

Lead NEPA Story: White House NEPA attorney jumps to private practice

(Greenwire, 10/13/2020), Kelsey Brugger, E&E News Reporter

A top White House attorney who played a lead role in rewriting National Environmental Policy Act rules is jumping to private practice, a law firm announced last week.

Ted Boling, who has served in the federal government for three decades, most recently in the Council on Environmental Quality, will become a partner at Perkins Coie LLP, a firm that says it is expanding its environment and natural resources practice.

"Ted is respected around the country as the go-to lawyer on all things related to NEPA and project development," said Karen McGaffey, chair of

Perkins Coie's environment, energy and resources practice. "No one has a better understanding of the nation's core environmental law."

Bill Malley, the firm's managing partner, said in a statement that the firm hopes to broaden its "sophisticated private and public-sector project developers."

He added: "We are ideally positioned to help our clients successfully plan, execute, and defend their projects, no matter how challenging."

Continued on page 9

Federal Power Act: FERC takes 'landmark action' on carbon pricing

(Greenwire, 10/15/2020) Jeremy Dillon and Ariana Skibell, E&E News Reporters

A Republican-led Federal Energy Regulatory Commission issued a proposed policy statement today saying the panel has the authority and willingness to consider potential grid operators' requests to incorporate a carbon tax into its rate structures.

The move — led by Republican FERC Chairman Neil Chatterjee and Democratic Commissioner Richard Glick — marks a milestone in the commission's treatment of state-led, market-based policies that address carbon emissions stemming from the electric sector.

"If these questions were easily answered, we'd have reached a solution already, but I don't believe we can turn a blind eye or keep kicking the can down the road just because it's the easy way out," Chatterjee said.

"So I'm proud of the landmark action we're taking today at FERC to issue this first-of-its-kind, bipartisan proposed policy statement on carbon pricing," he said.

In effect, the proposed statement gives reassurance to states that the commission would not reject their carbon fee rate structure proposals out of hand, Chatterjee said.

Inside This Issue...

<i>Clean Water Act</i> : Judge: California salt ponds deserve federal protection	2
<i>NEPA</i> : BLM to test controversial sterilization method on Utah mares	3
<i>Toxic Substances Control Act</i> : EPA hired consultants to counter staff experts.....	5

The statement follows a Sept. 30 technical conference where the vast majority of participants agreed that FERC had the authority, under Section 205 of the Federal Power Act, to address carbon pricing proposals from regional transmission organizations and independent system operators.

FERC held the technical conference following a request from advocates and companies, including clean energy groups like the Advanced Energy Economy, the American Council on Renewable Energy and the Natural Gas Supply Association, and utilities like NextEra Energy Inc. and LS Power.

Chatterjee emphasized today that the proposed policy statement did not indicate that FERC would take a proactive approach to making a nationwide carbon fee or any other measure to address emissions.

"I may sound like a broken record here, but I'll say it again: The [Federal Power Act] does not give us authority to act as an environmental regulator," Chatterjee said. "We have neither the expertise nor the authority to drive emissions policy in this space. So that is not the objective here today."

Proposals to bake such fees into rate structures have already begun to emerge in New York and New England states.

Such a proposal could come to FERC in the next five years, and this statement could give states confidence to accelerate their timing.

Reprinted from *Greenwire* with permission from Environment & Energy Publishing, LLC. www.eenews.net; 202-628-6500

Clean Water Act: Judge: California salt ponds deserve federal protection

(Greenwire, 10/6/2020) Ariel Wittenberg, E&E News reporter

Long-disputed salt ponds near San Francisco Bay are protected by the Clean Water Act, a federal judge ruled yesterday.

EPA declared in March 2019 that the ponds, which were converted from tidal wetlands in the mid-1800s, did not qualify as waters of the U.S., or WOTUS, and therefore were not federally protected. California Attorney General Xavier

The lone Democrat on the commission, Glick, downplayed the proposed policy statement, especially as it marked an about-face for the commission on climate policies.

He said that while the proposed carbon pricing policy statement is good, he wouldn't describe it as "groundbreaking."

The Democrat did note that, if finalized, the policy statement would provide states with the confidence that FERC would not deny state-led efforts to price carbon.

While Chatterjee appears open to state-led carbon fee considerations, a conservative backlash may already be forming, as evidenced by the other Republican commissioner's opposition.

Commissioner James Danly did not take kindly to the proposed carbon pricing policy, calling it "unnecessary and unwise" — words that mark some of his strongest dissent since he joined the commission in March.

