

ENVIRONMENTAL SYNOPSIS

The Chairman's Corner

Rep. Scott E. Hutchinson, Chairman



It's always interesting to make note of public opinion surveys, and in the case of the Joint Legislative Air and Water Pollution Control and Conservation Committee (Committee), compare the findings to similar surveys the Committee has sponsored over the years.

As you'll recall, the Committee has sponsored statewide telephone surveys in cooperation with Mansfield University for a number of years. Thus it was with interest that I recently saw the results of a 2010 Muhlenberg College / Allentown Morning Call "Pennsylvania Quality of Life Survey." The telephone survey polled 494 adult Pennsylvanians over a nine-day period on a variety of quality of life issues.

The Muhlenberg/Morning Call survey asked several environmentally oriented questions. One question asked respondents to rate the "...quality of various categories of life in Pennsylvania," and one of the categories was the environment. An overwhelming majority, 65 percent, said the environmental quality of life was good, while 11 percent said it was excellent. Twenty percent said not so good, while only four percent rated it as poor.

One would like to see that 11 percent figure move up and the 20 percent move down, but overall, one has to be encouraged that 76 percent thought the quality of the environment was good/excellent.

Another question in the survey regarded drinking water. Specifically, the question asked respondents to rate their level of concern regarding the safety of their drinking water. The single largest percentage – 31 percent – was not at all concerned, and the next largest – 25 percent – was not too concerned. How-

ever, 22 percent were somewhat concerned and another 22 percent were very concerned.

In its 2007 survey of 920 Pennsylvanians, the Committee found Pennsylvanians to be more optimistic. A total of 47.6 percent rated the quality of their water as good and 24.9 percent said it was excellent (a total of 72.5 percent). Also, 67.5 percent thought their drinking water (and sewer) systems were very reliable, while only 4.6 percent noted serious problems.

(continued on page 8)

In This Issue...

- **The Chairman's Corner**p. 1
- **Notes From the Director**p. 2
- **Research Briefs**p. 3-6

- ✓ **Energy Star's "Star" Is Falling**
- ✓ **Stimulus Funds for Water Projects Spoken For**
- ✓ **Should Public Health Be Part of Climate Change Studies?**
- ✓ **California Moves Again on Vehicle Emissions**

- **On The Horizon**p. 7
- **Committee Chronicles**p. 7

NOTES FROM THE DIRECTOR

CRAIG D. BROOKS, EXECUTIVE DIRECTOR



A new U.S. Environmental Protection Agency (EPA) website has been designed to help the public understand and participate in the agency's rulemaking process. The website is called the Rulemaking Gateway and provides the public with earlier and more concise information about agency regulations.

The Rulemaking Gateway allows users to search EPA rules that relate to specific interests, including effects on everything from small business, children's health and environmental justice to state, local and tribal government.

EPA is promoting the website as a way of showing its commitment to federal government transparency and it will update the website on a monthly basis as new information becomes available. Time-sensitive information, such as notice of public meetings, is updated on a daily basis.

The website provides information to the public on the status of EPA's priority rulemakings. EPA has a process by which regulatory managers determine the priority level of a rulemaking based on the following factors:

- **environmental significance;**
- **impact on the economy;**
- **level of external interest;**
- **significance of policy or scientific issues;**
- **complexity; and**
- **effect on other agency programs.**

The gateway includes rules that have not yet been proposed, those that are open for public comment, those for which EPA is working on a final rule, and those that have been recently finalized. The website

includes links to <http://www.regulations.gov> where users can find more comprehensive information.

The regulations.gov website is EPA's online docketing and commenting system. The Rulemaking Gateway was created by EPA as a complement to the website to provide a brief overview of EPA's priority rulemakings and additional search functionality. The Gateway offers a snapshot of a rule – just enough information to help determine which rules the public may want to learn more about. There are hyperlinks throughout the Gateway website to reach other relevant web pages for more comprehensive information.

For example, a link to the portal for the renewable fuels standard, a final rule currently being

considered by the White House Office of Management and Budget before publication in the Federal Register, includes a timeline of the history of the rule from when it was proposed in March 2008 to the present and includes its projected date of publication. A link to the potential effects of the rulemaking notes that the rule is likely to have a significant economic impact on a substantial number of small entities, including small businesses.

The page also includes links to participate in the rulemaking and the regulatory review, with the intent of helping the public navigate through the rulemaking process. Currently, the information provided in the portal only comes out once every six months. The website, according to EPA, makes the information more readily available and accessible to the public.

