



# PEERReview

A Publication of Public Employees for Environmental Responsibility

## Rooting PFAS Out of Our Food Chain

Culminating three years of legal and advocacy work by PEER and our partner, the Center for Environmental Health (CEH), the Environmental Protection Agency (EPA) issued an order in December prohibiting Inhance Technologies from producing per- and polyfluoroalkyl substances (PFAS) during its fluorination of high-density polyethylene plastic containers. This decision, if fully implemented, will protect millions from daily exposure to these dangerous substances that cause harm to health at extremely low levels of exposure.

Back in 2020, PEER discovered high levels of PFAS in a widely used pesticide in containers fluorinated by Inhance. Further testing by EPA in 2021 confirmed that the PFAS was leaching from the plastic containers into the pesticide. EPA also confirmed widespread PFAS contamination from other fluorinated products.

After EPA failed to act, in October 2022, PEER and CEH filed a Notice of Intent to Sue the principal manufacturer, Inhance, for unlawfully creating these toxic chemicals and thereby putting the health of consumers and workers at risk. In response, EPA finally filed suit against Inhance. PEER and CEH subsequently joined the government's lawsuit as intervenors.

EPA's press release on its December order contained unequivocal language on the dangers of PFAS in plastics:

"This action, taken under the authority of the Toxic Substances Control Act (TSCA), will help protect the public from exposure to dangerous PFAS chemicals in containers used for a variety of household consumer, pesticide, fuel, automotive and other industrial products...."

Inhance has historically fluorinated up to 200 million containers annually, which is more containers than there are households in America. The release of 2.2 Kg of these 9 PFAS could cause significant contamination of drinking water supplies leading to risks of adverse health effects in millions of people."

What these bold words do not reveal is that EPA has known about this problem for more than 3 years and only took action against Inhance, by its own admission in court, to block PEER and CEH from obtaining a judicial enforcement order.

Unfortunately, EPA's action did not invoke its emergency powers to order a recall for many millions of existing PFAS-laden



PHOTO: ADOBESTOCK\_RICHARD JOHNSON



PHOTO: ADOBE EXPRESS

**Insidious Pollution.** The fluorinated lining leaches PFAS into the contents of plastic containers.

containers stockpiled for future use. In addition, despite assurances to the contrary, EPA did not oppose Inhance's successful motion to stay the effect of the ruling until a hearing before the 5th Circuit Court of Appeals later this year.

As has been its habitual posture, EPA often only acts when it is forced to by citizen lawsuits. So, while important progress has been made, there is still a long way to go.

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

## FROM THE EXECUTIVE DIRECTOR

### The Year Ahead

Happy New Year! On behalf of all of us at PEER, we hope you and your loved ones have a wonderful new year.

As we look forward to the year ahead, we know it will be one of the most consequential in our lifetime. In addition to the critical national elections in November, many government agencies are gearing up to make important decisions before these elections that will affect the health of our planet for many years to come.

We understand the urgency of the moment. Consequently, we are determined to step up our work to bolster civil society and environmental protections in the coming year. We will do this by focusing our efforts on:

- Strengthening governance in federal agencies by continuing our work to improve scientific integrity policies, supporting efforts by unions and the Office of Personnel Management to strengthen civil service protections, and supporting legislative efforts to strengthen whistleblower protection laws;
- Supporting meaningful climate actions at the federal, state, and local levels, while being a watchdog for hidden dangers and scams that result from any new climate program. In the coming months, we will host webinars highlighting our climate integrity program. We hope you will join us at these events to learn more about our important climate work;
- Holding government agencies accountable for backsliding on their promises to strengthen protections for biodiversity and public lands. PEER's impressive work to protect the land health of public lands and wilderness areas will continue in the year ahead;
- Ensuring the U.S. Environmental Protection Agency (EPA) does a better job of keeping all of us safe from the flow of toxic chemicals and pesticides into our daily lives. EPA's failure to do its job in these areas is one of the great underreported scandals of our time and the coming year will provide unique opportunities to bring reforms to these broken programs.

As in past election years, an increasing number of government employees will likely come to us for support as their work gets caught up in the politics of the moment. As always, we will be there to support them in their fight for the ethical management of our natural resources, strong environmental laws and policies, as well as accountability and transparency in government actions.

It will be an exciting and important year. I am glad you will be there with us.

Sincerely,

— **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.

