

ENVIRONMENTAL SYNOPSIS

The Chairman's Corner

Rep. Scott E. Hutchinson, Chairman



It was in 1989 that the Pennsylvania Heritage Parks Program began. It had humble origins in three limited, grass roots planning projects to preserve and interpret specific industrial sites and stories deemed to be nationally significant. Despite obstacles such as having to think outside the box and having few models to choose from as study guides, an initial partnership of the old Pennsylvania Department of Community Affairs and the National Park Service moved ahead. With the help of a report from the PA Historical and Museum Commission entitled *Made in Pennsylvania* as a framework, and the key role Pennsylvania played in the nation's Industrial Revolution as the background story, the partners initiated what is now the Pennsylvania Heritage Areas Program. Today, the program is housed in the Department of Conservation and Natural Resources' (DCNR) Bureau of Recreation and Conservation and is a model for the nation.

It is a compelling story and what the program has "grown up" to become is just as compelling. The managers of the state's heritage areas (of which there are now a dozen) related the story this month at the Joint Legislative Conservation Committee's (Committee) Environmental Issues Forum (see page 7 for photos). The forum provided an excellent review of the program's beginnings, a look at where the program stands today and the hopes and expectations for the future. Despite a record of success, there are concerns.

The topic is not a new one for the Committee. In 1998, the Committee issued a report making recommendations on how to strengthen the heritage park system. And in 2000, the Committee followed up on the report, touring the heritage parks (nine designated with two pending at that time), with particular interest in the role the parks and program were playing in economic development, community building, historical preservation and tourism, recreation and education, and in

the potential role they could be playing. Since that time, we have watched the program – and the number of parks – grow, even as state funding failed to grow with them, and as they faced a lack of understanding from the general populace.

The Committee discovered that lack of understanding in the 2001 Mansfield University statewide survey. The survey showed that heritage and history were high priorities for Pennsylvania travelers, but 72 percent of those surveyed were not familiar with the term heritage park.

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NOTES FROM THE DIRECTOR

CRAIG D. BROOKS, EXECUTIVE DIRECTOR

The U.S. Environmental Protection Agency (EPA) recently issued guidance to its regional offices on how it will award and administer grants to state revolving funds under the newly enacted stimulus package, the American Recovery and Reinvestment Act (ARRA).

The new law provides \$6 billion for state water revolving funds. Of this amount, \$4 billion is targeted for clean water projects and \$2 billion for drinking water. At least 20 percent of the money will be used for projects that address green infrastructure, water or water efficiency improvements or other environmentally innovative activities.

To accelerate the process, EPA will allow states to apply for conventional grants and partial grants. Under the new law, states must commit or enter into contractual obligations within 12 months. Under the guidance, however, EPA may award conditional grants based on draft intended-use plans. States that currently do not have a project list whose cost is comparable to the funds they can receive under the new law, can apply for a partial award.

To receive funds, states must provide details on their intended-use plans with detailed information on every project, including description, the amount of assistance and an estimate of the number of jobs that will be created or retained. States may blend funds from ARRA with the base funds from previous appropriations as long as they meet applicable requirements of ARRA for the entire project. Funds must be separately managed and tracked.

ARRA requires that none of the appropriated funds may be used for the construction, alteration, maintenance or repair of a public building or public work unless all the iron, steel and manufactured goods used in the project are produced in the United States. A waiver for this can be issued by EPA if a contract violates obligations under international agreements.

States will be required to report at least weekly

on the use of funds provided through the stimulus package. The clean water state revolving fund benefits reporting database and the drinking water project tracking system will be used to gather information regarding key project characteristics and milestones. EPA will compile this data weekly.

For both state revolving loan funds, the intended-use plan must contain a description of eligible projects and their uses. However, for the 20 percent reserved for green projects, the intended-use plan need only contain an affirmative statement that the state will actively solicit eligible projects, if sufficient projects cannot be identified in the plan.

In such a case, the grant award will contain a provision allowing certification after 180 days if sufficient applications are not available for at least 20 percent of the grant, in which case, funds can be used for traditional projects. To award such green project funding, a state need not reopen its project list but can consider those that are water efficient.

Recently EPA released guidance information to states on how to spend the one percent of revolving loan funds to be allocated for planning and administration. The new law has an accountability standard that will require states to add increased scrutiny of selected projects because of the law's \$20 million allocation to the Inspector General for oversight on the use of the money.

States have also welcomed the proposed increase for state water revolving funds included in the 2010 proposed budget. The budget includes \$3.9 billion for state water revolving funds, \$42.4 billion for clean water and \$1.5 billion for drinking water, a significant increase.

