



EARTHJUSTICE

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PUBLIC HEALTH: EPA agrees to reconsider drifting pesticides (cover); Clean up the environment to reduce health care costs (page 3); A major victory in Florida could improve water quality nationwide (page 9)



WILDLIFE & LAND: Lake Tahoe is spared new piers and docks (page 5); Grizzlies regain Endangered Species Act protection (page 6); A salmon-killing dam on Oregon's Rogue River is removed (page 7).



ENERGY & CLIMATE: Coal-power transmission line falters (page 8); Coal projects suffer setbacks across the country (page 14); Administration green-lights a tar-sands pipeline (page 16).

COVER PHOTO: TRACY PERKINS

BACK COVER PHOTOS: TOP TO BOTTOM: TRACY PERKINS, CARL BUELL, ISTOCK

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IN BRIEF

WINTER
2009/10



Pesticides: The Poison Within

KATHLEEN SUTCLIFFE

GENOVEVA GALVEZ knows there are pesticides inside her 13-year-old body. What she really wants to know is this: how does she get rid of them?

The dark-haired high school freshman has a pretty good idea of how these nerve-damaging chemicals got there in the first place. She remembers one sweltering summer evening in particular. Genoveva was sitting with her mother and a cousin on the front stoop of her family's modest home in California's Central Valley. Dusk was just settling in between the branches of the nearby olive trees and orange groves when a sickly smell began to burn their eyes and sent them reeling indoors. With nowhere else to go, they closed the doors and windows and waited it out in the oppressive heat.

Later, a neighbor who was rounding up residents for a pesticide monitoring study dropped by to ask if they'd ever had problems with nearby spraying. Genoveva reminded her family of that night and convinced them to sign up for the study. With the help of scientists from Pesticide Action Network, Genoveva and her family set up a device in their backyard to measure pesticides in the air. And one by one, family members were tested to see if the toxic chemicals were present in their bodies.

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EARTHJUSTICE
Because the earth needs a good lawyer

HEADLINES FROM THE WORLD CLIMATE CONFERENCE

in Copenhagen last December tolled constantly about disappointment and dire consequences as governments failed to reach a binding agreement to slow global warming. For Earthjustice attorneys Martin Wagner and Erika Rosenthal, however, the conference was a critical time to work with colleagues from around the world to help keep options open for a strong, legally binding agreement on climate change in 2010. The conference also highlighted the urgency of passing strong climate-change legislation at home to build trust and momentum internationally. Read their reports from the conference at www.uneearthed.earthjustice.org/blogs/martin-wagner and www.uneearthed.earthjustice.org/blogs/erika-rosenthal.

POWERFUL NEW FILM INVESTIGATES COAL

We are sacrificing Appalachia for our nation's demand for energy. That's the message in *Coal Country*, a documentary film that explores coal mining in Appalachia. Filmmakers Phylis Geller and Mari-Lynn Evans follow Chuck Nelson, a retired coal miner now fighting to protect the streams, mountains, and people that the coal industry is destroying. They also follow Randy Maggard, an environmental compliance manager for a local coal company. The juxtaposition of these two characters

sends a clear message: the problems of coal are not easily solved. Coal is often the only job in town, but its cost is too much to bear. We need changes that guarantee a clean, renewable energy future with well-paying jobs for this impoverished region. *Coal Country*, Evening Star Productions, 85 minutes, \$22.99. Available at www.coalcountrythemovie.com or at www.amazon.com

TRANSPARENT FRACKING? Until just recently, natural drilling companies have refused to reveal what chemicals they use in hydraulic fracturing ("fracking")—the process of pumping water and chemicals deep underground to release natural gas. In fact, they've lobbied vigorously against informing the public of potential toxins that could migrate into drinking water supplies. But, now, a company in Colorado has agreed to reveal what's in its fracking fluids and, better yet, take steps to use non-harmful chemicals. Which raises the question: If they can do it in Colorado, why not everywhere this risky practice is proposed?

Fix Health Care: Fix the Environment

THE DEBATE OVER HEALTH CARE REFORM—if you can call the ranting, raving, and strident and shrill hectoring now underway debate—is missing a vital and important element.

The partisans argue about whether providing insurance to the uninsured is worth the cost, whether the federal government should have a role, whether this is the first step on the road to a single-payer, government-run, Canadian or European-style system (a fine idea, in fact, but not for today), and all the rest.

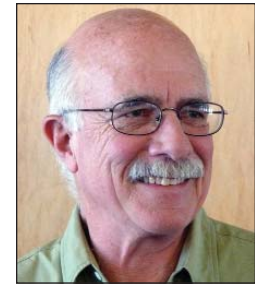
What they don't talk much about is another way to reduce the cost of health care in the first place, and that is reducing the amount of various kinds of pollution that have a serious and ultimately expensive impacts on our health.

Just think about it for a minute. Smog damages lungs and causes people to miss work. Pesticides sicken the people who spray them on farms and fields. Mercury from cement kilns and power plants harms fish and the people who eat them. The incidence of breast cancer has risen twelve-fold in the last 40 years. Asthma rates have tripled in the last 25 years. The list is almost as long as it is depressing.

This general phenomenon has been studied for years. Just by way of example, the National Academy of Sciences/National Research Council recently estimated that the health costs of air pollution generated by vehicles and power plants alone costs the U.S. economy about \$120 billion a year. Those are big sources, but still a small fraction of all the sources that contribute health-damaging substances. If we could somehow sharply reduce illness caused by pollution and other environmental factors, the cost of health care in this country would plummet. Smoking is still the 500-pound gorilla in the equation, of course, and that's pollution only in a very expansive sense, but still. The total cost of pollution-derived illness, including treatment and lost hours at work is hard to pin down, but there's no debate that it's huge.

