

# TUWaterWays

Water News and More from the Tulane Institute on Water Resources Law & Policy  
May 24, 2018

## **Pump, Pump the Water**

And we're already welcoming this year's first tropical storm to the Gulf this weekend. Hello again, [Spaghetti Models](#)! Despite [flooding](#) from a simple rainstorm last Friday, New Orleans maintains that its pumps are up and running to protect us from any inundations. However, Mayor Latoya Cantrell is set on the city doing more to protect itself. In a [series of statements](#), the new Mayor has let us know that she is planning to vie for stronger federal cooperation with the city and funding for upgrades to infrastructure, and encouraged citizens to make sure they are investing in themselves through insurance and property improvements such as removing pavement to allow for more permeable surfaces. She was also asked about adopting a stormwater fee (something highly recommended in [this report](#)) to support infrastructure improvements, and said that she hoped City Council would stand by her in mitigating flooding in the city (so, maybe we're getting a stormwater fee?). As we prepare to face what is already looking like an active season, we look forward to seeing what steps the city takes to improve our resilience, but mostly, we hope everyone stays safe and dry!

## **Good News or Bad News First?**

We're gonna choose bad news. The EPA administration is under fire in recent weeks for a slew of actions that are all related to – you guessed it – water. First up, there is [evidence](#) that the EPA administration and the White House have worked to cover up a federal study that would have made it much more evident just how polluted our waterways are. The [emails released](#) note that it would have been a “public relations nightmare” for the report to be released, as it showed higher than accepted levels of very dangerous chemicals (called PFOAs and PFOS) in drinking water across the country. There has been bipartisan pushback from Congress, however; when he [testified](#) before Congress last week, Mr. Pruitt avoided addressing the question at length, amid concerns about alleged ethical lapses in judgement. Up next, the EPA held a [“national summit”](#) in Washington this past Tuesday to discuss the chemicals at issue, inviting 200 people, where the EPA reaffirmed its commitment to water quality improvements and hearing from the public on the issue. However, at this summit, unfortunately, three (and a half) news organizations were [prevented](#) from attending, including E&E News (a leading environmental publication), the Associated Press, CNN. Additionally, Politico, the news organization that broke the story regarding the report, was asked to leave for the second half of the session. If, as Mr. Pruitt claims, water quality is at the top of his priority list, we should all be asking why steps aren't

The **Tulane Institute on Water Resources Law and Policy** is a program of the Tulane University Law School.

The Institute is dedicated to fostering a greater appreciation and understanding of the vital role that water plays in our society and of the importance of the legal and policy framework that shapes the uses and stewardship of water.

## **Coming up:**

### **State of the Coast Conference**

New Orleans, LA

May 30 – June 1, 2018

## **Water jobs:**

### **Project Manager, Innovation and Governance**

Environmental Law Institute  
Washington, DC

### **Assistant Staff Attorney**

Riverkeeper  
Ossining, NY

### **Executive Director**

Deschutes River Conservancy  
Bend, OR

### **Water Policy Specialist**

Water Now Alliance  
San Francisco, CA

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being taken to rectify, not hide, the findings in this still unreleased [report](#).

### **Okay, the Good News.**

Here are some [puppies](#) to cleanse your palette. You're welcome.

### **Pointing Fingers**

Litigation is becoming a [popular](#) means of driving change in the name of climate, and oil companies are getting a bit [nervous](#). For example, California cities are [suing](#) several oil companies, claiming that the products made by these companies (namely, gasoline), creates a public nuisance by inciting climate change when it is burned in cars. They also claim that the oil companies knew about these impacts, but decided to hide it from the public to make lots and lots of money. Among other things, oil companies are arguing that jurisdiction over these types of matters belongs to the EPA, but the cities disagree. However, what might be most interesting, is that in order to get a better understanding of climate change, the presiding judge in California asked for a "climate tutorial" from the parties, where data from the [Intergovernmental Panel on Climate Change](#) was used to support both sides, who agreed that climate change is, indeed, happening. So where do they differ? On [who's to blame](#), of course. Oil companies are arguing that once they produce the oil, they release control of it to the buyers and don't control what they do with it, and that this could create "[infinite](#) liability". Cali cities say "[no way, Jose](#)", you knew what it was for. Either way, the fact that these parties are discussing the impacts of climate change in the public forum, and recognizing that it is indeed real, is a major win.