



# PEER Review

A Publication of Public Employees for Environmental Responsibility

## Native Seed & Botanist Shortages Hinder Landscape Restorations

As the Interior Department unveils a new Native Seed Initiative to facilitate ecological restorations and maintain biological diversity, the land management agencies charged with implementing this effort suffer from diminished capacities, deemphasis, and dysfunction. Significantly, the agency critical to the success of this national seed strategy, the U.S. Bureau of Land Management (BLM), faces significant shortfalls in both seeds and botanists, lacks needed infrastructure and supply chains, and approves mass herbicide applications that devastate native plant populations.

In a seminal report issued last year, the National Academy of Sciences concluded that inadequate native seed supplies are a major barrier to the restoration of federal lands constituting one-third of the U.S. land area. In response, this February, Interior Secretary Deb Haaland announced a National Seed Initiative anchored by BLM's new Interagency National Seed and Restoration Center.

This new emphasis, however, is hamstrung by several reinforcing factors:

- The four major land management agencies face a crippling shortage of skilled botanists essential for proper identification, collection, and management of native seeds, and that shortage is getting worse, with the number of botanists dropping by 20.5% in the last seven years;
- BLM does not have sufficient infrastructure, including warehouses and supply chains, to scale up native seed production. In 2020, more than three-quarters of the grasses and flowering plants (forbs) BLM purchased were not native source-identified seeds; and
- There is no national program to support native seed growers and producers. Nor is there a centralized commercial seed permit program to support seed collection, ensure sustainable harvesting practices, and promote transparency in seed procurement.

"America's native seed system has limped along for too long and sorely needs a comprehensive national commitment," stated Rocky Mountain PEER Director Chandra Rosenthal, who



PHOTO: BLM

**More Than a Band-Aid.** To restore wildfire and flood-ravaged lands while stemming the spread of invasive weeds, the U.S. needs a much larger infrastructure for collecting, storing, and distributing native seeds.

is spearheading our campaign to increase America's native seed capacity dramatically. "We welcome Secretary Haaland's announcement of a native seed initiative. Public lands are becoming overrun with invasive species that harm wildlife and natural ecosystems."

Despite Sec. Haaland's announcement, a central concern is that BLM has not made a sufficient budgetary or management commitment to meet the vast need for native seeds. For example, BLM employs only a fraction of the number of botanists versus wildlife biologists. Yet states handle most wildlife management issues on BLM lands, whereas BLM alone is responsible for maintaining its vegetative base.

Aggravating this situation is the fact that BLM remains the most understaffed land management agency. For example, in 2022 BLM had only 4.18 employees for every 100,000 acres of land to manage, while National Parks have a whopping 24.57 employees for every 100,000 acres of land. Yet, BLM lands are managed for far more complex multiple uses, including grazing, mining, oil and gas drilling, and off-road vehicle use, than are most Park Service lands. At the same time, BLM staff is shrinking, with only 10,242 employees in 2022 compared to 10,356 in 2015.



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## NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION

# No Entanglement Is “Minor”

New research published this week shows that critically endangered North Atlantic right whales are much more vulnerable to fishing line entanglement than previously thought. Not only are right whale entanglements significantly more widespread, but the damage inflicted is far more serious.

The new research analyzing more than 40 years of data about right whales becoming entangled in fishing lines, usually from lobster boats, includes –

- The percentage of females who have been entangled is now up to 89%, so pervasive that it is difficult to find any females who have never been entangled;
- Any entanglement, even so-called “minor” entanglements, affects whether females will calve; and
- By design, weak breakaway rope does not reduce the amount of rope in the water; thus, this type of rope reduces the potential severity of entanglements without reducing either the likelihood of their occurrence or the devastating effects.

“The biggest takeaway from this research is that there is no such thing as a ‘minor’ entanglement – any entanglement adversely affects the female’s ability to reproduce,” stated PEER Science Policy Director Kyla Bennett. “In short, weak rope is not a solution to entanglements.”

Besides helping to analyze this data, PEER is also calling attention to the lack of prosecution for violators of existing legal protections. Even when lines from lobster boats are found wrapped around right whales, the National Oceanic & Atmospheric Administration does not take legal action. This enables the lobster industry to deny it is part of the right whale mortality threat, even when there is clear evidence to the contrary.

The letter from the Executive Director usually found on page two will recommence in the summer issue.



