

Joint Legislative
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Committee



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The Chairman's Corner

Rep. Scott E. Hutchinson, Chairman

Which of us has not enjoyed the soaring glide of a peregrine falcon on the wing? Perhaps at just the right time, in just the right place, you literally stumbled over a Showy Lady's Slipper or Jacob's Ladder flower? Have you marveled at the showy orange and black colors and delicate wings of a Regal Fritillary butterfly? Or, maybe you've read about the Delmarva fox squirrel and wondered why you couldn't find one in your Pennsylvania neighborhood?

Why not "Do Something Wild" this tax season?

Without the continued help of Pennsylvania citizens, we may not be able to continue to enjoy these pleasures or see these birds, plants and mammals at all for much longer. All of the wonderful wildlife above are either threatened or endangered species in Pennsylvania. But, you can help to ensure that they do not become extinct when you file your 2001 tax return.

There is a fund - the only fund - devoted exclusively to protecting these species and to supporting research and public education projects concerning Pennsylvania's non-game wildlife and native plants. It's the Wild Resource Conservation Fund (WRCF).

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A Legislative Service Agency of the Pennsylvania General Assembly

Craig D. Brooks, Director

It's not unusual for garbage to make headlines, but it certainly isn't every day that a waste disposal issue creates a national stir. In the past few months, CCA-treated wood has made the news, giving consumers some cause to worry about how the effects of arsenic leaching from wood will affect their health. It has been suggested recently that rainwater leaches CCA (see below for details) from treated wood structures and leads to contamination of surrounding soils.

Honestly, I wasn't aware of the potential problem until I read an article several months ago about a class action lawsuit filed against the lumber industry and some retailers. The intent of the lawsuit is to force the wood treatment industry to pay for sealing existing structures built with pressure-treated lumber.

CCA was first used back in the early 1970's and is an extraordinary wood preservative that is estimated to extend the life of wood structures such as outdoor decking, fences, and boat docks almost fivefold. CCA stands for Chromated Copper Arsenate - a form of arsenic. Although CCA is infused deep into wood fibers under very high pressure, the arsenic seems to be leaching out. Ninety-eight percent of the outdoor wood sold in the United States is treated with CCA.

Joint Committee "green paper" with more on CCA-treated wood to be issued this spring.

Arsenic is a known carcinogen and is highly toxic. The potential health risks from any carcinogen depend largely on the length of exposure and dose of the chemical received. If leaching of arsenic is occurring, the wood treatment industry insists that human exposure and toxicity limits during contact with CCA-treated wood or surrounding soils fall well below government stan-

dards. Environmental groups disagree, however, insisting that any dose is too much. The industry argues that if the product was dangerous, factory workers that make the product and carpenters that use the wood every day would have shown ill effects many years ago.

Some of the confusion may lie in a failure to distinguish between the wood that has been treated and the preservative itself. In solution, CCA is a potentially hazardous material. But, wood that has been treated with CCA is not classified as hazardous. Pressure treatment apparently makes the chemical insoluble and leach resistant. So...the battle lines are drawn and the investigation continues.

Ninety-eight percent of the outdoor wood sold in the United States is treated with CCA.

There are a variety of alternatives to CCA-treated wood, including the use of wood preservatives that do not contain arsenic. In the meantime, the U.S. Environmental Protection Agency (EPA) is reassessing the safety of CCA as part of its ongoing re-registration program of older pesticides. EPA also announced that CCA-treated lumber sold in the United States will contain a warning label and retailers will be provided with stickers and signs for display. The program is similar to one initiated in California, but without a requirement to coat CCA-treated structures with a sealant every two years. At the same time, the Consumer Product Safety Commission agreed to ask for public comment on petitions that could lead to the ban of CCA (it is currently banned for use in pesticides).

Look for additional information concerning CCA-treated wood in a Joint Committee "green paper" to be issued early this spring. Until then, go to EPA's website at http://www.epa.gov/pesticides/citizens/cca_qa.htm for more information.



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.

