



Friends of the Earth

Summer 2004 Newsmagazine

Volume 34, Number 2

Breathe at Your Own Risk:

Undoing
30 Years of
Clean Air Policy



Friends of the Earth's 35th Anniversary

This year marks Friends of the Earth's 35th anniversary. Since our inception in 1969, we have developed into a pioneering international network of activists working on the ground and in the halls of Congress to affect change on urgent environmental issues that impact our communities and our planet.

Our founder David Brower envisioned a conservation ethic that combined protecting the Earth's wild places to refresh the soul and allow other life on Earth to flourish with a diligent program to restore degraded lands, estuaries and watersheds.

Friends of the Earth put this vision into action early on, playing a key role in saving over 200 river valleys from destruction, and launching an international "Save the Whale" campaign, which paved the way to a successful whaling ban in 1982. We also helped pass laws regulating harmful strip mining and holding oil companies liable for cleaning up spills.

Brower's environmental vision didn't stop at our borders. We founded the Friends of the Earth International Network, which now includes groups in 70 countries and has grown into a powerful worldwide force for change. For example, our network has been instrumental in protecting communities and special places from the Amazon Basin to Nepal from the harmful impacts of dams and oil pipelines.

Indeed, Friends of the Earth and our international network have helped drive 35 years of environmental progress. Unfortunately, we now face a presidential administration committed to rolling this progress back. We have spent the past three

"We have a right to a clean, healthy environment and a democratic global society."

years waging an array of defensive battles against proposals to weaken many of the laws Friends of the Earth worked to pass.

Despite these challenging times, Friends of the Earth has done more than play defense. Our imaginative staff used a scientific analysis-and-exposure approach to reveal illegal genetically engineered corn in the human food supply, highlighting the risks of unregulated biotech crops. Since then, biotechnology giants such as Monsanto have not won approval to bring any new genetically engineered crops to market.

We have used Freedom of Information Act requests to expose conflicts of interest by former industry lobbyists now working as Bush administration officials at the Interior Department.

And, we have filed groundbreaking lawsuits, including one on behalf of our members alleging that two U.S. government agencies - the Overseas Private Investment Corporation and the Export-Import Bank - are illegally funneling billions of taxpayer dollars toward



Brent Blackwelder

polluting projects that contribute to global climate change.

Friends of the Earth has also continued our pioneering economics work, including our flagship Green Scissors campaign. This initiative fights federal programs that waste taxpayer dollars and harm the environment, and during the past several years has cut more than \$25 billion in wasteful, environmentally harmful spending from the federal budget. And recently, we've expanded this campaign to the state level: during the past three years we launched Green Scissors campaigns in California, Maryland and the District of Columbia.

As we look ahead, Friends of the Earth will push our creative and pioneering advocacy at home and abroad. As we embark on new challenges, I would especially like to thank all the members of Friends of the Earth whose generous support enables us to make positive change happen.



Friends of the Earth

Volume 34, Number 2

Summer 2004

Friends of the Earth (ISSN: 1054-1829) is published quarterly by Friends of the Earth, 1717 Massachusetts Ave., NW, Suite 600, Washington, DC 20036-2002, phone 202-783-7400, fax 202-783-0444, e-mail: foe@foe.org, Web site: www.foe.org.

Annual membership dues are \$25, which includes a subscription to **Friends of the Earth**.

The words "Friends of the Earth" and the FoE logo are exclusive trademarks of Friends of the Earth, all rights reserved. Unless otherwise noted, articles may be reprinted without charge or special permission. Please credit Friends of the Earth and the article author; send us a copy. **Friends of the Earth** is indexed in the Alternative Press Index. Periodicals postage paid at Washington, DC.

Board of Directors

Avis Ogilvy Moore, *Chair*; Dan Gabel, *Vice Chair*; Marion Hunt-Badiner, *Secretary*; David Zwick, *Treasurer*; Ed Begley, Jr.; Jayni Chase; Harriett Crosby; Clarence Ditlow; Michael Herz; Ann Hoffman; Doug Legum; Patricia Matthews; Charles Moore; Edwardo Lao Rhodes; Arlie Shardt; Doria Steedman; Rick Taketa; Alicia Wittink

Staff

Brent Blackwelder, *President*
Norman Dean, *Executive Director*
Sandra Adams-Morally, *Membership Associate*
Lisa Archer, *Campaigns Coordinator, Health and Environment Program*
Michelle Chan-Fishel, *Program Manager, Green Investments Project*
Hugh Cheatham, *Chief Financial Officer*
Keira Costic, *Publications and Web Manager*
Leslie Fields, *Director, Global Sustainability Initiative*
Colleen Freeman, *International Policy Analyst*
Rosemary Greenaway, *Director, Membership and Marketing*
Lisa Grob, *Executive Assistant*
Vonetta Harris, *Accountant*
David Hirsch, *Program Director*
Yasmeen Hossain, *Program Assistant*
Cheryl Johnson, *Receptionist/Office Assistant*
Sherri Owens, *Office Manager*
Chris Pabon, *Director, Foundation Relations*
Erich Pica, *Director, Economics for the Earth*
Jon Sohn, *Director, International Financial Institutions Campaign*
David Waskow, *Director, International Program*
Chris Weiss, *Director, D.C. Environmental Network*
Sara Zdeb, *Legislative Director*

Publications Staff

Keira Costic, *Editor*
Lisa Grob, *Assistant Editor*
Design by JML Design

Fellow

Margaret Peloso

Consultants/ Advisors

Larry Bohlen
Brian Dunkiel
Bill Freese
John W. Jensen
Dorothee Krahn



Friends of the Earth International

Member Groups

Argentina, Australia, Austria, Belgium, Benin, Bolivia, Brazil, Bulgaria, Cameroon, Canada, Chile, Colombia, Costa Rica, Croatia, Curacao, Cyprus, Czech Republic, Denmark, Ecuador, El Salvador, England-Wales-Northern Ireland, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Grenada, Haiti, Honduras, Hungary, Indonesia, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Macedonia, Malaysia, Mali, Malta, Mauritius, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Scotland, Sierra Leone, Slovakia, South Africa, South Korea, Spain, Sri Lanka, Sweden, Switzerland, Togo, Tunisia, Ukraine, United States, Uruguay

