



# PEERreview

A Publication of Public Employees for Environmental Responsibility

## Remaking Public Service in the Coming Decade

Over the years, many commentators have sounded the alarm that government is broken. Certainly, America's divided form of government often produces impasses and allows problems to fester for years without resolution.

What is happening today, however, is fundamentally different.

For the first time, we have a Chief Executive waging war on his own agencies, decrying shadowy "deep state" conspiracies, and deliberately sowing chaos as a "governing" style. The consequence is a steady deterioration of performance and public confidence in even noncontroversial, popular agencies, to the extent that –

- The most non-partisan of all agencies, the U.S. Postal Service, is being

shackled by its leaders, raising doubts about whether it can timely deliver mailed ballots this November;

- The constitutionally mandated U.S. Census is on track to fall short of accurately completing its critically important decennial count, absent judicial intervention; and
- The Centers for Disease Control, once globally respected, has become a discredited political sock puppet, issuing and withdrawing confused and contradictory guidance amidst a pandemic, when its expertise is needed most.

None of this is customary. These agencies are all experiencing travails that would have seemed unimaginable in decades

past.

Nonetheless, erosion of governmental effectiveness has roots going back far before the current administration. By that same token, simply replacing this administration will not make all of these problems go away. When the transition does occur, restoring governmental effectiveness and public confidence will require more than rolling back the clock four years.

Take EPA, for example. EPA was a troubled agency long before Inauguration Day 2017. In 2014, EPA presided over the public health crisis in Flint. In the intervening years, no significant reforms were adopted to prevent its recurrence. Even the recent, long-overdue amendments to the Lead and Copper Rule are timid steps that tiptoe around the problem of unhealthy drinking water.

Moreover, agencies such as EPA and OSHA have fallen behind the torrent of new chemicals flooding into our workplaces, environment, and bloodstreams. Enforcement of environmental, occupational, and public health protections has been receding for most of the last generation – with the past four years only continuing this pattern.

For that reason, PEER is reaching out to current and former officials to ask them to reimagine these agencies, not merely to restore them to the way they were in 2016 but to refashion them so that they are better than ever before. These veteran public servants are often in the best

# BEYOND 2020

**Now Is the Time to Look Forward.** The new decade brings new challenges for protecting public health and the environment.



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## FROM THE EXECUTIVE DIRECTOR

# The Outcome of The Election

One of the most common questions I get asked in my job is how the election outcome will affect PEER's work.

The short answer is that it will affect PEER's work immensely.

Never before have we faced an administration so willing to smash the bipartisan norms that have held this country together during the last century.

Likewise, we have never faced a Chief Executive and his minions waging war on their own agencies, spreading shadowy "deep state" conspiracies, and using chaos as a "governing" style, all in an attempt to enrich themselves and their friends and undermine public confidence in government.

For over three years, the Trump administration has relentlessly assaulted public servants, attacked their credibility and motivations, and driven them from government service. In doing so, the administration has crippled our country's ability to address not just the COVID-19 pandemic but all future crises.

Once revered institutions known for their apolitical and professional work have been touched by the Trump administration's acridness. Our nation's laws protecting our water, air, migratory birds, and endangered species have all been weakened, while toxic chemicals are being rushed to market with little or no oversight. Large swaths of our public lands have been rapidly leased to the oil and gas industry.

No matter who wins these elections, we will be here fighting. PEER is stepping up its efforts to provide legal support and representation to civil servants and exposing wrongdoing in the government in these coming months. In addition, we are reaching out, as part of our Beyond 2020 program (see page 1), to current and former government officials to ask them to reimagine the agencies we work with as institutions that uphold science, protect the environment, and safeguard the public's health.

Our work repairing the wreckage that this administration has caused will be of enormous importance in the coming years. There is a lot to do, no matter the outcome of the election.

Take care, and remember to vote!

— 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.

## NATIONAL PARK SERVICE

## Sea Turtles Face New Bureaucratic Dangers

The internationally recognized Sea Turtle Science and Recovery Program at Padre Island National Seashore is being sharply curtailed. New limits on rescuing stranded sea turtles and beach patrols to protect sea turtle eggs and hatchlings will result in many needless sea turtle deaths.

The pretext for the cuts is a National Park Service "Review," which claims a projected budget shortfall in five years if grants the program has won over the past 20 years are not renewed. The Review then prescribes financial strictures that make a shortfall a self-fulfilling prophecy. NPS has ordered a 30% cut in sea turtle program funding and other steps limiting its hatchery and incubation efforts, including -

- Confining rescues of stranded sea turtles to park boundaries;
- Discouraging further work with threatened loggerhead and green turtles; and
- Reducing nest relocations even where beach driving is allowed and eliminating beach patrols on weekends, when visitation is highest.