The EPA guidance on EPA grants to state revolving funds is available at http://www.epa.gov/water/eparecovery/docs/2009-03-02_Final_ARRA_SRF_Guidance.pdf.

EPA has issued guidance on state revolving fund grants under the American Recovery and Reinvestment Act

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.

Lake Erie, Other Great Lakes Could See More Invasive Species

-- Tony M. Guerrieri, Research Analyst

Invasive species continue to be an escalating problem throughout the Great Lakes basin. The continued spread of new and existing invasive species threatens aquatic biodiversity, causes changes to habitats and ecosystems, and impacts economic enterprises such as fisheries, boating and power production.

A report by the U.S. Environmental Protection Agency's National Center for Environmental Assessment (NCEA) warns that dozens of non-native species could spread across the Great Lakes in coming years, despite policies to keep them out. The NCEA report, *"Predicting Future Introductions of Nonindigenous Species to the Great Lakes"*, identified 30 non-native species that pose a medium or high risk of reaching the lakes and 28 others that already have a foothold and could disperse widely.

The NCEA report analyzed ballast water releases into the Great Lakes to determine strong potential targets for invaders. The ports that received the most ballast water discharges were Duluth, MN; Toledo, Ashtabula, and Sandusky, OH; Superior, Green Bay, and Milwaukee, WI; and Gary, IN.

At least 185 non-native species have become established in the lakes, although the report says the majority of them are not harmful. Thirteen of these species, however, have been labeled as invasive because they have done extensive harm to the environment and the regional economy. The impact of the non-native species in the Great Lakes basin is estimated at \$5.7 billion per year.

Perhaps the most notorious are the fish-killing sea lamprey and the zebra mussel, which has clogged intake pipes of power plants, industrial facilities and public water systems, forcing them to spend hundreds of millions on cleanup and repair.

Ballast water released from transoceanic vessels during commercial shipping operations has been

identified as the predominant pathway for non-native species to enter the Great Lakes. Roughly two-thirds of the new arrivals since 1960 are believed to have hitched a ride to the lakes inside ballast tanks of cargo ships from overseas ports.

For nearly two decades, U.S. and Canadian agencies have required oceangoing freighters to exchange their fresh ballast water with salty ocean water before entering the Great Lakes system. Both nations also recently have ordered them to rinse empty tanks with seawater in hopes of killing organisms lurking in residual pools on the bottom.

Despite such measures, "it is likely that non-native species will continue to arrive in the Great Lakes," said the report. Some saltwater-tolerant species may survive ballast water exchange and tank flushing, it said. And, ballast water releases are not responsible for all aquatic invasive species. Some infestations can be linked to the aquarium industry and retail sales in live fish markets.

Despite best efforts, "It is likely that non-native species will continue to arrive in the Great Lakes," says the NCEA

The report does not predict which species might get through. Instead, it urges government resource managers to monitor waters under their jurisdiction in hopes of spotting attacks in time to choke them off.

The report identified 58 aquatic species having a moderate or high potential to spread and cause ecological impacts to the Great Lakes. Twenty-eight of these species are already established in the Great Lakes. The computer model evaluated nine of the 30 species not reported, along with five already found in the Great Lakes.

The computer model uses two important determinants of successful invasions as criteria: suitable habitat for the non-native species and sufficient numbers of these organisms and their larvae arriving. The model also uses information about species and

ballast water discharges, to predict the most likely geographic areas where non-native species might become established.

The report contains maps predicting how 14 of the species might spread across the Great Lakes. In general, it appears that all of Lake Erie, with its milder temperatures and shallower waters, and the shallower, warmer portions of the four other Great Lakes are the most vulnerable to future invasion from fish species that will have an unknown, but possible harmful, impact on the lake. Water depth appears to be a limiting factor for many of the 14 species.

For a copy of the report, visit: <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=190305>

Report Urges “Zero Waste” Goal for Marine Debris

-- Craig D. Brooks, Executive Director

The National Research Council (NRC) has called on the United States and other coastal nations to take stronger measures to protect oceans, releasing a report that recommends a goal of “zero discharge” of wastes into the sea. Despite measures to prevent and reduce marine pollution, evidence shows the problem is getting worse, according to the report, *“Tackling Marine Debris in the 21st Century”*.