Affiliates

Africa: Earthlife Africa; Australia: Mineral Policy Institute; Australia: Rainforest Information Centre; Brazil: Amigos da Terra Amazonia - Amazônia Brasileira; Brazil: Grupo de Trabalho Amazonico; Czech Republic: CEE Bankwatch; Japan: Peace Boat; Latin America: REJULADS; Middle East: Friends of the Earth (Israel, Jordan and Palestine); Netherlands: Action for Solidarity, Equality, Environment and Development Europe; Netherlands: Stichting De Noordzee (North Sea Foundation); Netherlands: Corporate Europe Observatory; United States: International Rivers Network; United States: Project Underground; United States: Rainforest Action Network

Table of Contents

Changing All the RulesPg. 4
 Campaign UpdatesPg. 8
 State Governments for a Clean Energy Future . . .Pg. 10
 The Nobel Prize for the EnvironmentPg. 11
 Consumer Tips: Is Lead in Your Drinking Water?Pg. 12
 Gas Prices Pumping Your Wallet CleanPg. 13
 Don't Get Up, Protect the Planet From Your ComputerPg. 13
 Dorothy Gleiser: A Rockhound Who Valued NaturePg. 14
 Battling Environmentally Harmful SpendingPg. 14
 Biotech Is Not the AnswerPg. 15

Our Mission:

Friends of the Earth defends the environment and champions a healthy and just world.



Earth Share

Earth Share giving campaigns allow you to designate a donation to Friends of the Earth. Federal employees can donate through the Combined Federal Campaign by marking #0908 on their pledge forms. To set up an Earth Share campaign at your workplace, contact Rosemary Greenaway at 202-222-0722.

Friends of the Earth is printed with soy ink on 100% recycled paper, 30% post-consumer content. Bleached without chlorine.



Changing All the Rules

By Bruce Barcott

Of the many environmental changes brought about by the Bush White House, none illustrate the administration's modus operandi better than the overhaul of new-source review. The president's legislative initiatives, such as his energy bill and the "Clear Skies" package, have languished on Capitol Hill. Nonetheless, the administration has effected a radical transformation of the nation's environmental laws – quietly and subtly, by means of regulatory changes and bureaucratic directives. New-source review represents the most sweeping change, and among the least noticed.

The overturning of new-source review has been portrayed by the president and his advisers as a compromise between the twin goals of preserving the environment and enabling business. But a careful examination of the process that led to the new policy reveals a very different story, and a different motivation. The administration's real problem with the new-source review program wasn't that it didn't work. The problem was that it was finally about to work all too well.

Having long flouted the new-source review law, many of the nation's biggest power companies were facing, in the last months of the 1990's, an expensive day of reckoning. EPA investigators had caught them breaking the law. To make



Compared to enforcement of the old new source review – rules to regulate power company pollution – the Bush administration's new rules would result in emissions increases of 7 million tons of sulfur dioxide and 2.4 million tons of nitrogen oxides per year by 2020.

amends, the power companies were on the verge of signing agreements to clean up their plants, which would have delivered one of the greatest advances in clean air in the nation's history. Then George W. Bush took office and everything changed.

The 1970 Clean Air Act required power plants and large factories to minimize their emissions of harmful pollutants and established national air-quality standards to be met by

1975. Congress acknowledged, however, that forcing polluters to retrofit every existing plant immediately would be tremendously costly. So in a concession to industry, the lawmakers applied the tough standards only to newly built facilities.

Seven years passed, and the national air-quality standards went unmet. Instead of building new, cleaner plants, many companies simply upgraded their old, dirty plants. So Congress updated the act in 1977, introducing a regulation called new-source review (NSR), to bring older plants into compliance. Under NSR, a company could operate an old factory as long as it wasn't substantially modified. Eventually, it was assumed, the company would have to update its equipment, at which point new-source rules required the company to install the best available pollution-control technology. The legislators who passed new-source review expected the law to encourage electric utilities to replace old, heavily polluting coal-fired plants with cleaner new ones.

During the 80's and 90's, some power companies did exactly that. But many others retooled plants to keep them running long past their expected life spans, and few were fitted with the scrubbers and other equipment required under NSR.

The electric industry complained that NSR rules were so complicated and confusing that it was impossible for utilities to determine the difference between "routine" maintenance,

which wouldn't require an upgrade, and a significant "physical change," which would. An examination of legal documents, however, makes it difficult to credit these complaints.

Beginning soon after NSR was implemented, EPA officials issued frequent letters and bulletins telling power companies exactly where the agency was drawing the line.

In late 1996, officials at the EPA began investigating whether power companies were complying with the NSR law. In many cases, they weren't. Industry records indicated that many power plants had upgraded their facilities to burn more coal, which required new-source review permits. "We started looking around for the permits," said Bruce Buckheit, director of the EPA's air enforcement division, "and there weren't any."

Many of the nation's biggest energy companies, EPA officials found, had updated their plants without putting in any new pollution controls and were illegally releasing millions of tons of harmful pollutants.

During their two-year investigation, EPA officials accumulated a daunting amount of evidence. Sylvia Lowrance, who was the EPA's top official for enforcement and compliance from 1996 to 2002, said, "This was the most significant noncompliance pattern EPA had ever found. It was the environmental equivalent of the tobacco litigation."

In the summer of 1999, Buckheit and other EPA officials asked executives at the worst-offending power companies to come to the agency's headquarters in Washington. In a series of meetings, EPA officials sat down with representatives from each company, one by one, and laid out their evidence. "Unless we're getting something wrong here," Buckheit recalled saying, "these are violations of the law. Y'all want to step up to the plate?" No one did.

"We will pay a terrible political price if we undercut or walk away from the enforcement cases," Whitman wrote Cheney. "It will be hard to refute the charge that we are deciding not to enforce the Clean Air Act."

Finally, in November 1999, the EPA decided to take the polluters to court. The Justice Department, on behalf of the EPA, announced lawsuits against seven electric utility companies in the Midwest and South, charging that their power plants had been illegally releasing enormous amounts of pollutants for 20 years or more. The companies included FirstEnergy, American Electric Power and Cinergy, all headquartered in Ohio; Southern Indiana Gas & Electric; Illinois Power; Tampa Electric; and Alabama Power and Georgia Power, two subsidiaries of the Atlanta-based Southern Company, the biggest power supplier in the Southeast. In addition, the EPA put a number of other utilities on notice, warning them that the Justice Department would come after them next if they didn't clean up their acts.

