



PEERreview

A Publication of Public Employees for Environmental Responsibility



PHOTO: JESS KRAFT/SHUTTERSTOCK.COM

Today the work of civil service employees is under attack. One agency hit hard is the National Park Service, where the number of full-time staff has dropped by 16% since 2011.

The War on Civil Service

President Obama once famously promised to make federal service “cool again.” Today that aspiration seems quaint, at best.

Federal employees are beset by government shutdowns, both actual and threatened, disruptive transfers and relocations, and attempts to defund or dismantle entire agencies. A new survey of federal workers commissioned by *Government Executive* magazine indicates the toll taken:

- Less than half of federal workers would stay in their jobs if offered a similar position elsewhere; and
- While a majority of federal employees take pride in their work, they have low levels of trust in agency leadership (38%) and most (55%) lack confidence

that their organization aligns with their agency’s stated core values.

At the same time, legal structures that enable employees to resist illegal orders and reverse abusive actions are short-circuited. The civil service court system, called the Merit Systems Protection Board, has been inoperative since Trump’s inauguration, leaving thousands of personnel appeals in limbo. Official scientific integrity policies, never very strong, have become dead letters as politics reigns supreme, brooking no internal dissent.

As a result, increasingly, PEER is representing seasoned professionals who believe that their agency’s current actions are blatantly illegal and, in some cases, downright immoral. This newsletter is filled with examples of these cases.

This discouraging devolution takes place against a backdrop of challenging demographics — between a third and a half of the workforce in environmental and public health agencies is now eligible for retirement. This wave of departure will only steepen during the coming decade.

All the above denotes a federal civil service in desperate need of a makeover. In an agency like EPA, a return to the halcyon days of yore is not likely and arguably not desirable. EPA’s job today is bigger and more complex than in decades past. Instead of restoring EPA, the goal should be to reconstruct it so that it is more effective than it ever was.

In 2020, PEER is reaching out to current and retired experts in these agencies to begin charting a path for them to accomplish their missions better during the next administration. Our premise is that nothing is as cool as true effectiveness.

Turmoil at Interior

Career senior managers inside the U.S. Department of Interior have seen far better days, according to a new PEER survey. These managers feel the brunt of confused reorganizations, increased centralization of decision-making, and a continuing carousel of short-term “acting” directors, many without much grounding in their temporary high-level portfolios.

The Senior Executive Service contains the top level of civil service managers. In 2017, then-acting Interior Secretary David Bernhardt reassigned 27 of its 227 SES positions without a written plan or demonstrated rationale. Several resigned while the remainder suffered through —

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FROM THE EXECUTIVE DIRECTOR

A New Year

Now is a time to reflect on our accomplishments in 2019 and to prepare for what we will face in 2020. For many, the pace of change in the last three years has been dizzying. Hard-won progress on environmental protection is being wiped out before our eyes.

But there are reasons for hope. The resistance to the Trump administration's environmental policies is strong and will continue to grow. Environmental groups, Attorneys General, and state and local governments are winning lawsuits at record rates against the administration's gutting of environmental protections. States and local governments are beginning to take the lead on cutting carbon emissions and restricting the use of toxic chemicals.

At PEER, we have never been busier. In addition to our work on important whistleblower cases in 2019, our accomplishments include winning a federal lawsuit ordering public release of information detailing chemicals released by industrial accidents; publishing Department of Interior internal documents on oil and gas drilling in the Arctic Coastal Plain, painting a roadmap for litigators to use to block the Trump Administration's rush to open the area to petroleum development; and making significant inroads in addressing the emerging clean water crisis arising from the spread of so-called "forever chemicals," called PFAS, which do not break down in the environment and bioaccumulate in the food chain—and in us.

These were just some of our recent successes. They would not be possible without the dedicated federal and state employees who inspire our work.

That is why in the coming year, with your support, we will continue our fierce opposition to ongoing threats to the environment and public servants. We will do this by:

- Challenging Executive and Congressional power when it is used to further the exploitation and destruction of the environment and public lands.
- Exposing problems in government agencies, finding solutions to these problems and holding agencies and leaders accountable.
- Counseling, advising and representing public employees who work to protect the environment.
- Inspiring a new generation to value and respect government service.

PEER's work requires the pursuit of truth, the exchange of ideas, and an open, democratic system of governance. Times have been tough these past few years, but our work together is making a difference.

— Tim Whitehouse, Executive Director

About Us

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.

