



PEERreview

A Publication of Public Employees for Environmental Responsibility

Building Better Climate Solutions

The recent devastating floods in Yellowstone National Park and the massive heat waves across the West are the latest signs that we need to speed up our efforts to address climate change.

PEER's Climate Integrity Project is working to develop sustainable solutions to the climate crises, while strengthening transparency in climate programs. Here are a few updates on this work.

Location, Location, Location

We are looking into the Greenlink West Project, a planned system of overhead electric transmission lines being managed by the Bureau of Land Management (BLM), which is intended to run 350 miles between Reno and Las Vegas, Nevada.

Whether renewable energy projects are environmentally sustainable or not depends fundamentally on three factors: siting, siting, and siting. When we fail to plan correctly, renewable energy and the infrastructure that supports it, will supplant the important climate-controlling work of grasslands, farmlands, and forests, and will threaten sensitive ecosystems and habitat areas.

The Greenlink West Project will open up more opportunities for solar developers on fragile desert lands to feed the electrical needs of urban areas in Nevada and California, with 240 square miles of solar projects already proposed along its route. The proposed line will impact paleontological, cultural, and visual resources, and wildlife movements, and will cross priority sage grouse habitat.

The planned route also runs through



PHOTO: ADOBE STOCK

California Dreamin': Proposed carbon pipelines in the Midwest will help drive greenwashing in the fuels industry.

the Tule Springs Fossil Beds National Monument, requiring a right-of-way permit approval from the National Park Service (NPS). We have requested communications between NPS and BLM to better understand the right-of-way application process. We hope to see that NPS is fully considering the potential impacts on this National Monument and is ensuring the protection of sensitive resources.

Better siting of solar projects, including bringing power closer to population centers and into the built environment, will help curb climate pollution and conserve ecosystems. Energy sprawl on our public lands will only serve to undermine these efforts.

Stopping Perverse Incentives

We recently won a victory before the Minnesota Public Utilities Commission when the Commission agreed with PEER's arguments that carbon pipelines are

"pipelines" subject to the Commission's oversight and routing rules. Throughout the Midwest, companies are proposing carbon pipelines to carry carbon dioxide (CO₂) "captured" from dozens of ethanol plants to distant locations where they can be stored underground or reused for oil extraction, a process known as Carbon Capture and Storage.

These pipelines are being pushed by Big Oil and Ag as a climate solution deserving of big tax credits and subsidies. However, the technology is expensive and unproven, and does not address other emissions and forms of pollution from industrial agriculture and fossil fuel extraction.

If these projects go through, pollution will increase in the Midwest. These projects will drive the overproduction of corn, which degrades water quality, harms pollinators, and further depletes the soil. Increased ethanol production will lead to more emissions from ethanol plants,



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FROM THE EXECUTIVE DIRECTOR

Supreme Court Watch

No matter what you think of the current Supreme Court, one thing is for sure: times are changing. The future portends a rocky road for federal environmental and health and safety protections.

The activist conservative Court is signaling its desire to take the country backwards by overturning federal environmental regulations and making it more difficult for agencies like the Environmental Protection Agency (EPA), to address issues such as climate change and water pollution.

This Court is not about caution and precedent.

It will continue to aggressively scale back rules that allow individuals and organizations to bring lawsuits against companies that are violating environmental laws. It will also limit EPA's ability to regulate emerging threats to human health and the environment under existing statutes and regulations.

One example of this is *West Virginia v. EPA*, where the Supreme Court severely limited EPA's ability to regulate greenhouse gas emissions.

An upcoming case we are closely watching is *Sacketts v. EPA*. In this case, it is widely feared that the Supreme Court will remove federal Clean Water Act protections for wetlands that do not directly abut navigable waters such as prairie potholes, seasonal wetlands, arroyos and other waterways.

That means millions of acres of precious aquatic resources will be destroyed by polluters and developers.

That is why we have signed onto an amicus brief by the Natural Resources Defense Council and the Southern Environmental Law Center supporting current federal Clean Water Act rules.

With federal environmental protections on the chopping block at the Supreme Court, we will step up our organizing to make sure the Clean Water Act and clean energy laws are as strong as possible, and we will fight to ensure that state laws work to keep our air and waters clean and healthy for both humans and wildlife.

Too much is at stake to do otherwise.