Danly said it would be better to wait until states have filed proposals before the commission decides on its ability to work with carbon fee efforts.

"It's premature to opine on jurisdictional questions when we are denied the benefit of actually seeing details on what might be proposed," he said.

Becerra (D) sued the agency and prevailed in court yesterday.

"The ponds themselves ... remain subject to [Clean Water Act] jurisdiction because they are wet," U.S. District Court for the Northern District of California Judge William Alsup wrote in his decision. "And, they have important connections to the Bay."

The 1,365 acres owned by Cargill Inc. and DMB Pacific Ventures LLC is located in the southern portion of the bay and has long been slated for development. But conservationists have been buying tracts in that area since the 1970s, arguing that restoring marshes will improve water quality and combat sea-level rise.

The Trump administration's determination that the ponds were not subject to the Clean Water Act contradicted a 2016 draft analysis by the Obama administration that concluded 1,270 acres of the property should be protected because the ponds were "navigable in fact" and many of the tidal channels within the property were never converted to salt ponds.

In his ruling, Alsup, a Clinton appointee, rejected EPA's arguments that the Clean Water Act does not apply to the area because it was converted to salt ponds prior to the law's passage.

But the ruling does not necessarily mean the salt ponds will remain protected by the Clean Water Act.

Though Alsup wrote the ponds "have had continuing connections to the Bay," he also sent the jurisdictional question back to EPA to reconsider, noting that the agency's original decision centered on law regarding wetlands converted to dry land, rather than Supreme Court precedent regarding when wetlands and

streams have strong enough connections to downstream waters to receive Clean Water Act protections.

He requested that the agency "evaluate the salt ponds in light of these holdings of the United States Supreme Court, over circuit law and, of course, in light of any applicable interpretive regulations."

Since the 2019 jurisdictional determination, EPA has finalized a new definition of WOTUS called the Navigable Waters Protection Rule. The new rule erases protections for more than half of the nation's wetlands that do not have surface water connections to nearby waterways, but retains safeguards for wetlands or ponds that are separated from larger waterways by levees or berms so long as there is "regular surface communication" between the two.

In a statement alluding to the Trump EPA's frequent criticism of California cities, Becerra heralded the ruling as a victory, calling it "a good reminder to the Trump administration that it can't use the San Francisco Bay as its political playground."

Becerra also noted that waterways and wetlands that receive federal protections also receive more state oversight, as the state can veto federal permits that adversely affect state water quality standards.

Reprinted from *Greenwire* with permission from Environment & Energy Publishing, LLC. www.eenews.net; 202-628-6500

NEPA: Bureau of Land Management to test controversial sterilization method on Utah mares (*Greenwire*, 10/7/2020) Scott Streater, E&E News reporter

The Bureau of Land Management plans to test a controversial sterilization method on wild mares in Utah that is a key part of a herd-reduction strategy the agency is trying to implement in what could be the final months of the Trump administration.

The sterilization technique is called ovariectomy via colpotomy, which involves removing the ovaries from mares. It has been termed "barbaric" by wild horse advocates.

But BLM is aggressively searching for solutions to reduce the 95,000 wild horses and burros, calling them an "existential threat" to the health of federal rangelands.

BLM has stepped up efforts, particularly in the past six months, to round up excess animals and to test longer-range fertility control methods, with the number of wild horses and burros approaching four times what BLM says the

rangelands can sustain without causing damage to vegetation, soils and other resources.

In a decision record issued this week, BLM approved a plan to round up as many as 590 wild horses from the Confusion Herd Management Area in Utah.

The 235,000-acre HMA has about 661 wild horses, and BLM wants to bring that number down to within the so-called appropriate management level of about 70 animals. The first of what could be several wild horse "gathers" could start next month.

Michael Gates, acting manager of BLM's West Desert District in Utah, wrote in his decision record that previous research has shown "strong evidence that this method can be used by BLM in wild horse management, with an acceptable level of safety for people and treated horses."

Without the use of sterilization, Gates added, BLM would likely need to remove wild horses from the Confusion HMA "every 3 to 5 years" to keep populations under control.

Challenges to the plan can be filed to the Interior Board of Land Appeals, and appeals are likely.

The American Wild Horse Campaign labeled the proposed research "gruesome" and "irresponsible."

"It's unconscionable that the BLM is once again attempting to proceed with this gruesome sterilization procedure on America's wild horses, ignoring science and public opinion in the process," said Briannah Schwartz, the campaign's policy counsel, in a statement.