PHOTO: FLORIDA FISH AND WILDLIFE COMMISSION

**Ties That Bind.** A major reason for the North Atlantic right whale’s decline is entanglement in fishing lines.

## 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.

CLIMATE CHANGE

### EPA's Laurie Williams Joins PEER



**Welcome Aboard.** Laurie Williams brings 35 years of experience with the EPA to our work on climate change.

In her time at EPA, Laurie and her husband Allan Zabel, also an attorney formerly with the U.S. Environmental Protection Agency (EPA), have written and spoken on climate policy and devoted years to pursuing fair and effective climate policies.

Laurie will focus on supporting our Climate Integrity Project as a contractor for PEER. One major focus of her work will be ensuring that any claimed climate offsets are verifiable, permanent, and enforceable.

In addition, many offsets such as forestry projects do not mitigate demand and simply shift the environmentally damaging activity elsewhere. These offsets also create perverse incentives to keep polluting activities legal so they can keep being sold as offsets.

Laurie also hopes to apply the skills she learned at EPA to collaborate with others to draft principles for model national climate legislation.

## Burning Trash Is Not Clean Energy

PEER is supporting a campaign to remove trash incineration as an eligible source from Maryland's Renewable Portfolio Standard. Under Maryland law, electricity providers can buy Renewable Energy Credits (RECs) sold by trash incinerators and pass the costs of those credits on to consumers in their energy bills. By buying these RECs, electricity providers can claim electricity produced from burning trash is renewable.

In the decade between 2012 and 2022, Maryland energy providers spent approximately \$100 million on these credits, an amount projected to rise by an additional \$200 million between 2023 and 2030, according to an analysis by PEER. In addition, the price of dirty incineration energy credits has risen over sevenfold in the past ten years.

Together with a broad coalition of environmental justice, labor, religious, educational, climate, and community organizations, we argue that the inclusion of trash incinerators in the state's main clean energy program is a

counterproductive subsidy of harmful pollution that undermines Maryland's climate goals. The greenhouse gases emitted annually by these incinerators wipe out most of the benefits from the state's entire renewable energy program and threaten Maryland's greenhouse gas reduction goals.

By eliminating trash incineration from Maryland's renewable portfolio, the state can redirect that money to preferable, less-polluting sources of energy, such as wind, solar, and geothermal. "Maryland must clean up its renewable energy program," stated PEER Executive Director Tim Whitehouse, a former senior enforcement attorney with the U.S. Environmental Protection Agency, pointing out that the current program decreases the incentive to adopt more sustainable waste practices and artificially cheapens the most polluting methods.

Last year, PEER and our allies persuaded Governor Wes Moore to make critical energy data, including the price of energy



PHOTO: FLETCHER66\_CREATIVE COMMONS

**Garbage In, Garbage Out.** Trash incinerators emit more carbon dioxide per megawatt-hour than coal plants in addition to toxic air pollution that causes heart disease, lung disease, and cancer.

credits by fuel source available to the public. Concealing this data prevents ratepayers from learning what value they are getting from their dollars invested in different sources of electricity, such as wind, solar, and biomass — information that key to revealing whether the program is working as intended.



## NATIONAL PARK SERVICE

## Ending Sweetheart Seashore Cattle Leases

U.S. taxpayers are losing millions of dollars due to leases for commercial dairy and beef ranches at California's Point Reyes National Seashore, which are set well below fair market value contrary to federal law and National Park Service policy. Currently, 14 dairy and beef ranchers hold 21 leases on Point Reyes National Seashore and another 10,000 acres of the adjacent Golden Gate National Recreation Area, supporting more than 5,700 head of cattle.

These purely commercial operations serve no park purpose. While Point Reyes draws well over 2 million visitors yearly, barbed wire fences restrict park visitors from entering the leased lands. Nonetheless, the Park Service wants to extend these leases for another 20 years, a decision now being litigated.

A PEER analysis shows that Point Reyes charges a grazing fee that is one-fourth of the market rate. In addition, several leases include multiple houses per ranch, as well as associated barns, sheds, and corrals. However, the operators pay virtually nothing for residences and associated structures in Marin County, which has some of the highest real estate values in the country. For example, one ranch leases 1,000 acres for grazing 280 cattle and five houses for less than \$2,000 per month. In addition, the ranchers pay no property tax.

"We estimate that these below-market Point Reyes Seashore leases cost taxpayers around \$3 million every year," stated Pacific PEER Director Jeff Ruch, noting the annual lease revenue



PHOTO: NPS

**Heavily Subsidized Businesses.** Cattle operations that were supposed to have been grandfathered out years ago still occupy one-third of the entire Point Reyes National Seashore.

is approximately \$800,000 short of even covering the Seashore's costs for administering the leases. "Taxpayers should not be obligated to subsidize these private businesses."

