



# PEERreview

A Publication of Public Employees for Environmental Responsibility

## Long Awaited Transition – Moving Forward

This transition has resembled more a hostile takeover than past presidential transfers of power. The anxiety and uncertainty associated with this prolonged official segue presage the hard work ahead. Nonetheless, after four seemingly endless years of Trump's tenure, the prospect of change – positive change – presents opportunities that PEER will actively pursue:

### Rolling Back Rollbacks

The Trump die-hards have made it clear there will be no grace period for the Biden team. As many horses as possible will have been driven out of the barn before the incoming administration closes the Federal Register on January 20th. Consequently, an initial task will be rolling back as many of the Trump regulatory rollbacks as possible.

Through the Congressional Review Act, Trump used Congress to annul 14 major Obama regulatory rules during his initial weeks in office. This January when it convenes, the 117th Session of Congress could invalidate any Trump rules finalized after May 19, 2020. This will likely require that some Republicans join Democrats in this effort. The ability to legislatively wipe out the last 8 months of Trump actions would be a huge boost to the Biden administration and eliminate the need for much regulatory heavy lifting.

### Lawsuit Settlements

Trump initiatives have engendered an



PHOTO: NPS

**Even with a new administration, political gridlock and the pandemic will continue to impede efforts to address environmental and public health challenges.**

unprecedented onslaught of litigation challenges. After Inauguration, the interests of the Government in these suits will change radically to more closely align with the plaintiffs. Thus, the Biden Justice Department can execute a number of reversals by settling lawsuits to rescind challenged Trump policies. Depending upon the nature of the suit, the Biden administration can commit to judicially enforced settlements that commit to promulgation of new, far more protective regulations than the Trump predecessor.

### Vacancies Act Violations

PEER has pending litigation that challenges both illegally appointed “temporary” department heads at the Bureau of Land Management and National Park

Service, and decisions made by those illegal appointees. Our suit under the Federal Vacancies Reform Act has inspired similar suits to invalidate actions by illegal appointees in other agencies. Settlements of these suits can be vehicles to vacate rafts of Trump actions.

### Beyond 2020

A prominent Biden campaign slogan has been “Build Back Better.” It does not identify what “better” is or how it will be achieved. Implicit in Build Back Better is the assumption that government was far from perfect under Obama-Biden. For example, it was the Obama EPA that brought us the Flint water crisis. The anemic “solution” unveiled in the last days of Trump's tenure will need to be

**PEER DC Headquarters**

962 Wayne Avenue, Suite 610  
Silver Spring, Maryland, 20910 •  
tel: 202-265-PEER (7337) • fax: 202-  
265-4192 • email: info@peer.org •  
website: <http://www.peer.org>

**PEER Field Offices**

**Florida PEER** • P.O. Box 14463 Tallahassee,  
FL 32317-4463 • tel: 850-877-8097 •  
fax: 850-942-5264 • email: flpeer@peer.org

**New England PEER** • P.O. Box 574 North  
Easton, MA 02356 • tel: 508-230-9933 •  
fax: 508-230-2110 • email: nepeer@peer.org

**Pacific PEER** • 248 3rd Street, # 331  
Oakland, CA 94607 • tel: 510-213-7028 •  
fax: 510-763-8013 • email: pacific@peer.org

**Rocky Mountain PEER** • email:  
rmpeer@peer.org

**Tennessee PEER** • 4443 Pecan Valley Rd  
Nashville, TN 37218 • tel: 615-255-2079

**PEER DC Headquarters Staff**

*Executive Director* • Tim Whitehouse  
*Legal* • Paula Dinerstein, Peter Jenkins,  
Kevin Bell, Monica Mercola  
*Communications & Office* • Elizabeth Duan  
*Membership* • Susan Sargent  
*Advocacy, PEERreview Layout* • Kirsten Stade

**PEER Board****Chair**

Louis Clark (President, Government  
Accountability Project)

**Members**

Frank Buono (National Park Service,  
retired) • Chris Berg (National Institutes  
of Health, retired) • Darrell Carrington  
(Carrington & Associates) • Zoe Kelman  
(NJ Department of Environmental  
Protection, retired) • Ben Lomeli  
(Bureau of Land Management, retired) •  
Ed Patrovsky (Bureau of Land Management  
and National Park Service, retired) •  
Rick Steiner (Univ. of Alaska, retired)

*PEERreview is the quarterly newsletter  
of Public Employees for  
Environmental Responsibility*

**FROM THE EXECUTIVE DIRECTOR****Moving Forward in 2021**

The Biden administration begins its first term facing a host of challenges including the fallout from a failed insurrection, a raging pandemic, a weak economy, and accelerating climate change that our government has continually failed to address.

At PEER, we recognize the gravity of this moment in time and will work hard to help this country change its course. The recent horrific events at our nation's capital are a reminder that we need a well-functioning political system and civil service to address the massive problems humanity now faces.

