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OCEANS: Group sues EPA to use Clean Water Act to reduce emissions' impacts

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An environmental group filed suit yesterday against the federal government as part of its ongoing bid to use the Clean Water Act to regulate carbon dioxide emissions.

The Center for Biological Diversity (CBD), which sued U.S. EPA in federal district court in Washington state, has repeatedly sought over the last two years to use the water law to limit emissions of the greenhouse gas. Its arguments hinge on scientific evidence that CO2 is absorbed by the world's oceans, shifting ocean chemistry and harming marine life.

In the Washington case, the group argues that EPA violated the water law by ignoring information that shows Washington's ocean waters are becoming more acidic and now exceed a water quality standard for pH -- the 14-point scale that measures acidity and alkalinity.

Washington state's current pH standard allows a decline of 0.2 units before waters are considered "impaired" under the Clean Water Act.

Scientific studies show that since 2000, the pH of Washington's coastal waters has declined by "far more than 0.2 units," the CBD said in the legal complaint it filed yesterday.

But the Washington Ecology Department declined the environmental group's request in 2007 to add the state's coastal waters to the list of impaired waters it submits to EPA each year. EPA then approved Washington's list, which CBD said violates the federal agency's responsibility to identify impaired waters omitted by the state.

An EPA spokeswoman said the agency was still reviewing CBD's complaint. "We take concerns regarding acidification of ocean and coastal waters very seriously," the agency said in a written statement. "Protection of the nation's water quality is among EPA's highest priorities."

Last month, EPA responded to a separate Clean Water Act petition filed by CBD by agreeing to consider revising the law to address ocean acidification. In a Federal Register notice, the agency said it may revisit its water-quality standards for pH for the first time since 1976.

"As more CO2 dissolves in the ocean, it reduces ocean pH, which changes the chemistry of the water," EPA said in its notice. "These changes present potential risks across a broad spectrum of marine ecosystems" (ClimateWire, April 16).

Miyoko Sakashita, a Center for Biological Diversity lawyer, said the group is pursuing a two-pronged strategy -- asking EPA to enforce current water quality standards while also arguing that the agency should enact stronger standards.

"Washington's water quality standard allows a 0.2 pH change, which is what the EPA recommends. And EPA is going to be looking at that recommended criteria, because it's potentially not strong enough to protect aquatic organisms against ocean acidification," she said. "The be-all, end-all is that Washington's water are already violating a standard that may not be strong enough."