



Enviros sue EPA over ocean acidification enforcement

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Environmentalists are suing U.S. EPA, accusing the agency of failing to enforce water quality standards in the Pacific Northwest related to ocean acidification.

In its suit, the Center for Biological Diversity argued the agency violated the Clean Water Act when it approved Oregon's and Washington's lists of impaired water bodies because both states left out coastal ocean waters that are corrosive to shellfish and other marine life.

"EPA's approval of these deficient lists is arbitrary and capricious and not in accordance with the Clean Water Act," according to the suit filed today in the U.S. District Court for the Western District of Washington against EPA Administrator Gina McCarthy and Regional Administrator Dennis McLerran.

The plaintiffs want the court to require EPA to add acidifying marine waters under the jurisdiction of Washington and Oregon to their respective impaired water body lists. That would in turn require states or EPA to set pollution limits for the areas, as required by the Clean Water Act.

"Ocean acidification is already killing shellfish off these coasts," said Miyoko Sakashita, oceans director for CBD. "We don't have time to wait."

Since 2006, there have been widespread baby oyster die-offs in Pacific Northwest hatcheries, which scientists linked to corrosive coastal waters. Washington convened a blue-ribbon panel on the issue, which estimated that more than 30 percent of Puget Sound's marine species are vulnerable to ocean acidification.

The oceans absorb carbon dioxide that lowers the pH of seawater, making it more acidic. The CO₂ also steals key calcium carbonate molecules that shellfish and corals use to build their shells and skeletons.

CBD sued EPA in 2009 essentially over the same listing issue in Washington. As part of a settlement agreement, EPA held a public process to determine how to handle ocean acidification under the Clean Water Act.

EPA issued an official position in 2010 directing states to "list waters not meeting water quality standards, including marine pH," beginning with lists issued in 2012. However, the agency acknowledged that many states may lack information, so ocean acidification listings "may be absent or limited in many states" (ClimateWire, Nov. 17, 2010).

Now that Washington and Oregon have issued those lists without marine waters, and EPA has approved them, CBD is once again challenging those decisions in hopes of spurring action.

“They said they needed more scientific information,” Sakashita said. “My response to that is we know enough to act now.”

Green groups previously had hoped to use the Clean Water Act to force reductions in carbon dioxide emissions, which directly contribute to ocean acidification. However, EPA said any ocean acidification actions would not lead to carbon regulations (E&ENews PM, June 23, 2010).

Sakashita said carbon caps are not the goal of this lawsuit. Rather, the environmentalists are trying to get EPA to follow through on its directive. Identifying the waters as impaired will go a long way in raising awareness about ocean acidification, as well as boosting research and monitoring, she said.