



PEERreview

A Publication of Public Employees for Environmental Responsibility

COVID-19 and PEER – What's Next?

The global impact of the coronavirus is bringing dramatic changes to how we live. For PEER, it also means some big differences in our workplace and lifestyles, but our core work will continue and expand.

Right now, PEER is representing more epidemiologists than any other discipline. These specialists are, and will continue to be, important guides in helping the country address arising major public health dangers and averting those on the horizon. A core PEER function will be ensuring that public health experts have the capacity and legal backing to speak truth to power.

Another focus is broadening public attention to a host of factors that aggravate the

pandemic, such as —

- **Budget Cutbacks.** Political leaders like Senate Majority leader Mitch McConnell have spent the last decade undermining, attacking, and defunding the public health infrastructure that every American is now relying on to help pull us through this pandemic nightmare. These cutbacks have crippled the country's ability to detect, prevent, and respond to health threats;
- **Climate Change** has driven humans and animals into closer proximity under harsher conditions, creating a ripe environment for the emergence of new diseases. Similarly, populations exposed to poor quality air or water, or hazardous waste and pesticides, will be more susceptible to the virus;
- **Other Vectors.** Coronavirus is passed by bodily fluids, including human waste. Water-related exposures to the SARS-CoV-2 virus, which is present in urine and feces, continue to fly under the regulatory radar. These exposures may occur where there are combined sewage overflows, or when wastewater is re-used for irrigation or other purposes. These sewage overflows are a major water pollution concern for the approximately 772 cities in the U.S., according to the EPA, but the problem remains largely unabated; and
- **Aggravating Factors.** Toxic chemicals, such as PFAS (known as "Forever Chemicals"), are increasingly being found in water systems. PFAS weaken the immune system, making exposed persons more susceptible to life-threatening COVID-19 effects. Ironically, the EPA is citing the COVID-19 pandemic as a reason for delaying PFAS testing in water supplies, when it should be accelerating that testing. In addition, the EPA is increasing public exposure to PFAS by supporting use of bio-solid fertilizers, which contain high levels of PFAS.



COVID-19. PEER is working to ensure public employees have the backing and support to speak openly about their experiences during this pandemic.

Looking at these and other factors is necessary for a holistic look at how to prevent or minimize recurrences.

In addition to the Trump deregulatory agenda continuing unabated through the pandemic (see article on page 9), suspensions of enforcement against polluters are being announced at both the federal and state levels. Current events should be a cause to tighten monitoring and release



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FROM THE EXECUTIVE DIRECTOR

President Trump has boasted of his high TV ratings during the COVID-19 pandemic. While not apparent to the President, these high ratings put on full display a petty, corrupt administration that can't manage a coherent response to this crisis. They lift the curtain on a President who has filled the top positions of government with unqualified sycophants who came to Washington to deconstruct the "deep state" and profit from their experience.

And it's not just the President. It is also the Senate. While the pandemic was quietly gaining force around the world, key U.S. Senators quietly sold millions of dollars in stock after receiving non-public information on the severity of the threat during Congressional briefings in January and February. Instead of challenging Trump's litany of lies trivializing the virus and calling for a stepped-up U.S. response, these Senators stayed silent and worked to protect their riches.

But the problems in the Senate begin at the top. As the virus began to spread uncontrollably in the United States, Senate Majority Leader Mitch McConnell didn't seem to give much of a hoot. He was absent from coronavirus negotiations and was only in Washington after he succumbed to enormous pressure to cancel the Senate's planned seven-day recess and only after he was able to enjoy an extended weekend in Kentucky to attend a political party.

If ever there were a time for qualified people leading our government, it is now. Our goal at PEER is to help make that happen by supporting a strong civil service. Fortunately, despite a leadership crisis, our country has so many dedicated public servants who come to work every day with the sole mission of protecting public health, the environment, and our natural resources.

This crisis will be a long one, without parallel in our lifetime. But we will be there every step of the way. Standing up for public servants, challenging government actions, calling out corruption, and supporting those who speak truth to power.

We are all now working remotely, but we won't miss a beat. Please keep in touch. Let us know how we are doing and how we can help you.

Stay safe.

— Tim Whitehouse, Executive Director

Mission Statement

PEER protects public employees who protect our environment. We are a service organization for local, state, federal and tribal public employees, including scientists, law enforcement officers, land managers and all others dedicated to upholding environmental laws and values. Through PEER, public servants can choose to work as "anonymous activists" so that public agencies must confront the message, rather than the messenger.

