigenous population in Ecuador’s Amazon rain forest contend that an area the size of Rhode Island was left unfit to live, the drinking water was contaminated, and the region is still seeing cancers and other health problems. They are seeking \$27 billion in damages for environmental remediation.

Chevron inherited the problem when it acquired Texaco in 2001, which had developed the oil and gas fields in Lago Agrio as part of a consortium with Petroecuador, the state oil company, almost three decades ago.

The case has been tried in Ecuadorian courts for 14 years without resolution.

On Sept. 23, Chevron filed for international arbitration before the Permanent Court of Arbitration in The Hague. Chevron accuses the government of Ecuador of violating international trade law.

Environmental groups Amazon Watch and the Amazon Defense Coalition, whose members picketed outside the Chamber building, have called on Chevron to clean up the rain forest. The lawsuit is the subject of a new documentary movie called “Crude” that has just been released.

BY LYNN GARNER

## *Climate Change*

### **Bill Calls for Coordinated Federal Strategy For Adapting to Effects of Climate Change**

**T**hree senators Oct. 27 introduced a bill that would establish several federal programs aimed at adapting to the effects of climate change in the United States.

The bill (S. 1933), offered by Sens. Jeff Bingaman (D-N.M.), Max Baucus (D-Mont.), and Sheldon Whitehouse (D-R.I.), is an effort to emphasize the importance of having a coordinated federal strategy for adapting to climate change’s effects.

The bill, the Natural Resources Climate Adaptation Act of 2009, is essentially a series of excerpts of the adaptation language in the more comprehensive climate change bill (S. 1733) introduced by Sens. John Kerry (D-Mass.) and Barbara Boxer (D-Calif.) in September, with minor differences in language.

David Marks, a spokesman for Bingaman, who is the chairman of the Senate Committee on Energy and Natural Resources, said it is not uncommon for senators to introduce sections of a large bill as standalone bills as a way of bringing attention to an issue. “It’s done all the time up here,” Marks said.

The adaptation bill would establish a Natural Resources Climate Change Adaptation Panel to set a national strategy for adapting to the effects of climate change in the United States. Those effects could include increases in ocean acidification, drought, the presence of invasive species, flooding, and wildfires.

The panel would include the heads of federal offices such as the Environmental Protection Agency, the Federal Emergency Management Agency, the National Parks Service, and the Bureau of Indian Affairs and would be led by the chairman of the White House Council on Environmental Quality.

The panel would serve “as a forum for interagency consultation on the implementation” of adaptation strategy.

Each agency represented on the panel would be responsible for establishing its own adaptation plan that would become part of the overall adaptation strategy. The adaptation plans would be submitted to both the president and the relevant congressional committees.

**Comes on Heels of GAO Report.** The introduction of the bill comes less than a week after the release of a report from the Government Accountability Office that found multiple federal agencies have plans to adapt to climate change but that there is no overarching strategy coordinating those plans. The adaptation bill and the language in the Kerry-Boxer bill would address that and several other problems highlighted in the GAO report (203 DEN A-4, 10/23/09).

The bill said any state government seeking adaptation funding would have to submit a state plan “to address the ongoing and expected impacts of climate change on natural resources within the State.” Those plans would be coordinated among states and tribal governments that have shared jurisdiction over resources.

Additionally, the bill would require state and federal adaptation plans to be subject to public review and to include publicly accessible data on climate change and its impacts. The GAO report highlighted the need for centralized climate change data and cooperation among state, local, and federal governments.

The bill would also establish a fund for climate change adaptation programs.

Marks said the bill—which would be funded with the proceeds of a greenhouse gas emissions cap-and-trade system—would probably be referred to the Environment and Public Works Committee, where it likely would be considered as part of the larger climate change bill.

By LEORA FALK

*Text of the Natural Resources Climate Adaptation Act of 2009 is available at [http://energy.senate.gov/public/\\_files/NaturalResourcesClimateAdaptationAct.pdf](http://energy.senate.gov/public/_files/NaturalResourcesClimateAdaptationAct.pdf).*

## *Climate Change*

### **Boxer Says Recent Drop in U.S. Emissions Makes 20 Percent Cut by 2020 Feasible**

Sen. Barbara Boxer (D-Calif.) on Oct. 27 defended the 20 percent by 2020 target for cutting greenhouse gas emissions under the Senate climate change bill, saying a two-year decline in emissions linked to an economic downturn gives industry a leg up in meeting those targets.

The Senate bill’s 2020 reductions, more stringent than the House bill’s 17 percent cut over the same period, is seen by some coal-state Democrats as unrealistic given that the nation relies on coal to generate about half of its electricity. Sen. Max Baucus (D-Mont.) questioned the feasibility of making such a steep reduction over the next decade at a hearing earlier in the day before the Senate Environment and Public Works Committee, which Boxer chairs. (See related story in this issue.)

But Boxer told reporters after the hearing that U.S. emissions already have fallen about 8 percent during the past two years, which would essentially give power plants and other operations a head start in meeting the 20 percent cut. Both the House and Senate bills would measure their 2020 reductions from 2005 emissions levels.

Introduced by Sen. John Kerry (D-Mass.) and Boxer Sept. 30, the Clean Energy Jobs and American Power Act (S. 1733) would establish an emissions trading system requiring power plants and other operations to hold allowances for each ton of greenhouse gases they emit.

U.S. greenhouse gas emissions increased steadily between 1990 and 2007 but declined in 2008 and are projected to do so again in 2009. Carbon dioxide emissions from fossil fuel combustion declined 2.8 percent in 2008 from the year before and are expected to fall another 5.9 percent in 2009, according to the Energy Information Administration, the Energy Department’s statistical arm.

**2020 Target Key Test for Markup.** Many Democrats on the environment committee support the 20 percent target, perhaps enough to ensure its survival when Boxer moves the climate bill to a committee markup in November.

But the bill will ultimately need the support of more than a dozen Democrats from coal states, the Midwest, and the South—including Baucus as well as Sens. Arlen Specter (D-Pa.), John Rockefeller (D-W.Va.), and Robert Byrd (D-W.Va.)—to get the 60 votes needed to force a floor vote.

As chairman of the Senate Finance Committee, Baucus also will play a key role in shaping how the bill allocates emissions allowances and in drafting a border tariff or other mechanism to protect energy-intensive industries such as steel and cement from unfair competition from nations that do not address their emissions.

Baucus said he supports passage of a climate bill but not a 20 percent by 2020 reduction target.

“I do have some concerns about the overall direction of the bill before us today and whether it will lead us closer to—or further away from—passing climate change legislation,” he said at the hearing, including

“serious reservations” about the depth of the midterm reduction targets.

Baucus also wants the bill to preempt the Environmental Protection Agency from regulating greenhouse gas emissions. Specter also supported such a preemption, which is included in the House climate bill but is absent from the Kerry-Boxer bill.

Hearings on the Senate climate bill before Boxer’s environment committee are scheduled to continue Oct. 28-29.

The House passed its climate bill (H.R. 2454) in June.

By DEAN SCOTT

## Regulatory Policy

### **OMB Seeks Comment on Improving Agency Efforts to Cut Paperwork Burdens**

**T**he Office of Management and Budget on Oct. 27 announced it is seeking public comment on how to “strengthen and improve” implementation of the Paperwork Reduction Act of 1995 by the Environmental Protection Agency and other federal agencies (74 Fed. Reg. 55269).

While information collection is critical to evidence-based decision making and informed government operations, unnecessary paperwork requirements can impose serious burdens on the public, especially small entities, OMB said.

Over the years, the number of hours that entities have spent responding to federal government information collections has been steadily increasing. In fiscal year 2000, the public spent an estimated 7.4 billion hours responding to information collections subject to the Paperwork Reduction Act. In FY 2007, the number of hours grew to an estimated 9.64 billion, an increase of more than 30 percent, OMB reported.

The OMB’s Office of Information and Regulatory Affairs (OIRA) released its request for comment in the Oct. 27 *Federal Register*. Comments are due by Dec. 28.

The Paperwork Reduction Act requires federal agencies to minimize the burden on the public resulting from their information collections and to maximize the practical utility of the information collected.

Agencies estimate PRA paperwork burden in terms of the time and financial resources the public devotes annually to responding to information collections. They define “burden” as the time, effort, or financial resources expended to provide information to or for a federal agency or otherwise fulfill statutory or regulatory requirements.

**Inconsistent Estimates Targeted.** Still, despite public input and certain common techniques, agency estimation methodologies can sometimes produce imprecise and inconsistent burden estimates, OMB’s notice said.

This is a particular concern in the case of large collections, especially those that are measured in millions of hours or tens of millions of dollars. OMB is seeking comment on how to improve the current situation.

It is asking for examples of substantially inaccurate burden estimates, new and improved practices for estimating burdens, any distinctions between mandatory and voluntary information collections, and the extent to

which small entities could be exempted or treated differently.

Federal agencies also must maximize the utility of the information they collect. For example, with the increasing use of the Internet to collect and disseminate information, more agencies are looking to improve their websites and electronic forms and questionnaires.

The notice asked how OMB can improve the PRA review process in a way that increases efficiency and timeliness for agencies while ensuring practical utility and minimizing burdens on the public.

Another question is whether OMB should encourage agencies to adopt “one-stop” information collection techniques, which consolidate multiple forms via a single electronic form to reduce the burden on the public.

By CHERYL BOLEN

## Wetlands

### **EPA Needs Strategy to Identify Violations, Enforce Section 404, Inspector General Says**

**T**he Environmental Protection Agency should develop and implement a Clean Water Act enforcement strategy to better address wetlands, streams, and other surface waters, the agency’s inspector general said in a report released Oct. 26.

EPA lacks a consistent framework for identifying Section 404 violations, for which it is responsible under a 1989 memorandum of understanding with the U.S. Army Corps of Engineers, the report said. Section 404 regulates the discharge of dredge or fill material into “waters of the United States,” including wetlands and other surface waters.

“Without an effective framework or strategy, EPA cannot be assured that it is sufficiently protecting wetlands and other surface waters from § 404 violations involving dredged or fill activity,” the report said.