PEER has asked the Department of the Interior's Inspector General to audit the Point Reyes and Golden Gate leases. Due to the litigation, the Point Reyes leases all expire in September of this year. Our goal is to ensure that if any leases are renewed, leaseholders will be required to pay their fair share to continue using national park lands.

### Telecoms and The Park Service: Can You Hear Me Now?

PEER is opposing legislation that would put the National Park Service into financial partnership with AT&T, Verizon, and other big corporate telecoms to install more cell towers and broadband in every one of the more than 400 parks.

The Connect Our Parks Act, which is part of the federal EXPLORE Act, demonstrates that simply because legislation is bipartisan does not make it a good idea. The bill, in essence, says that better broadband and cell coverage should take priority over addressing profound resource challenges facing our national

parks, many of which are being loved to death. Enabling visitors to better entertain themselves online while waiting in long lines is not a solution.

Installing hundreds more cell towers will also increase coverage spillover into park backcountry and wilderness. Studies show that one of the most disruptive sounds for wildlife is the human voice. Communing with nature should not have to compete with downloading music, video games, and movies.

Meanwhile, the Park Service has stopped issuing public notices of

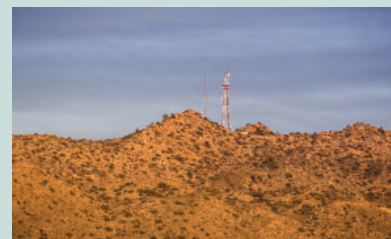


PHOTO: SUNDRY PHOTOGRAPHY, ADOBESTOCK

new cell towers and has declined to answer our Freedom of Information Act requests for these basic documents. As a result, we are suing to obtain records showing what new commercial telecom facilities have been or are being installed in Bryce Canyon, Zion, and Glacier National Parks.

ARTIFICIAL TURF

# PFAS in Artificial Turf Gets on Players

Soccer players on artificial turf pick up toxic per- and polyfluoroalkyl substances (PFAS) on their skin, according to a preliminary study conducted by PEER. The study detected the presence of toxic PFAS on the skin of 3 out of 4 middle-school girl soccer players and their coach after games played on artificial turf. By contrast, games played on grass fields did not yield the same result.

“These findings are of concern because these ‘forever chemicals’ do not break down in the environment, and bioaccumulate in our blood and organs,” stated PEER Science Policy Director Kyla Bennett, noting that players on turf may also be exposed to PFAS through inhalation, ingestion, and abrasions. “Besides the direct human exposure, PFAS leaching off thousands of fields contaminate nearby surface and groundwater, some of which are drinking water sources.”

PFAS are widely used as a plastic processing aid to enhance smoothness and reduce friction, the same reason they were used in non-stick cookware. All brands of artificial turf tested contain PFAS in carpet grass fibers and the chemicals leach off these surfaces, even on brand-new fields. Currently, there are between 12,000 and 13,000 synthetic turf sports fields in the U.S., with more than a thousand new installations each year.

By law, New York now bans playing surfaces containing PFAS. A similar bill PEER co-sponsored passed California’s Legislature by wide margins in 2023 but Gov. Gavin Newsom vetoed it. His veto message offered the paradoxical rationale that while he supports “the author’s intent” he was concerned by the bill’s “lack of regulatory oversight” even though his veto means no oversight at all – for now. These new test results

will dramatically increase the odds that the bill returns to his desk this year, with similar legislation likely in many other states as well.



PHOTO: CITY OF ASHEVILLE

**Not Child’s Play.** Human exposures to PFAS are associated with cancer, birth defects, developmental and immune deficiencies, and other impairments. These adverse health impacts are magnified in young children whose bodies are still growing.

# Overdue Radon Safeguards Adopted in Public Housing



PHOTO: HUD

**Bad and Getting Worse.** People are staying in public housing longer, now averaging six-plus years. This increases low-income residents’ risk of developing radon-induced lung cancer.

Radon is nasty stuff. It is a colorless, odorless, and inert radioactive substance found in soil, rocks, and groundwater. Once inhaled, radon settles in the lungs where it emits radiation that damages DNA and causes lung cancer. Its effects are insidious because radon exposure shows no immediate health symptoms.

Radon is the second leading cause of

lung cancer after cigarette smoking and contributes to 30,000 lung cancer deaths per year. It is also a major problem in public housing. Unfortunately, the U.S. Department of Housing & Urban Development (HUD) has exposed tens of thousands of public housing residents to needless risks by:

- Not following up on radon reports in public housing units;

- Failing to require all public housing authorities to conduct radon testing; and
- Neglecting to develop radon reduction strategies.