"Padre Island Seashore is committing conservation malpractice to the detriment of sea turtles," stated Pacific PEER Director Jeff Ruch, pointing out the park has not undertaken consultations required by the Endangered Species Act, nor has it engaged the public as required by the National Environmental Policy Act. "Padre Island is cannibalizing one of its best and most important programs for bureaucratic reasons having nothing to do with recovery of sea turtle populations."

PEER is representing Dr. Donna Shaver, who runs the program. Among many awards and honors, this year she is a finalist for the Samuel J. Heyman



PHOTO: NOAA

**Endangered Kemp's Ridley Hatchling.** The world-renowned Padre Island program has been key to the survival of the endangered Kemp's ridley sea turtle and helps save threatened loggerhead and green turtles.

Service to America Medals, the first NPS finalist since 2008. On her behalf, PEER has filed a legal complaint demanding the Review be retracted due to misleading findings, inaccuracies, and dictates that violate the law and NPS policy. One of many issues is new restrictions placed on the scope of sea turtle research, in violation of the agency's Scientific Integrity Policy. After years of giving media interviews, NPS has ordered Dr. Shaver not to make any public statements without approval. ■

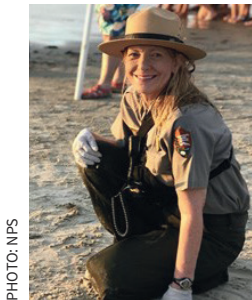


PHOTO: NPS

**Scientist Targeted.** Dr. Donna Shaver is one of the world's leading sea turtle experts, authoring more than 100 peer-reviewed journal articles.

## Overflight Controls Taxi for Takeoff

Under court order from a PEER lawsuit, the Federal Aviation Administration has announced its schedule for developing air tour management plans for 23 national parks, which are all to be finalized by May 1, 2022. Under terms of the National Park Air Tour Management Act of 2000, the FAA and the National Park Service were supposed to establish rules governing the number, routes, and schedules of helicopter and fixed-wing park tourist overflights within two years. Twenty years later, not a single plan has been adopted, so PEER sued to force progress.

The 23 parks are located in 15 states, ranging from Hawaii to New York and from Washington to Florida. They report more than 45,000 air tours per year, topped by Hawaii Volcanoes, which records an average of more than 22 overflights every day of the year. Affected park units also include Mount Rushmore, Everglades, Bryce Canyon, Arches, Great Smoky Mountains, Glacier, Golden Gate, Lake Mead, and Point Reyes National Seashore.



## BUREAU OF LAND MANAGEMENT

## Perils of Pendley

**W**illiam Perry Pendley was named de facto U.S. Bureau of Land Management director in 2019, the fourth such “acting” under Trump. The PEER lawsuit challenging the continued tenure of the self-described “Sagebrush Rebel” as BLM’s top official has gained momentum. Montana Governor and U.S. Senate candidate Steve Bullock filed an almost identical suit contending Pendley’s appointment violates the Federal Vacancies Reform Act and illegally circumvents the constitutional “advise and consent” prerogative

of the Senate. In that suit, a federal judge has already ruled that Pendley’s tenure is illegal.

This summer, Trump nominated him to serve as permanent BLM Director, but the ensuing uproar quickly prompted withdrawal of his name from Senate consideration. Then, Interior announced Pendley would stay in charge, prompting even more backlash, making it a hot political issue in two key Senate races (Montana and Colorado), the outcomes of which

may determine control of Congress’ upper chamber. ■



PHOTO: BLM

**Moving but Not Far Enough.** Pendley demonstrating e-bike on backcountry trail, after opening most all BLM lands to this motor-driven access.

## New NPS Acting Doesn’t Even Work There

The latest maneuver to evade Senate confirmation for the National Park Service’s (NPS) top official also violates the law, drawing a new challenge from PEER. This August, following the abrupt retirement of David Vela who had been serving as de facto NPS Director, Interior Secretary David Bernhardt announced that Margaret Everson would function as the NPS Director for an indeterminate period.

