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ENVIRONMENTAL, HEALTH, AND SAFETY NEWSLETTER

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ARTICLE:

European Union says REACH to Chemical Industry

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According to President Reagan, the nine most terrifying words in the English language are, "I'm from the government and I'm here to help." The European Union (EU) is proposing to replace 60 existing directives governing chemical substances with one integrated system for "Registration, Evaluation, and Authorization of Chemicals" (REACH). The EU is claiming that it is here to help!

REACH

The EU expects to pass and implement REACH sometime during the summer of 2007. The objectives of REACH are noble: protecting human health and the environment; improving the competitive position of European trade and industry; unifying the existing EU legislation of chemical substances; providing transparency for the characteristics and risks of chemical substances; and the stimulating of testing without using laboratory animals. However, REACH will impact virtually every element of the chemical industry---from manufacturers, to importers, and ultimately users. It will also significantly impact the chemical companies exporting to the EU.

REACH brings all chemical substances produced or imported into the EU in excess of 1 ton per year under a single regulatory regime. It does not differentiate between new and existing chemicals. The

EU estimates that there are currently 100,000 chemicals on the European market, with little information known on the properties, uses, and risks of 99% (by volume) of them. REACH will bring 30,000 of these chemicals under its regulation.

REACH involves the EU's "precautionary principle." It seeks to find out the health and environmental risks of chemicals before they are placed in service. As the acronym implies, REACH concerns the registration, evaluation, authorization, and restrictions on the use of chemicals in the EU.

Registration. Each producer or importer of chemicals at or above the 1 ton per year threshold will have to register the chemical (create technical dossiers) with a newly created EU Chemical Agency. This includes submitting information on the properties, uses, and safe ways of handling the chemicals. The safety information will also have to be passed on to downstream users of the chemicals.

Evaluation. Public authorities will thoroughly evaluate the registration information. They can ask for additional information is necessary. Because of a fear that REACH will require a dramatic increase in animal testing, such testing will be allowed only if alternatives are not available.

Happy Thanksgiving

Authorization. Use specific authorization will be required for chemicals that cause cancer, mutations, problems with reproduction, or that accumulate in our bodies or the environment. Authorization will be granted only to companies that can show that the risks are adequately controlled or that the social and economic benefits outweigh the risks where there is no suitable alternative substances or technologies. The required toxicity or carcinogenicity tests (acute, subchronic, chronic) will increase as the volume of the chemical produced or imported increases.

Restrictions. The EU Commission can further restrict the use of certain dangerous substances. However, REACH is intended to provide cleaner and faster restriction procedures than currently available.

Concerns

There is concern that REACH will create a bureaucratic nightmare. It has the potential to

reshape the global regulatory landscape for chemical manufacturers and businesses that use chemicals. The World Trade Organization (WTO) has already begun looking into the potential impact of REACH on the world trade in chemical substances.

REACH will also be very costly. The EU estimates that REACH will cost about \$250,000 per chemical to implement or \$15 billion for the chemical industry as a whole. The chemical industry claims this significantly underestimates the costs. A study by German chemical manufacturers estimates that REACH will cost that country a .4 to 6.4% loss in economic production and between 150,000 to 2.3 million jobs.

U.S chemical exporters need to pay close attention to REACH. Chemicals that are not pre-registered under REACH will not be allowed to enter the EU. There also exists the potential for using REACH to discriminate against the import of chemicals into the EU.

*******Note: A URL extending beyond one line may*****
inadvertently add a blank space that must be removed.
Also, some files are quite long and may take time to open.**

ADDITIONAL ARTICLES:



The Texas Commission on Environmental Quality (TCEQ) publishes article "Getting Creative with Conservation"

Higher temperatures and below-normal precipitation this summer continue to strain the state's water resources. These conditions make water conservation more important than ever. With drought affecting most of the state, Texans may draw inspiration from the accomplishments of three award-winning water savers. In Natural Outlook, TCEQ highlights examples of outstanding environmental performance in the corporate world, the agricultural sector, and the military. For more information see http://www.tceq.state.tx.us/comm_exec/forms_pubs/pubs/pd/020/06-03/creativeconservation.html

UPDATES:



INTERNATIONAL AGENCIES

United Nations Environmental Programme (UNEP), Yale University, and Leading Publishers Launch "Online Access to Research in the Environment" (OARE)

In an effort to help reduce great disparities in scientific capital between developed and developing nations, the United Nations Environment Programme (UNEP), Yale University, and leading science and technology publishers launched a new collaborative initiative to make global scientific research in the environmental sciences available online to tens of thousands of environmental scientists, researchers, and policy makers in the developing world for free or at nominal cost. For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=486&ArticleID=5400&l=en> and <http://www.oaresciences.org/>

United Nations reports on further rise in number of marine "dead zones"

The number of "dead zones" or low oxygenated areas in the world's seas and oceans may now be as high as 200 according to new scientific estimates released at an international marine pollution meeting in Beijing. De-oxygenated zones are areas where algal blooms, triggered by nutrients from sources including fertilizer run off, sewage, animal wastes and atmospheric deposition from the burning of fossil fuels, can remove oxygen from the water. For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=486&ArticleID=5393&l=en> and

United Nations reports on how curbing coastal pollution helps coral reefs

The ability of coral reefs to survive in a globally-warming world may crucially depend on the levels of pollution to which they are exposed, new findings indicate. Scientists studying reefs that were bleached in the late 1990s by high surface sea temperatures have found a link between recovery rates and the levels of contamination entering coastal waters from developments on the land. For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=486&ArticleID=5392&l=en> and http://www.grida.no/climate/coastal/screenfile/vitalcoastreport_lr.pdf

UPDATES CONTINUED:

INTERNATIONAL AGENCIES CONTINUED:

