



PEERreview

A Publication of Public Employees for Environmental Responsibility

Transitioning to Renewable Energy the Right Way

As the country builds out renewable energy projects, one important area of work for us is to ensure the proper siting of renewable energy projects and their dependent infrastructure. Our goal is to ensure that renewable energy development avoids intact ecosystems and heritage sites.

That is because intact ecosystems are one of the most important tools in fighting climate change and because we believe both biodiversity and the history of land should matter when considering energy development.

We are working on renewable energy siting issues in several areas across the country.

In the West, we have formally protested the Bureau of Land Management (BLM) decision to open 31 million acres across 11 western states to solar energy development as part of an update to its 2012 Western Solar Plan. We do not oppose solar development on all public lands. Rather, we believe BLM should make changes to their plan to better protect America's historical heritage, sensitive ecosystems, and threatened and endangered species.

In general, we are concerned that BLM is opening to solar development huge amounts of pristine, intact landscapes across remote mountain ranges, sagebrush habitats, lands with wilderness characteristics, recreational lands, dark night sky areas, and public lands important for ecotourism economies of communities in Nevada and other western states. The impacts on threatened and endangered species could be significant.

We are also protesting the Plan's failure to protect the integrity of the Old Spanish National Historic Trail, as mandated by the National Trails System Act and the Federal Land Policy and Management Act. This oversight represents a significant disregard for historic preservation and the statutory responsibilities of federal land management.

We strongly believe that BLM should revise its plan to better balance its conservation and energy development mandates.

On the other side of the country, in Maine, we are opposing the state's effort to develop Sears Island into a logistical hub for future floating offshore wind facilities. Sears Island is one of the largest undeveloped islands on the east coast. Working with federal,



PHOTO: CHAD DOUGLAS BLM-UT

A Trade Off? BLM's solar plan fails to protect the integrity of the Old Spanish National Historic Trail.

state and local groups, PEER has been fighting development on Sears Island for almost 30 years, and we have succeeded, so far.

What makes this latest proposal to develop Sears Island so disturbing is that there is a perfectly suitable location for this development right across the Bay, at a place called Mack Point, which has an existing port with rail access and owners willing to make the changes necessary to accommodate this new logistical hub. The economic and ecological benefits of putting this facility in a place with existing infrastructure far outweigh the benefits of putting this port on the undeveloped Sears Island.

There is hope as many businesses and groups are speaking out in support of the development at Mack Point.

However, the pressure to put clean energy development in the cheapest and easiest locations can be overwhelming. Too often, enhancing biodiversity and respecting important cultural sites takes a back seat to new development, whether it is energy development or shopping malls. When we fail to plan correctly, renewable energy projects and infrastructure will supplant the important climate-controlling work of grasslands, wetlands, and forests, and threaten sensitive ecosystems and habitat areas.

We have our work cut out for us, but these are necessary fights.



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FROM THE EXECUTIVE DIRECTOR

Building New Leaders

Dear Friends,

In late September, I attended an event that brought together advocates, businesses and elected leaders in Maryland who have an interest in environmental issues.

At that event, I had a memorable conversation with a group of young professionals who expressed optimism that their generation could address some of the very difficult and dire environmental issues faced by our country and the entire planet.

It was a refreshing conversation that served as a reminder that we cannot afford to lose optimism in our work, and how important it is for all of us to include the new generation of emerging leaders in all we do.

With critical changes to Earth's climate systems, biodiversity loss, and weakening government institutions, it is easy to get trapped in a response of despair or inaction. That is why it was so refreshing to see young leaders ready to tackle these challenges with vigor and knowledge.

Another point of conversation at that event was the upcoming election, and how it might affect PEER's work.

My view is that no matter who wins the election, PEER's services will remain in high demand and our work will continue to have important consequences for the civil service and the environment. We are well-positioned to support a continuation of the progress made in the last four years and to address the failures that will occur in the next administration.

We are also strategically placed to fight the rollback of federal environmental protections, counter efforts to cripple pollution enforcement programs, and defend scientists and help them speak the truth against efforts to suppress their work if that occurs in a new administration.

In either case, we will approach our work with the knowledge that there are so many young people willing to bring new ideas and energy to the battle.