The PEER lawsuit challenging the continued tenure of William Perry Pendley atop BLM, also faulted Vela’s similar designation at NPS. That suit has now been amended to drop the Vela count and substitute a new count that Everson’s designation also violates the Federal Vacancies Reform Act because the NPS

Director is a position requiring the “advise and consent” of the Senate and may only be filled on a temporary basis by a qualified official appointed directly by the President, not Secretary Bernhardt, or by the “first assistant” to the former Director. Everson, by contrast, has been serving since November 2018 as Principal Deputy Director of the Fish and Wildlife Service and Counselor to the Secretary. She has never worked at NPS and even now signs her communications as “Counselor to the Secretary Exercising the Delegated Authority of the Director.” “To name someone to act as Park Service Director who does not even work at the Park Service is a real mindblower,” commented PEER Senior Counsel Peter Jenkins. ■

## Nevada Merger

After 62 years of working to improve the nation’s management of public lands, the Nevada Outdoor Recreation Association (NORA) announced that it is closing its doors and entrusting PEER with its goal of advocating for our great commons of public lands managed by the U.S. Bureau of Land Management. NORA was cofounded by Charlie Watson, a former BLM employee who was instrumental in the passage of the Federal Lands Policy and Management Act of 1976.

“Our board felt we could have a bigger impact and carry on the legacy of Charlie and NORA by taking our limited resources and supporting the work of PEER,” said President Jeff van Ee. ■

## Utah Drilling Victory

PEER led a successful campaign to stop a BLM plan to allow oil and gas development around the beautiful red rocks of Capitol Reef, Canyonlands and Arches National Parks. PEER member and retired National Park Service Superintendent, John Hiscock, provided his experience to lead our effort, saying “This is a big win for public lands crossed by the Old Spanish National Historic Trail, the National Trails System Act, and nearby national parks.”



PHOTO: NPS

**God’s Not Oil & Gas Country.** Faced with strong and rising opposition, BLM dropped some of the most sensitive lands out of its oil leasing package.



## ARMY CORPS OF ENGINEERS

# Zombie Dams Haunt Pacific Northwest

For decades, the U.S. Army Corps of Engineers has systematically failed to assess the eco-consequences of its dams, reservoirs and hatcheries in the Pacific Northwest, according to one of its own specialists represented by PEER. Jody Marshall served as a senior environmental resource specialist and as Section Chief of the Environmental Planning Section in the civil works division at the Corps' Portland District office. She has revealed how the Corps has blocked virtually all reviews mandated by laws such as the Endangered Species Act, National Environmental Policy Act, Clean Water Act, and National Historic Preservation Act.

Her disclosure to the U.S. Office of Special Counsel lays out how the lack of meaningful oversight has seriously damaged the Willamette, Columbia, and Rogue River watersheds, by –

- Decimating federally protected fish populations;
- Spawning hazardous algae bloom outbreaks;
- Stripping protections from historic properties and archaeological resources;
- Introducing and spreading invasive species;
- Contaminating surface water with arsenic, mercury, and other toxic elements from residual stockpiles left after the dams were constructed; and
- Aggravating adverse effects of climate change.

"The law requires the Corps to make 'informed decisions' about its operations, but our management actively resisted any reviews," said Ms. Marshall. After Marshall reported violations to Corps senior managers, they chose to take no action. Instead, they bullied and harassed her, including making her wear a HAZMAT suit to work after suffering severe reactions to chemicals used in office remodeling. In frustration over stonewalling and mistreatment, she finally took early retirement.



PHOTO: ARMY CORPS OF ENGINEERS

**Playing God.** Corps-built dams govern the ecological life of the Pacific Northwest.

"The Corps has allowed 'zombie' dams to plod on for decades without any check on the havoc they wreak," stated Pacific PEER Director Jeff Ruch, noting that the Corps took the position that because the dams and other facilities were built decades ago, they no longer needed to be reexamined. "We owe Jody Marshall a debt of gratitude for sacrificing her career to expose this entrenched and damaging dysfunctional management of water resource facilities."

In forwarding Ms. Marshall's disclosures to the U.S. Army for investigation, the Special Counsel found they carried a "substantial likelihood" of validity. The Special Counsel is now exploring whether the Corps' promises to become compliant are credible and reasonable. ■



PHOTO: JODY MARSHALL

**New Form of Whistleblower Isolation.** Rather than allow her to telework, the Corps insisted that Jody Marshall come to a chemically-contaminated office wearing a HAZMAT suit.

## U.S. and Canada to allow Cormorant Slaughter

Double-crested cormorants need an image make-over. These fish-eating migratory birds have some devoted fans but legions of enemies who are pushing plans to slaughter large numbers on both sides of the border.

