

does the sun shine on the texas legislature?

As the 81st session of the Texas Legislature grinds to its end, Clean Water Action and our allies are cautiously optimistic that significant progress will be achieved on a host of fronts—above all related to clean, renewable energy and energy efficiency—where we have failed to make progress in earlier sessions. More bills promoting renewable energy and energy efficiency were filed than ever before, and as this newsletter goes to press in mid-May, some of the better ones have survived key committee votes. We still have anxious days ahead to see if Texas can begin to realize its tremendous potential for renewable energy production. Here is a status report on key Clean Water Action priorities at this point of the session:

Boost Energy Efficiency Requirements

Texas leads the nation in emissions of toxic mercury from coal-burning power plants and overall emissions of carbon dioxide—the leading contributor to climate change. Numerous studies have proven that efficiency is the most cost-effective method to reduce these and other polluting emissions, and the cheapest way to meet future energy demand as well. Efficiency also creates green jobs, as tasks such as insulating attics and weatherizing homes cannot be outsourced. Clean Water Action is calling on lawmakers to require all utilities to reduce peak electric consumption by 1% each year through 2015 by measures such as rebate programs for

ratepayers who insulate their homes and install energy efficient air conditioning. Bills that would meet or exceed this goal include HB 280 (Anchia-D); SB 546 (Fraser-R); and SB 601 (Van De Putte-D).

Build a Solar Economy in Texas

Thanks to goals established by the legislature in 1999, Texas now leads the nation in total energy produced from wind power. But our sun-drenched state has done little to take advantage of its enormous solar potential. While West Texas wind turbines produce energy predominately at night when the wind is strongest, solar produces energy in the day, above all on hot summer afternoons when we need it the most. Clean Water Action is calling on our lawmakers to require utilities to produce at least 4,000 megawatts of electricity from solar by 2020, and at least 2,000 of these megawatts by means of roof-top installations. This will reduce our dependence of fossil fuels and help create a green economy in Texas. It has been estimated that 2,000 megawatts of rooftop solar—achievable by placing panels on roughly 500,000 rooftops—would create more than 21,000 jobs in Texas.

As of mid-May, the Texas Senate had passed two bills that would move our state towards these goals. SB 545 (Fraser-R) would establish a statewide



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Texas currents

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Clean Water Action is a national citizens' organization working for clean, safe and affordable water, prevention of health-threatening pollution, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work.

Clean Water Action organizes strong grassroots coalitions and campaigns to protect our environment, health, economic well-being and community quality of life.

This update was prepared for our Texas who contribute at the sustaining level of \$60 or more.

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clean water action helps elect pro-environment candidates in austin mayoral, council races

Austin voters selected 5 of 7 city council members, including their new mayor, on Saturday May 9. All four candidates endorsed by Clean Water Action, foremost among them mayoral candidate Lee Leffingwell, prevailed. Clean Water Action field and phone canvass teams

program that has already achieved significant reductions in summer water consumption. Leffingwell also sponsored a resolution aimed at cutting plastic bag consumption in half by June 2009. He has demonstrated his commitment to Austin's zero waste initiative and

All four candidates endorsed by Clean Water Action prevailed.

contacted thousands of our members in the days leading up to the election to help propel our candidates to victory.

Stakes were higher than usual this year, with unemployment high, sales and property tax revenues down, and Austin facing a host of challenges related to energy and water consumption, air quality, solid waste, urban sprawl and traffic congestion. Clean Water Action found Lee Leffingwell to be easily the most qualified of the five mayoral candidates. Leffingwell won over 47% of the vote, with outgoing council member Brewster McCracken a distant second at 27% and former Texas Comptroller Carole Keeton Strayhorn finishing third at 21%. McCracken conceded defeat rather than face Leffingwell in a run-off.