Alerted to these deficiencies by frustrated HUD employees, PEER has been publicly pushing for change, and these efforts have finally paid off. HUD has published a new rule requiring the above deficiencies to be addressed in all HUD-supported housing.

The recent HUD rule is a step toward rectifying disparities and safeguarding the health of all residents, irrespective of their race and background. As this example illustrates, the wheels of progress can turn, albeit with agonizing slowness. If PEER can help lubricate their turning even just a little faster, then we will have done our job.



## ENVIRONMENTAL PROTECTION AGENCY

## PEER Advocates for Stricter Drinking Water Standards

PEER has submitted comments to the U.S. Environmental Protection Agency (EPA) expressing concerns about EPA's proposed new rules to reduce lead in drinking water.

We are recommending that EPA lower the action level for lead from 10 µg/L to as close to 0 µg/L as possible because there is no safe level of lead. An action level prompts changes by households or prompts assistance from public health experts. We are also recommending that EPA specifically name safe alternatives to lead pipes and discourage unsafe alternatives such as pipes made with Chlorinated Polyvinyl Chloride and Polyvinyl Chloride, which contain dangerous chemicals that can leach into the water. Finally, we recommend that EPA discourage partial pipe replacement on public property and require full lead pipe replacement to avoid unwanted asymmetric public health impacts on communities of color.

Lead in drinking water remains a significant problem in the United States. The most common sources of lead in drinking water are lead pipes, solder, and brass fittings in faucets and fixtures. Lead

from lead pipes, solder, and brass fittings can dissolve into water or sometimes can enter as flakes or small particles.



PHOTO: SAMOPOUSER\_ADOBESTOCK

### Ruling on Inhance Plastics Lawsuit Endangers Public Health

In a deeply flawed decision, the Fifth Circuit Court of Appeals in Louisiana set aside EPA's landmark orders requiring Inhance Technologies of Houston, Texas, to stop producing highly dangerous long-chain per- and poly-fluoroalkyl substances (PFAS) during the fluorination of plastic containers. The fluorination process is dangerous because the PFAS in the plastics leach into the container contents.

EPA ordered Inhance to stop producing PFAS after PEER and the Center for Environmental Health (CEH) notified

EPA in October 2022 that they would initiate litigation against Inhance to require them to stop producing PFAS. That lawsuit is still pending.

Although the Fifth Circuit vacated EPA's action, it did acknowledge that EPA determined that three PFAS manufactured by Inhance present an unreasonable risk of injury to human health and the environment, and that six additional PFAS manufactured by Inhance may also do so.

This decision leaves the millions of Americans who are exposed to these

containers without protection from several PFAS that EPA has determined present a serious threat to public health. Among these substances is perfluorooctanoic acid (PFOA), a recognized human carcinogen that EPA determined has no safe level of exposure.

PEER is involved in ongoing litigation with CEH and we have several paths forward to ensure that the Inhance fluorination no longer produces dangerous PFAS which puts workers, consumers, and communities at risk. We will keep you posted on our next steps.

PFAS

# Biosolid Fertilizer PFAS Nightmares

PEER has served the U.S. Environmental Protection Agency (EPA) with a 60-day notice of intent to sue for neglecting its legal obligation to regulate toxic per- and polyfluoroalkyl substances (PFAS) in biosolid fertilizers. Vast amounts of PFAS-laden fertilizers are applied annually onto agricultural lands where they contaminate farmland, plants, livestock, wild animals, and water supplies.

Sewage sludge, or biosolids, are treated solids that are separated from the massive quantities of sewage waste created in the U.S. every day. These biosolids carry persistent and toxic pollutants, such as PFAS, which leach into the soil or groundwater, and then are taken up by plants which are in turn consumed by humans, livestock, and wildlife.

Because they do not break down in the environment, PFAS accumulate in humans, leading to an array of harmful health effects. EPA's proposed drinking water levels say there is no safe level of at least two PFAS found in biosolids.

Under a 1987 Clean Water Act provision, EPA must biennially identify toxic pollutants in biosolids and adopt regulations to prevent harm to human health or the environment. In the more than 35 years it has been examining biosolids for emerging threats, EPA has identified more than 250 pollutants, yet has promulgated only nine sewage sludge regulations for land application.



PHOTO: LUDMILA SMITE\_ADOBESTOCK

**Lay It on Thick.** Millions of tons of biosolids are used as fertilizer and applied to agricultural lands, home gardens, pastures, parks, and other lands.