Bureau of Land Management: Choices Need to Be Made About the Future of Public Lands

—Tony M. Guerrieri, Research Analyst

The federal Bureau of Land Management (BLM) is an agency of the U.S. Department of the Interior with responsibility for managing more than 264 million acres of public lands. The BLM is to plan and manage resources like outdoor recreation, livestock grazing, and mineral development, and conserve natural, historic, cultural, and other resources on the public lands. A joint report by the National Wildlife Federation and the Natural Resources Defense Council reviews the BLM's efforts at meeting its dual missions of developing the natural resources of public lands and protecting the natural and cultural resources entrusted to it.

The report, "*Conservation Management of America's Public Lands: An Assessment and Recommendations for Progress 25 Years After FLPMA (Federal Land Policy and Management Act)*", concludes that the BLM is failing to protect the long-term health of America's public lands. According to the report, significant programmatic and organizational changes are necessary to correct past mistakes and ensure sustainable future management of the public lands under BLM's stewardship.

The BLM manages "leftovers" – land unclaimed by homesteaders and unwanted for national parks and forests. But the vast holdings have become immensely valuable. The public lands managed by the BLM generate billions in revenue for federal and state governments through mining royalties, grazing revenue, timber sales, recreation fees, and other incomes. The revenue gives the BLM the unusual distinction within the government of collecting more money than it spends.

The BLM land also attracts more than 62 million annual visits to its 205,000 miles of fishable rivers and streams and thousands of miles of multiple use trails used

by hikers, mountain bikers, off-road vehicles, and horseback riders.

BLM's "leftovers" have become immensely valuable... and BLM has the unusual distinction of collecting more than it spends.

When the BLM was established in 1946, its role was to issue authorizations for exploitation of its resources – its forage for livestock, its hardrock minerals, and its oil and gas reserves. Its primary constituencies were livestock operators, miners, and oil and gas developers. It was not until 1976, when Congress passed the FLPMA, that the agency was given the mission of multiple-use management, meaning developing the land and conserving it at the same time, so that the lands "are utilized in the combination that will best meet the present and future needs of the American people."

The report concludes that BLM is required to address challenges such as loss of endangered species, pollution of watersheds, and urban sprawl that were never envisioned when the organization was established over 50 years ago. The report further suggests that BLM remains rooted in that earlier era when government's chief priorities for public lands were disposal and exploitation. The result, according to the report, has been the continuing ecological degradation of the public lands, including damaged watersheds, habitat destruction, and species decline in both number and diversity.

The report recommends that a number of options be considered to help BLM meet its new mission, including:

- Making the National Landscape Conservation System, with its National Monuments, National Conservation Areas, Wild & Scenic Rivers, and Wilderness units, a showcase of American land stewardship, raising the profile of BLM's conservation role both internally and externally.

● Undertaking a serious commitment to land use planning by developing comprehensive plans for all Resource Management Areas, all new units of the National Landscape Conservation System, and all other areas whose plans are more than 20 years old.

● Integrating land health standards into all public land management and decision-making processes.

● Pursuing strategic land exchanges, adjustments, and large-scale consolidations to improve conservation management of public lands.

● Diversifying, increasing, and strengthening its workforce to adequately address today's recreation and species-loss challenges and to meet monitoring needs.

A copy of the report may be found at the National Wildlife Federation's website at www.nationalwildlife.org/grasslands/blmreport.html.

Renewable Energy Technology Examined

—Jason H. Gross, Research Analyst

A United Nations Environment Programme report "*Natural Selection: Evolving Choices for Renewable Energy Technology and Policy*" contains a brief overview of renewable energy technologies, a discussion of the policy frameworks that enhance the use of these technologies, and a discussion of scenarios that can lead to a sustainable energy future.

At the core of the report is the premise that the choices that are made regarding renewable energy will affect the environment well into the future. The report also takes the view that sound energy choices are fundamental to the world's economic development. And further, since world economic development is dependent on a continuing source of energy, developing renewable energy sources is integral to sustained economic development, since fossil fuels are a finite and diminishing source of energy.

RETs...what are they and what can they do and not do?

Renewable Energy Technologies (RETs) are sources of energy that are sustainable by not being reliant on a finite or dirty energy source. Examples of RETs are hydroelectric plants, photovoltaic cells, and wind power plants. In order to provide sustainable power and continued economic development into the future a

partial conversion to RETs must occur.