PEER NEWS

New to PEER



**Darrell Carrington,
Board Member**

Darrell has over 30 years of experience working with every level of government, non-profits and the private sector. Darrell currently lobbies in Annapolis, Maryland. In the past 14 years, he has represented a wide array of clients, including environmental and health groups, the medical cannabis industry, professional sports teams, civil rights

groups, energy companies and utilities. Darrell formerly worked in the Prince George's County State's Attorney Office and was also the former Director for the Office of Energy and Food Programs for Prince George's County. Darrell came to the State of Maryland from Rutgers, the State University of New Jersey, where he spent over 10 years developing and funding programs for at-risk youth and low-income populations.



**Elizabeth Duan,
Communications and
Office Associate**

Elizabeth Duan received her bachelor's degree from the University of Pittsburgh, where she studied political science and gender, sexuality, and women's studies. Before joining PEER, Elizabeth coordinated events for nonprofit Women's Learning Partnership and taught gender studies at

Emerson Preparatory School. She has also taught writing at Sidwell Friends School Summer Camp, and organized with New Virginia Majority, Education Reform Now, and Democrats for Education Reform in the Washington, DC area.

Trump's New Enemies List

Post-impeachment pledges by top White House officials to find and remove federal employees deemed insufficiently loyal to President Trump are illegal and should be halted, according a complaint filed by PEER with the U.S. Office of Special Counsel. It charges that any move to impose a political litmus test on government workers is contrary to core protections undergirding the federal merit system.

In a February 24, 2020 Fox News interview, Hogan Gidley, Special Assistant to the President and Deputy Press Secretary, said:

"It's not a secret that we want people in positions that work with this president, not against him, and too often we have people in this government—I mean the federal government is massive, with millions of people—and there are a lot of people out there taking action against this president and when we find them we will take appropriate action."

Gidley went on to equate political fealty to Trump to being "loyal to our country." This comes on top of media reports the White House is compiling "deep state" hit lists. Trump has already removed officials who testified in House impeachment hearings and transferred others suspected of disloyalty.

"The mere threat of a political purge creates a chilling effect on public servants and should not be tolerated," stated Executive Director Tim Whitehouse, noting that PEER represents a number of whistleblowers in environmental and public health agencies suffering personnel actions for expressing scientific findings and opinions contrary to White House's preferences. "The creation of the federal civil service was one of the major governmental reforms of the 19th century, but today we are teetering on the edge of a return to the political spoils system."

The Special Counsel has opened an investigation of the PEER complaint.



BUREAU OF LAND MANAGEMENT

The HQ Move: A Big Failure



Chandra Rosenthal is PEER's Rocky Mountain Director.

Overcoming much opposition, the U.S. Bureau of Land Management (BLM) has moved its Headquarters out of the nation's capital to the town of Grand Junction, Colorado. Despite fervid denials, BLM is having trouble filling jobs in Grand Junction which is approximately 250 miles from the state capital and BLM state office. In fact, more than half of the DC-based BLM employees have transferred to other offices or retired.

To mask this staff exodus, BLM is moving temporary workers into the new Colorado office to give what one called “the appearance of staff.”

Disempowering the Field

Ironically, the rationale for BLM's HQ move was to bring decision-making closer to the resources. Yet PEER discovered that DC-based HQ staff overruled BLM field staff on a planning template for much of southwest Colorado, throwing open nearly a million acres to oil and gas leasing. Capping a lengthy planning process for federal lands and mineral rights in Montrose, Ouray, Gunnison, Delta, San Miguel and Mesa counties, BLM abandoned its preferred alternative and on June 29, 2019 adopted a new alternative with vastly expanded oil and gas leasing.

The reason for this turnaround can be found in recently released BLM records.

One describes a briefing in which DC-Based appointees told Colorado BLM managers that their more limited alternative “misses the mark” and was “not in line with the Administration's direction to decrease regulatory burden and increase access.” Further, proposed oil and gas extraction stipulations are “too restrictive.” Another document recaps “changes to management actions including reducing fluid mineral stipulations and restrictions, reducing right-of-way restrictions, reducing areas managed as lands with wilderness characteristics, and reducing areas of environmental concern.”

“This decision is as high-handed as it is wrong-headed,” stated Rocky Mountain PEER Director Chandra Rosenthal, who obtained the documents under the Freedom of Information Act. “Political appointees overriding the extensive cooperation and planning by their own experts is the exact opposite of the local decision-making they profess to embrace and will make BLM's ultimate decision vulnerable to being tossed out in court.”