One other number, just for flavor: A study released a few years back estimated that more than 9,000 people die each year from breathing in small particles of dust and soot. And that's just in California. If the ratio holds, that's something like a hundred thousand a year across the country, and caring for those people before they finally expire is horribly expensive.

But let us not get bogged down in numbers. We're talking about a general principle here that needs more attention, and it's pretty simple. To bring down the cost of health care, one of the best investments to make is in cleaning up industrial processes, and agricultural processes, and all the other human activities that poison the environment and sicken people. Who can argue with that? —TT



The total cost of pollution-derived illness, including treatment and lost hours at work is hard to pin down, but there's no debate that it's huge—likely comparable to the cost of the Democrats' health-care-reform package being kicked around in Washington.



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An Agenda for Congress in 2010

The Toxic Substances Control Act, passed in 1976, is an abject failure. It forces the Environmental Protection Agency to prove a substance harmful before regulating it, when it should force industry to prove the substance safe before releasing it for widespread use. The law fails to provide vital information on the 84,000 synthetic chemicals now in use, and it fails to force industry to reveal what chemicals are in its products.

Sen. Frank Lautenberg (D-NJ) and Rep. Bobby Rush (D-IL) hope to replace Tosca, as it's referred to, with the Kid Safe Chemical Act, which would close the loopholes and protect everyone, not just kids.

CLIMATE. A reasonably progressive climate bill, introduced by Senators Barbara Boxer (D-CA) and John Kerry (D-MA) was approved in the Senate Environment and Public Works Committee in November, despite a walkout by all the Republicans on the committee. Thereupon Senators Kerry, Joe Lieberman (I-CT) and Lindsay Graham (R-SC) launched a tri-partisan effort to come up with a bill that could attract the 60 votes necessary to overcome a filibuster once the bill reaches the Senate floor. Meanwhile, the administration branded six greenhouse gases including carbon dioxide, a danger to public health that will be regulated under the Clean Air Act. So, Sen. Lisa Murkowski (R-AK), along with other climate deniers, plans to try to overturn EPA's "endangerment finding," described above.

BLACK CARBON. A broad coalition of groups representing industry and environmentalists will try to use any job-creation bills put forward to advance the effort to control black carbon—soot—that is the quickest, cheapest, and most effective first step possible in starting to reverse global warming. A first effort is to retrofit large diesel engines such as school buses and big trucks. This program was underfunded

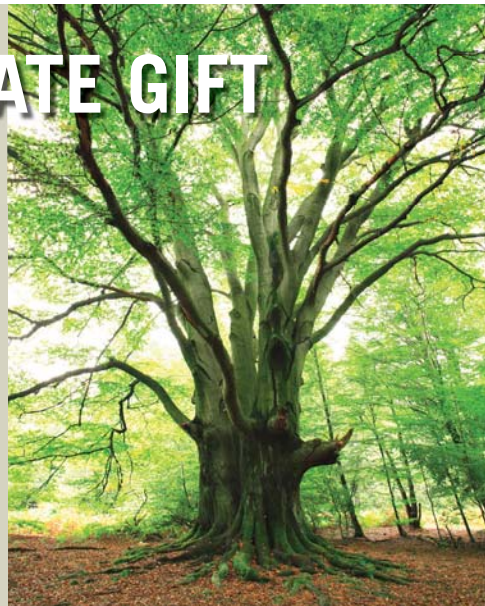
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Now that Congress is back from recess, we on the Green team are continuing our push for the strongest climate bill our leaders can muster.

PLAN YOUR ULTIMATE GIFT

LEAVE A LEGACY OF COMPASSION with a bequest gift to benefit Earthjustice. A smart estate plan can help you provide for your loved ones while ensuring Earthjustice's ability to protect our environment for future generations. You can set aside any amount, percentage or specific asset in your will or trust, or include Earthjustice as a beneficiary of your IRA, 401(k) or life insurance plan. Join members of The Evergreen Council and make your commitment today!

FOR MORE INFORMATION, PLEASE CONTACT
(800) 584-6460 legacy@earthjustice.org



FPO



Tahoe Spared New Piers, Ramps

Review Required of New Development Plan

THE JEWEL OF THE SIERRA NEVADA got a break in September when a Federal District Court judge prohibited construction of new piers, boat ramps and other boat facilities, and placement of new buoys along the Lake Tahoe shoreline. A shoreline development plan by the Tahoe Regional Planning Authority would allow construction of hundreds of such projects, resulting in more than 60,000 additional boat trips on the beleaguered lake each year. As planners struggle to reduce pollution in the Tahoe Basin to restore the lake's historic clarity, these additional boat trips would have exacerbated pollution of the air and water. The additional motorboat traffic would have endangered paddlers and kayakers, and 138 new piers would have impeded public beach access. Earthjustice, representing the League to Save Lake Tahoe and the Sierra Club, sued in 2008 to force proper environmental review of the development plan. In the September ruling, judge Lawrence Karlton granted a preliminary injunction against new construction until the suit is resolved. "This ruling is a victory for Lake Tahoe," said Earthjustice attorney Wendy Park, "and for everyone who appreciates Tahoe's unique and irreplaceable crystal clear waters and magnificent beauty." —Chris Clarke

"This ruling is a victory for Lake Tahoe, and for everyone who appreciates Tahoe's unique and irreplaceable crystal clear waters and magnificent beauty."

The Center for Food Safety views Roundup Ready® seeds with considerable skepticism, since the plants can cross-breed with normal seeds, can contaminate organic beets, and have unknown health consequences.

Gene-Spliced Sugar Beets Declared Illegal

Government Failed to Perform Required Studies

ABOUT 30 PERCENT of the refined sugar consumed worldwide comes from sugar beets; most of the rest comes from sugar cane. The beets are currently raised in 26 states.