POLLINATORS

Pollinator Briefings on Capitol Hill

PEER hosted two congressional briefings about the devastating impacts of neonicotinoid pesticides (neonics) on wild pollinator populations in October. The events assembled top experts to advise Congress on new federal policies needed to stem sharp declines in pollinating insects, birds, and bats.



PHOTO: BLUE DASHER FARM

Combat Entomologist. One of the panelists was former PEER client Dr. Jonathan Lundgren, who left USDA so that he could continue doing cutting edge science on adverse impacts of industrial agriculture.

Neonics, such as imidacloprid and clothianidin, are the most widely used insecticides on the planet. They are designed to target the insect nervous system, destroying nerve cells and quickly killing exposed insects. Those not killed outright suffer chronic effects. The emerging science suggests that neonics

also pose a health risk to people, as they contaminate waterways and food, raising alarms beyond the already significant risk to bees and other pollinators.

One presenter was Dr. Jonathan Lundgren, a former U.S. Department of Agriculture entomologist. Dr. Lundgren is now researching and educating farmers about sustainable agricultural practices that benefit natural flora and fauna without hurting crop yields.

Participants also discussed federal land-use policies, especially on wildlife refuges. In 2015, capping six years of PEER litigation and advocacy, the U.S. Fish & Wildlife Service (FWS) banned all genetically-modified crops, such as “Roundup Ready” corn, and all neonic insecticides from use in national wildlife refuges. In August 2018, the Trump administration reversed this ban.

The briefings featured presentations from Representatives Earl Blumenauer (D-OR) and Nydia Velázquez (D-NY), who are sponsors of legislation to curtail the use of neonics, including the Protect Our Refuges Act, which would restore the GMO/neonic ban.

Further underlining Trump Administration priorities was his nomination of Aurelia



PHOTO: KEVIN BELL

Pollinator Panel. PEER’s Peter Jenkins, who has been leading PEER’s fight against toxic pesticides, moderated the panel.

Skipwith, a former executive with Monsanto (now part of the German chemical giant Bayer), to serve as FWS Director. Monsanto/Bayer have been key promoters of GMO crops and neonic insecticides. Skipwith has since been confirmed.

“The House and Senate briefings, and concurrent Lobby Day, were timely gatherings and the first of several as we plot a course to reverse a growing shadow of ecological damage from overuse of these commercial poisons,” commented PEER Senior Counsel Peter Jenkins, who organized the events. “The rapid decline of pollinators is a clear threat to food security, not only in this country but globally.” ■

Rattlesnake Hill Saved

Ending a 17-year campaign led by PEER’s Kyla Bennett, the Commonwealth of Massachusetts used conservation funds to purchase Rattlesnake Hill, a 337-acre parcel of pristine land immediately adjacent to Borderland State Park in Massachusetts. Its mosaic of uplands and wetlands is home to a globally rare turtle and its namesake the eastern diamondback. It also contains eleven vernal pools. Its purchase with a combination of state and local funds, plus

donations, completes a stretch of more than 2,000 acres of contiguous wild habitat in fast-growing southeastern Massachusetts.

Rattlesnake Hill was slated for preservation by the Commonwealth in 2002, using environmental bond funds to buy it. Then-Governor Mitt Romney blocked that purchase to allow various development schemes, all of which, thankfully, were defeated.

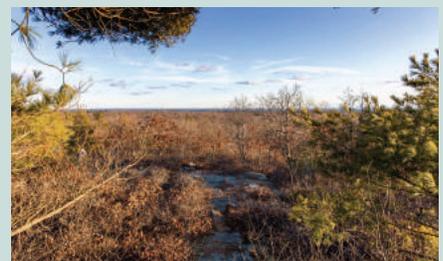


PHOTO: KYLA BENNETT

Rattlesnake Hill will remain a rare nature preserve in fast-growing Southeastern Massachusetts.



NATIONAL PARK SERVICE

Suit Challenges E-Bike Order on Park Trails

The recent National Park Service (NPS) order allowing electric bicycles on park trails violates several federal laws and should be rescinded, according to a lawsuit filed by PEER and a coalition of conservation groups. Nearly 25 national parks have acted to admit e-bikes.

This August, Interior Secretary David Bernhardt ordered that all Interior agencies, including NPS, immediately allow e-bikes “where other types of bicycles are allowed.” The next day, deputy NPS Director Danny Smith issued a “Policy Memorandum” to that effect.