“EPA has dropped the ball when it comes to protecting our health and environment from PFAS in biosolids,” declared PEER Science Policy Director Kyla Bennett, a scientist and attorney formerly with EPA, pointing out that EPA has long been aware of the presence of PFAS in biosolids with toxic sufficiency data that legally obligated EPA to regulate them to protect the public. “EPA must stop allowing these toxic chemicals to contaminate our nation’s food and water supply.”

## Texas Farmers Take Action to Protect Their Livelihood

Repeated PFAS-laden biosolid applications by one absentee farmer in Johnson County, Texas have poisoned the soil and groundwater and killed livestock, including catfish, on two neighboring farms. The ultra-high levels of PFAS found in

the water, soil, and animal tissues confirmed through PEER-assisted testing have prompted a criminal investigation by county officials. These farmers have also signed on to be co-plaintiffs in our impending lawsuit against EPA.

and claims to have approximately 1,000 such contracts with water treatment plants across North America. It sells 6.5 million tons of biosolids annually. Significantly, each repeated application of biosolids increases the levels of PFAS in soils and waters, causing contamination to escalate.



PHOTO: PEER

**Toxic Impact in Texas.** The amount of PFAS in this stillborn calf’s liver exceeded EPA’s reference dose by 250,000 times.

In addition, these events have sparked a product liability lawsuit against the manufacturer of the biosolids-based fertilizer – Synagro Technologies, Inc. In Johnson County, Synagro’s biosolid fertilizer was produced from sewage sludge it purchased from the water treatment plant serving Fort Worth.

Synagro makes approximately 26,500 tons of fertilizer each year at that location

“Similar instances of PFAS poisonings of farms, dairies, and ranches have occurred in several states,” added Bennett, noting that Maine has outlawed land application of biosolids altogether after more than 60 farms were found to have unsafe levels of PFAS contamination. “This lawsuit against Synagro will likely be the first of many.”



## SCIENTIFIC INTEGRITY

## New Integrity Policies Exhibit Old Problems

Days after his inauguration, President Biden directed all federal agencies to strengthen their scientific integrity policies to Trump-proof federal science and thereby “restore public trust” in government. It has not gone well.

More than three years later, no new policies have been ratified. None of the eight draft policies that have emerged offer any discernible improvements. Most are fluffy declarations with little substance.

For example, the U.S. Environmental Protection Agency (EPA) draft policy promises to “expeditiously draft necessary procedures including those on addressing scientific integrity concerns, addressing DSOs [Differing Scientific Opinions], and others such as clearance of scientific product as needed.” Disturbingly, these are the same issues for which EPA has been promising to draft rules since it first adopted a policy back in 2012.

This astounding lack of progress means EPA –

- Has yet to conduct a formal investigation of a single allegation of scientific misconduct during the Obama, Trump,

and Biden years because it lacks a protocol for doing so;

- Still has no fixed procedure for clearing research for publication, thus scientists remain unable to push back against suppression or alteration of scientific findings; and
- Encourages scientists to file Dissenting Scientific Opinions but offers no protection if that scientist experiences reprisal for doing so.

One disquieting aspect of these draft policies is their differences in what scientists may say or write. Three prohibit scientists from “making or publishing statements that could be construed as being judgments of, or recommendations on [their own] or any other Federal Government policy.” This stunning gag rule has no place in a scientific integrity policy as it could be used to stifle research due to its policy implications.

By contrast, two drafts limit this restriction to when a scientist is “speaking or writing on behalf of” the agency. Fortunately, three other drafts do not contain this restraint at all.

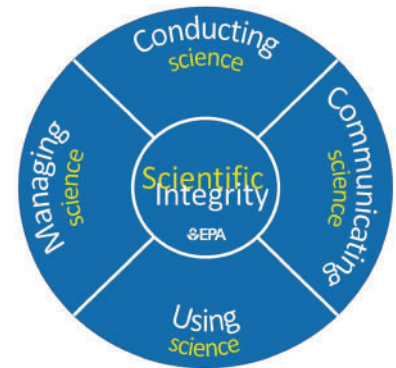


PHOTO: EPA

**Circular Logic.** New federal scientific integrity policies do little to protect research or scientists from political interference.

There is no reason why a scientist in any agency should be prohibited from discussing the policy implications of their research, and there is no reason why different agencies should have different rules on this topic.

The common theme of these efforts is that they appear crafted to serve bureaucratic self-interest, not the scientific enterprise. PEER is leading a coalition seeking to strengthen these policies or at least not make the situation worse, but it is like trying to sculpt molasses.