## WHISTLEBLOWERS

## Curbs on Involuntary Leave Promised

The management practice of placing federal employees in limbo on paid administrative leave for long indeterminate periods may finally be coming to an end. In 2016, Congress passed the Administrative Leave Act to end involuntary leaves that “exceeded reasonable use,” citing cases where employees were paid to stay home and do nothing for months and, in some cases, years. Congress directed the Office of Personnel Management (OPM) to finalize regulations to guide agencies. The next year, OPM proposed regulations, but they were never finalized.

This September, PEER filed a petition demanding that OPM end its rulemaking delay or face a lawsuit in 60 days. As that deadline approached, OPM General Counsel Webb Lyons wrote to PEER that OPM plans to issue a final rule in spring 2024.

“We are happy OPM has finally committed to move forward with a final rule,” stated PEER Senior Counsel Peter Jenkins. “Unfortunately, an act of Congress forbidding federal workers from being consigned to limbo has itself been in limbo for more than six years.”

OPM is still looking at public comments filed on its proposed regulations, which PEER had criticized for creating loopholes that



PHOTO: ADOBESTOCK\_KICHIGINI19

**Sitting Here in Limbo.** In many PEER cases, managers have targeted whistleblowers for summary removal to silence or marginalize them.

would allow the same excessive practices using different terms. As OPM moves forward with this rule, we are determined to end the abusive practice of placing employees on indefinite administrative leave with no means for the employee to challenge their management’s decision.

## Overdue Whistleblower Victory



**Rubber Glove Work.** Evi Emmenegger is a 30-year Research Microbiologist specializing in fish pathogens and fish immune systems.

The U.S. Geological Survey (USGS) unlawfully retaliated against one of its own scientists because she reported serious breaches in biosecurity

laboratories, according to a new ruling by the U.S. Merits System Protection Board (MSPB). In addition, the MSPB directed the U.S. Office of Special Counsel to investigate and to consider disciplinary action against USGS managers found to have unlawfully retaliated.

Evi Emmenegger had enjoyed uniformly glowing personnel ratings until she filed a Scientific Integrity complaint against managers at the Western Fisheries Research Center for first ignoring and then failing to fix maintenance failures in high-level biosecurity labs resulting in the release of dangerous pathogens. One such release flowed undetected for six months into wetlands that adjoin and drain into Seattle’s popular Lake Washington.

USGS dismissed her Scientific Integrity complaint after deciding, without an investigation, that there was no intentional

misconduct. Shortly thereafter, USGS moved to fire her on performance grounds over alleged statistical weaknesses in a research paper. After an MSPB judge ruled in her favor finding that the action was illegal retaliation for whistleblowing, the USGS appealed that decision to the full MSPB which ruled that Evi had both “proved her affirmative defense of whistleblower retaliation” and clearly established that the USGS had an “institutional motive to retaliate.” In addition, USGS had utilized the review process to develop pretextual reasons to fault the paper, which was later published.

Besides our representation of Evi, PEER is pressing for independent accreditation of all USGS fish and wildlife disease research labs so that scientists do not have to become whistleblowers to identify problems and for stronger scientific integrity policies that mandate appropriate investigation of complaints.





## CALIFORNIA

## Boeing's Wildlife Bridge to Oblivion

The Boeing Co. is the principal owner and operator of one of the most toxic spots in the nation, the Santa Susana Field Laboratory located in the hills bordering Los Angeles and Ventura

Counties. Under a widely criticized deal negotiated behind closed doors last year between Boeing and the Newsom administration, the great majority of Santa Susana's profoundly polluted soil would not be cleaned up.

The California Department of Toxic Substances Control readily concedes the chemical and radiological contamination left behind would not meet human health standards but now admits it would result in "observable adverse effects" to wildlife, causing premature mortality and decreased reproductive success. Unfortunately, Santa Susana's envisioned end use is as a nature preserve.

"At Santa Susana, Governor Newsom and Boeing have cooked up one of the least protective toxic cleanups in American history," commented Pacific PEER Director Jeff Ruch. "Boeing building a Bridge to Oblivion for wildlife sounds like something from a Simpsons episode." PEER is now in state court trying to block this sweetheart deal and force a real cleanup.



PHOTO: NPS

**Come On Over.** Boeing Co. received a ton of favorable publicity for its donations to build a wildlife bridge across Highway 101 to enable more wildlife to reach a toxic hotspot.

