



# PEERreview

A Publication of Public Employees for Environmental Responsibility

## Trump Sows Civil Service Chaos

President Trump has launched an unprecedented assault on the very government institutions he is supposed to lead. Whole programs are being dismantled – tossed “into the wood chipper,” in the words of Elon Musk, who was allowed to rip into agency operations with a proverbial chainsaw.

These reductions are falling particularly hard on environmental and public health agencies such as the Environmental Protection Agency (EPA), the National Oceanic and Atmospheric Administration, the National Park Service, and other components of the Interior Department, which house the core of many PEER programs. Consequently, we have had to reorient our legal program to counter this broad assault to focus more on personnel issues.

### Probationary Employees

One of Trump’s early moves was dismissing approximately 15,000 newly hired federal employees across the government who were still in their probationary period. The probationary period is an extension of the hiring process used to determine whether the person can perform effectively in the position for which they were hired. While in their probationary period, employees have few appeal rights against removal.

In carrying out these mass firings, the Trump administration made no determination that the fired individuals failed to effectively perform their work.

We assisted in legal challenges to these mass dismissals which initially succeeded in the reinstatement of thousands.



PHOTO: AFGE

**Stop Firing Us.** Tens of thousands of federal employees have already been removed from their positions; many thousands more are in limbo.

However, appeals courts later vacated those restoration orders, leaving many probationary employees in legal limbo until the underlying merits of their cases are fully decided.

Some agencies retained the restored employees, while others chose to re-terminate them. We have helped advocate for those displaced employees who had their health insurance coverage improperly terminated to obtain certification that they were not fired for cause, which would imperil their unemployment insurance coverage. It is appalling how callously some of these workers have been treated. (See page 5 story.)

### Environmental Justice

For months, EPA staff who had been assigned to work on environmental justice issues have been on paid administrative leave, with no agency access, and under orders not to conduct any official business.

PEER has filed a class-action legal complaint with the Office of Special Counsel (OSC) on their behalf, aiming to reintegrate them into the EPA workforce with new assignments. The OSC’s primary mission is to safeguard the merit system by protecting federal employees and applicants from prohibited personnel practices, especially reprisal for whistleblowing. Our complaint points out that these staffers are being unfairly and illegally punished because of their prior legitimate assignments, contrary to merit system guarantees.

### Administrative Leave

PEER is challenging the Trump administration’s practice of placing thousands of federal employees on extended, involuntary, paid administrative leave. Currently, it appears that approximately 100,000 employees are on open-ended involuntary leave.

That practice violates the Administrative



## PEER DC Headquarters

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

## PEER Staff

Tim Whitehouse • *Executive Director*  
Paula Dinerstein • *Senior Counsel*  
Joanna Citron Day • *General Counsel*  
Peter Jenkins • *Senior Counsel*  
Laura Dumais • *Staff Counsel*  
Colleen Zimmerman • *Litigation & Policy Attorney*  
Kyla Bennett, PhD • *Northeast & Mid-Atlantic PEER, Science Policy Director*  
Chandra Rosenthal • *Rocky Mountain PEER*  
Jeff Ruch • *Of Counsel*  
Barry Sulkin • *Technical Consultant*  
Laurie Williams • *Climate Consultant*  
Linden Mueller • *Director of Development and Communications*  
Claire Turner • *Development Manager*  
Mer Mietzfeld • *Institutional Giving Manager*  
Michelle Shaffer • *Digital Media Associate*  
Nicole Bracey • *Human Resources & Office Manager*

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## FROM THE EXECUTIVE DIRECTOR

Dear Friend,

We know that change is happening all around us.

As we navigate this change, we are delighted to welcome Joanna Citron Day as our new General Counsel (see page 3 for her bio). Joanna is joining PEER at a critical time in the country's history.

This moment in our nation's history is unlike any other we have faced. No one can ignore that the Trump administration is now going full authoritarian. Its playbook includes treating laws, differing political views, and science with disdain and hostility.

At PEER, we see this playbook in our work every day, including how the administration:

- Ignores the laws that cover the civil service, appropriations, and contracts within the federal government.
- Threatens violence against politicians who raise objections to the administration's actions.
- Vilifies scientists and scrubs science from its discourse, including its websites.

We know the authoritarian impulses gripping this nation will not die down soon. And while we can't predict the future, we are seeing signs of hope. For example:

- Federal courts are generally ruling in favor of those challenging the President's actions.
- Peaceful resistance to lawless government action is on the rise.
- Leaders across the political spectrum are expressing growing concern about the administration's actions.