Monsanto manufactures Roundup® herbicide, so Monsanto genetically engineered Roundup Ready® beet seeds to sell more of the chemical. With Roundup Ready® crops, you can douse the fields with the chemical and the crop will survive, but the weeds will die. Like bacteria exposed to antibiotics, weeds are quickly evolving resistance to Roundup®, resulting in even greater use of the chemical.

And Roundup Ready® sugar beets can cross-breed with normal sugar beets, table beets, and Swiss chard, threatening to contaminate these crops. So, with the help of Earthjustice attorney Paul Achitoff, organic seed producers sued the Agriculture Department, and in September a judge ruled that the government had broken the law with its approval of Roundup Ready® beets for the market. —TT

Grizzlies Regain Endangered Species Act Protection

Bush-Era Delisting Tossed; Climate to Be Considered



Timberline Grizzly

IN 2007 THE U.S. FISH AND WILDLIFE SERVICE announced that it was removing the Yellowstone-area grizzly bears from the list of threatened and endangered species, arguing that the population had approximately doubled, to more than 500 individuals in the 30-plus years since it was originally protected.

Environmental groups, promptly challenged the delisting, pointing out, among other things, that global warming is prompting bark beetle attacks, killing whitebark pine trees across most of the ecosystem.

In Yellowstone, the seeds of whitebark pine trees provide the single most important grizzly bear food, affecting grizzly bear reproductive success and grizzly mortality alike.

In September, Judge Donald Molloy ruled in favor of Greater Yellowstone Coalition, decreeing that the bears should be returned to the list unless and until the government can convince him that they've got the science right and that delisting the bear won't lead to its return to the list. Earthjustice attorney Doug Honnold was one of the lawyers representing GYC.

The government may well appeal Judge Molloy's ruling. —TT

BUREAU OF RECLAMATION.

A River Runs Through It, Again

Savage Rapids Dam on the Rogue River Is No More

NEARLY 90 YEARS AGO, a dam was built across the Rogue River near Grants Pass, Oregon, to provide irrigation water for nearby farms. Farmers benefited; fish did not. Fish ladders were installed for coho and chinook salmon and steelhead, but they didn't work very well and the dam was infamous as the biggest fish-killer on the river.

A doughty organization known as Waterwatch decided years ago that the dam must go. They argued about water rights, they rallied fishermen and kayakers, and they got in touch with Earthjustice attorneys Mike Sherwood and Claudia Polsky. Sherwood and Polsky had recently succeeded in gaining Endangered Species Act protection for the coho, so they turned around and charged the dam operators with illegally harming a protected species. It took several years, but eventually it was agreed that the dam would come out and be replaced with pumps that divert water straight out of the river with no impoundment. In early October 2009 demolition was complete. The Rogue runs free again. —TT



The Rogue River near Grants Pass, Oregon.

Yellowstone Snowmobile Quota Cut by More than Half

Another Reversal of an End-of-Bush Regulation

AT THE END OF THE BUSH ADMINISTRATION, the government announced that it would allow 720 snowmobiles into Yellowstone National Park each winter day, even though a plan to issue 540 daily snowmobiling permits had already been declared illegal in an Earthjustice lawsuit. This is a tussle that has been going on for many years, with conservationists advocating the replacement of snowmobiles with cleaner and quieter snowcoaches to benefit visitors, rangers, and wildlife, and the snowmobile industry continuing to promote the use of polluting snowmobiles.

In October of 2009, the National Park Service announced that it would restrict snowmobile access to 318 machines a day for the next two seasons while it decides what to do over the long-term. Sean Helle of Earthjustice is representing several groups trying to protect Yellowstone from the impacts of snowmobiles. —TT

EPA Puts Brakes on Desert Rock Coal Power Plant

Earthjustice Helps Halt Major New Climate Polluter

IN SEPTEMBER, an air permit for the Desert Rock coal-fired power plant on the Navajo Reservation in northwest New Mexico was reversed by the Environmental Protection Agency because it needs additional analysis.

The EPA originally gave the go-ahead in 2008 for this massive coal-fired power plant. Under pressure by Earthjustice attorneys Nick



Desert Rock would be one of the largest polluters in the country emitting 12.7 million tons of carbon annually as well as particulate matter, mercury, and ozone precursors.

Persampieri and Janette Brimmer and comments from government agencies, tribal organizations, and citizen groups, the EPA reversed itself.

Desert Rock would be one of the largest polluters in the country emitting 12.7 million tons of carbon annually as well as particulate matter, mercury, and ozone precursors. Mercury and other pollutants from the plant would have significant impacts on endangered species.

Lori Goodman with Diné CARE said, "We are thankful EPA has now decided to uphold the law and look out for the health of the people of the Four Corners Region, including the Navajo Nation." —TT

On the Wrong PATH

Coal-Power Transmission Lines Blocked for Now

TWO COAL COMPANIES (American Electric Power [AEP] and Allegheny Energy) that wanted to build a transmission line to deliver their dirty coal-fired electricity to major East Coast cities are abandoning their project in the face of Earthjustice opposition.

AEP and Allegheny greatly exaggerated future demand for electricity in order to claim that the proposed \$1.8 billion Potomac Appalachian Highline Transmission (PATH) project was needed. Earthjustice presented expert testimony that challenged the exaggerated demand forecast. When the companies were ordered to undertake modeling using the more realistic assumptions recommended by the experts, they were forced to admit that their numbers were wrong.

Had they succeeded in building the PATH line, AEP and Allegheny would have been able to force far more of their dirty, polluting energy on east coast ratepayers, keeping renewable clean energy out of the lucrative eastern power market for many years to come.

The coal companies have asked for permission to withdraw their permit application for PATH in VA, and Earthjustice will be pressing them to do the same in West Virginia and Maryland. —JM

Help Is on the Way for Polluted Waters



EVEN THOUGH A LARGE GROUP OF POLLUTERS tried to derail it, Earthjustice and its partners won a historic settlement Nov. 16 that requires the U.S. Environmental Protection Agency, for the first time, to set legal limits for the widespread nutrient poisoning that triggers harmful algae blooms in Florida waters.