The report recommended that EPA create a national tracking system for complaints and referrals from the corps as well as for repeat and flagrant violators, improve coordination with the corps, address barriers to interagency communications, consider leveraging other resources to identify violations, and develop cross-training opportunities with other federal agencies and states.

The inspector general also recommended that EPA, in collaboration with the assistant secretary of the Army for civil works, revise the agency’s 1989 memorandum of agreement.

EPA has the lead enforcement role for flagrant or repeat violations involving cases in which the violator has not applied for a valid Section 404 permit through the Corps of Engineers.

Primarily because of a limited field presence, the report said EPA identifies violations through “a passive, reactive method of relying on complaints and referrals from external sources.”

EPA relies on external sources, particularly the corps, for information about violations, and the corps itself takes a reactive approach to violations, the report said. The corps primarily learns about Section 404 violations through external sources, often from citizens, the report said.



**National Data Incomplete.** An incomplete national data system and sporadic coordination with enforcement partners further impair EPA's ability to maintain an effective Section 404 enforcement program, according to the inspector general.

The only states that must report their wetlands compliance and enforcement activities to EPA are those authorized to implement Clean Water Act Section 404 programs—Michigan and New Jersey. The 29 states that supplement the program with state enforcement are not authorized to implement the federal program or obligated to report their program activities to either EPA or the corps. The remaining 19 states rely on the federal government for enforcement.

While some states publish annual reports listing wetland violators by name and providing a list of repeat violations, EPA regional staff members said they do not use the reports to identify possible Section 404 violations, the inspector general's report said.

EPA's enforcement database does not provide complete Section 404 histories. In addition, EPA staff cannot directly access corps' enforcement records, the report continued. While the corps' regulatory database may contain a violator's past history, the history might not include all state-level enforcement activity, leading to problems in tracking repeat offenders.

The report cited an "enormous variation" in state wetlands enforcement programs, which further complicates coordination efforts.

Although EPA's Office of Enforcement and Compliance Assurance says EPA should have a process for identifying illegal activities in wetlands, EPA has no strategy beyond the 1989 memorandum of understanding with the corps.

The 1989 memorandum provides only general details on cases that should be referred to EPA, and most EPA regions have not developed a standard referral process with their corresponding corps' districts, the report said.

Coordination with federal agencies in developing enforcement cases also is needed, the inspector general said. For example, the report said, the Agriculture Department's Natural Resources Conservation Service prohibits the release of enforcement determinations to agencies outside the department.

EPA agreed to develop and implement a comprehensive enforcement strategy, saying it may initially focus or pilot the strategy in a particular watershed, such as the Chesapeake Bay. The Office of the Inspector General expressed concern that focusing on a single watershed will not provide EPA with a comprehensive evaluation.

EPA also said it should gain experience with an enforcement strategy before revising its 1989 memorandum with the corps.

**Impact of *Rapanos* Case.** Another issue for EPA is its uncertainty over whether it has the legal authority to bring enforcement action even when it and its partners are aware of violations.

Responding to a draft of the inspector general's report, EPA maintained that the effect of Supreme Court decisions on jurisdiction over U.S. waters in 2001 and 2006 "cannot be overstated."

Following the 2006 Supreme Court split decision in *Rapanos v. United States* (547 U.S. 715, 62 ERC, 1481 (2006)), EPA dropped 77 potential Clean Water Act Sec-

tion 404 cases between July 2006 and December 2007 because it was uncertain whether it could establish jurisdiction under the Clean Water Act (130 DEN A-10, 7/8/98).

"EPA is now required to devote significant resources to jurisdictional determinations before it decides whether to pursue an enforcement case," EPA Assistant Administrator Cynthia Giles wrote Oct. 9 in a response to the draft report. "This issue will continue to impact any enforcement strategy developed by the agency."

BY LINDA ROEDER

*The EPA Office of Inspector General report, EPA Needs a Better Strategy to Identify Violations of Section 404 of the Clean Water Act, is available at <http://www.epa.gov/oig/>.*

## Enforcement

### Chemical Manufacturer Agrees to Pay \$155,000 Fine to Settle Air Pollution Charges

**B**OSTON—A multinational chemical manufacturer has agreed to spend \$305,000 to resolve charges that it violated federal clean air rules at its plant in Wallingford, Conn., by emitting excess hazardous air pollutants, the Environmental Protection Agency said Oct. 26.

New Jersey-based Cytec Industries Inc. will pay a civil penalty of \$155,000 and spend \$150,000 on an environmental project to reduce volatile organic compound and methane emissions from a landfill located at its facility in Wallingford under the terms of the administrative settlement, according to EPA Region 1.

The company had manufactured resins at the Wallingford plant which were used to coat certain types of furniture. EPA said an inspection of that operation revealed that Cytec emitted excess hazardous air pollutants, including formaldehyde and methanol, in violation of the National Emissions Standards for Hazardous Air Pollutants for amino and phenolic resins.

EPA said Cytec also failed to submit an adequate operating plan for several tanks that store volatile liquids and failed to properly respond to EPA's requests for information.

"Hazardous air pollutants can pose a serious risk to workers and to the public," EPA Acting Region 1 Administrator Ira Leighton said in a statement. "It is critical that all companies make every effort to comply with environmental laws and regulations and minimize pollution."

The environmental project that Cytec has agreed to undertake involves a two phase effort to reduce VOCs and methane emissions from the landfill.

Under terms of the settlement, Cytec will conduct emissions monitoring and subsequently design and implement a system to capture and control 75 percent of VOC and methane emissions from the landfill. This system could result in reductions of up to 2,500 tons of methane emissions and six tons of VOC emissions, EPA said.

EPA said it has also been informed by Cytec that it has stopped producing spray dried resins and will dismantle the plant's resin production line. The company

still maintains storage vessels for other production lines and has submitted a revised operating plan for them.

**Cytec's Response.** Cytec said in a statement that it has taken many steps to protect the environment, including closely monitoring and regulating all of its operations to ensure compliance with local, state, and federal regulations.

The company also said that at the Wallingford plant it has reduced hazardous air pollutant emissions by 63 percent from 2002 to 2008 while production decreased by 38 percent. Moreover, in 2008 the Wallingford plant installed an advanced air emission control system that removes 99.7 percent of emissions from the largest production equipment trains at a cost of more than \$2 million.

In addition, Cytec said that in 2008 the company began production at the Wallingford plant of a new product line of ingredients for environmentally friendly, water-borne paints and stains.

BY MARTHA KESSLER

*Additional information on clean air enforcement in New England is available at <http://epa.gov/ne/enforcement/air/index.html>.*

## Climate Change

### **California Officials Want Loopholes Closed In Proposed EPA-NHTSA Auto Emissions Rule**

**L**OS ANGELES—California regulatory officials Oct. 27 urged the Obama administration to close loopholes in the proposed national greenhouse gas and fuel economy standards for vehicles to ensure the program achieves its emissions reduction goals.

The call to strengthen the proposals came at the third and final hearing the Environmental Protection Agency and National Highway Traffic Safety Administration held on the joint rulemaking in Los Angeles.

Initially released Sept. 15, the draft rule would require passenger cars and light-duty trucks by 2016 to achieve an average 35.5 miles per gallon, making them 40 percent more fuel efficient than current vehicles (177 DEN A-1, 9/16/09).

The rule also would impose a national average carbon dioxide emissions standard of 250 grams per mile, which would cut the heat-trapping emissions from vehicles 21 percent nationally by 2030.

California State Sen. Fran Pavley (D), author of the state measure (A.B. 1493) that was the basis for the national proposal, praised the draft rule because it represents the first joint EPA-NHTSA rulemaking effort. It also preserves California's authority under the Clean Air Act to set its own vehicle emissions standards, she said.

Pavley was the first of the nearly two-dozen witnesses testifying at the hearing that expressed concern about provisions in the draft rule that would allow automobile manufacturers to earn credits for introducing plug-in hybrids, electric, and other advanced vehicle technologies.

**Proposal Ignores 'Upstream' Emissions.** The proposed credit provision fails to consider the "upstream" greenhouse gas emissions of electric vehicles and plug-in hy-

brids, Tom Cackette, California Air Resources Board chief deputy executive officer, told federal regulators. EPA is proposing an emissions factor of zero gram per mile for these credits, ignoring the emissions that result from the electricity generated to charge the vehicle batteries, Cackette said.

Cackette also said EPA needs to reconsider elements of the proposal that allow automakers to earn credits for introducing advanced technologies before 2012.

Combined with the flawed emissions factor, the credits could be a major windfall to some automakers and undermine the emissions reduction goals of the rule, he said.

Martha Dina Arguello of Physicians for Social Responsibility urged federal regulators, in analyzing the economic costs of the proposal, to consider the public health and other social consequences of global warming.

**Strong Backing From Automakers.** Representatives of Ford Motor Co., General Motors Corp., Toyota Motor Corp., Honda Motor Co., Hyundai Motor Co., Mitsubishi Motors Corp., and Kia Motors Corp. voiced strong support for the proposal because it would set a nationwide standard and provide the flexibility the industry requires.

Nearly every one of the automakers called on EPA and NHTSA to continue working with stakeholders to develop policies for 2017 and later.

"Even after this rule is final, work is needed on the policy front," Bob Babik of General Motors said. "We need strong leadership at the federal level."

Comments on the proposed rule can be submitted through Nov. 27. The final rule is expected to be published in March 2010.

BY CAROLYN WHETZEL

*More information on the proposed National Clean Vehicles Program is available at <http://www.epa.gov/otaq/climate/regulations.htm>.*

## Energy

### **FTC Seeks Public Comments On Proposed New Light Bulb Labels**

**A**s the light bulb market continues to evolve, the Federal Trade Commission Oct. 27 proposed new labeling requirements and solicited public comments to assist the agency in this effort.

The proposed rulemaking is in response to the phasing out of traditional incandescent bulbs and the emergence of newer, more energy-efficient technologies—such as compact fluorescent light bulbs and light-emitting diode products. The proposed labels are expected to offer consumers "clear, easily understandable information to help them choose among different bulb types."

