



THE WEEKLY CLOSER

U.S. SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE
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QUOTE OF THE WEEK...

"EPA's success in reducing air pollution from power plants and manufacturing facilities proves we are not blowing smoke. Long term trends show that our nation's air is cleaner than over a generation ago, and continues to improve under the Bush Administration's innovative clean air policies. By keeping pace in our steady march toward cleaner air and healthier lives, America is breathing easier because of President Bush's commitment to improving our air quality."

EPA Administrator Stephen L. Johnson
Eastern Skies Continue Getting Cleaner
Thursday, September 14, 2006

INHOFE APPLAUDS BUSH ADMINISTRATION'S UNPRECEDENTED CLEAN AIR SUCCESS

Senator Inhofe today applauded the announcement by the Environmental Protection Agency (EPA) that power plants and other large facilities in the East cut ozone-forming emissions 11 percent between 2004 and 2005 under an EPA cap and trade program. According to EPA, eastern states have reduced NOx emissions by 57 percent since 2000 and by 72 percent since 1990. In addition, based on 2003-2005 air monitoring data, nearly 70 percent of the areas that did not meet the national air quality standard for 8-hour ozone in 2004 now have better air quality than the standard requires.

"The announcement by EPA should be great news to all Americans that our nation's air quality is the cleanest it's been since the 1970 Clean Air Act was passed to address the nation's worsening air pollution problem," Senator Inhofe said. "Once again, the data proves that our nation's air is significantly cleaner today thanks to the policies of the Bush Administration. This achievement reflects the commitment of EPA, and in particular, the hard work of Acting Assistant Administrator for Air and Radiation, Bill Wehrum.

"The news gets even better – air quality will be further improved in the future thanks to the Administration's Clean Air Interstate Rule and Clean Air Nonroad Diesel Rule. According to EPA, the Clean Air Interstate Rule will reduce NOx emissions in the eastern U.S. by more than 60 percent and the Clean Air Nonroad Diesel rule will reduce nationwide NOx emissions by more than 90 percent.

Full Committee Will Hold A Hearing To Examine Approaches Embodied In The Asia Pacific Partnership.

2:30 PM

SD-406

EPW RESOURCES

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“The announcement by EPA follows a recent report by the National Academy of Sciences National Research Council that found that the Clean Air Interstate Rule is more effective at reducing power plant emissions and less costly than New Source Review, an approach championed by liberal special interest groups. Therefore, we should expand upon the success of improving air quality in the Eastern United States to the rest of the country. That is why I introduced legislation last week to ensure that all regions of the country must comply with the nation’s clean air health standards. As demonstrated in the East, simply enforcing the law will produce tremendous improvements.”

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EPW COMMITTEE PASSES BI-PARTISAN GOOD SAMARITAN LEGISLATION

The Committee on Environment and Public Works on Wednesday approved several bi-partisan bills that will further improve our nation’s environment. Chairman James Inhofe (R-Okla.) and Senator Max Baucus (D-MT) crafted compromise legislation that incorporated President Bush’s Good Samaritan bill and Good Samaritan legislation co-sponsored by Senator Wayne Allard (R-CO) and Senator Ken Salazar (D-CO) that will help facilitate the cleanup of thousands of abandoned hard-rock mines across the Western United States. In addition, the Committee passed Senator Inhofe’s bi-partisan bill to reauthorize the North American Wetlands Conservation Act (NAWCA) and bi-partisan nuclear safety legislation.

“Today’s overwhelming bi-partisan vote in favor of S. 1848, the Good Samaritan mining legislation, means we are one giant step closer to the clean-up of thousands of abandoned hard-rock mines in the Western United States,” Senator Inhofe said. “Passage of today’s substitute amendment is a result of bipartisan efforts including Senator Baucus on the Committee, Colorado Senators Allard and Salazar, and the Bush Administration. With such overwhelming support in the Senate, support by the Administration, and support by groups like Trout Unlimited and National Mining Association, I urge the Senate to pass this bill before the end of the year.