One area that will be central to our work is climate change. President Biden has made addressing climate change a central tenet of his environmental agenda. We are helping in this effort by working with current and former employees to identify ways to strengthen governmental agencies' institutional capacity to address climate change and fighting to reverse the Trump administration's gutting of important environmental protections, many of which were done at the behest of the oil and gas industry.

We will be involved in much more than climate change. The hard work of strengthening our environmental institutions will continue to meet resistance from across the political spectrum. That's why we will continue to be involved in actions such as watchdogging NOAA to protect the North Atlantic right whale from net entanglements and ship strikes, fighting to save the National Park Service's Turtle Island Science and Recovery Program, and bringing sanity back to the country's laws and policies governing toxic pesticides and other chemicals.

Our work will continue to be employee centered and will focus on rebuilding the civil service after the havoc of the previous administration. Now, more than ever, we need to strengthen whistleblower protections, governmental accountability, and the use of science in government.

Looking ahead, the major task we face is rebuilding federal agencies, not by rolling back the clock, but through makeovers that produce environmental and health safeguards that are much more effective than before.

We know these are difficult times. However, we are glad to be part of this renewed effort to change the direction of the country.

Please be safe and keep in touch.

— **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.

## ARCTIC REFUGE

## Rescuing Arctic Refuge from Last-Ditch Attack

PEER is pushing back against a last-minute effort by the State of Alaska to counter flagging industry interest in bidding for oil and gas exploration rights in the Arctic National Wildlife Refuge. On December 23rd in a hastily called meeting, the Alaska Industrial Development and Export Authority (AIDEA), a state-owned entity, voted to devote \$20 million to bidding on remaining tracts.

“Throwing public money at this petro-pipe-dream is an admission that this scheme will not fly in the free market,” said PEER Board Member Rick Steiner, who has called for an official review as to whether AIDEA is eligible to bid since it has no intent or ability to engage in drilling operations. “AIDEA’s abysmal track record indicates its investment decisions reflect a special reverse-Midas touch.”

On December 18th, three days before bidding began, the U.S. Bureau of Land Management pulled 10 of 32 tracts, (some 475,000 acres or about a third of the total)

off the blocks. BLM’s move signaled its fear there might be no bids on these tracts. The minimum bid is \$25 per acre.

BLM will open the bids on January 6th and proceed immediately to lease sale. This hyper-hurried pace reflects the announced stance of the incoming Biden administration to halt all Arctic Refuge drilling plans, making it unlikely that any awarded lease will be able to obtain permits required to go forward. Besides the calendar, drilling plans face daunting barriers, including –

- Lack of financing, as many major banks are eschewing fossil fuel investments, especially in the Arctic, and major oil companies are bowing out of Arctic expansion;
- Rock bottom oil prices, as a global glut worsens during the pandemic-induced economic slowdown; and
- The inability of BLM to conduct seismic testing magnifies the crap-shoot



PHOTO: ALASKA DFG

**Fateful Crossing.** The Arctic National Wildlife Refuge is often called “America’s Serengeti” as one of the planet’s most pristine settings, offering ecosystems for 270 species including polar bears, caribou, moose and myriad migratory birds.

nature of bidding, since there is little hard geologic data to justify staking big venture capital.

Even if leases are sold, any awarded leases will be tied up in litigation for years. Also, any leases can be repurchased, resetting the whole process back to zero.

This frenzied fiasco signals the end of Alaska’s peak oil economy. The transition away from fossil fuels will be harder in the Last Frontier but no less necessary. ■

### Statement on Armed Insurrection at US Capital

In response to large groups of armed Trump followers storming the U.S. Capitol, PEER released the following statement:

*Armed and violent Trump followers have stormed the U.S. Capitol, destroyed federal property, attacked police officers and first responders, and threatened our nation’s elected representatives. Trump and those who support his delusional claims of electoral victory have incited this malicious attack on our democracy. Now is a time when we should be working together as one country to fight the deadly pandemic, strengthen our economy, and protect our environment. We call on all leaders to condemn this violence and those who incite it, and stand strongly in support of a peaceful transition to the new duly elected president.*



## ENVIRONMENTAL PROTECTION AGENCY

## Saying No to Highly Radioactive Materials in Roads

Among the Trump administration's goodbye gifts to industry is the reversal of an almost 20-year-old prohibition against using radioactive materials in government road construction. This about-face is a big favor to the fertilizer industry, which has had to separately dispose of an especially nasty byproduct from phosphate fertilizer, phosphogypsum – a substance that contains Radium 226, one of uranium's most dangerous decay products. As it decays, it emits deadly radon gas.

Back in 1979, the use of similar stuff on roads in Denver forced EPA to declare the streets unsafe, prompting a Superfund-based removal. In another case, EPA suspended its use in Idaho streets after finding the probability of residents contracting cancer due to exposure “to be about one chance in 2,500 in Pocatello

and one chance in 700 in Soda Springs.”