Take care, and remember to vote!

Tim Whitehouse
Executive Director

About Us

PEER protects public employees who protect our environment. We are a service organization for local, state, federal, and tribal public employees, including scientists, law enforcement officers, land managers, and all others dedicated to upholding environmental laws and values. Through PEER, public servants can choose to work as "anonymous activists", so that public agencies must confront the message, rather than the messenger.

NATIONAL PARK SERVICE

Barbaric Hunting Practices OK'ed on Alaska Preserves

A Biden administration pledge has mostly shelved plans to restore an Obama-era ban against predator control in vast Alaskan national park preserves. Instead, the National Park Service (NPS) has ordered an end to hunting bears with bait but has allowed other questionable practices, such as killing bear cubs and wolf pups in their dens, to continue for the foreseeable future.

In 2015 President Obama ordered an end to an array of inhumane hunting and trapping techniques across more than 22 million acres of park-administered lands in Alaska. In 2020, President Trump rescinded that ban, a move later invalidated in federal court. However, at the urging of Biden's Justice Department, the court stayed the litigation, leaving the Trump rule in place on grounds that the Biden NPS was promulgating a new rule.

The Biden administration's new rule only prohibits bear baiting and still permits -

- Killing wolves and coyotes, including pups, during denning;
- Hunting black bears with dog packs and artificial lights at dens, to kill black bear cubs and sows with cubs; and
- Shooting swimming caribou from a motorboat.

"Allowing the eradication of predators flies in face of the Park Service's statutory mandate to preserve intact ecosystems," stated PEER Board Chair Rick Steiner, a retired University of Alaska professor, noting that this has been the single biggest rollback of park wildlife protection in decades and pointing to a joint protest letter from more than 70 wildlife experts. "While the Biden administration did not

explain its sudden reversal, the limited nature of its action means the issue can be revisited – and we intend to do so."



PHOTO: DESIGNPICS

Inhumane by Any Definition. Despite the Biden sport hunting decision, killing cubs and pups in their dens carries no element of sport.

Continued Silence on Lead Ammo Ban

In August, the first California condor to hatch and take flight in Zion National Park died of lead poisoning just shy of its fifth birthday. One of its siblings was found to have the highest lead value ever recorded in a live bird during the



PHOTO: TRENT TOWNSEND

Recovery Impediment. Lead poisoning remains the leading cause of death among California condors. About 90% of condors tested this past year had high blood lead levels.

entire 28-year history of the condor release program.

Altogether, more than 130 park wildlife species, including all birdlife, especially bald eagles, hawks, and other raptors, are ingesting lead daily. These wildlife deaths are preventable. Since November of 2022, the Secretary of the Interior has had a PEER rule-making petition on her desk that would end the use or sale of lead-based ammunition and fishing tackle in all park units.

While most parks by law do not permit hunting, some 76 national park units, mainly preserves and recreation areas, allow sport or subsistence hunting, yet these park units (the largest are

in Alaska) cover more than 60% of the entire national park system.

While the Park Service has yet to join 26 states and countries that have already banned lead ammo, the U.S. Fish & Wildlife Service has declared that "lead ammunition and tackle have negative impacts on both wildlife and human health" and has taken the first steps to reduce or eliminate use of lead ammo on some wildlife refuges.

While removing lead from our refuge system would be a major improvement, banning lead from our national parks would be one of the single biggest conservation advances in a generation. We will keep pushing.



CIVIL SERVICE

Defanging Trump's Enemies List

Donald Trump has vowed revenge on perceived enemies within the “Deep State” if reelected. Right-wing allies are currently combing through records to identify public health and environmental officials who they think should be removed from the federal government.



PHOTO: HVEPHOTO

No Exit. There is no appeal from or time limits on involuntary administrative leave for federal employees.

PEER is now in court to remove one tool an ill-motivated President could use to weaken the civil service – involuntary administrative leave. Back in 2016, Congress outlawed involuntary paid leaves that “exceeded reasonable use,” citing cases (some of whom were PEER clients) where employees were ordered to stay home for months or years. However, the Office of Personnel Management (OPM) has failed to develop regulations to implement that law, even though Congress was very specific: OPM needed to finalize them by September 19, 2017.