The report says marine debris – man-made materials that intentionally or accidentally enter and pollute the oceans – presents a significant challenge, far more diverse and more difficult to solve than other environmental issues. For example, the report says that birds, fish and marine mammals ingest debris, especially plastics that contain toxic compounds. Animals also can suffer injuries or die after becoming entangled in fishing-related debris, such as net fragment, rope and packing straps.

According to the report, in order to achieve zero waste, ships need to be able to discharge their waste at ports and should have incentives to do so. The report found that despite all the regulations and limitations placed on ocean dumping over the past 20 years, there are still large quantities of waste and litter in the oceans. The NRC suggests that the United States take the lead and coordinate with other coastal countries to better manage debris and its impact. The report recommends implementing a system to assess the effectiveness of existing and future efforts to prevent or reduce marine debris.

The report calls for better leadership, coordination, integration of mandates and resources and suggests establishing a national framework to identify priorities and deal with removal efforts.

A National Research Council report recommends a goal of “zero discharge” of wastes into the sea

According to NRC, the International Convention for the Prevention of Pollution from Ships (MARPOL) Annex V, which has been in place since 1988, does not encourage innovation or measures to minimize waste. Currently 134 nations are parties to MARPOL Annex V. The United States ratified MARPOL Annex V in 1987. The NRC was specifically asked to address the challenges surrounding fishing gear, which is regulated under international MARPOL Annex V and domestic laws but which still continues to pose a problem.

Current U.S. and international regulations do not hold commercial and recreational fishing vessels accountable for loss of fishing gear and there are few incentives to take responsibility for cleanup, according to the report. The NRC cited the need to address abandoned fish-aggregating devices (man-made floating objects often made of waste fishing net) that are designed to attract fish.

The NRC recommended that the National Oceanic and Atmospheric Administration modify federal regulations to clarify the circumstances under which abandoned fish-aggregating devices become illegal to discharge. NRC also suggested that international and domestic fishing organizations do more to regulate these devices and prevent them from becoming debris.

The report points to continuing gaps in knowledge about marine debris sources and their impacts that hinder the ability to prioritize mitigation and to assess effectiveness of measures that have been implemented. The report recommends additional studies to provide guidance for reducing marine debris to include surveys and long-term monitoring. The report also recommends that an information needs assessment be conducted at the national level with input from stakeholders. A detailed national marine debris research priorities plan should be developed from the results which should be used to target federal funding and form public policy.

The report is available at <http://www.NAP.EDU>.

Attention Shoppers: Green Product Claims Often Misleading

-- Tony M. Guerrieri, Research Analyst

Just because a product's label says it's "green" does not mean it is. Ninety-eight percent of the growing number of self-proclaimed green products on store shelves are guilty of greenwashing, according to a report by the environmental marketing firm TerraChoice. Greenwashing is the act of misleading consumers regarding the environmental practices of a company or the environmental benefits of a product or service.

The report, *"The Seven Sins of Greenwashing: Environmental Claims in Consumer Markets"*, based on a survey run from November 2008 to January 2009, focused on children's toys, baby products, cosmetics and cleaning products because these were thought to be the product categories of greatest concern to consumers and most susceptible to greenwashing. More than 2,000 products that make environmental claims and are sold in big box retail stores in the United States and Canada were evaluated by TerraChoice. Researchers recorded product details, claims, supporting information and manufacturers' offers of more information or support.

Read on to learn the "Seven Sins of Greenwashing"

The good news, according to TerraChoice, is that the growing availability of green labeled products shows that consumers are demanding environmentally responsible choices and that manufacturers are listening. The bad news is that very few of these products are rarely as good for the planet as their labels suggest. TerraChoice tested the claims against the best practice guidelines provided by the U.S. Federal Trade Commission, the Canadian Competition Bureau and the standard for environmental labeling set by the International Organization for Standardization (ISO 14201).

Of the 2,219 consumer products surveyed, 2,194 (or 98 percent) made illegitimate claims on their labels, and only 25 products came out actually meeting the claims they made. The survey does not disclose which products it found deceptive. Instead, it cites common ways that manufacturer claims and product labels can mislead consumers.

The environmental shortcomings were so prevalent that TerraChoice separated them into seven categories – or the "Seven Sins of Greenwashing." The

seven sins of greenwashing in order of most common to the least common include:

The Sin of the Hidden Trade-Off: If a product claims to be green in one sense, but ignores other significant impacts, it's the marketer's sin. Nearly three quarters (73 percent) of products evaluated suggest that a product is better merely because it contains a so-called green ingredient – recycled paper, for instance – but fail to mention other important environmental issues, including energy and greenhouse gas emissions.