### Cleaning Up the L.A. River

The mouth of the Los Angeles River has ultra-high levels of a long-banned pollutant – PCBs or polychlorinated biphenyl compounds – several times above health limits, meaning that no one of any age should eat a single fish caught there.

Santa Susana sits at the headwaters of the L.A. River and PCBs were widely used there during years of rocket testing and military research. Regional Water Quality Control Board

staff has long known Santa Susana is the likely culprit but is slow-walking release of the documents in response to a more than year-old PEER public records request.

While the pollution permit for Santa Susana prohibits PCB discharge, it previously lacked a monitoring protocol to detect them. At PEER's urging the Board recently corrected that deficiency but only after this toxic barn door had been left open for decades.

### Laura Dumais Rejoins PEER



PEER is pleased to welcome Laura Dumais as staff counsel to PEER. Laura has represented nonprofit organizations and individual clients as an attorney at Earthjustice and previously at PEER. Her practice has included lawsuits under the Clean Air Act, the Clean Water Act, the National Environmental Policy Act, the Freedom of Information Act, and the Whistleblower Protection Act. She deeply values the expertise and perspective that

employees of government agencies bring to the work of protecting public health and the environment. Before becoming a litigator and policy advocate, Laura clerked for the Vermont Superior Court's Environmental Division, a court specializing in environmental and land use law. She graduated first in her class from Vermont Law School in 2012 and holds an MS in Aquatics from the University of Michigan and a BA from the University of Notre Dame.

## CLIMATE CHANGE

## Trans-Alaska Pipeline Climate Cluelessness

The Trans-Alaska Pipeline System (TAPS) is a critical component of America's fossil fuel infrastructure. Even so, in the last 20 years, the federal government has not analyzed the massive system's impact on climate change or how climate change affects or will affect its costs, reliability, or ecological footprint. In its 45 years of operation, TAPS has undergone only two environmental assessments: the pre-construction Environmental Impact Statement (EIS) in 1972 and the Reauthorization EIS in 2002. A lot has changed since then.

In response to a PEER Freedom of Information Act request, the U.S. Bureau of Land Management (BLM), which oversees pipeline operation, was unable to identify a single planning document outlining potential steps to mitigate climate-related impacts over its projected lifetime. Nor was the agency "aware of

any assessments concerning climate change" relating to increased maintenance costs or threats of spills or other breakdowns. Furthermore, BLM "has not discussed or estimated the climate impact of TAPS" either internally or "with the owner companies."

"America's climate planning apparently stops at the Canadian border," remarked Rick Steiner, an ecologist, former University of Alaska-Fairbanks professor, and Chair of PEER's Board of Directors, noting that TAPS is responsible for more than 8 billion tons of carbon dioxide emissions. "Climate change is seriously impacting the safety and integrity of TAPS even as it significantly impacts global climate change."

PEER is asking the White House Council on Environmental Quality to address this gaping hole in national climate planning.

Meanwhile, we are collecting documents to show how the effects of climate change threaten to disrupt TAPS operation and multiply its maintenance costs.



PHOTO: ADOBESTOCK\_JON

**The Largest Engineering Project on Earth.** The Trans-Alaska Pipeline System transports 4% of the nation's crude oil supply from the North Slope to market at Prudhoe Bay across 800 miles of challenging terrain made even more challenging by climate change.

### Did You Know? Carbon Capture and Storage is a False Climate Solution

Carbon Capture and Storage (CCS) is a pillar of the Biden administration's climate plan. The Inflation Reduction Act includes lucrative CCS tax credits that could send billions of dollars in subsidies to the oil and gas pipeline companies annually while doing little, if anything, to address greenhouse gas emissions.

CCS is a process in which carbon dioxide (CO<sub>2</sub>) is transported via pipelines, injected into wells, and stored underground. The aim is to reduce CO<sub>2</sub> emissions. With these huge tax breaks, companies are rushing to propose and build carbon pipelines to carry CO<sub>2</sub> "captured" from industrial, ethanol, and oil and gas plants to locations, often far from the plants, where it can be stored underground or reused for oil extraction.

This expensive and unproven technology does not address the greenhouse gas emissions, environmental degradation, or public health consequences from the build-out of CCS infrastructure or the other forms of pollution from the industries using CCS.