In July, PEER sued after OPM failed to commit to a timeline to complete the new involuntary administrative and investigative leave regulations as required by the Obama-era law.

“At PEER, we see whistleblowers or specialists who deliver inconvenient truths cast into professional limbo in hopes that they will resign,” commented PEER Senior Counsel Peter Jenkins. “The basis of our suit is unreasonable delay, and seven years of inaction is unreasonable by any measure.”

Free Speech and Public Service

Justice Samuel Alito’s first swing vote was in a 2008 case which had to be reargued after Sandra Day O’Connor resigned. That ruling held that public employees at all levels have no – as in zero – First Amendment free speech rights when in their role as public servants. This is because, the court reasoned, the government owns their speech.

Only by stepping outside that role and acting as a citizen does one regain those free speech rights. Even then, these rights are not unlimited. Instead, the extent of constitutional protection is subject to a balancing test in which the public importance of the speech is weighed against its adverse impact on the efficiency of the employing agency. Thus, the zone of protection depends upon the circumstances.

PEER frequently provides legal guidance for employees seeking to speak or write in their own name, often in the face of attempts by their agencies to gag them with vague threats of ethics violations.

In the meantime, the free speech door is opening a crack due to –

- The Supreme Court subsequently ruled public employees testifying in court have free speech rights even when the testimony is solely about their public service. This official testimony exception is an avenue for disclosures about an agency that would otherwise be blocked;
- Federal ethics rules now allow employees to serve on boards, and as editors and members of professional societies. These organizations can provide government scientists safe venues to share research results; and
- Some emerging scientific integrity policies are making explicit the ability to publish or speak with a disclaimer that they do not represent the agency. Unfortunately, other scientific integrity policies contain questionable restrictions PEER is working to unravel.

The absence of clear rules coupled with often hostile agency management means that, as a practical matter, public servants who speak out especially on issues of controversy still must be aware of their rights. In these instances, PEER stands ready to serve as a steadfast ally.



PHOTO: BBOURDAGES

Semi-Free Speech. The Supreme Court has ruled that government employees acting within their scope of duties have no free speech rights.

ARTIFICIAL TURF

Artificial Turf's Toxic Legacy

Working with the Ecology Center, PEER uncovered the presence of toxic per- and polyfluoroalkyl substances (PFAS) in artificial turf blades in 2019. Although there is evidence that PFAS is in all synthetic turf, industry is now advertising “PFAS-free” plastic grass.

The only “green” thing about artificial turf is the color of the fake plastic grass itself. Industry is manipulating detection limits of PFAS tests in order to claim that their turf is PFAS-free. In other words, they are asking laboratories to look for

PFAS in the parts per million or parts per billion concentrations, when PFAS are toxic at the parts per trillion levels. Earlier this year, PEER conducted a study showing that soccer players and coaches playing on artificial turf pick up toxic PFAS on their skin. Dermal absorption is a new exposure pathway that is drawing serious scientific concern.

New evidence also confirms that PFAS leach off artificial turf when it rains or the fields are watered, which is especially needed as outdoor fields exposed to the sun soar to

searing temperatures. As a result, they are contaminating nearby groundwater, surface waters, and even drinking water.

While the amount of chemical runoff varies with the age of the field, the U.S. Environmental Protection Agency (EPA) has determined there is no safe level for two common types of PFAS in drinking water and issued a maximum contamination limit with which municipal drinking water suppliers will have to comply. Thus, virtually every artificial turf field is a clean water threat and a public health concern.

Tire Chemical Poses Mega Salmon Threat

Washington's Puget Sound is an ecological treasure, yet its native salmonids and other aquatic life are facing increasing peril from 6PPD-q, a powerful anti-degradant used to prolong the life of automobile tires. The very properties that make it effective in extending tire life also make it one of the deadliest chemicals to fish ever observed.

This chemical is shed from vehicle tires and reaches waters as stormwater runoff from roads and parking lots. Artificial turf made from shredded tires is yet another source. These die-offs regularly kill up to 90% of spawning coho salmon.

Unless both federal and state agencies adopt stronger mitigation measures—and soon—the aquatic life in Puget Sound and elsewhere will continue to slowly and needlessly die off.