United Nations reports on global warming impacts on developing countries

Assisting developing countries to adapt to the impacts of global warming, especially those in Africa must be a key focus of the latest round of climate change talks in Nairobi. A new report on impacts, vulnerability and adaptation in Africa, released by the Secretariat of the United Nations Framework Convention on Climate Change (UNFCCC) and based on data from bodies including the UN Environment Programme (UNEP) and the World Meteorological Organization (WMO) indicates that the continent's vulnerability to climate change is even more acute than had previously been supposed. For more information see <http://www.unep.org/Documents.Multilingual/Default.asp?DocumentID=485&ArticleID=5409&l=en> and http://unfccc.int/adaptation/adverse_effects_and_response_measures_art_48/items/3743.php and http://unfccc.int/files/adaptation/adverse_effects_and_response_measures_art_48/application/pdf/advance_unedited_african_workshop_report.pdf

It is surprising what a man can do when he has to,
And how little most men will do,
When they don't have to.

-Walter Linn

Organization for Economic Cooperation and Development (OECD) welcomes Stern Review into consequences of climate change

Climate change is one of the greatest challenges we face – both in terms of its potential impacts on our societies and the earth, and in terms of the scale of the international co-operation that is needed to confront it. The OECD is working to support its member countries in the development and implementation of effective and least-cost policies to tackle climate change. For more information see http://www.oecd.org/document/28/0,2340,en_2649_201185_37632476_1_1_1_1,00.html and http://www.hm-treasury.gov.uk/newsroom_and_speeches/press/2006/press_stern_06.cfm and <http://www.eea.europa.eu/highlights/eea-welcomes-the-stern-review>

Organization for Economic Cooperation and Development (OECD) report claims farm supports undermining sustainable use of water

Agriculture, as the main user of water in OECD countries, can also help maintain ecosystems. But government policies to support farm production often discourage the efficient use of water and aggravate pollution. The problem is identified in a new OECD publication on “Water and Agriculture: Sustainability, Markets and Policies,” a collection of expert papers on how to improve water management in the farming sector. For more information see http://www.oecd.org/document/24/0,2340,en_2649_201185_37619288_1_1_1_1,00.html

European Union (EU) reports that it must take immediate action on Kyoto targets

All Member States must seriously tackle greenhouse gas emissions immediately, if the EU-15 is to meet its collective Kyoto target, according to a new European Environment Agency (EEA) report entitled “Greenhouse Gas Emission Trends and Projections in Europe 2006” For more information see <http://www.eea.europa.eu/pressroom/newsreleases/ghgtrends2006-en> and http://reports.eea.europa.eu/eea_report_2006_9/en

United Nations Food and Agricultural Organization reports on the biological control of locusts

Since the dawn of agriculture mankind has had to deal with a resourceful and fearless enemy, *Schistocerca gregaria*, the desert locust. Normally loners, every so often these natives of the deserts from West Africa to India turn into vast, voracious swarms that leave hunger and poverty behind them wherever they go. New biological controls are becoming available. For more information see <http://www.fao.org/newsroom/en/focus/2006/1000345/index.html>

United Nations World Meteorological Organization reports CO2 levels reach highest levels ever recorded

Globally averaged concentrations of human-caused carbon dioxide (CO₂) in the atmosphere, the second most important greenhouse gas blamed for global warming, reached their highest levels ever recorded last year, the United Nations World Meteorological Organization. For more information see <http://www.un.org/apps/news/story.asp?NewsID=20480&Cr=gases&Cr1=> and <http://www.un.org/apps/news/story.asp?NewsID=20408&Cr=green&Cr1=house>

World Bank reports on using carbon sequestration to help stop tropical forest clearing

Imagine a poor farmer cutting down a hectare of rainforest, rich in biodiversity, to create a pasture worth US \$300. The trees, cleared and burned, release 500 tons of heat-trapping carbon dioxide into the atmosphere, contributing to global warming. Meanwhile, firms in industrialized countries are paying many times the value of the cleared land—about US \$7,500—to meet their commitments to limit the same amount of carbon dioxide emissions. For more information see <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:21097584~menuPK:34457~pagePK:34370~piPK:34424~theSitePK:4607,00.html> and <http://www.worldbank.org/tropicalforestreport>

International Maritime Organization (IMO) releases guidance on noxious liquid substances carried in bulk

The IMO released a resolution providing guidance on interpreting the definition of the term “noxious liquid substances carried in bulk” as found in the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention). For more information see http://www.imo.org/includes/blastDataOnly.asp/data_id%3D15852/LEG4%2891%29.pdf

UPDATES CONTINUED:

FEDERAL EXECUTIVE AGENCIES

Environmental Protection Agency (EPA) announces appointment of Elin D. Miller as Regional Administrator for the Pacific Northwest and Alaska

Miller served as President and CEO of Arysta Life Science North America and Australasia, an agricultural chemical company based in Tokyo. From 1996-2004, she held various high-level executive positions at Dow Chemical, overseeing the company's public affairs, global pest management and Asia Pacific operations. Prior to joining Dow, Elin was the Director of the California Department of Conservation, where she was responsible for regulating oil and gas production, as well as the state's mining, recycling and agriculture land conservation initiatives. She also served as the Chief Deputy Director of the California Department of Pesticide Regulation at California (CAL) EPA. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/765fd1d4dc18dafa852571ff00684303!OpenDocument>

Environmental Protection Agency (EPA) looking at water efficiency

Looking to expand the water efficiency market, the Environmental Protection Agency (EPA) has issued its first set of specifications to certify professionals in this field. Under the agency's WaterSense program, the specifications set technical requirements for certifying landscape irrigation professionals. Certification programs that meet the EPA's requirements will earn the WaterSense label. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/ae67e9d766e8de318525721400554c57!OpenDocument> and <http://www.epa.gov/watersense/partners/specs/cert.htm> and <http://www.epa.gov/watersense/partners/join/index.htm> and <http://www.epa.gov/watersense/>