Our settlement has been a long time coming, and it has nationwide implications for clean water. Every time it rains, nutrients like phosphorous and nitrogen poison Florida's waters, running off agricultural operations, fertilized landscapes, and septic systems.

The poison runoff triggers slimy algae outbreaks which foul beaches, lakes, rivers, and springs, threatening public health, closing swimming areas, and even shutting down drinking water plants. A 2008 Florida Department of Environmental Protection report found that half the state's rivers and more than half of its lakes had poor water quality.

Florida and most other states currently have only vague limits regulating nutrient pollution. Because of our settlement, the EPA will now begin the process of imposing quantifiable—and enforceable—water quality standards to tackle nutrient pollution.

Florida Agriculture Commissioner Charles Bronson, the Florida Pulp and Paper Association, four of the state's five water management districts, sewage plant operators, the Florida Farm Bureau, and others tried to kill our settlement with EPA. U.S. District Judge Robert Hinkle rejected their arguments.

Now, thanks to this victory, we're going to start cleanup—in Florida and, hopefully, across the nation. It will take dedicated effort to reverse decades of inaction on this serious, widespread problem.



In Massachusetts, algae blooms and invasive plants foul once-clear Silver Lake, which gets 10 million gallons of nutrient-poisoned water every day, pumped from Monponsett and Furnace Ponds.

In Colorado, Grand Lake—once one of the clearest lakes in North America—is now pea-soup green and filled with toxic algae that can make people and animals sick. Pollution shut down a drinking water plant which uses the lake's water.

Residents in Massachusetts, Colorado, Florida, and the rest of the nation deserve to have clean water. Our successful case proves that the Clean Water Act is strong medicine. —David Guest

The poison runoff triggers slimy algae outbreaks which foul beaches, lakes, rivers, and springs, threatening public health, closing swimming areas, and even shutting down drinking water plants.

OBAMA'S ENVIRONMENTAL RECORD: *Comparison with the Bush Years -Part 2*

ISSUE	BUSH 	OBAMA 	OBAMA'S GRADE
Tar Sands Pipeline	Facilitated the permit for a massive pipeline to export crude oil mined from Canadian tar sands to Wisconsin.	Approved the pipeline, though tar sands oil emits three times more greenhouse gases than conventional crude and numerous more pollutants.	F Tar sands are one of the worst possible sources of energy. No excuses.
Snake River Dams	Refused to consider removing or breaching the dams, which fish biologists predict could cause the extinction of local salmon subspecies by 2015.	Supports the latest Bush-era biological opinion on salmon recovery, widely considered illegal under the Endangered Species Act. Will study dam-removal only if salmon numbers plunge even further.	D Threatened salmon can't wait that long.
Fish Farms in the Gulf	Tried to open Gulf of Mexico to large-scale fish farming, but was twice rebuffed by Congress due to warnings from experts about water pollution and threats to wild fish.	Despite potential impacts, recently allowed for large-scale fish farming in the Gulf. Promised to publish a national policy on aquaculture soon.	C- Could do a lot more to take decisive action to protect Gulf fisheries.
PVC Plants	Regulated PVC plant emissions of vinyl chloride in 2002, but left emissions of other toxic substances entirely unchecked.	Will set new nationwide emission standards for PVC plants by July 29, 2011, after being sued by Earthjustice.	B+ Promising, but it took a lawsuit to make it happen.
Power Plant Toxics	Ignored the Clean Air Act's requirement to control power plants' toxic emissions by 2002.	Will impose rules to cut toxic air emissions from power plants by November, 2011, and write rules by 2012 to limit water pollutants.	B+ Hopeful, but 2012 is a long time to wait.
Pesticide Drift	Failed to apply the tenfold safety factor for protecting children in the pesticide review process. Allowed continued use diazinon, one of the most toxic pesticides.	Will improve labeling of pesticides to help prevent harm from pesticide drift.	B Step in the right direction, but awaiting more comprehensive action.
Smog Standards	Tightened the air pollution standard for ozone from 84 parts per billion (ppb) to 75 ppb, but ignored scientists' recommendation of 70 ppb or lower.	Agreed to reconsider the current standards by January 2010, following a court-ordered deadline to report plans.	B+ Positive sign, but still too early to tell.
Salmon & Pesticides	Allowed the EPA to exclude scientific expertise from federal fishery and wildlife agencies when approving pesticides.	Announced plans to further limit the use of three pesticides in order to protect endangered and threatened salmon and steelhead.	A- Good, but plans fail to limit aerial application of pesticides to the degree recommended by experts.
Freshwater Fish Toxics	Weakened and delayed laws regulating mercury emissions from power plants, the primary cause of toxics in freshwater fish.	Proposed significant reductions in mercury emissions from cement kilns. Released study detailing widespread contamination of fish.	A Solid, commendable action.

Sure enough, they found them. And it wasn't just the Galvez family.

Of those who participated in the community's 2006 study, 91 percent discovered they had above-average levels of pesticide breakdown products in their bodies. The pesticide monitoring devices in their community found chlorpyrifos—a nerve-gas pesticide developed by the Nazis—at concentrations almost eight times what the government calls a “level of concern.” What's more, Genoveva and her family learned that even when they couldn't see or smell the pesticides being sprayed in the nearby orchards, they were at risk of exposure: the toxic chemicals could adhere to fog or dust particles, silently drifting into their home and yard.

The news was disturbing, but not at all uncommon in regions of the country where industrial agriculture dominates the landscape. Spend some time in these areas, and you'll find that plenty of people have stories to tell about their encounters with the chemicals neighboring growers use to kill weeds, insects, fungi and other pests.