According to the report, there is a small window of time available to transition to sustainable energy systems. The report further states the world's increasing appetite for fossil fuels is creating an increasingly compelling reason for accelerating the conversion to sustainable energy sources.

However, the report also states that there are both advantages and disadvantages to RETs. Among the advantages, RETs are the best means for producing energy that does not generate greenhouse gas emissions and are the best source for clean and sustainable energy production. Another advantage to RETs is that they provide a high level of energy security, including price stability, by reducing the dependence on imported and fluctuating fuel supplies and by decentralizing energy supplies into smaller more dispersed energy producing sites.

...sound energy choices are fundamental to the world's economic development

RETs also provide economic security because of the smaller scale in constructing each module of an energy-producing source. For example, a wind-power system can be increased in capacity incrementally by adding additional wind turbines as the need for more power increases.

Among the disadvantages listed in the report, is the intermittent and site-specific nature of the energy source. For instance, wind-generated power can be very dependent on prevailing weather conditions. Photo-voltaic solar cells only generate electricity when there is enough ambient light to power the cells. These shortcomings are somewhat offset by the nature of the power grid. Certain grid systems can absorb about twenty percent of their capacity from intermittent generating sources. The capacity to absorb these intermittent sources can be increased by expanding the technological sophistication of existing systems. Combining different types of RETs into one power grid can minimize intermittency problems.

The report suggests that any negative aspects of RETs are outweighed by the very nature of their sustainability and their environmental cleanliness. A transition to RETs cannot occur immediately but the report urges a gradual acceptance of RETs.

For more information and a copy of the full report please go to: <http://www.unep.org/energy/publ/naturalselection.pdf>.

5 Pathways and Management of Introduced Marine Species in U.S. Coastal Waters

—Tony M. Guerrieri, Research Analyst

Introduced species, also known as non-native species, are plants and animals that have been released – intentionally or by accident – into areas outside their natural range. According to a report by the Pew Oceans Commission (Commission), introduced marine species are now one of the leading threats to the ecological integrity of the nation’s coastal waters and rivers.

The Commission’s report, *“Introduced Species in U.S. Coastal Waters: Environmental Impacts and Management Priorities”*, describes a “game of ecological roulette” playing out along coastal waters as hundreds of marine species arrive each day by way of ships’ ballast waters, fishing activities, and other means. The report assesses the status and management of non-native species in U.S. coastal waters and includes recommendations to improve the management and protection of the waters.

Hundreds of introduced marine species of crabs, mussels, clams, jellyfish, seagrasses, and marsh grasses dominate marine ecosystems from the Hawaiian Islands to the Pacific Northwest (110 species), south to San Francisco Bay (175 species) and southern California, east to the Gulf of Mexico, and north to the Chesapeake Bay (43 species) and New England. The introduced species highlighted in the report all have one thing in common: the ability to rapidly reproduce at the expense of native plants and animals.

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 you or 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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Although introduced species arrive by a variety of means, ballast water is a common way. Introduced species are transported in cargo vessels that arrive in coastal waters empty, or nearly empty, but for thousands of gallons of ballast water. That water, taken on at the start of their journey to stabilize the ships, is discharged at voyage’s end, releasing myriads of introduced marine organisms into coastal waters.

Other pathways to introduction include aquaculture activities, the aquarium trade, research institutions, and commercial, military, and recreation vessels.

Estimates indicate that the rate of marine introductions in U.S. waters has increased exponentially over the past 200 years and there are no signs that these introductions are leveling off. In San Francisco Bay alone, for example, there was an average of one new introduction every 14 weeks between 1961 and 1995.

The Commission’s report describes a “game of ecological roulette” along coastal waters.

In an attempt to reduce the environmental damage caused by the inadvertent introduction of non-native marine species, the U.S. Coast Guard has begun regulating the discharge of ballast water from cargo ships entering all ports in the United States. Vessels traveling international routes are being asked to voluntarily exchange their ballast at least 200 miles from their U.S. destinations.