— 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 SEAS

Mass Beaching of Rare Whales Probed

In 2018, there was the largest mass beaching of rare beaked whales ever recorded. Seven Bering Sea beaked whales (also called Stejneger's beaked whales) beached on the shore of Adak, Alaska, in the Aleutians.

The Alaska Volcano Observatory recorded pulsed, manmade sounds in the water just prior to the stranding, leading to the strong suspicion that these acoustic sources caused the stranding. These pulses drive deep diving whales to surface quickly, causing fatal decompression effects.

Rick Steiner, a marine conservation expert formerly with the University of Alaska, Fairbanks, and Chair of the PEER Board of Directors, was determined to find the cause. His Freedom of Information (FOIA) requests to National Oceanic and Atmospheric Administration (NOAA), the Navy, and U.S. Geological Survey all indicated that there were no domestic military or research vessels permitted to conduct active acoustic activity in the area that year.

However, Steiner then learned that there had been three Japanese research ships in the Bering Sea in summer of 2018, including the Yushin Maru, a notorious whaling outlaw, that had been approved to conduct cetacean "research" using acoustic sonobuoys in the Bering Sea. Such research requires an Incidental Take/Harassment Authorization, but NOAA confirmed that no such authorizations were issued in Alaska that year.

These foreign marine scientific research approvals are the exclusive province of the U.S. State Department. Yet, the State Department issues approvals for foreign vessels in U.S. waters without public notice or ensuring they obtain the same permits domestic researchers must have. The State Department does not monitor these foreign marine research activities to police compliance with U.S. law.



PHOTO: NOAA

Mystery Deaths. These seven Bering Sea Beaked Whales were stranded at Palisades Point on Adak Island, Alaska.

In addition, the State Department would not answer Steiner's FOIA request seeking the foreign consent letters and approved research specifications for 2018. Subsequently, PEER has sued the State Department, seeking immediate production of this material. In addition, PEER has formally asked the Secretary of State to reform its approval process to ensure that foreign vessels abide by the same marine resource safeguards and disclosure requirements as domestic research vessels.

"Had the State Department known of [the ship's] rap sheet, it should not have permitted the Yushin Maru to enter U.S. waters," said Steiner. "With the current arcane, uncoordinated, and wholly nontransparent system for approving foreign research vessels, we have no idea how many other shocking marine incidents remain to be uncovered. This process needs to be fixed."



Welcome Colleen Teubner

PEER welcomes Colleen Teubner as a Litigation and Policy Attorney. Colleen is a former Assistant District Attorney for the Suffolk County District Attorney's Office in New York and has worked, clerked, and interned for multiple government agencies and non-profits, including the United States Department of Justice, the Office of the New York State Attorney General, the Natural Resources Defense Council, and Defenders of Wildlife. Colleen's work will focus on litigation and employee defense, public lands, government records laws, and government relations. Welcome aboard Colleen!



NATIONAL PARK SERVICE

Park Plastic Ban Advances



PHOTO: ADOBE STOCK

Competing Mountains. Discarded plastic bottles are the biggest component of national park waste-streams.

In June 2021, PEER petitioned the National Park Service for a systemwide ban on the sale of disposable plastic water bottles within one year and an overall 75% cut in plastic usage within five

years. In meetings, Biden officials would not commit, suggesting that plastic use reduction would be subsumed into a broader “sustainable” purchasing plan.

So, we were pleasantly surprised this June when Interior Secretary Deb Haaland announced an agencywide plastic ban. The good news is that this ban goes beyond national parks to include wildlife refuges and other public lands. The bad news is that it will be slowly phased in over a decade, by 2032, making it potentially reversible.

Under Trump, even limited efforts to restrict plastic bottle sales in parks were vetoed on the grounds that “consumer choice” was a paramount virtue.

“We will continue to push the agencies to move more quickly than the mandated 10-year phaseout,” stated Rocky Mountain PEER Director Chandra Rosenthal, who led our plastic-free campaign.

Court Ruling Leaves E-Bikes on Wobbly Ground

In a lawsuit brought by PEER, a federal court has ruled that the National Park Service’s embrace of electric bicycles was hasty and ill-considered. Parks must now take a hard look at the array of issues it should have considered at the outset, such as how to avoid user conflicts with fast-moving e-bikes, the impact faster e-bikes have on wildlife along backcountry trails, and the added damage to unpaved trails from heavy e-bike use, as the NPS maintenance backlog again ballooned to \$13 billion.