So, what caused EPA to change its mind? The Fertilizer Institute persuaded EPA Administrator Andrew Wheeler that lifting the prohibition was a “beneficial reuse.” But Wheeler's approval did not emerge from a public regulatory process and –

- Was based on a risk assessment produced by the Fertilizer Institute;
- Allows Radium 226 exposure above Superfund screening levels; and
- Makes no provision for disposal of radioactive paving material.

In a backhanded recognition of the residual dangers, EPA will require a 50-foot setback from pavement edge to inhabited structures. This, of course, is no protection



PHOTO: EPA

**A Phosphogypsum “Stack” in Florida. In 1992, EPA decided that phosphogypsum and its associated Radium-226 “presents an unacceptable level of risk to public health” in road construction.**

for those building the roads, walking beside or sitting in idling cars atop them.

PEER is teaming with other concerned groups, construction trade unions, and affected Florida communities (where most of this stuff is stored) to undo Wheeler's parting gift to industry. If the incoming Biden EPA does not act voluntarily, we will see them in court. ■

### Industrial Safety Takes a Holiday

Three times Congress blocked a Trump plan to defund the Chemical Safety Board, the federal agency charged with investigating and preventing industrial explosions, fires, leaks, and other chemical accidents. But he appears to have defanged the agency with his appointed absentee chairperson, who oversees the agency from her home in San Diego.

Every year, the U.S. suffers more than 1,000 serious industrial chemical accidents but very few are investigated. As a consequence, the U.S. has an industrial accident risk among the highest in the developed world.

This past year, CSB completed only one investigation and made no safety recommendations. Meanwhile, the number of

investigators has fallen by nearly half in five years.

While investigators make for the exits, the big new hire at CSB is a former lobbyist from Northrop Grumman Corp. to serve as a “senior adviser” at a \$275,000 salary. The agency describes his duties as “interfacing with stakeholders” to achieve the nebulous goal of “improving the flexibility of interagency interactions around multi-jurisdictional incidents.”

“To say that the CSB is underperforming would be an understatement,” remarked PEER General Counsel Paula Dinerstein. “We will be asking President Biden to put the CSB back to work protecting workers' lives and the communities hosting these industrial plants.” ■

### Wheeler Junket Junked

Outgoing EPA Administrator Andrew Wheeler was set to take some favored staff on an all-expense-paid trip to Taiwan, which due to COVID travel restrictions would be by chartered flight costing taxpayers more than \$250,000. An outraged employee tipped off the media, and the trip was cancelled. In his typically charmless way, a chagrined Wheeler ordered an investigation to identify the whistleblower. If outed, PEER will gladly defend this public servant.

## COVID-19

## Dangerous Wildlife Disease Labs

Zoonotic diseases, like some coronaviruses, are caused by germs that spread between animals and people. Researching animal diseases requires high levels of bio-containment to prevent releases of viruses and other pathogens.

Unfortunately, the U.S. Geologic Survey's two main biosafety level three (BSL-3) wildlife disease laboratories suffer from poor maintenance and breakdowns that threaten the safety of researchers and research subjects, the integrity of the scientific work, as well as public health and the environment.

This fall, for example, the USGS Director



PHOTO: USGS

**Bio-Safety in Practice.** Much of the USGS wildlife disease lab equipment is old and poorly maintained.

refused to allow the National Wildlife Health Center in Madison, Wisconsin to conduct work using coronaviruses due to concern over facility safety. Employees represented by PEER are trying to address these issues both at the NWHC and the Western Fisheries Research Center in Seattle, Washington. Both facilities have suffered biocontainment breaches resulting in releases of untreated pathogen-contaminated wastewater.

Employees, however, are fearful to report breakdowns as those who do are punished. A NWHC veterinarian who reported incidents was forced to retire. A 27-year research microbiologist, represented by PEER, who supervised the aquatic BSL-3 Seattle lab, reported and attempted to resolve wastewater treatment and animal welfare problems. She was placed on administrative leave in February 2020 with a proposed termination still looming.

In addition, her research, which is blocked from publication, demonstrates that aquatic viruses are making novel host species jumps. Her findings also indicate the same virus strains released during containment failures were lethal not only



PHOTO: USGS

**Zoonotic Disease.** Diseases can spread to humans from both native and exotic wildlife.

to fish but could also kill native amphibians in the wetland where contaminated wastewater was dumped.

Although these USGS research centers need facility upgrades, they also need independent oversight. PEER will continue our campaign to compel USGS labs to undergo third party accreditation, as most other federal labs already do. We are in the midst of a pandemic originating from an animal virus that jumped into humans, possibly from a laboratory release. This same deadly scenario should not be able to recur in our federal labs. ■

## A Drop of Good News

A PEER-led campaign has induced the Nuclear Regulatory Commission to jettison a radical rollback allowing the disposal of radioactive waste in local garbage dumps not licensed or designed for

such material. The NRC was pushing an “interpretative rulemaking” to eliminate longstanding requirements that radioactive waste be disposed of in licensed radioactive waste sites meeting detailed safety standards and subject to NRC inspection and enforcement.