Even ballast water exchange at sea has shortcomings. Not all water or sediment bearing foreign organisms are flushed during the process, and ships are sometimes exempted from exchanging ballast for safety reasons, such as in rough weather.

Among the report’s recommendations to prevent the introduction of non-native marine species are a compulsory ballast management program, an intentional introductions management program, a national rapid-response and early-warning invasions system, a vastly expanded bioinvasions research program with regional marine bioinvasion monitoring surveys, and an expanded education and public awareness campaign.

The report is the third in a series of scientific papers (including reports on marine pollution and aquaculture) produced by the Commission. The report is available at: www.pewoceans.org/reports/introduced_species.pdf on the World Wide Web, or by calling (703)-516-0624.

Coastal Areas Negatively Affected by Land-based Activities

—Jason H. Gross, Research Analyst

A report entitled “*Protecting the Oceans from Land-based Activities: Land-based sources and activities affecting the quality and uses of the marine, coastal and associated freshwater environment*” was recently published under the auspices of the United Nations. The report details an analysis of the complex environmental processes involved in coastal waters and how they are affected by coastal development and pollution. According to the report, these coastal areas are endangered as they are increasingly subject to high degrees of development, and population pressure.

According to the report, increased habitat destruction is the most widespread, irreversible, and damaging human impact on the coastal zone. The report cites poorly planned coastal urban and industrial development as the largest contributing factors to this problem. These factors are a constant source of ecological challenge for the coastline areas, as sewage and chemical compounds are released from developed areas into the marine environment creating negative changes in the marine ecosystem.

The report indicates that changing scientific perspectives have alerted scientists to potential dangers and highlighted the need for developing responses to marine and coastal ecological damage. One example is the realization that coral reefs are a barometer of overall marine health. Increased observance of higher rates of new coral reef diseases has given scientists a better and clearer understanding of overall marine biology health.

Coastal areas are endangered as they are increasingly subject to high degrees of development and population pressure.

According to the report, there has also been a shift in regional perspectives, with sewage a consistent top priority. Priorities of contaminant classes, source categories, and acceptable contaminant levels are otherwise quite varied and specific on a regional level.

The report recommends that common themes in regional strategies should be developed in environmental planning and management, awareness and education, information systems and data collection, creating a simplified and holistic approach to pollution, coastal waste management, and development.

The report takes the position that there are several broad policy elements and new strategies that must be developed for effective environmental management that will develop instead of damage coastal and marine ecosystems.

Effective implementation depends on economic viability of the measure and the political support behind it.

These include: holistic management approaches, sustainable allocation of resources, commitment by government and the public, and regional cooperation. Effective implementation then depends upon the economic viability of the measure and the level of political support behind it.

The economic costs of failing to act to control land-based pollution are enormous, the report concludes. Failing to address the issues of coastal development will have a dangerous economic effect by contributing to the destruction of economically valuable coastal ecosystems.

The report recommends several technical, management, and policy changes in order to effect a positive change on the quality of the marine environment. The most important improvements are:

- preventing habitat destruction by developing legal, institutional, and economic measures that protect areas of exceptional scenic beauty or cultural value;
- devoting attention to controlling pollution by means of managing sewage, nutrient and sediment mobilization;
- developing national policies that realize the economic value of the marine environment; and
- integrating the management of coastal areas and inland watersheds.

Further information and the full report are available via the World Wide Web at: <http://www.gpa.unep.org/documents/other/gesamp/GESAMP-LBA%20Report.pdf>.

On The Horizon...

a look at upcoming committee events

► **Monday, February 11, 11:30 a.m., Hearing Room 1, North Office Bldg., Capitol Complex – Environmental Issues Forum.** The National Recycling Coalition, in conjunction with the Professional Recyclers of Pennsylvania (PROP), will discuss the coalition's recent study of the economic and employment impact of recycling in Pennsylvania – and the nation.

► **Monday, March 18, 12 noon, Hearing Room 1, North Office Bldg., Capitol Complex – Environmental Issues Forum.** Andrew M. "Andy" Loza, executive director of the Pennsylvania Land Trust Association, will discuss the association's plans, priorities and agenda.