Attorney General Janet Reno announced the suits herself. "When children can't breathe because of pollution from a utility plant hundreds of

miles away," she said, "something must be done."

Bush Appoints Industry Insiders to Key Positions

Faced with mounting fines, some of the utilities struck bargains with the federal government. Tampa Electric agreed in February 2000 to spend more than \$1 billion on new pollution controls and pay a \$3.5 million civil penalty. The agreement took 123,000 annual tons of pollution out of the sky, and the civil penalty amounted to a little less than 2 percent of Tampa Electric's profits from 1999.

But other industry officials took an alternate route: they started writing checks to George W. Bush's presidential campaign fund. The Bush campaign had a special title for contributors who raised at least \$100,000: Pioneers. Among the 213 Pioneers during the 2000 Bush election campaign were FirstEnergy's president, Anthony Alexander; Reliant Energy's CEO, Steve Letbetter; and Reliant's chairman, Don Jordan. (MidAmerican Energy's CEO, David Sokol, and Southern Company's executive vice president Dwight Evans have joined the elite rank for the 2004 re-election campaign.) Each of their companies was either in litigation or under investigation for new-source review violations. Seven other Pioneers were lawyers or lobbyists for companies charged with NSR violations.

Energy executives understood what strong support of a winning candidate could mean. Thomas R. Kuhn, president of the Edison Electric Institute, the utility trade association, was a 2000 Pioneer and is a Pioneer for the 2004 campaign as well. On May 27, 1999, Kuhn sent energy industry executives a confidential memo, later made public in the course of a lawsuit, advising them to bundle

(continued on page 6)

their contributions to the Bush campaign under a tracking number to “ensure that our industry is credited” for its generosity.

After Bush eventually emerged as the winner of the 2000 election, industry leaders were upbeat about the prospect of the coming four years. The president and the vice president, Dick Cheney, were, after all, oil men.

Bush officials realized that it would be self-defeating to appoint to public positions people with outspoken views on the environment, so they found noncombative figures instead. They named as head of the EPA Christie Whitman, who was seen as a moderate when she was appointed, in part because she had participated in a clean-air lawsuit against power companies as governor of New Jersey. Administration officials also knew that overtly anti-environmental bills stood little chance of surviving in Congress. So they adopted a two-track strategy. Publicly, the president asked Congress to pass major environmental legislation like the Clear Skies Initiative and a sweeping energy bill. Privately, the president’s political appointees at the Department of the Interior, Environmental Protection Agency, Department of Agriculture and Office of Management and Budget would carry out those same policies less visibly, through closed-door legal settlements and obscure rule changes.

One key element of the strategy was putting the right people in under-the-radar positions. The Bush administration appointed officials who came directly from industry into these lower rungs of power – deputy secretaries and assistant administrators. One such appointee was Jeffrey Holmstead, lawyer and lobbyist for groups like the Alliance for Constructive Air Policy, an electric utility trade group that sought to weaken the Clean Air Act.

Holmstead stepped into the role of assistant EPA administrator for air and radiation, where he would oversee changes to new-source review.

Bush Fails in Congress

A few months after taking office, President Bush directed the Justice Department to review its cases against the Southern Company, American Electric and others to see if the suits against the companies

The usually staid American Lung Association, in a report issued with a coalition of environmental groups, called the rule changes “the most harmful and unlawful air-pollution initiative ever undertaken by the federal government.”

might be dropped outright. During the same period, Bush appointees at the EPA disbanded a functional NSR working group and, led by Jeffrey Holmstead, started to rewrite the rules.

Energy Department officials took an unusually active role in drawing up the proposed NSR changes. In November 2001, DOE officials circulated their proposed changes among the EPA staff for

feedback. Officials at the EPA’s Air Enforcement Division were appalled. “The current draft report is highly biased and loaded with emotionally charged code words,” EPA officials wrote in an internal memo. “It is drafted as a prelude to recommendations to vitiate the NSR program.” The EPA memo noted that the report “contains only comments by industry and ignores the comments of all other stakeholders.”

In January 2002, the White House suffered a setback. The Justice Department delivered its report on the legality of EPA’s lawsuit against the Southern Company and other NSR violators. The department found that contrary to the administration’s hopes, the lawsuits were legal and warranted. In fact, Justice’s lawyers said they intended to prosecute the cases “vigorously.”

Shortly thereafter, White House officials decided it was time to try the Congressional track. On Feb. 14, 2002, President Bush unveiled his Clear Skies initiative. The president declared that his proposed legislation “sets tough new standards to dramatically reduce the three most significant forms of pollution from power plants – sulfur dioxide, nitrogen oxides and mercury.” It was true that the new standards, if enforced, would reduce emissions from their current rate – but the president’s formulation was somewhat misleading.

Clear Skies was to replace Clean Air Act regulations with a cap-and-trade market system. The key to cap-and-trade lies in the standard – how low it is set and how quickly it shrinks. And when President Bush announced Clear Skies, the EPA was already on track to require deeper reductions in air pollution than his cap-and-trade proposal would produce. So the air would actually be dirtier under Clear Skies than if the president allowed the EPA to enforce the existing law. Clear Skies allowed more than twice as much sulfur diox-

ide, nearly 70 percent more nitrous oxides and five times as much mercury as the Clean Air Act – rigorously enforced – called for.

Because of this discrepancy, the legislation was not greeted with much enthusiasm in Congress. Clear Skies wasn't helped by the fact that a former top EPA official went on ABC's "This Week" to denounce the proposal two weeks after it was introduced. "We can do better under current law than what they're putting on the table," Eric Schaeffer told George Stephanopoulos. Schaeffer, the EPA's head of civil enforcement from 1997 to 2002, who had worked on the new-source review lawsuits since their inception. He left the EPA in early 2002, tired, as he said in his letter of resignation, of "fighting a White House that seems determined to weaken the rules we are trying to enforce."