Recently, many people have asked me how PEER is working to "meet this moment." The simple answer is by doing what we do best: using the courts, the legislative processes, and public opinion to fight for the rule of law, a non-partisan civil service, and strong environmental protections.

We also know that we must look beyond the immediate threats with an eye toward reforms that will prevent these abuses from ever happening again. We are thrilled that Joanna is onboard to help us in this effort.

Together, we remain determined to help ensure that the future remains brighter than the past.

Regards,

**Tim Whitehouse**

P.S. To help us meet this extraordinary moment, a generous donor has stepped forward with a **matching gift challenge**. That means your support today can go twice as far to defend science, civil service protections, and the rule of law. More details on page 11.

## 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.

## Government Lawyer Joins PEER as New General Counsel

A senior environmental enforcement attorney with more than 20 years of experience is joining PEER as its new General Counsel. Joanna Citron Day comes to PEER with more than two decades of federal service, including as:

- A senior counsel at the U.S. Department of Justice (DOJ), where she litigated clean water, air, and hazardous waste cleanup cases, among other matters.
- An attorney within the Environmental Protection Agency's (EPA) Office of Civil Enforcement, where she specialized in Clean Water Act cases particularly addressing municipal wastewater treatment violations.
- An attorney in the Department of Interior's Office (DOI) of the Solicitor working on cases involving cleanup of hazardous wastes on federally managed lands.

"Joanna's broad and in-depth experience makes her a perfect fit for PEER," said PEER Executive Director Tim Whitehouse, himself a former senior EPA enforcement counsel. "She understands the law, how federal agencies work, and what motivates agencies actions as well as their disappointing inaction."

As General Counsel, she will direct PEER's overall legal program, including its robust litigation docket.

"Joining PEER allows me to continue serving the public at a pivotal time when the challenges of public service have never been more daunting," commented Citron Day. "PEER plays a unique role of directly enforcing environmental and public health laws but also protecting the dedicated staff charged with their administration."

PEER's General Counsel for the past 19

years, Paula Dinerstein, will remain on PEER's legal team in the position of senior counsel, where she will continue managing selected cases and providing strategic advice.



PHOTO: JOANNA CITRON DAY

**Joanna Citron Day brings over 20 years of experience at DOJ, EPA, and DOI to PEER**

### PESTICIDES

## Indaziflam, a Short-Term Solution to a Long-Term Problem

PEER is urging caution following the recent federal approval of a non-selective toxic herbicide now authorized for use on public lands. This approval raises serious concerns.

Indaziflam (marketed as Rejuvra) is a pre-emergent herbicide, a chemical used to prevent weeds before they sprout by preventing the seeds from germinating. Although its intended use is to kill invasive cheatgrass, indaziflam also kills many native plants, disrupts soil microbiota, prevents the germination of native seeds, has a high potential to contaminate surface waters, and has genotoxic effects on human cells.

Using indaziflam on public lands can harm the insects, birds, and other animals that inhabit them. Herbicides like indaziflam

may also harm native plants that insects and other animals depend on for food, while polluting waterways and harming aquatic life.

PEER is tracking the Bureau of Land Management's (BLM) and US Forest Service's (USFS) use of indaziflam, including protocols that land management agencies are developing. We are also working with a coalition of groups to protect native seeds and ensure that the federal public land agencies – BLM, National Park Service, USFS, and the U.S. Fish & Wildlife Service – have properly considered the impact of indaziflam on their native seeds programs.

There are more ecologically sound approaches to managing invasive grasses than relying on toxic pesticides. Manual or mechanical removal in combination with

reseeding can be effective on smaller, high-priority restoration sites. Resting grazing allotments and reducing livestock numbers can prevent the spread of cheatgrass, which flourishes on bare, open soil. Restoration planting with native broad-leaved plants and early successional plants can help re-establish competitive plant communities that naturally suppress cheatgrass over time.

Pesticide use is no golden ticket. Short-term eradication of weeds comes with long-term human and ecological health problems. Climate change and ever-shifting priorities on public lands will continue to disturb the land and foster the growth of invasive grasses like cheatgrass. We will continue to advocate that BLM and USFS develop effective strategies that work for the long term.





## CHECKS &amp; BALANCES

## Rebalancing Executive Checks & Balances

In his second term, President Trump has moved aggressively to expand executive authority, upending our system of checks and balances among the three branches of government.