In addition, this preemptory reversal violated a memorandum of understanding for joint planning with state and local officials and, in so doing, disregarded objections from Colorado's Governor, affected counties, tribes, and even sister federal agencies. So, now we have the appearance of staff belying the appearance of inclusivity.

In other cases in Colorado, the Administration overrode the field office's proposed changes to sheep grazing permits that would protect against the spread of disease to wild bighorn sheep populations, and requested 55 changes to the Eastern Colorado Resource Management Plan and Environmental Impact Statement, favoring extraction and open use at the expense of environmental protections. PEER continues to stand up for the scientists and employees on the ground.

BLM's Dangerous Neglect

Most land managed by the U.S. Bureau of Land Management allows target shooting, subject only to limits by state or local laws. That means ranges and popular target practice areas are heavily littered with spent shell casings containing lead, arsenic, and other nasty chemical residues. These wastes are a danger not only to wildlife but also to visitors, volunteers, and employees.

PEER is representing a BLM employee who has blown the whistle on BLM's failure to police these range wastes. His disclosure to the U.S. Office of Special Counsel revealed that BLM has long known about these hazards but has done little. His revelations were also confirmed in a review by Interior's Inspector general.

In response to these findings, BLM has belatedly promised to act. Meanwhile, PEER is pressing to secure toxic waste cleanups on all of BLM's public ranges.

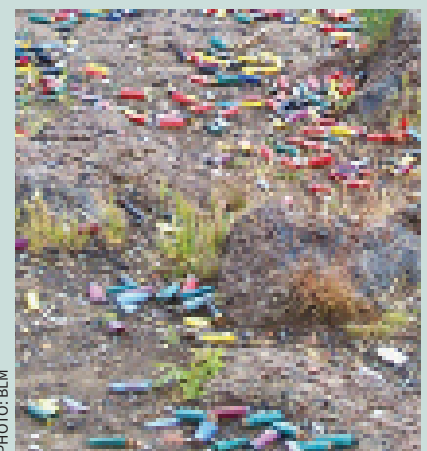


PHOTO: BLM

Recreational Hazardous Waste Site. Spent shell casings contain lead, arsenic, and other harmful chemical residues.

U.S. GEOLOGICAL SURVEY

Biosafety Whistleblower

A federal laboratory has suffered repeated biosafety breaches, resulting in releases of high-risk aquatic viruses and pathogens posing dangers to the environment, as well as equipment failures threatening the health of researchers and their experimental results. Instead of addressing the causes of breakdowns, the U.S. Geological Survey (USGS) made it harder to report problems, harassed the scientist who made reports, and now has moved to fire her.

In its Seattle-based Western Fisheries Research Center (WFRC), USGS operates animal containment biosafety labs studying aquatic pathogens, including dangerous exotic and invasive viruses. However, the labs suffer from poor maintenance of key equipment and lack of adherence to standard operating procedures. Perhaps the most serious incident involved the release for six months of pathogen-contaminated wastewater into the wetland adjoining one of Seattle's most popular parks around Lake Washington.

PEER is representing Eveline Emmenegger, a WFRC microbiologist, who has worked at WFRC for more than 27 years with excellent job performance ratings until only recently. Now, USGS is proposing to end her federal employment because of alleged issues with "quality"—but not accuracy—of a research paper she prepared for a science journal. In January, Emmenegger was placed on administrative leave, forbidden to enter the WFRC without permission, and escorted out of the center under armed guard.



Collecting Samples. Microbiologist Eveline Emmenegger manages and performs research in the highest biosafety level containment laboratory at the Western Fisheries Research Center.

"Evi Emmenegger is the epitome of a conscientious scientist who refuses to look the other way," stated PEER General Counsel Paula Dinerstein. "Her managers have tried many ways to silence her, without success, and now seek to impose a bureaucratic death penalty."

Among other problems she disclosed are releases of viruses putting endangered native fish at risk; poor lab air quality impacting personnel; compromised care and loss of research animals due to equipment failures; and WFRC management not reporting violations of permit conditions as required. In response, WFRC managers restricted scientists from reporting biosafety breaches to outside agencies or even up their own chain of command, and prevented them from monitoring critical equipment.

Unlike private and state labs, USGS laboratories are not subject to external accreditation. Thus, agency administrators are free to place budgetary and administrative convenience over safety and environmental protection.

Retirees Call Foul on Migratory Bird Shift

PEER is assisting ten retired Public Affairs officers in pursuing a complaint against their own former agency, the U.S. Fish and Wildlife Service (FWS), for violating basic press relations norms and fairness policies.