Environmental Protection Agency (EPA) announces new rule that boosts protection of underground drinking water

More than 100 million Americans will enjoy greater protection of their drinking water under a new rule issued by the U.S. Environmental Protection Agency. The rule targets utilities that provide water from underground sources and requires greater vigilance for potential contamination by disease-causing microorganisms. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/026a2a41917cfa678525720500568809!OpenDocument> and <http://www.epa.gov/safewater/disinfection/gwr>

Environmental Protection Agency (EPA) new data show decline in children's exposure to pollutants

The percentage of children living in counties that do not meet the air quality standard for fine particulate matter declined from 24 percent to 16 percent from 1999 to 2004, according to new data released by EPA. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/a00625d93c7733d385257211005eba33!OpenDocument> and <http://www.epa.gov/envirohealth/children/index.htm>

Environmental Protection Agency (EPA) announces new computer efficiency requirements

With an eye to saving U.S. households and businesses more than \$1.8 billion in energy costs over the next 5 years, EPA announced new Energy Star specifications for computers and related equipment. These new modifications are also expected to prevent greenhouse gas emissions equal to the annual emissions of 2.7 million cars. For more information see

<http://yosemite.epa.gov/opa/admpress.nsf/7c02ca8c86062a0f85257018004118a6/113b0c0647fee41585257210006474f1!OpenDocument> and http://www.energystar.gov/index.cfm?c=revisions.computer_spec

Mary E. Peters confirmed as Secretary of the Department of Transportation

Mary E. Peters was nominated by President George W. Bush on September 5, 2006, and confirmed by the U.S. Senate as the 15th Secretary of Transportation on September 30, 2006, after spending more than two decades crafting solutions to our nation's toughest transportation challenges. For more information see <http://www.dot.gov/bios/peters.htm>

The National Academies releases report in brief on erosion

Much like ocean beaches, sheltered coastal areas experience land loss from erosion and sea level rise. The many bulkheads and other structures built to protect coastal properties in those areas cause changes to the coastal environment that threaten landscapes, public access, recreational opportunities, natural habitats, and fish populations. A new management approach is needed that takes into account all available erosion prevention alternatives and their attendant costs, benefits, and impacts. The regulatory preference for permitting bulkheads and similar structures should be changed to favor more ecologically beneficial solutions. For more information see http://dels.nas.edu/dels/rpt_briefs/shore_erosion_final.pdf

Animal and Plant Health Inspection Service (APHIS) to look at methyl bromide usage importing solid wood packing material

APHIS has issued a notice stating that it intends to prepare a supplemental environmental impact statement to analyze methyl bromide usage associated with regulatory requirements for importing solid wood packing material into the United States. For more information see

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2006/pdf/E6-17773.pdf>

Coast Guard publishes CD on chemical information

The Coast Guard has published a free resource CD-ROM that brings comprehensive chemical information to the fingertips of fire and safety service personnel responding to a hazardous materials incident. Users can search the database by a substance's color, odor, and physical appearance and use the data to plan for a safe and effective response. Chemicals are rated according to health risk, flammability, and reactivity, among other factors, using data from several sources. For more information see <https://www.piersystem.com/go/doc/786/136216/>

**A common mistake that people make,
When trying to design something completely foolproof,
Is to underestimate the ingenuity of complete fools.**

-Douglas Adams

UPDATES CONTINUED:

FEDERAL EXECUTIVE AGENCIES CONTINUED:

U.S. Fish and Wildlife Service (F&WS) issues draft Asian Carp Management Plan

The F&WS has issued its "Draft Management and Control Plan for Asian Carps in the United States" that was submitted to the Aquatic Nuisance Species Task Force. It was prepared by the Asian Carp Working Group. For more information see http://www.anstaskforce.gov/hyannis/Asian_Carp_Draft_Plan_4_06.pdf

No man ever steps in the same river twice,
For it's not the same river,
And he's not the same man.

-Heraclitus, philosopher (c. 540-470 BC)

Environmental Protection Agency (EPA) Inspector General Reports:

***Fiscal 2005 and 2004 Financial Statements for the Pesticides Reregistration and Expedited Processing Fund, Report No. 2007-1-00001. For more information see <http://www.epa.gov/oig/reports/2007/20061010-2007-1-00001.pdf> and http://www.epa.gov/oig/reports/2007/20061010-2007-1-00001_glance.pdf

Department of Justice Enforcement Actions:

***\$13.9 Million Clean Air Act Settlement with Multinational Soybean and Corn Processor Secures Major Pollution Reductions in Eight States. A multi-state Clean Air Act (CAA) settlement, reached with oilseed processor Bunge North America Inc. and three of its subsidiaries, will eliminate more than 2,200 tons of harmful pollution emissions per year when fully implemented. For more information see http://www.usdoj.gov/opa/pr/2006/October/06_enrd_727.html
***Florida Charter Boat Captain Sentenced for Shooting at Dolphins. Christopher Kevin Weaver, a charter boat captain from Panama City, Florida, was sentenced today to two years of probation and a \$1,000 fine for violating the federal Marine Mammal Protection Act (MMPA) by knowingly and unlawfully shooting at one or more dolphins in U.S. waters. For more information see http://www.usdoj.gov/opa/pr/2006/October/06_enrd_691.html

National Oceanic and Atmospheric Administration (NOAA) and National Aeronautics and Space Administration (NASA) report on ozone levels