The proposed rule is mandated by Congress in the Energy Independence and Security Act of 2007. The draft regulation would address new labels that emphasize lumens, instead of watts, as the measure of bulb brightness. There is also a proposal to estimate energy cost information on the front of the light bulb package.

The notice also includes specifics about a "Lighting Facts" label, similar to and modeled after the "Nutrition

Facts” label for food packages. This new label “would provide information about brightness, energy cost, the bulb’s expected life, color temperature (for example, whether the bulb provides ‘warm’ or ‘cool’ light), as well as wattage,” the agency explained.

In addition to requiring disclosures in the Lighting Facts label for bulbs containing mercury, the rule would require the bulb’s output in lumens and a mercury disclosure for bulbs that contain mercury printed on the bulb.

In accordance with the Energy Independence and Security Act of 2007, the FTC must consider the effectiveness of bulb labeling requirements and explore alternative labeling approaches.

The first step in this process involved the FTC’s issuance of an advance notice of proposed rulemaking in 2008 seeking comments on existing labeling requirements and possible labeling alternatives and then holding a public roundtable to gather more information.

Comments should be submitted to Secretary, FTC, 600 Pennsylvania Ave., N.W., Washington, DC 20580.

The commission vote approving issuance of the notice of proposed rulemaking was 4-0.

BY CECELIA M. ASSAM

*The Federal Register Notice is available at <http://www.ftc.gov/opa/2009/10/lightbulbs.dhtm>—the FTC’s website—and from the Consumer Response Center, Room 130, 600 Pennsylvania Ave., N.W., Washington, DC 20580; (202) 382-4357.*

## Air Pollution

### **Conferees Approve Interior Appropriations Measure With Shipping Emissions Waiver**

**A** House-Senate conference committee Oct. 27 approved a \$32.2 billion compromise 2010 Interior, Environment, and Related Agencies appropriations bill that includes an exemption for Great Lakes shipping from proposed Environmental Protection Agency emissions limits for oceangoing vessels.

The measure, if passed by both houses of Congress, also would extend the current continuing budget resolution, which is due to expire Oct. 31, to Dec. 18, according to the conferees.

House Majority Leader Steny Hoyer (D-Md.) was due to meet with House Speaker Nancy Pelosi (D-Calif.) and others later in the evening to discuss a strategy for moving the bill, but he said, “We’re going to do a [continuing resolution] by the end of the week.”

The House passed its version of the Interior appropriations bill June 26, and the Senate passed its version Sept. 24.

Rep. Jerry Lewis (R-Calif.) raised objections to the Great Lakes shipping emissions waiver. He said the ships are “responsible for a great amount of sulfur pollution that goes into the region.”

Rep. David Obey (D-Wis.), House Appropriations Committee chairman, said that without the waiver, the Great Lakes states would be put “at a tremendous economic disadvantage.”

The provision “takes into account the real world of economic reality,” Obey said.

The conference report also includes a provision that prohibits EPA from requiring mandatory greenhouse gas emissions reporting from manure management systems. House Appropriations Committee spokesman Ellis Brachman said the exemption from that reporting requirement would be in effect for a year.

EPA in September released a final rule entities emitting at least 25,000 tons of carbon dioxide and other greenhouse gases to report their emissions. EPA estimates the rule will require reporting from about 10,000 facilities that account for about 85 percent of U.S. greenhouse gas emissions (182 DEN A-10, 9/23/09).

The language exempting livestock operations from the reporting requirement had been included in the version of the spending bill that passed the House in June. At the time, the American Farm Bureau Federation said the reporting requirement is “burdensome and unnecessary” (122 DEN A-8, 6/29/09).

**More Than 50 Ships to Receive Exemptions.** Regarding the exemption from emissions limits for ships, Clean Air Watch President Frank O’Donnell said the provision would provide permanent exemptions for 13 existing Great Lakes ships, one of which is 103 years old.

In addition, more than 40 other Great Lakes ships would receive an “economic hardship” exemption, giving them more time to switch from the heavy, sulfur-laden fuel in use to lower-sulfur distillate fuel.

“In the meantime, people along the Great Lakes will continue to breathe the foul air caused by these filthy ships, whose owners have spent hundreds of thousands of dollars lobbying Congress in recent months,” O’Donnell said in a statement.

EPA announced a proposed rule July 1 that would require steep reductions in nitrogen oxide emissions from the largest new marine diesel engines and lower the sulfur content of marine fuel oil. The proposal was published Aug. 28 (74 Fed. Reg. 44,441; 165 DEN A-2, 8/28/09).

**Steep Sulfur Reduction Proposed.** The proposal would limit the sulfur content of fuel used in Category 3 compression-ignition engines, those with a displacement greater than 30 liters per cylinder, to 1,000 parts per million in 2015. These engines are primarily used for propulsion power on large oceangoing vessels such as container ships, tankers, bulk carriers, and cruise ships.

These ships use bunker fuel, a heavy, low-grade oil that can have a sulfur content as high as 45,000 ppm. In contrast, EPA requires diesel fuel for trucks to have no more than 15 ppm of sulfur.

Sulfur in diesel fuel leads to the formation of fine particles, which EPA blames for thousands of premature deaths each year.

Alaska Gov. Sean Parnell (R) wrote EPA Sept. 28 asking the agency to exempt cruise ships plying the Alaskan coast from the standards, and several Great Lakes shipping interests have also asked EPA for exemptions.

Adolph Ojard, executive director of the Duluth Seaway Port Authority, said in Sept. 28 comments that ships will dump cargo in already congested coastal ports rather than use expensive low-sulfur diesel for the 2,342-mile journey from the Atlantic Ocean to Duluth, Minn. Ojard said the proposal makes sense in coastal areas, where the 1,000 ppm limit would have to be met only within the 200 mile-wide emissions control areas,



but would significantly add to the cost of shipping in the Great Lakes.

House Appropriations Committee Chairman David Obey (D-Wis.) represents Superior, Wis., which is adjacent to Duluth.

**'No Reason' to Exclude Ships.** Margo Oge, director of the EPA Office of Transportation and Air Quality, told BNA Oct. 6, "We have seen absolutely no reason why these ships should be excluded. They are high polluters. They contribute significantly to air quality problems in that area."

Representatives of eight Northeastern states and California wrote to Sen. Dianne Feinstein (D-Calif.) in October asking her to oppose exempting Great Lakes shipping from the EPA emissions limits in the appropriations bill. Feinstein is the chairwoman of the Senate Appropriations Subcommittee on Interior, Environment and Related Agencies that considers EPA funding (202 DEN A-14, 10/22/09).

EPA estimates the cost of 1,000 ppm distillate fuel to be about 39 percent higher than bunker fuel.

David Marshall, an attorney with the Clean Air Task Force, said Oct. 27 in an e-mail that "the proposal's benefits dramatically outweigh these slightly increased costs—EPA estimates that every \$1 of cost will produce between \$30 and \$90 of public benefit by 2030, primarily from reduced premature mortality."

By STEVE COOK AND BILL PRITCHARD

## In Brief

### Comments on MACT Consent Decree Due Nov. 27

The Environmental Protection Agency will accept public comments for 30 days on a proposed consent decree requiring the agency to issue technology-based standards for emissions of hazardous pollutants from power plants by 2011, according to a notice to be published in the *Federal Register* Oct. 28. The proposed consent decree, filed in the U.S. District Court for the

District of Columbia Oct. 22, requires EPA to issue final maximum achievable control technology (MACT) standards for hazardous pollutant emissions from power plants by Nov. 16, 2011. Section 112(c)(5) of the Clean Air Act requires EPA to set and periodically review air toxics limits for a variety of sources, including power plants. EPA will accept public comments on the proposed consent decree until Nov. 27. The proposed consent decree settles a 2008 lawsuit filed by several environmental and public health organizations (*American Nurses Ass'n v. Jackson*, D.D.C., No. 08-2198, consent decree proposed 10/22/09; 204 DEN A-1, 10/26/09).

### EPA Issues Report to Aid Exposure Assessments

The Environmental Protection Agency Oct. 27 released a simple guide, *Highlights of the Child-Specific Exposure Factors Handbook* to its 2008 *Child-Specific Exposure Factors Handbook*. The document provides introductory information about the handbook and presents a summary of the recommendations presented in the 2008 report. The handbook presents behavioral and physiological data on various factors that risk assessors can use to determine exposure to chemicals in the environment, specifically for children from birth to 21 years old. This document was first released in 2002. Since that time, EPA said it has incorporated updated data, revised the recommendations for several exposure factors, and developed a standardized set of age categories to be used for children's exposure assessment. The *Highlights* report is available at <http://cfpub.epa.gov/ncea/cfm/recorddisplay.cfm?deid=200445>, which has a link to the full *Handbook*.

### \$2.2 Billion Allocated for Renewable Energy Bonds

The Treasury Department Oct. 27 announced the allocation of \$2.2 billion in Clean Renewable Energy Bonds for 805 recipients across the country. Bond authority is allocated to governmental agencies, public power providers, and cooperative electric companies involved in clean renewable energy development and production. The bonds function as tax credit bonds that allow investors to receive federal tax credits in lieu of the payment of a portion of the interest on the bond. For Clean Renewable Energy Bonds, those credits will cover 70 percent of the interest.

# Calendar

## LEGISLATIVE CALENDAR

### SENATE

#### Floor Action

##### Oct. 27

Met at 10 a.m.

Continued consideration of the motion to proceed to the consideration of **H.R. 3548**, to amend the Supplemental Appropriations Act of 2008 to provide for the temporary availability of certain additional emergency unemployment compensation.

By a vote of 96-0, confirmed the nomination of Irene C. Berger, of West Virginia, to be a U.S. district judge for the Southern District of West Virginia.

##### Oct. 26

Received a message from the president of the United States declaring, pursuant to law, a national emergency with respect to the 2009 H1N1 influenza pandemic in the United States; which was referred to Banking.

Received the following nominations:

- P. David Lopez, of Arizona, to be general counsel of the Equal Employment Opportunity Commission for a term of four years;
- Philip S. Goldberg, of the District of Columbia, to be assistant secretary of state for intelligence and research;
- Caryn A. Wagner, of Virginia, to be undersecretary of homeland security for intelligence and analysis;
- 1 Air Force nomination in the rank of general; and
- 1 Army nomination in the rank of general.

