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EPA Proposes Limits on Carbon Dioxide Emissions from Existing Power Plants

by Katie Weatherford

On June 2, the U.S. Environmental Protection Agency (EPA) [announced](#) its long-awaited [proposal](#) to limit carbon dioxide emissions from existing power plants. Carbon dioxide is a primary greenhouse gas linked to climate change, and power plants are the [largest source](#) of carbon pollution in the U.S., contributing nearly [one-third](#) of domestic greenhouse gas emissions. This is the first time that EPA has proposed limiting carbon dioxide from existing plants.

The proposal is a major component of President Obama's [Climate Action Plan](#), which directed EPA to set limits on carbon dioxide emitted from [new](#) and [existing](#) power plants. Under the plan, EPA must finalize the proposed rule by June 2015.

EPA's proposal seeks to achieve a 30 percent reduction in carbon emissions and a 25 percent reduction of particle pollution, nitrogen oxides, and sulfur dioxide by 2030 from 2005 levels. States will have one year to develop an [implementation plan](#) for achieving these reductions and will have two to three years to finalize those plans. Ensuring maximum flexibility, the rule allows states to choose from among a variety of [options](#) to achieve the reductions, such as by requiring plants to use new, cleaner technologies, switching from coal to less polluting natural gas or renewable energy sources, reducing power use through improved efficiency, or developing a multi-state or regional market-based greenhouse gas trading program.

EPA [estimates](#) that the proposal would help prevent up to 6,600 premature deaths, 150,000 childhood asthma attacks, and 490,000 missed school and work days, and would deliver additional benefits from reduced climate change impacts. These achievements would result in up to \$84 billion in net benefits to public health and the environment. The rule is also expected to create [tens of thousands of jobs](#) across multiple sectors of the economy. (For more on how these new limits on carbon emission will benefit you, check out the White House's [infographic here](#).)

According to a new [poll](#) by *The Washington Post* and ABC, 70 percent of all adults surveyed said there should be limits on greenhouse gases from existing power plants and that each state should be responsible for achieving those reductions. Notably, the poll shows that support for the proposal is largely [bipartisan](#), with 79 percent of Democrats, 76 percent of independents, and 57 percent of Republicans agreeing with EPA's state-based approach to limiting carbon emissions.

Contrary to the public's wide support for EPA's latest action to combat climate change, [industry groups](#) remain vehemently opposed to the proposed carbon limits, claiming that it will devastate the U.S. economy. But the White House reminds the public that these claims are nothing more than baseless rhetoric, [writing](#): "zero—that's the number of times special interests have been right about having to choose between the health of our people and the health of our economy."

As groups on both sides of the issue more closely examine the proposal, there is likely to be much debate over the rule's impacts, both in terms of benefits to public health and the environment and costs to businesses. Once the proposal is published in the *Federal Register*, all interested people will have an opportunity to comment on the proposal for 120 days. EPA also plans to host four public hearings on the proposal in July.

More information on EPA's efforts to reduce carbon emissions from power plants in the U.S. and opportunities for the public to get involved can be found [here](#).

\$3 Million Awarded to Texas Family Harmed by Fracking Toxins

by Katie Weatherford

A recent court decision out of Dallas County, Texas has made national headlines after a [jury awarded \\$2.925 million](#) in damages to a family harmed by Aruba Petroleum's intentional release of air toxins from fracking wells located near the family's home.

The case is precedent-setting in that it is one of the first [successful lawsuits](#) in the U.S. where people sickened by toxic emissions from nearby oil and gas production operations have prevailed. Although Aruba has already [challenged](#) the verdict, if the jury's decision stands, it will serve to bolster lawsuits across the nation filed by those who have been harmed by pollution from oil and gas operations in their communities.

In early 2010, the Parr family and other nearby residents began smelling noxious chemical odors from area natural gas facilities, which were reported to the Texas Council on Environmental Quality (TCEQ) on multiple occasions. After TCEQ's initial inspection of one Aruba facility, conducted in response to the Parr's first complaint, TCEQ [closed the case](#) after finding no violations. But several later [inspections found](#) that Aruba had failed to prevent discharges of toxic volatile organic compounds (VOCs) onto neighboring properties. These conclusions were later [confirmed by air samples](#) collected from one of the facilities, which revealed extremely high levels of VOCs being emitted from the facility.