In western Illinois, where corn and soybean crops stretch for miles in every direction, Rick Collins was picking his children up from their babysitter's house, when he learned that the yard had just been sprayed by a passing crop-duster. His 6-year-old daughter, Arianne, had been playing in the pool and had dunked her head under the water as the plane passed. But 3-year-old Liam was still wet from the spray. Collins rushed his children home, showered them, then began telephoning everyone he could think of—including state elected officials—to determine the spray's source.

And in eastern Washington, where homes and schools are nestled alongside apple orchards, a sixth grade girl was nearly killed after being exposed to pesticides that had drifted onto school grounds from the nearby orchards. Elena Dominguez had been playing Frisbee during an outdoor gym class. The next thing she knew, she had been rushed to the hospital after passing out at her desk. At first, befuddled doctors chalked it up to dehydration. Then it happened again 10 days later, at the finish line of a track meet. This time, Elena's mother Cindy suggested pesticides as the culprit. Sure enough, investigators tested her gym clothes and found them soaked in Endosulfan—a DDT-like pesticide banned in many countries.

Down the road from Genoveva Galvez, Domitila Lemus recalled a visit to a nearby elementary school that went horribly wrong. The feisty grandmother was spending the day at Sunnyside school for its annual Grandparents' Day. The children were gathered in the schoolyard for the festivities when a foul cloud of pesticides came rolling in from the nearby orange groves. Children began collapsing in spasms, vomiting on the blacktop. Others passed out.

In the face of such threats, these rural residents are putting up a good fight. Enlisting the help of state legislators, Rick Collins is gaining ground on a quest for a state law that would require growers to notify nearby residents before crops are sprayed. Cindy Dominguez took on



Genoveva Galvez



TRACY PERKINS

the local growers and the school district and won increased safety measures for children at the school. And Domitila Lemus and Genoveva Galvez were among a band of citizen activists who successfully persuaded their county agricultural commission to adopt a quarter mile buffer zone around schools and residential areas for aerial pesticide spraying.

On the national level, Earthjustice is partnering with community groups around the country in an effort to gain federal protections for agricultural communities nationwide. Earthjustice attorneys filed a petition this fall asking the U.S. Environmental Protection Agency to set safety standards protecting children who grow up near farms from the harmful effects of pesticide drift—the toxic spray or vapor that travels from treated fields. The petition also asks the agency to immediately adopt no-spray buffer zones around homes, schools, parks and daycare centers for the most dangerous and drift-prone pesticides.

The petition was filed on behalf of farm worker groups United Farm Workers, Oregon-based Pineros y Campesinos Unidos del Noroeste, California Rural Legal Assistance Foundation, and the Farm Labor Organizing Committee, AFL-CIO, as well as Physicians for Social Responsibility, Washington-based Sea Mar Community Health Center, Pesticide Action Network, and the million-plus member MomsRising.org.

In response to the petition, the EPA announced that it is taking the first step in addressing this problem—opening up the group's petition for public comment. It's a promising sign. Now comes the hard work of making sure that decision-makers hear that they're on the right track. They'll surely be getting an earful from the pesticide industry telling them to keep the status quo. Industry interests like Monsanto and CropLife have already started putting the pressure on EPA.

But as powerful as these industry groups may be, they'll be hard-pressed to dull the spirits of the brave rural residents fighting to protect the children in their communities from pesticides. Or to outnumber the growing ranks of people around the country rallying in support of these safety measures. At press time, 18,266 Earthjustice supporters had gone on record with EPA in favor of these protections. To join them and to get more information, visit www.earthjustice.org/pesticides.

Genoveva and her family learned that even when they couldn't see or smell the pesticides being sprayed in the nearby orchards, they were at risk of exposure: the toxic chemicals could adhere to fog or dust particles, silently drifting into their home and yard.

KATHLEEN SUTCLIFFE

Sixteen Tons

YOU LOAD SIXTEEN TONS AND WHAT DO YOU GET? Another day older and deeper in debt. You also get asthma, heart attacks, dead fish, melting glaciers, and ash-retention ponds that fail: What more could you ask for?

As we used to say, if burning coal for power is the answer, what is the question? What's the fastest way to kill the planet?

The good news is that the tide is turning.

Three years ago, Earthjustice and its allies around the country were fighting nearly 200 proposed new coal-fired power plants. A little more than half have been cancelled, and the others are being opposed actively. This is the result of unprecedented cooperation among a diverse array of groups with a shared vision of kicking coal.

With grassroots groups, in Appalachia for the most part, we are working to stop coal companies from blasting the tops off mountains and dumping the rubble in rivers and

streams, and there's progress to report on that front. In collaboration with national groups, we are leaning on the federal government's Rural Utilities Service, not to mention banks and other investors, to stop pouring billions of dollars into subsidies for new coal plants, money that could be better spent on other projects (see chart).

The Obama administration is also coming to the party in various ways, recently issuing a formal "endangerment finding" that brands carbon a public enemy, and lays the groundwork for long overdue restrictions on the burning of coal and other fossil fuels.

In Florida, opposition to a new coal plant persuaded the utility company to go solar instead.

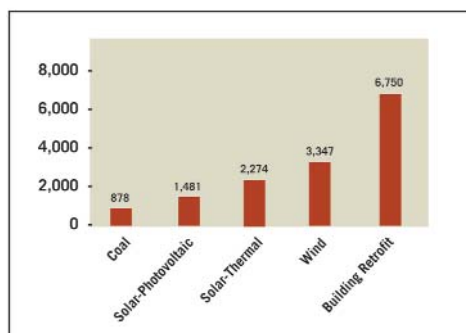
And we are working with our clients to stop fuels including tar sands, oil shale, liquid coal, and gasified coke, which are even more carbon-intensive than conventional coal.