The Sin of No Proof: If you can't prove it with reputable third-party verification, you can't claim it, according to TerraChoice. Fifty-nine percent of the products' environmental claims could not be substantiated by supporting evidence or third-party certification. One common example is facial tissue products that claim various percentages of post-consumer recycled content without providing any supporting details.

The Sin of Vagueness: Terms such as "all-natural," "environmentally friendly" and other vague or unregulated descriptions can mislead consumers. Fifty-six percent of products claimed to be biodegradable or all natural, but that alone does not mean a product is "eco-friendly," as many naturally occurring substances – such as mercury – are hazardous.

The Sin of Worshipping False Labels: Often, a product has an official-looking seal, but the seal is meaningless because it is dreamed up by the product marketers themselves, without any application of third-party standards. Twenty-four percent of "green products" fell into this category.

The Sin of Irrelevance: If a claim is true, but does not distinguish the product in any meaningful way, the marketers have sinned. In eight percent of the products, manufacturers patted themselves on the back for leaving out hazardous ingredients that were already banned by law (i.e., claiming a product is "CFC-free" - when CFCs are already prohibited by law.)

The Sin of Lesser of Two Evils: Even if a green marketing claim is true – the cigarette is organic, or the SUV has a hybrid engine – it fails the TerraChoice test if the claim fails to recognize the overall harm caused by the product. The SUV may get better mileage than others in its class, but still achieves dismal fuel economy when compared to other vehicles; the "organic" cigarette still causes lung cancer. Four percent fell into this category.

The Sin of Fibbing: Some products falsely claim to be certified by a recognized environmental standard, such as claiming to be certified organic or Energy Star-certified, but cannot back up the certification.

TerraChoice, with offices in Philadelphia and Ottawa, provides a range of environmental marketing, market research and third-party validation services. To download a copy of its report, go to www.terracechoice.com and click on "The Seven Sins of Greenwashing".

Coastal Waters Rated "Fair"

-- Craig D. Brooks, Executive Director

The health of the nation's coastal waters improved slightly in the early part of the decade but overall was rated as only being in "fair" condition, according to a report released by the U.S. Environmental Protection Agency (EPA). The "*National Coastal Condition Report III*", is the third in a series of environmental assessments of coastal waters in the United States and Great Lakes that rates the condition of coastal waters by region. Based on monitoring data collected between 2001 and 2002 from more than 2,000 sites, the report includes assessments of all the nation's estuaries in the contiguous 48 states and Puerto Rico.

The report rated waters along the Northeast coast and Gulf Coast and in the Great Lakes region as fair to poor. Those in the Southeast coast and West Coast regions were rated fair, while the south-central Alaska and Hawaii regions were rated good. Puerto Rico rated poor.

Coastal waters in the United States include estuaries, bays, sounds, coastal wetlands, coral reefs, intertidal zones, mangrove and kelp forests, seagrass meadows and coastal ocean and upwelling areas (deep water rising to surface). These coastal resources provide nesting, feeding and breeding habitat for 75 percent of waterfowl and migratory birds.

Section 305(b) of the Clean Water Act (CWA) requires that the EPA report periodically on the condition of the nation's waters. EPA collaborated with the National Oceanic and Atmospheric Administration (NOAA), the U.S. Department of the Interior (DOI),

and the U.S. Department of Agriculture (USDA) in a multi-agency effort to assess the nation's coastal conditions. Ratings were based on actual water quality, sediment quality, coastal habitat loss, fish tissue contaminants, and the "benthic index" (the health of the water's bottom-dwelling invertebrates).

According to the report, coastal conditions improved in the Northeast and the West, compared with previous years, but conditions in the Southeast and the Gulf of Mexico worsened slightly. The conditions in the Great Lakes and Puerto Rico remained the same. The report suggests that improvements in water quality scores for the nation improved slightly and smaller improvements occurred in the sediment quality and benthic zones. The fish tissue contaminants and coastal habitat scores have shown little or no improvement.

While the health of coastal waters improved slightly, their overall rating was still only "fair"

The water quality index for the nation's coastal waters was rated good to fair, with 57 percent of the nation's coastal areas rated as good for water quality conditions, 34 percent rated fair and six percent rated poor. Waters at 18 percent of the national coastal waters where fish were caught were rated poor for fish tissue contaminants.

The next "*National Coastal Conditions Report*" is expected to be released in 2011 and will provide an assessment of the status of U.S. coastal waters from 2003 to 2006, along with trends in conditions since the 1990's. The first report was released in 2001 and the last was released in 2005.