At issue is an FWS press release announcing a public comment period for a proposed rule to weaken the Migratory Bird Treaty Act to benefit oil, gas, and mining interests by allowing industry to kill birds in their operations unless the government proves the killings were intentional. The official release includes favorable statements from 28 industry organizations and others, ranging from the Governor of Alaska to the National

Association of Home Builders.

The signing press officers have over 200 years of combined experience and prepared or oversaw hundreds of government press announcements. Their complaint to the Interior Inspector General calls for an investigation into whether advance copies of the proposal were inappropriately shared with some, but not all, of the parties potentially affected by it, a violation of FWS's own communications policies forbidding "preferential treatment."

"This was a serious breach of protocol and communications ethics in how the regulatory rule-making and public comment

process was handled," said David Klinger, a former regional FWS press chief. "With great reluctance, we chose to challenge our old agency in which we all were proud to serve."

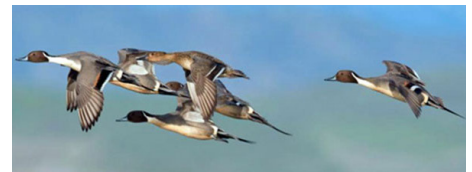


PHOTO: FWS

On the Wing. The Migratory Bird Treaty of 1918 adopted by the U.S., Canada, Mexico, and Russia, has provided legal protection for migrating warblers, hawks, ducks, and many other types of birds and is among the oldest wildlife protection laws in existence.



NATIONAL PARK SERVICE

Leaderless at Park Service HQ

At a time of national crisis, two-thirds of the top NPS slots lack a permanent official — an unprecedented leadership vacuum.

An analysis by PEER shows that besides having neither a confirmed Park Service Director nor a nominee for that key job, ten of 15 Deputy, Assistant, and Associate Director slots are entirely vacant or temporarily filled by an “acting” appointee. In addition, several Superintendent positions at major parks, such as Grand Canyon, Yosemite, and Grand Teton, also are filled by “actings” on an interim basis.

“Keeping so many leadership slots unfilled by permanent job-holders hobbles management and means that major decisions affecting our national parks are increasingly made by political appointees in the Interior Secretary’s office,” stated PEER Senior Counsel Peter Jenkins.

Meanwhile, PEER has uncovered that the Department of Interior put its highest-ranking national parks official, P. Danny Smith, in a cushy sinecure located in his hometown of Cary, North Carolina. The position description bearing the title of “Commemoration Specialist” was posted for just 7 days. Job duties are leading the National Park Service (NPS) “efforts on the 250th commemoration of our nation’s independence” in 2026. For this assignment aimed at an event six years away Smith will keep drawing a roughly \$165,000 annual salary.



Agency Adrift. Throughout the Trump presidency, the National Park Service has yet to have a Senate-confirmed Director and instead has had a series of deputies supposedly exercising the authority of director.

Smith was approved to telework but must report regularly to a duty station. Yet, apparently very few of those working on the Commemoration have seen hide nor hair of him. This lax arrangement appears to violate the telework restrictions NPS put in place last year—under the aegis of (guess who?) Danny Smith.

NPS is an agency suffering from a multi-billion-dollar maintenance backlog and can ill afford high priced ghost employees. Interior’s Office of Inspector General has opened an investigation into PEER’s complaint. ■

Wine Tasting, Yoga, and Parks

National parks are being directed to continue subsidizing a network of non-profit organizations despite a critical audit finding that the National Park Service (NPS) has overstepped its authority. At issue is the status of yoga classes, wine tastings, high-end weddings, business conferences, and other events hosted inside national parks without any financial return to parks or taxpayers.

NPS is shrugging off an audit by the Interior Department’s Office of Inspector General (OIG) finding that 18 parks’ arrangements with “residential environment learning centers” (RELCs) lack both legal footing and financial

accountability. In a February 28, 2020 memo to Regional Directors and park superintendents with RELCs, Thomas Medema, NPS Acting Associate Director for Interpretation, Education and Volunteers, declared “the OIG Report has not altered our support or need for our valued RELC partners.” His memo sought to calm “considerable anxiety around the findings and about how this report was portrayed in a few media reports.”

Despite a huge maintenance backlog and shrinking staff levels, the NPS subsidizes RELCs by providing support services without compensation for weddings and other events, including

waste disposal, water treatment, and maintenance for both park facilities and vehicles used. Unlike for-profit concessioners, the RELCs’ services are not competitively bid nor do they pay franchise fees to the host parks.