The NRC declared its “intent” to address only “very low-level radioactive wastes,” a term for which the agency admitted there was no statutory or regulatory definition. So, it proposed one that would have allowed essentially all waste from

decommissioning or operating nuclear reactors, except the fuel, to be disposed of in landfills. That would have placed workers and communities in close contact with material having a half-life high enough to substantially raise cancer rates.

While we are glad the NRC took a step back from what would have been a disastrous precipice, this is only one small ray of regulatory responsibility among a cascade of rollbacks. ■

*More than 100 U.S. commercial nuclear power plants are beginning, or will soon start, the decommissioning process*



## PFAS FOREVER CHEMICALS

# Toxic PFAS Marches Up Our Food Chain

Laboratory testing sponsored by PEER is finding growing levels of toxic “Forever Chemicals” in seafood. PFAS is the collective term for per- and polyfluoroalkyl substances – more than 9,000 human-made chemicals used in the manufacture of everything from consumer goods and flame retardants, to furniture and take-out containers. PEER tested for:

- 36 different PFAS in striped bass caught in Cornfield Harbor in the Potomac River, and oyster and crab from St. Inigoes Creek in Saint Mary’s County, Maryland. The striped bass had 23,100 parts per trillion (ppt) of nine different PFAS, the crab meat had 6,650 ppt of eight PFAS, and the oyster meat had 2,070 ppt of five PFAS. By contrast, the EPA Lifetime Health Advisory for two types of PFAS

is 70 ppt.

- Ten different PFAS compounds found in the meat of a lobster caught off Cape Cod in concentrations that are many times higher than the new Massachusetts drinking water limits (more than 16,000 ppt versus 20 ppt).

Massachusetts’ newly adopted limits for several PFAS in drinking water do not apply to food consumption. PEER is urging Massachusetts to begin testing lobster and other seafood for PFAS and to start developing fish consumption advisories, as New Hampshire is doing. PEER is also advocating a national approach to PFAS contamination of food.

“These findings are red flag warnings that we should start testing seafood for PFAS,”



PHOTO: FDA

**Crawling Up the Web of Life.** Human exposure to PFAS is associated with cancer, birth defects, developmental damage to infants, and impaired functioning of liver, kidney, and immune systems. Once PFAS enters the food chain, its concentrations grow.

commented PEER Science Policy Director Kyla Bennett. “One reason to be very concerned about these toxic chemicals bioaccumulating in the food chain is that we sit atop that food chain.” ■

## PFAS is in Water, Everywhere

New testing also reveals high levels of PFAS in drinking water. Lab results indicate:

- The level of toxic PFAS chemicals in drinking water samples tested by the city of Delray Beach, Florida exceeds the safety limits of several states; and
- Several types of PFAS are in drinking water sampled by PEER at three Montgomery County, Maryland locations.

“In the absence of action by EPA, Maryland, Florida, and other states need to start developing health-based standards for PFAS chemicals in water and food,” said PEER Executive Director Tim Whitehouse, pointing out that neither Florida nor Maryland have PFAS standards for drinking water. PEER is pressing state and local agencies to look into the

problem and help determine the causes. (see related article next page).

One factor in Florida that PEER identified is the high PFAS levels in reclaimed waters used to irrigate lawns and golf courses. That water seeps back into the aquifer that supplies drinking water. Another source is biosolid fertilizers made from sewage sludge. Lab testing PEER arranged showed shocking PFAS levels of more than 52,000 ppt in these fertilizers.

“Delray Beach and other towns may be slowly poisoning themselves by continuing to recycle PFAS-laden gray water and fertilizers,” added Florida PEER Director Jerry Phillips. “As the term ‘forever chemicals’ implies, PFAS do not break down when they migrate through the soil back to aquifers – in fact, they do the opposite.” ■

## Thank You!

*This quarter, we would like to express our gratitude for the exceptional generosity of members Paul Angermeier, Diane Davidson, Dune Restaurant - Los Angeles, Linda & Charles Frick, Mimi Karlsson - retired EPA-AED, Junior Kerns, David & Evelyne Lennette, John Noel, Andrew & Mary Schaefer, Alan & Judy Weiss, Howard Wilshire, Steven Woodbury, and our very own Kyla Bennett and Chris Berg.*

*We would also like to thank the Anderson-Rogers, Virginia Wellington Cabot, Dudley, George and Miriam Martin, New-Land, Normandie, Seattle, Tortuga, and Winky Foundations for their generous support.*

## PFAS in Pesticide – Potential Gamechanger

In a revolutionary development, PEER has documented that the insecticide many states use for mosquito control contains per- and polyfluoroalkyl substances, PFAS, the so-called “forever chemicals.” This points to a major hole in pesticide regulation and the disturbing prospect that state efforts to control mosquito-borne illnesses may be creating a new health problem.