Restoring this balance while he still holds office is virtually impossible, but PEER will push to fight back. We are developing plans to press Congress to pass laws to rein in a now outsized executive authority.

One thrust of Trump's second term is sidelining the legal referees charged with checking abuses. The President has already fired at least 18 Inspectors General (IGs) without cause. Federal IGs are charged with the prevention and detection of waste, fraud, and abuse relating to their agency's programs and operations. Trump also ousted the head of the Office of Government Ethics (OGE), an independent agency that leads and oversees the executive branch ethics program in coordination with the head of the U.S. Office of Special Counsel (OSC), another independent agency responsible for enforcing civil service laws, including those addressing whistleblower protection. Trump has also fired the head of OSC.

Trump's firings of top OGE and OSC officials have resulted in a significantly weakened oversight of the executive branch.

To prevent future lawless regimes, Congress should reinstitute the checks Trump has shredded, but in a way that insulates them from unilateral executive reversal.

One step toward restoring oversight of the executive branch would be a statute relocating IGs within the legislative branch. IGs do not perform an inherently executive function, as they lack the authority to implement their recommendations.

Congress should appoint fixed-term IGs and team them with the Government Accountability Office (GAO), another legislative agency, to keep this strengthened watchdog function beyond executive obstruction.

In this restructuring, independent IGs could also conduct scientific integrity reviews to resolve challenges to the accuracy of scientific and technical information. This would move control of scientific data and analyses beyond the unilateral control of the very bureaucracies responsible for creating them, thereby stopping them from peddling disinformation.

Moreover, uniform procedures would facilitate the use of expert scientists from other agencies, universities, and institutions to serve as review panels.

Similarly, institutions charged with enforcing civil service protections, such as the OSC and the OGE, should be moved into the legislative branch. This shift would mean that the executive branch could no longer control who decides disputes between the executive branch and its employees, contractors, and others.

Basic fairness requires that these referees be impartial and not under the direct command of one party in a disagreement.

These referee positions are not inherently executive in nature. For example, under the Competition in Contracting Act of 1984, Congress designated its GAO to serve as an independent and impartial forum for the resolution of disputes concerning the awards of federal contracts. Similarly, investigations into and reviews of employment abuses and related disputes could be handled by statutorily relocated Offices of Special Counsel and Government Ethics.



PHOTO: MPBS

**Death of Independent Agencies.** The Supreme Court upheld Trump's mid-term removal of Cathy Harris from the Merit Systems Protection Board without cause.

One sign of this shift is legislation moving the U.S. Marshals out of the Department of Homeland Security into the judicial branch. Marshals provide security for judges (who face a big spike in security threats) and enforce judicial orders. These key functions can no longer be entrusted to executive oversight.

Although Trump has pushed the envelope further than most imagined possible, his abuse of power is reminiscent of the Nixon administration. Following the Watergate scandal and Nixon's resignation, Congress took steps, including the enactment of the Anti-Impoundment Act, to curb presidential excesses.

Today, even more fundamental restructuring is in order.

America did not intend to elect a dictator.

## NATIONAL OCEANIC &amp; ATMOSPHERIC ADMINISTRATION

## Gratuitous Callousness Adds Insult to Career Injury

Whether recently rehired or re-terminated, hundreds of National Oceanic & Atmospheric Administration (NOAA) employees have suffered needless additional harm by haphazard and sloppy official handling. Accounts filed with PEER detail the lack of administrative diligence by NOAA and its parent agency, the Department of Commerce.

Yo-yoing between unemployment and re-employment, some 880 NOAA employees within their first year probationary period were summarily fired this February without cause, along with more than 15,000 probationary employees from other agencies. Two federal courts found these mass removals to be illegal and ordered their reinstatement. More recently, appeals courts vacated those restoration orders, leaving the probationary employees in legal limbo until the underlying merits of the case are fully litigated.

Many newly rehired NOAA staff were then notified via a three-sentence email that Commerce “is “reverting your termination action to its original effective date.” However, both sets of terminations:

- Imperil continued health coverage. Without any advance notice, people could not switch to their partners’ health

insurance because they could not show a qualifying life event. In addition, many insurance companies did not accept the termination email (which did not look official). Backdating the re-termination also leaves others on the hook to pay for procedures during this period.

- Deny useful documentation. Many never received formal notifications of their firing. Instead, emails were sent to those whose computer access had been removed. Generally, unemployment insurance coverage is disallowed if fired “for cause,” but Commerce used ambiguous language about “failing” probation, which masked the separation’s true basis.
- Put future employment at risk. Most employers ask if you have ever been dismissed for cause. Although the courts have found the firings were not performance-based, for many, there is no supporting paperwork for this.