**Clarification:** The bill commemorating the Jesuit fathers should have been **S. Res. 321**, not **S. Res. 31** as printed.

#### Reports Filed

##### Oct. 26

**S. 872**, to establish a deputy secretary of homeland security for management, with an amendment (S. Rept. No. 111-91).

#### Bills & Resolutions Introduced

##### Oct. 26

**(INTERNATIONAL TRADE) LANDRIEU: S. 1863**, to extend the temporary suspension of duty on Terrazole; to Finance.

**(INTERNATIONAL TRADE) LANDRIEU: S. 1864**, to extend the temporary suspension of duty on 2-Mercaptoethanol; to Finance.

**(INTERNATIONAL TRADE) LANDRIEU: S. 1865**, to extend the temporary suspension of duty on Bifenazate; to Finance.

**(VETERANS' BENEFITS) KERRY: S. 1866**, to amend title 38, U.S. Code, to provide for the eligibility of parents of certain deceased veterans for interment in national cemeteries; to Veterans' Affairs.

**(INTERNATIONAL TRADE) CASEY: S. 1867**, to extend the temporary suspension of duty on phenyl isocyanate; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1868**, to renew the temporary suspension of duty on hydroxylamine; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1869**, to extend temporarily the suspension of duty on mixed xyli-dines; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1870**, to extend the temporary suspension of duty on trichlorobenzene; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1871**, to extend the temporary suspension of duty on methanol, sodium salt; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1872**, to extend the temporary suspension of duty on 2-Phenylphenol; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1873**, to extend the temporary suspension of duty on 2, 3-Dichloronitrobenzene; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1874**, to extend the temporary suspension of duty on titanium dioxide; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1875**, to extend the temporary suspension of duty on Orgasol; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1876**, to suspend temporarily the duty on 11-Aminoundecanoic acid; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1877**, to suspend temporarily the duty on dry adhesive copolyamide pellets; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1878**, to extend and amend the temporary duty suspension on certain thin fiberglass sheets; to Finance.

**(INTERNATIONAL TRADE) CASEY: S. 1879**, to clarify the tariff classification of certain fiberboard core and laminate boards and panels, and for other purposes; to Finance.

<b>LEGISLATIVE CALENDAR</b>
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*Continued from previous page*

**(INTERNATIONAL TRADE) CASEY:** S. 1880, to extend the temporary suspension of duty on Chlorotoluene; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1881, to extend the temporary suspension of duty on bayderm bot-tom DLV-N; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1882, to extend the temporary suspension of duty on certain ethylene-vinyl acetate copolymers; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1883, to extend and modify the temporary suspension of duty on iminodisuccinate; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1884, to suspend temporarily the duty on MDA50; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1885, to suspend temporarily the duty on certain air pressure distillation columns; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1886, to suspend temporarily the duty on Epilink 701; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1887, to suspend temporarily the duty on Nourybond 276 Modifier; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1888, to extend the temporary suspension of duty on 2-ethylhexyl 4-methoxycinamate; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1889, to extend the temporary suspension of duty on glass bulbs, designed for sprinkler systems and other release devices; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1890, to suspend temporarily the duty on manganese flake containing at least 99.5 percent by weight of manganese; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1891, to suspend temporarily the duty on standard grade ferronio-bium; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1892, to suspend temporarily the duty on methyl sulfonic acid; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1893, to suspend temporarily the duty on Benzenamine, 4 Dodecyl; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1894, to suspend temporarily the duty on N-Benzyl-N-ethylaniline; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1895, to suspend temporarily the duty on p-Dodecyl aniline; to Finance.

**(INTERNATIONAL TRADE) CASEY:** S. 1896, to suspend temporarily the duty on stainless steel single-piece exhaust gas manifolds; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1897, to extend the temporary suspension of duty on phosphor zinc silicate; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1898, to extend the temporary suspension of duty on yttrium oxide phosphor; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1899, to extend the temporary suspension of duty on yttrium oxide phosphor; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1900, to reduce temporarily the duty on Liberty, Rely, and Ignite herbicides; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1901, to reduce temporarily the duty on Evergol; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1902, to reduce temporarily the duty on Corvus herbicide; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1903, to suspend temporarily the duty on 1,3-Dimethyl-1H-pyrazol-5-ol and 1,3-Dimethylpyrazol-5-one; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1904, to extend the temporary suspension of duty on certain refracting and reflecting telescopes; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1905, to suspend temporarily the duty on certain children's footwear covering the ankle; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1906, to suspend temporarily the duty on certain children's footwear; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1907, to suspend temporarily the duty on certain leather upper sports footwear; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1908, to suspend temporarily the duty on certain sports footwear for women; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1909, to extend the temporary suspension of duty on strontium magnesium phosphate-tin doped inorganic products; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1910, to extend the temporary suspension of duty on calcium chloride phosphor activated by manganese and antimony; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1911, to extend the temporary suspension of duty on mixture used in ceramic arc tubes; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1912, to extend the temporary suspension of duty on calcium chloride phosphate; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1913, to extend the temporary suspension of duty on resin cement based on calcium carbonate and silicone resins; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1914, to extend the temporary suspension of duty on strontium halophosphate doped with europium; to Finance.



**(INTERNATIONAL TRADE) ROBERTS:** S. 1915, to suspend temporarily the duty on certain footwear; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1916, to temporarily suspend the duty on certain women's textile upper footwear; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1917, to suspend temporarily the duty on certain leather upper sports footwear; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1918, to suspend temporarily the duty on certain men's non-work footwear covering the ankle; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1919, to suspend temporarily the duty on certain women's footwear; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1920, to suspend temporarily the duty on certain sports footwear; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1921, to extend the temporary suspension of duty on small particle calcium chloride phosphor; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1922, to extend the temporary suspension of duty on lanthanum phosphate phosphor; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1923, to extend the temporary suspension of duty on a mixture of barium carbonate, strontium carbonate, calcium carbonate, and 1-methoxy-2-propanol acetate, for use as emitter suspension cathode coating; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1924, to extend the temporary suspension of duty on compound barium magnesium aluminate phosphor; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1925, to extend the temporary suspension of duty on yttrium vanadate phosphor; to Finance.

**(INTERNATIONAL TRADE) ROBERTS:** S. 1926, to extend the temporary suspension of duty on compound of strontium chloroapatite-europium; to Finance.

**(CONSUMER CREDIT) DODD and others:** S. 1927, to establish a moratorium on credit card interest rate increases, and for other purposes; read the first time.

**(INTERNATIONAL TRADE) BAUCUS:** S. 1928, to extend and modify the temporary suspension of duty on golf bag bodies made of woven fabrics of nylon or polyester sewn together with pockets, and dividers or graphite protectors, accompanied with rainhoods; to Finance.

**(SMALL BUSINESS) LANDRIEU and SNOWE:** S. 1929, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; considered and passed.

**(TAX CREDITS) CASEY:** S. 1930, to amend the Internal Revenue Code of 1986 to enhance the administration of, and reduce fraud related to, the first-time home-buyer tax credit, and for other purposes; to Finance.

**(INTERNATIONAL AFFAIRS) FEINGOLD and others:** S. Res. 321, commemorating the lives and work of Jesuit fathers Ignacio Ellacuria, Ignacio Martin-Baro, Segundo Montes, Amando Lopez, Juan Ramon Moreno, Joaquin Lopez y Lopez, and housekeeper Julia Elba Ramos and her daughter Celina Mariset Ramos on the occasion of the 20th anniversary of their deaths on Nov. 16, 1989, at the Universidad Centroamericana Jose Simeon Canas located in San Salvador, El Salvador; considered and agreed to.

**(INTERNATIONAL AFFAIRS) LEVIN and others:** S. Res. 322, expressing the sense of the Senate on religious minorities in Iraq; to Foreign Relations.

## Committee Action

*Area code for all telephone numbers is 202 unless otherwise stated.*

### Location Key:

*(Times and locations are subject to change.)*

*S—Senate side of U.S. Capitol Building*

*SC—Senate side of U.S. Capitol Building*

*SD—Senate Dirksen Office Building*

*SH—Senate Hart Office Building*

*SR—Senate Russell Office Building*

*SVC—Senate side of Capitol Visitor Center*

## Oct. 27

**AGRICULTURE,** Domestic & Foreign Marketing Subcommittee held a joint hearing with the Production Subcommittee to examine low dairy prices, focusing on exploring avenues for federal action.

**COMMERCE,** full committee ordered reported the following nominations: Anne S. Ferro, of Maryland, to be administrator of the Federal Motor Carrier Safety Administration; Cynthia L. Quarterman, of Georgia, to be administrator of the Pipeline and Hazardous Materials Safety Administration; Erroll G. Southers, of California, to be assistant secretary of homeland security for the Transportation Security Administration; Patrick Gallagher, of Maryland, to be director of the National Institute of Standards and Technology in the Department of Commerce; Elizabeth M. Robinson, of Virginia, to be chief financial officer of the National Aeronautics and Space Administration; Paul K. Martin, of Maryland, to be inspector general of the National Aeronautics and Space Administration; and a promotion list in the Coast Guard;

Full committee held an oversight hearing on the broadband stimulus programs in the American Recovery and Reinvestment Act;

Aviation Operations Subcommittee announced an Oct. 29 hearing on reauthorization of the National Transportation Safety Board; 10 a.m., SR-253; contact 224-9000.

**ENVIRONMENT,** full committee held a hearing on S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy.

**SELECT INTELLIGENCE,** full committee held a closed hearing on certain intelligence matters.

<b>LEGISLATIVE CALENDAR</b>
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*Continued from previous page*

## Committee Meetings Scheduled

### Oct. 28

**BANKING**, Securities Subcommittee to hold a hearing on dark pools, flash orders, high frequency trading, and other market structure issues; 9:30 a.m., SD-538; contact 224-7391.

**COMMERCE**, full committee to hold a hearing on combating distracted driving, focusing on managing behavioral and technological risks; 2:30 p.m., SR-253; contact 224-0411.