In 2019, the Trump administration issued a directive allowing e-bikes on all park trails where human-powered bikes are permitted. PEER and our allies immediately filed suit on multiple grounds, including that 1) the directive was issued by an unconfirmed, illegal “acting” director; 2) was the product of an illicit shadow industry advisory group; and 3) did not undergo the review required under the National Environmental Policy Act (NEPA).

In reaction to the PEER suit, NPS began to reconfigure its posture by abandoning the Trump directive and issuing a new policy allowing park superintendents to consider allowing e-bikes.

The federal court found the evolving NPS policy had sufficiently distanced itself from the Trump order, but still lacked the required NEPA review. Rather than vacate the current policy, the judge remanded the matter back to NPS to undertake the environmental reviews it evaded.

“In essence, the court found that the Park Service chose to leap before it looked,” remarked PEER Senior Counsel Peter Jenkins, who argued the case. “This basic environmental planning should be the bedrock of our national park system, not an afterthought.”

Overflight Deadlines Up in the Air

In 2020, PEER won a lawsuit against the Federal Aviation Administration and National Park Service, requiring adoption of air tour management plans in the 24 parks with the highest overflight traffic. The court-ordered deadline is this August.

As it nears, the agencies admit that they will miss this deadline for many, and perhaps all the parks. Further, they have not even begun the environmental reviews required by law.

“These agencies which are under court order precisely because of their unreasonable delay are now subjecting the parks and their visitors to even more unreasonable delay,” said PEER General Counsel Paula Dinerstein. PEER is urging the Court to strictly enforce the law and ground air tours in parks lacking completed management plans. We’ll let you know what happens.

BUREAU OF LAND MANAGEMENT

Sage Grouse Dodgeball

Even as Greater Sage-Grouse numbers plummet throughout the West, the U.S. Bureau of Land Management (BLM) continues to waive habitat protections for oil and gas operations, according to records obtained by PEER. In just three BLM Field offices, nearly 80 such exemptions were issued during the past four years. The exemptions (sometimes called “timing stipulations”) allow mainly oil and gas activity in areas set aside to protect sage grouse and migratory raptors.

BLM oversees more sage grouse habitat than any other U.S. governmental entity. The three field offices that issued almost 80 exemptions, are in Wyoming, home to a third of the remaining Greater Sage-Grouse and the highest number of Greater Sage-Grouse within its 11-state Western range. However, sage grouse numbers have been declining in the Cowboy State since 2016. Further declines will likely result in imposition of Endangered Species Act protections that will be far stricter than current safeguards.

“These records raise questions about the effectiveness of sage grouse protections if they are routinely waived,” stated Rocky Mountain PEER Director Chandra Rosenthal, noting that another seven BLM Wyoming Field offices have yet to provide PEER with any documents. “Without centralized records, BLM lacks the data to determine the cumulative impact of this multitude of exemptions. In short, Greater Sage-Grouse appears to be the victim of death by a thousand regulatory cuts.”



PHOTO: BLM

Bye-Bye Birdie. The Greater Sage-Grouse population continues to decline as its core habitat is disappearing at a rate of about 1.3 million acres a year, from a national base of 26 million acres.

PEER has asked Interior’s Inspector General to audit BLM’s issuance of these exemptions. Until that review is complete, we are urging BLM Director Tracey Stone-Manning to stop issuing any new exemptions.

Curing BLM’s Climate Cow Blindness

In a wide-ranging Executive Order, President Biden has declared climate change an existential crisis requiring a “Government-wide approach” engaging “the full capacities” of every agency.

But the BLM apparently did not get the memo. Its Sagebrush grazing program both produces massive amounts of methane, a potent greenhouse gas, but also dramatically reduces soil sequestration of carbon, releasing an estimated additional 11 million tons of carbon annually. Further, the program greatly magnifies the adverse effects of climate change and the megadrought by making rangelands far more vulnerable to desertification, wildfires, and the introduction of invasive species.

These adverse effects are greatly aggravated by an outdated livestock program that fails to address the degradation of rangelands – a problem that PEER has demonstrated afflicts more than one-third of BLM allotments.