Tests commissioned by PEER on Anvil 10+10, the pesticide used in the aerial spraying programs in 28 states, reveal it contains PFAS. PEER’s findings were validated in separate tests conducted by Massachusetts state authorities.

In 2019, Massachusetts aerially sprayed 2.2 million acres of the state with this pesticide and, in 2020, sprayed more than 200,000 acres. Thus, while communities are struggling to remove PFAS from their drinking water supplies, we are showering them with PFAS from the skies.

“The frightening thing is that we do not know how many insecticides, herbicides, or even disinfectants contain PFAS,” stated PEER Science Policy Director Kyla Bennett, a scientist and attorney formerly with EPA.

“This may explain why communities not near any obvious PFAS source, such as a military base, find PFAS in their water.”

PEER found chemical company patents for PFAS in pesticides and articles discussing the use of PFAS in pesticides. PFAS may be added to pesticides as surfactants, dispersants, or anti-foaming agents, or they may be in pesticides as the result of contamination during the manufacturing or storage of the pesticide or its ingredients.

Although PFAS are listed as approved inert ingredients on EPA’s “Inert Finder” database, EPA is not required to disclose many inert ingredients in pesticides since manufacturers often withhold information about inert ingredients as “trade secrets” or “proprietary” information.

These findings underline the need for a comprehensive approach to the entire PFAS family of chemicals as a class, rather than a chemical-by-chemical approach. In addition, they point to the need to tighten scrutiny and public disclosure of all pesticide ingredients, including inert ones.

“This shows that public trust in EPA having a full accounting of these materials and



PHOTO: ARMY CORPS OF ENGINEERS

**A Cure Causing Other Diseases? Aerial pesticides to control mosquito-borne diseases may be creating unintended adverse health effects.**

their safety is utterly misplaced,” added Bennett, who arranged for the testing. “Until EPA acts, states need to adopt their own safeguards and chemical disclosure requirements because they certainly cannot depend upon the diligence of EPA.”

### EPA’s Sad 50th Anniversary

In December, PEER sounded a counter-note to EPA’s official, smarmy self-congratulatory 50th anniversary celebration. In our official statement, PEER Executive Director Tim Whitehouse, a former EPA enforcement attorney, intoned:

“What was once the gold standard for pollution control has devolved into a discredited politicized tool for corporate regulatory avoidance. EPA has certainly had its flaws but today it is difficult to identify its virtues. This agency sits at low ebb – a demoralized, diminished organization that will take significant time and effort to rebuild.”

That rebuilding will be a PEER priority moving forward. ■

### European Union Approach

While the U.S. has been stuck in a regulatory impasse, the European Union recently adopted a bold new strategy for handling all PFAS chemicals. This approach includes -

- Phasing out PFAS, unless their use is essential;
- Immediately banning the most harmful chemicals from consumer products;
- Accounting for synergistic and cumulative effects of chemicals when assessing risks;
- Boosting chemicals that are safe and sustainable by design, and throughout their life cycle; and
- Adopting strict consumption standards.

PEER is drawing from the EU approach in formulating state and national PFAS legislation.



## CIVIL SERVICE

## An Existential Threat to Civil Service

In late October, Trump issued an executive order stripping certain federal employees of civil service protections so they could be hired and fired at will. The order creates a new “Schedule F” classification for positions with “confidential, policy-determining, policy-making, or policy-advocating character.” Jobs likely to be reclassified Schedule F involve supervision of attorneys or drafting policy. A prime example of who Trump is targeting is Dr. Anthony Fauci, the civil servant director of the National Institute of Allergy and Infectious Diseases, whose tenure (thankfully) does not depend on Trump’s pleasure.

Under the order, agencies must complete a list of positions to be reclassified by Jan. 19, 2021, one day before the inauguration. While Biden is expected to rescind the order, much damage may be done, for example, by making it more difficult to recruit top-level scientists or other specialists to government service.

A group of former employees (including prominent George W. Bush appointees) from the agency charged with implementing Schedule F, the Office of Management & Budget, published a letter of concern, saying Trump’s order would “fundamentally damage one of the central

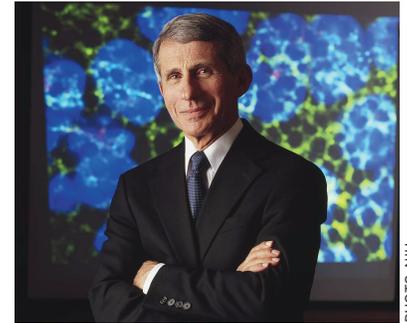


PHOTO: NIH

**The Face of Civil Service.** Dr. Anthony Fauci has come to epitomize the value of civil service enduring from administration to administration.

institutions of our government and would harm the ability of the Biden administration and any future administration of either party to govern effectively.”