In March 2011, the Parrs [filed suit](#) against Aruba and ten other oil and gas production companies operating close to their ranch. The complaint alleged that the defendants' actions placed the family "under constant, perpetual, and inescapable assault of Defendants' releases, spills, emissions, and discharges of hazardous gases, chemicals, and industrial/hazardous wastes."

Aruba argued in defense that there is no direct connection between the harmful emissions and its natural gas operations. Aruba operates 22 out of over 100 wells that have been drilled within two miles of the Parrs' ranch, so the company argued that the emissions could have come from any of its competitors' wells. Aruba also argued that its operation fully complied with Texas laws and regulations, even though TCEQ has imposed multiple fines against the company for violations, and the state attorney general has taken action against the company for operating [without a valid air emissions permit](#).

But the jury did not buy into Aruba's defense. To the contrary, it rendered a 5-1 verdict for the Parr family based on evidence that Aruba's conduct constituted a "private nuisance," which not only harmed the Parrs' health but caused the value of their ranch to decline by \$275,000. In response, the jury awarded \$2.925 million to the family.

TCEQ's chairman [says](#) the agency has no intention of taking direct action in response to the lawsuit and will continue to enforce regulations currently in place. But former TCEQ commissioner Larry Soward indicated that any effort by TCEQ to adopt more protective regulations is extremely unlikely, noting "TCEQ is so strongly set in their belief that emissions from oil and gas have little or no effect on air quality and human health that they will simply ignore this case." He added, "They are very pro-industry and they will not change their position because of some jury award."

While the Parrs' lawsuit against Aruba represents a major victory in the fight to hold companies accountable for the pollution associated with the boom in oil and natural gas production, it is uncertain whether that victory will stand. Aruba Petroleum has already filed a [motion](#) with the court asking the judge presiding over the matter to overturn the jury's verdict, with arguments set for June. The Parr family and many others like them across the U.S. can only hope that the judge supports the jury's decision.

Spring 2014 Unified Agenda: Agencies Expect Lengthy Delays of Critical Safeguards in Year Ahead

by Katie Weatherford

On May 23, the White House Office of Management and Budget (OMB) quietly published its semi-annual agenda of federal agencies' regulatory plans for significant actions expected during the upcoming year. Unfortunately, the [Spring 2014 Unified Agenda](#) does not send a strong message that the administration expects to finalize many critical safeguards, some pending for years, over the next 12 months.

High-profile rules, such as the proposals to regulate greenhouse gas emissions from new and existing power plants, are expected to meet previously set deadlines. However, significant delays in the year ahead for other essential rules will result in continued health and safety hazards for the public, workers, and the environment.

Public Health and Environmental Safeguards

The [agenda](#) indicates that several program offices within the U.S. Environmental Protection Agency (EPA) expect lengthy delays in proposing or finalizing many critical safeguards over the coming year. Forward movement is likely, though, for several air quality standards in the regulatory pipeline.

EPA's Office of Air and Radiation expects to move forward with several critical safeguards under development, although not without some slight delays. EPA's rules to limit greenhouse gases from [new](#) and [existing](#) power plants are still on schedule to be finalized in 2015, in accordance with the president's [Climate Action Plan](#). EPA is expected to release proposed rules for greenhouse gas emissions from existing and [modified](#) power plants in June, though the Office of Information and Regulatory Affairs (OIRA) still lists these rules as under [review](#).

EPA also expects to make progress in reviewing the [national ambient air quality standards for ozone](#). EPA was roundly criticized by public health and environmental organizations, as well as by its [scientific advisors](#), for adopting a standard in 2008 that failed to adequately protect public health or the environment. EPA moved the rule from a long-term action to the proposal stage and expects to issue the proposed rule by December 2014, in accordance with a court-ordered deadline. EPA now expects to complete its review of the ozone standard by October 2015, more than two years past the deadline required under the Clean Air Act.

Several rules under the jurisdiction of the EPA's Office of Water will be substantially delayed. For example, EPA's rule to set [effluent limits](#) for water discharged from power plants was moved to the list of long-term actions. In the fall 2013 agenda, EPA had listed this rule as in the final stage of development, presumably responding to a consent decree that required the agency to finalize the rule by May 22, 2014. However, EPA has missed the court-ordered deadline and now lists completion of a final rule in September 2015.