Yet BLM steadfastly refuses to even consider, let alone mitigate, these climate impacts. PEER is pressing both Interior Secretary Haaland and the White House Council on Environmental Quality to ensure that BLM begins complying with directives to mitigate

these climate effects by including climate impacts in all of its livestock eco-planning and reviews and adopting policies to promote climate-resilient rangelands. We can no longer afford to have BLM remain a climate denier when it comes to its massive commercial livestock operations.

Knowledge Is Power

PEER’s comprehensive digital map of BLM’s data on rangeland health is providing scientists, journalists, and conservation groups with ground-proofed validation of the actual conditions on livestock allotments throughout the West. It is proving to be a powerful tool for documenting overgrazing and degraded land conditions and, in that regard, has prompted several media profiles. More importantly, it is giving people the agencies’ tools to ride herd on BLM’s vast commercial grazing program.





PFAS/FOREVER CHEMICALS

Big Gaps in the National PFAS Plan



The U.S. Environmental Protection Agency (EPA) has repeatedly declared that controlling the spread of per- and polyfluoroalkyl substances (PFAS) in American waters and soil is a top priority. But the agency has a mighty curious way of going about it.

In June 2021, EPA adopted a working definition of PFAS that appeared out of nowhere, with no scientific antecedents or public review. EPA's new definition excludes thousands of chemicals everyone else considers to be PFAS from future regulation.

Last fall, PEER submitted a Freedom of Information Act request seeking documents that would explain the origin of this new

definition. In its typical fashion, EPA stalled, breaking several of its own deadlines for releasing documents. After several months, EPA provided not a single record. So, this April, PEER sued the agency to force production.

Shortly thereafter, the first 2,500 pages of documents were released, showing:

- Different EPA divisions unknowingly use different definitions, and scientists within these divisions were unaware that they were applying contrasting definitions;
- EPA is still uncertain whether certain pesticides and approved inert ingredients fall into their own definition of PFAS. (PEER has shown PFAS is present in many pesticides); and
- No scientific basis was offered for the new PFAS definition, and no reasons were given for excluding thousands of chemicals included in international and state definitions.

"These documents portray EPA leaders as far more concerned with politics and optics than science," stated PEER Science Policy Director Kyla Bennett, a scientist and attorney formerly with EPA. "As it stands now, EPA's Strategic Roadmap is a guide to nowhere, leaving much of the spreading toxic contamination untouched."

Massachusetts Calamity as Microcosm

A pollution wrecking ball is rolling through ground and surface waters and into the fish and wildlife of central Massachusetts. Massachusetts Natural Fertilizer Co. had been accepting sludge from a paper manufacturer to make compost and fertilizers. That sludge appears to contain ultra-high levels of per- and polyfluoroalkyl substances, known as PFAS.

As a result, the company's fertilizer and compost are also toxic. The state Department of Environmental Protection issued a cease-and-desist order stopping further sales, but many tainted products had already been sold.

Making matters worse, scores of local drinking water wells are contaminated with extremely high levels of PFAS. Also contaminated is a local stream feeding

Crocker Pond, the centerpiece of a state recreational area, causing its closure to swimming as summer began.

We see this same distressing scenario repeatedly, featuring factors such as 1) unregulated PFAS waste becoming a new source of pollution; 2) PFAS in products ranging from fertilizers to pesticides further spreading contamination; 3) scant safeguards keeping PFAS out of ground and surface waters; and 4) few checks against PFAS entering the food chain.

"Reversing the growing tide of PFAS requires a new 'all-of-the-above' approach," commented PEER's Kyla Bennett, who is leading our multi-faceted PFAS campaign. "The top priority should be preventing introduction of PFAS in the first place, because cleanup is very costly, tedious, and time-consuming."



Paradise Closed:
PFAS contamination

led local authorities to "temporarily" close Crocker Pond for swimming, but not boating and fishing. However, since PFAS – aka "Forever Chemicals" – do not break down, instead only further bioaccumulating, this popular recreation spot may remain shuttered for years.

Florida's Waters Awash in Sewage Spills



PHOTO: USF.EDU

Daily Occurrence. Florida suffered some 30 million gallons of raw sewage spills in 2021, as recorded in 900 emergency alerts from just 12 counties

Florida still lacks a coherent enforcement program to curb an almost daily hemorrhage of raw sewage into its fresh and marine waters, according to an explosive new PEER report. Sewage spills result from nearly every tropical weather system, and even from daily thunderstorms. Nonetheless, the state's domestic wastewater program had the lowest enforcement rate in 2021, with just 9% of violators charged. Further, it saw a 16% decrease in inspections from 2020.