In addition to these harms, CCS diverts tremendous sums of money from real climate solutions, such as reducing energy consumption, switching to clean energy sources, and protecting biodiversity.

However, with marching orders from the top, federal agencies have now gone all-in on CCS. For example, EPA recently turned oversight of CCS injection wells in Louisiana to the state, despite the state's dismal record in regulating the oil

and gas industry. Meanwhile the Forest Service recently announced proposed rules to enable companies the perpetual and exclusive use of Forest Service lands for carbon capture and storage activities.

PEER has joined a coalition of groups fighting the Forest Service's outrageous proposal. Last year, we also successfully argued to the Minnesota Public Utilities Commission that carbon pipelines should be subject to the Commission's oversight and routing rules. We are determined not to let this new industry cut environmental corners.

CCS is one of many false climate solutions. As we ramp up PEER's climate integrity project, we'd love to hear your ideas about how we can be most effective in this space.



## ENVIRONMENTAL PROTECTION AGENCY

## Seeking Safe PFAS Disposal

PEER is exploring legal options that would force the adoption of federal standards for tracking and managing wastes contaminated with toxic per- and polyfluoroalkyl substances (PFAS). This step is sorely needed to stem a growing threat to public health, as these so-called “forever chemicals” do not break down in the environment and bioaccumulate in the food chain – and us.

In September 2019, PEER filed a rulemaking petition urging the U.S. Environmental Protection Agency (EPA) to classify all forms of waste contaminated with PFAS as hazardous waste under the Resource Conservation Recovery Act. This would require that PFAS waste is safely managed while it is generated, transported, treated, stored, and disposed of. During the subsequent years, EPA has yet to respond to this petition.

The EPA is proposing to designate a small number of PFAS as hazardous constituents, which would give EPA some authority to compel the cleanup of waste sites already poisoned with PFAS. Still, it would not prevent the underlying PFAS pollution in the first place.

“Countering the dangers posed by PFAS requires a cradle-to-grave approach –from manufacture to ultimate disposal,” stated PEER Executive Director Tim Whitehouse, a former senior EPA enforcement attorney. “Right now, there are no standards requiring safe management of these highly toxic yet ubiquitous chemical compounds.”



PHOTO: ADOBESTOCK\_MUR162

**Clear and Present Danger.** There are currently no rules to prevent PFAS from leaching out of landfills into groundwater, the primary source of drinking water for half the nation.

More than 200 facilities produce or import tons of PFAS for use as fire retardants, water repellents, furniture covers, take-out containers, and non-stick cookware, among other items. In addition, there are several thousand PFAS-contaminated sites, and that number is growing.

### GenX Import Fiasco

Nothing better illustrates the need for rules requiring the safe disposal of PFAS waste than EPA’s recent flip-flop on allowing the import of PFAS-laden wastewater from Europe into the United States. EPA initially offered no objection to the chemical company Chemours bringing millions of pounds of wastewater containing the PFAS called GenX from its facility in the Netherlands to its Fayetteville, NC factory.

Under federal law, EPA felt it could not stop the waste shipment because, in the U.S., PFAS waste is not classified as hazardous, even though it is highly toxic to humans and wildlife.

EPA acted without notifying North Carolina officials in a state already fighting major GenX drinking water contamination. Local officials, starting with Gov. Roy Cooper, were furious. Gov. Cooper had appointed EPA Administrator Michael Regan to his previous post as the state’s Department of Environmental Quality Secretary.

After very public pushback from North Carolina, EPA reversed course. The federal agency said that Chemours had overstated the amount of imported GenX wastewater it could handle at the Fayetteville Works plant in its application. Therefore, EPA temporarily

withdrew its consent to the imports.

If PFAS waste were regulated as hazardous in the United States, EPA would have greater authority to stop such shipments outright.

As PEER Executive Director Timothy Whitehouse summarized, “This whole fiasco must serve as a wake-up call for EPA. Under no circumstances should EPA allow toxic PFAS waste into the United States because we simply do not have the legal and regulatory mechanisms to protect the public from the likely devastating impacts.”



## WILDLIFE PROTECTION

## Vital Safety Net for Pollinators in Peril

In 1984, the U.S. Environmental Protection Agency (EPA) issued a regulatory waiver allowing companies to register pesticides without submitting “efficacy” data substantiating the products’ claimed benefits. That decision has led to the overuse of pesticides, the wholesale loss of bird and bee pollinators, and widespread contamination of the environment.