A native Austinite, Leffingwell was first elected to council with our support in 2005 after serving 5 years on the city's Environmental Board. As council member, he took the lead on several fronts, sponsoring an ordinance to ban coal-tar sealants that pollute Barton Springs and other waterways, initiating a water conservation

ambitious energy conservation, renewable energy and climate protection goals. Mayor-elect Leffingwell has pledged to establish a 'kitchen cabinet' of proven environmental leaders to help direct his policies.

Candidates supported by Clean Water Action also triumphed in three other races. Mike Martinez and Sheryl Cole won re-election, and Bill Spelman was elected to fill McCracken's seat. Chris Riley prevailed over Perla Cavazos in a race where Clean Water Action did not make an endorsement.

Clean Water Action carefully screens candidates before issuing endorsements, and the members of our Texas Vote Environment steering committee, which guides our endorsement process in Texas, have several decades of experience in environmental and grassroots organizing among them. Candidates are examined for their leadership abilities and experience as well as their positions on key issues. Candidates are expected to complete a detailed questionnaire, with follow-up interviews as necessary. Both Carole Keeton Strayhorn and Brewster McCracken refused to respond to questionnaires for this election.



David Foster, Clean Water Action's Texas Program Director, with Austin Mayor-elect Lee Leffingwell at Barr Mansion in Austin.

how safe is your bath tub?



Bubble baths should be clean, safe and fun. But *No More Toxic Tub*—a report published in March 2009 by the Campaign for Safe Cosmetics in partnership with Clean Water Action and other organizations—found hazardous ingredients in numerous bath products marketed to babies and children. The report lists 38 products contaminated with formaldehyde, 1,4-dioxane or both, although neither contaminant appears on product labels. Both chemicals are linked with cancer but neither toxin is federally regulated in the United States.

The European Union and Canada prohibit 1,4-dioxane use *at any level* in cosmetics, while Sweden and Japan have banned the use of formaldehyde in cosmetics and toiletries. Canada and the European Union also closely regulate the chemical. In the U.S., the FDA has done nothing.

The *Toxic Tub* report found that 67% of tested products contained 1,4-dioxane. 82% contained formaldehyde. 61% contained both toxins. Even trace amounts of these chemicals can present health risks for babies and may contribute to serious health problems and disease.

“Many people are shocked,” says Clean Water Action’s Mia Davis, who coordinates the national Campaign for Safe Cosmetics. “We shouldn’t have to be chemists to pick safe products for our children.”

Baby products are often marketed as gentle and safe—terms not typically associated with cancer-causing chemicals. The list of contaminated products includes trusted names like Johnson


& Johnson, Sesame Street Bubble Bath and Gerber’s Grins & Giggles Milk & Honey Body Wash.

To spread the word about dangerous chemicals in baby products and other cosmetics, Clean Water Action offices across the country have hosted a series of successful outreach events, inviting members and non-members to ask questions, read literature and learn about products ranging from safe to dangerous.

“It’s not just babies, it’s everyone,” explains Sarah Holzgraf, campaign organizer for Clean Water Action’s New Hampshire office. “People see a product on the table and think: ‘I use that! Why is it there? What’s wrong with it?’” Holzgraf explains that people are surprised and upset to learn the cosmetics industry is self-regulated. “They think the government is protecting us.”

Clean Water Action New Hampshire is also working with the Campaign for Safe Cosmetics to collect petition signatures to deliver to public officials, urging them to support more effective regulations of chemicals in personal care products. New Hampshire members can sign the petition at: www.cleanwateraction.org/takeaction/nh

To learn more about Clean Water Action’s work for Healthy, Safer Families and Communities, visit www.cleanwateraction.org.

 *The trouble with these chemicals doesn’t end in the bath tub. “They are getting back into our waterways,” says Davis, who explains that these are just two of the many chemicals and toxins we are washing down our drains. Our cosmetics, household cleaners, pesticides and prescription drugs all eventually find their way through our plumbing and into the environment. This chemical cocktail can wreck havoc on ecosystems, wildlife and community water supplies. Some of these chemicals have been linked to damaged aquatic ecosystems, where frogs are sprouting six pairs of legs and male fishes are developing female reproductive organs.*

Bathe without chemicals: get informed and read labels

Neither formaldehyde or 1,4-dioxane are intentionally added to baby bath products, which means they do not appear on the ingredients list. Instead, the chemicals are contaminants that combine and degrade during the manufacturing process or in the bottle. Reduce your risk of exposure by reading labels and avoiding any products with the following ingredients.