In 2016, PEER won a major legal victory when a federal court struck down shoot-on-sight authorizations on cormorants in 24 states. Now, the U.S. Fish & Wildlife Service has unveiled a plan to allow up to 123,000 of the birds to be taken in 48 states. Meanwhile, Ontario Province allows any licensed hunter to shoot 15 cormorants a day, every day, until the end of the year. Conservationists on both sides of the border, including PEER, are working to have cormorants treated the same as pelicans, loons, and other fish-eating birds with better images.



## ENVIRONMENTAL PROTECTION AGENCY

## What You See is What You Get: More Pollution

EPA Administrator Andrew Wheeler has proudly said that President Trump will weaken more environmental regulations on industries if reelected in November. His latest attack on public health and the environment as PEERreview goes to press: Wheeler is expected to soon sign a final “Air Toxics Loophole” rule in the Clean Air Act. That loophole would allow industrial facilities to avoid complying with rigorous limits on hazardous air pollutants such as mercury and benzene.

After almost four years in office, the Trump

administration has moved to reverse more than 100 major climate and environmental rules to benefit the oil and gas industry, the chemical industry, the mining industry, and developers. Wheeler is also expected to finalize EPA’s anti-science rule prior to the election, allowing EPA to exclude peer reviewed literature that uses confidential health data.

These changes will increase emissions, lead to thousands of additional deaths from air quality, and accelerate species loss and climate change.

PEER is tracking these rollbacks, and working to protect EPA employees who raise concerns. We are also suing for EPA withholding numerous documents in response to Freedom of Information Act requests and changing the definition of “waters of the United States” under the Clean Water Act to allow polluters to discharge into many wetlands and streams without a permit.

With Wheeler, there is no bottom to this pit. ■

## PFAS: EPA Burning Mad At Disclosure

EPA Administrator Andrew Wheeler thought he had found a perfect way to stem the PFAS contamination crisis – incinerate it. He almost had New Jersey talked into a pilot project, when a study out of Bennington College, advised by former EPA Regional Administrator Judith Enck, found incinerating toxic PFAS firefighting foam in New York left high levels in the soil. This suggests high temperatures do not destroy these “forever chemicals” and widespread incineration would only spread contamination, rather than eliminate it.

These results caused New Jersey to drop out, sparking Wheeler to state in a press

release, “Former Obama Administration EPA leader Judith Enck’s unprofessionalism, personal ignorance, and dishonesty has single-handedly shut down the Rahway study setting back the agency’s research efforts on PFAS.”

What was Enck’s transgression in Wheeler’s eyes? Alerting local communities about the test and stating she had concerns about the plan, which would have taken place near low-income, largely Black residents.

“Burning PFAS chemicals at municipal incinerators does not make sense,” Enck said. “[EPA] should be rapidly investigating

non-incineration disposal technologies that will not put the public health or the environment at risk.” ■



**Out of Sight Means Never Mind. Most incinerators are located in low-income areas where burning PFAS would only create more environmental injustice.**

## PFAS: Bio-Sludge Equals Bio-Hazard

Reclaimed water and sludge from the wastewater treatment plant serving the Florida cities of Delray Beach and Boynton Beach have high levels of per- and polyfluoroalkyl substances (PFAS), according to testing done for PEER by an EPA-certified lab. The sludge was found to have 52,300 parts per trillion (ppt)

of 13 different PFAS. The reclaimed water was found to have 85.3 parts per trillion of 12 different types of PFAS – levels well above health advisories.

“These biosolids are another open pathway for dangerous PFAS penetration of our water supply and food chain,” stated Florida PEER Director Jerry Phillips. “Having PFAS in reclaimed water used to water lawns and golf courses is concerning because that water eventually makes its way to Florida’s groundwater and potable water supply.” ■

*Treated sewage sludge is often sold as fertilizer called biosolids, which migrate into groundwater and surface waters.*

## EPA's Great Chemical Shell Game

The Toxic Substances Control Act, the principal law regulating chemical use, was substantially strengthened in 2016. The key TSCA reforms are strict assessment standards for both new and currently used chemicals. It has not worked out as scripted, however.

Exhibit A is the U.S. Environmental Protection Agency's long overdue assessment of formaldehyde. A new draft assessment was finished in 2017, as confirmed by EPA officials, but was never released for public review through EPA's Integrated Risk Information System. IRIS assessments are the building blocks for TSCA rulemaking and enforcement purposes and are a key resource for other federal, state, and international health authorities.