PEER has teamed up with the American Bird Conservancy to assemble a 65-group coalition petitioning EPA to reverse that decision. To our pleasant surprise, EPA has accepted the petition and is soliciting public comment on it through January 24, 2024.

This change would be a paradigm shift in how EPA evaluates a large percentage of

widely used pesticide products. It would require companies to submit data when registering neonicotinoid insecticides and other systemic insecticides showing that the benefits of their products exceed their costs to society and the environment.

By contrast, in Ontario, Canada, when farmers are compelled to prove they need to use neonic-coated seeds, their use has declined significantly with no adverse economic effect.

Over the past 40 years, EPA’s failure to require efficacy data has led to the overproduction of tons of neonicotinoid-coated seeds. One seed coated with a neonic can kill a songbird, while millions of birds suffer from the loss of beneficial insects from neonic pollution.



PHOTO: ADOBESTOCK\_DUSAN KOSTIC

**Overuse of Pesticides Is Principal Threat to Pollinators.** We are pressing EPA to correct a major eco-mistake it made during the Reagan administration.

Neonic-coated seeds are by far our largest single insecticide application, covering more than 100 million acres.

## Death by One Thousand Cuts



PHOTO: USDA

**Spring Mating Display.** Once common throughout the Southwest, the historic range of the Lesser Prairie-Chicken has shrunk by 90%.

The primary threat to survival of the Lesser Prairie-Chicken is fragmentation of its shrinking habitat, a trend abetted by the U.S. Bureau of Land Management (BLM). Alerted by employee reports, PEER

obtained records under the Freedom of Information Act showing that during a recent two-year period the BLM approved 66 of 67 oil and gas industry-requested waivers to distance buffers, mating season timing restrictions, and other protections on Lesser Prairie-Chicken habitat.

These waivers were all issued in areas where the bird’s status has been upgraded to endangered from threatened under the U.S. Endangered Species Act. As its populations have declined drastically, the bird’s continued survival depends upon enforcing use restrictions in its prime habitat, much of which is on lands supervised by the BLM.

“These protections will not help the Lesser Prairie-Chicken’s recovery if they are routinely waived,” stated Rocky Mountain PEER Director Chandra

Rosenthal, noting it took BLM more than 20 months to produce records that should be publicly posted. “BLM had to compile these records because the agency is not monitoring its own enforcement of these wildlife protections.”

During this same period, PEER also documented that BLM field offices in Wyoming granted approximately 90% of the 127 industry applications for exemptions from similar protective stipulations in prime habitat for Greater Sage-Grouse, a species that is hovering around an endangered status listing.

“Profligate issuance of waivers will lead to more litigation resulting in even greater land use restrictions being judicially imposed,” added Rosenthal. PEER is pressing for a moratorium on all these oil and gas waivers until BLM’s issuance practices are reviewed.



## AIR POLLUTION

## “Minor” Pollution Sources Create Major Headaches

One feature of the Clean Air Act is strict regulation of major emitters. But for so-called “minor sources” that fall below federal thresholds, regulation is largely left to state discretion with uneven results.

In Colorado, the state does not ensure compliance with what are classified as minor permits. However, Colorado issues thousands of minor permits annually and almost no major permits. According to state regulatory staff working with PEER, minor permits are issued with little assessment and no attention to cumulative impacts.

“Colorado operates its air pollution policies in defiance of the first law of holes, which is ‘if you find yourself in a hole, stop digging,’” testified Rocky Mountain PEER Director in front of a legislative special committee. She was appearing on behalf of a state Department of Public Health and Environment whistleblower who was told by management that his presentation had non-public information in it that he was not allowed to make public.

A series of complaints from state regulatory staff filed through PEER detail how the state refuses to fix permits out of compliance and continues to issue new permits that add to the already unhealthy levels of ozone choking Colorado’s Front Range. For example, hundreds of oil and gas drilling permits do not require modeling to ensure toxic pollution from flares does not exceed legal limits.

Meanwhile, in New York, Department of Environmental Conservation (DEC) staff report that the lack of oversight of minor



PHOTO: ADOBESTOCK\_EG IMAGES

**Some of the Unhealthiest Air on the Planet.** Colorado’s Front Range surrounding Denver is already in “severe nonattainment” with federal ozone standards and is getting steadily worse.

source polluters is worsening unhealthy air quality in environmental justice communities. In addition, DEC routinely lets these polluters operate long beyond their permit expiration date and often allows facilities to operate without valid permits.