Turf Recycling Scams



PHOTO: ADOBESTOCK_KNELSON20

Doesn't Look Recycled to Me. PEER's Kyla Bennett helped track down old turf that was supposed to be recycled but was dumped in a wetland.

Recently, the City of Portsmouth, New Hampshire, paid a company \$51,000 to remove and recycle an old artificial turf field. PEER and NonToxic Communities helped track that turf through trucking records to a New Jersey warehouse where it remained for over a year.

Of course, it was not recycled. No turf recycling plant exists in the U.S. Nonetheless, synthetic turf makers falsely portray their products as green and routinely make deceptive claims

that their products are recyclable.

Each turf field has a lifespan of between eight and 10 years. The EPA reports that the estimated 750 turf fields that are retired each year, are ending up in warehouses, incinerators, and landfills, or unceremoniously dumped in farm fields or forests, where they leach their toxic chemical constituents.

PEER is going after turf vendors who scam communities, schools, and parents with bogus recycling claims.



ENVIRONMENTAL PROTECTION AGENCY

IG Confirms Retaliation Against EPA Whistleblowers

The U.S. Environmental Protection Agency (EPA) retaliated against three scientists because they protested watering down risk assessments for new chemicals being approved for commercial release, according to a series of explosive reports by EPA's Office of Inspector General (IG). The scientists, all PEER clients, had their performance ratings downgraded, awards withheld, were passed over for new positions, and removed from the agency's New Chemicals program despite an admitted critical shortage of scientists.

The risk assessments altered over the objections of the scientists addressed issues such as major birth defect hazards, heightened fetal toxicity, and carcinogenicity. The IG reports characterize a work environment where quickly approving chemicals for use was the primary task of EPA scientists.

"The Inspector General's findings point to ongoing scientific integrity problems in EPA that directly endanger public health," stated PEER Science Policy Director Kyla Bennett, a scientist and attorney formerly with EPA, who shepherded the series of complaints to the IG which led to today's reports. "Many of the abuses the IG identified occurred under the Trump administration but continue unabated today."

The Toxic Substances Control Act (TSCA) provides a 90-day review process for EPA to assess the safety of new chemicals, although EPA can request additional time. Under TSCA, EPA must evaluate potential risks from new chemicals and address any unreasonable risks chemicals may have on human health and the environment. These actions can include a ban on production or mitigation measures, such as requiring workers to use personal protective equipment.

Staff and managers describe the pressure to meet deadlines to approve new chemicals as "ridiculous" and described the pressure to speed up chemical reviews as "intense," and that management was "pushing us like animals on a farm." The whistleblowers were called "piranhas," "pot stirrers," accused of "trying to indict every chemical," and accused of holding cases "hostage" by delays that managers conceded were "legitimate" concerns.

TSCA was amended in 2016 to make it stronger, but those amendments have not worked as intended. In a report last year, the IG found that after 3,830 new chemical reviews, not a single chemical had been barred from entering the marketplace and concluded that:

"EPA does not have reasonable assurance that the new chemicals review process is properly considering and addressing risks to public health and the environment."

The IG reports reflect the abject failure of EPA's Scientific Integrity Program to provide any kind of safeguard against even the most blatant scientific manipulations.

The IG reports of whistleblower retaliation have been submitted to EPA Administrator



PHOTO: US EPA

Michael Regan and Congress under a statute requiring that he suspend identified retaliating managers for at least three days and to fire repeat offenders.

"These reports should set off alarm bells about the efficacy of the laws and policies designed to protect the work of scientists within EPA," added PEER Executive Director Tim Whitehouse, a former senior EPA enforcement attorney, noting that the IG will release another series of reports on the substance of the whistleblower complaints in the near future. "Even today, EPA continues to approve new chemicals without really understanding the risks these chemicals pose to human health and the environment."

A Chemicals Reform Agenda

A growing body of science finds that exposure to certain chemicals in the products we buy—from cleaning agents to plastics and food—can cause cancer, birth defects, reproductive problems, and lung impairments.

Yet, EPA seems unable to implement or advocate for the changes needed to protect public health from toxic chemicals.

Fortunately, EPA's Inspector General will release additional reports that take a closer look at problems in EPA's new chemicals programs. These reports will help create a path for reforming EPA so that it takes its mandate to protect public health seriously.