“I’m also proud that the EPW Committee passed my bi-partisan legislation to reauthorize the North American Wetlands Conservation Act. The program has enjoyed tremendous success since its conception in 1989 and supported by several conservation and recreational organizations. Because of NACWA, numerous cooperative partnerships have developed between public and private resources. I believe the NAWCA program serves as an exemplary model of cooperative conservation that further improves our nation’s environment.”

“The EPW Committee also passed two bi-partisan nuclear bills to increase nuclear safety. I worked closely with Senators’ Obama and Jeffords to pass legislation that provides for more responsible notification by nuclear power plants to affected communities of any unplanned release of radioactive substances. I also worked with Senator Jeffords on implementing legislation for the Compensation for Nuclear Damages Treaty, which expands Price Anderson to international incidents without costing the taxpayers anything.”

OPENING STATEMENT: EPW BUSINESS MEETING

Wednesday, September 13, 2006

Today we have a number of Bills, resolutions, and nominations before the Committee. Immediately following the Business Meeting we will hold a nominations hearing for the positions of General Counsel and Inspector General at the EPA and the final board member of the Tennessee Valley Authority.

Before I describe the markup agenda I would like to comment briefly on a bill I removed from the markup, my own bill S.3868, The Clean Air Attainment Enforcement Act. I introduced the bill last week, and the minority has suggested that we first hold a hearing on it, which we will do later this year or early next year. But I remain interested in solving the problems this bill addresses -- making sure the worst polluted areas of the country obey the law.

Some have suggested that the reason for this bill is retribution against California for passing climate change legislation. This is simply false. You all know I believe global warming is a hoax and most of the current science is trending in that direction, but the fact that a few areas with the biggest populations and worst pollution cause most of the deaths is not a hoax. The fact is, those areas are all in California, where air pollution deaths exceed the rest of the country combined. We started working on this bill in July after learning in hearings and after numerous EPA briefings that showed a few areas of the country are not on target to meet existing air pollution standards. Continually lowering standards in the comparatively cleaner areas of the country is not the answer -- we need to enforce the laws on the books in the most polluted areas.

I find it ironic that the environmental community does not support a bill that would cut air pollution deaths in this country in half. But look forward in the next Congress to exploring the progress that is being made in most parts of the country and what can be done about Los Angeles and the San Joaquin Valley. These areas have never complied with the NAAQS regardless of who is in charge in California, or the U.S. EPA, and according to the modeling, never will.

Just this year when the US EPA calculated the regulatory impact analysis for the proposed PM changes, they didn't bother to calculate the cost for California to comply, stating "they never will." This is unacceptable. I look forward to working with my colleagues to ensure that California complies with the clean air regulations.

On the agenda today are a number of important bills such as S. 1848, the Good Samaritan mining legislation, I would like to thank several of my colleagues Senator Baucus as well as two of our colleagues not on the Committee but very much responsible for this bill, Senators Allard and Salazar. Further, we would not be considering this bill were it not for the participation

of the Administration who authored its own legislation that I was happy to introduce. The Administration made this issue a priority and provided much-needed momentum. In the substitute amendment, we took several provisions from the Administration's bill. This bipartisan legislation has the support of Senators Salazar, Allard, Baucus, Reid and Isakson. Our action today gives hope to every person and every community affected by these abandoned mines. Without this legislation, the nearly 100,000 water bodies will continue to be polluted by discharges from abandoned hard-rock mines.

We are also marking up Senator Jeffords' Green buildings legislation. While I have some concerns about the legislation, I want to commend Senator Jeffords for his tireless advocacy on this issue. I know it is very important to him.

In addition, we are marking up Senator Obama's Nuclear Release Notice Act and Senator Vitter's Lake Pontchartrain bills and I'm sure both Senators will want to comment on them in a few minutes.