The Rulemaking Gateway is available at <http://www.epa.gov/rulemaking>.

EPA's new Rulemaking Gateway is intended to help the public better understand and take part in the agency's rulemaking process

RESEARCH BRIEFS

Each month, the committee's staff researches and prepares a number of "briefs" on several topics relevant to the Joint Conservation Committee's mission. Very often, these briefs include references to reports and further research on the topics so that readers may pursue issues on their own.

GAO: Energy Star Appliance Rating Subject to Fraud

-- Tony M. Guerrieri, Research Analyst

Recently, consumers have been seeking out products with environmental labels to ensure their purchases are as environmentally friendly as possible. However, a covert investigation conducted by the U.S. Government Accountability Office (GAO) has found that Energy Star, the federal energy efficiency program whose familiar blue logo adorns products from light bulbs to furnaces, will put its seal of approval on just about anything – as long as the paperwork is filled out.

A GAO report, *"Energy Star Program: Covert Testing Shows the Energy Star Program Certification Process Is Vulnerable to Fraud and Abuse"*, highlights several flaws in the program that raise doubts about the reliability of the Energy Star rating. The GAO report concludes that Energy Star is for the most part a self-certification program vulnerable to fraud and abuse.

Energy Star, a voluntary program administered by the U.S. Department of Energy and the U.S. Environmental Protection Agency (EPA), covers more than 50 product categories, from refrigerators to washers and dryers to air conditioners and dehumidifiers. To qualify for the Energy Star rating, appliances and consumer electronics should use 10 to 25 percent less energy than minimum federal standards.

Since Energy Star's launch in 1992, it has gained broad acceptance as a government guarantee of energy efficiency for buyers worried about the dubious claims of some products. But, according to the report, federal auditors who submitted phony products, such as a gas-powered alarm clock, found it easy to obtain approval for the devices.

Although the efficiency information for the alarm clock met Energy Star criteria, the product description section on the form clearly indicated that it was gas-powered and the dimensions were similar to those of

a small portable generator. The report states, "EPA officials confirmed that because the energy-efficiency information was plausible, it was likely that no one read the product description information."

The GAO also obtained Energy Star certification – in just 11 days – for a "room air cleaner." The fake product image the auditors prominently displayed on their fictitious company's website showed a tower-style electronic space heater with a feather duster and fly strips attached to it. In one case, Energy Star certified a non-existent computer monitor a mere 30 minutes after GAO submitted paperwork.

The GAO audit found problems with Energy Star's certification procedures and controls on use of its logo

In the nine-month investigation, the GAO invented four fictitious companies, and submitted 20 fake products for the valuable seal of approval. Auditors with the GAO said they obtained Energy Star approval for 15 of the 20 fake products they submitted. Most were conventional products such as a dehumidifier, refrigerator or geothermal heat pump that existed only on paper. The fake companies submitted data indicating that the models consumed 20 percent less energy than even the most efficient ones on the market. Yet those applications were mostly approved without a challenge or even questions, the report said.

Energy Star required only four of 20 products GAO submitted for certification to be verified by an independent third party. Two products (a compact fluorescent light bulb and a ventilating fan) were rejected. GAO withdrew three products (including an "electric office hammer") because testers did not get a reply before their investigation ended. Two of the certified products received purchase requests by real companies because four bogus firms, developed for the purpose of the investigation, were listed as Energy Star partners.

“Certification controls were ineffective primarily because Energy Star does not verify energy savings data reported by manufacturers,” auditors said in the GAO report.

Yet auditors found problems beyond the approval of nonexistent products. They determined that once a company registered as an Energy Star partner, it could download the logo from the government’s website and paste it on products for which it had not even requested approval.

Many consumers are willing to pay extra for an appliance, window, furnace, computer or other piece of hardware carrying the sticker. The voluntary labeling program uses tax credits and appliance rebates as incentives to buy Energy Star products. In some cases, federal agencies can purchase only certified products.

The GAO report is available at: <http://www.gao.gov/new.items/d10470.pdf>.

All Recovery Act Funds for Water Projects Are Obligated

-- Craig D. Brooks, Executive Director

The U.S. Environmental Protection Agency (EPA) says it has obligated \$7.1 billion to states under the American Recovery and Reinvestment Act, nearly 99 percent of the agency’s allocation under the stimulus law, and obligated all funding for clean water and drinking water state revolving funds.