**ENERGY**, full committee to hold a hearing on the role of natural gas in mitigating climate change; 10 a.m., SD-366; contact 224-4971;

National Parks Subcommittee to hold a hearing on current and expected impacts of climate change on units of the National Park System; 2 p.m., SD-366; contact 224-4971.

**ENVIRONMENT**, full committee to continue a hearing on S. 1733, to create clean energy jobs, promote energy independence, reduce global warming pollution, and transition to a clean energy economy; 9:30 a.m., SD-406; contact 224-8832.

**HOMELAND SECURITY & GOVERNMENTAL AFFAIRS**, full committee to mark up the following legislation: S. 1649, to prevent the proliferation of weapons of mass destruction, to prepare for attacks using weapons of mass destruction; S. 1862, to provide that certain Secret Service employees may elect to transition to coverage under the District of Columbia Police and Fire Fighter Retirement and Disability System; H.R. 553, to require the secretary of homeland security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information; S. 1755, to direct the Department of Homeland Security to undertake a study on emergency communications; H.R. 730, to strengthen efforts in the Department of Homeland Security to develop nuclear forensics capabilities to permit attribution of the source of nuclear material; S. 1825, to extend the authority for relocation expenses test programs for federal employees; S. 1860, to permit each current member of the board of directors of the Office of Compliance to serve for three terms; H.R. 955, to designate the facility of the U.S. Postal Service located at 10355 Northeast Valley Road in Rollingbay, Wash., as the "John 'Bud' Hawk Post Office"; H.R. 1516, to designate the facility of the U.S. Postal Service located at 37926 Church St. in Dade City, Fla., as the "Sergeant Marcus Mathes Post Office"; H.R. 1713, to name the South Central Agricultural Research Laboratory of the Department of Agriculture in Lane, Okla., and the facility of the U.S. Postal Service located at 310 North Perry St. in Bennington, Okla., in honor of former Congressman Wesley "Wes" Watkins; H.R. 2004, to designate the facility of the U.S. Postal Service located at 4282 Beach St. in Akron, Mich., as the "Akron Veterans Memorial Post Office"; H.R. 2760, to des-

ignate the facility of the U.S. Postal Service located at 1615 North Wilcox Ave. in Los Angeles, Calif., as the "Johnny Grant Hollywood Post Office Building"; H.R. 2972, to designate the facility of the U.S. Postal Service located at 115 West Edward St. in Erath, La., as the "Conrad DeRouen Jr. Post Office"; H.R. 3386, to designate the facility of the U.S. Postal Service located at 1165 2nd Ave. in Des Moines, Iowa, as the "Iraq and Afghanistan Veterans Memorial Post Office"; H.R. 3547, to designate the facility of the U.S. Postal Service located at 936 South 250 East in Provo, Utah, as the "Rex E. Lee Post Office Building"; and H.R. 2215, to designate the facility of the U.S. Postal Service located at 140 Merriman Road in Garden City, Mich., as the "John J. Shivnen Post Office Building"; and to consider the following nominations: Rafael Borrás, of Maryland, to be undersecretary of homeland security for management; David S. Ferriero, of North Carolina, to be archivist of the United States in the National Archives and Records Administration; Susan Tsui Grundmann, of Virginia, to be chairman of the Merit Systems Protection Board; and Anne Marie Wagner, of Virginia, to be a member of the Merit Systems Protection Board; 10 a.m., SD-342; contact 224-2627;

Contracting Oversight Subcommittee to hold a hearing on new Office of Management and Budget guidance to combat waste, inefficiency, and misuse in federal government contracting; 2:30 p.m., SD-342; contact 224-2627.

**JUDICIARY**, full committee to hold a hearing on examine effective strategies for preventing health care fraud; 10 a.m., SD-226; contact 224-7703.

**SPECIAL AGING**, full committee to hold a hearing on 401(k) target date funds; 2 p.m., SD-562; contact 224-5364.

## HOUSE

### Floor Action

#### Oct. 28

To meet at 10 a.m.

Could consider legislation under suspension of the rules.

#### Oct. 27

Met at 10:30 a.m.

Adopted, by a vote of 267-147, a motion to instruct conferees on **H.R. 2996**, making fiscal 2010 appropriations for the Department of the Interior, environment, and related agencies.

The speaker appointed the following members as conferees on **H.R. 2996** (listed above): Dicks, Moran (Va.), Mollohan, Chandler, Hinchey, Olver, Pastor (Ariz.), Price (N.C.), Obey, Simpson, Calvert, LaTourette, Cole, and Lewis (Calif.).

By a vote of 397-33, two-thirds of those members duly chosen and sworn having voted in the affirmative, adopted a motion to suspend the rules and pass **H.R. 2489**, to authorize a comprehensive national cooperative geospatial imagery mapping program through the

U.S. Geological Survey, to promote use of the program for education, workforce training and development, and applied research, and to support federal, state, tribal, and local government programs.

By a vote of 412-0, two-thirds of those members duly chosen and sworn having voted in the affirmative, adopted a motion to suspend the rules and agree to **H. Res. 854**, recognizing Weber State University for the 120th anniversary of its founding as an institution of higher education.

Passed **S. 832**, to amend title 36, U.S. Code, to grant a federal charter to the Military Officers Association of America.

Completed all debate, but delayed further action, on a motion to suspend the rules and agree to **H. Res. 838**, welcoming to the United States and to Washington, D.C., His All Holiness Bartholomew, Archbishop of Constantinople, New Rome, Ecumenical Patriarch on his upcoming trip on Oct. 20-Nov. 6, 2009.

Completed all debate, but delayed further action, on a motion to suspend the rules and agree to **S. Con. Res. 45**, encouraging the government of Iran to allow Joshua Fattal, Shane Bauer, and Sarah Shourd to reunite with their families in the United States as soon as possible.

Completed all debate, but delayed further action, on a motion to suspend the rules and agree to **H. Res. 784**, honoring the 2560th anniversary of the birth of Confucius and recognizing his invaluable contributions to philosophy and social and political thought.

Read a message from the president wherein he transmitted a notification of the continuance of the national emergency with respect to the Sudan emergency; which was referred to Foreign Affairs and ordered printed (H. Doc. No. 111-74).

The Government Accountability Office released the following report: *Voters with Disabilities: Additional Monitoring of Polling Places Could Further Improve Accessibility* (GAO-09-941).

GAO released the following correspondence: *Military Training: DOD's Report on the Sustainability of Training Ranges Addresses Most of the Congressional Reporting Requirements and Continues to Improve with Each Annual Update* (GAO-10-103R).

GAO released the following testimony: *Federal Electronics Management: Federal Agencies Could Improve Participation in EPA's Initiatives for Environmentally Preferable Electronic Products* (GAO-10-196T), statement of John B. Stephenson, director for natural resources and environment; and *Legal Services Corporation: Some Progress Made in Addressing Governance and Accountability Weaknesses, But Challenges Remain* (GAO-10-194T), statement of Susan Ragland, director for financial management and assurance.

GAO products are available at <http://www.gao.gov>.

## Oct. 26

By a vote of 367-1, two-thirds of those members duly chosen and sworn having voted in the affirmative, adopted a motion to suspend the rules and agree to **H. Res. 368**, congratulating the University of Iowa Hawkeyes wrestling team on winning the 2009 National

Collegiate Athletic Association Division I National Wrestling championships.

By a vote of 359-1, two-thirds of those members duly chosen and sworn having voted in the affirmative, adopted a motion to suspend the rules and agree to **H. Res. 562**, congratulating Syracuse University for winning the NCAA Division I Men's Lacrosse Tournament.

Disagreed to the Senate amendment; and agreed to a conference on **H.R. 2996**, making fiscal year 2010 appropriations for the Department of the Interior, environment, and related agencies.

Began consideration of a Simpson motion to instruct conferees on **H.R. 2996** (listed above).

Read a message from the president of the United States wherein he declared a national emergency in order to be prepared in the event of a rapid increase in illness across the nation that may overburden health care resources; which was referred jointly to Energy & Commerce and Ways & Means; and ordered printed (H. Doc. No. 111-73).

## Reports Filed

### Oct. 26

**H.R. 3639**, to amend the Credit Card Accountability Responsibility and Disclosure Act of 2009 to establish an earlier effective date for various consumer protections, with an amendment (H. Rept. No. 111-314).

**H.R. 3854**, to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under that law (H. Rept. No. 111-315).

## Bills & Resolutions Introduced

### Oct. 26

**(INTERNET)** BLACKBURN: H.R. 3924, to prohibit the Federal Communications Commission from further regulating the Internet; to Energy & Commerce.

**(HEALTH CARE)** McDERMOTT: H.R. 3925, to amend the Employee Retirement Income Security Act of 1974 to preclude preemption of a state cause of action relating to a denial of a claim for benefits under a health care plan; to Education & Labor.

**(HEALTH CARE)** BOSWELL and others: H.R. 3926, to direct the secretary of defense and the secretary of veterans affairs to jointly conduct a study on the incidence of breast cancer among members of the U.S. Armed Forces and veterans; jointly to Armed Services and Veterans' Affairs.

**(DEFENSE)** CORRINE BROWN (Fla.) and others: H.R. 3927, to grant the congressional gold medal to the Montford Point Marines; jointly to Financial Services and House Administration.

**(EDUCATION)** GRIJALVA and EHLERS: H.R. 3928, to amend the provisions of the Elementary and Secondary Education Act of 1965 regarding school library media specialists, and for other purposes; to Education & Labor.



**(TAX CREDITS) MELANCON:** H.R. 3929, to provide an extension of the low-income housing credit placed-in-service date requirement for certain disaster areas; to Ways & Means.

**(HEALTH CARE) SESTAK:** H.R. 3930, to extend for 6 months the maximum COBRA continuation coverage period for individuals who were involuntarily terminated between April 1, 2009, and Dec. 31, 2009, and to amend the American Reinvestment and Recovery Act of 2009 to extend the eligibility period and maximum assistance period for COBRA premium assistance under such Act; jointly to Education & Labor; Energy & Commerce; and Ways & Means.

**(TAX POLICY) WATSON and others:** H.R. 3931, to amend the Internal Revenue Code of 1986 to extend for two years the election to treat the cost of a qualified film or television production as an expense which is not chargeable to a capital account; to Ways & Means.