In these states, PEER serves as a conduit to spur U.S. Environmental Protection Agency (EPA) intervention. EPA shares but retains jurisdiction over Clean Air Act administration with its state “partners.” EPA also funds a significant portion of state pollution programs and can be quite impactful when stirred to action.

### In Memoriam: Don Sweeney



**Service to America Medal Winner and PEER Trailblazer.** Learn more about Dr. Sweeney’s battle with the Army Corps of Engineers by scanning the QR code.

During PEER’s first decade, Don Sweeney was one of our earliest whistleblower clients to garner national news coverage. He was a senior economist with the U.S. Army Corps of Engineers and revealed plans to vastly inflate the economic benefits of massive civil works projects. A federal investigation not only confirmed every aspect of Don’s allegations but went further to find that the Corps’ overall cost-benefit process was compromised by unchecked institutional self-dealing.

The release of this report made all the networks’ evening news broadcasts. This coverage also hit the Corps like a seismic event, inducing Congress to impose reforms to assure independent review of Corps cost-benefit studies. In the interim, Congress did not approve a single new civil works project for seven years.

In addition, the Secretary of Defense demoted two major generals and one full colonel, causing one observer to call it a day that “stars fell,” symbolizing a level of personal accountability rarely seen within the Corps.

Don Sweeney, who passed this fall, was a person of uncommon intellect and integrity while maintaining the ability to chuckle at life’s absurdities throughout this crucible. We are honored to have represented him.





## NATIONAL PARK SERVICE

## Quieter Skies

PEER's successful lawsuit against the National Park Service and the Federal Aviation Administration (FAA) forcing them to implement the long-delayed National Park Air Tour Management Act of 2000 has worked to lessen or eliminate disruptive noisy air traffic over 22 national park units. Under court-ordered plans, Mount Rushmore, Badlands, and Bandelier have completely banned tourist overflights, with Glacier slated to join them in 2027. The new plan for Hawaii Volcanoes cuts air traffic by more than 85%.

Faced with the prospect of mandatory limits, commercial tour operators at three parks (NY Harbor, Glen Canyon, and Rainbow Bridge) entered into voluntary agreements reducing overflights. Finally, the eight parks with the lowest air traffic finalized their plans last year.

Meanwhile, PEER is suing the FAA and Park Service again for adopting plans without doing environmental assessments required under the National Environmental Policy Act (NEPA) for four San Francisco Bay area parks, including Golden Gate, Point



PHOTO: NPS

**Buzz Kill.** Until the PEER lawsuit, commercial air tours over national parks were essentially unregulated.

Reyes, and Muir Woods, while another two parks, (Haleakala and Lake Mead) will not complete their NEPA reviews until early 2024. In short, with PEER's help, national parks are finally reclaiming control over their skies.

## Bad Actors Get Top Roles

Serious financial misconduct is not a barrier to entry into the top ranks of the National Park Service (NPS). In the latest example, NPS named Ed Clark as superintendent for the Appalachian National Scenic Trail. In 2016, the Department of the Interior's Office for Inspector General (IG) found Clark improperly solicited \$23,000 in travel vouchers from a private group while superintendent at Gettysburg National Military Park. In addition, Clark requested and pocketed full NPS per diem for meals and travel on the days he was paid by private funds.

Rather than firing Clark, NPS moved him to its Pacific Regional Office as a "senior project manager."

His case echoes that of Michael Caldwell, who, while Northeast Regional Director, committed \$17,000 in travel reimbursement fraud, according to another IG report. The Justice Department also declined prosecution. NPS moved Caldwell to a "special assistant" slot in headquarters but has since promoted him to Associate Director for Planning, Facilities and Lands.

This lack of accountability for senior officials compared to the harsh treatment of line staff is a sore point driving down employee morale. In the most recent Federal Employee Viewpoint Survey, Park Service staff give the lowest marks to senior leadership, questioning their integrity, honesty, and

competence. Not surprisingly, most employees answering one survey question perceive their agency as a place where "favoritism" is tolerated.