We also have implementing legislation for the Compensation for Nuclear Damages Treaty, which expands Price Anderson to international incidents without costing the taxpayers anything.

In addition to a few other bills, we will be approving important nominees to the Chemical Safety Board and the Udall Foundation, authorizing a number of Army Corps resolutions, GSA resolutions, and 8 important courthouse projects.

I will describe the rest of the legislation as we call each bill up during the markup. We will need at least six members to dispose of the amendments and then I would like to move the various items en block.

At this point I would like to call upon Senator Jeffords for his opening statement. We will forgo other opening statements, they will all be accepted into the record, but if members would like to comment briefly about the different bills they can do that as we call them up.

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OPENING STATEMENT: NRC'S REGULATORY RESPONSIBILITIES FOR THE LONG- AND THE SHORT-TERM SPENT FUEL STORAGE PROGRAMS

Thursday, September 14, 2006

Today's hearing on the disposal options for commercial nuclear waste is a continuation of an earlier hearing that the full Committee had on March 1, 2006. I thank the Chairman for having this hearing as it further reinforces both the Committee as well as the Subcommittee's resolve in wanting to find a national disposal solution for one of our country's most significant and reliable sources of energy.

Over the past year, Congress has accomplished a lot in promoting the nuclear renaissance. Mr. Chairman, it was only seven months ago that the

then Chairman of the NRC, Mr. Diaz, had informed us that he was expecting 11 combined construction and operation license (COLs) applications by 2009 for new nuclear plants. However, today I am happy to hear that the NRC now anticipates 19 COLs within the next three years.

Mr. Chairman, I specifically credit this renewed nuclear renaissance to key critical nuclear provisions that we in this Committee crafted such as NRC reforms, security, liability insurance, and human capital provisions combined with other nuclear key provisions such as risk insurance, production tax credits, and loan guarantees.

Though I am pleased with the ongoing efforts by both the NRC and DOE in implementing these critical nuclear provisions, I remain extremely concerned about the NRC's ability to address the increase amount of workload required to review the increasing number of COLs while simultaneously preparing for the Yucca Mountain license application due from the DOE in 2008. Mr. Chairman, I know that you have been instrumental in assisting the NRC to address increased staffing and space needs and I thank you for all of your efforts.

Given NRC's increased workload over the next three years in reactor licensing, I am skeptical about new legislation that will require the construction of about 37 interim sites to be built around the country to store nuclear waste. First, I question whether the DOE can select and submit over 30 license applications to the NRC within 300 days of enactment of the legislation. Second, the NRC simply cannot review these applications in 32 months. In addition to interim storage, the committee is also concerned about the timeline associated with the Global Nuclear Energy Partnership (GNEP). For instance, it is my understanding that funding for nuclear programs at universities were eliminated to support GNEP. In addition, some of DOE's funding for the Nuclear Power 2010 Program which is critical for the Combined Construction and Operation License (COL) application process for new nuclear power plants was reduced to further support GNEP. Also, for the successful implementation of GNEP, the NRC will be required to license fuel reprocessing plants as well as fast reactors. This will further strain NRC's limited resources and capabilities.

As you know from our Committee's earlier hearing on Yucca Mountain, I strongly support the storage of nuclear waste at Yucca Mountain. How many more thousands of rock samples do we need to further re-confirm what is already known about this site's engineered and natural barriers ability to contain radioactive materials for thousands of years? We need to open Yucca Mountain as quickly as possible. Though I find the interim storage option intriguing, I am concerned about the impact on our resources in shifting the debate from long term storage to interim storage. I believe that this must be fully debated on the Senate floor and not attached to an omnibus appropriations bill. Furthermore, I do support in principle the future need for GNEP as our country will need a closed nuclear fuel cycle. However, I question the timing of this elaborate program at the DOE and fear that this program can be a major distraction from other programs at the DOE that focuses on the immediate construction and operation of

commercial nuclear plants. In a time of shrinking budgets, I would recommend that the Department prioritize its budget to be more in line with the immediate energy needs of our country.