**(GOVERNMENT OPERATIONS) LINDA T. SANCHEZ (Calif.) and others:** H. Con. Res. 205, recognizing and honoring America's labor movement, supporting the designation of a national labor history month, and for other purposes; to Education & Labor.

**(GOVERNMENT OPERATIONS) PRICE (Ga.) and others:** H. Res. 870, expressing gratitude and appreciation to the individuals and families who participated in the Taxpayer March on Washington on Sept. 12, 2009; to Oversight & Government Reform.

## Committee Action

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(Times and locations are subject to change.)

H—House side of U.S. Capitol Building

HC—House side of U.S. Capitol Building

HT—House Terrace

H2—Ford House Office Building

HVC—House side of Capitol Visitor Center

RHOB—Rayburn House Office Building

LHOB—Longworth House Office Building

CHOB—Cannon House Office Building

### Oct. 27

**ENERGY & COMMERCE,** Energy Subcommittee held a hearing on protecting the electric grid, focusing on the following legislation: H.R. 2165, to amend Part II of the Federal Power Act to address known cyber security threats to the reliability of the bulk power system, and to provide emergency authority to address future cyber security threats to the reliability of the bulk power system; and H.R. 2195, to amend the Federal Power Act to provide additional authorities to adequately protect the critical electric infrastructure against cyber attack;

Full committee announced the following meetings for the week of Oct. 26:

- Oct. 29—full committee to mark up H.R. 3126, to establish the Consumer Financial Protection Agency; 10 a.m., 2123 RHOB; contact 225-2927;

- Oct. 29—Energy Subcommittee to mark up H.R. 515, to prohibit the importation of certain low-level ra-

dioactive waste into the United States; 2 p.m., 2123 RHOB; contact 225-2927.

**FINANCIAL SERVICES,** full committee met to mark up the following legislation: H.R. 3818, to amend the Investment Advisers Act of 1940 to require advisers of certain unregistered investment companies to register with and provide information to the Securities and Exchange Commission; H.R. 3817, to provide the Securities and Exchange Commission with additional authorities to protect investors from violations of the securities laws; a substitute amendment to H.R. 2609, to establish an Office of Insurance Information in the Department of the Treasury; and the Accountability and Transparency in Rating Agencies Act.

**FOREIGN AFFAIRS,** Western Hemisphere Subcommittee held a joint hearing with the Middle East & South Asia and Terrorism subcommittees on Iran in the Western Hemisphere.

**HOMELAND SECURITY,** Emergency Communications Subcommittee held a hearing on preparedness, focusing on the use of \$29 billion in homeland security grants;

Emerging Threats Subcommittee held a hearing on the federal response to pandemic influenza.

**JUDICIARY,** Commercial & Administrative Law Subcommittee held an oversight hearing on the Legal Services Corporation;

Constitution Subcommittee held a hearing on *Ashcroft v. Iqbal*.

**NATURAL RESOURCES,** Insular Affairs Subcommittee held an oversight hearing on the implementation of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006;

Water & Power Subcommittee held an oversight hearing on water management and climate variability.

**OVERSIGHT & GOVERNMENT REFORM,** Government Management Subcommittee held a hearing on the application of the federal government's green policies in the life cycle management of its information technology (IT) assets.

**SCIENCE,** Technology Subcommittee held a hearing on developing research priorities at the Department of Homeland Security's Science and Technology Directorate.

**SMALL BUSINESS,** full committee announced an Oct. 28 hearing on the Recovery Act, focusing on the impact of broadband investments on small businesses and job creation; 10 a.m., 2360 RHOB; contact 225-4038.

**TRANSPORTATION,** Economic Development Subcommittee held a hearing on the Recovery Act, focusing on tracking spending to job creation;

Full committee announced the following meetings:

- Nov. 18—Water Resources Subcommittee to hold a hearing on proposals for a Water Resources Development Act of 2010; 2 p.m., 2167 RHOB; contact 225-0060;

- Dec. 9—Water Resources Subcommittee to hold a hearing on the one-year anniversary of the Tennessee Valley Authority's Kingston ash slide, focusing on cur-

rent cleanup progress and future environmental goals; 10 a.m., 2167 RHOB; contact 225-0060.

**PERMANENT SELECT INTELLIGENCE**, full committee held a closed meeting to receive a briefing from the National Security Council;

Oversight Subcommittee held a joint hearing with the Intelligence Community Management Subcommittee on congressional notifications, focusing on intelligence community policies, practices, and procedures.

## Committee Meetings Scheduled

### Oct. 28

**AGRICULTURE**, Horticulture Subcommittee to hold a hearing on the implementation of the Horticulture and Organic Agriculture Title of the Food, Conservation and Energy Act of 2008; 10 a.m., 1300 LHOB; contact 225-2171.

**FINANCIAL SERVICES**, full committee to continue the mark up of the following legislation: H.R. 3818, to amend the Investment Advisers Act of 1940 to require advisers of certain unregistered investment companies to register with and provide information to the Securities and Exchange Commission; H.R. 3817, to provide the Securities and Exchange Commission with additional authorities to protect investors from violations of the securities laws; a substitute amendment to H.R. 2609, to establish an Office of Insurance Information in the Department of the Treasury; and the Accountability and Transparency in Rating Agencies Act; time and location to be announced; contact 225-4247.

**FOREIGN AFFAIRS**, full committee to mark up H.R. 2194, to amend the Iran Sanctions Act of 1996 to enhance U.S. diplomatic efforts with respect to Iran by expanding economic sanctions against Iran; 10 a.m., 2172 RHOB; contact 225-5021;

Middle East & South Asia Subcommittee to hold a hearing on a regional overview of the Middle East; 1 p.m., 2172 RHOB; contact 225-3345.

**JUDICIARY**, full committee to hold a hearing on legal issues relating to football head injuries; 10 a.m., 2141 RHOB; contact 225-3951.

**NATURAL RESOURCES**, full committee to mark up the following legislation: H.R. 2213, to reauthorize the Neotropical Migratory Bird Conservation Act; H.R. 2888, to provide for the designation of the Devil's Staircase Wilderness Area in Oregon and to designate segments of Wasson and Franklin creeks in Oregon as wild or recreation rivers; H.R. 2781, to amend the Wild and Scenic Rivers Act to designate segments of the Molalla River in Oregon, as components of the National Wild and Scenic Rivers System; H.R. 86, to eliminate an unused lighthouse reservation, provide management consistency by bringing the rocks and small islands along the coast of Orange Co., Calif., and meet the original congressional intent of preserving Orange County's rocks and small islands; and H.R. 118, to authorize the addition of 100 acres to Morristown National Historical Park; 10 a.m., 1324 LHOB; contact 225-6065.

**OVERSIGHT & GOVERNMENT REFORM**, full committee to hold a hearing on executive compensation, fo-

cus on how much is too much; 11 a.m., 2154 RHOB; contact 225-5051.

**RULES**, full committee to meet formulate a rule for floor debate of H.R. 3854, to amend the Small Business Act and the Small Business Investment Act of 1958 to improve programs providing access to capital under such laws; 3 p.m., H-313; contact 225-9091.

**SMALL BUSINESS**, full committee to hold a hearing on the Recovery Act, focusing on the impact of broadband investments on small businesses and job creation; 10 a.m., 2360 RHOB; contact 225-4038.

**TRANSPORTATION**, Aviation Subcommittee to hold a hearing on NEXTGEN, focusing on the RTCA mid-term implementation task force report; 2 p.m., 2167 RHOB; contact 225-9161;

Highways Subcommittee to hold a hearing on distracted driving; 9:30 a.m., 2167 RHOB; contact 225-9989.

**VETERANS' AFFAIRS**, full committee to mark up the following legislation: H.R. 1168, to amend chapter 42 of title 38, U.S. Code, to provide certain veterans with employment training assistance; and the Veterans' Small Business Assistance and Servicemembers Protection Act of 2009; 10 a.m., 334 CHOB; contact 225-9756.

**PERMANENT SELECT INTELLIGENCE**, Oversight Subcommittee to hold a closed hearing on Peru; 2 p.m., HVC-304; contact 225-7690;

Technical & Tactical Intelligence Subcommittee to hold a closed meeting to receive a briefing on overhead architecture; 4 p.m., HVC-304; contact 225-7690.

## JOINT/CONFERENCE COMMITTEES

### Committee Action

#### Oct. 27

NONE.

### Committee Meetings Scheduled

#### Oct. 28

NONE.

## PRESIDENT'S CALENDAR

## White House Announcements

### Oct. 27

President Obama sent a message to Congress regarding the continuation of the national emergency with respect to Sudan.

The White House released a presidential statement on legislation to crack down on overseas tax havens.

The president announced his intent to nominate the following individuals for positions in his administration:

**PRESIDENT'S CALENDAR**

*Continued from previous page*

Philip E. Coyle III, associate director for national security and international affairs, Office of Science and Technology Policy; and

Lawrence G. Romo, director, Selective Service System.

**Oct. 26**

The White House released a presidential statement on the anniversary of the peace treaty between Jordan and Israel.

**The President's Appointments**

**Oct. 27**

President Obama toured the DeSoto Next Generation Solar Energy Center in Arcadia, Fla.

The president made remarks at the DeSoto Next Generation Solar Energy Center.

The president made remarks at a rally for Virginia Democratic gubernatorial candidate Creigh Deeds at Old Dominion University in Norfolk, Va.



# Regulatory Agenda

## OCTOBER 28 FEDERAL REGISTER

The following entries are summaries from the Oct. 28, 2009, Federal Register (Vol. 74, No. 207). Full text of all of the identified Federal Register items is available from BNA PLUS.