PFAS: FOREVER CHEMICALS

PFAS Endangering Our Food Supply

PEER is engaged in several efforts to prevent toxic per- and polyfluoroalkyl substances (PFAS), also known as “forever chemicals,” from contaminating our food chain. Unfortunately, the U.S. Environmental Protection Agency (EPA) is being more of a hindrance than a help. Two prime examples are EPA’s recalcitrance on addressing PFAS in pesticides and in fertilizers made from sewage sludge.



PHOTO: MARYNA

PFAS in Your Salad. Approximately 14% of all U.S. pesticide active ingredients are PFAS, including nearly one-third approved in the past 10 years.

Pesticides

PFAS are increasingly added to U.S. pesticide products, contaminating waterways and posing threats to human health, according to a new peer-reviewed study. These findings contradict prior EPA assurances that pesticides are PFAS-free.

The study, “Forever Pesticides: A Growing Source of PFAS Contamination in the Environment,” published in *Environmental Health Perspectives* is the first comprehensive review of how PFAS are introduced into pesticides used on crops ranging from corn to cauliflower and around homes in pet flea collars and insect sprays.

Some PFAS leach into pesticides from fluorinated storage containers. Others are intentionally added to increase the stability of ingredients to improve their ability to kill target organisms.

“EPA keeps insisting that PFAS in pesticides is not a concern despite ample and mounting evidence to the contrary,” stated PEER Science Policy Director Kyla Bennett, a scientist and attorney formerly with EPA and a study co-author. “Spraying pesticides with PFAS will poison our food supply and our homes.”

PEER is pursuing an administrative complaint to force EPA to drop these false assurances as part of our larger effort to fix the current broken pesticide regulatory framework.

Because these pesticides are applied to tens of millions of farm fields across the country and used by people in their homes regularly, getting PFAS out of pesticides is a top priority for PEER.



Toxic Fertilizers. Vast amounts of sewage sludge laden with toxic PFAS is used as fertilizer on agricultural lands, contaminating soils, water, and livestock and causing closure of ranches, farms, and dairies in several states.

Bio-Sludge Fertilizers

EPA is seeking to dismiss a PEER-led lawsuit contending that the agency cannot be sued for failing to protect public health and the environment from toxic PFAS in sewage sludge-based fertilizer. Despite increasing evidence and mounting horror stories, EPA has yet to restrict PFAS from the sewage-based fertilizer applied to millions of acres of land every year.

The Clean Water Act requires EPA to identify all pollutants in sewage sludge in concentrations that could harm people’s health or the environment and to regulate them by imposing safeguards and numerical limits. To reflect the latest science and capture emerging threats, every two years EPA must review available information and identify and regulate any additional pollutants that meet certain criteria.

In the nearly 40 years since that mandate, EPA has listed hundreds of pollutants in sewage sludge, including at least 10 PFAS, in its biennial reviews, yet has not identified a single substance to regulate since 1993. EPA claims that no one can sue it as long as it issues these reports, no matter how much information plaintiffs might present about a pollutant’s health and environmental risks.

“EPA’s lack of action is harming farmers throughout the country,” declared PEER Staff Counsel Laura Dumais. “Under the plain language of the Clean Water Act, EPA has a clear duty to identify and regulate substances that threaten human health and the environment – not just to issue a report about it.”



U.S. BUREAU OF LAND MANAGEMENT

Minimizing the Impacts of Destructive Energy Projects

The Bureau of Land Management (BLM) has approved a 350-mile-long voltage transmission line from Las Vegas to Reno, Greenlink West, that will damage some of Nevada's most remote, scenic, and biologically significant locations. It would adversely impact wetlands, wilderness, and habitat for the desert tortoise, pronghorn, and Greater Sage-Grouse. This is the Biden Administration's companion project to the recently proposed Greenlink North, a 210-mile transmission line.