Most advocacy groups and a number of congressional Democrats, including House Natural Resources Chairman Raúl Grijalva of Arizona, favor expanding the use of porcine zona pellucida, or PZP. While effective, the vaccine renders mares infertile for about a year.

Critics argue, however, it's not practical for BLM to annually round up and treat tens of thousands of horses with PZP across vast herd management areas.

"It is irresponsible and a waste of tax dollars to continue to pursue this objectionable tool while the scientifically recommended and cost-effective fertility control vaccine, PZP, is readily

available for humane management right now on the range," Schwartz said.

Implementing the Trump plan

This will mark the fourth time in the past decade that BLM has attempted to test ovariectomy via colpotomy, dating back to the Obama administration.

Each time, lawsuits from advocates have prompted BLM to stop the research or walk away from it.

For example, the Obama administration in late 2016 canceled a research project with Oregon State University to test three surgical sterilization techniques following a lawsuit filed by Front Range Equine Rescue.

The ovariectomy via colpotomy technique was to be part of that research project.

The planned roundup and sterilization of mares in Utah is part of an aggressive approach BLM has been working to implement this year to try to rein in wild horse and burro populations on federal rangelands.

BLM in May submitted a strategy to Congress that calls for capturing and permanently removing roughly 20,000 animals a year, as well as rounding up an additional 9,000 animals a year and treating them with "some form of long-term temporary or permanent fertility control" before returning them to the range.

The strategy also recommended continuing research into "humane permanent sterilization" of mares.

"Permanently sterilizing females is the most effective growth suppression method; one treatment results in a lifetime of infertility," the strategy said.

BLM, it says, views permanent sterilization "as one tool for achieving and sustaining" herd population counts that are sustainable for the wild horses and the rangelands.

It's more cost-effective and "more humane" than temporary fertility control vaccines, which must be applied every few years, requiring the vaccinated animals to be "recaptured and periodically retreated," according to the report.

BLM's National Wild Horse and Burro Advisory Board last year endorsed research into permanent sterilization techniques, with some arguing it's better than the animals dying from starvation and thirst on overtaxed rangelands.

Tom Lenz, a veterinarian on the advisory board, argued that research into the procedure is scientifically and medically valid, noting that growing herds are not sustainable. And board member Sue McDonnell, an adjunct professor of

reproduction behavior at the University of Pennsylvania School of Veterinary Medicine, said the procedure, when done properly, is safe.

Editor's Note: The Environmental Assessment and Decision Record for the Confusion Herd Management Area Wild Horse Gather and Management project may be viewed at <https://eplanning.blm.gov/eplanning-ui/project/106367/510>.

Reprinted from *Greenwire* with permission from Environment & Energy Publishing, LLC. www.eenews.net; 202-628-6500

Toxic Substances Control Act: EPA hired consultants to counter staff experts on fluoride

(*Greenwire*, 10/12/2020) Jeremy P. Jacobs, E&E News reporter

At a trial over fluoride regulations this summer, EPA eschewed its own experts, hiring an outside company often deployed by corporations to deny and downplay chemicals' health impacts.

Exponent Inc. — founded in the 1960s to defend automobile manufacturers in accident lawsuits — has since been busy questioning whether smoking causes lung cancer, whether Agent Orange exposure leads to prostate cancer, and whether per- and polyfluoroalkyl substances are linked to kidney cancer.

Testifying for EPA in the U.S. District Court for the Northern District of California, Exponent experts cast doubt on studies that underpin federal regulation of lead and mercury, even as the agency's own scientists — under subpoena by the plaintiffs — said new research does indeed warrant a review of fluoride's neurotoxic effects.

That EPA would favor "rented white coats" over federal experts underscores just how cozy President Trump's EPA has become with industry, experts say.

"You don't hire Exponent to give you fresh eyes and an independent view to protect public health. You hire Exponent to defend a chemical," said David Michaels, who formerly led the Occupational Safety and Health

Administration and has written two books on what he calls the "product defense" industry.

Exponent doesn't only work on chemicals. The firm's investigations led to the suspension of then-New England Patriots star quarterback Tom Brady during the 2014 "Deflategate" scandal and ensured the safety of dangerous amusement park rides. Michaels describes the company as bending science to help its clients, no matter the subject matter.