It also turns out that Bernhardt was meeting behind closed doors with an industry-led “E-bike Partner & Agency Group.” E-bike vendors stand to profit from Bernhardt’s move. The PEER suit points out that these meetings violate the Federal Advisory Committee Act, which forbids this sort of clandestine lobbying. The industry impetus is not surprising given that, as a former industry lobbyist himself, Bernhardt regularly excludes the public from decision-making and favors powerful commercial interests.

The PEER suit cites several legal impediments to this NPS shift, including that it —

- Violates a federal regulation that may not be set aside by administrative fiat;
- Improperly evades legally required environmental reviews; and
- Came from an official who lacked authority to issue any such order.

“This e-bike order illustrates an improper and destructive way to manage protected lands” stated PEER Executive Director Tim Whitehouse. “The order represents another inroad of commercialized recreation into our National Parks.” ■

PHOTO: FLYSTOCK/SHUTTERSTOCK.COM



Thrill Sport. Higher speed e-bike riders pose risks both to other trail users and to park wildlife.

Shrinking Park Staff

The National Park System is responsible for more than 85 million acres of land including 419 parks, battlefields, monuments, seashores, and scenic trails. In 2018, nearly 320 million people visited national parks.

In contrast to this increasing workload, overall staffing, as measured by full-time equivalent employees (FTEs), has fallen sharply from 2011 through 2019, by more than 3,500 or 16%, according to agency figures. This includes a decline of 20% of rangers and emergency personnel. In addition, as the backlog of needed maintenance and infrastructure work has ballooned to \$12 billion, facilities and maintenance staffing has decreased the most of any workforce component—a 21% drop, more than 1,000 fewer FTEs.

“Our national park system is suffering from chronic neglect, manifested by a serious erosion in our ability to safeguard some of our country’s most iconic areas for current and future generations,” commented PEER Executive Director Tim Whitehouse.

MARK VAN SOYOC/SHUTTERSTOCK.COM



Denali Disneyland

PEER is pushing back against a plan for a new recreational hub in one of the most pristine parts of Denali National Park and Preserve. The plan includes 80 miles of trails, campgrounds, a hostel, a transit system, and acres of administrative buildings. It reflects Trump administration efforts to maximize recreation and commercial opportunities on federal lands and would —

- Disrupt wildlife in a variety of ways, including many more human-bear interactions on trails;
- Damage miles of already shrinking wetlands and create major new erosion; and
- Primarily benefit private lodges on nearby park inholdings.

“Wonder Lake is perfect just as it is and needs no ‘improvement,’” remarked PEER Board Member Rick Steiner, a retired University of Alaska professor and noted Denali advocate.

PHOTO: NPS



Aptly Named Wonder Lake Area. One of the most sublime places in America’s national park system is often called the Crown Jewel of Denali.

Whistleblower Restored

In a courthouse steps settlement, a Bureau of Land Management whistleblower was returned to his work. Craig Hoover had reported numerous violations, including grazing trespass in areas outside of permits and in excess of permit limits. BLM's Ely Field Office took no enforcement action but instead fired him for reasons too flimsy to recount.

Under the settlement, Hoover, who was previously based in Ely, is reinstated to a new position in the Elko Field Office, also in Nevada. The agreement was reached just days before his hearing challenging the action was to be heard by a judge from the U.S. Merit Systems Protection Board, the federal civil service court.

"PEER has been honored to represent Craig Hoover," said PEER Senior Counsel Peter Jenkins, who handled the case. ■



PHOTO: CRAIG HOOVER

Living to Tell the Tale. Craig Hoover, a 21-year veteran Range Management Specialist, is now back at work.

Call for Temporary BLM Lead William Perry Pendley to Step Down

PEER joined 91 groups concerned with public lands management, representing more than 3.9 million Americans, in submitting a letter to Interior Secretary Bernhardt calling for William Perry Pendley to resign or be removed from office. Pendley lacks Senate approval to lead the agency. The letter cites Pendley's direction to implement the agenda of public lands extremist groups, his conflicts of interest relating to his former law firm's continued representation of opponents of the Bears Ears and Grand Staircase-Escalante National Monument designations, the movement of BLM headquarters personnel from Washington to western offices without congressional authorization, and his leadership skewed towards industry.

Pendley authored an op-ed in November directing federal law enforcement to allow local law enforcement to take the primary role in enforcing federal laws on federal public lands. He has also directed a mandatory relocation of senior BLM career employees from the agency's headquarters in Washington, D.C.