It is unclear whether the order, if implemented, could legally affect current civil servants, but it certainly could affect new hires. Nonetheless, the episode underlined how close we came to abandoning civil service and returning to the spoils system of the 19th century. Fortunately, those top officials charged with compiling Schedule F lists will do so as they are also packing their bags to leave office. ■

### Burrowing In

Even as Trump appointees decry the “deep state,” a large number are seeking to join it. Dozens of Trump political appointees are trying to transition into the civil service, the permanent workforce. The process is known as “burrowing in” and has become a staple at the end of administrations.

In the last year of the Obama administration, the Office of Personnel Management approved 21 of 33 transfer requests. By mid-December, 42 Trump political appointees have bid for permanent status, but many more such transfer requests are expected up to Inauguration Day. PEER is monitoring the burrow-tunnel trails.

## Reign of Racial Insensitivity

Another Trump order, issued in September, directed agencies to suspend anti-racism trainings throughout the federal government and at federally funded entities such as universities and contractors. The directive sowed much confusion, as many agencies simply cancelled all meetings or training sessions having to do with diversity, sex discrimination, or respect in the workplace. Even LGBTQ pride events have been called off.

One note of protest came from an unusual source – EPA’s Office of General Counsel, the office defending against employee charges of discrimination. More than 80 OGC employees signed an open letter charging that Trump’s “attempt to distort and suppress honest attempts to grapple with these central issues in our country is corrosive and dangerous, and it hinders necessary efforts to create healing for all” while “further institutionalizing racism in

the federal government.” PEER applauds the courage of the signatories.

By many accounts, Trump’s initiative has chilled any workplace discussions related to diversity, racism, and inequity. Like many aspects of the Trump tenure, this will take some time, effort, and goodwill to unwind. ■

## NATIONAL PARK SERVICE

## National Parks – Get the Lead Out

Lead-based ammunition carries a lethal load into the food chain. In addition to humans, some 130 species of wildlife are vulnerable to lethal and sub-lethal doses of lead. Scavengers suffer lead poisoning by ingesting gut piles and other offal left by hunters, as well as from the remains of the countless carcasses left in the field. Not counting what hunters shoot, spent lead ammo kills an estimated 10 million animals annually in the U.S.

In the very early days of the Obama

administration, the National Park Service banned lead-based ammo and fishing tackle in all park units. Hunting is currently permitted within 60 national preserves, recreation areas, and other NPS units. Fishing is widely allowed throughout the national park system.

Unfortunately, a “gun-shy” Obama White House extinguished the ban, fearful of NRA-impelled congressional blowback. PEER will be leading the charge to reinstitute the lead ban in parks. As a candidate,



PHOTO: MO DNR

**Lead-Poisoned Eagle.** Scavenging birds, such as bald and golden eagles, are particularly vulnerable to lead poisoning.

Joe Biden vowed that he was “not going to be pushed around by the NRA.” This will be one chance to prove it. ■

### Call for Green Parks

During the Obama years, PEER exposed how donations from Coca Cola were used to block an attempt by Grand Canyon National Park to ban sales of plastic bottles, which constituted more than a third of the park’s solid waste. That exposé allowed the Grand Canyon ban to go forward. It also forced a policy change that enabled 25 parks to go plastic-free.

This slow progress was reversed by Team Trump, which forbade any park superintendent from restricting plastic bottle sales. That policy said parks were

supposed to honor “consumer choice” as if they are shopping malls.

Now, PEER plans to renew our drive for “Green Parks” that are –

- 75% plastic free (a goal the Park Service set for itself by 2016, but which was abandoned before it could be implemented;
- Less landfill dependent, through increased recycling, composting, and visitor education; and
- Carbon neutral.

One role of national parks is to foster an

ethic of respecting the land – a “leave no trace” philosophy” – that parks should practice in their own operations. ■



PHOTO: NPS

**Drowning in Litter.** Parks have many ways to reduce their solid waste streams but have not been encouraged to do so.

### Atomic Shell Game

PEER has blocked, at least temporarily, a scam to exempt one of the nation’s most highly contaminated sites from a long overdue cleanup by adding it to the national Register of Historic Places. Located 30 miles northwest of downtown LA, Santa Susana Field Laboratory is a former nuclear reactor and rocket testing facility, home to a partial nuclear melt-down and numerous other radioactive

and toxic chemical releases. After a prolonged fight, the site is under a legally binding cleanup agreement with a very narrow exemption for “Native American artifacts that are formally recognized as Cultural Resources.”

NASA, one of the site’s owners, nominated the entire Santa Susana site as a Cultural District and declared all 2,850 acres, much of it extremely contaminated, exempt from cleanup. PEER’s objections helped persuade the Keeper of the National

Register to put the application on hold. We are watching to make sure the scheme is not revived.