Even Robert Byrd of West Virginia, the patriarch of the Senate and coal's staunchest ally for decades, has recently told Big Coal that it must shape up and join the 21st century. He shocked the coal industry by coming out against mountaintop removal mining and urging West Virginians to rethink their reliance on coal. This is a sea change of a tall order, but it's a change that is not only indispensable for the environment but also good for the economy.

The coal industry loves to frame environmental protection as the enemy of jobs, but the chart puts that bogus argument neatly to rest. Getting off coal will be good for global warming, good for public health, good for just about everyone.

There is an extensive new section at www.earthjustice.org/coal where you will find reams of useful information, analysis, and links. Take a look. —TT

Jobs Created For Each Billion Dollars Invested



SOURCE: EARTH POLICY INSTITUTE

With grassroots groups, in Appalachia for the most part, we are working to stop coal companies from blasting the tops off mountains and dumping the rubble in rivers and streams, and there's progress to report on that front.



HONOR SOMEONE SPECIAL

Trying to find a gift for someone who already has everything? Consider making a gift to Earthjustice in honor of someone special. Your gift will help us preserve our natural world for generations to come. We will also send the recipient(s) a card and a complimentary one-year subscription to *In Brief*.

To make your gift, please contact us at (800) 584-6460 or gifts@earthjustice.org.

WINTER 2009 TRIBUTE AND MEMORIAL HONOREES

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 ADAM AND JOHANNA BACHMAN
 THE BARTLETT FAMILY
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THE DIRTIEST OIL ON EARTH HEADED OUR WAY? When complete, the Alberta Clipper pipeline would transport 450,000 barrels of climate-polluting, tar-sands oil a day from Canada to refineries in the Upper Midwest. In September, Earthjustice filed suit to stop the project. “The State Department fails to show how building a pipeline to import the dirtiest oil on Earth is in our national interest,” said Earthjustice attorney Sarah Burt. —BS

SUIT AIMS TO UNDO TONGASS ROADLESS EXEMPTION Exactly six years ago, the Bush administration caved in to a lawsuit by the state of Alaska and agreed that the Tongass National Forest would be exempted from the Roadless Rule. Rather than challenge the exemption head-on, Earthjustice and its allies—principally the Natural Resources Defense Council—challenged a series of roadless area timber sales on the Tongass, and won them all. But timber projects in roadless areas are still being proposed, despite strong words from candidate Obama and Agriculture Secretary Tom Vilsack. It is now time to challenge the exemption head-on, and a new suit does just that.

ANOTHER KIND OF INJECTION The talk is all about flu shots, but another kind of injection is making news in Maui, where sewage is being pumped into wells, which then leaks out into near-shore

waters. Earthjustice is working with community groups seeking to persuade the mayor of Maui County to stop the practice and instead treat the water so it can be used for irrigation or to produce algae for biofuels.

DIRT BIKES FOREVER The wild country between Glacier National Park and the Bob Marshall Wilderness is a precious redoubt for wolves, grizzly bears, several species of trout, and many other critters. And the Forest Service, to its credit, wants to ban snowmobiles and other off-road vehicles to benefit both wildlife and hikers, backpackers, fishermen, and other humans who appreciate solitude and quietude. This has displeased some ORV enthusiasts, who have sued to open what’s known as the Badger-Two Medicine area to them and their playthings. Earthjustice has intervened to defend the restrictions.

COHO PROTECTION THREATENED The survival and eventual recovery of coho salmon in the watershed of the Klamath River in northern California depends in large measure on the condition of several tributaries where the fish spawn, especially the Scott and Shasta rivers. So it was especially distressing to coho fans—Natives and fishermen alike—when the state of California issued a blanket “incidental take permit” that gives carte blanche to irrigators to withdraw as much water as they want from the rivers despite the fact that coho are protected under both federal and state law. A superior court lawsuit challenges the permit.

A NEW THREAT TO GULF TURTLES It used to be shrimpers decimating sea turtles in the Gulf of Mexico until simple and cheap TEDs—turtle-excluder devices—made that problem mostly go away. Now, it’s thousands of hooks attached to miles of heavy line on the sea floor set to catch bottom-dwelling fish. A suit a few years ago seemed to solve the problem—until the federal government issued a new document saying that it’s OK to kill eight times as many loggerhead turtles as before. We don’t think so and are in court to make that argument.

PRIVATE INTERESTS PLAN GULF FISH FARMS The federal government has given tacit permission to developers who plan to build up to 20 commercial finfish farms in the Gulf of Mexico, for the first time. Fish farms may sound like a fine idea, but they tend to produce inferior fish, create pollution, interfere with marine mammals, and depress prices for wild fish to the detriment of commercial fishermen. A suit challenges the projects.

COAL WASTE THREATENS RIVERS Old polluting coal-fired power plants are slowly installing “scrubbers” to remove mercury and other toxins from stack gases before discharging the gases into the air.

It was especially distressing to coho fans when the state of California issued a blanket “incidental take permit” that gives carte blanche to irrigators to withdraw as much water as they want from the rivers despite the fact that coho are protected under both federal and state law.



Unfortunately, the material captured by the scrubbers may simply be discharged into rivers and streams instead, despite the fact that technology exists to remove it and dispose of it effectively and economically. A test case challenges a discharge permit issued in Tennessee.

WOLF DEATHS TOP 500 A curious and heartbreaking drama is playing out in Montana and Idaho, where a federal judge declared that statewide wolf management plans are probably illegal but refused to stop wolf hunts, which have seen more than 500 wolves slaughtered since hunting began in September. Earthjustice attorneys keep pressing to halt the killing, though it's too late for an awful number of wolves.

GALEN ROWELL/MOUNTAIN LIGHT

EARTHJUSTICE WILL RETAIN OUR FOCUS ON THREE CORE PRIORITIES IN 2010

Building A Clean Energy Future, Protecting Our Natural Heritage, And Safeguarding Our Health.