"Pendley has pushed hard to move scores of HQ staff to Grand Junction in the heart of natural gas production in Western Colorado," said Peter Jenkins of Public Employees for Environmental Responsibility. "With no direct flights to DC it makes no sense—except to strengthen BLM's ties to oil and gas production, harm oversight by Congress, and weaken the influence of the agency. Even worse, he is scattering other professional support staff all over the West."

In October of 2019, Pendley issued a controversial statement that wild horses were the primary issue facing the BLM, angering conservationists who pointed to real crises facing the agency, including sage grouse declines, livestock overgrazing, cheatgrass spread, climate change, and many other problems. ■

"By all indications, BLM's livestock grazing program is landscape malpractice on an epic scale"

— PEER Advocacy Director
Kirsten Stade

BLM's Lack of Candor on Grazing

Grazing is by far BLM's biggest program, covering more than 150 million acres across 13 states. And yet BLM has shrunk the cyberspace accorded to it, demoting commercial livestock grazing from a program to a sub-program on its website.

BLM was never very forthcoming about information on grazing impacts but under the Trump administration even the previous trickle of data has stopped. So, PEER is in court seeking to shed light on unanswered questions about ultra-low grazing fees and overgrazing damage. The last available reports indicate that 30 million acres are suffering range health failure due to overgrazing.

"By all indications, BLM's livestock grazing program is landscape malpractice on an epic scale," remarked PEER's Advocacy Director Kirsten Stade, noting that commercial livestock grazing is also a major climate change agent, releasing millions of tons of carbon and more than one third of all human-induced methane. "BLM's lack of institutional candor is reducing much of the American West to terra incognita."



ENVIRONMENTAL PROTECTION AGENCY

Aging Refineries Put Communities at Risk



PHOTO: CSB

Courting Disaster. Exposure to merely 170 parts per million of HF in air for ten minutes can result in death or serious injury while an HF plume can linger for hours.

The U.S. Environmental Protection Agency has rejected a PEER legal petition to ban a refinery chemical with the potential to cause catastrophic loss of life in American cities. At issue is the chemical hydrogen fluoride (HF), the industry's most hazardous substance. HF is still used at more than a third

of the 148 refineries in the U.S. located in areas with more than 22 million residents.

PEER filed the petition this past June following a massive explosion at a Philadelphia refinery that could have caused a Bhopal-scale public safety disaster. At first, company officials said there was no release of HF but in October, investigators said it appeared about 3,200 pounds (1,452 kilograms) of hydrofluoric acid were released into the atmosphere during the explosion.

The petition recounted several other recent HF near-misses, but EPA claimed a “lack of sufficient facts establishing that it is necessary for the Agency to issue a rule.” In April 2019, the U.S. Chemical Safety Board also asked EPA to use its authority to prevent “catastrophic releases” of HF and direct reliance upon “inherently safer” technologies. However, CSB has no power to enforce its recommendations.

“EPA appears to be saying that it will not act until there is a body count,” stated PEER Executive Director Tim Whitehouse. “Preventing these types of disasters is a major reason why we even have EPA.” ■

What's in That Smoke Cloud?

A recent refinery explosion that paralyzed much of the San Francisco Bay Area raised concerns about the contents of the chemical plume coating communities. A new regulation requiring release of information about chemicals released by industrial accidents has yet to take effect.

Since 1990, the Clean Air Act has required the Chemical Safety Board to determine and disclose air pollutants emitted by any industrial accidents. But the CSB never implemented this mandate until PEER and community groups obtained a court order directing its adoption by February 4, 2020.

“This accident underlines the importance of the right to know,” stated Pacific PEER Director Jeff Ruch. “First responders need to know the nature of the chemical fires they are tasked to contain.”

This is only one of more than 1,000 industrial chemical accidents estimated to occur each year. Refineries remain especially vulnerable. Nearly 95% of all U.S. refineries were built before 1985 and suffer from corrosive leaks that may lead to ignition.

Dow Family Man To Lead EPA Region 1

This August, EPA announced the appointment of Dennis Deziel to serve as Regional Administrator for the six New England states. Deziel most recently worked as Dow's Director of Federal Government Affairs.

Dow is one of the world's leading chemical manufacturers. It has some responsibility for 96 Superfund toxic waste sites, making it the 10th most responsible party for the more than 1,300 such sites across the country. Dow's history also includes infamous chemical disasters such as the 1984 mass poisoning in Bhopal, India.

Under ethics rules, Deziel is forbidden from participating in any EPA matter involving his former employer for two years after his start date. Those matters include 21 active Superfund sites, nearly one-fifth of such sites in New England, according to documents obtained by PEER.