This rule is intended to update antiquated existing standards last revised in 1982. Until EPA finalizes its proposed revisions, toxic pollutants discharged by the electric power industry will remain under-

regulated, potentially causing major impacts on water quality, contaminating drinking water resources, and threatening public health.

EPA's Office of Water has also substantially extended its projected deadline for proposing limits on the maximum level of [perchlorate](#) permitted in drinking water. Perchlorate is a chemical used to produce rocket fuel and fireworks that disrupts the thyroid's ability to produce hormones needed for children's normal growth and development. Under the Safe Drinking Water Act (SDWA), EPA must propose a standard within two years after finding a need to regulate a contaminant and finalize the standard no later than 27 months after issuing the proposal. In the case of perchlorate, EPA was set to issue a proposal by February 2013, a deadline that has long passed. Nonetheless, EPA now indicates further delays, pushing the deadline for issuing a proposal to February 2016, with a final rule to follow in October 2017. As a result of this pervasive and unlawful delay, public exposure to drinking water contaminated with unhealthy levels of perchlorate will continue.

While EPA's Office of Chemical Safety and Pollution Prevention is slightly behind its previous schedule in finalizing its [formaldehyde emissions standards for composite wood products](#) and the accompanying [third-party certification](#) rule, the rule is already almost 18 months past the statutory deadline of January 2013. The agency missed the deadline as a result of the rules being stuck under review at OIRA until May 2013, despite being submitted to the office over a year earlier. Given previous delays, if EPA intends to finalize the rules by October 2014, it will need to submit the draft rules to OIRA for review as soon as possible.

EPA's Office Solid Waste and Emergency Response has also pushed back projected dates for completing two long-awaited rules. After EPA moved its rule on the [definition of solid waste](#) from the list of long-term actions to the final rulemaking stage in the fall 2013 agenda, the agency missed its previous February 2014 deadline and did not submit the [draft final rule](#) to OIRA for review until March 15. The rule would update a 2008 rule to improve public health and environmental protections, with a specific focus on better management of hazardous waste in environmental justice communities. While the spring agenda still lists the rule as in the final stage of development, EPA has pushed back the projected completion date to July 2014.

EPA's agenda also indicates that the long-delayed [coal ash](#) rule will not be finalized until December 2014, in accordance with a court-ordered deadline set under a [settlement agreement](#). Coal ash is responsible for contaminating over 200 rivers, lakes, streams, and aquifers with toxic pollutants harmful to public health and the environment. EPA [proposed](#) two options for regulating coal ash in 2010, but environmental groups filed suit in 2012 seeking to compel the agency to move forward when it still had not finalized a rule. Until the rulemaking is completed, public health and the environment remain unprotected from toxic coal ash.

Worker Health and Safety Rules

The Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA), within the Department of Labor, will also delay several important rules under development.

OSHA's rule limiting worker exposure to deadly [silica](#) dust remains listed in the proposal stage, with no estimated completion date for the final rule. The rule first appeared in OSHA's regulatory plan in 2011, where it has remained due to the agency's inability to move forward as it was stuck at OIRA under review for over two years. Although the [proposal](#) was published in the *Federal Register* in September 2013, the spring agenda provides no date for issuing a final rule, indicating that the agency is unable to commit to timely completion of the proposal. OSHA estimates that the proposed rule would save almost 700 lives and prevent nearly 1,600 new cases a year of silicosis, a preventable but potentially fatal respiratory disease. Each year this rule is delayed, thousands of workers contract this preventable disease and hundreds more die.

The Mine Safety and Health Administration (MSHA) has moved its rule to limit [miners' exposure to silica](#) from the proposal stage to a long-term action with no target date for completion. The existing 1994 rule on silica exposure is outdated and does not adequately protect workers against developing silicosis or health complications. The silica rule first appeared in the fall 2003 Unified Agenda, but the deadline for proposing a rule continues to be pushed back. Over a decade later, miners across the nation remain at risk from exposure to silica dust while working in underground mines.