NOAA and NASA scientists report this year's ozone hole in the polar region of the Southern Hemisphere has broken records for area and depth. The ozone layer acts to protect life on Earth by blocking harmful ultraviolet rays from the sun. The "ozone hole" is a severe depletion of the ozone layer high above Antarctica. It is primarily caused by human-produced compounds that release chlorine and bromine gases in the stratosphere. For more information see <http://www.publicaffairs.noaa.gov/releases2006/oct06/noaa06-079.html>

U.S. Geological Survey reports on hurricane land loss in coastal Louisiana

A new peer-reviewed analysis of land change data from the U.S. Geological Survey National Wetlands Research Center indicates that 217 square miles of Louisiana's coastal lands were transformed to water after Hurricanes Katrina and Rita. How much of this transformation of land to water is permanent can only be determined after continued field studies as well as aerial photography and analysis of satellite imagery after each growing season. For more information see <http://www.usgs.gov/newsroom/article.asp?ID=1568>

Chemical Safety and Hazard Investigation Board (CSB) calls on oil industry to eliminate atmospheric blow-down drums similar to equipment at BP Texas City Refinery

The CSB issued new safety recommendations calling on the U.S. oil industry to improve safety practices for refinery pressure relief systems, eliminating the type of atmospheric vent that caused the hydrocarbon release and explosions that killed 15 workers and injured 180 at the BP Texas City refinery on March 23, 2005. The accident occurred during the startup of the refinery's octane-boosting isomerization (ISOM) unit, when a distillation tower and attached blowdown drum were overfilled with highly flammable liquid hydrocarbons. Because the blowdown drum vented directly to the atmosphere, there was a geyser-like release of highly flammable liquid and vapor onto the grounds of the refinery, causing a series of explosions and fires that killed workers in and around nearby trailers. For more information see http://www.csb.gov/index.cfm?folder=news_releases&page=news&NEWS_ID=316

National Academy of Engineering recommends ways to improve evaluation of hurricane protection system

A new report from the National Academy of Engineering and National Research Council recommends ways to improve a draft study by the Interagency Performance Evaluation Task Force, which is examining the performance of New Orleans' hurricane-protection system during Katrina. For more information see <http://www.nas.edu/morenews/20061025.html> and <http://www.nap.edu/catalog/11772.html>

National Research Council reports on loss of pollinators

Population trends for some North American pollinators -- bees, birds, and other creatures that spread pollen so plant fertilization occurs -- are "demonstrably downward," a new National Research Council report says. It calls for better monitoring of pollinators and improved understanding of their taxonomy and ecology. For more information see <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=11761> and <http://www.nap.edu/catalog/11761.html> and http://dels.nas.edu/dels/rpt_briefs/pollinators_brief_final.pdf

Occupational Safety and Health Administration (OSHA) issues safety and health guidance to help small businesses comply with hexavalent chromium (Cr(VI))

The guide describes the steps that employers are required to take to protect employees from hazards associated with exposure to Cr (VI). For more information see http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=12638 and http://www.osha.gov/Publications/OSHA_small_entity_comp.pdf

UPDATES CONTINUED:

STATE EXECUTIVE AGENCIES

When money speaks, the truth keeps silent.

-Russian proverb

Louisiana Department of Environmental Quality (LDEQ) expanding hurricane car removals to private property

LDEQ and DRC, the contractor in charge of towing cars and vessels damaged by the hurricanes, are expanding the process to private property. Up to now, the state and its contractor have towed more than 10,000 cars and recreational boats from the public right of way. However, under the expanded program, people who have abandoned cars or boats remaining on their property as a result of hurricanes Katrina or Rita now have an approved process where they can have the items removed free of charge by the state. For more information see <http://www.deq.louisiana.gov/portal/portals/0/news/pdf/cartowing1025.pdf>

Alabama Department of Environmental Management (ADEM) receives international award

ADEM has been selected for the 2006 Green Apple Award for environmental best practices. The Green Organization, an independent environmental group in Northampton, England, dedicated to promoting positive environmental endeavors, recognized ADEM for its Qualified Credentialed Inspector Program. For more information see <http://www.adem.state.al.us/PressReleases/2006/10ADEMGreenAppleAward.pdf>

Alabama Environmental Management Commission (AEMC) welcomes two new Commissioners

The AEMC welcomed its two newest members at its October 6th meeting. Anita Archie and Dr. Laurel Gardner of Auburn were appointed to the AEMC by Governor Bob Riley and began serving on the commission October 1st. For more information see <http://www.adem.state.al.us/PressReleases/2006/10ADEMNewCommissioners.pdf>

State of Florida adds to protection of Florida Keys ecosystem

Continuing their commitment to preserve environmentally-sensitive lands in the Florida Keys, Florida voted to acquire more than 51 acres as part of the Florida Keys Ecosystem Florida Forever project. With more than 3,950 feet of waterfront property combined, the properties are part of an accelerated plan to preserve almost 12,000 acres along the 106-mile chain of islands. For more information see

http://www.governmentguide.com/govsite.adp?bread=*Main*&url=http%3A//www.myflorida.com/

The Washington State Ocean Policy Workgroup has issues its draft report

The State of Washington is asking for public comment in its draft comprehensive study of Ocean Policy. Comments are due by November 28, 2006. For more information see <http://courses.washington.edu/oceangov/OPWG.html> and

http://courses.washington.edu/oceangov/OPWG_Docs/OPWG_DraftFinalReport.pdf and

http://courses.washington.edu/oceangov/OPWG_Docs/OPWG_CommentForm.doc

PRIVATE ENTITIES

Pew Center on Global Climate Change issues report on corporate strategies of address climate change