"Almost daily sewage discharges have become a way of life in Florida", stated Florida PEER Director Jerry Phillips, a former enforcement attorney with the state's Department of Environmental Protection (DEP). "Our wastewater treatment facilities are clearly not designed to handle the inflow of sewage and rainfall that has become common."

PEER's annual review of Florida's overall pollution enforcement program found

that, after a somnambulant 2020, in which inspections plunged, inspections more than tripled in 2021. Those increased inspections also uncovered significantly more pollution violations, yet under Governor Ron DeSantis, DEP:

- Opened substantially fewer enforcement cases than the year before, taking formal enforcement against just 10% of the noncompliant facilities, a recent record low rate; and
- Brought no formal action against nearly half of significant violators.

"To put things in perspective, judged by the volume of enforcement, DEP 2021's performance is still only 44% of the agency's 2010 performance," added Phillips, who has been reporting for PEER on DEP's enforcement metrics since 2004. "Traditionally, DEP has been an agency beholden to developers and industry while relying upon photo-ops to showcase stewardship. Until that changes, DEP will continue to stand for 'Don't Expect Protection.'"

Updating Manatee Protections

In June, the U.S. Fish and Wildlife Service (FWS) announced that it will update its manatee critical habitat protections for the first time since 1976. PEER and other groups have been publicizing the decline of manatee populations for years.

In 2021, around 1,100 Florida manatees died, about 13% of the total Atlantic population. As of June 3, 577 manatees had died in 2022. One major cause of death is starvation, as pollution is killing the seagrass manatees eat. The manatees are just a canary in the coal mine, as Florida's once rich underwater life is in rapid decline.

The Center for Biological Diversity, along with the Save the Manatee Club and Defenders of Wildlife, has petitioned the agency to update its manatee protections. Florida manatees are listed as "threatened" under the federal Endangered Species Act. All critical habitat designations require the FWS service to identify physical and biological features of an area that are essential to the preservation of the species.

The FWS announcement is welcome news and will add pressure on Florida to start taking its environmental laws seriously. Until it does so, the Florida manatee will continue to decline.



Happy Trails

After 19 years with PEER, Jerry Phillips and his wife Kay are leaving Florida for points north to retire.



CALIFORNIA

Santa Susana Sell-Out

PHOTOS: WILLIAM PRESTON BOWLING



Hell on Earth. Located in the hills above the San Fernando and Simi Valleys, Santa Susana is one of California's most toxic places, as the site is home to a reactor meltdown, pollution due to decades of rocket-testing, and other activities that remain largely un-remediated after decades.

In May, California Governor Gavin Newsom and the Boeing Company unveiled an agreement that would dramatically weaken the cleanup requirements for Santa Susana Field Laboratory, one of the state's most toxic sites (in part bought by Boeing). The move contradicts repeated assurances by Newsom officials that they would enforce the far more stringent cleanup standards contained in a 2007 order that was slated for completion in 2017.

Last year, PEER revealed that the Newsom administration had opened "confidential" settlement negotiations with Boeing. Our worst fears were later realized with the new 800-page pact that "supersedes" the prior order, gutting key safeguards by –

- Limiting removal to 440,000 cubic yards of soil maximum;
- Allowing contaminants at "Levels Admitted to Cause Observable Adverse Effects" to flora and fauna, an obscenely low bar; and

- Weakening human health standards by, depending on the chemical and location, hundreds to thousands-fold.

But there may be some flies in the ointment for Boeing's sweetheart deal. It is contingent upon approval by the L.A. Regional Water Quality Control Board. The Board's Chair was abruptly removed after the agreement was unveiled. PEER also forced a key vote to make the Chair recuse herself after seeking her removal for illegally receiving unreported Boeing contributions through her one-person nonprofit. The Board's meeting slated for early June was indefinitely postponed.

Further, the deal never underwent any eco-review or public hearings, as required by California's Environmental Quality Act. The ultimate outcome remains uncertain. "The only clear thing is that the politics surrounding Santa Susana are as toxic as its soil," remarked Pacific PEER Director Jeff Ruch.