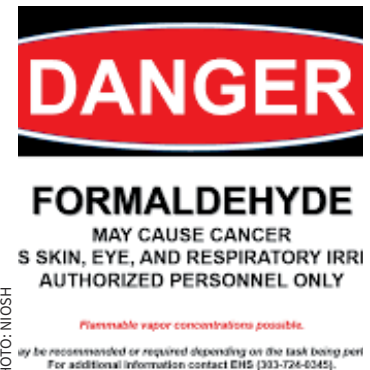
PEER requested a copy of the latest draft assessment in July 2018. By September, the EPA still had not given us a production schedule, so we sued them. This has begun an elaborate two-year game of legal

hide and seek. The latest twist is EPA now claims that no new assessment exists.

"In essence, EPA is saying the dog ate our homework – in this case the now missing formaldehyde assessment," remarked PEER Staff Counsel Kevin Bell. "So far, EPA has shared this important, tax-supported science with industry, but not the public."

Formaldehyde is a naturally occurring chemical which is highly concentrated for a variety of industrial uses, including wood composites, glues, paints, and preservatives. Concentrated formaldehyde is toxic to humans and inhalation is associated with cancers such as leukemia.

Earlier drafts strongly suggested American workers are routinely subjected to very unhealthy levels of formaldehyde. That is why the American Chemistry Council, the industry's main lobby, has pressed Trump officials to block a new assessment. Moreover, current EPA leadership has essentially put industry in charge of the



**Breathe Deeply.** Formaldehyde is one of the most widely used industrial chemicals whose effects have not been officially assessed in more than 30 years.

chemical assessment process, thus negating the hard-won TSCA reforms.

Beyond our formaldehyde court fight, PEER is working to expose and unravel the industry stranglehold on health assessments for a number of chemicals already freely flowing in, as well as those entering the stream of American commerce. ■

## Political Propaganda Tweetstorm

Much of the U.S. Environmental Protection Agency's social media messaging has degenerated into political self-promotion. PEER is pressing Congress to enforce the ban against federal funding for "propaganda purposes" and obtain reimbursement for the costs of EPA's partisan tweets and other improper social media campaigning.

EPA Administrator Andrew Wheeler's official tweet-feed, financed with taxpayer dollars, is full of messages that are purely self-promotional and are blatantly partisan, for example –

- "EPA is operating in the best interest of all Americans, including those who are working to keep our infrastructure running"

- "Under @realDonaldTrump's leadership our economy is booming, air & water quality continually improving, and we are bringing real opportunities to America's forgotten communities"

Many tweets have nothing to do with EPA, such as "President Trump @POTUS is providing the leadership necessary to secure our southern border" or "The President continues to show strong leadership during this time of a National Emergency."

"EPA's recent social media takes self-congratulation to new depths," stated PEER Executive Director Tim Whitehouse, noting that the messaging around EPA's upcoming 50th anniversary is especially unctuous. "EPA's Twitter feed now reads like it comes straight from the Trump reelection campaign." ■

*Current law bans use of "any appropriation for publicity or propaganda purposes."*



## STATES

## Cleaning the Air in the Rockies

The once-pristine air quality of the Rocky Mountains is in fact often poor, and getting worse. PEER is working on multiple fronts to encourage the state of Colorado to recognize the urgency and take immediate action to eliminate pollutants:

- In July, PEER led a coalition of conservation and public health groups seeking to tighten the state's current system of regulating SOx emissions at coal burning facilities, which are still a

*"It is vital that we are able to harness science to better understand the connections between air pollution, human health, and climate change."*

— Rocky Mountain PEER Director Chandra Rosenthal

big source of energy in Colorado;

- In September, PEER pressed Colorado to end its illegal exemption for minor sources of NOx, a pollutant that is a component of ozone and haze. Doing so would enable the state to reduce the cumulative and significant impact of these many unregulated sources;
- Kyla Bennett, PEER's Director of Science Policy, testified in front of the Colorado Oil and Gas Commission, urging it to impose an accurate accounting of cumulative impacts of oil and gas development when considering permits under a new law regulating emissions from oil and gas wells; and
- Rocky Mountain PEER Director Chandra Rosenthal is leading the campaign to force the University of Colorado to restore Dr. Detlev Helmig (see last issue) to continue his



**Rocky Mountain Haze.** Colorado does not have a strategy for addressing its deteriorating air quality.

cutting-edge research monitoring pollution from oil and gas facilities.

"It is vital that we are able to harness science to better understand the connections between air pollution, human health, and climate change," Rosenthal said. "While under normal conditions, exposure to air pollutants is causing increased illnesses and premature deaths, these are not normal conditions; long term exposure to these pollutants is linked to COVID-19 vulnerability and may be a major contributor to pandemic-related hospitalizations and fatalities." ■

## Florida Pollution Enforcement in Decline

Despite pledges by Governor Ron DeSantis to strengthen pollution enforcement, state records show declines in virtually all meaningful measures, according to a new PEER analysis. Notably, violations and significant noncompliance with pollution limits are growing while major enforcement actions are declining.

