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OVERSIGHT HEARING TO RECEIVE TESTIMONY FROM ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATOR SCOTT PRUITT

HEARING

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

JANUARY 30, 2018

Volume 2

Printed for the use of the Committee on Environment and Public Works

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OVERSIGHT HEARING TO RECEIVE TESTIMONY FROM ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATOR SCOTT PRUITT

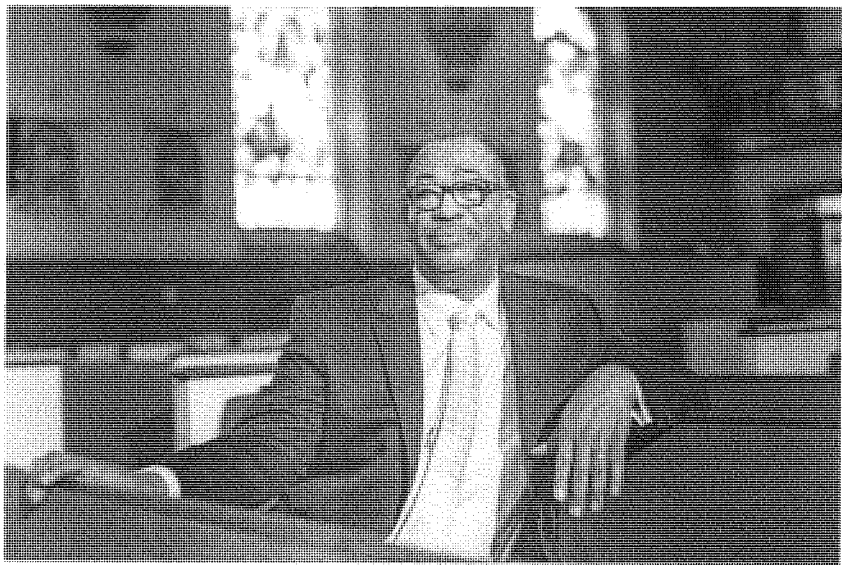
TUESDAY, JANUARY 30, 2018

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

POLITICS

E.P.A. Employees Spoke Out. Then Came Scrutiny of Their Email.

By ERIC LIPTON and LISA FRIEDMAN DEC. 17, 2017



The emails of Gary Morton, an E.P.A. employee in Philadelphia, were requested seven days after he participated in a union rally challenging proposed budget cuts.

WASHINGTON — One Environmental Protection Agency employee spoke up at a private lunch held near the agency headquarters, saying she feared the nation might be headed toward an "environmental catastrophe." Another staff member, from Seattle, sent a letter to Scott Pruitt, the E.P.A. administrator, raising similar concerns about the direction of the agency. A third, from Philadelphia, went to a rally where he protested against agency budget cuts.

Three different agency employees, in different jobs, from three different cities, but each encountered a similar outcome: Federal records show that within a matter of days, requests were submitted for copies of emails written by them that mentioned either Mr. Pruitt or President Trump, or any communication with Democrats in Congress that might have been critical of the agency.

The requests came from a Virginia-based lawyer working with America Rising, a Republican campaign research group that specializes in helping party candidates and conservative groups find damaging information on political rivals, and which, in this case, was looking for information that could undermine employees who had criticized the E.P.A.

Now a company affiliated with America Rising, named Definers Public Affairs, has been hired by the E.P.A. to provide "media monitoring," in a move the agency said was intended to keep better track of newspaper and video stories about E.P.A. operations nationwide.

But the sequence of events has created a wave of fear among employees, particularly those already subject to special scrutiny, who said official assurances hardly put them at ease.

"This is a witch hunt against E.P.A. employees who are only trying to protect human health and the environment," said Gary Morton, an E.P.A. employee in Philadelphia, who works on preventing spills from underground storage tanks. His emails were targeted seven days after he participated in a union rally in March challenging proposed budget cuts. "What they are doing is trying to intimidate and bully us into silence," he said.

The contract with Definers comes at a time of heightened tension between the news media and the Trump administration. Within the E.P.A., the move

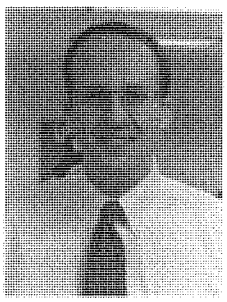
is also part of a bellicose media strategy that has been helped at key moments by America Rising — even before its affiliate was hired by the agency.