► **Monday, April 15, 12 noon, Hearing Room 1, North Office Bldg., Capitol Complex – Environmental Issues Forum.** DEP Deputy Secretary Robert Barkanic will discuss the department's Environmental Futures Planning Process.

Committee Chronicles...

a review of some memorable committee events

The committee was instrumental in helping to craft and achieve passage of legislation to prevent waste tire dumping and encourage waste tire recycling and reuse. The Waste Tire Recycling Act was enacted into law in 1996 and on November 19, 2001, the House passed House Bill 754, introduced by Rep. Craig Dally (R-Northampton) to improve and expand the original act by better tracking haulers, locating smaller tire piles, and encouraging municipal tire collection programs.

At Rep. Dally's invitation, the committee and the Department of Environmental Protection (DEP) visited a tire dump in Northampton County that Rep. Dally is working hard to have cleaned up as soon as possible.

In the top photo, committee chair Rep. Scott Hutchinson (right) and executive director Craig Brooks (2nd from left) join Rep. Dally (2nd from right) and DEP personnel in an inspection of the tire pile. Below, Rep. Hutchinson (left) and Brooks (center) confer with DEP legislative liaison Greg Mahon about possible avenues to expedite clean up.

Rep. Dally later announced that \$400,000 in state money would be going to Wind Gap Borough to move the cleanup process forward.





Since 1983, the WRCF has supported the return of the osprey, river otters and fishers to the state. Its efforts have provided a home to the state's largest maternal bat colony. The fund has supported school curricula on songbirds and bats and a variety of other educational programs related to Pennsylvania's biodiversity.

The fund has done all this and more while relying on two basic fundraising mechanisms – state income tax donation checkoffs and sales of its "Do Something Wild!" license plates. Now, as folks prepare to file income tax returns, the fund needs help more than ever.

Check out the WRCF's page on the Pennsylvania DCNR website - www.dcnr.state.pa.us.

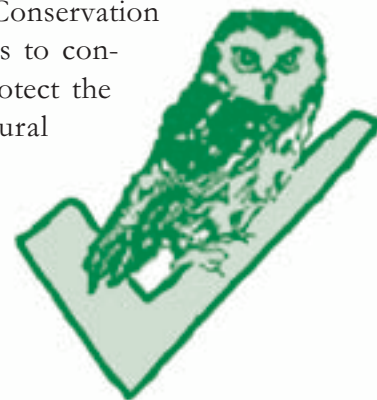
Up until 2001, income tax checkoffs have historically provided about \$350,000 a year. In 2001's filing season, however, that figure fell to \$141,000 – an all-time low. As a result, for the first time in the fund's history, no fund money was used to support field research projects. Without some "Growing Greener" funds, no projects would have been funded, because the program uses no state budget general fund monies.

We...but more importantly the 20 birds and mammals, 27 fish, reptiles and amphibians, 18 plants and two invertebrates that are on Pennsylvania's threatened and endangered lists...cannot afford to see that happen.

So, when you sit down to put this year's state income tax return together, look for the WRCF check-off and make a donation, especially if you file electronically. One of the reasons for the dollar shortfall in donations is believed to be an increase in electronic filings. Figures suggest that electronic filers are less likely to make contributions, perhaps because that "hard copy" is not there to remind them. So don't forget. And, you more traditional PA-40 and 40-EZ filers, before signing off, check off a donation for the WRCF and for Pennsylvania's wildlife. Or, tell your accountant you want to "Do Something Wild!"

While you're at it, check out the WRCF's page on the Pennsylvania Department of Conservation and Natural Resources' website (www.dcnr.state.pa.us). When you access the site, simply click on "Natural Treasures" and then "Wild Resource Conservation Fund." Get on the mailing list for the WRCF's publication, "Keystone WILD! Notes." Or, if you forget the income tax checkoff, there is an online form you can use to make a donation.

Part of the Joint Conservation Committee's mission is to conserve, preserve and protect the Commonwealth's natural resources, and an income tax checkoff for the WRCF is a simple and appropriate way to help accomplish that mission.



How to Contact The Joint Conservation Committee

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