THE "DC LETTER" (see page 4) describes our work promoting the strongest possible climate change legislation, and our efforts to thwart an attack on the Clean Air Act in Congress. We also are strengthening efficiency requirements for energy-hungry appliances and targeting the cradle-to-grave stranglehold coal has on our lives, from the devastation caused by mining to the poisoning of our air and water when it is burned.

As our cover feature depicts, pesticides are poisoning many who live in agricultural areas. Reining in that toxic peril is one priority, and we are continuing our efforts to force household cleaner manufacturing giants to reveal the chemical ingredients in their products and the health risks they pose. We also will nail down our many recent victories for clean air by securing strong protections against mercury and other toxic air emissions.

Nothing is closer to our hearts than protecting our forests, other public lands, and imperiled wildlife, and we will stay that course this year, with special emphasis on bringing the Tongass National Forest—our largest and wildest forest—under the same roadless protections enjoyed by the rest of our national forests.

in the stimulus bill last year; the demand quickly exhausted the resources available and an attempt will be made to re-fund it this year.

FRAC ACT. This legislation would close a loophole that has exempted oil and gas companies from complying with requirements of the Safe Drinking Water Act during a practice known as hydraulic fracturing, a technique for extracting natural gas from bedrock formations.

CLEAN WATER RESTORATION ACT. The Supreme Court has issued decisions that have thrown enforcement of the Clean Water Act into a muddle. The CWRA would restore the original intent of the law, namely that all rivers, lakes, streams, and wetlands are to be protected from pollution and destruction.

CLEAN WATER PROTECTION ACT. This would restore a prohibition—undermined during the Bush administration—on dumping waste, like mining rubble, into American waters. This is aimed directly at the practice of mountaintop removal mining and is rapidly attracting supporters in Congress.

NATIONAL FOREST ROADLESS AREA CONSERVATION ACT. This would enshrine in law the 2001 Roadless Rule, which put 58.5 million wild but unprotected acres of national forest land off-limits to road building and logging. Bills were introduced in both houses of Congress in October with a record number of cosponsors: 159 in the House (Jay Inslee [D-WA]) and 25 in the Senate (Maria Cantwell [D-WA]).

BAY DELTA. Congressman Devin Nunes (R-CA) is trying to persuade Congress to overturn two biological opinions that found that chinook salmon and delta smelt are in serious decline in the Sacramento-San Joaquin Delta in California. The two bi-ops represent the best science available so far. Mr. Nunes's ploy is a long shot, and he is trying for what's known as a discharge petition, which would bypass the committee that would otherwise consider the bill and send it straight to the House floor.

—Martin Hayden, Vice President, Policy & Legislation

Leaders in Congress and in the White House continue to push for a bill to be completed in advance of international climate negotiations to be held in Copenhagen, Denmark, in December.

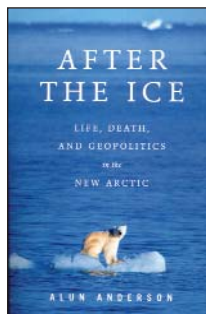


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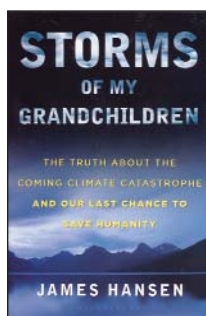
A GIFT THAT GIVES BACK

Readers wishing to buy one or more of the books reviewed in this edition of In Brief (or nearly any of the books reviewed since 2003) are encouraged to point their computers toward www.earthjustice.org, then click How to Help, then Have Some Fun, then Book Reviews. There you will find the reviews and links to the mail-order service of Powell's Books in Portland, Oregon. Earthjustice will receive a small fraction of the purchase price.



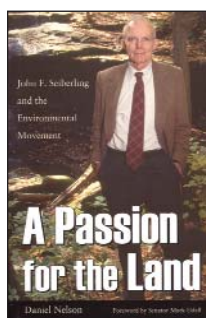
After the Ice ALAN ANDERSON
Smithsonian Books, 2009, \$27, 200 pages

The Arctic is warming twice as fast as the rest of the world, but it's still hard to find a readable synthesis of what's happening and why and what's at stake. Anderson, formerly editor of *New Scientist*, sets out to fill this void and succeeds very well. He uses personal experiences and interviews with Arctic residents, scientists, businessmen, and activists to illustrate the natural and human dynamics at play in the Arctic. The picture Anderson paints is not a heartening one, but it's not hopeless, either. If you read only one book on the Arctic, this should be it. —Buck Parker



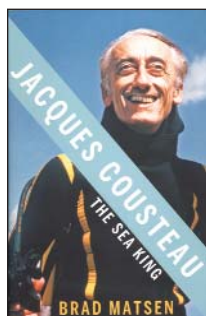
Storms of My Grandchildren JAMES HANSEN
Bloomsbury USA, 2009, \$25, 303 pages

We have scientists, we have activists, and we have bureaucrats concerned with the deteriorating climate. In Dr. Hansen we have all three. He started warning about the coming catastrophe, as he dubs it, beginning in the 1980s. He became the head of the NASA Goddard Institute for Space Studies and a professor of earth sciences at Columbia. He knows whereof he speaks. This is Hansen's jeremiad, subtitled "The truth about the coming climate catastrophe and our last chance to save humanity." If there ever were a must-read, this is it. —TT



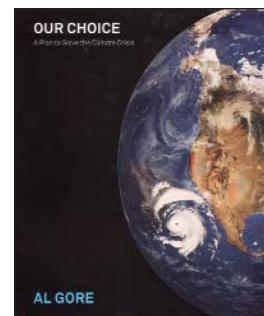
A Passion for the Land DANIEL NELSON
Kent State University Press, 2009, \$39.95, 263 pages