The Pew Center on Global Climate Change released, "Getting Ahead of the Curve: Corporate Strategies That Address Climate Change," a how to guide for corporate decision makers as they navigate rapidly changing global markets. The report presents an in-depth look at the development and implementation of corporate strategies that take into account climate-related risks and opportunities. For more information see

http://www.pewclimate.org/press_room/sub_press_room/2006_releases/pr_1018.cfm and

<http://www.pewclimate.org/global-warming-basics/>

U.S. Public Interest Research Group (USPIRG) report shows ten opportunities to build new energy future

USPIRG unveiled ten golden opportunities to move America beyond fossil fuels and toward a cleaner, more secure energy future for America. The list is based on U.S. PIRG's new report The Road to a New Energy Future, which highlights the many technologies available to America that would reduce dependence on fossil fuels. The report urges the nation to embrace a platform and a set of policies to assure that these clean energy technologies prevail throughout the U.S. economy. For more information see <http://uspirg.org/uspirgnewsroom.asp?id2=28335> and

<http://uspirg.org/uspirgnewsroom.asp?id2=28323>

Gulf Restoration Network announces Corps of Engineers (COE) Ordered to do environmental assessment of Industrial Canal Work

The COE must halt all work on widening the Industrial Canal lock in New Orleans until it reconsiders the project's environmental impact, a federal district judge ruled. "The court finds that the corps failed to take a 'hard look' at the environmental impacts and consequences of dredging and disposing of the canal's contaminated sediment and should revisit the project in light of recent catastrophic events," U.S. District Judge Eldon Fallon wrote in his opinion, referring to the effects of Hurricane Katrina. For more information see

<http://www.nola.com/news/t-p/frontpage/index.ssf?/base/news-6/116011605578540.xml&coll=1> and

<http://www.healthygulf.org/IndustrialCanalRuling.pdf> and <http://www.healthygulf.org/>

Environmental Integrity Project and others warm about E-coli coming from farming

Three top national organizations working to safeguard the country's food and water supplies warn that bacterial pollution from livestock and poultry factory farms poses a major threat to public health. The warning from the Natural Resources Defense Council (NRDC), Sierra Club, and Environmental Integrity Project comes in the wake of a highly publicized E. coli outbreak from California-grown spinach. For more information see

<http://www.environmentalintegrity.org/pubs/EPA%20Must%20Limit%20Factory%20Farm%20Animal%20Waste%20Bacteria.pdf>

UPDATES CONTINUED:

PRIVATE ENTITIES CONTINUED:

Public Employees for Environmental Responsibility (PEER) protest closing of Environmental Protection Agency (EPA) science libraries

Without any word to the public, EPA has closed its specialized library for research on the effects and properties of chemicals, according to documents released by PEER. The library's unique technical collection is being offered for dispersal, with the remainder kept in storage. For more information see http://www.peer.org/news/news_id.php?row_id=778

A successful man is one,
Who makes more money than a wife can spend.
A successful woman is one,
Who can find such a man.

-Lana Turner, actress

Independent Petroleum Association of America (IPAA) releases 2006 Issues Book

The IPAA 2006 Oil and Natural Gas Issues Briefing Book is a general guide to facts and trends for the domestic oil and natural gas industry, including specific legislative and regulatory solutions for maintaining and enhancing energy production in the United States. For more information see <http://www.ipaa.org/reports/2006BriefingBook.pdf>

FEDERAL COURT DECISIONS

Islander E. Pipeline Company v. State of Connecticut Department of Environmental Protection (U.S. 2nd Circuit Court of Appeals)

Defendant's order denying petitioner's Water Quality Certificate application, for discharge into the waters of Long Island Sound during construction of interstate natural gas pipeline, is remanded as the order was arbitrary and capricious because defendant: 1) failed adequately to explain or support its denial with record evidence; 2) did not acknowledge or explain contradictory record evidence; and 3) neglected to consider important aspects of the problem. For more information see

http://www.ca2.uscourts.gov:8080/isysnative/RDpcT3BpbnNcT1BOXDA1LTQxMzktYWdfb3BuLnBkZg==/05-4139-ag_opn.pdf#xml=http://10.213.23.111:8080/isysquery/irldad0/1/hilite and <http://caselaw.lp.findlaw.com/data2/circs/2nd/054139p.pdf>

American Chemistry Council v. Department of Transportation (U.S. Circuit Court of Appeals for the District of Columbia)

Petitions for review filed by plaintiff associations of hazardous materials manufacturers, shippers, and transporters challenging defendant's rule defining when hazardous materials are being loaded, unloaded, or stored incidental to their movement, are dismissed as plaintiffs have not demonstrated Article III standing under the U.S. Constitution to bring their challenge.

For more information see

<http://www.cadc.uscourts.gov/bin/scripts/isysweb/isyswebext.dll?op=get&uri=/isysnative/UDpcb3BpbmlvbnNcMjAwNjEwXDAzLTU0NTZhLnBkZg==/03-1456a.pdf#xml=http://www.cadc.uscourts.gov:81/isysquery/irlecf/1/hilite> and <http://caselaw.lp.findlaw.com/data2/circs/dc/031456a.pdf>

Center for Biological Diversity v. Kempthorne (U.S. 9th Circuit Court of Appeals)

Summary judgment in favor of defendants, agency officials, in a suit under the Endangered Species Act (ESA) is reversed where defendants' challenged decision, regarding listing the Sierra Nevada Mountain Yellow-Legged Frog as an endangered species, standing alone, failed to make the determinations required by 16 U.S.C. section 1533(b)(3)(B) for a "warranted but precluded" finding. For more information see

[http://www.ca9.uscourts.gov/coa/newopinions.nsf/2B05FAE3A74F14D38825720A007C7499/\\$file/0416563.pdf?openelement](http://www.ca9.uscourts.gov/coa/newopinions.nsf/2B05FAE3A74F14D38825720A007C7499/$file/0416563.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0416563p.pdf>