## Curbing Commercial Air Tours

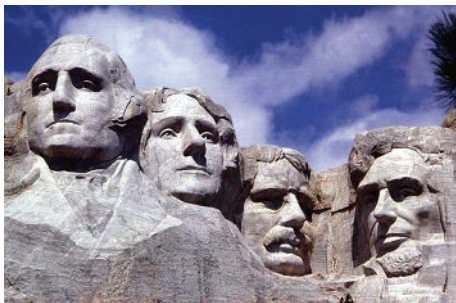


PHOTO: CREATIVE COMMONS

**A Moment of Quiet.** Mount Rushmore is one of several parks to eliminate or substantially reduce commercial overflights after the PEER lawsuit.

PEER is nearing the end of a more than five-year campaign to breathe legal life into the National Park Air Tour Management Act of 2000, which for 20 years had not resulted in any restrictions on noisy commercial overflights. Our suit led to a court order requiring the National Park Service (NPS) and Federal Aviation Administration to adopt air tour management plans for 23 national parks, ranging from New York Harbor to Death Valley.

While we are still litigating against a weak

plan for San Francisco Bay Area parks that froze existing traffic levels, there have been substantial reductions in other parks. In addition, Glacier, Bandelier, Mount Rushmore, and Badlands have banned air tours altogether.

Helicopter operators have filed a suit asking a court to overturn the NPS’s decision to ban overflights at Mount Rushmore and Badlands. PEER has successfully intervened in that case to support the NPS’s decision.



STATES

# Maine's Wind Folly

PEER and other NGOs are opposing efforts to bring an industrial wind farm support center to Sears Island, Maine, one of the largest undeveloped islands on the East Coast. We oppose this project because there is a far less environmentally damaging alternative at nearby Mack Point, a current logistical facility with expansion capacity and a tie-in to the existing rail system.

The plan to develop Sears Island faces the same legal constraints that thwarted a similar effort in the 1990s to transform it into a marine terminal. PEER is circulating a 1996 federal consent decree against the Maine Department of Transportation for illegally destroying wetlands on Sears Island that imposed \$10,000 in civil penalties plus another \$700,000 in environmental mitigation costs, together with a 1995 letter from U.S. Environmental Protection Agency (EPA), the U.S. Fish & Wildlife Service, and the National Oceanic and Atmospheric Administration that articulated the devastating environmental impacts from the proposed port facility.

“Maine’s effort to develop Sears Island 30 years ago ran into a buzz saw of legal obstacles that largely remain today,” stated New England PEER Director Kyla Bennett, an attorney and scientist formerly with EPA who was part of this 1996 enforcement action. “If anything, the adverse ecological impacts facing Maine today are even worse given the incredible wetlands losses suffered over the past three decades.”

Bennett notes that the International Panel on Climate Change’s



PHOTO: NPS

**Let's Pave Paradise.** Penobscot Bay's Sears Island, one of the largest undeveloped islands remaining on the Eastern Seaboard, is a recreational hub for hiking, biking, boating, snowshoeing, and cross-country skiing, attracting thousands of visitors each year.

latest report finds that reducing conversion of intact ecosystems is the most cost-effective tool to combat climate change. Energy sprawl on important ecosystems, like that proposed on Sears Island, will only serve to undermine these efforts.

“Green energy projects are critically important, but they must be sited in places that don’t result in even more environmental damage.”

## Clearing the Air in Colorado

Three years ago, PEER represented the entire air modeling staff for the State of Colorado in filing a federal complaint detailing how they were directed to issue illegal permits, ignore violations, and refrain from verifying pollution emissions.

Despite these validations, very little changed...until recently.

One big development was that EPA finally took the unusual step of vetoing state air pollution permits for four large oil and gas well sites north of Denver in response to a petition filed by PEER and allied groups. The state permits were premised on the assumption that the

oil operator reduces smog-forming pollution by 95% or more using flares but EPA could not find “how the monitoring requirements assure that the [flares] continually achieve the specific 95 percent control efficiency in the Permits.”

This conclusion underlined a major point made by the whistleblowers that the state routinely relies upon demonstrably inadequate monitoring with no modelling to estimate actual emissions.

The second development was the introduction of bills in the Colorado Legislature to codify the whistleblowers’ main recommendations for permitting

reform. While it is not clear if the legislative package will pass intact, it is clear air quality reforms are now on a political front burner.

“These whistleblowers showed remarkable courage and solidarity,” said Rocky Mountain PEER Director Chandra Rosenthal, pointing out that 3.5 million people breathe air that has failed minimum federal health standard for more than 15 years. “They championed Coloradans’ public health, held our state regulators accountable to the law, and hopefully, ended the special treatment petroleum industry polluters have too long enjoyed.”