After the public comment period closed, BLM modified the Greenlink West's route to safeguard mining claims on public lands. But BLM has not provided the same consideration for ecological, archaeologic, and paleontologic resources. Despite reasonable alternative routes, the edge of Tule Springs Fossil Bed National Monument, is slated to be dug up to provide the massive foundations anchoring 200-foot-high transmission towers. These excavations would



PHOTO: NPS

Soon to Be Excavated. Tule Springs Fossil Beds National Monument in southern Nevada, was created just a decade ago to preserve some of the nation's richest Pleistocene fossil beds containing bones of Columbian mammoths, camels, bison, ground sloths, and saber-tooth cats.

destroy troves of irreplaceable fossils.

If allowed to stand, this dangerous precedent could open other national parks and monuments for commercial and industrial projects. PEER is exploring its legal options to ensure that national parks have at least

as much legal protection as mining claims.

This is one of several campaigns we are undertaking to ensure that green energy projects are sited correctly and do not inflict unnecessary damage on our natural world.

Protecting the Chesapeake Bay

PEER is working to address the growing evidence that stream restoration projects undertaken in the Chesapeake Bay watershed for mitigation projects and water quality credits do not work and divert money from more effective and important projects, many of which are also more cost-effective.

Each year, governments spend billions of dollars on programs to protect the Chesapeake Bay, one of the most productive estuaries in the world with over 3,600 species of animals and plants. Yet, the overall health of the Bay has

improved little since 1986, according to an annual report card from the University of Maryland's Center for Environmental Science.

The stream restoration programs now at issue were originally developed to reduce storm water discharges into the Bay from development, a growing source of pollution in the Bay.

There is a growing backlash in the Mid-Atlantic to these costly stream restoration projects from scientists and community members because they end

up cutting down trees, ripping up stream beds and degrading ecological systems. PEER is urging that more money be spent on upland practices to reduce storm water discharges into the Bay, such as tree planting, bioretention, and permeable pavement. We are also calling for more transparency and environmental monitoring for these projects.

This will be a major effort by PEER in the coming year. PEER is working with retired water quality experts and community activists on this project.

NATIONAL PARK SERVICE

Is Inertia Overtaking NPS Plastic Efforts?

Plastic pollution's devastating effects on our health and the environment have been making headlines lately. Despite industry's efforts to greenwash their products, the truth about plastic's harm to the planet and to our bodies is becoming increasingly clear.

One area of our plastics work is to push the National Park Service (NPS) to radically reduce plastic use in national parks. The NPS's current 10-year plastics elimination and reduction plan timeline is too long and sends the message to NPS staff that this initiative lacks urgency.

Despite this inertia, some parks are moving quickly to reduce plastics. For example, by the end of 2022, Yosemite National Park eliminated the sale of single-use plastic products and replaced them with aluminum and paper containers.

However, overall it is difficult to determine out how much progress the NPS is actually making toward its plastics elimination goal. The NPS webpage Sustainability: Monitor and Tracking Progress states that a dashboard to monitor and track progress against Green Park Plan goals, which include plastics, is being released in 2023. The website still lacks a dashboard.

To help gather information on the NPS's progress, PEER has submitted Freedom of Information Act requests for sustainability plans, waste audits, and concessionaire contracts to all seven regional NPS offices. While we have received a lot of good information, we're waiting for much more.

This work will help us identify the positive and negative aspects of each park's plastic reduction and other waste management efforts and help us build mechanisms for accountability and fight for more transparency, something that is desperately needed at the NPS right now.



PHOTO: ADOBESTOCK/BILLIONPHOTOS.COM

National Park Rangers Hit Generational Low

The ranks of law enforcement rangers protecting our national parks have declined to the lowest level this century and could go much lower if the budget pushed by House Republicans is enacted. The ranks of National Park Service law enforcement rangers have fallen by nearly 50% between 2010 and 2023, dropping more than a quarter just since 2021.

At the same time, park visitation has rebounded back to pre-pandemic levels with several parks reaching new records. Meanwhile, search and rescues have more than tripled while major crimes have also spiked in recent years.

Last fall, the Department of Interior (DOI) published a report finding low law enforcement staffing is negatively affecting incident response time as well as officer

safety and stress, leading to higher attrition. Park rangers make up approximately half of the DOI's law enforcement cadre.

PEER is also highlighting the Park Service's failure to marshal workload information to assess its law enforcement needs. In addition, the agency has stopped responding to Freedom of Information Act (FOIA) requests about major crimes, assaults against staff, and search and rescues, requiring PEER to sue to keep statistics updated.