Food and Product Safety Standards

The U.S. Department of Agriculture (USDA) Food Safety and Inspection Service's (FSIS) proposed rule to speed up [poultry processing](#) plants remains on track to be finalized this year. However, the deadline for completing the rule has shifted from the April 2014 projection included in the fall 2013 agenda to July 2014. This [controversial](#) rule has been widely [criticized](#) as undermining food and worker safety. Unfortunately, the spring agenda indicates that USDA does not intend to slow down the rulemaking process to reconsider this ill-advised rule.

FDA's rule to regulate certain [tobacco products](#) such as electronic cigarettes is projected to be finalized in June 2015. However, the 2009 [Family Smoking Prevention and Tobacco Control Act](#) required that this action be completed much earlier. Despite FDA's ability to regulate "any product made or derived from tobacco that is intended for human consumption" under the act, the agency did not submit a draft proposal to OIRA until October 2013. The proposal remained stuck at OIRA until April 2014, far longer than the maximum 120 days OIRA is allotted for completing its review. With the rule stalled, companies that make "novel tobacco products," which includes electronic cigarettes and flavored tobacco, are continuing aggressive marketing campaigns targeted toward minors. FDA must move quickly to ensure it meets its newly projected June 2014 deadline to protect children from the risks associated with tobacco products.

Conclusion

Although the Spring 2014 Unified Agenda entails lengthy delays of many crucial, long-awaited safeguards, agencies are not bound by the timelines set forth in the plan. If agencies work to accelerate these regulatory actions ahead of projected schedules, these delays can be shortened so that essential public health, safety, and environmental protections are provided sooner.

Medicare Data Is Informing Public Understanding of Health Care

by Leslie Haymon

The April [release](#) of Medicare's vast trove of payment data has triggered a [torrent of reports](#) illustrating just how useful this data can be for patients and providers. While many of the articles have focused on how much Medicare pays doctors, the data have also provided valuable context for broader pieces on the state of American health care.

On May 18, *The New York Times* [highlighted](#) how hospital administration costs contribute to the heavy burden of paying for our nation's health care. According to the *Times*' analysis, hospital administrators and insurance executives make up to four times more than the average doctor earns. In total, such administrative costs make up 20 to 30 percent of the total cost of health care in the United States.

While the article does not rely on Medicare data in discussing the amounts paid to administrators and executives, it *does* use the reimbursement data to compare those costs with the direct prices of medical procedures. The article focuses on a hospital system in New Jersey whose president earned an eye-popping \$22 million in 2012 – and notes that the Medicare data show that the system's hospitals “bill more than twice the national average for many procedures.”

Other outlets have done similar stories, like NPR's work exploring [why some doctors bill Medicare more than others](#). While higher-than-normal billing might seem to be an obvious red flag, some doctors have cultivated specialty practices and predominantly treat difficult cases – hence the need for longer, more involved consultations. These types of pieces couple the new data from Medicare with additional investigation to provide broader insights. That enhances public understanding of our medical system, which can contribute to the ongoing discussion of health care reform.

These stories, and the ones sure to come, show why open data is so valuable. Committing to transparency presents the opportunity for users to apply that data to make decisions, add context, and improve the system. And data releases are even more powerful when coupled with good data management practices. Consistent identifiers and common data structures across datasets, for instance, make it easier to compare different datasets and draw new connections. Propelled by reforms including President Obama's 2013 [executive order on open data](#) and the newly signed [DATA Act](#), federal agencies are hard at work improving data management and access. As the Medicare example shows, those efforts will contribute to a more informed democracy.

President Obama Wants More Drone Transparency, Congress Misses an Opportunity

by Leslie Haymon

On May 28, President Obama acknowledged the need for increased transparency about the administration's national security activities, particularly with regard to lethal strikes by drone aircraft. However, Congress recently missed an opportunity to bring about such disclosure.

In his [commencement address](#) at the U.S. Military Academy, President Obama stated that he believes “we must be more transparent about both the basis of our counterterrorism actions and the manner in which they are carried out.” In an [interview with NPR](#), he reiterated his desire to make sure “that people have a sense that when we use drones, we do so lawfully in a way that avoids civilian casualties and in ways that are appropriate.”

We agree that our government should not keep its operating law and policy secret from the public. And as we [noted](#) last year, the president’s efforts to increase transparency had “been least evident in the national security arena.” We hope the president’s statements this week, along with the administration’s recent [decision](#) to release an important memo describing the authority for the government’s drone strike program, indicate an increased emphasis on openness.