## Environmental Protection Agency

### AIR QUALITY

#### NESHAP for Petroleum Refineries

Final rule of the EPA amends regulations under 40 CFR 9.1, 63.14, and 40 CFR 63, Subpart CC, to revise the NESHAP for petroleum refineries. The rule adds maximum achievable control technology standards for heat exchange systems. The rule also revises the general provisions cross-reference table and corrects section references. The rule is effective Oct. 28, 2009. Contact: Robert Lucas; EPA, Office of Air Quality Planning and Standards; (919-541-0884)

### AIR QUALITY

#### Clean Air Act Citizen Suit/Power Plant Emission Standards

Notice of the EPA announces a proposed consent decree in American Nurses Association v. Jackson, No. 1:08-cv-02198, (RMC) (D.DC) concerning a complaint alleging that EPA failed to perform a nondiscretionary duty pursuant to Section 112(d) of the Clean Air Act to set forth maximum achievable control technology emissions standards for hazardous air pollutants from coal- and oil-fired electric utility steam generating units (EGUs or power plants) by the statutorily mandated deadline. The consent decree would require EPA to issue a proposed rule no later than March 16, 2011, that sets forth proposed emission standards for coal- and oil-fired EGUs and to issue a final rule no later than Nov. 16, 2011. Comments are due Nov. 27, 2009. Contact: Paul Versace; EPA, Office of General Counsel; (202-564-0219)

### AIR QUALITY

#### Clean Air Scientific Advisory Committee/Lead Review Panel

Notice of the EPA Science Advisory Board announces the formation of the Clean Air Scientific Advisory Committee Lead Review Panel and requests nominations to serve on the panel. The panel will review the agency's technical and policy assessments that are the basis for updating the NAAQS for lead. Nominations are due Nov. 18, 2009. Contact: Aaron Yeow; EPA Science Advisory Board; (202-343-9878)

### AIR QUALITY

#### NESHAP for Petroleum Refineries

Notice of the EPA announces the proposed withdrawal of portions of a final rule signed on Jan. 16, 2009, by former EPA Administrator Stephen Johnson that amended regulations under 40 CFR 9 and 63, Subpart CC, to revise the NESHAP for petroleum refineries. The rule, which was subsequently withdrawn by a Jan. 20, 2009, memorandum of the new administration, set forth maximum achievable control technology (MACT) standards for heat exchange systems and residual risk and technology review requirements for all refinery MACT 1 sources. The current action would withdraw the residual risk and technology review portions of the final rule because the agency has determined that those reviews may not accurately characterize the risk posed by this source category. A concurrent final rule revises the NESHAP for petroleum refineries to adopt the technology-based MACT standards for heat exchange systems and other conforming changes that are identical in substance to the final rule signed on Jan. 16, 2009. If requested by Nov. 9, 2009, a hearing will be held Nov. 12, 2009, in Research Triangle Park, N.C. Comments are due Nov. 27, 2009, unless a hearing is requested, in which case comments would be due Dec. 14, 2009. Contact: Robert Lucas; EPA, Office of Air Quality Planning and Standards; (919-541-0884)

### TOXIC SUBSTANCES

#### Lead-Based Paint/Renovation, Repair, and Painting Program

Proposed rule of the EPA would amend regulations under 40 CFR 745.81, 745.82, 745.86, and 745.90 to revise provisions of an April 22, 2008, final rule (73 Fed. Reg. 21,692) that addressed lead-based paint hazards from renovation, repair, and painting (RRP) activities that disturb lead-based paint in target housing and child-occupied facilities. The proposal would eliminate the opt-out provision that exempts a renovation firm from the training and work practice requirements of the RRP rule where the firm obtains a certificate from the owner-occupant that no children under age six or pregnant women reside there and the home is not a child-occupied facility. The proposal also would require renovation firms to provide a copy of the records demonstrating compliance with the training and work practice requirements of the RRP rule to the owner and, if different, to the occupant of the building being renovated or the operator of the child-occupied facility. Comments are due Nov. 27, 2009. Contact: Marc Edmonds; EPA, Office of Pollution Prevention and Toxics; (202-566-0758)

### PESTICIDES

#### Pesticide Tolerance Exemption/Cold Pressed Neem Oil

Final rule of the EPA adopts regulations under 40 CFR 180.1291 to establish an exemption from the require-

**OCTOBER 28 FEDERAL REGISTER**

*Continued from previous page*

ment of a tolerance for residues of the biochemical pesticide cold pressed neem oil on all food commodities when applied or used on or in food commodities. The rule is issued in response to a petition filed by Plasma Power Limited of India. The rule is effective Oct. 28, 2009. Objections and hearing requests are due Dec. 28, 2009. Contact: Driss Benmhend; EPA, Biopesticides and Pollution Prevention Division; (703-308-9525)

**PESTICIDES**

Pesticide Tolerance Exemption/*Ulocladium Oudemansii*

Final rule of the EPA adopts regulations under 40 CFR 180.1292 to establish an exemption from the requirement of a tolerance for residues of the microbial fungicide *Ulocladium oudemansii* (U3 Strain) in or on all food commodities when applied or used preharvest only. The rule is issued in response to a petition filed by Botry-Zen Ltd., of New Zealand. The rule is effective Oct. 28, 2009. Objections and hearing requests are due Dec. 28, 2009. Contact: Denise Greenway; EPA, Biopesticides and Pollution Prevention Division; (703-308-8263)

**PESTICIDES**

Pesticide Tolerances/Pyriproxyfen

Final rule of the EPA amends regulations under 40 CFR 180.510 to establish tolerances for residues of the insecticide pyriproxyfen in or on various food commodities. The rule also removes the FIFRA Section 18 time-limited tolerances on specified commodities. The rule is issued in response to a petition filed by the Interregional Research Project No. 4, of Princeton, N.J. The rule is effective Oct. 28, 2009. Objections and hearing requests are due Dec. 28, 2009. Contact: Barbara Madden; EPA, Office of Pesticide Programs; (703-305-6463)

**U.S. Fish and Wildlife Service****ENDANGERED SPECIES**

Northern Leopard Frog Status Petition

Notice of the U.S. Fish and Wildlife Service announces the reopening of the information solicitation period for a July 1, 2009, notice (74 Fed. Reg. 31,389) regarding a 90-day finding on a petition to amend regulations under 50 CFR 17 to list the western U.S. population of the northern leopard frog as threatened under the Endangered Species Act. The agency has determined that the petition presents substantial information indicating that listing may be warranted and that a status review has been initiated. Information submissions now are due Nov. 27, 2009. Contact: Steve Spangle; USFWS, Arizona Ecological Services Office; (602-242-0210)

**ENDANGERED SPECIES**

Upper Missouri River System/Arctic Grayling Status Review

Notice announces the intention of the Fish and Wildlife Service to conduct a status review of the Arctic grayling, a species of fish, in the upper Missouri River system. The status review is intended to help determine whether this population warrants listing as threatened or endangered under the Endangered Species Act. Information submissions are due Nov. 27, 2009. Contact: Mark Wilson; USFWS, Montana Field Office; (406-449-5225)

**OCTOBER 27 FEDERAL REGISTER****Environmental Protection Agency**

**AIR QUALITY** (74 Fed. Reg. 55,142)

EPA Region IV/State and Local Agency Addresses Update

Final rule of the EPA amends regulations under 40 CFR 52, 60, and 61 to make technical corrections to general provisions for EPA Region IV. The corrections update the addresses for submitting certain air pollution control notifications, reports, and other documents to the EPA Region IV state and local agency offices. The rule is effective Oct. 27, 2009. Contact: Deanne Grant; EPA Region IV, Air, Pesticides, and Toxics Management Division; (404-562-9291)

**HAZARDOUS WASTE MANAGEMENT** (74 Fed. Reg. 55,163)

Solvent-Contaminated Industrial Wipes

Notice of the EPA announces the availability of a revised risk analysis in support of a Nov. 20, 2003, proposed rule (68 FR 65586) that would amend hazardous waste management regulations under 40 CFR 260 and 261 to allow conditional exclusions from the RCRA definitions of hazardous waste and solid waste for solvent-contaminated industrial wipes. The revised risk analysis includes updated data, models, and approaches to address comments received on the proposed rule. The notice also requests comments on specific issues in light of the revised risk analysis. Comments are due Dec. 28, 2009. Contact: Teena Wooten; EPA, Office of Resource Conservation and Recovery; (703-308-8751)

**AIR QUALITY** (74 Fed. Reg. 55,292)

PSD and Title V Greenhouse Gas Emissions Tailoring Rule

Proposed rule of the EPA would amend regulations under 40 CFR 51, 52, 70, and 71 to tailor the major source applicability thresholds for greenhouse gas (GHG) emissions under the prevention of significant deterioration (PSD) and Title V programs and to set a PSD significance level for GHG emissions. The proposal is necessary because EPA expects soon to issue a final rule to control GHG emissions from light-duty motor vehicles that will trigger PSD and Title V applicability requirements for GHG emissions. The proposal would phase-in the applicability thresholds for both PSD and Title V programs for GHG sources. The first phase, which would last six years, would set a temporary level for the

PSD and Title V applicability thresholds at 25,000 tons per year (tpy) on a carbon dioxide equivalent (CO<sub>2</sub>e) basis and a temporary PSD significance level for GHG emissions of between 10,000 and 25,000 tpy CO<sub>2</sub>e. The proposal also would provide for EPA to undertake efforts to streamline administrative provisions of the PSD and Title V programs; to commit to complete an assessment of the actual administrative burden of the programs within five years; and to complete a second phase rulemaking by the end of the sixth year, to include revised applicability and significance thresholds and other streamlining techniques, as appropriate. If requested by Nov. 16, 2009, a hearing will be held on or around Nov. 27, 2009, at a location to be determined. Comments are due Dec. 28, 2009. Comments on the information collection provisions are due Nov. 27, 2009. Contact: Joseph Mangino; EPA, Office of Air Quality Planning and Standards; (919-541-9778)

## Department of Energy

**GENERAL ENVIRONMENT AND SAFETY** (74 Fed. Reg. 55,223)

Environmental Management Advisory Board/Northern New Mexico

Notice of the Department of Energy announces a meeting of the Environmental Management Site-Specific Advisory Board, Northern New Mexico. The board makes recommendations to the agency in the areas of environmental restoration, waste management, and related activities. The meeting is scheduled for Nov. 18, 2009, in Santa Fe, N.M. Contact: Menice Santistevan; Northern New Mexico Citizens' Advisory Board; (505-995-0393)