An E.P.A. official vehemently defended the $120,000 contract to Definers, saying it filled a need in the media office for an improved clipping service.

"Definers was awarded the contract to do our press clips at a rate that is $87,000 cheaper than our previous vendor, and they are providing no other services," a spokesman for the E.P.A., Jahan Wilcox, wrote in an email.

Joe Pounder, a founder of Definers Public Affairs, said several government agencies had contacted his firm about its news-tracking tool, called Definers Console, because they were seeking a service that does a better job of keeping up with the fast-paced news cycle, including tracking of live-streamed videos. He said that agency staff members familiar with the company's work approached the firm about putting forward a bid and that Mr. Pruitt himself was not, to his knowledge, involved in the decision to select Definers.

"I hope E.P.A. employees realize after a few months that we are providing a really great and invaluable service that advances their mission," Mr. Pounder said.



Joe Pounder's company, Definers Public Affairs, has been hired to do media monitoring for the Environmental Protection Agency.

He and Matt Rhoades, his partner at Definers Public Affairs, also started America Rising. The two entities share several top executives, including Allan L. Blutstein, the lawyer who prepared the Freedom of Information Act requests aimed at the E.P.A. employees.

Some Republicans who previously worked for the agency said the hiring of Definers Public Affairs sent a worrisome message to employees already on edge and fearful of retaliation.

"Mr. Pruitt appears not to understand that the two most valuable assets E.P.A. has is the country's trust and a very committed professional work force," said William K. Reilly, the E.P.A. administrator under George Bush. "This shows complete insensitivity, complete tone-deafness, or something worse."

Liz Mair, president of a Republican consulting firm, said that the relatively small dollar amount of the contract was an indication that all the agency was buying was a clipping service, and not some kind of sophisticated intelligence-gathering on employees. But she added that certain E.P.A. staff members actually merited more scrutiny.

"A lot of funky stuff has been going on with E.P.A. staff," she said.

Mr. Blutstein said in an interview on Friday that his requests to the agency tracked employees who had made public statements critical of Mr. Pruitt. He said he wanted to know if any of them had used agency email inappropriately, or had violated agency rules in some other way — findings that he could use to compromise efforts to undermine Mr. Pruitt's work.

"It was more of a fishing expedition on my part," he said of the at least 20 Freedom of Information requests he submitted, most for E.P.A. employees who were union leaders or had spoken critically of agency management since Mr. Pruitt's arrival.

Even before the E.P.A. hired Definers, the group of companies, political action committees and nonprofit organizations affiliated with America Rising had frequently drafted news releases that put Mr. Pruitt and his policies in a positive light and attacked the administrator's critics. Many items, including video clips, also appeared on NTK Network, a for-profit digital news aggregator that Mr. Pounder founded.

In addition to sharing at least nine current and former executives, Definers Public Affairs shares an office building in Arlington, Va., with the multiple arms of America Rising and NTK Network.

E.P.A. staff members said in interviews that they had the right, as private

citizens or members of a federal employees' union, to publicly discuss concerns about changes taking place at the agency under Mr. Pruitt's management. Some noted that "media monitoring" could be expected to include tracking of statements made on Twitter and other social media platforms, including potentially critical comments agency staff members make about E.P.A. management.