“These non-profits are raking in money at the expense of cash-starved national parks,” stated Pacific PEER Director Jeff Ruch, whose complaint triggered the OIG audit, noting that the RELCs claim tens of thousands of customers each year. “The National Park Service seemingly wants to prolong its days of wine and roses, at all costs.”

Parks in Coronavirus Limbo

Amidst a pandemic, national parks are getting mixed messages. To prevent crowding, at the time of printing, more than 100 parks have closed visitor centers, campgrounds, restaurants, and lodges, but many remain open.

In mid-March, the Interior Department waived entrance fees at all national parks to make it “easier for the American public to enjoy the outdoors in our incredible national parks,” in the words of Secretary David Bernhardt, who also waived entrance fees on national wildlife refuges and other Interior lands.

Meanwhile, individual parks are left to figure out how to protect public and employee health without —

- Measures to prevent crowds in large congregations packed around iconic places;
- Guidance for employees in preventing possible infection from visitors; and
- Plans for protecting park resources unmonitored as staff are placed on telework status.

“Just as it did during recent government shutdowns, the Trump administration has been trying to keep most national parks

open to create a facade of normalcy,” stated PEER Executive Director Tim Whitehouse. “Encouraging mass park visitation amid a pandemic is irresponsible and dangerous.” ■

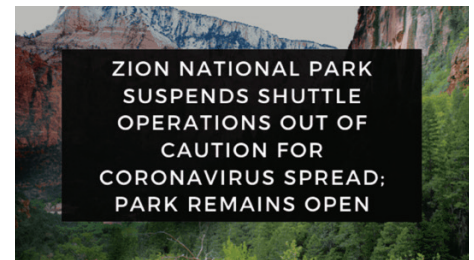


PHOTO: NPS

Mixed Message. Many national parks remain open even while closing some facilities.

Viral Talking Points

Even as the true dimensions of the COVID-19 pandemic have unfolded, federal officials are under orders to repeat talking points that minimize public health risks and extol the Trump White House, according to mandatory “Talking Points” obtained by PEER.

The Interior Department issued “Coronavirus Talking Points” on March 11th and distributed them to senior Interior officials. They downplay risks and dispense advice contrary to health warnings, such as —

- Repeatedly declaring “the threat to the American public today remains low” and that “Americans don’t need to change their day-to-day lives”;
- Minimizing risks to young adults by stating “In South Korea, **no one under age 30** has died from Coronavirus” (emphasis in original); and
- As states are issuing self-quarantine orders and banning large gatherings, this document says: “If there is an event tomorrow in a place where there is no community spread, I think the judgment to have it may be a good judgment.”

At the same time, the Talking Points heap praise on President Trump stating that —

- “President Trump having delivered the best economy in modern history has the tools and knows the tools to keep this economy going”; and

- “The President has directed the White House Task Force to take all steps to ensure the health and well-being of the American people and we are well-prepared.” (emphasis in original)

“These official Talking Points highlight what a misguided debacle federal pandemic response has been,” remarked PEER Executive Director Tim Whitehouse, noting that the Interior Department officials responsible for parks, refuges, and other lands covering roughly one-fifth of the U.S. are supposed to follow this guidance in responding to queries from the media, the public, and their own employees. “Our national response to a pandemic should not be conflated with the President’s reelection campaign.” ■

Bread and Circuses

Donald Trump enjoys public spectacles, whether a military parade or fireworks. In January, Trump ordered that the 4th of July fireworks show at Mt. Rushmore would resume this year.

This annual fireworks show was discontinued in 2009 over environmental concerns, principally the increased risk of fires in the pine-beetle infested forests of the Black Hills surrounding the monument. Trump dismissed any concerns, saying “What can burn? It’s stone.”



ENVIRONMENTAL PROTECTION AGENCY

Censored Science Puts Our Health At Risk

The Trump Administration has used the COVID-19 outbreak as cover to continue its attempts to gut public health and environmental protections. One of EPA's major actions after a national emergency was declared was to tell polluters they will be largely exempt from consequences for polluting the air or water during the outbreak. They are also pushing forward with a final rule to roll back automobile fuel efficiency standards, relaxing efforts to limit climate-warming tailpipe pollution and virtually undoing the government's biggest effort to combat climate change. No one wanted this change except the oil and gas industry and a few automakers.

Despite an outcry from most major scientific groups in the country, they are proposing to move forward with a "Censored Science Rule." The rule would

bar EPA from using critical scientific studies when underlying data are not publicly available, such as health studies where patient data must be protected by law. The rule ignores well-established, existing procedures for vetting scientific research and is being pushed forward by the oil and gas and chemical industries. The net effect is to destroy the foundations of many environmental rules and put Americans' health and our environment at risk.