PEER examined Florida Department of Environmental Protection (DEP) files covering 2019, Gov. DeSantis' first year in office. Key findings include:

- While the number of DEP inspections increased in 2019, inspectors found a higher percentage of violations, including an almost doubling of the percentage of facilities found in

significant noncompliance, continuing a troubling trend;

- Although higher noncompliance should have resulted in more enforcement, the opposite occurred, with the enforcement rate sliding from already historically low levels; and
- Not only did the enforcement rate drop, but DEP's oversight over non-compliant facilities also shrunk, allowing more violators to pay small penalties rather than fix problems.

"The bottom line pollution indicators for Florida are abysmal, and getting worse," stated Florida PEER Director Jerry Phillips. ■

## Thank You!

*This quarter, we would like to express our gratitude for the exceptional generosity of members John McFadden, Marian and Roger Gray, Edward Landa and Barbara Meislin.*

*We would also like to thank the Cornell Douglas, Deer Creek, and Firedoll Foundations, as well as FJC - A Foundation of Philanthropic Funds and the Nevada Outdoor Recreation Association for their generous support.*



## DEPARTMENT OF INTERIOR

## War on the Range

PEER is defending a veteran Bureau of Land Management range specialist who is in hot water for her efforts to end illegal cattle grazing in Colorado's San Luis Valley. Three weeks after she laid out the problems to BLM's de facto Director, William Perry Pendley (see page 4 article), and asked for his help, she was hit with a proposed two-week suspension.

For nearly 30 years, Melissa Shawcroft has been a BLM Range Management Specialist working in south-central Colorado's San Luis Valley. Her primary duty is administering approximately 70 grazing allotments and 50 grazing permits, with a major goal of protecting the Rio Grande Natural Area from damage caused by livestock overgrazing.

On August 25th, Pendley appeared at BLM's San Luis office where he spoke about returning "accountability" to agency operations. Melissa Shawcroft reached out via email to Pendley, writing:

"I am 'speaking out' to you on behalf of this rancher and other ranchers who are complaining about the lack of management and law enforcement in this office and I am speaking out for our public lands that are being destroyed and over grazed, as we speak, by the free grazing public. I have been reprimanded as a result of my reporting the below livestock trespass and the others that occur in the valley but I don't do well in looking the other way when there is a wrong especially when the public is screaming at us to do something."

The problem of illegal grazing has accelerated in recent years, based upon complaints from ranchers and Melissa's own inspections and photographs. Her persistence has gone unrewarded, however. After her email to Pendley, her supervisor proposed to suspend her for two weeks without pay for "discourteous conduct, insubordination, boisterous or



PHOTO: MELISSA SHAWCROFT

**Melissa Shawcroft has been trying to stop illegal grazing on the headwaters to the Rio Grande.**

disruptive/disorderly conduct" related to her efforts to stop grazing trespass.

"Melissa Shawcroft is being punished for doing her job and trying to protect the public range and law-abiding ranchers," stated Rocky Mountain PEER Director Chandra Rosenthal, who is leading the legal team representing Shawcroft. "After appealing to Mr. Pendley, Ms. Shawcroft is facing serious punishment while the illegal grazing continues unabated." ■

## Trump's Stealth Climate War

In 2018 on Black Friday afternoon, the White House quietly released the Fourth National Climate Assessment, hoping it would be ignored. They were spectacularly wrong. The detailed report, compiled by some 300 scientists from academia, industry and career government scientists at 13 federal agencies, hit like a bombshell. It detailed how adverse effects from climate change are already occurring and will get much worse, bringing devastating wildfires, extreme weather, water insecurity, agricultural declines, and infectious disease outbreaks.

This quadrennial climate assessment is required by law, making it hard to block altogether. We are now halfway to

producing its successor and the Trump strategy for this assessment has become clear – monkey with the modeling.

By limiting consideration of modelling to just the next decade, Trump appointees can pretend that catastrophic scenarios for sea-level and temperature rise, and other impacts are outside their policy ambit. In other words, a self-inflicted political myopia will be the pretext for inaction on climate.