PEER also posted Deziel tweets touting his role as a “proud member” of the “Dow Chemical family.” Ironically, Deziel is not recused from working on issues related to toxic PFAS (see Page 8), another member of the Dow Chemical family.

Pollution Enforcement Continues Cratering

Criminal anti-pollution enforcement continues to implode under Trump, according to the latest figures released by PEER. Prosecution of pollution crimes in Fiscal Year 2019 fell to an all-time low, as the ranks of U.S. Environmental Protection Agency criminal investigators shrink:

- There were only 75 EPA-initiated criminal prosecutions filed, a low dating back to 1994; and
- Convictions secured are at the lowest level this century, and half the number of such convictions won just five years ago.

“By any recognized metric, the odds of corporate polluters facing criminal

consequences have reached a modern low,” stated PEER Executive Director Tim Whitehouse, a former EPA enforcement attorney. “Every year under Trump has seen a further enforcement decline.”

At the same time, ranks of EPA Criminal Investigation Division agents continue to dwindle with only 158 on staff this year, down from 175 in 2012, and well below the 200-agent minimum threshold Congress set in the U.S. Pollution Prosecution Act of 1990.

PEER is working with current and former EPA enforcement specialists to develop a roadmap for reinvigorating pollution prosecution in the next administration. ■



PHOTO: USEPA

Fewer Cops on the Beat. Translates into fewer investigations, prosecutions and convictions.

Coal Discharges in our Drinking Water

Washington, D.C.'s sole source for drinking water is the Potomac River, with an intake located roughly 30 miles downstream of a coal-fired power plant. However, EPA is ignoring pleas from water utilities to prevent a cancer-causing chemical from being released into the nation's waterways. The agency has decided against setting discharge limits for bromide.

While bromide is not harmful to humans on its own, it can form toxic chemicals, such as trihalomethane, linked to bladder cancer, when disinfectants cause bromide to mix with organic material naturally present in water. EPA is not requiring coal plants to use new membrane filtration to remove bromide.

GenOn's Dickerson Generating Station in Maryland dumps wastewater containing tons of bromide into the Potomac in steadily growing amounts. The Army Corps of Engineers operates the Washington Aqueduct intake and warns “Drinking water treatment plants downstream cannot remove bromide from the source water.”



PHOTO: US ARMY CORPS OF ENGINEERS

Sole Source. The intake at the Washington Aqueduct is managed by the Army Corps of Engineers and feeds drinking water utilities for the D.C. metro area.

This increasingly serious situation denotes how the U.S. is not meeting clean water challenges posed by arrays of unregulated but harmful chemicals injected into our water supplies. PEER argues that “dilution is the solution to pollution” can no longer be the governing bromide for water quality management in this country. ■

Appeals Repeal

Challenging a U.S. Environmental Protection Agency pollution discharge permit will be much harder under changes the agency has just adopted. Under the guise of streamlining, EPA would straight-jacket its quasi-independent appeals board by determining what it could hear and how it could rule.

The changes significantly alter EPA's 27-year old Environmental Appeals Board. During that time, the EAB decided nearly 600 permit appeals, principally on permits issued under the Clean Water and Clean Air Act, with less than 1% of final EAB decisions reversed in court.

“Gutting the Environmental Appeals Board is a classic example of foisting a fix on an institution that is not broken,” remarked PEER Executive Director Tim Whitehouse, noting that the EAB is one of the few entities inside EPA whose decisions are made by civil servants, not political appointees.



PFAS

Forever Chemicals' Eternal Waste Stream

Per- and polyfluoroalkyl substances (PFAS) are called “Forever Chemicals” because they do not break down and bioaccumulate in the food chain. Their persistence and mobility in the environment make them a serious threat to human health and a challenging problem to address.

PEER is grappling with two troubling post-disposal PFAS issues. One involves leachate from landfills containing PFAS. We objected when the U.S. Environmental Protection Agency (EPA) proposed a pollution discharge permit that would have allowed leachate to be discharged into a wastewater treatment system. The leachate was contaminated with PFAS that was hundreds and, in some cases, thousands of times over federal and state health guidelines. Because of the lack of control technologies to clean up PFAS, the PFAS would have ended up in the Merrimack

BayState fertilizer, produced by the Massachusetts Water Resources Authority, has 40,000 parts-per-trillion of 17 different PFAS, more than 500 times the U.S. EPA Lifetime Health Advisory limit for just two of those compounds.