The monumental Alaska Lands Act of 1980 and wilderness laws for 18 states were among the bills John Seiberling (Democrat of Ohio) brought to enactment during his 16 years in the House of Representatives. Historian Daniel Nelson tells the story with a fine sense of humor, drawing on a wealth of anecdotes from unpublished sources. He shows that Mr. Seiberling relied on grassroots activists to counteract industry opposition and took advantage of the timber industry's fear of environmental lawsuits to bring timber-state legislators to the bargaining table. —George Alderson



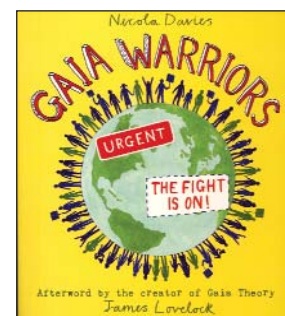
Jacques Cousteau BRAD MATSEN
Pantheon, 2009, \$27.95, 298 pages

There is no more vivid example of the power of television to create celebrity in a noble cause than Jacques Cousteau. From 1966 to 1976, Captain Cousteau was the star of "The Undersea World of Jacques Cousteau," a weekly program on ABC, "among the most successful television ventures of all time." Part way through its run, he announced the Cousteau Society, which drew 120,000 members its first year, a huge number. Matsen's book is a loving and revealing paean to the one most responsible for building concern for the ocean. —TT



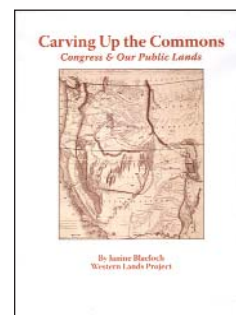
Our Choice AL GORE
Rodale Press, 2009, \$26.99, 415 pages

If *An Inconvenient Truth* left you feeling upset and unsure what to do about the climate crisis, former Vice-President Al Gore's new book *Our Choice* is the perfect salve for your wound. This book examines the solutions we can implement today to avoid worst-case climate disruption. Renewable energy, Gore claims, can completely replace our carbon-based economy, but only if we act quickly and boldly. Graphs and photos help tell the story, which makes this a perfect textbook. Gore also explores how to overcome the mental blocks preventing change, because "despair serves no purpose when reality still offers hope." —BS



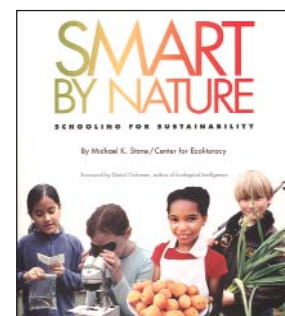
Gaia Warriors NICOLA DAVIES
Walker Books, 2009, £ 9.99, 192 pages

The rather bellicose title belies an engaging, well-written, and surprisingly fun book for children and young adults interested in taking action on climate change. The book's creative use of vibrant fonts and colors captures your attention, and information is presented in visually compelling ways. Most important, *Gaia Warriors* gives readers a sense of hope and possibility with its uplifting stories of real-life environmental heroes from around the world, including Earthjustice's own international attorney, Martin Wagner. A perfect gift for young conservationists. —Ray Wan



Carving Up the Commons JANINE BLAELOCH
Western Lands Project, 2009, \$10, 106 pages

So you're Thomas Jefferson and you've just acquired millions upon millions of acres west of the Mississippi. What to do with it? You give it to homesteaders who put it to productive use. You urge railroads to encourage the push westward. If you're James Watt, Interior Secretary under Ronald Reagan, or Richard Pombo, a Republican member of Congress, you propose selling large swaths of the public lands to pay down the deficit. The public lands have been fought over since the beginning of the republic, and Janine Blaeloch shines a bright and much-needed light on Congress' involvement. —TT



Smart by Nature MICHAEL K. STONE
University of California, 2009, \$24.95, 216 pages

At the middle school I attended in Berkeley, where once stood the wood shop, metal shop, and mechanical drawing buildings there is now a garden to warm the soul. "The Edible Schoolyard" it's called, a project of Alice Waters among others. Students plant, water, and cultivate fruits and vegetables that are then served in the school cafeteria. They learn about gardening and nutrition and their diets improve. This is just one example of scores in this new book, suggestions for how to build sustainability into schools' curricula. This should be valuable to teachers and school administrators everywhere —TT

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As a member of Earthjustice's monthly giving program, you will play a vital role in ensuring that we have the resources to face ongoing challenges that threaten the environment. When an unexpected threat arises, your gift goes to work immediately to help our attorneys protect our natural world. It's easy to join. Simply fill out the form below and send it to us in the enclosed envelope, or call us at (800) 584-6460.



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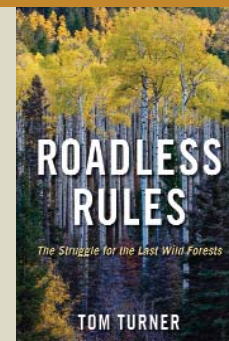
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Roadless Rules—The Struggle for the Last Wild Forests

Just published by Island Press by Tom Turner, Earthjustice

"There's no one better than Tom Turner to tell this epic tale, for he was one of the people who made it come out mostly right. It's an important chapter of American environmental history, and of our democratic history too, because for once the voice of millions was not muffled by special pleading from the powerful." — Bill McKibben, author of *Deep Economy*



"*Roadless Rules* is an in-depth examination of one of the greatest conservation victories in history... After eight years of the Bush administration's indefatigable effort to reverse or undermine it, Clinton's handiwork has withstood the test of time. Tom Turner explains why the initiative was a breakthrough, and how it has withstood ongoing assault." —Carl Pope, executive director, Sierra Club

Readers of *In Brief* may order copies from the publisher on-line at <http://islandpress.org/roadlessrules>. On the checkout page, type RRO9 (that's a zero, not the letter O) in the code box for a 25 percent discount.