To that end, Trump is placing climate skeptics into key slots within the U.S. Geological Survey, NASA, NOAA, and EPA. PEER is pushing back against this anti-climate science effort and providing free

legal aid to a growing number of scientists within the government. ■

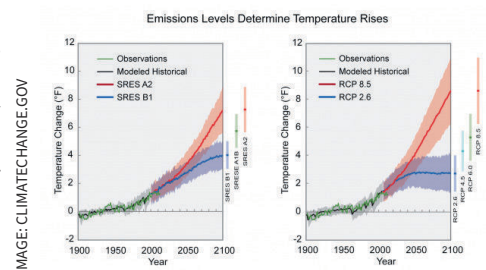


IMAGE: CLIMATECHANGE.GOV

**Spaghetti Strings.** Climate models diverge in coming decades depending upon assumptions about actions we take now.



## PEER PERSPECTIVE

## Resistance Is Not Futile



### Former NIH Public Affairs Specialist William Crews

The managing editor of the prominent conservative website RedState, who goes by the pseudonym “Streiff,” has spent months trashing U.S. officials tasked with combating COVID-19, dubbing White House coronavirus task force member Dr. Anthony Fauci a “mask nazi,” calling public health officials “the public health Karenwaffen,” and intimating that government officials responsible for the pandemic response should be executed. The *Daily Beast* now reports that “Streiff” was National Institutes of Health Public Affairs Specialist Williams Crews, who works for the agency that Fauci leads. His torrent of obloquies often appears to be -- you guessed it -- on government time. After being outed, Crews announced he was retiring.



### Commerce Inspector General Peggy Gustafson

Commerce Inspector General Peggy Gustafson’s office finished a report into “Sharpie-Gate” involving Trump’s crude alteration of a weather map in 2019 to claim falsely that Hurricane Dorian was headed to Alabama. But she could not get it released due to objections from Commerce Secretary Wilbur Ross. On June 29, Gustafson (an Obama appointee) released a summary of findings, and on July 1, sent a memo to Ross expressing “deep concern” he was infringing on her office’s independence by blocking the release of the report – which was then finally released. Besides fingering the White House and Ross for meddling in National Weather Service predictions, it also faulted both acting NOAA Administrator Neil Jacobs and acting Commerce General Counsel Michael Walsh.



### San Bernardino National Wildlife Refuge Manager Bill Radke

On Arizona’s southwest border, the San Bernardino National Wildlife Refuge is a spring-fed oasis vital to the survival of Yaqui chub and other desert fishes. To build Trump’s Border Wall, the Department of Homeland Security sent a contractor to suck the water from the nearby aquifer for massive amounts of cement needed to erect this citadel of xenophobia. In a series of emails and memos, Radke protested that pumping was draining spring-fed ponds and causing what he called “the greatest current threat to endangered species in the southwest.” Due to a Republican rider, DHS is exempt from any legal review and can only be stopped by force of reason. Radke’s persistence – at some professional risk – forced DHS to finally face the excess water removal. As Bill put it, “We are hoping for the best, but are planning for the worst.”



### Dr. Beth Leger, Director, University of Nevada Reno Museum of Natural History

Loneer Ltd. wants to open a lithium mine on Nevada BLM rangeland. A rare plant, Tiehm’s buckwheat occupies its chosen mine site. To prevent it from being listed as endangered, Loneer hired Dr. Leger, a biology professor, to prove that she could grow buckwheat seedlings in a campus greenhouse for replanting elsewhere in the wild. The company then prematurely pressed her to announce positive results, but Dr. Leger pushed back, writing, “one very important thing isn’t clear, and that’s these plants could die at any stage of this experiment.” One month after this struggle went public, 17,000 of the wildflowers were dug up and killed. Loneer blames rodents. BLM says it is investigating whether the rodents are two or four-legged.



### Energy Undersecretary Dennis Spurgeon

Toilets, washer-dryers, dishwashers, and now showerheads will be less water and energy-efficient thanks to rollbacks overseen by Undersecretary Spurgeon. The latest proposed rule redefines the term “showerhead” to allow one showerhead to contain multiple nozzles, making any efficiency standard meaningless. The effort stems from Trump’s drive to make home appliances great again, based on complaints that he must flush low-flow toilets “like 20 times” and “You turn on the shower, if you’re like me, you can’t wash your beautiful hair properly.”



### Interior Secretary David Bernhardt

Under Bernhardt, Interior is touting a clean bill of health in a programmatic audit from the Office of Government Ethics. In his typical manner, Bernhardt hailed the results declaring, “The rotten stench from the blatant failure of the prior administration to invest in the ethics program has been replaced with a culture of ethical compliance.” His predecessor, Ryan Zinke, resigned under an ugly ethics cloud and may face prosecution. Meanwhile, former lobbying clients of Bernhardt’s are spending millions annually to influence Interior, which is run by a revolving door of appointees with industry ties.