River, the source of drinking water for 500,000 people in Massachusetts. We uncovered a permit for discharging the same leachate into Maine’s waters.

The resultant front-page publicity in the *Boston Globe* from these revelations caused both permits to be rescinded. However, the larger problem of toxic landfill leachate remains.

We also discovered that biosolid-based fertilizers made with sewage sludge contain high levels of PFAS. BayState fertilizer, produced by the Massachusetts Water Resources Authority, has 40,000 parts-per-trillion of 17 different PFAS, more than 500 times the U.S. EPA Lifetime Health Advisory limit for just two of those compounds. This is particularly troubling because the toxic substances —

- Migrate to both groundwater and surface waters, some of which are sources of drinking water. After a single biosolids application, PFAS can be detected in groundwater months later;
- Accumulate in crops consumed by both livestock and humans; and
- Risk exposing workers and consumers handling PFAS-laden fertilizers.

In the U.S., millions of tons of biosolids are applied to lands each year to improve soil productivity to stimulate plant growth. Despite meeting EPA standards, these biosolids can still contain pollutants harmful to the environment and human health.

“These fertilizers are another open pathway for dangerous PFAS penetration of our food chain,” stated PEER Science Policy Director Kyla Bennett, a scientist and attorney formerly with EPA. “Unfortunately, EPA lacks a regulatory handle for keeping PFAS and other hazardous but unregulated chemicals out of biosolid fertilizers sold to the public.”

PEER is pressing EPA to classify all PFAS as hazardous chemicals so that they are segregated from the waste stream and do not keep reappearing in new toxic guises. ■



PHOTO: KYLA BENNETT

PEER Science Policy Director Kyla Bennett leads our efforts to fight harmful PFAS contamination.

Dark Waters Still Dark

The new movie *Dark Waters* charts a multi-year legal battle against DuPont for contaminating the drinking water of a West Virginia town. While it is an excellent movie, one could come away with the impression that the case solved the PFAS problem. Despite the multi-million dollar settlement wrung from DuPont, PFAS remains largely unregulated and hundreds of communities are similarly afflicted with no payday yet on the horizon. ■

Trade Secrets' Dark Shadows

Hundreds of companies in the U.S. are manufacturing or importing PFAS. These companies file production information with EPA, but PEER has documented how important information in these filings, including the company name and location, is labeled “confidential business information” and not available to the public. While EPA hides this information, state governments are struggling to get a handle on PFAS contamination in their states, while taxpayers, not chemical companies, are left to pay the bills. ■

Right Whale Reprieve



PHOTO: NOAA

Most Endangered Mammal on Earth. Today, there are only 400 North Atlantic Right Whales left in existence. NOAA concedes that the population is at a tipping point where even a single death is a threat to species survival.

A federal court has ruled that the National Oceanic & Atmospheric Administration failed to protect critically endangered North Atlantic right whales when opening nearly 3,000 square miles of previously protected New England marine waters to dangerous fishing gear. A key factor cited in the ruling was information filed by PEER with the Inspector General charging that the agency altered its official record to hide scientific research. Much of the suppressed information was authored by NOAA scientists, showing that more protections are needed for this highly imperiled marine mammal.

The court ordered NOAA to disallow sink gillnets—walls of mesh that entangle animals that swim into them—in large areas off the New England coast visited by a quarter of the remaining right whale population.

In its filing with the IG, PEER called out blatantly untrue representations by senior NOAA officials of a scientific consensus that reopening of restricted fishing areas would not adversely affect the right whale. The opposite is true, according to findings by NOAA scientists published in peer-reviewed journals.

This is just the latest example of where a federal agency has censored what are supposed to be complete and accurate administrative records supporting official acts. PEER has proposed legislation to prevent alteration of federal administrative records such as occurred here. Unfortunately, there is not likely to be an official investigation into actions by senior NOAA officials that appear to constitute scientific fraud. ■



PHOTO: NOAA

Ties That Bind. The leading cause of right whale injury and mortality is entanglements in fishing gear. Yet, NOAA has resisted decisive measures to reduce these entanglements due to industry opposition.

Bad Nominee Sinks

The Trump White House has withdrawn the nomination of Barry Myers to serve as NOAA Administrator. PEER had opposed Myers' nomination because of his actions as CEO of AccuWeather to privatize National Weather Service operations. He also attempted to force the Service to take the blame for a false tsunami warning Myers' company issued. PEER also drew attention to ongoing sexual harassment issues at the company under Myers' watch.