**GENERAL ENVIRONMENT AND SAFETY** (74 Fed. Reg. 55,223)

Environmental Management Advisory Board/Oak Ridge

Notice of the Department of Energy announces a meeting of the Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation. The board makes recommendations to the department in the areas of environmental restoration, waste management, and related activities. The meeting is scheduled for Nov. 18, 2009, in Oak Ridge, Tenn. Contact: Pat Halsey; DOE, Oak Ridge Operations Office; (865-576-4025)

## Fish and Wildlife Service

**ENDANGERED SPECIES** (74 Fed. Reg. 55,177)

South Dakota/American Dipper Endangered Status Petition

Notice of the U.S. Fish and Wildlife Service announces the availability of a 90-day finding on a petition to amend regulations under 50 CFR 17 to list the distinct population segment of the American dipper, a small bird found in the Black Hills of South Dakota, as threatened or endangered under the Endangered Species Act. The agency has found that the American dipper is not a listable entity under ESA. Contact: Pete Gober; US-FWS, South Dakota Ecological Services Office; (605-224-8693)

## Agency for Toxic Substances and Disease Registry

**HAZARDOUS WASTE CLEANUP** (74 Fed. Reg. 55,240)

Substance-Specific Applied Research Program

Notice of the Agency for Toxic Substances and Disease Registry announces the availability of the final priority data needs for six priority hazardous substances as part of the ongoing development and implementation of the Substance-Specific Applied Research Program, authorized under CERCLA. The affected priority hazardous substances are aluminum, cresol, diazinon, dichloropropenes, guthion, and phenol. The notice also serves as a continuous call for voluntary research proposals. Contact: Nickolette Roney; ATSDR, Division of Toxicology and Environmental Medicine; (770-488-3332)

## Office of Surface Mining Reclamation and Enforcement

**MINING** (74 Fed. Reg. 55,255)

Surface Mining/Technical Training Programs

Notice announces the intention of the Office of Surface Mining Reclamation and Enforcement to submit a continuing information collection request to the OMB, as required under the Paperwork Reduction Act, regarding the agency's technical training program course nomination form and the payment for travel and per diem form. Comments are due Dec. 28, 2009. Contact: John Trelease; OSMRE; (202-208-2783)



### Comment Deadlines on Major Regulations & Other Actions

Air Pollution	EPA and National Highway Traffic Safety Administration proposed rule to amend regulations under 40 CFR 86 and 600 and 49 CFR 531, 533, 537, and 538 to establish a coordinated national program of federal greenhouse gas emissions and fuel economy standards for passenger cars, light-duty trucks, and medium-duty passenger vehicles built in model years 2012 through 2016 (74 Fed. Reg. 49,454)	Oct. 28, 2009	Contact Tad Wysor in EPA's Office of Transportation and Air Quality at (734) 214-4332
Air Pollution	EPA notice on the draft document "Integrated Review Plan for the Ozone National Ambient Air Quality Standards Review—External Review Draft" (74 Fed. Reg. 53,498)	Nov. 6, 2009	Contact David McKee in EPA's Office of Air Quality Planning and Standards at (919) 541-5288
Air Pollution	EPA notice on registration of fuels and fuel additives and health effects research requirements for manufacturers (40 CFR 79, Subpart F) (74 Fed. Reg. 46,424)	Nov. 9, 2009	Contact James Caldwell in EPA's Office of Transportation and Air Quality at (202) 343-9303
Radioactive Waste	Nuclear Regulatory Commission notice on an extension of the comment period for an Aug. 10, 2009, supplemental proposed rule that would amend regulations under 10 CFR 50 and 52 regarding domestic licensing of production and utilization facilities and licenses, certifications, and approvals for nuclear power plants (74 Fed. Reg. 40,006, 74 Fed. Reg. 48,667)	Nov. 9, 2009	Contact Richard Dudley in NRC's Office of Nuclear Reactor Regulation at (301) 415-1116
Water Pollution	EPA notice on the contaminant occurrence data in support of EPA's third six-year review of the national primary drinking water regulations (74 Fed. Reg. 46,765)	Nov. 10, 2009	Contact Shari Bauman in EPA's Office of Ground Water and Drinking Water at (202) 564-0293
Air Pollution	EPA notice on the availability of a draft document, "Second External Review Draft Integrated Science Assessment for Carbon Monoxide" (EPA/600/R-09/019B) (74 Fed. Reg. 48,536)	Nov. 13, 2009	Contact Thomas Long at EPA's National Center for Environmental Assessment at (919) 541-1880
Pesticides	EPA notice on the decision to amend the 2003 and 2005 reregistration eligibility decisions (RED) documents for the antimicrobial pesticides ziram and ferbam (Case 2180) (74 Fed. Reg. 47,581)	Nov. 16, 2009	Contact Eliza Blair in EPA's Office of Pesticide Programs at (703) 308-7279
Emergency Response	EPA, Department of Homeland Security, and White House Office of Science and Technology Policy notice on the availability of a draft guidance document, "Planning Guidance for Recovery Following Biological Incidents" (74 Fed. Reg. 41,431)	Nov. 17, 2009	Contact Brendan Doyle in EPA's Office of Research and Development at (202) 564-4584
Water Pollution	EPA notice of Regions I, II, III, V, VI, VII, VIII, IX, and X on a proposal to extend by one year the two-year term of the 2008 construction general permit, for a new expiration date of June 30, 2011 (74 Fed. Reg. 53,494)	Nov. 18, 2009	Contact Greg Schaner in EPA's Office of Wastewater Management at (202) 564-0721
Air Pollution	EPA notice on the NSPS for stationary source combustion turbines (74 Fed. Reg. 54,993)	Nov. 25, 2009	Contact Learia Williams in EPA's Office of Compliance at (202) 564-4113
Air Pollution	EPA notice on the NSPS for surface coating of large appliances (74 Fed. Reg. 54,995)	Nov. 25, 2009	Contact Robert Marshall in EPA's Office of Enforcement Compliance Assurance at (202) 564-7021
Radioactive Waste	Nuclear Regulatory Commission proposed rule to amend regulations under 10 CFR 72.3 through 72.240 (nonconsecutive) regarding licensing requirements for the independent storage of spent nuclear fuel (74 Fed. Reg. 47,126)	Nov. 30, 2009	Contact Keith McDaniel in NRC's Office of Federal and State Materials and Environmental Management Programs at (301) 415-5252
Air Pollution	EPA proposed rule to amend regulations under 40 CFR 82, Subpart G, Appendix B, to expand the list of acceptable alternatives for ozone-depleting substances under Section 612 of the Clean Air Act, known as the Significant New Alternatives Policy (SNAP) program (74 Fed. Reg. 53,445)	Dec. 18, 2009	Contact Margaret Sheppard in EPA's Office of Atmospheric Programs at (202) 343-9163

**Comment Deadlines on Major Regulations & Other Actions – Continued**

Biotechnology	Animal and Plant Health Inspection Service notice on an extension of the comment period for a Sept. 2, 2009, notice regarding a petition from Pioneer Hi-Bred International Inc., of Johnston, Iowa, requesting a determination of nonregulated status under 7 CFR 340 for a soybean line designated as transformation event 305423 (74 Fed. Reg. 45,413, 74 Fed. Reg. 54,950)	Dec. 28, 2009	Contact Karen Green at APHIS Biotechnology Regulatory Services at (301) 734-0672
Drinking Water	EPA notice regarding the Safe Drinking Water Act state revolving fund program (74 Fed. Reg. 54,996)	Dec. 28, 2009	Contact Howard Rubin at EPA at (202) 564-2051



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# Electronic Resources

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**INTERNET SOURCES**

Listed below are the addresses of World Wide Web sites consulted by editors of BNA's Daily Environment Report and also WWW sites for official government information.

**Environmental Protection Agency**

<http://www.epa.gov>

**Environmental Appeals Board**

<http://www.epa.gov/boarddec/>

**Department of Agriculture**

<http://www.usda.gov>

**Department of Energy**

<http://www.doe.gov/>

**Department of the Interior**

<http://www.doi.gov>

**Department of Justice**

<http://www.usdoj.gov>

**Minerals Management Service**

<http://www.mms.gov>

**Office of Surface Mining**

<http://www.osmre.gov/osm.htm>

**U.S. Geological Survey**

<http://www.usgs.gov>

**U.S. Army Corps of Engineers**

<http://www.usace.army.mil>

**Congressional Record**

[http://www.access.gpo.gov/su\\_docs/aces/aces150.html](http://www.access.gpo.gov/su_docs/aces/aces150.html)

**Federal Register**

[http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

**Federal Register Table of Contents**

[http://www.access.gpo.gov/su\\_docs/aces/fr-cont002.shtml](http://www.access.gpo.gov/su_docs/aces/fr-cont002.shtml)

**Code of Federal Regulations**

<http://www.access.gpo.gov/nara/cfr/index.html>

**GPO Access Databases**

<http://www.gpoaccess.gov/databases.html>

**GPO Access Searching Tips**

<http://www.ll.georgetown.edu/wtaylor/gposrch.html>

**The Federal Web Locator**

<http://www.lib.auburn.edu/madd/docs/fedloc.html>

**University of Michigan Documents Center Federal Government Resources on the Web**

<http://www.lib.umich.edu/libhome/Documents.center/federal.html>

**White House**

<http://www.whitehouse.gov/WH/Welcome.html>

**Thomas**

<http://thomas.loc.gov>

**U.S. House of Representatives**

<http://www.house.gov>

**U.S. Senate**

<http://www.senate.gov>

**U.S. Code**

<http://law.house.gov/usc.htm>

**BNA PRODUCTS**

BNA publishes other information products for professionals in a variety of electronic formats including the titles listed below.

**Daily Report for Executives**

<http://www.bna.com/products/corplaw/der.htm>

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<http://www.bna.com/products/ens/chem.htm>

**Environment Reporter**

<http://www.bna.com/products/ens/ercr.htm>

**International Environment Reporter**

<http://www.bna.com/products/ens/iner.htm>

**Occupational Safety & Health Reporter**

<http://www.bna.com/products/ens/oshr.htm>

**Toxics Law Reporter**

<http://www.bna.com/products/lit/txlr.htm>

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