"Regular release of this data would help Congress and the Park Service itself to better understand law enforcement requirements" commented PEER Litigation and Policy Attorney Colleen Teubner, a former Assistant DA for New York's Suffolk County, who is pursuing our FOIA litigation.



PHOTO: NPS

Going Extinct. Seasonal backcountry rangers have largely disappeared with only 43 remaining in 2023, compared with 323 just two years prior and as many as 825 back in 2010.



PEER PERSPECTIVES

This is Refreshing



Virginia Department of Environ. Quality Director Mike Rolband

After last year's U.S. Supreme Court decision significantly cut back federal wetland protections under the Clean Water Act, the bulldozers have been going full blast in several states. But in Virginia, the commonwealth has moved to keep safeguards in place for wetlands within the watershed of Chesapeake Bay, the nation's largest estuary. "Think of wetlands as a big universe. Only a portion of that universe is regulated by the federal government. But what scientifically is a wetland is still the same," explained DEQ Director Mike Rolband. "In Virginia, we regulate everything." Given that he works for Republican Governor Glenn Youngkin, this is a refreshing reminder that environmental protection was once bipartisan and could be again.



U.S. Representative Mike Lawler (R-NY)

It really is getting hotter. In the past 25 years, heat deaths in the U.S. have more than doubled, including hundreds of workers. For five decades, the Centers for Disease Control and Prevention has urged the U.S. Occupational Safety & Health Administration (OSHA) to implement heat safeguards. OSHA has finally acted by proposing to give workers the right to water, rest, and shade on especially hot days and requiring employers to ease new workers into hot jobs to help their bodies adjust. While many House Republicans have attacked the proposal as federal overreach, Rep. Mike Lawler is one of the few exceptions, stating "a federal heat standard is a welcome step in the right direction to ensuring safe working conditions" calling for "expeditious implementation" of the rule.



U.S. Supreme Court Justice Neil Gorsuch

Justice Gorsuch was a key player in the recent Supreme Court decision overturning the long-standing precedent requiring deference to federal agencies' technical expertise. However, in a separate 5-4 decision this term that stayed an EPA smog control rule, Justice Gorsuch's majority opinion repeatedly conflated nitrogen oxides, a family of poisonous gases regulated under the Clean Air Act, with nitrous oxide, aka laughing gas used by your dentist. While the error was later corrected, it illustrates that the lack of judicial deference on technical issues is no laughing matter.



Sec. Gen. Leticia Reis de Carvalho, International Seabed Authority

The International Seabed Authority is an independent arm of the United Nations with the mission of adopting rules governing how and when companies can mine the ocean floor. It has selected a new leader, Leticia Reis de Carvalho, a Brazilian oceanographer, following the scandal-plagued tenure of Michael Lodge, an industry-connected lawyer. Her first priority is cleaning house, and she has authorized an independent probe into Lodge's backroom dealings. "If I am to be neutral and professional, I need to get to know if there was corruption in the relationship of the secretary-general with contractors," she declared. "I'm committed to act on both sides, on administration and corruption, including allegations related to contracts." Perhaps this means some sunshine will reach our sea beds before the pneumatic drills do.



James Gaddis, ex-Florida Dept. of Environ. Protection Cartographer

The revelation that FL Gov Ron DeSantis's "Great Outdoors Initiative" was actually a plan to pave over thousands of acres of state park lands for hotels, golf courses, and pickleball courts set off a bipartisan firestorm. The public pushback was so intense that DeSantis uncharacteristically backed down. His plan had been exposed by James Gaddis, a DEP cartographer, who had been directed to draw up maps for the projects. Gaddis did the work, but then walked the documents over to Tampa Tribune, which ran a front-page feature. He readily admitted his role, stating "I felt all the maps and amendment texts we were working on should have been public records. They were created on a state computer and should have been subject to the public records laws. The secrecy was totally confusing and very frustrating. No state agency should be behaving like this." His courage has been rewarded with a termination notice citing "conduct unbecoming a public employee." He posted a GoFundMe page, which raised \$90,000 in just two days for a legal challenge.