Formaldehyde may be found in products containing:

- quaternium-15
- diazolidinyl urea
- DMDM hydantoin
- imidazolidinyl urea

1,4-dioxane may be found in products containing:

- PEG-100 stearate
- sodium laureth sulfate
- polyethylene
- cetareth-20

Formaldehyde and 1,4-dioxane are not the only potentially dangerous chemicals in our bath products, and there is no comprehensive list of safe options. You can reduce your exposure:

- Choose products with fewer ingredients.
- Avoid products that use synthetic fragrance or dyes.
- Use fewer products overall.
- Read labels and avoid the ingredients listed above.
- Research your favorite products at www.cosmeticsdatabase.com
- Contact your elected officials to support regulation of the cosmetics industry.
- Share concerns, fears and frustrations with manufacturers.
- Read the report at www.safecosmetics.org/toxictub

restoring the clean water act must top congress' agenda

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The Clean Water Restoration Act, introduced in April by Senator Russell Feingold, (D-WI) and almost two dozen co-sponsors, would restore critical Clean Water Act protections lost during six years of the Bush Administration's "No Protection" Policy. Reversing these policies has been a top priority for Clean Water Action since late 2002 and it should be Congress' priority now.

Beginning in 1975, the Clean Water Act was interpreted to protect all of the waters of the United States. For decades, it was presumed that every body of water fit this description, and qualified for federal protections. Now, in the wake of confusing and ill-defined U.S. Supreme Court rulings (*Rapanos v. United States* and *SWANNC v. Army Corps of Engineers*), the opposite is true. Now, federal Clean Water Act enforcers must undergo a resource intensive analysis

for every stream, creek, wash, wetland, tributary and river before it can retain protections under the Clean Water Act.

Confusion over Clean Water Act protection has led to delays in permitting decisions, to the dismay of developers; and a lack of protection enforcement, to the dismay of environmentalists. Hundreds of pollution enforcement cases and development applications have been dropped

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for cal ifornia woman, protecting a river can cost you a job

Heather Wylie traded her job for a river. And she'd do it all over again.

In 2008, Wylie joined a handful of protestors for a kayak trip down the Los Angeles River, earning the wrath of her employers and the attention of a nation. Why? At the time, Wylie was a biologist with the U.S. Army Corps of Engineers. The agency had just designated the LA River "non-navigable"—putting the watershed at risk and setting a dangerous precedent. Wylie and her compatriots set out to prove the Army Corps wrong. If they could make the journey then the LA River must be navigable which was a critical first step in retaining Clean Water Act safeguards.

Wylie's passion for water began in college when she worked as a canvasser with Clean Water Action. "That was really fun," she remembers. After college, Wylie worked with the Army Corps. Wylie's enthusiasm for environmental protection matured into opposition of the Army Corps' policies. By 2008, she was frustrated enough to grab a paddle to prove her point.

The trip succeeded—triggering events involving the Army Corps of Engineers, the EPA, Congress, Public Employees for Environmental Responsibility and other organizations and individuals. By the end of the summer, the EPA had wrested jurisdiction of the LA

River system from the Army Corps. In December, Wylie lost her job.

Some people say Wylie lost her job over a kayak trip but that's not true. She'd probably still be working for the Army Corps if she'd chosen a different river. Wylie lost her job over a word: navigable.

Why the fuss over a single word? Navigable, according to current interpretation, is the only word that matters when protecting America's waters. Only waterways deemed navigable qualify for federal oversight and protection under the Clean Water Act. Wylie proved the Army Corps wrong. She lost her job.