## COVID-19

## Safe Re-Openings or Super-Spreader Events?

Schools and other institutions are struggling to reopen under clouds of fear and uncertainty. In New York City, for example, public schools are reopening but teachers and other school staff are afraid that conditions are extremely unsafe and have asked PEER for help.

The virus causing COVID-19 is spread primarily through the air. Virus particles attach to droplets expelled from people's noses and mouths when they cough, sneeze, talk, sing, and breathe. Larger droplets fall to ground surfaces, but smaller droplets can float in the air for hours. That makes adequate air filtration and replacement vital.

Many NYC schools have windows that do not open. Nor do typical school heating and air-condition systems filter the virus from the air. In fact, the virus may actually be spread throughout a room through air conditioning.

Representing teachers and school inspectors, PEER, together with the New York Environmental Law and Justice Project, has filed an occupational safety/health complaint with New York State.

Meanwhile, graduate students at Texas A&M University enlisted PEER to help publicize their demands for safeguarding graduate teaching assistants and other

campus workers as the campus reopened, such as the option of teaching remotely, personal protective gear, and portable HEPA filters for classrooms.

Like other universities, Texas A&M has adopted policies requiring masks, social distancing, and limits on the size of student gatherings. Unfortunately, undergraduate students are ignoring these rules, which are largely unenforceable off-campus. Faced with outbreaks and super-spreading events from partying undergrads, campuses across the country are putting the brakes on reopening.

It is quite clear that much more work needs to be done before campus life - from pre-K to graduate school - can return to normal. ■

### No Testing for Inspectors

Even in states like California, occupational health inspectors sent into workplaces are not tested prior to or after deployment. Testing is only offered if inspectors report symptoms. By then, the damage may have been done. Moreover, asymptomatic carriers may be spreading rather than preventing infections.

The lack of testing capacity or effective testing systems are issues PEER is pushing public agencies to address before reopening or sending personnel into the field.

### COVID – Mum's the Word

The Trump campaign wants to pretend that the COVID pandemic is over and believes the less said about it, the better. That reticence is now reaching into federal agencies. For example, NOAA Fisheries issued a June 22, 2020 directive giving employees three options on discussing the disease in agency documents:

- “1. Option 1 – Preferred approach. Make no reference to anything COVID related.
2. Option 2 . Use general terms to discuss local or regional travel restrictions or refer to CDC guidance.”

This option carries a stern, underlined warning:

“Any changes to these sentences and phrases, even minor ones, require F-Suite review and will lengthen the review process.”

What is F-Suite you might ask? Why, it is the lair of the resident Trump-crat.

Then, there is: “Option 3. Limited direct mention of COVID-19 or pandemic.” This carries an even sterner, more sobering caution: “Use of this option will result in lengthened and additional review.” Talk about cancel culture.

This is but one small illustration of how the line between a hyper-political White House and federal agencies has become all but erased. Today, all agencies, down to the field level, are expected to contribute to Trump's reelection. ■



PHOTO: UCSF.CA.EDU

**Captive Audience.** Many school buildings have inadequate ventilation making the spread of COVID-19 likely.



## Public Employees for Environmental Responsibility

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## COVID-19 — Continued from page 1 ►

position to analyze what is needed but are rarely asked. We want to change that.

Our first two reform packages produced by this dialogue are for the major federal land management agencies – the National Park Service and Bureau of Land Management. Successor packages for EPA, NOAA, and other agencies are in the works, in addition to proposed laws protecting scientific integrity and government scientists, strengthening whistleblower safeguards, and fostering much greater official transparency.

We hope this work will be part of a larger dialogue that addresses fundamental issues of agency mission, strategy, and organization.

Regardless of who is in charge, the federal workforce is changing, with nearly

one-third of the current staff already retirement eligible, with a higher percentage of retirement eligible at senior levels and in areas of technical specialties. In the face of these inevitable demographic shifts, the federal government lacks a plan to avoid irreversible losses in institutional knowledge, as well as in core competencies. In fact, a current Trump plan is to abolish the Office of Personnel Management altogether and merge it with the General Services Administration, which is responsible for real estate, furniture and other chattel.

In our view, this is the time to begin planning for the federal workforce of tomorrow, based upon rethinking key organizational priorities and strategies. Otherwise, federal agencies will stumble blindly into the decade, to the detriment of public servants and the public interest.

In the coming months, PEER will strive to draw public attention to the need for this new public dialogue, which we welcome you to join. ■



PHOTO: NPS

**What Have We Learned?** Institutional reforms are needed to ensure that the worst abuses can never again occur.