Sinking Superfund Site

In a report citing PEER's work, the Grand Jury for the City and County of San Francisco has concluded that Hunters Point Naval Shipyard, a Superfund site since 1988 due to high levels of radioactive waste, is sinking into San Francisco Bay. Rising sea levels are raising shallow groundwater near the shore, flooding the site from below and releasing the contaminants the Navy intends to leave buried there.

The Grand Jury also found that the Navy has not integrated sea-level rise into its plans, nor has the principal oversight agency, EPA. The stakes are huge as, among other considerations, the remediation of Hunters Point is supposed to be part of the biggest development in San Francisco since the 1906 earthquake. This report adds another dimension to PEER's advocacy that this cleanup plan is woefully inadequate and needs to be redirected to remove all the contamination.

Rubble, Not Yet Reform

Last year, three Colorado Department of Public Health and Environment (DPHE) air modelers represented by PEER filed a complaint with the U.S. Environmental Protection Agency's Office of Inspector General detailing state failures which allowed excessive release of deadly ozone into areas already out of compliance with federal standards. These disclosures were largely confirmed by a state Attorney General review.

During the intervening months, six key DPHE managers have resigned or retired, and another was stripped of his supervisory duties. Yet, Colorado has yet to adopt the whistleblowers' suggested remedies for reducing worsening ozone pollution. Rocky Mountain PEER Director Chandra Rosenthal is working with both new EPA officials and U.S. Rep. Diana DeGette (D-CO) to secure federal intervention to clear the air.

DEPARTMENT OF THE INTERIOR

Dangerously Thinning Ranger Ranks

National parks, refuges, monuments, and other public lands are seeing record-breaking visitation. Yet, overall staffing at the National Park Service (NPS), Bureau of Land Management (BLM), and Fish and Wildlife Service (FWS) continues to decrease. Meanwhile, the slide among their ranks of law enforcement rangers, special agents, and officers has been even steeper, lower than levels seen this century and even before.

- BLM is responsible for more than 10% of the U.S. land area. Yet, the agency is down to fewer than 200 law enforcement rangers, each responsible for patrolling an area roughly the size of Delaware;
- FWS, the agency overseeing more than 560 National Wildlife Refuges and combatting international wildlife smuggling, has a total 641 law enforcement rangers and special agents, far fewer than a decade ago; and
- In the Park Service, ranks of permanent law enforcement rangers fell by 15%, while seasonal ranger deployments dropped by 30% in the past 15 years.

The Biden administration's proposed budget for Fiscal Year 2023 provides for a slight increase in Interior staffing, but with almost nothing targeted for its depleted ranger forces. PEER is asking Congressional appropriators to 1) prioritize visitor and resource



PHOTO: BLM

Shrinking Force. Even as the need for them skyrockets, the number of rangers, special agents, and law enforcement officers patrolling federal lands continues to shrink.

protection among operational budget increases in order to reach ranger force levels of just a decade ago; and 2) to require Interior agencies to conduct needs assessments to create consistent standards for determining appropriate force levels. Absent these measures, the “Thin Green Line” protecting America’s public lands will remain on a course to snap.

Saving Plummers Island

Plummers Island is called the “most thoroughly studied island in North America.” For over 120 years the island has been home to the esteemed Washington Biologist Field Club, an organization of biologists, entomologists, ornithologists, and other scientists who study the island’s thousands of plants, insects, and wildlife. With the island under threat from a highway expansion, PEER is working with the Club to make sure the National Park Service lives up to its mandate to protect the island.



PEER is working to help the Washington Biologists Field Club save Plummers Island. Pictured L-R: Lowell Adams, Field Club Secretary; Tim Whitehouse, PEER; Robert Soreng, Field Club President; Rod Simmons, Field Club Manager.

Radically Receding Resource Prosecutions

Lower numbers of U.S. special agents and rangers are translating into less enforcement against resource crimes such as wildlife trafficking, poaching, wildland arson, hazardous materials dumping, and archaeological artifact theft. Across all of the Department of the Interior, during the past decade, criminal referrals for prosecution have dropped 70%, prosecutions filed from those referrals have fallen by 67%, and convictions secured declined by 74%. These are the lowest totals in more than 35 years.

“It’s simple: fewer rangers and special agents mean fewer investigations, fewer criminal referrals, prosecutions, and convictions,” explained PEER Staff Attorney Colleen Teubner, a former Assistant District Attorney. “That, in turn, diminishes the chances of stopping resource crimes.” More than most groups, PEER is focused on ensuring these laws are enforced.