Despite its importance, no clear guidelines define navigable as it applies to the Clean Water Act. The law itself broadly defined "navigable" as "the waters of the United States," regardless if water had, or could, be navigated. For decades, it was presumed every body of water fit this description, and qualified for federal protections. In the wake of confusing, ill-defined U.S. Supreme Court rulings, the opposite is true. Now, federal Clean Water Act enforcers must undergo a resource intensive analysis for every stream, creek, wash, wetland, tributary and river before it can retain protections. The farther away a creek or wetland is from a body of water you can float a boat on, the harder it is to keep it protected. Designating waterbodies



as being navigable-in-fact has become a critical first step in retaining Clean Water Act protections on the creeks and wetlands that drain to them.

The result of this confusion has been a sudden halt to the permitting process, uniting environmentalists and developers in frustration. Hundreds of pollution enforcement cases and development applications have been dropped with thousands more indefinitely delayed. Lately, it's hard to find anyone—environmentalist or developer—who believes the Clean Water Act's regulatory process is working.

With a kayak and some personal sacrifice, Wylie proved herself right. The EPA is reviewing the LA river system. Wylie is hopeful it will soon be officially defined as navigable.

But this story extends beyond LA. This is about our lakes, rivers, and streams, and how we choose to protect them.

The consequences are felt in our homes and communities, from the tap to the

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what you won't see in those 'clean coal' ads: dirty air, a wall of sludge, poisoned rivers

Surely you've seen the ads scattered around the internet and splashed across our newspapers and magazines. Commercials interrupt our favorite television shows and invade our local radio station's airspace. They are everywhere. But that doesn't make them true.

No PR campaign, no matter how well executed, can make coal clean.

Advocates for "clean" coal argue that technology exists—almost—that will allow coal-fired power plants to capture their carbon emissions and store the climate-changing gas deep under ground. Technically, this may be true. Realistically, this is extremely expensive, and doesn't begin to address impacts on our water from continued coal mining and reliance on it to produce electricity. From mines to power plants, the process of wresting energy from coal is dirty and unhealthy for our waters, our communities and our bodies.



When the Kingston Fossil Plant dam failed on December 22, 2008, decades of hazardous coal ash and sludge were released along the Emory River in Tennessee. An estimated 1.1 billion gallons of contaminated water oozed downstream. Homes were destroyed and many wild creatures were killed, but no one knows what the long term impacts might be.

Already, water samples collected by Appalachian Voices have revealed frightening levels of contamination. Arsenic was present at 30 to 300 times the allowable limits. Lead was present at 2 to 21 times the legal limit for drinking water. In fact, every water sample collected by Appalachian Voices had elevated levels of arsenic, barium, cadmium, chromium, lead, mercury, nickel and thallium. The Tennessee Valley Authority, responsible for both the dam and its rupture, claim that their water samples reveal acceptable levels of contamination for drinking water. Whether or not you believe their results, the question remains: Did they drink the water?

Would you?

To find out more about coal power and its impact on water, visit us online at <http://www.cleanwateraction.org/currents/spring2009>

Restoring the Clean Water Act *(continued from page 5)*

entirely, and thousands more have been indefinitely delayed. The Clean Water Act is broken and must be fixed.

Restoring the authority of the Clean Water Act to protect water resources must top Congress' water agenda. Current policies threaten protections for sources of drinking water for more than 110 million Americans. Waterways at risk range from most of a 53-mile stretch the Los Angeles River basin, declared exempt from Clean Water Act protection by the Corps of Engineers, to Avondale Creek in Birmingham, Alabama, a continuously flowing

stream that flows into residential neighborhoods, a lake and eventually a large river.

There is wide support for Congressional action to fix the Clean Water Act and restore the protections that were in place just six short years ago. Earlier this year, more than 160 scientists sent a letter to President Obama urging him to support the Clean Water Restoration Act, which would clarify in law the connection between waterways—connections well understood by scientists. Committee action in the U.S. Senate is expected in May.