Detroit Mayor Mike Duggan

Under Mayor Duggan, Detroit is pursuing a Solar Neighborhoods program using funds from the Inflation Reduction Act. The city is sponsoring neighborhood meetings to consider hosting urban solar fields and to pay for energy efficiency upgrades. One project involves building solar energy arrays on 200 acres to produce enough energy to offset the electricity used currently by 127 municipal buildings and save the city \$4.4 million per year in utility bills. "We have seen property values and income tax revenues grow dramatically in other neighborhoods where the city has made investments," Duggan bragged, noting solar farms in these urban settings add aesthetic as well as real estate value. Welcome to sun-kissed Detroit.



Special Counsel Promises More Transparency

On September 18, PEER's General Counsel Paula Dinerstein, Litigation and Policy Attorney Colleen Teubner, and a network of whistleblower advocates met with Special Counsel Hampton Dellinger. Mr. Dellinger leads the U.S. Office of Special Counsel (OSC), an independent federal investigative and prosecutorial agency, whose mission it is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices (PPP), especially reprisal for whistleblowing.

We are pleased to see that Special Counsel Dellinger has committed the OSC to more transparency, including a commitment to post publicly a summary of allegations in matters where OSC has issued a report concluding that a prohibited personnel practice has occurred. In the past, the OSC has rarely been transparent in its findings, making it difficult to know whether agency misconduct is being addressed.

PEER has long been concerned that OSC rarely releases its investigatory findings, and that it uniformly redacts the names and

identifying information of the employees and officials found to have engaged in whistleblower retaliation or other prohibited personnel practices.

PEER believes it is not appropriate and contrary to the public interest to allow agency employees and officials who have engaged in prohibited personnel practices to be shielded from public view. This is especially the case in light of how extremely rare it is that retaliators and other offenders are ever disciplined.

To address this issue and to build on the openness promised by Special Counsel Dellinger, PEER, the Government Accountability Project, and Whistleblowers of America have asked that OSC commit to make public all PPP completed reports that meet the following criteria; when the case has been closed, the complainant consents, and after consultation with witnesses or others who are discussed in the report but have not been found to engage in a PPP. The names and identifying information for the complainant and/or witnesses should be redacted if they so request.



Double Trouble, A Summer Hit



Helen Pent Jenkins,
Director of Development

A big and warm thank you to our incredible donors for making PEER's Double Trouble campaign a huge success! With your overwhelming generosity, we not only met the \$60,000 match set by a long-time foundation partner but surpassed it. Your support has deeply inspired and motivated us. I am truly grateful for this amazing community of support. Thank you!

We Thank You!

Thank you to the following Foundations for their continued support:

- Wild Horse and Burro Fund
- Cornell Douglas Foundation
- FJC-A Foundation of Philanthropic Funds
- Lisa and Douglas Goldman Fund
- SWF Immersion Foundation

PEER Petitions

Support PEER's efforts by signing petitions and urging policymakers to act. Help us push for reforms that protect the environment, health, and public lands. Sign petitions to ban PFAS pesticides, prevent PFAS contamination on farms, and improve BLM's land health program. Each signature counts—join us in holding agencies accountable!

To Learn More Visit peer.org/get-involved/petitions.



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Transitioning to a New President in a Time of Climate Crisis

President Biden will be remembered as an extremely consequential climate President.

His administration set caps on air pollution and carbon dioxide from fossil fuel plants, raised efficiencies standards for stoves, refrigerators and shower heads, set new fuel economy regulations for cars and trucks and established zero-emissions target for federal buildings, energy suppliers, and vehicle fleets.

President Biden also signed the Bipartisan Infrastructure Law, the CHIPS and Science Act and the Inflation Reduction Act, which has provided billions of dollars in investments in clean energy, battery manufacturing and infrastructure development.

Should Vice-President Harris win the election, we expect that our climate integrity work will continue to focus on advocating for ambitious climate goals while pushing to change programs that are ineffective, costly, or counterproductive.



PHOTO: TIMOTHY

Hurricane Helene left catastrophic damage across the south:
The increasing intensity of storms is a reminder that we must move swiftly to address climate change and strengthen our ability to adapt to a changing climate.

Should former President Trump win the presidency, we will see a wholesale attack on the civil service and a rapid scaling back on climate programs.

We are prepared for either eventuality.