PEER PERSPECTIVES

Gazpacho Police in Peach-Tree Dishes



Robert Gosnell, former New Mexico Director, USDA Animal and Plant Health Inspection Service

Known as “Goose,” Robert Gosnell ran the branch of USDA responsible for eliminating nuisance wildlife that goes by the curious title of Wildlife Services. He blew the whistle on his agents falsely certifying livestock losses as “wolf kills,” entitling ranchers to federal compensation from the program to recover the highly endangered Mexican wolf. Several of his staff work second jobs as hunting guides for the same ranchers whose claims they evaluated, a violation of federal ethics codes that was mutually beneficial: “My guys in the field were going and rubber-stamping anything those people asked them to.” When he sent his staff’s certifications to depredation experts: “Everybody said, ‘Those aren’t wolf kills.’” But when Gosnell tried to intervene: “I had big bosses coming down on me.” He was transferred and eventually resigned, but not before filing a detailed report with the USDA Office of Inspector General. Meanwhile, unscrupulous ranchers will continue to cry wolf.



Maryland Congressman Jamie Raskin

Fighting for democracy and climate change go hand in hand, according to Maryland Congressman Jamie Raskin. Raskin, who led the Trump impeachment effort and is helping to lead the Congressional inquiry into the January 6th insurrection, notes, “we’re never going to be able to successfully deal with climate change if we’re spending all our time fighting the Proud Boys and the Oath Keepers and Ku Klux Klan, and the Aryan nations and all of Steve Bannon’s alt-right nonsense.” For Raskin, “the struggle for democracy is the struggle for the truth and for science and to save us from climate disaster.”



FDA Commissioner Robert Califf

Per the Food and Drug Administration’s awkwardly-named “Closer to Zero” plan, Commissioner Califf issued “draft action levels” to reduce the amount of lead in apple and other “ready-to-drink” juices from 50 parts-per-billion (ppb) to 10 ppb for apple juice and 20 ppb for other juices. There is no safe level of lead, a dangerous neurotoxin that impairs children’s development. Consumer Reports says the new levels, which do not go into effect until 2024, “seem weak” and reflect the current industry standard. Meanwhile, new limits for cadmium and mercury are still years away. Critics ask: “when will FDA take more than baby steps to protect babies?”



Former President Jimmy Carter

In 1980, President Carter signed the Alaska National Interest Lands Conservation Act (ANILCA) into law, expanding national parks and forests and creating wildlife refuges such as the Izembek National Wildlife Refuge. A recent 9th Circuit ruling upheld a decision by Trump’s Department of the Interior approving a land exchange to build a 12-mile gravel road. In a highly unusual amicus brief seeking rehearing, the former president called the ruling a “deeply mistaken” decision that exhibited “a grave misunderstanding of the fundamentals” of ANILCA. This is just a small reminder that in his one term, Jimmy Carter arguably did more for public lands than any President since Jefferson and the Louisiana Purchase.



Idaho State Senator Steve Vick

Vick is in the forefront of legislators from Republican-led states seeking to discourage companies from making commitments to responsible environmental, social, and corporate governance practices, such as “sustainable investing,” known by the shorthand of “ESG.” Vick and his allies want to identify who these corporate non-outlaws are and then prevent Idaho from investing in or doing business with any companies who are, well, acting responsibly. To Vick, corporate concern about environmental consequences, such as climate change, and long-term social damage is “counter to the values of Idaho” – a state apparently aspiring to be the North Korea of the West.



Former NOAA Head of Research Craig McLean

In 2019, when President Trump wrongly predicted the path of Hurricane Dorian by drawing on a National Weather Service map (a flap dubbed “Sharpiegate”), NOAA supinely issued an unsigned statement criticizing forecasters who had corrected Trump. McLean, who retired this year, pushed back against his own agency and filed a Scientific Integrity complaint that led to a report finding that senior NOAA officials had shown “reckless disregard” for science in covering for Trump. “For scoundrels to resort to political manipulation in order to cover for the president’s error is unforgivable and something I and others couldn’t tolerate,” said McLean, who was just named a finalist for a Service to America Medal (“Sammies” are the Oscars for federal civil servants). While it is great to see a whistleblower honored, had the 2020 election results gone the other way, McLean likely would have ended his career assigned to retracing old weather maps.