I am not aware of any scientific changes that would deter me from still supporting the Yucca Mountain site since our last hearing. It is for this reason that I have introduced S.2610 to help expedite the licensing, construction, and operation of Yucca Mountain. I hope that my fellow colleagues in this Committee as well as in the US Senate will support this critical piece of legislation in helping to send the clear signal to investors that our country like so many of our competitors is serious in resolving our national and global energy needs.

I would like to thank the Chairman again for having this hearing and look forward to hearing from our distinguished witnesses.

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OPENING STATEMENT: NOMINATIONS HEARING

Wednesday, September 13, 2006

We are going to hear from 3 nominees this morning. First will be Roger Martella, who has been nominated to be the EPA General Counsel. Mr. Martella currently serves as Principal Deputy General Counsel of the EPA. Prior to joining EPA, he worked for the Department of Justice's (DOJ's) Environment and Natural Resources Division for seven years, leaving as Principal Counsel for Complex Litigation. He has a substantial background as an environmental attorney and will make an excellent addition to EPA. We will then hear from Alex Beehler, who has been nominated to be the EPA Inspector General. Mr. Beehler is currently with the Department of Defense, serving as Assistant Deputy Under Secretary of Defense for Environment, Safety and Occupational Health. He was also a Trial Attorney with DOJ for ten years. Let me just say that Mr. Beehler is very qualified for this position, and I look forward to having an Inspector General that will carry out his duties without political bias.

Last, but certainly not least, we will hear from William Graves, who has been nominated to be a Member of the Board of the Tennessee Valley Authority. He is the 42nd Bishop of the Christian Methodist Episcopal Church. Bishop Graves served as Vice-Chairman of the Board of Commissioners of Memphis Light Gas & Water, TVA's largest customer. Bishop Graves is nominated to fill the 9th and final slot on the newly reorganized TVA board.

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IN THE NEWS...

THE HILL BLOG

[HTTP://BLOG.THEHILL.COM/](http://blog.thehill.com/)

ANIMAL ENTERPRISES NEED MORE PROTECTION

By Senator James M. Inhofe

September 12th, 2006

In February of 2005, as Chairman of the Committee on Environment and Public Works (EPW), I opened an inquiry into radical environmental and animal rights groups who use criminally-based activism in an effort to influence public policy. Groups such as the Earth Liberation Front ("ELF"), the Animal Liberation Front ("ALF"), and Stop Huntington Animal Cruelty ("SHAC"), to name a few, use crimes of violence like arson, bombings, and property destruction to frighten individuals, companies, and governments into abandoning work affecting the environment or animals. This is the textbook definition of terrorism and is crime punishable by current law.

However, after taking testimony through two EPW Committee hearings from multiple victims, officials from the FBI, DOJ and the educational and scientific communities, it became painfully obvious that many of these extremists' tactics were, in fact, not addressed by current law. I am referring to a sophisticated form of fear-based activism using threats, stalking, harassment, and intimidation to frighten those away from their work on animals. These fear generating tactics are directed not only at a person or company working with animals but also at those that simply do business with or have some connection to those working with animals. This is also terrorism and, unfortunately, is not adequately covered by today's laws.

Animal rights extremists donning fatigues and hoods, equipped with bullhorns regularly appear in the darkness of night threatening the lives of families. Cutting power and phone lines, bashing in front doors, and throwing bricks through windows are just some of the preliminary things regularly done in an effort to force an unsuspecting CEO to decide to drop a client simply because they want the harassment to end. This is how it starts. Hold out, due to your principles, and quickly you will find a website calling for a "direct action" to be committed upon you with your home address and your children's names, schools, and soccer schedules posted on it. Read the rest of this entry »
Posted by Okla. GOP Sen. James Inhofe | Inhofe's Website(s)

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IN CASE YOU MISSED IT...