The Clear Skies initiative stalled in Congress. The bill's principal sponsor, Representative Joe Barton, a Texas Republican, formally introduced it on the last Friday in July 2002, just before the House adjourned for summer vacation. That fall, an internal EPA analysis found that a rival Democratic bill sponsored by Senator Thomas Carper, a Democrat from Delaware, would reduce more emissions, on an earlier schedule and at the same cost to consumers, than the president's Clear Skies plan. A copy of those findings was leaked to the media, undermining an already shaky bill. If the Bush administration was going to bring about changes, it was becoming clear that they would have to be done administratively.

Meanwhile, the EPA revealed its overhaul of the new-source review

They're being poisoned.



Your kids are being poisoned by deadly mercury from power plants.

Every year American power plants spew out nearly 50 tons of mercury, a deadly poison that causes brain damage in growing children and developing fetuses. But when the Environmental Protection Agency considered tightening power companies to cut mercury emissions by 90 percent in four years, the Bush administration stopped them.

It is happen there more power companies have given Energy Bush willing to compromise with business, and they want to reduce mercury emissions as cheaply and slowly as possible. The administration's new proposal left the power companies cutting mercury emissions by only 20 percent in 14 years.

The Bush administration wants to allow more mercury pollution even though:

- ▲ The National Academy of Sciences has stated that mercury is a cumulative fat, caused by frequent exposure will interfere with brain development in their babies.
- ▲ One in six American women of childbearing age has absorbed enough mercury to endanger a developing fetus.
- ▲ 40,000 babies are born each year with dangerous levels of mercury in their blood.
- ▲ Forty-four million more women are having premature babies, miscarriages and stillbirths due to mercury contamination.

The fact are undisputed: power plant mercury is poisoning American children. Yet the Bush administration has sided with the power company profits. Shouldn't your kids come first?

President Bush: Protect America's Children, Not Power Company Profits!

TAKE ACTION: Go to www.foe.org to send the EPA a letter. Tell them to protect our children by reducing mercury emissions by 90 percent in four years.

 Friends of the Earth
Department of the Interior, Go to www.foe.org

Our full-page *USA Today* ad explains that every year American power plants spew out nearly 50 tons of mercury, which causes brain damage in young children and developing fetuses.

rules on Friday, Nov. 22, 2002. For all the buildup, it was a conspicuously low-key debut. President Bush issued no statement about the new guidelines. Christine Whitman declined to attend the news conference, which was run by Jeffrey Holmstead. Cameras were not allowed at the event, which seemed timed to hit the weekly news cycle at its Friday night nadir.

The new rules gave utilities much more maneuverability under NSR, and blunted much of the law's original bite. An official with the National Association of Manufacturers called the new rules "a refreshingly flexible approach to regulation." The usually staid American Lung Association, in a

report issued with a coalition of environmental groups, called the rule changes "the most harmful and unlawful air-pollution initiative ever undertaken by the federal government."

Bush Overpowers EPA

Bush's EPA appointees left one crucial detail out of the final report. They said they were still working on a final revision of NSR having to do with the often contested definition of "routine maintenance." The agency published its proposed rule in the Federal Register but left the crucial percentage unspecified.

Nine months later, the other NSR shoe dropped. By then, Christie Whitman was gone, having announced her resignation in May. She said she was tired of making the New Jersey-to-Washington commute and wanted to spend more time with her husband.

So it was Marianne Horinko, acting EPA administrator, who announced in August that the agency had finalized its rule on routine maintenance. Under the new formula, Horinko said, utilities would be allowed to spend up to 20 percent of a generating unit's replacement cost, per year, without tripping the NSR threshold.

To EPA officials who had worked on NSR enforcement, who had pored over documents and knew what it cost to repair a generator, the new threshold was absurd. "What I don't understand is why they were so greedy," said Eric Schaeffer, the former EPA official. "Five percent would have been too high, but 20? I don't think the industry expected that in its wildest dreams."

(continued on page 9)

Campaign Updates

Victory! Federal Judge Halts Proposed Vermont Highway



Federal District Court Judge William Sessions ordered work stopped on the Circumferential Highway (Circ.) in a ruling hailed by plaintiffs including several Chittenden County residents and the Conservation Law Foundation, Friends of the Earth, Sierra Club, and Vermont Public Interest Research Group, each representing their members who would be harmed by the proposed highway. Judge Sessions ruled that the government violated the National Environmental Policy Act and other laws in approving and funding segments A-B of the Circ.

The proposed Circ highway would extend 16.7 miles from I-89 in Williston to VT Route 127 in Colchester. State officials disclosed last week that the cost of the project has just gone up another \$40 million to a grand total of almost \$223 million.

Find out more information: <http://www.foe.org/new/releases/504circ.html>

Victory! Monsanto Drops GM Wheat: “Worldwide victory for consumers”

The world’s biggest seller of genetically modified (GM) seeds quietly and unexpectedly stated May 10 that it is stopping all further efforts to

commercialize its controversial GM wheat.

Monsanto started field testing its GM wheat in 1997. In 2002, it applied to commercially grow the GM wheat in the United States and Canada. Monsanto’s wheat has been modified to resist the company’s own herbicide, called RoundUp.



However, GM wheat has faced worldwide opposition from farmers, food manufacturers, environmentalists and consumers. Friends of the Earth is particularly concerned that growing this GM wheat would increase the use of herbicides.

Find out more about genetically engineered food: www.foe.org/safefood

Investigative Report on Interior Official’s Ethics Violations



J. Steven Griles

Photo Credit: Native American Experience

On March 17, 2004, the inspector general (IG) at the Department of the Interior concluded its investigation of Interior Deputy Secretary J. Steven Griles.

The report found that Griles did potentially violate his ethics agreement by getting involved in a large oil and gas project that he formerly worked on and National Environmental Strategies currently works on. The report also found that

“he may have used, or appeared to use, his position for the private gain of his former business partner at a dinner party.”

In April 2003, Sen. Joseph Lieberman (D-Conn.), at the urging of Friends of the Earth, requested that the Interior IG investigate allegations that Griles continued to meet with his former energy company clients and lobby firm, NES. In addition, Griles is still receiving \$284,000 over four year from NES for the sale of his client base.