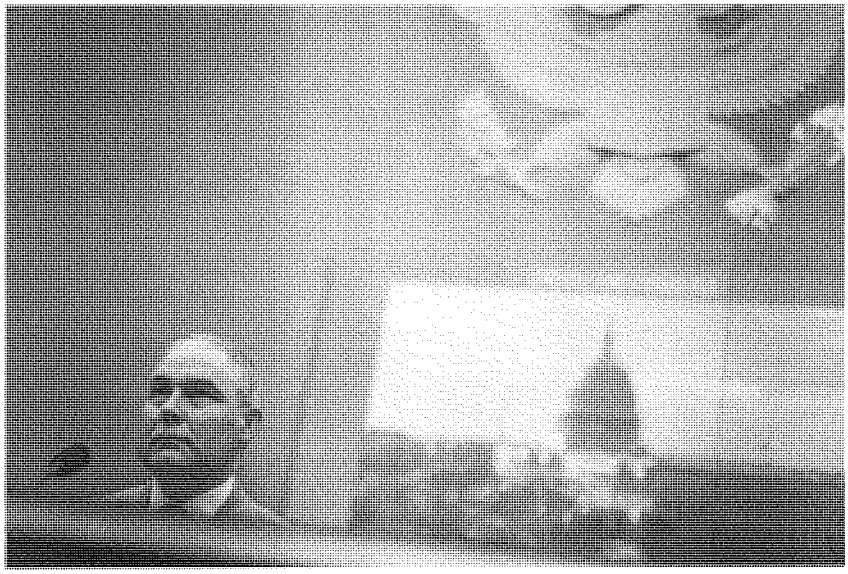
Tracking E.P.A. Employees

The Environmental Protection Agency has hired a new contractor, Definers Public Affairs, to do media monitoring for the agency. But before the contract was awarded, staff members who work for the contractor had been conducting surveillance-type work on E.P.A. employees critical of Scott Pruitt, the E.P.A. administrator, and President Trump.

Michael Cox, who worked at the E.P.A.'s Seattle regional office for 25 years, learned this weekend from an article in The New York Times that he had been among the employees under scrutiny.

Mr. Cox wrote to Mr. Pruitt in March — on the day of Mr. Cox's retirement from the agency — to tell him that he was "increasingly alarmed about the direction of E.P.A. under your leadership," and to urge Mr. Pruitt to "step back and listen to career E.P.A. staff," the letter said.

Just 10 days later, a Freedom of Information request came in seeking Mr. Cox's correspondence on the day of his resignation. The request led to the production of 62 documents, detailing the names of dozens of agency officials, as well as a note he sent to his work colleagues specifically noting that he knew they shared his concerns with how the agency is being managed — names that would now be listed for anyone reviewing the response.



Some of the emails requested under the Freedom of Information Act were efforts to find documents critical of the head of the Environmental Protection Agency, Scott Pruitt. Eric Thayer/Getty Images

"That does not make me feel very good," he said, knowing that his emails could potentially be used against other employees.

Nicole Cantello, an E.P.A. lawyer in Chicago who has helped lead a series of enforcement actions against major air polluters in the Midwest, and whose emails also were requested, said the agency's decision to hire Definers caused great concern.

"Now that they are working for the agency, will they have access to agency computers and perhaps try to come after me in a whole bunch of different ways?" she said. "And will they turn over their opposition research materials on us to agency officials? I just don't know. It is very scary. Very, very scary."

Several of the Freedom of Information requests submitted by Mr. Blutstein ask for correspondence between agency employees and members of Congress — such as Senator Sheldon Whitehouse, Democrat of Rhode

Island, and Elizabeth Warren, Democrat of Massachusetts — who have been critical of Mr. Pruitt.

"We have seen a lot of nefarious activities from Trump," Mr. Whitehouse said. "But hiring a fossil fuel front group that specializes in political hits and is doing F.O.I.A. investigations of your agency's own employees is a new low."

E.P.A. employees are not the only ones who have been subjects of the group's Freedom of Information Act requests. Mr. Blutstein also has sought emails and other information from at least two climate scientists, Katharine Hayhoe of Texas Tech University and Robert Kopp of Rutgers University, who worked on a sweeping government climate change report. The Trump administration cleared the report for publication earlier this year.

"They're asking for emails related to a document that has already been public and has been reviewed twice by E.P.A. and was ultimately approved by E.P.A.?" Ms. Hayhoe asked. "What do they think they're going to find?"

The nonprofit arm of America Rising, known as America Rising Squared, oversees some of the group's most controversial work on climate change: deploying "trackers" to videotape activists like Bill McKibben, founder of 350.org, and Tom Steyer, the billionaire investor and Democratic donor.

"This is classic propaganda from an authoritarian regime," Mr. Steyer said. "It's distressing that it would even happen in the United States of America."

Brian Rogers, executive director of America Rising Squared and a senior vice president at Definers, would not say who paid for the surveillance. In an emailed statement, he said that the firm had focused on Mr. Steyer and Mr. McKibben because they "aggressively target conservative thought leaders" for scrutiny.

"America Rising Squared is committed to ensuring a balanced debate, and providing a conservative perspective on the issues and actors involved," Mr. Rogers said.