Those who have been rehired also are not receiving the proper amount of backpay, insurance premium payments, sick days, and other benefits. In addition, some have passed their probationary period during the past few months, but their employment status remains unclear.



**NOAA Climate Research.** Most climate research at NOAA has ceased or is being phased out.

PEER is assisting as many current and former staff as we can in dealing with this gratuitous ill-treatment, and we have written to Commerce Secretary Howard Lutnick asking that he take steps to resolve these needless headaches. “The lack of basic class, courtesy, and consideration in how these probationary employees have been treated is just appalling,” commented PEER Executive Director Tim Whitehouse.

### Cuts Spare Trump Vanity Projects

While imposing across-the-board layoffs, grant rescissions, and lease cancellations across civilian agencies, President Trump is hemorrhaging tax dollars on self-serving projects and perks. Altogether, Trump has greenlighted nearly half a billion tax dollars for vanity projects such as a military parade, a statuary garden, and lavish Oval Office décor, according to a PEER tally.

For the upcoming fiscal year, President Trump proposes slicing discretionary domestic spending by 22% for an overall

\$163 billion reduction, including more than \$32 billion across environmental agencies. Yet, expenses for White House operations and special events are ballooning. For example, Trump’s frequent golf outings are on pace to significantly exceed the more than \$150 million these trips cost taxpayers during his first term.

Trump’s imperial-style profligacy makes a mockery of the tens of thousands of federal employees, many in entry-level positions, being shown the door in the name of austerity.



## DEPARTMENT OF THE INTERIOR

# Opening Shots in War on Public Lands

Interior Secretary Doug Burgum has written a new Strategic Plan for the Department of the Interior (DOI) that calls for increasing development of “clean coal, oil, and gas” with “faster and easier permitting.” He is also pushing expanded mineral extraction, live-stock grazing, and logging on federal lands.

## Trillion Dollar Return

Burgum repeatedly refers to public lands as assets on America’s “balance sheet” which should be harnessed to eliminate our \$33 trillion national debt. But it is unclear how he plans to generate significantly more revenue to pour into federal coffers.

Federal energy revenues for Fiscal Year (FY) 2024 totaled \$16 billion, only a small fraction of the \$800 billion interest paid that year in debt service. Meanwhile, Trump wants to roll back higher oil and gas royalty rates in Biden’s Inflation Reduction Act, which marked the first time those royalty rates had been raised since 1920.

Despite a new drive for strategic minerals, hardrock mining on federal lands is still governed by the General Mining Law of 1872, which grants free access to minerals with no royalty payment at all required.

In addition, Burgum has again set the federal grazing fee at the statutory minimum, a rate that does not come close to covering the cost of administering the current program, let alone the costs of expanded livestock operations.

## Offloading Federal Lands

Another “key strategy” is to “right size” national monuments. The



PHOTO: BLM

**Coming to a Prairie Near You.** Secretary Burgum wants to greatly expand already extensive fossil fuel extraction from federal lands.

plan also calls for transferring “heritage lands and sites” to states. In addition, Trump’s proposed FY 2026 budget would transfer an unknown number of the 433 national park units to the states. At the same time, Trump is supporting plans to sell off millions of acres of Bureau of Land Management and Forest Service lands as part of his budget reconciliation legislation.

## NEPA Guttled

To streamline approvals, Trump is moving to rescind all regulations implementing the National Environmental Policy Act (NEPA), leaving it up to each agency to write its own rules. As a result, DOI plans to limit environmental reviews of energy projects on public lands to a maximum of 28 days.

Inadequate NEPA reviews, however, will leave many of these projects vulnerable to lawsuits, an avenue at which PEER and other conservation groups have enjoyed considerable success.

## Mining National Parks

As current national policy calls for more domestic production of strategic minerals, our national parks may be targeted for many more mining operations.

Although filing new mining claims on parklands has been barred by law for nearly 50 years, National Park Service (NPS) records obtained by PEER indicate that 1,067 mining claims remain within 15 national parks. California has the

largest number with Alaska in second.

These claims include 635 unpatented claims and 432 patented claims. Patented claims are fully private property, confirmed by a “patent” – a title – from DOI. Only 35 such claims have been “retired” during the past decade.