“This cynical NASA scheme has nothing to do with preserving cultural heritage but everything to do with weaseling out of expensive cleanup responsibilities,” charged Pacific PEER Director Jeff Ruch, noting that the cleanup was supposed to be completed by 2018 but has yet to begin. ■



## PEER PERSPECTIVE

## Rational Exuberance



### Rebekah Jones, Florida Public Health Data Scientist

This is her second “Thumb.” We first honored her for defying orders by Florida Gov. Ron DeSantis to alter data on the official COVID dashboard to hide rising infection levels. She left the Department of Health and set up her own dashboard that is far more accurate than the official one. It also documented how DeSantis’ insistence on keeping communities “open” exacted a terrible toll in deaths and hospitalizations. This being Florida, more lurid developments were sure to follow. Now, with guns drawn, Department of Law Enforcement agents have confiscated her computer and other electronics, including her phone, effectively shutting down her truth-proofed data center. We salute her for continued, distinguished public service even after leaving the public payroll.



### AZ County Supervisor Holly Irwin

With a worsening drought and water conflicts on the rise, it should come as no surprise that Wall Street is eyeing to make billions buying water rights in rural western communities and selling the water to wealthy, populated areas. One such rural community is Chibola, Arizona, along the Colorado River. A few years ago, a firm called Greenstone bought the rights to most of Cibola’s water and is trying to sell the water to a fast-growing suburb of Phoenix 175 miles away. Holly Irwin, a county supervisor who lives in Cibola, told the NY Times, “They’re going to make big bucks off the water, and who’s going to suffer? It’s the rural counties going up against big money.” As the leaders of Southwestern states gather this month to decide the future of the Colorado River, they would do well to listen to local leaders like Holly Irwin.



### Delaware Water Gap Park Ranger Heather Hyde

Hyde is a law enforcement ranger with an unglamorous but important specialty – trash. Her main job is investigating illegal trash disposal in the Delaware Water Gap National Recreation Area and a three-state portion of the Appalachian National Scenic Trail. As a trash detective, she combs through discards to determine their origin and make a legal case against suspected culprits. This year, there have been some 65 big dumping cases, including an entire above-ground swimming pool. Convicted offenders must pay for the cost of removal plus a hefty fine. Her nickname? “The digger.”



### Red Lake Band of Chippewa, White Earth Band of Ojibwe

These two Minnesota Ojibwe bands have joined with two environmental groups to sue the Army Corps in U.S. District Court for the District of Columbia, asking the court to stop construction on the oil pipeline across pristine waters of northern Minnesota. The bands argue the Army Corps of Engineers failed to evaluate the risks and impacts of spills and properly evaluate the impacts of climate change. With so many lawmakers still coddling the fossil fuel industry, this battle will only be won when local communities, tribes and state leaders say enough is enough.



### Maldives Foreign Minister Abdulla Shahid

When Secretary of State Mike Pompeo recently flew to the Maldives, he got an earful. Maldives Foreign Minister Abdulla Shahid decried shrinking U.S. leadership on climate change and withdrawal from the Paris climate accord. Calling sea level rise an “existential threat to the Maldives,” Shahid lectured an irritated Pompeo that “It’s crucial to have global consensus on the matter at the earliest, and meaningful action is taken quickly.” Pompeo pushed back, calling the Paris agreement “a joke” and declaring “the greatest way to combat any risk is human innovation and creativity.” That went over like a lead balloon and helped explain why Chinese influence in the region is on the rise.



### Federal Salary Council ex-Chair Ron Sanders

Just hours after Trump issued an Executive Order to strip civil service status from federal lawyers, scientists, and other specialists (see Page 8), his pick to lead the Federal Salary Council, Ron Sanders, resigned with a blistering statement that he could no longer serve in an administration that seeks “to replace apolitical expertise with political obeisance,” adding that “The only ‘boss’ that they serve is the public, and the laws that their elected representatives enact, whether this or any President likes it or not.” Sanders is a management specialist who had served at both OMB and as a top national intelligence official under George W. Bush. His stand shows that some in the GOP still embrace principle over politics.

## SCIENTIFIC INTEGRITY

## Vilsack's Return Threatens Science on Sustainability

President-elect Biden's decision to bring Tom Vilsack back for another stint as Secretary of Agriculture revives concerns about his closeness to industrial agriculture interests, especially as manifest by USDA suppression of research and publications that displeased "Big Ag."

During Vilsack's tenure, PEER represented Dr. Jon Lundgren, one of USDA's top entomologists who documented political quashing of research linking potent new insecticides with declines in wild pollinators, such as monarch butterflies. Lundgren's case was not isolated, however. His case prompted USDA's Office of Inspector General to survey more than 2,000 scientists from four branches of the agency in late 2016. Notably, many scientists refused to fill out the IG survey but those who did had little good to say about their experience under Vilsack:

- Nearly a tenth reported their research findings had "been altered

or suppressed for reasons other than technical merit." However, not one filed a Scientific Integrity complaint. Most confessed they did not know how to file one.