Environmental Defense Fund v. Environmental Protection Agency (U.S. Circuit Court of Appeals for the District of Columbia)

Petition for review brought by environmental groups challenging three sets of regulations promulgated by the Environmental Protection Agency (EPA) governing how states are to bring their transportation plans into conformity with the requirements of the Clean Air Act is: 1) denied for one set of regulations where the court does not have jurisdiction since the period for review has passed; 2) granted for one set where it is inconsistent with the Act's requirement that activities that emit pollutants comply with an approved transportation implementation plan; and 3) denied for the final set where the Act does not require that activities involving transportation actually reduce pollutants, but merely that they not frustrate an implementation plan's purpose to reduce overall emissions. For more information see

<http://pacer.cadc.uscourts.gov/docs/common/opinions/200610/04-1291a.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/dc/041291a.pdf>

Kentucky Research Council, Inc. v. Environmental Protection Agency (U.S. 6th Circuit Court of Appeals)

The EPA's final rulemaking action approving revisions to Kentucky's State Implementation Plan (SIP) involving air quality standards, under which the state was allowed to move its vehicle inspection and maintenance program for certain counties from the active or "regulatory" portion of its SIP under the Clean Air Act to the contingency measures portion of the Kentucky SIP, is affirmed as the EPA's action was entitled to deference. For more information see

<http://www.ca6.uscourts.gov/opinions.pdf/06a0386p-06.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/6th/054349p.pdf>

UPDATES CONTINUED:

FEDERAL COURT DECISIONS CONTINUED:

Manufactured Housing Institute v. US Environmental Protection Agency (U.S. 4th Circuit Court of Appeals)

Petition for review of defendant's exclusion of manufactured housing, such as mobile-home parks, from policy allowing property owners to meter and bill their tenants (submeter) for water purchased by the owners but distributed to and actually used by the tenants without being subject to regulation under the Safe Drinking Water Act of 1974, is denied as the regulation in question is supported by a rational basis and is neither arbitrary nor capricious. For more information see <http://pacer.ca4.uscourts.gov/opinion.pdf/041157.P.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/4th/041157p.pdf>

**Brasington's Ninth Law:
A carelessly planned project---
Takes three times longer to complete than expected;
A carefully planned one---will take only twice as long.**

Parker v. Scrap Metal Processors, Incorporated (U.S. 11th Circuit Court of Appeals)

In an environmental and tort suit over the operations of a junkyard, denial of plaintiff's motion to show cause as to why defendant had not implemented a legally sufficient Storm Water Pollution Prevention Plan is affirmed where there was an effort to comply with the court order. Denial of plaintiff's motion to show cause as to why defendant had not obtained a solid waste handling permit is reversed where district courts do not have the power to modify or revise an appellate order, and the district court's dismissal of plaintiff's state law claims for lack of subject matter jurisdiction is reversed where the court had the power to exercise supplemental jurisdiction over the claims, and none of the factors enumerated in 28 U.S.C. 1367(c) were persuasively present. For more information see <http://www.ca11.uscourts.gov/opinions/ops/200516904.pdf> and <http://caselaw.lp.findlaw.com/data2/circs/11th/0516904p.pdf>

United States v. Johnson (U.S. 1st. Circuit Court of Appeals)

Following the Supreme Court's decision in *Rapanos v. US*, 126 S.Ct. 2208 (2006), a suit against a group of cranberry farmers for violation of the Clean Water Act is remanded to the district court for factual determinations relating to the federal government's jurisdiction over "navigable waters," and thus the wetlands in question. On remand, the government can establish jurisdiction over the target sites if it meets either the plurality's literal interpretation of the term "navigable waters" or Justice Kennedy's "substantial nexus" standard. For more information see <http://www.ca1.uscourts.gov/cgi-bin/getopn.pl?OPINION=05-1444OCT312006.01A> and <http://laws.lp.findlaw.com/1st/051444.html>

Pit River Tribe v. Unites States Forest Service (U.S. 9th. Circuit Court of Appeals)

Summary judgment for defendants-agencies on claims alleging that procedures followed by the agencies in extending certain leases in highlands considered sacred to plaintiffs-Native American tribes and the subsequent approval of a geothermal plant to be built there, violated various federal laws and fiduciary obligations to tribes, is reversed where the agencies did not take a "hard look" at the environmental consequences of the 1998 lease extensions and never adequately considered the no-action alternative. For more information see

[http://www.ca9.uscourts.gov/coa/newopinions.nsf/67281897AF199DD98825721E005B6AE5/\\$file/0415746.pdf?openelement](http://www.ca9.uscourts.gov/coa/newopinions.nsf/67281897AF199DD98825721E005B6AE5/$file/0415746.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0415746p.pdf>

Klamath Siskiyou Wildlands Center. v. Boody (U.S. 9th. Circuit Court of Appeals)

A judgment finding that certain of the Bureau of Land Management's annual species review decisions regarding the red tree vole were lawful and that certain timber sales were valid and should be permitted to go forward is reversed and the timber sales are enjoined from going forward where: 1) the decisions regarding the red tree vole were invalid under both the Federal Land Policy and Management Act (FLPMA) and the National Environmental Policy Act (NEPA); and 2) the timber sales violate federal law since they rely on the unlawful decisions. For more information see

[http://www.ca9.uscourts.gov/coa/newopinions.nsf/6EAF5A0B307284198825721E005BEF51/\\$file/0635214.pdf?openelement](http://www.ca9.uscourts.gov/coa/newopinions.nsf/6EAF5A0B307284198825721E005BEF51/$file/0635214.pdf?openelement) and <http://caselaw.lp.findlaw.com/data2/circs/9th/0635214p.pdf>