To replace Myers, Trump just nominated Neil Jacobs, the acting NOAA Administrator. Jacobs was forced to do damage control over Trump's alteration of a Hurricane Dorian weather map to falsely show Alabama in the storm's path. NOAA has not had a confirmed Administrator under Trump.

Thank You!

This quarter, we would like to express our gratitude for the exceptional generosity of members Debra Corbett, Diane W. Davidson, Daniel Horowitz, Larry and Marcia Kolb, Douglas McIntosh, Jerry Smith, Alan Weiss, and Steven Woodbury.

We would also like to thank the Cornell Douglas Foundation, the Dudley Foundation, the Robert J. and Helen H. Glaser Family Foundation, the George & Miriam Martin Foundation, the Nathan Cummings Foundation, the New-Land Foundation, the Seattle Foundation, and the Tortuga Foundation.



PEER PERSPECTIVE

Around the Country



Utah Southeast National Parks Superintendent Kate Cannon

This fall, the National Park Service announced a policy shift to allow off-road vehicles on some 500 miles of unpaved roads in 12 park units inside Utah. In a seven-page memo, Cannon blasted the move, arguing that it violates the Park Service's mission to conserve resources and cultivate a quality visitor experience. "The propensity of these vehicles to be driven off-road even where prohibited is well established in research," she wrote. "Dust emissions will increase because ORVs target unpaved roads," which ORVs will chew up. She also noted there are thousands of miles of public land to ride ORVs immediately outside national parks. Fortunately, the Park Service dropped this lead balloon of an idea before it reached the launch pad.



New Mexico Environment Secretary James Kenney

As federal environmental enforcement is evaporating and many states are shrinking their environmental agencies, Kenney is pressing the state legislature for millions more in appropriations and authority to raise permit fees. His goal is to hire 70 new staffers and fill dozens of vacancies. These hires will dramatically increase the inspection capacity of the state Environment Department. He says the investment has "a direct correlation to public health" because, he admits, "we are not—I will say it—we are not sufficiently implementing our mission." Nice to hear a little candor in the public interest.



Deputy Regional Forester Keith Lannom

A planned gold mine in Idaho's Payette National Forest is getting red carpet treatment. The Canadian-based Midas Gold successfully lobbied the Trump administration to overcome prior opposition from the U.S. Forest Service over adverse impacts on water quality and federally protected fish. In an unusual arrangement, Midas is now putting together the biological assessment for its own project. "And to be clear," then-Payette National Forest Supervisor Keith Lannom wrote in an email, "Midas will have the lead on fish, wildlife and plants ESA (Endangered Species Act) consultation." Since sending that message, Lannom has been promoted to be Deputy Forester for the entire region.



New York City Councilmember Rafael Espinal

New York's City Council overwhelmingly passed a bill sponsored by Espinal to mandate "bird-friendly" glass in new buildings. It requires the first 75 feet of new buildings and those undergoing major renovations to be clad in materials that are visible to birds. It is modeled on legislation enacted in several California cities, including San Francisco and Oakland. Between 90,000 to 230,000 birds die every year flying into New York City's buildings. "This is a staggering statistic, especially when we have a solution ready to go," Espinal remarked.



San Juan County (Utah) Commissioner Phil Lyman

Lyman lost an appeal of his conviction for leading an off-road vehicle protest drive through a federal area closed as archaeologically sensitive. Lyman says he is the victim of a "witch hunt" (sound familiar?) and the judge was biased against him. He decried the 10th Circuit ruling as an indication the system is broken. The prosecutor in the case, U.S. Attorney John Huber, issued this statement: "Contrary to Mr. Lyman's statement, the federal justice system is not broken. Lyman told the world he was going to commit a crime. He was warned that if he did commit the crime, he would be held accountable. Mr. Lyman committed the crime, and a jury of his peers unanimously held him accountable. Our system is not broken. In fact, the system established under the Constitution worked exactly as it should."



State Attorneys General

According to the latest count, attorneys general from Democratic states have filed 300 lawsuits against Trump administration environmental and public health policies. California Attorney General Xavier Becerra explained "We're at a critical moment for this country and for our planet." Maryland Attorney General Brian Frosh added, "It's like a bunch of 12-year-olds got access to matches and thought it would be cool to burn the house down. These actions to protect our environment are the firewall against Trump's pyromania."

ARTIFICIAL TURF

Turf's Big Lie Exposed (No Recycling)



PHOTO: KYLA BENNETT

Turf Dumping. PEER's Kyla Bennett and a local activist find an old artificial turf field "retired" to a local wetland.