## Unhappy Trails

Created in 2002, the Old Spanish National Historic Trail is the only national trail system lacking a comprehensive management plan. Over its 2,700 miles, the trail crosses federal, state, local, and private lands. That checkerboard arrangement leaves the trail vulnerable to conflicts with energy projects, mining, motorized traffic (principally off-road vehicles), and impairments of its viewshed and soundscape.

By law, the Old Spanish National Historic Trail was supposed to have a comprehensive management plan two years after its creation. This two-decade statutory oversight is something PEER aims to correct in the coming year.



PHOTO: NPS

**Old Spanish National Historic Trail.** Crossing six states from New Mexico to California, it is considered one of the most arduous trail routes in the U.S.



## PEER PERSPECTIVES

## Don't Let It Bring You Down



### Postmaster General Louis DeJoy

A controversial Trump appointee, DeJoy has espoused a plan called “Delivering for America” to speed up postal delivery. But this drive conflicts with the Postal Service’s own heat safety program. U.S. Postal Service managers have short-cut requirements that couriers be trained to recognize heat exhaustion before it becomes deadly heat stroke. With rising temperatures, heat-related maladies fell more Postal Service workers than car accidents or animal bites and are the second most prevalent source of injury, behind slipping and falling. Yet, postal managers are falsifying heat training certifications and injury reports on a massive scale. In Chicago alone, the postal union has documented managers falsifying records of more than 2,000 couriers. While “neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds,” under DeJoy, heat stroke might.



### Japan Prime Minister Fumio Kishida

Japan has achieved a 20 percent emissions reduction and is on course to meet its targeted 46% cut by 2030. But at a regional climate summit, Prime Minister Kishida pledged to go further, laying out an ambitious decarbonization program for countries throughout the East Asian region, including a new \$28 trillion aid program to help other nations finance technologies to cut emissions. Imagine the U.S. making such a commitment to aid our hemispheric neighbors. In addition, Japan will put up to \$1.11 billion into the United Nation’s main fund for helping vulnerable countries cope with climate change. Japan’s pledge, which matched its commitment in the 2020-2023 funding round, makes the country one of the fund’s biggest backers, after Germany, Britain, and France.



### NASA Administrator Bill Nelson

NASA Administrator Bill Nelson says that the U.S. is locked in a “space race” against China as we move forward towards colonizing the moon as a staging ground to reach Mars. Critical to U.S. plans is developing the ability to mine the moon to extract and process oxygen, water, titanium, iron, aluminum, magnesium, and rare earth elements. NASA’s website hypes a “lunar gold rush” as plans to return astronauts to the moon by 2025 unfold. Unlike the last time humans set foot on the moon in 1972, NASA aims to create a long-term presence there and is exploring excavation of moon soil, or regolith, as well as a processing plant, possibly by 2032. While the Outer Space Treaty bars any one country from claiming territory on the moon, there is no clear prohibition against exploiting the heck out of it.



### Alaska Attorney General Treg Taylor

Attorney General Taylor has approved a rule providing tax-paid legal representation for the governor, lieutenant governor, and attorney general in defending against ethics complaints. Under the prior policy, the state could reimburse top officials for privately hired legal defense under limited circumstances where the officials are exonerated. Under the new policy, the attorney general (appointed by the governor) must certify that it is in the “public interest” to pay expenses as they are incurred. Opponents argue this nebulous standard could give rise to self-dealing. As if to underline that argument, Taylor acted despite the proposal not receiving a single comment in favor during its 30-day comment period.



### EPA Region 5 Administrator Debra Shore

After finding that more than 9,000 southeastern Minnesota residents were drinking unhealthy water, the U.S. Environmental Protection Agency (EPA) issued a no-nonsense order directing state agencies to alert the public of the hazards immediately, provide them with bottled water, and begin cleaning up agricultural pollution that has contaminated wells in the region for years. The letter from EPA Regional Director Shore to three state agencies warns that if they do not get it done, EPA will “consider exercising our independent emergency and enforcement authorities.” EPA oversight of sometimes feeble state public health efforts has been uneven, at best, in recent years. It is refreshing to see instances where federal anti-pollution law enforcement does not defer to inaction by state “partners.” We hope to see more.