WORLD ELECTRONIC NEWS BRIEFS:



Bulgaria claims right to damages for pollution of Danube River

Bulgaria has the right to claim damages over the pollution of the Danube River and it will do so," Bulgarian Minister of Environment and Waters Dzhevdet Chakarov said. For more information see <http://www.focus-fen.net/index.php?id=n97190>

**You are never too old,
To be what you might have been.**

-George Eliot (MaryAnn Evans)

New Zealand issues paper on environment

New Zealand has released its long-awaited discussion paper on the environment. "A Bluegreen Vision for New Zealand" proposes capping emissions from the electricity sector along with incentives for forestry planting. For more information see <http://www.newstalkzb.co.nz/newsdetail1.asp?storyID=105071>

South African dam project delayed because of environmental concerns

The start of the De Hoop large-dam project in Limpopo has been delayed pending the outcome of a strategic environmental assessment process, government has announced. For more information see <http://www.businessday.co.za/articles/national.aspx?ID=BD4A283549>

Russian concern for far east environment

For more than a decade, Dmitri Lisitsyn waged a lonely, losing battle to protect the local salmon and whale from the world's major oil companies, which are turning this remote island into an industrial hub for energy in Asia. Now, Lisitsyn suddenly has the full support of an unlikely environmental champion: the Russian government. For more information see <http://www.iht.com/articles/2006/10/05/business/sakhalin.php>

Work starts near Glasgow, Scotland on Europe's largest wind farm

Work began in Scotland on what will be Europe's largest onshore wind farm, generating enough electricity to power 200,000 homes. The project, opened by Trade Secretary Alistair Darling, is part of the government's pledge to cut carbon emissions and raise the amount of electricity it gets from renewable sources to 20 percent by 2020 from four percent now. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/38433/story.htm>

Estonian President names new environment minister

Estonia's president named lawmaker Rein Randver as the country's new environment minister after his predecessor resigned last week amid accusations of improper land deals. For more information see http://www.iht.com/articles/ap/2006/10/10/europe/EU_GEN_Estonia_Environment_Minister.php

British Council rejects plan to scrap toxic U.S. Naval ships

A city council in northern England threw out controversial plans to scrap ageing former US naval vessels which are believed to be packed with toxic materials. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/38491/story.htm>

Britain cites United States study on global warming

Failing to fight global warming now will cost trillions of dollars by the end of the century even without counting biodiversity loss or unpredictable events like the Gulf Stream shutting down. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/38485/story.htm>

British Columbians don't trust government on environment poll shows

British Columbians have much greater faith in themselves than in government or industry to do what's necessary to protect and improve their local environment, an Ipsos Reid poll commissioned by The Vancouver Sun shows. For more information see <http://www.canada.com/vancouvernews/story.html?id=608cbd77-10f2-42c1-8816-09dc0be37f53&k=56101>

United States group lists 10 most polluted places in world

The list was compiled by the New York-based nonprofit group the Blacksmith Institute. A Russian city where chemical weapons were once manufactured and a town in Zambia's copper mining belt are among the 10 most polluted places on Earth. For more information see <http://www.planetark.com/dailynewsstory.cfm/newsid/38561/story.htm>

Liberia raises concern over misuse of wetlands

The Liberian Environmental Protection Agency of Liberia (EPA) says its attention has been drawn to what it calls unwarranted conversion of wetlands in and around Monrovia into dumping sites for medical, industrial and domestic waste. For more information see <http://allafrica.com/stories/200610180444.html>

Russian police seize documents from environment regulator

Police seized accounting documents from the offices of Russia's environmental regulator Rosprirodnadzor, Oleg Mitvol, the deputy head of the agency, told Dow Jones Newswires. Mitvol - who has led the charge to pull a key environmental permit from Royal Dutch Shell PLC (RDSA) and has chastised Russian oil companies OAO Lukoil Holdings (LKOI.RS) and OAO Rosneft (ROSN.RS) - said he couldn't explain the reason for the document seizure. For more information see

<http://www.marketwatch.com/News/Story/Story.aspx?dist=newsfinder&siteid=google&guid=%7B5A2771F9-E8C9-49A6-842E-AC1EDC494360%7D&keyword=>

UPCOMING EVENTS:



American Association of Equipment Manufacturers (AEM) Annual Meeting (November 5-7, 2006)

At the Boca Raton Resort and Club in Boca Raton, Florida. For more information contact Al Cervero at (414) 298-4125 or see <http://www.aem.org/Education/Annual/index.asp>

**I have always wished that my computer,
Would be as easy to use as my telephone.
My wish has come true,
I no longer know how to use my telephone.**

**-Bjarne Stroustrup
Computer Science Professor**

International Mechanical Engineering Congress and Exposition (IMECE) (November 5-10, 2006)

At the Hilton Chicago in Chicago, Illinois. For more information contact Phyllis Klasky at (973) 882-1170 or see <http://calendar.asme.org/EventDetail.cfm?EventID=577> and <http://www.asmeconferences.org/congress06/>

National Oil Recyclers Association (NORA) Association of Responsible Recyclers Annual Conference (November 8-10, 2006)

At the Ritz-Carlton in Maui, Hawaii. For more information contact Casey Parker at (703) 753-4277 or see http://www.noranews.org/2006_conference_page.htm

American Institute of Chemical Engineers (AIChE) Annual Meeting (November 12-17, 2006)

At the San Francisco Hilton in San Francisco, California. For more information contact Jeff Wood at (212) 591-7450 or see <http://www.aiche.org/Conferences/AnnualMeeting/index.aspx>

Deep Offshore Technology Conference (November 28-30, 2006)