## PEER PERSPECTIVES

## Climate Deniers on Parade



### New Hampshire State Representative Mike Belcher

New Hampshire is hardly a liberal hotbed. For example, regarding environmental, social, and governance (ESG) investing, Republican Gov. Chris Sununu issued an executive order last year directing officials to “prioritize investment returns” and barred state investment based “solely” on ESG factors. But that did not go far enough for ultra-conservative Rep. Belcher (R-Portsmouth), who introduced a bill to make it a felony for state officials even to consider climate impacts and other ESG criteria in public investments. Also, any official who “knowingly” invests public funds guided in any fashion by ESG considerations would face up to 20 years in prison. Belcher calls ESG a conspiracy between progressive groups and elite Wall Street firms, declaring, “The ESG cartel represents the financial engine of the cultural revolution.” Fortunately, his bill went nowhere. Viva la revolution!



### North Carolina Lt. Governor Mark Robinson

Robinson, a fire-breathing conservative, is now the Republican nominee for Governor. He is not just a climate denier but labels anyone who teaches “pseudoscience” or “junk science” as “liars.” As Lt. Governor, he sits on the state Board of Education, where he advocates that public schools should only teach reading, writing, and math—not science. One of his supporters, Donald Trump, describes him as “Martin Luther King on steroids,” but he may be more aptly described as MLK on LSD.



### West Virginia State Delegate Bob Fehrenbacher

Fehrenbacher (R-Wood County), a former DuPont Washington Works plant manager, is leading a legislative effort to ban any official use of community air monitoring in West Virginia. Under the bill, community air monitoring could not be the basis for any regulatory or enforcement action, but the state can rely upon industry-operated stationary monitoring. This first-in-the-nation bill is intended to counter the \$50 million community air monitor program under Biden’s Inflation Reduction Act. “If you look at the EPA’s messaging, this is going to continue to expand,” Fehrenbacher exclaimed, but not in West Virginia, whose messaging is that ignorance, however unhealthy, is bliss.



### California Assemblymember Laura Friedman

Last year’s disastrous Supreme Court *Sackett v. EPA* decision that dramatically cut back protections for freshwater wetlands may have less impact in California. The state’s Porter-Cologne Water Quality Act, which predates the federal Clean Water Act, provides many of the same protections that were just lost at the federal level. But Assemblymember Friedman (D-Burbank) wants to make sure and has introduced legislation that would codify a no net loss standard for California’s wetlands, “While a patchwork quilt of policies will do untold damage in some states, I am determined that California will hold the line.” She has also convinced the Newsom administration to significantly ramp up funding and personnel for wetlands protection even in a budget year facing projected deficits.



### Indiana State Representative Maureen Bauer

The chemical industry in Indiana is pushing to narrow the legal definition of per- and polyfluoroalkyl substances (PFAS) dramatically but keeps running up against an immovable obstacle in the form of Rep. Bauer (D-South Bend). In successfully arguing against the industry’s PFAS definition, she cited “hours of committee testimony from medical experts and scientists who specifically study PFAS every day, and who warned of the grave effects a bill like this will have on our state for years to come” and pledged to “fight back against any measure that attempts to deceive consumers and continue exposing the public to toxic chemicals like PFAS.” She is one Hoosier to root for.



### Florida State Representative Linda Chaney

Rep. Chaney (R-St. Pete Beach) has sponsored legislation to ban the intentional release of balloons as a violation of state litter laws. Prior state law allowed the intentional release of up to 10 balloons within a 24-hour period. Balloons are a widespread form of plastic pollution that is especially dangerous for ocean wildlife. In assuaging colleagues, she downplayed enforcement concerns, asking, “Do you know anyone who has ever gotten a ticket for litter? Sadly, I think the answer is no.” But she claimed the bill had a public educational value. Nonetheless, Florida Republicans doing something constructive for the environment, even if largely symbolic, is still worth noting.

# Whistleblower Claims Fall by Almost Half

Whistleblower disclosures and retaliation complaints from federal civil servants have fallen dramatically in recent years. Figures from the U.S. Office of Special Counsel (OSC) which is charged with whistleblower protection and investigations indicate these filings have declined significantly from the Trump into the Biden administrations:

- Whistleblower disclosures to OSC fell from 1,781 in FY 2017 to 928 in FY 22 (the last year for which figures are available), a decline of more than 48%;
- Complaints of prohibited personnel dropped from 3,825 complaints to 2,287, a decrease of more than 40%; and
- During this period total federal civilian employment rose by nearly 100,000 employees.