CLIMATE SCIENCE BLOG

A NASA PRESS RELEASE ON ARCTIC SEA ICE AREAL EXTENT

By Roger Pielke Sr.

There is a NASA press release on arctic sea ice trends that requires comment on Climate Science. The press release is entitled

[Hitting Major Lows in Wintertime](#)”, and includes the statements, “The maximum amount of sea ice in the Arctic winter has fallen by six percent over each of the last two winters, as compared to a loss of merely 1.5 percent per decade on average annually since the earliest satellite monitoring in 1979. This is happening as summer sea ice continues its retreat at an average of 10 percent per decade.”

“‘This amount of Arctic sea ice reduction the past two consecutive winters has not taken place before during the 27 years satellite data has been available,’ said Joey Comiso, a research scientist at NASA’s Goddard Space Flight Center, Greenbelt, Md. ‘In the past, sea ice reduction in winter was significantly lower per decade compared to summer sea ice retreat. What’s remarkable is that we’ve witnessed sea ice reduction at six percent per year over just the last two winters, most likely a result of warming due to greenhouse gases.’”

“According to Comiso, if the winter ice retreat continues, the effect could be very profound, especially for marine animals. ‘The seasonal ice regions in the Arctic are among the most biologically productive regions in the world,’ he said. ‘For example, sea ice provides melt-water in spring that floats because of low density. This melt-water layer is considered by biologists as the ideal layer for phytoplankton growth because it does not sink, and there is plenty of sunlight reaching it to enable photosynthesis. Plankton are at the bottom of the food web. If their concentration goes down, animals at all tropics level would be deprived of a basic source of food. A continued reduction of the Arctic winter ice cover would be a clear indicator of the warming effect of increasing greenhouse gases in the atmosphere. It would at least confirm our current understanding of the physics of the Arctic climate system that has been incorporated in our models,’ said Comiso”. A graphic is presented on the NASA site which shows the annual cycle of Arctic sea ice coverage since 1980.

This study is to be published in Geophysical Research Letters later this month.

There are several comments on this press release, however. First, a press release before a paper is published and available to the scientific community inappropriately shortcuts the process of permitting scientists to scrutinize the research before it is broadcast to the media and public.

Secondly, the NASA press release fails to recognize that the current sea ice anomaly has returned to nearly its average value (see the University of Illinois [“The Cryosphere Today”](#) web site on this subject). According to this web site, while there has been a clear decline in Arctic sea ice areal coverage, this year it did not fall below its record value. Moreover, the date of the minimum area in 2006 is well before the record year of 1995.

NOAA’s [National Snow and Ice Data Center \(NSIDC\)](#) is another excellent source for this type of information. This web site also shows the long term reduction on Arctic sea ice extent, but illustrates in its spatial anomaly maps that the negative values are concentrated in the eastern Arctic, with the

western Arctic close to its long term average at present (this is yet another example of why we need a regional perspective on climate variability and change). The web site also shows that the Antarctic sea ice extent remains very close to its long term average.

The University of Illinois and NSIDC web sites illustrate that when one examines the data in depth, the interpretation of sea ice variability and trends is much more complex than presented in the NASA press release. The statement in the NASA press release, that the two years of lower than average winter sea ice extent,

“...would at least confirm our current understanding of the physics of the Arctic climate system that has been incorporated in our models....”, clearly grossly overstates our understanding of the Arctic climate. If the NASA statement were accurate, then, for example, the current near average anomaly of sea ice, its regional variation, and the long term trends in the Antarctic sea ice coverage also need to be explained. We also have an implied prediction for this coming winter, as the study clearly indicates that the winter maximum sea ice extent should continue to fall. This is an appropriate test of the study’s hypothesis, and we will be following sea ice anomalies this coming winter.

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Marc Morano, Communications Director
Matthew Dempsey, Press Secretary