In April, the Bureau of Land Management announced an Australian mining concern had been “given go ahead to continue

mining operations” in the Mojave National Preserve, which contains hundreds of claims. However, NPS has yet to receive, let alone approve, a new mining plan for this operation as required by law.

What is now unfolding at this one Mojave mine may be repeated several hundred more times in the coming months, bringing the almost forgotten mining legacy on national park lands back to life.



## NATIONAL PARK SERVICE

## Interior Installs ‘Snitch Signs’ at National Parks

Weirdly channeling *Home on the Range*, where “never was heard a discouraging word,” Interior Secretary Doug Burgum has issued a Secretarial Order directing Interior agencies to identify and remove “any signs or other information that are negative about either past or living Americans or that fail to emphasize the beauty, grandeur, and abundance of landscapes and other natural features.”

To aid in this effort, all parks, refuges, and other Interior lands must erect signs containing a QR code “throughout each property, in as many locations within each property as necessary and appropriate to ensure public awareness,” requesting visitors to identify anything they view as “negative.”

It is unclear how this will play out in parks at sites that tell the stories of Emmett Till and Mamie Till-Mobley, the Sand Creek massacre, or the internment of Japanese

Americans. More disturbing is the idea that agencies such as the park service must now discard historical accuracy if it is not uplifting or flattering.

PEER has been receiving many of the comments sent by visitors to the national parks. Not surprisingly, the responses overwhelmingly praise the work of park service staff, and many criticize the park service’s effort to erase history. Some are downright funny, such as the visitor who asked for a refund because he didn’t see “bigfoot.”

Interior officials are not amused. “It is a true shame that employees are spending their time leaking to the media instead of doing work for the American people,” a government spokesperson told the news site Government Executive. “The same American people who fund their paychecks.”

We suspect that the administration is



CARTOONSTOCK.COM

actually upset that in recent years the National Park Service (NPS) has done a good job of accurately portraying the history of the parks, and the public is turning against these “snitch signs,” as park service employees call them.

### Burgum Nixes Bottle Bans

Our national parks are drowning in a rising tide of plastic waste. After years of PEER pressure, parks were finally taking steps to reduce their plastic waste loads, according to our 2024 survey. This embryonic progress occurred under a 10-year “Action Plan” issued in 2022 by then-Interior Secretary Deb Haaland, a plan PEER criticized as too limited and way too slow.

In an unfortunate validation of that criticism, Interior Secretary Doug Burgum, as one of his first acts, forbade national parks and other Interior units from restricting disposable plastic bottle sales, citing consumer choice and

Trump’s Executive Order banning paper straws within federal agencies.

“National parks are not supposed to function as shopping malls; they are supposed to conserve natural and cultural resources, not consumer choice,” declared PEER Staff Attorney Colleen Zimmerman, who is monitoring official plastic reduction efforts.

As laid out in our rule-making petition to NPS, our goals are 1) that free potable water is available for all visitors, and 2) sales of plastic water bottles are no longer permitted at any park concession. Taking these steps would cut discarded plastics by 75%. It looks like



PHOTO: ENGIN AKYURT

**More Plastic, Please.** Single-use disposable plastic bottles are the single biggest component of national park waste streams.

we will have to wait a while (again) to realize this goal.



## CLIMATE CHANGE

## Trump's Climate Denial Consumes Planet

Trump's first-term climate policies were horrible and are now back with a vengeance. In the last five months, Trump has withdrawn the United States from the Paris Agreement; fired climate-critical federal employees en masse from the Environmental Protection Agency and the National Oceanic and Atmospheric Administration; frozen and attempted to cancel billions in climate and clean energy spending; reversed approvals for wind energy projects; stripped climate data from federal websites; halted climate research; and prohibited climate education in federal agencies. Even worse, he is moving to open federal lands to aggressive fossil fuel production and to roll back greenhouse gas limits on power plants.

Many of these actions have already triggered legal challenges, and others soon will. PEER is working with newly former and still current public employees to gauge the effects of Trump's actions and to help develop effective countermeasures. Meanwhile, global temperatures keep rising.



PHOTO: ADOBESTOCK\_IN\_A

**Temperatures Rising, Trump's scorched earth approach to climate change threatens the entire planet.**

## Maryland Clean Energy Win

Capping a multi-year effort, Maryland's General Assembly has removed trash incineration from the state's Renewable Portfolio Standard (RPS).