To view a copy of the report visit: <http://www.foe.org/griles.pdf>

International Network Groups Meet With World Bank Officials

Photo Credit: Knud Vöcking



World Bank President James Wolfensohn

At the end of April, Friends of the Earth International colleagues from El Salvador, England, France, Nigeria, Paraguay and The Netherlands came to Washington, D.C., for the spring annual meetings of the

World Bank and International Monetary Fund. Friends of the Earth is calling for an end to World Bank financing of oil, mining and gas projects, because these investments fail to alleviate poverty and are plagued by massive environmental and social problems.

Friends of the Earth International Chair Ricardo Navarro presented World Bank President James Wolfensohn with several paintings based on drawings by children from communities impacted by oil, gas and mining projects around the world.

The World Bank is currently considering whether to adopt a number of sweeping reforms for the oil, gas and mining sectors. Its decision is expected later this summer.



Victory! Federal Officials Reject FEC's Attempt to Impose Restrictions on Advocacy Groups

Federal officials rejected an attempted proposal from the Federal Election Commission (FEC) threatening the First Amendment rights of environmental groups and other advocacy organizations. The FEC's recently released "Notice of Proposed

Rulemaking" would have imposed sweeping restrictions on the activities of charitable, educational and advocacy groups across the political spectrum.

The proposal covered non-profit, educational groups such as the Sierra Club, the National Rifle Association and the NAACP. Overnight, the rule would have reclassified many of these groups as political committees, subjecting them to the same strict contribution limits that federal candidates and Political Action Committees must follow.

Friends of the Earth would like to thank all of you who sent letters to the FEC and members of Congress through our online action center:

www.foe.org/action

Controversial Ninth Circuit Court Nominee Faces Resistance on Capitol Hill

William G. Myers, former solicitor at the Department of the Interior, faced

tough opposition on Capitol Hill when the Senate Judiciary Committee narrowly approved him by a 10 to 9 party line vote.

The vote drew strong words from Sen. Patrick Leahy (D-Vt.), ranking minority chair of the committee, who said, "He has a consistent record of using whatever position and authority he had to fight for corporate interests at the expense of the environment and of the interests of the American people in environmental protections."

President Bush nominated Myers in May 2004, but his nomination was held up after Friends of the Earth and Public Employees for Environmental Responsibility filed a claim with the Office of Government Ethics alleging that he had violated his ethics agreement by continuing to meet with his former employer and clients. Myers awaits a vote on the Senate floor. ■



(continued from page 7)

The framework of new-source review would remain, but the new rules set thresholds so high that stricter pollution-control requirements would almost never come into effect. "It's a moron test for power companies," said Frank O'Donnell, executive director of the Clean Air Trust, a nonprofit watchdog group. "It's such a huge loophole that only a moron would trip over it and become subject to NSR requirements."

A report from the American Lung Association and various environmental groups estimated that compared with enforcement of the old NSR rules, the new rules would result in emissions increases of 7 mil-

lion tons of sulfur dioxide and 2.4 million tons of nitrogen oxides per year by 2020. Had the new rules been in effect before 1999, the lawsuits that the Justice Department filed against the power companies would have been impossible: nearly every illegal action the power companies were accused of back then would have been legal under the new rules.

The announcement of the 20 percent limit had a devastating effect on the EPA's enforcement division. "Under the new rules," Bruce Buckheit said, "almost everything we worked to achieve is wiped out." Two months later, in November 2003, J. P. Suarez, the Bush-appointed E.P.A. assistant administrator for enforce-

ment, informed agency enforcement staff members that investigations into 70 companies suspected of violations of the Clean Air Act would be abandoned. Around that time, some longtime EPA officials decided they'd had enough of the Bush administration's attacks on the Clean Air Act. Bruce Buckheit and Rich Biondi, Buckheit's deputy, took retirement buyouts and left the agency. "I left because I wanted to make a difference," Biondi said. "And it became clear that that was going to be difficult at the EPA." ■

© 2004, Bruce Barcott. From *The New York Times Magazine*. Reprinted by permission.

State Governments for a Clean Energy Future

By Chris Weiss

The United States relies heavily on coal, nuclear power and natural gas to generate electricity. Worsening air pollution, skyrocketing childhood asthma rates and rising carbon dioxide emissions that contribute to disastrous atmospheric warming are some of the by-products of this dependence.

Fortunately, America has developed new, cleaner technologies to meet the energy needs and expectations of its consumers. Clean, renewable energy sources such as wind, solar, geothermal and bioenergy – energy from plants and clean plant wastes – could significantly decrease our dependence on fossil fuels while at the same time improve the condition of our environment. The bad news is that renewable energy sources like wind and solar are only a negligible part of our nation's energy portfolio.

States Rise to the Challenge

Not surprisingly it has been the state governments, not federal, that have risen to the challenge and created a mechanism for bringing clean energy to more and more American households. This mechanism, called a renewable portfolio standard (RPS), creates a requirement that a certain percentage of a state's energy come from clean, renewable sources like wind and solar, and be gradually phased in over a prescribed period of time.

Already 13 states including Arizona, California, Connecticut, Iowa,



With the Bush administration only concerned with passing a dirty, hugely expensive energy bill, 13 states have had to take matters into their own hands to support clean energy.

Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Pennsylvania, Texas and Wisconsin have all implemented one form or another of a renewable energy standard. Texas adopted a renewable energy standard, signed into law by then-Governor George W. Bush in 1999 that has significantly exceeded expectations. Instead of the required 400 megawatts (MW) of "new" renewable generating capacity required by the statute by the end of 2002, Texas has installed more than 900 MW.

Campaign Launch in Nation's Capital

Maryland and the District of Columbia could be added to the list of clean energy jurisdictions soon. Maryland recently passed RPS legislation with strong support in both houses of the legislature. The bill is waiting for Governor Erlich's signature. And, in our nation's capital, clean energy legislators Phil Mendelson and Sharon

Ambrose recently introduced RPS legislation.

The D.C. Environmental Network, spearheaded by Friends of the Earth, has taken a leadership role in pushing to pass this legislation and bring clean energy to the District. In coordination with the Union of Concerned Scientists, D.C. Chapter of the Sierra Club, Chesapeake Climate Action Network and over 100 faith, health, civic and environmental organizations, we created D.C. Citizens United for Clean Energy. This coalition's primary objective is to help pass the recently introduced RPS legislation, which would phase in 11 percent renewable energies, primarily wind and solar, within the next 20 years.