- The vast majority felt the USDA Scientific Integrity Policy adopted in 2013 made no difference in their work. Of those who saw a difference, more say it made matters worse. More than one-sixth were not even aware there was a policy; and
- Nearly three-quarters said Vilsack's managers flagged some research as "sensitive/controversial," with climate change, pollinator health, and anti-microbial resistance as leading hot button topics. As one scientist commented:

Subtle tampering is common: with interpretations on politically sensitive topics, whether and how we



PHOTO: BLUE DASHER FARM

**Jon Lundgren ultimately resigned from USDA after concluding he could no longer do scientific research on practices undermining sustainable agriculture practices.**

address a certain research question, how we interpret our findings for the public are all interfered with"

We cannot afford a renewed regime of scientific censorship at USDA. In coming confirmation hearings, PEER will be pressing Vilsack, at a minimum, to commit to adopting open science policies, repealing the rule forbidding research papers with "policy" implications, and limiting the ability of Big Ag to prevent publication of research about their products. ■

## Flying Sea Turtles Highlight Problem

A cold snap in the waters off Massachusetts drove hundreds of stunned sea turtles onto Cape Cod National Seashore. The sheer volume of nearly frozen turtles sparked the largest air evacuation of endangered sea turtles to the Gulf of Mexico in search of rehab facilities. The event points to a big and growing hole in the federal conservation safety net.

The nearly 500 cold-stunned turtles were mostly Kemp's ridleys, the planet's most critically endangered sea turtle. The stricken animals total nearly one-tenth of the entire Kemp's ridley population.

A private air force of volunteers loaded survivors onto makeshift air ambulances to

the Gulf Coast where, unfortunately, federal rehabilitation facilities are shrinking. NOAA's Galveston Sea Turtle laboratory is closing and the National Park Service has curtailed its award-winning Sea Turtle Science and Recovery program at Padre Island National Seashore.

"Survival of these rare sea turtles depends upon private generosity in the face of public cutbacks," stated Pacific Director Jeff Ruch of PEER which is leading efforts to block further cuts at Padre Island. "Unfortunately, Park Service leadership is abandoning its conservation responsibilities even for sea turtles that wash up on its seashores."



PHOTO: NOAA

**Wrapped for Flight.** One participant in the largest air evacuation of stricken sea turtles ever undertaken.

Next year the turtles trapped in freezing waters may not be so lucky. More massive cold-stunning events may be on the way as climate change alters ocean water temperature patterns. ■



## Public Employees for Environmental Responsibility

962 Wayne Ave, Suite 610  
Silver Spring, MD 20910

Return Service Requested



NON PROFIT ORG.  
U.S. POSTAGE  
PAID  
WASHINGTON, DC  
PERMIT NO. 6094

*Help the Environment Even More!  
...Go Paperless with PEER*

Printed on Recycled Paper

## Transition — Continued from page 1 ►

rewritten to make it far stronger.

To that end, PEER is publishing a series of reform guides to set out what elements meaningful reform must include. We also aim for the Beyond 2020 reforms to serve as a metric by which the Biden-Harris performance will be judged.

### Confirmations

While some of the Biden picks are very good, some, such as Tom Vilsack at USDA, are not. Failing to force their withdrawal, PEER will use the confirmation process to press for pledges to ameliorate the most egregious policies these appointees represent. The margins for any confirmation will be tight. Our ability to convince a handful of Senators to echo our concerns can make a difference.

### Rule-Making and New Litigation

Beyond merely articulating the elements of reform, PEER will continue to exert legal pressure, including lawsuits, to secure progress. In past administrations, PEER has used rule-making petitions as levers to induce change. For example, our petition to reform mining and drilling practices on wildlife refuges was accepted and became the basis for regulation. Alternately, the failure to act on such an administrative petition can serve as the basis for a lawsuit.

### Rebuilding from Within

Beleaguered bureaucracies will not suddenly transform with new political appointees. These workforces are complex organizations, facing mission drift and loss of institutional knowledge through mass retirements. Through surveys and other tools, PEER serves as a unique barometer of organizational healing. While unions deal with wages, hours,

and working conditions, PEER's focus is on the mission – an issue beyond collective bargaining – and whether professionals are fulfilled by rendering genuine, invaluable service to the public.

### Truth to Power

Throughout this process, PEER will serve as the channel for current employees to communicate problems to new appointees free from fear of career retribution. As we have done for going on 30 years, PEER will be a conduit to publicly identify problems when new appointees need a nudge to “do the right thing.”

Through these and other avenues, PEER and its members, including retirees, aim to make important contributions to the extraordinary events of 2021 and beyond.