Mr. Reilly, the former E.P.A. administrator, said the whole sequence of incidents — and now the agency's involvement in it — was deeply disturbing.

"These are committed people," he said of the agency employees. "It's not just a job for them. To put their morale and their good standing in danger is going to risk losing something very valuable to the government and to the country."

Kenneth P. Vogel contributed reporting.

A version of this article appears in print on December 18, 2017, on Page A1 of the New York edition with the headline: E.P.A. Staff Fears Effort to Target Emails of Critics. Order Reprints | Today's Paper | Subscribe

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EPA Employees Using Encryption Apps May Violate Records Laws

By Charles S. Clark

February 3, 2017

Following news stories of disgruntled federal employees using encryption technology to criticize the Trump administration, a conservative legal group has filed a Freedom of Information request with the Environmental Protection Agency in a bid to enforce federal records laws.

"It appears that some employees at the EPA may be using encrypted apps on their phones to avoid transparency laws in an effort to conceal their communications from internal and external oversight," wrote Henry Kerner, assistant vice president at the Cause of Action Institute. The group filed the FOIA request on Feb. 2 with acting EPA administrator Catherine McCabe and Chief Information Officer Ann Dunkin.

Specifically, Cause of Action is requesting:

1. All records created or received by any EPA employee on Signal.
2. All records reflecting any permission, clearance, or approval granted to EPA employees by the agency, Archivist and/or the National Archives and Records Administration for the use of Signal, or other instant messaging applications, for the conduct of official EPA business.
3. All records concerning EPA efforts to retrieve, recover, or retain records created or received by EPA employees on Signal.

Kerner, quoting a *Politico* story, said EPA employees are allegedly using encryption software applications such as Signal and WhatsApp to prevent political appointees from undermining EPA's mission or deleting valuable scientific data.

As the Senate nears a vote on Trump's controversial nominee to lead the agency, Oklahoma Attorney General Scott Pruitt, many EPA employees have spoken to the press or through private channels to express fears about Trump's agenda, which likely will include cutting EPA's budget and curbing its regulatory authority on such issues as climate change.

The legal group wants EPA to disgorge some of these employees' messages.

"Under the Federal Records Act, the EPA has a legal obligation to preserve all records made by employees working on official government business," Cause of Action wrote in its "Federal Records Act notification" and FOIA request for documents. "This obligation is all the more important if EPA employees are using personal cellular devices or private accounts for such purposes. These messages must also be made available under the Freedom of Information Act. Agency leadership, Congress, and the public have a right to know if federal employees are using encrypted electronic messages to evade transparency."

One EPA staffer with a "general distrust of this new administration" spoke to *Government Executive* on condition of anonymity. The employee uses Signal to communicate personal information on personal time. "I take the agency's records very seriously," the employee said. "We all get frequent training on handling work records, and on the appropriate use of

personal vs. work equipment. I'm not doing the people's business" on the private technology. "There's no reason to discuss work using our personal accounts."

Personal issues, the employee clarified, includes "opinions and beliefs about national politics." Addressing the Cause of Action and Trump team's general effort to crack down on such employees venting, this employee said, "It's pretty obvious this is a witch hunt intended to scare career staff into silence."

Cause of Action has a history of taking on the government over access to public records. For months, the group has hattled agencies on transparency issues surrounding former Secretary of State and Democratic presidential candidate Hillary Clinton's use of a private email server while at the State Department

The EPA did not respond to inquiries by publication time.

By Charles S. Clark

February 3, 2017

http://www.govexec.com/management/2017/02/epa-employees-using-encryption-apps-may-violate-records-laws/135159/

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EPA labs across U.S. face consolidation as budget cuts loom

Devika Krishna Kumar 3 MIN READ

NEW YORK (Reuters) - The U.S. Environmental Protection Agency is consolidating research and testing laboratories to cut costs, sparking criticism the move will undercut its ability to respond to regional disasters such as Hurricane Harvey.

The EPA plans to relocate or merge at least five labs, including one in Houston responsible for overseeing tests at 13 Superfund program toxic waste sites hit by Harvey flooding, lab employees and union officials said. In June, Kenneth Wagner, an adviser to EPA Administrator Scott Pruitt, suggested to Houston employees at a meeting in June THAT their work could shift to Oklahoma by 2020, they said.