At the George R. Brown Conference Center in Houston, Texas. For more information contact Jennifer Lindsey (918) 835-3161 or see <http://dot06.events.pennnet.com/fl/home.cfm?Language=>

Power-Gen International (November 28-30, 2006)

At the Orange County Convention Center in Orlando, Florida. For more information contact Judy Tarpley (918) 831-9560 or see <http://pgi06.events.pennnet.com/fl/index.cfm>

International WorkBoat Show (November 29-December 1, 2006)

At the Morial Convention Center in New Orleans, Louisiana. For more information see <http://www.workboatshow.com/06/public/enter.aspx>

Engineer's Energy Toolbox: Practices, Technologies and Management (December 6-7, 2006)

At the Galveston Island Convention Center in Galveston, Texas. For more information contact Kathey Ferland at (512) 232-4823 or see <http://www.showcasetexas.org/>

Infraspection Infrared Conference and Symposium (January 14-17, 2007)

At the Holiday Inn International Drive Resort Hotel in Orlando, Florida. For more information contact Chris Seffin at (609) 239-4788 or see http://www.irinfo.org/irinfo_conference_general.html

International Society of Optical Engineering Photonics (SPIE) West (January 20-25, 2007)

San Jose Convention Center Complex in San Jose, California. For more information contact Marilyn Gorsuch at (360) 676-9820 or see <http://spie.org/Conferences/Programs/07/pw/Register/>

Thermal Solutions Conference (January 22-25, 2007)

At the Hyatt Hotel in Sarasota, Florida. For more information contact Matt Schwoeclar at (800) 636-9820 or see <http://www.thermalsolutions.org/>

World of Concrete (January 22-26, 2007)

At the Las Vegas Convention Center in Las Vegas, Nevada. For more information contact Betsy Speer at (972) 536-6370 or see <http://www.worldofconcrete.com/WOC2007/public/enter.aspx>

daratechPLANT2007 (January 29-31, 2007)

At the Wyndham Greenspoint Hotel in Houston, Texas. For more information call (617-354-2339 or see <http://www.daratech.com/plant2007/>

Underground Construction Technology (January 30-February 1, 2007)

At the George R. Brown Convention Center in Houston, Texas. For more information contact Shiela Coasts (281) 558-6930 or see <http://www.uctonline.com/>

JOB OPPORTUNITIES:



To apply for the jobs listed below, please submit your resume to tbrinsko@bicalliance.com or fax the resume to (281) 486-4975. If your company would like more information on BIC's contingent fee recruiting services, please call Thomas Brinsko or Brooke Nelson in Houston, Texas at (281) 486-1500. For more information on job listings see www.bicalliance.com/indviro/

**The great tragedy of science---
The slaying of a beautiful hypothesis,
By an ugly fact.**

-Thomas Huxley, Biologist

Industrial Project Manager

Company is in need of a candidate with 5+ years in project Management. Candidate must be willing to work out in the field and be able to travel. Territory will be in the Mid-Atlantic area. Salary D.O.E.

Director of Technology

High-pressure, high volume hydroblasting company is in need of a Director of technology for the Houston area. Candidate must have 3+ years experience in this industry. Ideal candidate would have a background in sales, willing to travel, familiar with the latest technology in the industry and be able to demonstrate when needed. Salary \$85K-\$95K.

Project Coordinator/Field Engineer

North America's largest supplier of materials, engineering and advanced NDT service company, providing integrity management solutions from 60 locations nationwide is in need of a Project Coordinator. Ideal candidate would have 2-3 years experience working in a process plant environment, knowledge of distillation/fractionation, willing to travel and not be afraid of working in high environments. Salary \$60K-\$70K.

Environmental Health and Safety (EHS) Manager

Candidate needed to oversee Industrial Liquid waste processing and recycling plant. Duties would entail the following: maintain compliance with all environmental regulations, preparing all necessary environmental reports, evaluate and improve plant processes. Candidate should have strong plant operations skills, working knowledge of EHS regulations and procedures with the ability to work with/ operations and management. Must have 10 years' petrochemical or liquid waste Industries background. Salary \$75K-\$90K.

Operations Manager

Chemical Cleaning company based in New Jersey is looking for an Operations Manager. Perfect candidate to fill this job would need to have knowledge of safety regulations, chemicals, and tank cleaning industry. Salary D.O.E.

Project Managers

Air Stack testing specialist needed in the Houston Area and also in Illinois. Candidates must be familiar with running test using instrumentation and have knowledge of environmental regulations, methods and procedures. Salary 45K+ D.O.E.

Junior Project Managers

In-house position based in Houston Texas requires 5+ years experience on industrial construction/maintenance projects in refining/chemical/pipeline industries. Salary \$60K-\$80K.

Construction Superintendent

Civil, structural steel, mechanical pipeline work, most of hiring companies projects located in Texas. Degree preferred, not required. Salary \$55K-\$75K.

Outside Sales

Company that specializes in safety products is looking for a tenacious, assertive outside sales representative. Candidate should be able to generate new sales accounts. Must understand basic business finances of sales, costs, gross profit, gross margin and contribution to operations. Must be effective in verbal communication and have a high degree of organization skills. Salary D.O.E.

WEBSITE OF THE MONTH:



The Department of Defense (DoD) has launched a website on emerging contaminants

DoD has published a public website on emerging contaminants at <http://www.dodmeritinfo.net>. The site contains information on DoD's Materials of Emerging Regulatory Interest Team (MERIT) and the contaminants the agency is watching. In addition, the site provides information on DoD's "action list" which includes perchlorate, TCE, RDX, naphthalene, and hexavalent chromium. An overview of DoD efforts related to emerging contaminants and links to other resources on these chemicals is also available at this site. For more information see <https://www.denix.osd.mil/denix/Public/Library/MERIT/merit.html>

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