 For more information on the need for Congress to act now on the Clean Water Restoration Act, visit us online at <http://www.cleanwateraction.org/restorationact>

Protecting a River Can Cost You a Job *(continued from page 5)*

stream. We need a water protection process that makes sense. The Clean Water Act is now broken and over half of our nation's waterways—and our health—may no longer be protected. It's time to pass the Clean Water Restoration Act and restore the original intent of the Clean Water Act.

Wylie doesn't regret her lost Army Corps job. She insists she'll grab that paddle again if needed. But we cannot protect our water resources by floating a kayaker down every river. We need to revive clean water protections in our nation. "Our nation's waters will continue to be in a state of crisis until the Clean Water Restoration Act is passed," says Wylie. Once again, she's right.

MAKE EVERY DAY EARTH DAY! Take advantage of one of the easiest and most convenient ways to support Clean Water! You can make a gift to Clean Water Fund by payroll contribution through **EarthShare's** workplace giving program at numerous private companies, many state and municipal government organizations, and in the Combined Federal Campaign (CFC), by selecting CFC # 10636 on your pledge form. Clean Water Fund is a member of EarthShare, a nationwide federation of the country's most respected environmental and conservation charities.

For more information about how you and your workplace can support Clean Water Fund, please call (800) 70-WATER x169.



Clean Water Action makes endorsements in Pedernales Electric Cooperative board elections

Clean Water Action has endorsed Cristi Clement, Larry Landaker and Patrick Cox in their bids to serve on the board of the Pedernales Electric Cooperative (PEC). This year's elections to the board of the PEC bring the opportunity to continue reforms begun last year at the scandal-plagued utility. The PEC is the largest consumer-owned electric cooperative in the nation, with some 225,000 member households in a vast service area that stretches from suburban communities in and around Austin all the way west to Junction and beyond.

Over the last year and a half, a series of revelations have rocked the PEC. Scandals brought to light include extravagant salaries and benefits paid to board members and management, management run amok with no board oversight, meetings closed to PEC members, a hidden bank account, and a rigged method of choosing board members that assured the continued re-election of the same people year in and year out. The PEC remains under criminal investigation and the legislature is poised to mandate changes in the way it is governed as this newsletter goes to print.

Thanks to public outcry, the old management at PEC was replaced and reform-minded board members were elected last year. The PEC has begun to chart a new course, with newly-elected board members Patrick Cox, Kathryn Scanlan and Charles Tesar leading the way.

In addition to reforming governance, the PEC has begun to re-evaluate the nature of the energy it provides. Most of the power PEC retails to its customers is purchased from the Lower Colorado River Authority at wholesale prices. The LCRA produces most of its power from polluting coal and natural gas fired plants, and intends to bring more coal power on line. Last fall, in response to

renewable energy. One sets a goal of meeting 20% of future energy demand from efficiency by 2020, and the other sets a goal of procuring 30% of its energy from renewable sources like wind and solar by the same year. If implemented, these resolutions promise to create local jobs, foster energy independence, keep utility bills in check, and prevent the need for more coal plants.

Even though substantial progress has been made at the PEC, much work remains to be done. Four of the board's current seven voting board members represent the 'old guard' and continue to resist reform. It is imperative that the board implement an action plan to meet the goals laid out in last year's resolutions

This year's elections to the board of the PEC bring the opportunity to continue reforms begun last year.

over 4,500 postcards and letters written by Clean Water Action members who reside in the PEC service area, the board passed two resolutions setting ambitious goals for energy efficiency and for

and other financial incentives to members who wish to weatherize their homes and businesses, put solar panels on their rooftops, and more.

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Clean Water Action Pushes Central Texas Electric Utilities to 'Go Green'

Clean Water Action field canvass teams are visiting households in selected Central Texas communities, urging them to follow the example of the PEC by ramping up investments in renewable energy and conservation. These communities include San Marcos, Georgetown, New Braunfels, and Seguin. Each of them owns its own municipal electric utility, and each of them—like PEC—purchase all or most their power from the Lower Colorado River Authority (LCRA) and then retail the power to business and residential customers. As municipally-owned utilities, these electric

providers are answerable to the city councils and to the voters who elect them.