For More Information on the Renewable Portfolio Standard (RPS) Campaign in the District go to www.foe.org



Take Action! Send a letter to President Bush calling for a national RPS at www.foe.org/action

The Nobel Prize for the Environment

By Lisa Grob

The Goldman Environmental Prize is celebrating its 15th anniversary this year. A survey of past recipients revealed that their combined work has benefited an estimated 102 million people worldwide.

Friends of the Earth nominated two of the six Goldman prize winners this year, Rudolf Amenga-Etego of Accra, Ghana and Manana Kochladze of Tbilisi, Georgia.

Rudolf, founder and campaign coordinator for the National Coalition Against the Privatization of Water, is leading the effort to secure safe, affordable drinking water for the world's poor. Manana, founder of the environmental watchdog group Green Alternative, is directing one of the most important environmental campaigns in Georgia's recent history, protecting local villagers and the environment from being steamrolled by the world's biggest oil export pipeline.

Access to Water is Priceless

In 2001 the Ghanaian government, heavily in debt to the World Bank and International Monetary Fund (IMF), raised water rates by 95 percent. Today, many Ghanaians spend 10 to 20 percent of their income on drinking water. Three out of four Ghanaians live in poverty and nearly 80 percent have no access to clean, piped water – a crisis linked to 70 percent of all disease in the country.

Visionary public interest lawyer Rudolf has gained international recognition for suspending a major water privatization project in Ghana backed by the World Bank. The devastating plan would further impede access to

Photo credit: Will Perrinello



Rudolf Amenga-Etego speaks to the Local Action Committee of Sukuru, a poor neighborhood in Accra, Ghana, on more sustainable water management practices.

clean drinking water, a crisis linked to high rates of disease in low-income communities. The privatization would also place an especially harsh burden on Ghanaian girls, whose school work suffers because they literally shoulder the responsibility of providing water for their families. The World Bank is now placing renewed pressure on the government to re-package the project.

Rudolf has a clear vision for equitable distribution, "Water should be regarded as a social service with government bearing the primary responsibility for its provision. This primary responsibility may be expressed through decentralized public management with clear social service objectives anchored on the principle of equity."

Oil Profiteering

British Petroleum is leading an international consortium, which includes California-based Unocal, for the construction of the \$3 billion Baku-Tbilisi-Ceyhan project that would establish the largest pipeline in the world, crossing through Georgia, a country mired in poverty and political instability since gaining independence from Russia in 1991. For the United States, the pipeline is a way to tap oil

reserves in former Soviet states while bypassing Iran and Russia. But the route would run through a national park and pristine mountain gorge, home to Georgia's commercially prized mineral water and one of the few successful enterprises in Georgia's economy.

"Our society is poor and traditional, and was completely unprepared for this," said Manana. "Now, suddenly, a big multinational company comes in, handing out jobs and big sums of money to a few people, and all kinds of new problems seem to grow out of thin air."

Photo credit: Manana Kochladze



Manana Kochladze speaks to villagers at a meeting on the \$3 billion Baku-Tbilisi-Ceyhan pipeline. Friends of the Earth has worked with Manana to force project-delays and additional studies.

Manana's formidable scientific training has helped block the construction of an oil terminal and a coal power station, secure fair compensation for local villagers whose land would be affected by development, and establish a monitoring and grievance process to hold BP and the government accountable.

More Information

The Goldman Prize offers environmental heroes the recognition, visibility and credibility their efforts deserve. Visit www.goldmanprize.org for more information. ■

Consumer Tips: Is Lead in Your Drinking Water?

By Chris Weiss

Lead in drinking water remains a major concern for consumers, especially those living in older neighborhoods. Recent news stories on high levels of lead in Washington, D.C. drinking water supplies have heightened public awareness of the poisoned drinking water supply and the importance of water testing.

Lead can occur in drinking water either by contamination of the source water supply or by corrosion of lead from plumbing or fixtures. While lead-containing plumbing materials will usually develop a hard white coating or “scale” over time from substances such as calcium carbonate or lime, which minimizes further corrosion of the pipe, any change to the incoming water quality can potentially disturb this scale and expose the pipe to the corrosive effects of water. Drinking water may not always be a source of lead, which can also be found elsewhere in paints used in older homes or on some older metal playground equipment.

Determining if Lead is a Problem in Your Water

While the 1996 revisions to the Safe Drinking Water Act significantly changed the lead requirements for materials used in residential plumbing, older fixtures and lead water lines are still in service in many communities. For those living in older homes, it is important to determine if the home has a lead service line – the water line that



Lead in drinking water can result in delays in physical and mental development for babies and children.

connects a home to the community’s water system.

- If the home has a basement, locate the place where the water line comes in through the wall or floor. Is the pipe thick in appearance and a light gray in color? If so, the service line may be lead.
- The local water department can inspect the line to determine its material makeup; they can also check their records to confirm if the home is connected to the community’s distribution system by a lead service line.
- In some communities, there are two parts to the service line – the first connecting the city’s distribution pipe to the water shutoff at the curb; the second connecting the homeowner’s plumbing system to the shutoff. Depending on how the ordinance reads in a particular community, the portion between the curb shutoff and the house may be the homeowner’s responsibility to maintain.

In addition to lead service lines, faucets or lead-based solder (used to join copper tubing) can also contribute small amounts of lead into drinking water,

especially those produced before 1998. As a result, some individuals who don’t have lead service lines can still have unsafe levels of lead in their drinking water.

If consumers are concerned about lead in drinking water, they should consider having a lead test performed on the tap water to determine lead content. Local water utilities, state and local health departments, and university extension offices usually have a list of labs in each state that are approved to perform drinking

water testing for residents. If the lead content exceeds this level, options include:

- Having the lead service line replaced
 - Using a home water treatment product certified for lead reduction (if the lead content is below 150 ppb)
 - Using certified bottled water
- Boiling water is not an effective means of reducing lead, and may in fact concentrate the lead. Hot water lines are most susceptible to lead leaching and should not be used as a source of water for drinking or cooking when lead is detected.