Wagner said in an interview that the Houston move is not guaranteed. If the EPA was unable to find federally owned property for the Houston office, there was space available in Oklahoma, he said he told workers.

Employees in Texas and elsewhere have been offered buyouts as part of budget cuts.

"It's very alarming," said Liz Perera, a Sierra Club policy director. "My biggest concern are the labs that actually test air, water and soil, especially around Houston."

Leases at facilities in Chelmsford, Massachusetts; Richmond, California; and Athens, Georgia; and the Office of Research and Development (ORD) in Las Vegas are not being renewed, the workers

said. Some labs will be relocated to other federally owned buildings, including in other states.

Consolidation will result in fewer labs and the loss of the skills of employees who will not transfer or accept buyouts.

Some chemists at the Las Vegas facility have been offered jobs in Ohio or North Carolina, said Ann Pitchford, a scientist and president of the local National Association of Government Employees union.

"Some people have retired, some people are finding other jobs and some people say they are going to move," she said.

The EPA said it is revisiting the office consolidations, which were originally proposed under the Obama administration. The plan to move offices to government-owned properties was part of an earlier cost-cutting move.

"Administrator Pruitt strongly believes in supporting states by providing laboratory and scientific expertise to better protect the environment," spokesman Jahan Wilcox said in an emailed statement. Despite Houston employees fears of a transfer to Oklahoma, Wilcox said "there are no present plans to move the lab out of Houston."

In March, President Donald Trump's administration proposed a 31 percent cut to the EPA's 2018 budget that would eliminate climate change programs and trim air and water quality initiatives.

The EPA lab in Chelmsford likely will move to Rhode Island, said Steve Calder, president of the AFGE local office that represents about 600 Massachusetts employees. He said there were early talks of shutting the lab entirely or moving it out of the region and as far away as New Jersey.

Reporting by Devika Krishna Kumar in New York; Editing by Jonathan Oatis

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CLIMATE

E.P.A. Officials, Disheartened by Agency's Direction, Are Leaving in Droves

By **LISA FRIEDMAN**, **MARINA AFFO** and **DEREK KRAVITZ** DEC. 22, 2017

Ronnie B. Levin spent 37 years at the E.P.A. working on lead exposure. She retired in November after what she described as

months of low morale at the agency. Kayana Szymczak for The New York Times

This article was written through collaboration between The New York Times and ProPublica, the independent, nonprofit investigative journalism organization.

WASHINGTON — More than 700 people have left the Environmental Protection Agency since President Trump took office, a wave of departures that puts the administration nearly a quarter of the way toward its goal of shrinking the agency to levels last seen during the Reagan administration.

Of the employees who have quit, retired or taken a buyout package since the beginning of the year, more than 200 are scientists. An additional 96 are environmental protection specialists, a broad category that includes scientists as well as others experienced in investigating and analyzing pollution levels. Nine department directors have departed the agency as well as dozens of attorneys and program managers. Most of the employees who have left are not being replaced.

The departures reflect poor morale and a sense of grievance at the agency, which has been criticized by President Trump and top Republicans in Congress as bloated and guilty of regulatory overreach. That unease is likely to deepen following revelations that Republican campaign operatives were using the Freedom of Information Act to request copies of emails from E.P.A. officials suspected of opposing Mr. Trump and his agenda.

The cuts deepen a downward trend at the agency that began under the Obama administration in response to Republican-led budget constraints that left the agency with about 15,000 employees at the end of his term. The reductions have accelerated under President Trump, who campaigned on a promise to dramatically scale back the E.P.A., leaving only what he called "little tidbits" in place. Current and former employees say unlike during the Obama years, the agency has no plans to replace workers, and they expect deeper cuts to come.

"The reason E.P.A. went down to 15,000 employees under Obama is because of pressure from Republicans. This is the effort of the Republicans under the Obama administration on steroids," said John J. O'Grady, president of American Federation of Government Employees Council 238, a union

representing E.P.A. employees.

ProPublica and The New York Times analyzed the comings and goings from the E.P.A. through the end of September, the latest data that has been compiled, obtained under the Freedom of Information Act. The figures and interviews with current and former E.P.A. officials show the administration is well on its way to achieving its goal of cutting 3,200 positions from the E.P.A., about 20 percent of the agency's work force.