This marks the end of Maryland's practice of subsidizing companies that burn trash to generate electricity under the state's premier climate program. Burning trash to produce electricity releases high levels of greenhouse gases, toxic air pollutants, and toxic ash – all of which endanger public health and undermine Maryland's climate goals.

"Pulling incineration out of the RPS redirects state subsidies to healthier and truly renewable energy choices," said PEER Executive Director Tim Whitehouse, who marshaled data analysis, research, and reports to legislators in the effort. "This is a welcome win."



PHOTO: MONTGOMERY COUNTY, MD

**The Montgomery County Resource Recovery Facility is one of the facilities that will no longer receive subsidies under Maryland's renewable energy program.**



## Fired NOAA Employees Speak Out

PEER partnered with fired probationary employees of the National Oceanic and Atmospheric Administration (NOAA) to create a video series highlighting their stories and concerns about the agency's future without their roles. Arbitrary cuts and the illegal firing of employees are severely impacting NOAA's ability to deliver services to the American people. The series can be viewed at [peer.org/noaa-stories](https://peer.org/noaa-stories).



## ENVIRONMENTAL PROTECTION AGENCY

## Stumbling PFAS Retreat

Days after U.S. Environmental Protection Agency (EPA) Administrator Lee Zeldin issued a pledge to “combat PFAS contamination,” he sounded a retreat by announcing EPA would rescind recent safeguards enacted to protect the public from per- and polyfluoroalkyl substances (PFAS).

This latest rollback would abandon a key regulatory beachhead that took EPA years to establish – setting a Maximum Contamination Limit (MCL) in drinking water for six types of PFAS. Drinking water is a major exposure pathway, with more than 158 million Americans exposed to PFAS in their drinking water, and 43 million more Americans who drink private well water, which is also likely contaminated.

Now Zeldin plans to postpone enforcing MCLs for PFOA and PFOS, two of the deadliest PFAS, from 2029 until 2031, and to rescind the MCLs altogether for four types of PFAS. The stated rationale for this abrupt pullback is greater “regulatory flexibility.”

This action also marginalizes scientific research painstakingly collected by independent scientists and Zeldin’s own agency. For example, EPA’s own risk assessment shows that there is no safe level of PFOA or PFOS, a designation that is assigned to chemicals like lead and arsenic. Yet, enforcement of this limit would be stayed for additional years.

Even more troubling, the PFAS for which EPA is rescinding limits are specifically associated with colorectal, liver, kidney, bladder,



PHOTO: EPA

**Major Exposure Pathway.** More than two-thirds of Americans are at risk from PFAS-contaminated drinking water.

gallbladder cancers, leukemia, lung cancer, thyroid cancer, and oral and pharynx cancer.

PEER is pressing EPA to define PFAS broadly, regulate them as a class from cradle to grave, and ban all non-essential uses. EPA has only one mission: to protect human health and the environment. EPA’s retreat on PFAS not only betrays that mission but makes a mockery of the Trump administration’s pledge to Make America Healthy Again.

## SLAPP Back at Synthetic Turf

A major artificial turf manufacturer’s effort to block a webinar about the hazards of synthetic turf has triggered a multi-million-dollar lawsuit against it. The suit accuses Polyloom Corporation of engaging in an illegal Strategic Lawsuit Against Public Participation (SLAPP) by attempting to block the turf webinar by the non-profit Grassroots Environmental Education, which featured a presentation by a scientist from PEER.

The January webinar entitled “The Trouble with Turf” was intended to discuss the potential adverse health risks of artificial turf. The session and material did not mention Polyloom Corporation or its subsidiaries, which self-describes as

“one of the largest designers, producers, recyclers, manufacturers, and installers of artificial turf in the United States.”

Three days before the webinar, Polyloom filed a complaint, an application for a Temporary Restraining Order, a preliminary injunction, and compensation for monetary damages against the webinar sponsor and all the individuals slated to speak in their individual capacities. As a result, Grassroots agreed to postpone its webinar indefinitely.

The new lawsuit, filed under the Civil Rights Law of New York by all the people and entities named in Polyloom’s action, charges the corporation with engaging in an illegal

SLAPP suit “for the purpose of harassing, intimidating, punishing, or maliciously inhibiting the free exercise of speech, petition or association rights.” The suit seeks compensatory damages and punitive damages, as well as all costs and attorneys’ fees.

“Corporate bullies should not get away with using the legal system to quash the truth,” stated PEER Science Policy Director Kyla Bennett, a scientist and attorney formerly with EPA and PEER’s leading spokesperson on artificial turf issues. Dr. Bennett was one of the scheduled speakers at the canceled webinar. “The purpose of anti-SLAPP laws, such as New York’s, is to prevent corporations from intimidating people speaking out on matters of public concern.”