LCRA produces 87% of its power from natural gas and coal-burning plants, and has plans to invest in a new coal plant near Waco. Coal is the leading contributor to greenhouse gas emissions, and numerous studies have demonstrated that increased investments in energy conservation and renewables would eliminate any need for new coal plants. If enough of its wholesale customers insist on clean power rather than dirty power, LCRA will have to drop plans for new coal plants.

Clean Water Action is calling on each of these communities to create customer incentives for installation of roof-top solar and heat pumps, energy efficient HVAC systems, and weatherization and insulation programs. We are also urging these communities to renegotiate their contract with the LCRA, as PEC has done, to give them more flexibility in shaping their own clean-energy future. If you live in one of the communities mentioned above, please contact your mayor and council members and urge them to set ambitious goals for renewable energy and energy efficiency programs.

Legislature Update *(continued from cover)*

goal for home-generated power such as rooftop solar—an essential component to making Texas the leader in the booming solar manufacturing industry. SB 541 (Watson-D) would establish a goal of 3,000 megawatts of renewable energy other than wind for the state and would establish solar on a utility scale, as was done for wind in 1999. Passing these two bills would pave the way for Texas to become the national leader in solar generation. By the time you receive this newsletter, the House will likely have already acted on these bills. Clean Water Action will be working to ensure that Governor Rick Perry, should the House agree with the Senate, to sign these measures into law.

Increase the Ability of Counties to Manage Growth

Texas loses an average of 160 acres of open land each day to urban sprawl, most of it in unincorporated areas near major cities. All too often, developers build new subdivisions in areas just

beyond the ability of neighboring cities to manage growth via zoning and other tools. These developments rely on wells punched into over-burdened aquifers for their drinking water, or cajole river authorities into extending surface water lines their way. Access to sewage treatment plants is often lacking, so waste is frequently sprayed onto new golf courses created partly for that purpose—or even into nearby streams. Typically located many miles away from job and shopping opportunities, and lacking easy access to transit, these new neighborhoods pour even more traffic onto local roads that are often already strained to capacity.

For many years now, Clean Water Action and our allies have been working to pass legislation that would grant counties the ability to manage growth in order to protect Texas' environment and quality of life and keep the cost of living in check. These tools could include the ability to zone, limit density and impervious cover, establish minimum set-backs from creeks and other water bodies. Lobbyists for

real estate and homebuilding interests have, so far, thwarted such legislation. This session, a number of bills were filed that earned our support. One of them, HB 3265 (Rose-D) was passed by the House Committee on County Affairs at the end of April and still awaited action in mid May by the full House. If passed into law, it would grant to the commissioner courts of 15 Texas Hill Country counties the ability to adopt land control regulations to establish density standards, building and setback rules, and land use compatibility standards. Another bill Clean Water Action is supporting, HB 1508 (Bolton-D), passed the House Committee on Natural Resources in April and still awaited approval of the full House. This bill would prohibit the Texas Commission on Environmental Quality (TCEQ) from issuing any further permits allowing developers to put waste into creeks above the recharge or contributing zone of the Barton Springs segment of the Edwards Aquifer.

Clean Water Action Makes Endorsements in PEC Board Elections *(continued from page 7)*

We urge our members who live in the PEC service area to support **Cristi Clement, Larry Landaker and Patrick Cox** in this year's board elections. We believe that these three candidates are the best qualified to continue to bring much-needed reform to the co-op. All three have demonstrated a commitment to clean energy and clean government. PEC customers can vote for board candidates either by mail or on-line at www.pec.coop until Friday, June 12.

VOTE FOR CLEAN ENERGY AND CLEAN GOVERNMENT! VOTE FOR CRISTI CLEMENT, LARRY LANDAKER, AND PATRICK COX! VOTE ON-LINE AT WWW.PEC.COOP!



To learn more about how you can help, please contact Clean Water Action at txcwa@cleanwater.org or visit us online at www.cleanwateraction.org/tx