"Their expertise isn't to a specific chemical; it is to manufacture uncertainty over any chemical, product or situation," Michaels said. "There's an expression in the garment trade, 'Turn on the blue light, Sam, the man wants a blue suit' — Exponent will do whatever their client wants."

'The original anti-vaxxers'

Fluoride has been purposely added to American drinking water systems since 1945 to prevent cavities. The practice has been heralded as a key tool in dental health, with the Centers for Disease Control and Prevention in 1999 listing fluoridated drinking water as one of the top 10 public health achievements of the 20th century. While animal studies have previously shown the chemical to be a neurotoxin, concentrations of fluoride in drinking water were long thought to be small enough to avoid harming humans.

Still, the practice has been dogged by conspiracy theories, often espoused by anti-government advocates famously mocked in the 1964 classic "Dr. Strangelove." The film's Gen. Jack D. Ripper orders a nuclear attack on Russia before concluding, "Fluoridation is the most monstrously conceived and dangerous communist plot we have ever had to face."

That "cultural baggage" has been hard for fluoridation opponents to shake, even as new evidence has linked lower levels of the chemical to developmental problems in children, said attorney Michael Connett, who is suing EPA for denying a 2016 petition demanding that human-made fluoride in drinking water be regulated under the Toxic Substances Control Act.

Anti-fluoridation advocates haven't done themselves many favors.

In 1997, the Fluoride Action Network, a plaintiff in the case, posted an article on its website that attempted to connect fluoridation with the development of the atomic bomb. Connett's father, Paul, who founded the network, has also spoken about fluoride's dangers on the conspiracy theory website Infowars, whose host Alex Jones is notorious for falsely claiming the 2014 shooting at Sandy Hook Elementary School was faked.

Michael Connett, who called Infowars "abhorrent," said the anti-fluoride movement has been a victim of "guilt by association," struggling to convince the mainstream scientific community to accept legitimate concerns about fluoridated water.

That includes Dr. Dimitri Christakis, editor in chief of the scientific journal *JAMA Pediatrics*.

"We, as pediatricians, have long viewed anti-fluoride people as the original anti-vaxxers," he said. "Like, without any legitimate information, they are spouting off that fluoride is a bad thing."

But scientific evidence showing harm from fluoridated drinking water has been growing. In 2006, the National Research Council said there was enough convincing evidence of fluoridated water's neurotoxic effects in animal studies that EPA should revisit its standards, set 20 years earlier.

Newer research on humans now suggests fluoridated water can affect children's memory and learning abilities if they are exposed as babies or in the womb.

Two studies in particular — one in Canada and one in Mexico — funded by the National Institutes of Health are considered extremely credible by public health experts. Both looked at preexisting data collected by researchers following mothers and their children throughout pregnancy and early childhood to gauge the impact of other environmental chemicals on growth and development.

In the fluoride studies, researchers were able to look at children's IQ tests taken when they were 3 and 4 years old and then compare those results with fluoride levels in urine samples collected from their mothers during each trimester of pregnancy.

The Canada study linked an increase of 1 milligram of fluoride per day — what's found in about 5 cups of tap water — to a 3.7-point drop in children's IQs. That finding, echoed in the Mexico study, is on par with neurological damage caused by lead.

The study, published in *JAMA Pediatrics*, changed Christakis' mind about fluoride.

"If my wife or daughter were pregnant, I would advise them to avoid fluoridated water," he said. "There is still a lot of junk science supporting the anti-fluoridation position, but that doesn't mean it is all junk science and that there aren't real concerns."

Indeed, the Department of Health and Human Services released a draft review of fluoride literature just last month finding "fluoride is presumed to be a cognitive neurodevelopmental hazard to humans." The review stopped short of saying drinking water levels of fluoride are harmful but said "a robust pattern of findings" shows higher levels adversely impact neurological development.

Former National Institute of Environmental Health Sciences chief Linda Birnbaum, who led part of that review before retiring last year, said the evidence is strong enough to warrant EPA reconsidering its drinking water standards. She said the agency should assess how drinking

water contributes to total intake of fluoride, which is also present in some food.

"I happen to be a believer in prevention and precautionary measures — it's not that you act in the absence of information, but you act in the presence of concerning information," she said.

'Sleight of hand'

Seeking EPA action at trial, Connett didn't have to prove that the chemical definitively causes neurological damage at current levels, just that fluoridated drinking water poses an "unreasonable risk" to a susceptible population, in this case pregnant women, fetuses and babies under 6 months who drink formula.