Disappointingly, though, the House let an important opportunity for increased transparency pass. On May 30, the House was scheduled to consider the next Intelligence Authorization Act ([H.R. 4681](#)). We joined other transparency groups in [supporting an amendment](#) to bring needed transparency to the use of remotely piloted aircraft. Sponsored by Reps. Adam Schiff (D-CA) and Walter Jones (R-NC), the amendment would have required the administration to publicly report the number of deaths, both combatant and civilian, attributed to remotely piloted aircraft strikes. The House Rules Committee chose not to allow a floor vote on the amendment.

Greater disclosure about the government’s targeted killing program [is necessary](#) to ensure that our national security agencies adhere to the rule of law and that citizens are able to hold public officials accountable.

While this amendment would have been a welcome step toward greater openness, the debate will certainly continue. As President Obama recognized, transparency will ensure citizens can exercise the oversight sorely needed for the targeted killing program. We urge Congress and the administration to continue work to restore transparency and accountability to our national security policy.

Six Months after Emergency Unemployment Benefits Expired, 2.9 Million Americans Left Behind

by Jessica Schieder

While the monthly jobs numbers released by the Bureau of Labor Statistics indicate official unemployment is gradually falling, there were still [9.8 million Americans](#) out of work in April, of which [3.5 million](#) were unemployed for 27 weeks or more. Americans are still hurting, and Congress needs to take action immediately.

A recent [Politico](#) article described both the hope and disappointment provided by these latest numbers: “That’s nearly a million fewer [unemployed] people than 12 months ago but [it is] still a national problem of epic proportions, according to advocates.”

Taking the Temperature of the Labor Market in the States

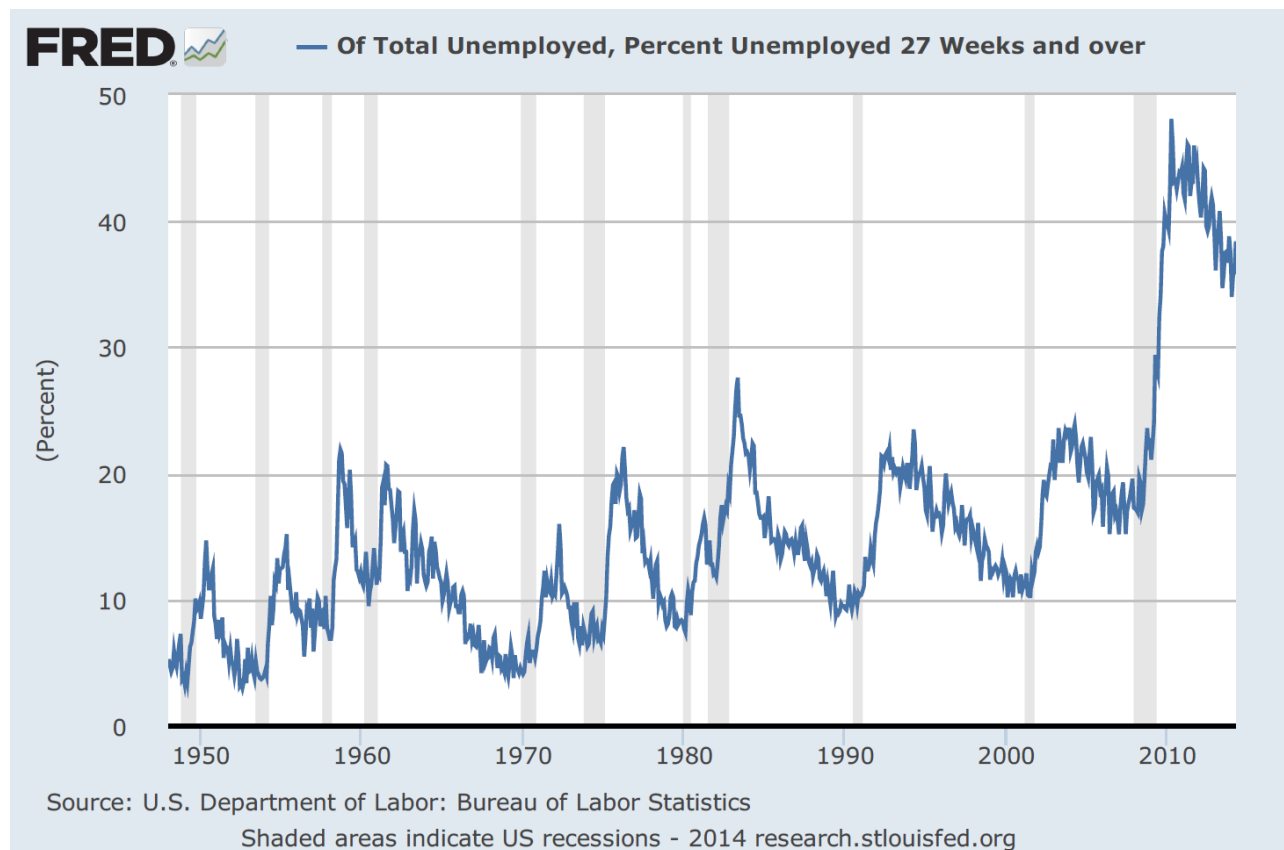
The tepid improvement at the national level is mirrored in states across the country:

- **California:** California's unemployment rate is down, but there are still [25,200 fewer jobs](#) than before the recession started.
- **North Carolina:** North Carolina reports one of the most rapidly falling unemployment rates in the country, but these improvements are partially superficial. When workers give up and stop looking for work, they no longer count as unemployed – which means they are no longer included in the unemployment count. In North Carolina, [49,400 workers](#) exited the labor market *without having found a job* over the course of the last year.
- **South Carolina:** Similarly, in South Carolina, [23,900 workers](#) disappeared from the official numbers without having found a position, contributing to the drop in the state's unemployment rate.
- **New Jersey:** In New Jersey, official unemployment numbers also fail to tell the whole story. Almost [80,000 fewer New Jerseyans](#) are counted in April's jobs data compared with last year. Preliminary numbers for [April](#) suggest that there have been few, if any, net new jobs created in the last year in the state.

Americans understand that unemployment remains a huge problem even if there statistical indications of some improvement. When polled, 20 percent of Americans say [unemployment and jobs](#) is the “most important problem facing the country.” Indeed, more Americans are worried about unemployment now than they were a month ago.

Extending Emergency Unemployment Would Provide Timely, Needed Assistance

A retroactive extension of the Emergency Unemployment Compensation (EUC) program would provide quick, needed relief to some of the hardest hit victims of the tough jobs market, namely the long-term unemployed who have been out of work for more than 27 weeks. As the below graph shows, long-term unemployment as a percentage of total unemployment is still higher than any time in the last 60 years.



Even as the job market continues to recover, studies have shown that people who have been out of work for more than six months face [higher hurdles](#) to finding new jobs. The recovery has been uneven, and many individuals, including those who have been unemployed for longer periods of time, have been left behind.

The Illinois Department of Labor recently conducted a study that confirms that the long-term unemployed disproportionately struggle to find work. According to the study, of the [74,000 residents](#) of Illinois who lost their benefits at the end of 2013, more than 86 percent were still unemployed in February. Illinois Department of Employment Security Director Jay Rowell commented on the findings:

“You should look at this analysis as confirmation that re-authorizing emergency unemployment is a cost-effective way to help families stay in their homes and put food on their tables. But you cannot look at this and say that people don’t want to work.”

Searching for a Way Forward

Recently, Sen. Jack Reed (D-RI) sought to attach a [year-long extension](#) of emergency unemployment benefits to an \$85 billion package of tax breaks for corporations and individuals. This extension would have provided relief to struggling Americans and stimulated the economy. Senate Republicans [filibustered](#) the tax extenders [package](#), to which the EUC extension was attached, due to frustrations with Senate procedure.

The clock is ticking to extend emergency unemployment. Every week that unemployment insurance is not extended, approximately [72,000 Americans](#) join the ranks of those cut off from help, and additional jobs are lost because money is not flowing into communities and small businesses.

More than 2.9 million American families have lost their emergency unemployment benefits. In a couple weeks, this number will cross the 3 million mark. It's well past time for Congress to act; if it continues to do nothing, millions of workers will be left out in the cold, and [240,000 more jobs](#) could be lost.



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