"In this time of crisis, EPA needs to focus on supporting public health and the institutions of governance, not on the needs of those with an anti-health, anti-environment agenda."

— PEER General Counsel Paula Dinerstein

"In this time of crisis, EPA needs to focus on supporting public health and the institutions of governance, not on the needs of those with an anti-health, anti-environment agenda," notes Paula Dinerstein, PEER's General Counsel. ■

Bad Science, Dirty Water

In preparing one of the U.S. Environmental Protection Agency's most consequential actions, its political appointees excluded both key scientific information and its own experts, according to a PEER complaint which summarizes several accounts of current EPA employees and is co-signed by 47 former and current federal employees, including three former regional administrators, as well as experts from the Army Corps of Engineers and the U.S. Fish & Wildlife Service.

The complaint charges that Administrator Andrew Wheeler and his top aides took direct action to prevent the agency's best scientific research and its experts from contributing to the new definition of Waters of the U.S. (WOTUS) in blatant violation of EPA's Scientific Integrity Policy by directing expert staff to refrain from submitting comments for the administrative record; blocking use of scientific information to inform policy; and publicly mischaracterizing scientific content.

EPA's Scientific Integrity Office and Inspector General indicate they have instituted a formal investigation.

EPA Fails Flint, Again

The U.S. Environmental Protection Agency's long-awaited proposed Lead and Copper Rule will in some ways increase public health risks due to loopholes and rollbacks.

"There is nothing in this plan to prevent a repeat of horrific conditions in American cities such as Flint."

— PEER Science Policy Director
Kyla Bennett

In 1991, EPA adopted the Lead and Copper Rule. Now, nearly 30 years later, after public health crises in cities such as Flint and Newark, EPA has belatedly proposed some modest revisions to the rule.

PEER's formal comments on the rule highlight problems, including that EPA's proposal did not lower the maximum contaminant level (MCL) for lead, admitting

that this standard is not science-based but is "based on feasibility and not based on impact on public health." The rule also slows the rate of replacing Lead Service Lines. The current rule requires that systems exceeding the lead action level replace 7% of these lines per year, a rate EPA would lower to 3% annually. At the same time, it opens loopholes by exempting "goosenecks, pigtails, or other connectors" made of lead from replacement requirements.

"After decades of kicking the lead and copper can down the road, EPA has taken one timid step forward and two backward," stated PEER Science Policy Director Kyla Bennett, a scientist and attorney formerly with EPA. "There is nothing in this plan to prevent a repeat of horrific conditions in American cities such as Flint—but that was supposed to be the point of this action." ■

COVID-19

Agencies not on Emergency Footing

Although the President declared a national emergency in response to the pandemic, environmental agencies have not altered their agendas to meet federal directives, according to a PEER analysis. In fact, actions by agencies such as the U.S. Environmental Protection Agency (EPA) detract from what is officially defined as its “Primary Mission Essential Function.”

Under Federal Emergency Management Agency guidance, EPA’s “Primary Mission Essential Function” is to “Prevent, limit, mitigate or contain chemical, oil, radiological, biological, and/or natural or man-made disaster...and provide environmental monitoring, assessment, and reporting in support of overall domestic

incident management.” Yet, EPA is doing the opposite by prioritizing an array of regulatory rollbacks on clean water, air pollution, and other subjects, while devoting scarce resources to finishing these new rules by this summer. At the same time, it is suspending pollution permit standards and offering enforcement forgiveness.

“EPA’s business-as-usual approach not only distracts from but also compromises what is supposed to be its prime directive,” stated PEER Executive Director Tim Whitehouse, a former EPA enforcement attorney, noting that EPA has refused to suspend or delay rule-making on any of its non-emergency initiatives during the COVID-19 pandemic. “Amidst this

emergency, public health protections are subservient to the wishes of the oil and gas and chemical companies.”

The same is true at the Department of Interior, which has not reprioritized but is instead pursuing ambitious regulatory relaxations on topics ranging from grazing to reintroducing genetically modified crops and dangerous insecticides on wildlife refuges. At the same time, it is straining law enforcement by waiving entrance fees on parks and refuges and inviting crowds “to enjoy the outdoors.” (see Page 7 story) ■

No Relief from Grazing Abuse

Among the pandemic-deaf regulatory rollbacks federal agencies are rushing through is the Bureau of Land Management plan to rewrite its grazing rules. Most troubling is BLM’s announced intent to relax its Standards for Rangeland Health that prescribe the minimum quality of water, vegetation and soils, as well as the ability to support wildlife.