The trial largely focused on the Canada and Mexico studies, which had not yet been published when EPA denied Connett's initial petition.

In her testimony, EPA Office of Water senior scientist Joyce Donahue called the pair of studies "well conducted," noting that one author of the Canada study, Bruce Lanphear, had done "very important and reliable research" on lead's neurotoxic effects.

Donahue's testimony, given in a deposition, occurred only after Connett subpoenaed her over the Department of Justice's objections.

While Donahue testified she's not yet convinced that concentrations of fluoride in drinking water are high enough to affect health, she said current evidence "is a reason for doing an update to the fluoride assessment ... for anybody who is interested in fluoride and the need for regulation of fluoride exposure."

"I agree that these studies should be part of a dose-response assessment for the relationship between fluoride, not just fluoride in water," she said.

Donahue was one of two EPA employees who testified for the plaintiffs. Kris Thayer, who directs the Chemical and Pollutant Assessment Division, testified that animal studies support the possibility that fluoride could damage humans' brains. A third EPA employee called by DOJ explained the agency's risk assessment process but did not give an opinion on the fluoride evidence.

Rather than take Donahue's word, the Trump administration called two Exponent researchers to rebut the studies.

Paid \$350,000 for their services, Ellen Chang and Joyce Tsuji attempted to poke holes in the research.

"I would say that a hazard has not been established by the available evidence," Chang testified. "There is no sufficient evidence that fluoride causes neurodevelopmental harm."

Chang said the loss of three to five IQ points identified by the Canada and Mexico studies was too small to be definitively linked with exposure to fluoride. But using her analysis, one could similarly say there is not enough information to link known neurotoxicants like lead and mercury to learning and memory difficulties.

"It was a sleight of hand; it sounds reasonable at first, but then when you put it in the context of other known neurotoxicants, you realize how crazy it was," Connett said.

Chang also called the studies unreliable for a variety of other reasons that experts like Christakis say are unreasonable, including that both studies controlled for many factors that could otherwise affect children's IQs, but not all of them.

"The reality is that, you know, no epidemiological study can control for all confounders," Chang said at trial.

She later admitted after being questioned by Judge Edward Chen that there was no reason to believe "errors" she found in the studies would mean they had overstated fluoride's neurological effects.

Chen also criticized EPA for insisting that the plaintiffs prove fluoridated water causes neurological effects when their burden was only to prove it caused "unreasonable risk" to pregnant women and children.

"It occurs to me that EPA appears to have applied a standard of causation which, from my read of TSCA, is not accurate," he said. "It appears that the EPA operated on a standard of causation and not allowing for association, perhaps even a strong association or a

sufficiently strong association, to find an unreasonable risk."

Asked to comment on her testimony suggesting reputable studies were unreliable, Chang declined to comment directly and referred questions to EPA and the Department of Justice "since litigation in this matter is still ongoing."

But EPA provided a statement from Chang doubling down on the need for proof that fluoridation causes health impacts.

"Health agencies and regulatory bodies around the world have not concluded that fluoridated drinking water causes neurodevelopmental toxicity," the statement said.

EPA did not respond to E&E News' questions about its decision to hire Exponent for the trial, except to say that Tsuji has previously worked for EPA and DOJ on Superfund cases against responsible parties. But an EPA spokeswoman defended the agency's inaction on fluoride.

"EPA is confident that there is no scientifically defensible basis to justify the regulation of fluoridation chemicals added to drinking water," she wrote in an email.

Michaels, whose two books, "Doubt Is Their Product" and "Triumph of Doubt," detail Exponent's playbook, said he was not surprised by Exponent's attempts to discredit the studies.

"Their strategic literature reviews will show there is no relationship between a chemical and adverse health effects, or they will say there is too much uncertainty in the evidence, or, in cases where there is really no question that a chemical causes a health problem, they will claim that the real-world exposures are much lower than what is shown in other studies," he said.

Overall, Michaels compared Exponent to a criminal defense attorney who does "everything she or he can to get you off and convince the judge you are not guilty — it doesn't make a difference what the truth is, that's not their job."

"The difference is that chemicals don't have the same rights as people, they don't deserve to be innocent until proven guilty, but that's how Exponent works — to create so many doubts

until you believe you don't have to stop exposure to that chemical," he said.

'Tell the truth'

Ultimately, Judge Chen was not convinced by Exponent's attempts to create doubt in the case. He directed Connett and the plaintiffs to refile their citizen petition citing the newer Canada and Mexico studies, saying he agreed with EPA scientist Donahue that "there is serious evidence here."