## PEER PERSPECTIVES

## Dystopia's Not a Ride at Disneyland



### World Trade Organization Director-General Ngozi Okonjo-Iweala

As part of his tariff crusade, the Trump White House tried to sideline the chief of the World Trade Organization (WTO) from publishing critical information and thereby seeking to “reinvent itself into a resource to be provided to the public,” in the words of a formal protest. But the WTO director-general has not been dissuaded. “You’re not supposed to talk about climate change,” Okonjo-Iweala said. “Suddenly, we are seeing even in multilateral organizations, you’re supposed to keep quiet – well, I’m not.” Trump has already frozen U.S. financial support for the WTO.



### EPA Administrator Lee Zeldin

Despite zero evidence, Zeldin continued to press for a criminal investigation of climate-related grants awarded under President Biden. Now, after the resignation of an Assistant U.S. Attorney, that investigation has sputtered to an end with no findings of criminality. Zeldin, who insists on calling the grants a “Green Slush Fund,” has also had to alter U.S. Environmental Protection Agency’s (EPA) legal stance in the lawsuits by grantees to get funds unfrozen. Since Zeldin has no evidence of criminal misconduct, EPA now asserts breach of contract but has been unable to produce any evidence of that, either.



### FEMA Acting Administrator David Richardson

Days after Federal Emergency Management Agency (FEMA) Director Cameron Hamilton was fired for saying that FEMA should remain in response to a congressional question, President Trump tapped Marine Corps veteran David Richardson to serve as acting Director. In his first all-hands meeting, Richardson threatened his new staff, saying, “Don’t get in my way. I know all the tricks, OK? I know them from lance corporals. I know them from staff sergeants, lieutenants, federal employees, my own employees, and, indeed, myself. I’ve played the games, too. Obfuscation, delay, undermining – if you think those tactics and techniques are going to help you, they will not, ‘cause I will run right over you.” Shortly thereafter, he told employees that he did not know the United States has a hurricane season. He later claimed to be joking (what a riot). FEMA has already lost about one-fifth of its staff and appears to be under the control of a person far better suited for his previous assignment under Trump, heading Homeland Security’s Weapons of Mass Destruction Office.



### Former FDA Vaccine Chief Dr. Peter Marks

The man behind Operation Warp Speed to develop effective COVID vaccines in the first Trump administration has been forced to resign in the second. Dr. Marks, the nation’s top vaccine regulator, refused to grant Health Secretary Robert F. Kennedy Jr.’s team unrestricted access to a highly confidential vaccine safety database. He allowed them to read the reports in the government’s Vaccine Adverse Event Reporting System but would not allow them to directly edit the data. “Why wouldn’t we? Because frankly, we don’t trust [them],” he said, using a profanity. “They’d write over it or erase the whole database.” Referencing ongoing fatal measles outbreaks, Dr. Marks said Kennedy should be working to get more children vaccinated. “I consider these needless and senseless deaths. These kids should get vaccinated. That’s how you prevent people from dying of measles.”



### U.S. Coast Guard Academy Provost Amy Donahue

Unlike Dr. Marks, who resisted improper orders, U.S. Coast Guard Academy Provost Amy Donahue has followed an order by Homeland Security Secretary Kristi Noem (under whose department the Coast Guard is housed except in times of war) to remove all references to “climate change” and related concepts or terminology from its curriculum. The Academy trains the officers who command our sea-going law enforcement and search and rescue force, which must cope with fast-changing conditions ranging from disappearing sea ice to ever more intense hurricanes.



### The Senate Parliamentarian Elizabeth MacDonough

The Senate Parliamentarian, Elizabeth MacDonough, has ruled against Utah Sen. Mike Lee’s proposed amendment to the budget reconciliation megabill that would mandate the sell-off of two to three million acres of U.S. public lands. The Senate parliamentarian, who provides advice on rules, precedents and statutes in the Senate, said the proposal will require 60 votes, meaning the proposal would fail in the face of strong bipartisan opposition. The decision stems from the Byrd Rule, which prevents extraneous matters from being added to budget reconciliation bills.

## HATCH ACT

## Loyalty Oaths and MAGA Caps

Following a legal complaint from PEER, the Trump White House has retreated from a directive requiring most federal civilian job applicants to write an essay on how they would “help advance the President’s Executive Orders and policy priorities.” Instead, applicants will be instructed that their “responses are not required and will not be scored.