Jahan Wilcox, a spokesman for the E.P.A., said the agency was running more efficiently. "With only 10 months on the job, Administrator Pruitt is unequivocally doing more with less to hold polluters accountable and to protect our environment," he said.

Within the agency, science in particular is taking a hard hit. More than 27 percent of those who left this year were scientists, including 34 biologists and microbiologists; 19 chemists; 81 environmental engineers and environmental scientists; and more than a dozen toxicologists, life scientists and geologists. Employees say the exodus has left the agency depleted of decades of knowledge about protecting the nation's air and water. Many also said they saw the departures as part of a more worrisome trend of muting government scientists, cutting research budgets and making it more difficult for academic scientists to serve on advisory boards.

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"Research has been on a starvation budget for years," said Robert Kavlock, who served as acting assistant administrator for the Office of Research and Development before retiring in November. But under earlier buyouts, Mr. Kavlock said, the agency later hired nearly 100 postdoctoral candidates to help continue critical agency work.

"There wasn't a reinvestment this time around," he said. "There's a hard freeze."

Scientists, for the most part, are also not being replaced. Of the 129 people hired this year at the E.P.A., just seven are scientists. Another 15 are student trainee scientists. Political appointees, however, are on the rise. The office of Scott Pruitt, the agency administrator, was the only unit that saw more hires than departures this year.

In addition to losing scientists themselves, the offices at the E.P.A. that deal most directly with science were drained of other workers this year. The Office of Research and Development — which has three national laboratories and four national centers with expertise on science and technology issues — lost 69 people, while hiring three. At the Office of Chemical Safety and Pollution Prevention, responsible for regulating toxic chemicals and pesticides, 54 people left and seven were hired. And in the office that ensures safe drinking water, one person was hired, while 26 departed.

By contrast, Mr. Pruitt's office hired 73 people to replace the 53 who left.

"I think it's important to focus on what the agency is all about, and what it means to lose expertise, particularly on the science and public health side," said Thomas Burke, who served as the agency's science adviser under Mr. Obama. "The mission of the agency is the protection of public health. Clearly there's been a departure in the mission."

Mr. Wilcox disputed that assessment and said the agency remained an attractive workplace for scientists.

"People from across E.P.A. were eligible to retire early with full benefits," he said in an emailed statement. "We currently have over 1,600 scientists at E.P.A. and less than 200 chose to retire with full benefits."

The impact of losing so many scientists may not be felt for months or years. But science permeates every part of the agency's work, from assessing the health risks of chemical explosions like the one in Houston during Hurricane Harvey to determining when groundwater is safe to drink after a spill. Several employees said they feared the departures with few replacements in sight would put critical duties like responding to disasters

and testing water for toxic chemicals in jeopardy.

As of Dec. 6, there were 14,188 full-time employees at the E.P.A. By comparison, there were 17,558 workers at the end of the first year of the George W. Bush administration and 17,049 by the end of the first year of President Obama's term. The E.P.A. offered two major buyouts during the Obama administration, losing 900 employees in 2013 and an additional 465 the following year. Hundreds of other workers left through attrition and were not replaced.

Mr. Pruitt's office has described the current buyout process as a continuation of Obama administration efforts to ensure that payroll expenses do not overtake funding for environmental programs.

Climate Change Is Complex. We've Got Answers to Your Questions.

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Agency staff said they believed the Trump administration was purposely draining the E.P.A. of expertise and morale.

Ronnie B. Levin spent 37 years at the E.P.A. researching policies to address lead exposure from paint, gasoline and drinking water, most recently working as a lead inspector at the agency's regional office overseeing New England. She retired in November after what she described as months of low morale at the agency. And with the lead enforcement office targeted for elimination as part of Mr. Trump's proposed budget, she said, "It was hard to get your enthusiasm up" for the job.

"This is exactly what they wanted, which is my biggest misgiving about

leaving," Ms. Levin said. "They want the people there to be more docile and nervous and less invested in the agency."

Lynda Deschambault, a chemist and physical scientist who left the E.P.A. at the end of August after 26 years, said her office in Region 9, based in San Francisco, had been hollowed out. The office saw 21 departures this year and no hires. "The office was a morgue," she said.