The Recovery Act required that by February 17, 2010, all funds must be committed to eligible projects, with states having signed certifications that project applicants have signed contracts or that the projects are under construction. If a state fails to meet the obligation, EPA is required to rescind the funding. The Recovery Act included \$6 billion for the clean water and drinking water revolving funds, with \$4 billion going for clean water and \$2 billion for drinking water. According to EPA, the clean water awards have resulted in nearly 1,900 assistance agreements and more than 1,500 projects in which construction has begun. These projects will serve approximately 68 million people and address a wide variety of infrastructure needs.

According to EPA, funding for state clean water revolving projects include:

- Thirty percent of the projects, representing 48 percent of the funds, are for improving or maintaining

treatment levels at publically owned treatment works.

- Forty-four percent of the projects, representing 33 percent of the funds, are for improving, rehabilitating, or expanding wastewater collection systems.

- Six percent of the projects, representing nine percent of the funds, are for combined sewer overflow correction projects.

- Eleven percent of the projects, representing four percent of the funds, are for non-point source projects.

- Two percent of the projects, representing two percent of the funds, are for water reuse projects.

According to EPA, states were also required by the Recovery Act to use at least 50 percent of these funds for additional subsidization in the form of principal forgiveness, negative interest rates, or to provide grants to communities that could not normally afford a clean water revolving fund loan. Project examples include treatment plant and sewer line upgrades and combined sewer overflow remediation.

The Recovery Act also included requirements that 20 percent of the money be used for green projects. These would include projects that promote energy or water efficiency, as well as projects that demonstrate new or innovative ways to manage water resources in a sustainable way. According to EPA, every state met this requirement. Examples of projects include upgrading pumping stations to increase energy efficiency, water recycling and reclamation projects to reuse effluent for public purposes, and making greater use of natural processes to address storm water runoff.

According to EPA, currently 1,869 clean water projects are ready for construction in every state, totaling more than \$3.8 billion. Of these projects, 1,478 have started construction at a cost of \$3.1 billion, or 81 percent of the available project funds.

Public Health in Climate Change Policy

-- Tony M. Guerrieri, Research Analyst

Climate change will mean new health problems for Americans, but public health officials play only a limited role in decisions about how to cope with the changing environment, according to a report by the Washington-based health advocacy group Trust for America’s Health.

The report, *“Health Problems Heat Up: Climate Change and the Public’s Health”*, examines U.S. planning for changing health threats posed by climate

change, such as heat-related sickness, respiratory infections, more extreme weather events, and infectious diseases carried by insects. The report recommends that climate change should be treated as a public health issue.

According to the report, communities across the United States are at risk for negative health effects associated with climate change. For example, urban communities, particularly low income areas, are vulnerable to natural disasters, such as floods and heat waves. Rural communities may be threatened by food insecurity due to shifts in crop growing conditions, reduced water resources and storm damage. Coastal and low-lying areas could see an increase in floods, hurricanes, and tropical storms. Mountain regions are at risk of increasing heat and vector-borne diseases due to melting of mountain glaciers and changes in snow melt.

Where climate change issues fit into the public health care system and vice versa are questions still to be answered

Some Americans are particularly vulnerable to the negative consequences of climate change on health, including increasing heat stress, air pollution, extreme weather events, and diseases carried by food, water and insects. These vulnerable populations include: infants and children; pregnant women; the elderly; the poor; minorities; and people with chronic medical conditions.

So far, the attention paid to the human health threats from climate change in the states has been minimal, according to the report. Only five states – California, Maryland, New Hampshire, Virginia and Washington – have public health response plans included in their larger climate change plans. This includes planning for health challenges and emergencies expected to develop from natural disasters, pollution, and infectious diseases as temperatures and sea levels increase.

Twenty-eight states, including Pennsylvania, have published strategic climate change plans without a public health response, and 17 states and the District of Columbia have not published a strategic climate change plan at all, the report said.

The report also found that public health officials are not playing a central role in climate policy and

action. Only 12 states have established climate change commissions that include a representative from the state's public health department. Fourteen states have established climate change commissions that do not include a representative from a public health department and 24 states (including Pennsylvania) and DC have not established climate change commissions.

Pennsylvania is among 22 states, plus New York City, which have received federal grants from the U.S. Centers for Disease Control and Prevention (CDC) for environmental health tracking, to track connections between health problems and the environment. Pennsylvania is one of 49 states to get funds to track diseases spread through mosquitoes and other insects, and is also among 33 states that have received CDC funds for an asthma control program. In addition, the CDC provides funds to 12 states (including Pennsylvania) to help support surveillance for Lyme disease.