"This is coming from somebody who knows her stuff," he said.

Connett expects to file the new petition this month. If EPA denies the new petition or does not respond within 90 days, he says, he will again pursue the issue in court.

In the meantime, many remain concerned that EPA hired Exponent in the first place.

Philippe Grandjean, who has studied fluoridated drinking water in China and served as an expert witness for the plaintiffs, has gone head to head with Chang before. They had previously squared off as expert witnesses for the state of Minnesota and 3M Co., respectively, in a lawsuit over PFAS contamination, which the manufacturer ultimately agreed to settle for \$850 million.

"You know, I like to be on the government's side. I've been on EPA's side with lead and with mercury," said Grandjean, a professor at Harvard University's School of Public Health. "But then here we are in federal court, and we have this consulting company, and EPA is not listening to the scientists they have trusted in the past on other neurotoxins."

Sara Colangelo, who previously served as an enforcement trial attorney in the Environment and Natural Resources Division at the Department of Justice, agreed that EPA's choice of witnesses was concerning.

While DOJ will commonly call expert witnesses outside of federal agencies to avoid thorny discovery questions and help convince juries who might be skeptical of federal power, Colangelo said Exponent's history of only finding on behalf of its clients would disqualify it from her witness list.

"I want someone who can tell the truth, and who can explain complex scientific processes and details in a concise and compelling manner," she said of an ideal witness. Hiring an expert from Exponent, she said, "would give me an extreme amount of pause because it seems unlikely that their expert opinions would be based on sound science and data."

Colangelo, who now directs the Environmental Law and Policy Program at Georgetown University's law school, said it's also notable that the plaintiffs subpoenaed EPA's own experts.

"It indicates that the litigation position of the agency might not match the data or scientific analysis," she said.

Reprinted from *Greenwire* with permission from Environment & Energy Publishing, LLC. www.eenews.net; 202-628-6500

Lead NEPA Story (continued from page 1)

CEQ's years-long redo of the NEPA rules is playing a central role in the Trump administration's "energy dominance" agenda.

Proponents say the changes "modernize" a previously archaic process. Critics charge the changes undermine public participation and sideline communities hoping to challenge highways, bridges, pipelines and other projects planned for their neighborhoods.

Before CEQ, Boling had stints at the Interior Department, where he served as deputy solicitor

The situation is also distressing to Lanphear, who authored the Canada study.

Having received intense industry pushback against his lead research in the 1980s, Lanphear said he was prepared for some opposition to his fluoride study — just not from EPA, with Exponent's help.

"In the past, most of the toxic chemicals I've studied, it is industry who is to blame. And what really makes fluoride, in my view, more of a pressing public health question is because we rely on public health agencies to look out for our best interests," he said. "For a public health agency to either question or dismiss new evidence, in my view, is tragic."

for public lands and deputy solicitor for fish and wildlife and parks. He was also a trial attorney at the Justice Department.

Separately, in a press release last week, Perkins Coie announced that Stacey Bosshardt, an environmental attorney most recently at DOJ, would be joining the team as senior counsel.

Bosshardt previously worked in the White House and on the Senate Homeland Security and Governmental Affairs Committee.

Reprinted from *Greenwire* with permission from Environment & Energy Publishing, LLC. www.eenews.net; 202-628-6500

The **NAEP National Desk** is published every two weeks using content originally published in *Greenwire*. The *NAEP National Desk* is emailed directly to approximately 1,000 NAEP General, Associate, Student, and Senior members, and indirectly to more than 3,100 chapter-affiliate members through 17 state or regional affiliate chapters. News articles are provided through a licensing agreement with Environment and Energy (E&E) Publishing, LLC (www.eenews.net). E&E's five daily online publications are ClimateWire, EnergyWire, E&E Daily, Greenwire and E&E News PM. **Subscription discounts are available to NAEP members. Sign up for a subscription by sending an email to cchinyata@eenews.net.**

This edition of the National Desk was compiled by Harold Draper. For more information on NAEP, please contact the NAEP office at office@naep.org.

The National Association of Environmental Professionals (NAEP) is a multidisciplinary, professional association dedicated to the promotion of ethical practices, technical competency, and professional standards in the environmental fields. Our members reflect a diversity of employers, including government, industry, academia, consulting firms, and the private sector in the U.S. and abroad. They have access to the most recent developments in environmental practices, research, technology, law and policy.