Conservatives who helped lead the Trump administration's transition and prepared for eliminating vast parts of the agency said scientists' worries were misplaced.

"To me it's not necessarily a sign of catastrophe," said David M. Kreutzer, a senior researcher at the Heritage Foundation who advised Mr. Trump on the E.P.A. during the transition. He said the agency under President Obama was engaged in "phenomenal overreach" and that the Trump administration's efforts were aimed at correcting that.

In proposing this year to slash the E.P.A.'s budget by 31 percent, Mick Mulvaney, director of the White House Office of Management and Budget, called the effort part of Mr. Trump's plan to eliminate entrenched government workers.

"You can't drain the swamp and leave all the people in it," Mr. Mulvaney said. "So, I guess the first place that comes to mind will be the Environmental Protection Agency."

Jan Nation, who works in E.P.A.'s Region 3, based in Philadelphia, where 46 people either retired or took a buyout this year, lamented the administration's approach to federal workers.

"We are not the swamp. The swamp are all the people who don't have a specific function to make our government work," Ms. Nation said. "If you have a swamp to drain, I know people in the Army Corps of Engineers who can do it."

Lisa Friedman reported from Washington, and Marina Affo and Derek Kravitz from New York. Ms. Affo and Mr. Kravitz are reporters at ProPublica. Talia Buford and Lisa Song of ProPublica contributed reporting.

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A version of this article appears in print on December 23, 2017, on Page A15 of the New York edition with the headline: E.P.A. Officials, Disheartened by Agency's Direction, Leave in Droves.
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EPA workforce shrinking to Reagan-era levels -agency official

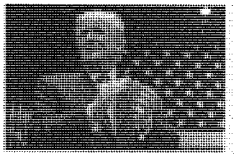
Eric Walsh 3 MIN READ

WASHINGTON (Reuters) - The workforce at the U.S. Environmental Protection Agency is on course to fall to its lowest level since Ronald Reagan was president, an agency official said on Tuesday.

In June, the EPA unveiled a buyout program that would contribute to the biggest cuts of any federal agency in President Donald Trump's 2018 budget proposal. The EPA employs about 15,000 people.

After buyouts and retirements, that number could drop to 14,428 by October, the official, who spoke on condition of anonymity, said in an email.

That would be below the fiscal 1988 level, when EPA staffing was 14,440, the official noted. A further 2,998 employees, or just over 20 percent of the total, are eligible to retire now, the official said.



The Trump Effect
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In an April spending bill, the Republican-controlled Congress set a cap for EPA staffing at 15,000 employees for fiscal year 2017, rejecting proposed increases by the previous administration of Democratic President Barack Obama.

EPA Administrator Scott Pruitt said the reductions were "giving long-serving, hard-working employees the opportunity to retire early.

"We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment and American jobs," he said in a separate statement.

Pruitt has rolled back a slew of Obama-era regulations limiting carbon dioxide emissions from fossil fuels.

He was also instrumental in convincing Trump to withdraw the United States from the Paris climate accord - a global pact to stem planetary warming through emissions cuts.

While acknowledging the planet is warming, Pruitt has questioned the gravity of the problem and the need for regulations that require companies to take costly measures to reduce their carbon footprint.

Before becoming head of the EPA, he was Oklahoma's attorney general and repeatedly sued the agency he now runs to block federal environmental rules.

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TAKE COVER AT THE SPY MUSEUM

EPA's early retirement/buyout justifications reveal how agency is reorganizing

By Meredith Somers (https://federalnewsradio.com/author/meredith-somers/)

July 24, 2017 7:02 pm 4 min read

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Six Seattle toxicologists, 16 Kansas City chemists, 41 IT managers in Durham, North Carolina, 136 general attorneys from Washington, D.C.

The range of work, employee pay grade and office location runs the gamut when it comes to the Environmental Protection Agency's early retirement and buyout program, and as the Sept. 2 deadline approaches, more details are coming out on how the agency plans to reduce its workforce to address budget requirements and the government reorganization.

According to VERA/VSIP requests obtained by Federal News Radio, EPA has 14,524 permanent employees. Out of those permanent employees, 405 are expected to be "involuntarily separated, downgraded, transferred, or reassigned."