“This was a not very subtle way to impose an impermissible political loyalty test on virtually all federal job applicants,” stated PEER Executive Director Tim Whitehouse, who filed the complaint with the U.S. Office of Special Counsel, which is supposed to safeguard the non-partisan merit system. “We should not select air traffic

controllers, scientists, or park rangers based on whether they own MAGA hats.”

Unfortunately, Trump has removed the Special Counsel without cause (see article on page 4), and his interim replacement has announced the end of a long-standing policy banning federal employees from wearing or displaying campaign paraphernalia, such as MAGA hats, at work. This reversal is both not legally well-grounded and a very, very bad idea. Trump has also announced his nomination of a 30-year-old ultra-conservative blogger and conspiracy theorist to be the next Special Counsel. PEER will oppose these efforts to subvert the merit system.

## Demand Integrity. Defend Democracy.

### Matching Gift Opportunity Available through September 20

Dear Friends,

As Tim noted in the Executive Director’s letter, we are seeing an authoritarian playbook unfold in plain sight, from consolidation of executive power, attacks on dissent, and suppression of truth.

It was a privilege to join PEER in April and become part of a community that sees those dangers clearly. From PEER’s attorneys who work long hours to its donors who give generously and faithfully, the people that make up this great organization are united in their response to these attacks.

**This summer I invite you to meet this extraordinary moment with a special gift to PEER’s annual “Double Trouble” campaign. From June 20 to September 20, all gifts to PEER will be matched 1:1, up to a total of \$70,000.**

The campaign name, which PEER has used for many years, is meant to both inform the reader that their gift will be matched and to reference John Lewis’ famous call to “get in good trouble.”

This year the name bears an added meaning: we are in double trouble, and it is not certain we will come out ahead.

**But resistance is growing in its power, fueled by truth, courage, and people like you who refuse to look away.**

Please, donate during this special campaign. Together we can turn the tide and protect the future we all share.

With gratitude,  
Linden

**P.S. Last week, we sent you two postcards to help spread the word about this campaign. If you haven’t already, please use them to invite friends and family to give and have their gifts matched too. If you didn’t get the postcards or would like more, email us at [giving@peer.org](mailto:giving@peer.org) and we’ll send more your way. Thank you for helping meet this matching gift opportunity!**

[peer.org/donate](https://peer.org/donate)



SCAN TO DONATE



## We Thank You!

*We extend our heartfelt thanks to the 227 donors who have given since the spring publication of PEERreview, and to the following foundations for their renewed support:*

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## Trump Sows Civil Service Chaos (continued from page 1)

Leave Act of 2016, a law enacted in part in response to the sagas of PEER whistleblower clients being left to languish for months and, in some cases, years while a bureaucracy dithered about their fate. In that statute, Congress limited administrative leave to no more than 10 workdays in any calendar year. An earlier PEER suit ended years of delay by the Office of Personnel Management in adopting and implementing regulations.

### Reductions-in-Force

Trump has promised wholesale downsizing of almost all non-defense agencies, a process known as a reduction-in-force (RIF). His deadlines for agency RIFs have been put on hold by litigation, but most agencies are preparing to proceed if the courts allow it.

As we have in the past, PEER is preparing

to defend employees who are arbitrarily removed from service. The RIF process has statutory rules designed to ensure that performance and seniority are the guiding principles of the RIF process. Meanwhile, the congressional appropriations process may also upend Trump's plans to slash workforces that Congress has previously funded.

### Due Process Rights

PEER is the lead plaintiff in a lawsuit to block Trump's plan to strip civil service protections from thousands of federal employees. His plan would convert all civil servants occupying "policy-influencing positions" to "at-will" employees equivalent to political appointees. Currently, the President appoints around 4,000 non-career or political employees to implement his agenda. While the precise number of policy staff who would be

reclassified is unknown, estimates suggest that upwards of 50,000 could be affected.

Among other things, the plan would allow agencies to fire whistleblowers or employees who resist illegal orders. It is tailored to insulate corruption and immunize illegality at the highest levels. It would also squander our huge investment in training specialists now occupying senior positions for whom there are no ready replacements.

### The Supreme Court Holds All the Cards

Ultimately, the Supreme Court will decide – probably in the coming months, as the result of decisions in a multitude of lawsuits – the extent to which the President can shrink and remake the civil service so that their primary loyalty is to the President, not the rule of law.