The report is available at <http://www.epa.gov/owow/oceans/nccr>.

News to Use in the Environmental Synopsis... share it with a friend

The *Environmental Synopsis* is issued monthly.

The newsletter examines timely issues concerning environmental protection and natural resources.

If someone you know would like to receive a copy of the *Synopsis* each month, please contact the Committee office at 717-787-7570.



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ON THE HORIZON . . .

A LOOK AT UPCOMING EVENTS

- ✓ **Thursday, June 4, 9 a.m. – 11 a.m., Hearing Room # 1, North Office Bldg., Capital Complex, Harrisburg, PA – Public Hearing** into green building certification standards to be held by the Joint Legislative Conservation Committee's Forestry Task Force.
- ✓ **Monday, June 8, 12 noon, Room G-50, K. Leroy Irvis Building, Capitol Complex, Harrisburg, PA – Environmental Issues Forum** – American Geo Energy Solutions, LLC will present a forum on potential alternative energy sources for Pennsylvania, including mine water sources, surface and groundwater, co-generation and heating and cooling districts.

Please call the Committee office at 717-787-7570 if you would like to attend.

Also, check the Committee website at <http://jcc.legis.state.pa.us> for events that may be added to the schedule.

Committee Chronicles . . .

REVIEW OF SOME MEMORABLE COMMITTEE EVENTS

As described in this month's The Chairman's Corner, Heritage PA President Jane Sheffield, who is also executive director of the Allegheny Ridge Heritage Area, opens the Environmental Issues Forum concerning the Pennsylvania Heritage Area Program (photo at right).

In the photo below, the forum speakers pause to chat with Joint Legislative Conservation Committee Chairman Rep. Scott Hutchinson (2nd from left) after their



presentations. With Hutchinson (from left to right) are Kurt Zwickl, executive director of the Schuylkill River National and State Heritage Area, Sheffield, and Allen Sachse, executive director of the Delaware and Lehigh National Heritage Corridor.



The Committee felt then and still feels today that the heritage areas program is an important part of the state's economic and community system and deserves state support. Unfortunately, funding for the program has not kept pace with the program's growth, and in this year's budget, funding for the program has been completely zeroed out, leaving the areas with no recourse for operational dollars. It is an area of grave concern, because state dollars represent the baseline needed to conduct everyday business, and the seed money that heritage areas use to leverage other funds, which they have done successfully - at a five to one average ratio. In the case of certain of the heritage areas - those where local communities and non-profits are hard hit by the recession and do not have the financial resources to fill in for lost state support - the state funding cuts will almost certainly force the areas to close their doors.

Ironically, the very characteristics that make heritage areas so successful are often the hardest to quantify. Heritage areas are large and don't conform to municipal boundaries. They are multi-county in nature (covering all or parts of 52 of the state's 67 counties and involving more than 2,200 communities and non-profit organizations). They continue to rely on successful partnership building with a wide variety of concerns (municipal governments, non-profit organizations, economic development and tourism groups, historical preservationists, the federal government, private sector benefactors) to thrive and grow. The projects being carried out by heritage areas are varied and diverse in nature. And, unlike a state or national park or a stadium with entrance gates and ticket counters, it is hard to quantify who and how many people are benefitting from a heritage area, even though the benefits are often visible.

“Honor Our Past – Build Our Future” – The motto of Heritage PA

However, using an economic model developed for the National Park Service, it is estimated that 17.3 million visitors visited Pennsylvania's heritage areas in 2008, generating \$1.6 billion in direct and indirect sales. Sales supported more than 31,500 jobs, paying nearly \$600 million in wages and salaries. The total direct and indirect value-added to the community from heritage tourism activity is estimated at \$934 million for 2008. That is a very good return on a minimal state investment.

Heritage PA is a statewide non-profit organization formed in 2007 to represent the state's heritage areas and improve Pennsylvania's position in the cultural and heritage tourism market and heritage development movement. The organization's motto is "Honor Our Past - Build Our Future." Heritage PA seeks to restore the \$1.95 million in state funding for the state's 12 heritage areas, and has helped put together legislation to authorize the overall PA Heritage Area Program in statute. On that front, the Senate Environmental Resources and Energy Committee has sent to the Senate floor Senate Bill 617 to do just that.

The Committee will continue its efforts to support the state's heritage areas and the heritage areas program, and urges everyone to visit our heritage areas. To learn more about the program, visit the Heritage PA website at www.heritagepa.net or visit DCNR's website at www.dcnr.state.pa.us/brc/heritageparks.

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