“Like canaries in a coal mine, whistleblowers play a vital early warning function of alerting the public about dysfunction and corruption in government,” commented PEER Executive Director Tim Whitehouse. “It is hard to say whether having a President

who celebrates federal workers rather than one seeking to fire them plays a role in the decline in whistleblowing, but happy employees do not tend to file complaints.”

PEER points to developments that may have also been a factor in this falloff, such as –

- The Covid epidemic significantly increased the percentages of federal employees working from home, thus decreasing the opportunities for workplace harassment; and
- The civil service court for whistleblower cases, the Merit Systems Protection Board did not have a quorum during these five years due to Trump’s failure to nominate new members. That meant no cases could be decided, causing a backlog of 3,793 undecided cases, which may have deterred new complaints; and
- Despite many fewer cases, OSC itself has not significantly reduced processing time, a potential source of employee frustration.

## 2024 Community Survey



Helen Pent Jenkins,  
Director of Development

We are excited to launch our 3rd annual Community Survey. Last year’s survey garnered over 350 individual responses and helped us survey our connections with people at specific agencies and adjust our communication strategies. This year we hope that you will help us continue to explore how to best defend public employees, how to

communicate about emerging topics, and identify new projects. This survey will go out to everyone in the PEER community, including donors, whistleblowers, journalists, and community members. As a supporter of PEER, your feedback is critically important. Enclosed in this issue of PEERreview, you will find the community survey. We invite you to take this anonymous survey by either returning it in the remit envelope enclosed or by submitting it online. We welcome your feedback and advice. Thank you!



SCAN FOR SURVEY

## We Thank You!

*With Thanks—We extend our heartfelt appreciation to the 16 individuals who have made their very first gift to PEER this quarter. Your generosity is inspiring!*

*Thank you to the following institutional funders for their continued support:*

- Coren Fund
- Kauffman Lustgarden Family Fund
- Marisla Foundation

## Welcome Michelle Shaffer



PEER is delighted to welcome Michelle Shaffer as the new Digital Media Associate. Michelle brings over three years of experience in environmental nonprofit communications to the team. She comes to PEER from Global Footprint Network, where she worked on amplifying the organization’s message as the Digital Engagement Associate. Prior to that, she contributed her development and operations skills to various arts, animal welfare, and environmental organizations in the San Francisco Bay Area. She holds a BA from Wagner College.



## Public Employees for Environmental Responsibility

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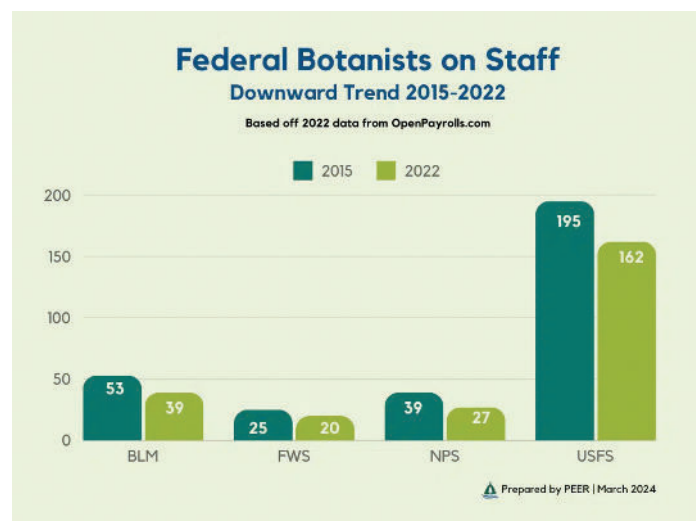
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## NATIVE SEEDS AND BOTANIST SHORTAGES – Continued from page 1 ►

Another challenge to native plants and grasses is the indiscriminate use of herbicides. Recently, BLM approved the use of seven new herbicides on public lands, including indaziflam, to fight the spread of cheatgrass throughout the West and control invasive plants, but it may devastate many native plants.

“When it comes to protecting native plants, BLM needs better-trained staff and to improve its own land use practices. Too often, BLM undoes with one hand what it is trying to accomplish with the other,” Rosenthal added. “To be successful, a national native seeds strategy needs to be consistently applied.”

PEER is working with a network of current and retired native seed specialists to help ensure that these first tentative steps to safeguard the ecology of the West find fertile organizational ground and take root.



**In Short Supply. Currently, BLM has just 39 botanists on staff or 1.59 botanists for every 10 million BLM acres.**