### Ohio Governor Mike DeWine

While many states are testing drinking water sources for per- and polyfluoroalkyl substances (PFAS), Ohio is testing all major surface waters in a first-in-the-nation program to improve water quality and facilitate safe fish consumption. It is the most extensive PFAS data collection effort undertaken in the U.S. In announcing the program, Gov. Mike DeWine (R) declared, “Water is one of Ohio’s greatest assets, and my administration is dedicated to protecting this invaluable resource.” As part of the same initiative, Ohio plans to remove and fix aging dams that block fish passage and trap sediment; preserve riparian buffers to help keep nutrients and pollutants out of waterways; and curb phosphorus runoff from farms, which contributes to toxic algal blooms. There was a time when bipartisan support for meaningful environmental protection was not so rare. Maybe it will come back into fashion.



## U.S. FOREST SERVICE

## Positive Steps on Minnesota Logging

PEER is commending the U.S. Fish and Wildlife Service's (FWS) recent actions to ensure proper use of federal funds allocated to Minnesota's Strategic Timber Harvest Initiative. Federal funding for any Department of Natural Resources (DNR) timber project now requires project-by-project pre-approval following a site inspection and document review by both FWS and DNR wildlife staff.

Until this fall, FWS had been withholding federal aid to DNR due to environmental violations by the state's logging program. This came after PEER wrote to FWS in December 2022 complaining about DNR's environmental violations and urging FWS to withhold any unallotted federal aid.

Grants administered by FWS related to DNR timber projects are now on a reimbursement-only basis, and then only after approval of an environmental assessment, full project documentation, and a site inspection by state and local wildlife officials.

The new FWS requirements appear designed to empower DNR wildlife staff and ensure their suggestions will be incorporated



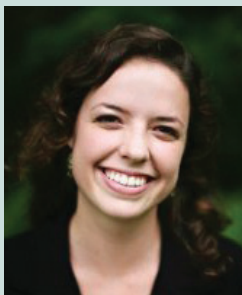
PHOTO: MN.GOV

Recent employee surveys conducted by both PEER and MN DNR have found that agency wildlife staff feel marginalized, and their concerns have been ignored by DNR's forestry program.

into timber project planning. DNR's timbering practices have drawn loud objections from DNR's own wildlife and ecology specialists.

PEER has written to the new FWS Midwest Regional Director, Will Meeks, commending FWS's action and asking that the public and media be included in the review of DNR documentation and site inspections.

### A New Year, A Renewed Commitment



Helen Pent Jenkins,  
Director of Development

In 2024, PEER is committed to deepening engagement with current supporters and extending our mission to new audiences. From trade unions to college campuses, we are stepping up our efforts to connect with new allies and engage new supporters. Bold changes are needed at our Nation's agencies, after all, their failures affect us all. Without a renewed and science-driven government workforce, any environmental or public health gains could be lost.

If you work with a government agency, represent a union, academic institution, or partner non-profit, drop us a note at [info@peer.org](mailto:info@peer.org) or find us on LinkedIn. We want to connect.

**With Thanks**—We extend our heartfelt appreciation to the remarkable 39 individuals who have made their very first gift to PEER this quarter. Your invaluable support propels our mission forward into this new year.



SCAN TO CONNECT

### We Thank You!

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

- Anderson-Rogers Foundation
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- The Dudley Foundation
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## Uncloaking Corporate Spin

One major impediment to seeking enforcement of the Toxic Substances Control Act (TSCA) through citizen complaints is the wide scope of secrecy which U.S. Environmental Protection Agency (EPA) affords manufacturers. Without data documenting violations, citizens cannot bring complaints to court.

For example, TSCA exempts “information from health and safety studies” from being withheld as Confidential Business Information or CBI. Yet, in the case of Inhance, EPA has withheld reams of critical documents needed to support a determination that the company’s fluorination process poses “unreasonable risks to human health and the environment” – the TSCA standard.

Similarly, EPA is supposed to decide whether corporate submissions qualify for CBI within 90 days of receipt, but the agency routinely takes many months or longer.

Because we have been unable to secure its voluntary compliance with the law, PEER is taking EPA to court to obtain all information relating to the formation of per- and polyfluoroalkyl substances (PFAS) during the fluorination of plastic containers by Inhance and exposure to PFAS during the distribution and end-use of these containers. This information needs to see the light of day.



PHOTO: ADOBESTOCK\_TASHATUVANGO

**Piercing the Corporate Veil.** PEER is suing EPA to force the disclosure of information it has allowed a company, Inhance, to shield as “Confidential Business Information”. The information contains important documents on the production of toxic PFAS in plastic containers.