DEVELOPMENT

Get into Good Trouble and Give in July!



I'm delighted to invite you to join us in the Double Trouble match campaign in July.

In honor of Whistleblower Appreciation Day on July 30th, and thanks to the generosity of a PEER supporter, only during the month of July, all new or increased gifts to PEER will be matched dollar-for-dollar.

How to join PEER's Double Trouble July Match:

- Gift just \$1 more than your last gift to PEER
- Invite a friend, or two, or three, to make their very first gift to PEER and any amount will be doubled!

Don't remember how much you last gave to PEER? No problem, call Claire, our fantastic Donor Outreach Associate and she can help: 240-247-0295 or email cturner@peer.org.

Whistleblowers and anonymous activists risk their careers to protect the environment. With PEER's support, these brave individuals can make changes within their agencies and bring to light the issues that affect us all. PEER is proud to represent and defend environmental whistleblowers. Your new or increased gift helps us provide pro bono legal services that keeps the government honest at all levels.

Do your part, get into some good trouble, and give to PEER in July!

Use the enclosed postcards to invite friends to make their first ever gift to PEER. Remember, all new gifts to PEER in July are matched dollar-for-dollar.

<https://peer.org/donate>



Welcome New Board Members and Officers

PEER is excited to announce the incoming group of new members and leaders to our Board of Directors.

We are thrilled to have Alexandra Bueno, Esq. and Adrian Treves, PhD, join the Board. We are also excited to announce that Richard Steiner has been elected as the new Chair of the Board. Our long-serving board member Louis Clark will continue on the board as Vice-Chair. Additionally, earlier this year, the Board approved an update to PEER's bylaws, which added a formal Development Committee of the board focused on fundraising and development. Current board member Darrell Carrington has been elected as Chair of this new committee. Welcome All!

We Thank You!

We would like to say a big THANK YOU to the 18 new donors to PEER this quarter. We are grateful for your investment in the work we do. We'd also like to offer our gratitude to the following Foundations for their continued support:

Park Foundation

FJC—A Foundation of Philanthropic Funds

Lisa and Douglas Goldman Foundation

Ceres Trust

Joseph Robert Foundation

ReMain Nantucket

PEER Community Survey

We received over 250 survey responses from the PEER community. We greatly appreciate your feedback, ideas, and suggestions for improving our work with environmental whistleblowers across the country. Thank you! Check out the survey summary: <https://peer.org/peer-community-survey-2022-results/>




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BUILDING BETTER CLIMATE SOLUTIONS — Continued from page 1 ►

impacting air quality and the climate, and will create additional smog-producing tailpipe pollution from ethanol use.

We are also concerned that climate programs, such as California's Low Carbon Fuel Standard, are helping to drive the development of these proposed projects. By capturing some of the carbon generated at the ethanol plants, producers can generate credits for lower-than-average carbon intensity fuel and sell these credits to oil companies and others who want to sell higher-than-average carbon intensity fuel in markets with this low carbon fuel standard.

Growing more corn to use as fuel, building complicated networks of pipelines to transport carbon to locations where it will be stored underground, and creating shadowy "market trading schemes" and government handouts to finance these projects will do little to address climate change. It will make some people rich,

burden consumers with unnecessary costs, and detract from more cost-effective climate solutions.

Supporting Transparency

We have been looking into state renewable energy programs that can be important drivers in the transition from electricity-powered fossil fuels to a clean energy economy. However, without well-written rules and transparency, they will have the opposite effect.

Our work exposing flaws is already having a positive effect in Maryland, where serious efforts are underway to clean up the state's renewable energy program. For the past two years, we have released reports showing that about one-third of Maryland's renewable energy program subsidizes dirty energy sources that are as bad, if not worse than fossil fuels—such as burning wood and trash—and that many of these subsidies go to out-of-state

companies that provide no electricity to Maryland residents.

But we are not stopping with Maryland. In the coming months, we will be analyzing and releasing data on Washington, DC's renewable energy program, and making recommendations on how the nation's capital can improve on its efforts to address climate change, while bringing better value to energy consumers.

Looking ahead

We know what needs to be done to address climate change – speed up the transition to clean energy sources, reduce our overall energy consumption, conserve and protect vast spaces of land and water, and ensure that government agencies have the resources to do their work.

We're here to help make sure that these steps happen as quickly as possible.