More telling are the results of a survey cited in the report that found only 13 of 43 state health officials believed their agency had sufficient planning capacity to address climate change, and only 11 thought their health department had sufficient response expertise.

The Trust for America's Health report provides a series of policy recommendations for federal, state and local government, including:

- Congress should provide funding for state and local health departments to conduct needs assessments and strategic planning for public health considerations of climate change.
- The federal interagency working group on climate change should consider the policy impact on health.
- Funding for health and climate change programs and research should be increased.
- The CDC should establish national guidelines and measures for climate change and require state reporting.
- All state and local health departments should include public health considerations as part of climate change plans, including conducting needs assessments, developing strategic plans, and creating public education campaigns.
- Public education campaigns should be created targeting at-risk populations and vulnerable communities, including children.

The 60-page report, including state-specific information, is available at: <http://healthyamericans.org/reports/environment/TFAHClimateChangeWeb.pdf>.

Air Resources Board Unveils Next-Generation Vehicle Standards

-- Craig D. Brooks, Executive Director

New automobiles and light duty trucks sold in California by 2022 would emit, on average, a third of the ozone-forming air pollutants released by today's new vehicles, under a proposal by the California Air Resources Board (CARB). CARB's proposal marks the first step in an effort to integrate its low emission vehicle program, zero emission vehicle regulation, and its greenhouse gas emission standard for motor vehicles.

CARB outlines a plan to strengthen California's low emission vehicle program that would expand the number of vehicle classes from three to six, combine currently separate standards for non-methane organic gases and nitrogen oxides, tighten particulate matter standards, increase durability requirements for emissions control systems and set a zero standard for evaporative emissions.

California is seeking to integrate its low emission, zero emission and greenhouse gas emission standards into one program

Earlier versions of California's low-emission standards were adopted by other states and also prompted the federal government to set tougher national standards. A similar dynamic could be in the works here.

For years, California has led the way in establishing technology-forcing vehicle emission standards. According to CARB, its efforts have led to substantially reduced vehicle emissions but additional reductions are needed from this major source of air pollution if the state is to attain federal air quality standards. According to CARB, light duty trucks account for 15

percent of the statewide nitrogen oxide emissions, 21 percent of the reactive organic gases, and 42 percent of the carbon monoxide emissions. Nitrogen oxides and reactive organic gases contribute to the formation of ground-level ozone. Exhaust from vehicles also generates particulate matter pollution.

CARB adopted its low-emission vehicle (LEV) program in 1990, which established standards for 1994-2003 model year passenger vehicles. Unlike its earlier regulatory approach of establishing specific emission standards for specific vehicle weight classes, the LEV program established increasingly stricter fleet average emission standards for specific vehicle emissions categories.

In 1998, CARB amended the program, setting new fleet averages for LEV II for 2004-2010 model years and expanding the program to include light duty trucks and sport utility vehicles. LEV II focused on three emission categories for vehicles: LEV, ultralow emission vehicles (ULEV), and super ultra low emission vehicles (SULEV). CARB's latest proposal would apply to 2014-2022 model year vehicles and would establish a single emissions target for both non-methane organic gases and nitrogen oxides for each of six vehicle emission categories.

When fully phased in, the LEV III fleet emissions targets would cut emissions of non-methane organic gases and nitrogen oxides from new cars and light-duty trucks by 73 percent compared with current new vehicles. CARB also wants to tighten up how it treats particulate matter but did not propose a new particulate standard. According to CARB, emerging technologies aimed at curbing vehicle related greenhouse gases could make complying with the existing fleet average particulate emissions more difficult.

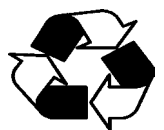
More information on CARB's new standards is available at <http://www.arb.ca.gov/msprog/levprog/leviii/leviii.htm>.

Check Out Our New Website

Visit Us at <http://jcc.legis.state.pa.us> To See Our New Look

The Committee's redesigned website is up and running. Please visit the new website at <http://jcc.legis.state.pa.us>.

We are hopeful that you will find it easier to navigate the site and make use of it, and that you will find the new look more attractive.



**Printed on
Recycled
Paper**

ON THE HORIZON...

A LOOK AT UPCOMING EVENTS

✓ Monday, May 24, 12 noon, Room G-50, K. Leroy Irvis Building, Capitol Complex, Harrisburg, PA – Environmental Issues Forum – The Pennsylvania Environmental Council will offer a presentation on its Green Business Program currently underway in the greater Philadelphia area. A participating business or businesses are expected to join the PA Environmental Council for the forum.