If a consumer chooses to use a home water treatment device, use and maintenance are key factors to making sure contaminants such as lead are being reduced from their incoming water supply if present. Most importantly, consumers should seek out products that meet the stringent standards provided by independent, third-party certification. Consumers can search certified product listings at www.nsfconsumer.org.

Gas Prices Pumping Your Wallet Clean

With gas prices at record highs and summer vacation just around the corner it's time to learn how to save at the pump. Simple ways to protect your wallet while also protecting the environment are listed below.

Clean Out Your Car. If it's snowing out, most likely you won't need the golf clubs you've been storing in your trunk, and if it's 100 degrees you probably won't need those skis either. The more weight you haul, the more gas you use.

Take Care of Your Car. Keep the tires inflated properly. Underinflated tires waste fuel and wear out the tire tread. Also, check tires regularly for alignment and balance and change oil and filters on schedule.



Don't Be a Loner. Take a train, subway, bus or organize a carpool. These are some of the easiest ways to save gas and pollute less.

Forget the Low-Carb Fad. Ride your bike to work or to run errands. If you do this, maybe you can eat that bagel you've been craving the past couple months.

Too Many Speeding Tickets? The faster you drive, the more gas you use. Driving at 55 mph rather than 65 mph can improve your fuel economy by two miles per gallon.

Tighten the Gas Cap. Make sure it's on securely. Buy a new one if your current cap doesn't fit snugly. Gas easily evaporates from the tank if it has an escape.

Buy a Fuel-Efficient Car. When pricing cars, factor in long-term fuel costs. Keep in mind that sunroofs add to wind resistance, lowering the mileage per gallon. ■

Don't Get Up, Protect the Planet From Your Computer

You can be part of the solution right from your computer! Help Friends of the Earth raise the funds needed to protect your right to a clean, healthy environment and a democratic global society.

A Fish with a Mission

Are you one of the millions of people that use eBay? Do you find yourself selling items from time to time or even on a regular basis? In that case, you could help Friends of the Earth with a mere stroke of your keyboard. MissionFish (www.missionfish.org) has partnered with eBay so that you can sell items and donate the proceeds, anywhere from 10 percent to 100 per-

cent. MissionFish collects the donation from the seller, and sends us the money. Next time you are selling something, think about using MissionFish to donate part of your proceeds to Friends of the Earth.

Put Your Vote to Work

This month on-line voting has begun among Working Assets customers to award 50 groups a combined donations pool. If you are a member of Working Assets, please consider voting for Friends of the Earth. The more votes a group receives, the more funds they receive. Voting can be done online at www.workingassets.com/voting.

If you are not already a member, please consider joining the Working Assets family. By just 'rounding up'

your phone bill each month a few pennies, you can make an extremely large difference for groups like Friends of the Earth.

Our Action Center and E-Newsletter

Don't forget to sign up for our e-mail newsletter to receive up-to-date information about the issues you care about. Visit our online action center www.foe.org/action to sign up, take part in actions to protect the environment and even register to vote.

And, remember to vote your environmental values in every election at every level – local, state and national. Ask your neighbors if they are registered to vote too. ■

Dorothy Gleiser: A Rockhound Who Valued Nature

Dorothy would never have described herself as an “activist.” But for her entire life she was an “enthusiast.” Her passion was her love of nature in all its forms. A long time supporter of Friends of the Earth, Dorothy Gleiser passed away last summer at the age of 90.

Raised on a farm, she had a life-long relationship with the natural world. She loved gardening. But geology was her real love. She was an amateur rock collector who loved nothing more than taking treks in the midwest and southwest looking for specimens.

Throughout her life she found that she could find and see little until she left the highways and hiked into the woods and fields. She would travel well off the beaten path, looking at undis-



We would like to thank Dorothy Gleiser for remembering Friends of the Earth in her estate plans.

turbed land, as well as outcroppings, road cuts, and even mines. Taking the road less traveled, she created an exten-

sive collection that might rival the gem and mineral collection at the Smithsonian Institute.

Dorothy would open her home and collection to school children and college students to introduce them to the wonders of the natural world. Dorothy hoped others would be able to do a better job of protecting it in the future. After providing for family members, she thoughtfully left a portion of her estate to Friends of the Earth. The bequest was unrestricted, trusting Friends of the Earth to use it where the need was the greatest.

Dorothy did something very special. She made an ultimate gift to benefit those she would never know. For all of us, a special thanks to Dorothy Gleiser. We will remember her for a long time to come. ■

G R E E N S C I S S O R S

Battling Environmentally Harmful Spending

As the federal budget deficit spirals out of control, policy makers are looking for places to cut spending. Working with fiscally conservative groups, Friends of the Earth is offering politicians answers by identifying tens of billions of dollars in environmentally harmful and wasteful projects that must be eliminated from the federal budget.

Common-Sense Spending Advice to Congress

In April, the Green Scissors Campaign, lead by Friends of the Earth, released the *Green Scissors 2004* report. The report highlighted five high-priority projects, from the more than 50 proj-

ects highlighted in previous reports, to be targeted for elimination. To date, members of Congress have introduced legislation to eliminate or reform three of the five highlighted projects. The introduced pieces of legislation would eliminate a special tax treatment for sport utility vehicles, stop new road building in the Tongass National Forest in Alaska and end a wasteful tax break for oil and gas development.

A Fair and Balanced Look at Transportation Spending

In June, continuing our partnership with fiscal conservatives, Friends of the Earth and Taxpayers for Common Sense released the new edition of *Road to Ruin*. *Road to Ruin* highlights

27 federal road and highway projects that would cost more than \$24 billion to build. These highways will pave over forest and farmland, disrupt communities, while failing to address traffic congestion and sprawl.

The *Road to Ruin* report is being released in time to impact the national debate over federal transportation policy. There is legislation currently before Congress that would provide at least \$270 billion for transportation projects, 80 percent of which would benefit highways.



The *Green Scissors 2004* report can be viewed at www.greenscissors.org. The *Road to Ruin* report can be viewed at www.foe.org/camps/eco ■

Biotech Is Not the Answer

By Brent Blackwelder

Recently USA Today asked Friends of the Earth to write an Op-Ed to inform the public of our stance on genetically engineered food. We've reprinted the article below.