PEER has obtained BLM’s assessment of range conditions across 150 million acres in 13 Western states, which shows —

- Of total acres assessed, 42% fail to meet BLM Standards for Rangeland Health, totaling nearly 40 million acres;
- The largest portion (70%) of range health failure is due to livestock overgrazing in allotments covering nearly 28 million acres; and
- These figures are underestimates because nearly 40 percent of these federal rangelands—nearly 59 million acres—have never been assessed.

“By its own yardstick, BLM is a poor steward of our federal rangelands,” stated PEER Advocacy Director Kirsten Stade, noting that the BLM and Forest Service grazing fee was set again this year at its lowest allowable rate, a small fraction of rates for grazing on comparable private or state lands. “These ultra-low fees subsidize land abuse.” ■



Mooving Violations. BLM’s most recent data on the health of federal rangelands reveal extensive damage from excessive commercial livestock grazing.



“BLM is a poor steward of our federal rangelands,” stated PEER Advocacy Director Kirsten Stade, who is working to document and make publicly accessible the agency’s records of its own failed stewardship. “These ultra-low fees subsidize land abuse.”



PEER PERSPECTIVE

Social Distancing



Coral Evans, Mayor of Flagstaff, Arizona

Coral Evans came up against a wall of resistance for her efforts to address the COVID-19 pandemic. When much of the state's political leadership was in denial about the pandemic, Evans was the first Arizona Mayor to call for the closure of bars and restaurant dining rooms. When she ordered the closure of salons in Flagstaff, a Republican politician from the Tuscon area threatened to ask the Attorney General to suspend state-shared revenue with Flagstaff. While Washington dithered, Evans was one of many elected officials to support the closure of Grand Canyon National Park. Mayor Evans, like thousands of elected officials across the country, worked to implement a public health-based response to the pandemic and did not back down in the face of other more powerful but incompetent politicians and bureaucrats.



Dr. Kim Hasenkrug, National Institutes of Health immunologist

One of the world's experts on immune responses to persistent viral infection, Hasenkrug has been fighting for the ability to use human fetal tissue in experiments to develop potential treatments for coronavirus. His proposal requires an exception to Trump's policy banning federal funding for the use of fetal tissue in scientific research. While experts call the experiments potentially extremely promising, the Department of Health and Human Services, NIH's parent agency, has forbidden Hasenkrug from publicly discussing the issue. Meanwhile, his appeal continues to languish in the White House.



Rob Wallace, Assistant Secretary for Fish, Wildlife, & Parks

In an all-employee phone call Assistant Secretary Wallace had the gumption to claim that "the best practices for how to respond to this pandemic rest with the National Park Service." At every turn, the NPS has bungled its pandemic response, ignored input from local officials, staff, and superintendents, defied public health officials, and took actions against employees who raised concerns. In the words of one unidentified ranger at Grand Canyon National Park, NPS employees have been "sacrificial lambs" to a wrong-sided policy.



Tohono O'odham Chairman Ned Norris Jr.

Chairman Norris is leading protests against the Department of Homeland Security bulldozing and blasting through culturally significant archeological sites to build a south-west border wall. "This disrespect for our sacred sites and their desecration at the hands of our federal government is deeply painful. These sites are not only sacred to the Nation; they are a part of our shared cultural heritage as United States citizens," he testified this February before a House subcommittee. Some of the most important cultural sites are not on the Tohono O'odham reservation, despite their importance to the tribe. Norris commented, "We're on this reservation not because we wanted to be on this reservation, but our ancestral lands extended well beyond what they are today." Under legislation passed by Congress, the Trump administration has issued waivers on environmental and historical preservation laws, even eliminating the requirement that affected tribes are notified, let alone consulted.



Brian Kemp, Governor of Georgia

Gov. Brian Kemp said on April 1st that he had just received new information on the spread of coronavirus that resulted in his decision to issue a stay-at-home order for the state. What was that new information? His discovery that the virus can be spread by people exhibiting no symptoms. Considering the CDC is located not much more than a stone's throw from the Governor's residence, and Georgia has some of the best medical schools in the country, perhaps Kemp ought to listen to those experts in his own state rather than the right-wing media? Not long after issuing the order, he backtracked and reopened state beaches, a move denounced by many coastal communities.



Virginia Governor Ralph Northam

In reaction to the Trump rollback of the ban against incidental take in the Migratory Bird Treaty Act (see article on page 5), Northam has directed the state Department of Game and Inland Fisheries to start drafting a regulation addressing accidental bird kills by industry. In addition, Virginia is funding the creation of new nesting habitat for thousands of migratory seabirds. Northam's actions show that, in some cases, states' rights can correct federal wrongs.