Artificial turf fields have been marketed as an environmentally responsible alternative to grass fields – but this is a hoax, a feel-good marketing ploy.

There are currently some 13,000 artificial turf fields in the U.S., with the number growing rapidly. A synthetic field usually covers 80,000 square feet and contains roughly 400,000 pounds of infill, usually shredded tires or other material, and 40,000 pounds of carpet. Most turf field will last eight to 10 years, at most.

What happens to these turf fields when they are no longer usable? Artificial turf vendors routinely advise municipalities that there are recycling facilities in the U.S.; specifically, they point to a company called Re-Match based in Pennsylvania.

Unfortunately, the Re-Match facility does not exist. An email from the CEO of Re-Match says, "there is no synthetic turf recycling plant in America yet." Even the Synthetic Turf Council admits, "Unfortunately, converting synthetic turf to a recyclable material that is useable cannot be done at the point of removal. Material must be shipped to different processing locations"—locations that have yet to be identified.

"In reality, rather than being recycled, these old turf fields and their rubber crumb infill are dumped in abandoned lots, alleys, and even wetlands," stated PEER Science Policy Director Kyla Bennett, a scientist and attorney formerly with the U.S. Environmental Protection Agency. She notes EPA previously championed crumb rubber fields as a solid waste solution, turning waste into a product. "Crumb rubber fields do not solve a solid waste disposal problem; they merely delay and compound it." ■



PHOTO: KYLA BENNETT

Where Next? Since there are no U.S. facilities for recycling, the plastic carpets and rubber crumb infill are often dumped or sent back to landfills in a form that is even more environmentally problematic than discarded tires.

Trade Secrets Used to Shield Ingredients in Toxic Turf

The turf industry is in a lather about recent PEER revelations of PFAS chemicals in artificial turf blades and turf backing. Previously, public health attention focused on the shredded tire infill but has now extended to chemicals in the plastic "blades" covering the fields.

In September, the Ecology Center, working with PEER, found elemental fluorine in artificial turf blades, indicating the presence of PFAS. Per- and polyfluoroalkyl substances (PFAS) are associated with cancer, birth defects, and other impairments.

On October 14, 2019, the Synthetic Turf Council issued a statement that did not deny the presence of PFAS but blasted the groups' "inaccurate, non-verified report." By contrast, Shaw Industries, a company producing turf that tested positive, admits, "These chemicals are commonly used by synthetic turf manufacturers as a non-stick agent. We are exploring alternatives but have not yet identified a substitute that provides the non-stick properties required for manufacturing synthetic turf."

Two big concerns about PFAS in the turf blades and backing are the direct chemical exposure to children and the potential

for PFAS to leach off the fields into groundwater, surface water, and eventually drinking water.

"PFAS in synthetic turf should sound alarm bells for parents and all municipalities with these fields," stated PEER Science and Policy Director Kyla Bennett, noting that this is also potentially a huge liability concern for the industry. "Both current and retired synthetic turf fields are sources of contamination, leaching zinc, PFAS and micro-plastics into nearby waters. When the true costs are considered, artificial turf makes fields of delusions, not dreams." ■



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Life in Turmoil – Continued from page 1 ►

- A massive yet amorphous Interior-wide reorganization of 49 offices across 8 bureaus into 12 “Unified Regions” headed by officials hand-picked by Bernhardt;
- Banishing the Bureau of Land Management headquarters from Washington D.C. and spreading much of the staff into Western state offices; and
- The absence of permanent directors for Interior agencies, such as the National Park Service and BLM, with acting directors sometimes lasting only months.

Respondents to the PEER survey of current SES members gave distressingly low marks on the direction of the agency, competence of political appointees, and lack of consultation, and offered trenchant observations about conditions inside Interior:

“Inexperience, lack of competence, and extreme political influence by the current group of appointees—whether confirmed or acting.”

“Loss of institutional knowledge and experienced staff. They—the DOI leadership—are silencing the voices of those that are knowledgeable/experienced who know their subject matter—what’s good, right or wrong, & will speak up.”

“Credibility w/reorganizing as there is no ‘plan.’”

“Morale of career SES & career staff is abysmally low.”

“These survey results are a feeble cry for help from within a smoldering bureaucratic purgatory,” stated PEER Executive Director Tim Whitehouse, noting that Interior has



no plans to gauge the morale or perspectives of its career managers. “There is a growing concern that the career leadership echelons inside these agencies are being hollowed out heading into the next decade.” ■