Most of us would like to see crops and farming techniques developed to feed the world, reduce pesticide use and provide health benefits. So far, the biotech food crops on the market today have failed to do these things, according to a new report by the United Nations' Food and Agricultural Organization (FAO). However, the report concludes that in the future, if the right investments and regulations were put into place, biotech could help. That's a big "if."

Contrast the report's findings with the views of prominent hunger-relief groups. In Britain, the directors of Oxfam, Christian Aid, Save the Children and Action Aid have warned that claims that genetically engineered foods will feed the world are "misleading and fail to address the complexities of poverty reduction." They are concerned that hunger is not due to a shortage of food, but to a lack of money to buy or grow it. Biotechnology would not change underlying social and economic policies and, therefore, it is unlikely the right investment.



THE NATION'S NEWSPAPER

USA TODAY

NO. 1 IN THE USA

Biotech is not the answer

Opposing view:
Much more research is required before foods can be deemed safe.

By Brent Blackwelder

Most of us would like to see crops and farming techniques developed to feed the world, reduce pesticide use and provide health benefits. So far, the biotech food crops on the market today have failed to do these things, according to a new report by the United Nations' Food and Agricultural Organization (FAO). However, the report concludes that in the future, if the right investments and regulations were put into place, biotech could help. That's a big "if."

Contrast the report's findings with the views of prominent hunger-relief groups. In Britain, the directors of Oxfam, Christian Aid, Save the Children and Action Aid have warned that claims that genetically engineered foods will feed the world are "misleading and fail to address the complexities of poverty reduction." They are concerned that hunger is not due to a shortage of food, but to a lack of money to buy or grow it. Biotechnology would not change underlying social and economic policies and, therefore, it is unlikely the right investment.

The FAO report says that "there have been no verifiable reports ... of significant health or environmental harm." But harm is difficult to determine when proper regulations and the funds needed to evaluate these crops are not even available in the United States. Through their lobbying, biotech companies have prevented the Food and Drug Administration from adopting an independent approval process, and the companies have succeeded in getting more than \$190 million of taxpayer money a year to subsidize the development of their products. Only 2% of these federal research funds are dedicated to evaluating potential harm.

Genetically engineered foods that inherently require more complex evaluations are not adequately regulated today in the richest country in the world. So it is not clear why the FAO thinks they might be adequately regulated elsewhere.

Ultimately, it is up to the leaders of nations that are facing famine or malnutrition to decide what crops and technologies to embrace. To the extent that people in wealthier nations want to help, we should provide the poor with options that solve these problems without creating new ones.

Brent Blackwelder is president of Friends of the Earth.

have succeeded in getting more than \$190 million of taxpayer money a year to subsidize the development of their products. Only 2% of these federal research funds are dedicated to evaluating potential harm.

Genetically engineered foods that inherently require more complex evaluations are not adequately regulated today in the richest country in the world. So it is not clear why the FAO thinks they might be adequately regulated elsewhere.

Ultimately, it is up to the leaders of nations that are facing famine or malnutrition to decide what crops and technologies to embrace. To the extent that people in wealthier nations want to help, we should provide the poor with options that solve these problems without creating new ones.

Reprinted with permission from USA TODAY. ■

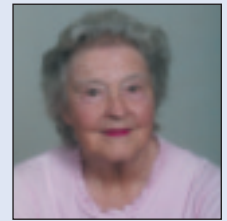
The FAO report says that "there have been no verifiable reports... of significant health or environmental harm." But harm is difficult to determine when proper regulations and the funds needed to evaluate these crops are not even available in the United States. Through their lobbying, biotech companies have prevented the Food and Drug Administration from adopting an independent approval process, and the companies

Letters to the Editor

We invite you to send comments and suggestions about our news-magazine to:

Letters to the Editor, Keira Costic
Friends of the Earth
1717 Massachusetts Ave, NW,
Suite 600
Washington, DC 20036-2002
or kcostic@foe.org

Board Member Up for Re-election This Summer



Avis Ogilvy Moore,
Charter member of
Friends of the Earth

Friends of the Earth will host its annual board meeting, Monday, June 28, at 1 p.m., in the Washington, DC office. Avis Ogilvy Moore is running uncontested for an open slot on Friends of the Earth's board of directors. Members may cast votes at the annual meeting. If you would like to attend, contact Lisa Grob at lgrob@foe.org or by phone, 202-222-0744. Members may also vote by proxy ballot for the candidates or for write-in candidates.

To do so, copy or clip the mailing label from this newsmagazine and mail your vote to Board Election, Friends of the Earth, 1717 Massachusetts Avenue NW, Suite 600, Washington, DC, 20036 or fax 202-783-0444.

Avis Ogilvy Moore is a Charter Member of Friends of the Earth. In 1972, Avis co-founded and chaired the New York Branch of Friends of the Earth. Avis is a former Research Associate at the University of

Pennsylvania Medical School and has served on the board of numerous institutions such as Sierra Club's Atlantic Chapter, Louisiana Landmark Society and Zero Population Growth's New York chapter. Avis is currently serving as the chair of Friends of the Earth's board of directors.

We Don't Inherit the Earth from Our Parents... ...We Borrow It from Our Children.



Estate planning experts suggest reviewing your will about every three years, when you retire or celebrate a new birth. As a service to our members, Friends of the Earth is offering a free and concise booklet on tips to consider in preparing or updating your will.

As you think about your will, please consider remembering Friends of the Earth in your plans. Help to leave this world an even better place for our children and our children's children.

- Please send me a free copy of *How to Make a Will That Works*.
- I'd like to learn more about how to include Friends of the Earth in my estate plans. Please send me the appropriate wording to bring to my attorney.
- I have already included Friends of the Earth in my estate plans.

NAME (PLEASE PRINT)

ADDRESS

CITY

STATE

ZIP

PHONE

E-MAIL

Or call Rosemary Greenaway toll-free at 877-843-8687 x722 or e-mail rgreenaway@foe.org.



Summer 2004, Volume 34, No. 2

1717 Massachusetts Ave., NW, Suite 600
Washington, DC 20036-2002

PERIODICALS
POSTAGE PAID AT
WASHINGTON, DC
AND ADDITIONAL
MAILING OFFICES