NUCLEAR REGULATORY COMMISSION

NRC's Radioactive Mess

While the nation is focused on the coronavirus pandemic, the Nuclear Regulatory Commission is quietly moving to permanently deregulate massive amounts of radioactive waste. NRC wants to abrogate longstanding requirements that, with very limited exceptions, such waste must be disposed of in licensed radioactive waste sites meeting detailed safety standards and subject to NRC inspection and enforcement.

The NRC plan would, in effect, allow every reactor in the country to dump virtually all its radioactive waste except spent fuel in local regular garbage dumps that are designed for household trash, not for plutonium.

“Eliminating public health protections during a pandemic is beyond perverse.”

— Pacific PEER Director Jeff Ruch

NRC says its “intent” is to limit this deregulation to “very low level radioactive wastes,” although the actual proposal allows doses to the public equivalent to more than 900 chest X-rays over a lifetime, with a cancer risk twenty times higher than the upper end of the Environmental Protection Agency’s acceptable risk range and thousands of times the risk goal for Superfund sites. In addition —

- Unlicensed radioactive waste dumps under the proposal would be allowed to expose the public to 2.5 times higher levels of radiation than allowed for



The proposal allows doses to the public equivalent to more than 900 chest X-rays over a lifetime, with a cancer risk twenty times higher than the upper end of EPA’s acceptable risk range.

licensed low-level radioactive waste sites under NRC’s current regulations, thus allowing unlicensed dumps to take all the radioactive waste now required to go to licensed disposal facilities;

- Both the National Academy of Sciences and EPA calculate that the risk of such doses would be every 500th person exposed getting a cancer from the radiation; and
- Unlicensed radioactive waste dumps would be established without public notice or opportunity for hearing and free of any subsequent NRC oversight.

“NRC’s action could transform most municipal dumps into radioactive repositories, with essentially no safeguards for workers, nearby residents, or adjoining water tables,” stated PEER Pacific Director Jeff Ruch, pointing out that the plan eliminates the incentive to pay for the additional safety measures, radiation monitoring, health physics personnel,

design standards, and NRC inspections required of licensed operators. “This stealth action would functionally deregulate the bulk of the nation’s nuclear waste stream.”

Despite the magnitude of this change, the NRC claims it is merely an “interpretative rulemaking” that does not trigger review under the National Environmental Policy Act or formal rulemaking requirements of the Administrative Procedure Act. Thus, it could go into effect this month.

“Under this plan, the public would never even know that radioactive waste is being dumped nearby, because current requirements of public notice and opportunity for a hearing and independent review by an Atomic Safety and Licensing Board would no longer apply,” added Ruch, noting that the NRC is open for public comment only through April 20th. “Eliminating public health protections during a pandemic is beyond perverse.” ■

Thank You!

This quarter, we would like to express our gratitude for the exceptional generosity of members David A and Evelyne T Lennette, Gerry and Vicki Wolfe, and Justin and Li Schmidt.

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COVID-19 — Continued from page 1 ►

prevention rather than relaxing our collective vigilance.

Looking beyond the immediacy of the moment, we will continue to chart the steady decline in capacity in public health programs at all levels of government. Not only have our health agencies lost substantial financial support, but they also suffer a growing vacuum in institutional leadership. Redressing the “hollowing out” of key health, international, and environmental bureaus will remain a PEER priority throughout this decade.

Meeting these challenges will require your continuing support. Fortunately, a major source of strength has been, and will remain, the public servants it is our honor to serve. ■

Missed Early Warnings

PEER clients have pointed us to the decline of pre-pandemic planning in federal agencies such as the Centers for Disease Control and USAID. These clients have reported dysfunction in pandemic response agencies at home and in their missions abroad operating out of U.S. diplomatic missions.

At the same time, experts have seen their funding dry up, their scientific work discounted, and their independence to tackle public health threats stifled. Highlighting these rollbacks will be an increasingly important task moving forward, as will be protecting these sources.

These failings are all compounded by an evaporation of publicly available information. For example, PEER has been in federal court for more than a year trying to force FEMA to release its Strategic National Risk Assessment, including the statistical profile of pandemic dangers. The absence of this information essentially cuts states, Congress, and the public out of preparedness decision-making.

While improving our planning may be too late for the current pandemic, experts warn of increased threats from zoonotic viruses. This will require that we learn the lessons of this pandemic and refocus the tools of government on public health, the environment, and protecting our natural world.