Please call the Committee office at 717-787-7570 if you plan to attend. Also, check the Committee website at <http://jcc.legis.state.pa.us> for events that may be added to the schedule.

A REVIEW OF SOME
MEMORABLE COMMITTEE
EVENTS

COMMITTEE CHRONICLES...

The chairman and staff members of the Joint Legislative Air and Water Pollution Control and Conservation Committee and other legislators recently visited the Pennsylvania Brine Treatment (PBT) plant (a portion of the facility is pictured at right) in Franklin, PA to learn more about treatment of the water from the Marcellus shale gas drilling sites around Pennsylvania, as well as other natural gas wells.



Trucks from around Pennsylvania and as far away as West Virginia and New York, like the one pictured at left, bring brine water from gas drilling sites to PBT for treatment. The plant, which has been in operation since 1985, now estimates that 30 percent of its business comes from Marcellus shale drilling.



In the photo at right, Committee Chairman Rep. Scott Hutchinson (left), Rep. Kathy Rapp (2nd from left) and Committee Executive Director Craig Brooks (center) listen as the water treatment process is explained by PBT Operations Manager "Sparky" DeLong, Jr. (2nd from right) and Sales and Marketing Manager John Snedden (far right).



The photo at left shows a portion of the treatment process of the untreated water.

Similarly in 2005, only 2.9 percent of respondents to the Committee's survey thought drinking water was a possible source of harmful substances. However, 31 percent cited lakes and streams as a likely possible source of harmful substances. That was significantly more than air or food supplies. It appears that concerns about drinking water may have risen over the past five years.

Water quality in general is something that is very important to Pennsylvanians. The Committee's 2007 survey showed that 90.1 percent of respondents felt it was very important to have clean water in rivers and streams.

In response to an air quality question in the Muhlenberg/Morning Call survey, 30 percent were not at all concerned, 19 percent not too concerned, 28 percent somewhat concerned and 18 percent very concerned about the quality of the air they breathe. While the Committee's 2005 survey did not ask respondents to gauge their level of concern, it did ask if they thought the air they breathe was a source of harmful substances. Nine-point-seven (9.7) percent felt it was a source of harmful substances.

**The results of previous statewide surveys sponsored
by the Committee can be obtained by e-mailing
gmaclaughlin@jcc.legis.state.pa.us**

Seventy-eight (78.0) percent of Pennsylvanians responding to the Muhlenberg/Morning Call survey rated recreational opportunities in Pennsylvania as either excellent (27 percent) or good (51 percent). Only seven percent rated recreational opportunities as poor, and 14 percent as not so good. It is likely that Pennsylvania's heavily used state park system (the subject of the 2009 Committee survey) and its extensive Heritage Area system (the focus of an earlier Committee survey) have something to do with the strong level of satisfaction. Both are important parts of the state's overall recreational system. With summer coming soon, it's a good time to visit a state park or one of the state's dozen Heritage Areas. Visit the Pennsylvania Department of Conservation and Natural Resources home page at www.dcnr.state.pa.us to learn more about both systems.

The Muhlenberg/Morning Call survey also asked respondents to rate Pennsylvania as a place to live. Despite any problems we may be facing, and we have our share, 91 percent rated the Keystone State as either an excellent (30 percent) or good (61 percent) place to live. Only two percent rated Pennsylvania as poor, and another seven percent as not so good. In the same vein, 94 percent rated the state as an excellent (32 percent) or good (62 percent) place to raise a family.

Those are strong positives. Of concern is that 53 percent thought the quality of life in Pennsylvania was getting worse, while only 22 percent felt it was getting better. Nineteen percent felt the quality of life was the same.

The upshot is that more work remains to be done both environmentally and economically in Pennsylvania. It is always difficult - if not impossible - to achieve 100 percent excellent ratings, but it is important that whether it regards quality of water, air, environment or life, we all keep working together to try to reach that goal. The Committee will certainly continue its efforts to research and help to address such issues of concern around the Commonwealth.

How to Contact The Joint Conservation Committee

Phone:
717-787-7570

Fax:
717-772-3836

Location:
Rm. 408, Finance Bldg.

Internet Website:
<http://jcc.legis.state.pa.us>

Mail:
Joint Conservation Committee
PA House of Representatives
P.O. Box 202254
Harrisburg, PA 17120-2254