EPA reported that 3,654 employees are eligible (https://federalnewsradio.com/budget/2017/06/more-than-1200-positions-targeted-for-early-retirement-buyouts-at-epa/) for voluntary early retirement, and 195 employees are expected to take that offer.

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"As part of the agency's ongoing efforts to improve overall efficiency and effectiveness, the EPA is seeking to reduce, restructure and reshape its various program and regional offices," the agency's VERA justification stated. "The agency's drive for greater efficacy focused on the following themes: delayering to increase our staff to supervisor ratio; consolidation/reduction of administrative or support functions; restructuring or reducing highly graded supervisory and non-supervisory positions; restructuring to focus on core business functions (administrative support); restructuring to focus on STEM/programmatic priorities; and consolidating and streamlining functions, activities and/or reducing the number of our current programs."

VERA is being offered to all regional and program offices except the Office of Inspector General, for a total of 22 offices.

EPA also reported that the maximum number of voluntary separation incentive payments (VSIP) it can offer is 1,227 payments with up to $25,000 for each payment.

VSIP is also being offered to 22 offices, and EPA said in its justification that it plans to "reassign higher graded work to remaining higher graded staff," among other actions for the program.

Examples of these actions include reshaping the contracting workforce in Chicago Heights, Illinois, to have more contracting specialists as opposed to procurement analysts. Another is restructuring an environmental engineering role in New York City, to "support functions other than construction grants."

The agency does note that all buyout and retirement offers are "subject to funding availability."

According to a May 17 internal memo (https://1yxsm73j7aop3quc9y5ifaw3-wpengine.netdna-ssl.com/wp-content/uploads/2017/05/EPAFY2017OPPLAN.pdf) sent from EPA acting Chief Financial Officer David Bloom, EPA is setting aside (https://federalnewsradio.com/pay-benefits/2017/05/epa-setting-aside-12-million-for-veravsip-amid-remainder-of-fy17s-challenging-budget-schedule/) $12 million for VERA/VSIP incentive payments.

The White House proposed a 31 percent cut (https://federalnewsradio.com/workforce/2017/05/cuts-to-epas-fy18-budget-could-trigger-major-recession-in-environmental-field/) to EPA's fiscal 2017 budget; however, the House Appropriations Committee wants to fund the agency at $7.5 billion for 2018. While that's a cut of roughly $500 million from last year's spending amount, it's nearly $2 billion above what the administration (https://federalnewsradio.com/management/2017/06/epas-chief-touts-state-partnerships-and-efficiency-despite-bipartisan-criticism-of-budget/) proposed in its budget.

The administration's FY18 spending plan also proposes 11,611 FTEs, a reduction of about 3,800 positions from last year.

In a recent memo EPA assistant and regional administrators are using to communicate to the workforce about the VERA/VSIP program, it urges employees to "carefully consider the information provided and your personal situation prior to making a decision."

"The decision to take advantage of a VERA or VSIP is entirely voluntary," stated the memo, which was obtained by Federal News Radio. "This is a very personal decision. No one will be pressured to submit an application, and no one is required to accept an offer."

"As our organization explores various workforce planning efforts, we want to take advantage of these and other flexibilities and tools to help ensure that our workforce possesses the mix of skills most appropriate for carrying out our mission," the memo stated. "This decision was not made lightly; we value our dedicated employees and appreciate the work you perform on behalf of the American people."

Restoring functionality

According to a VERA/VSIP schedule obtained by Federal News Radio, the application window for the program is open through July 26. In August, the shared service centers will send eligibility lists to regional human resources offices, followed by selected/non-selected letters sent out to employees.

EPA was forced to push back the VERA/VSIP process by about one week, because it didn't have full access to the Office of Personnel Management's Enterprise Human Resources Integration (EHRI) data warehouse and the electronic Official Personnel Folder systems. Without full access to those systems, Human Resources Shared Services Center staff couldn't determine employee eligibility for VERA/VSIP while those systems were offline.

The electronic Official Personnel Folder (eOPF) has been offline since July 14. OPM planned the outage as a part of a computing center update, an agency spokesperson said.

"eOPF is available to users with individual accounts in read-only mode until the upgrade has been completed," the spokesperson said. "Agencies are coordinating with employees when necessary for other HR activities. OPM expects to have all functionality available by July 31."

The electronic Official Personnel Folder system contains records for an employee's entire federal career. OPM and agency human resources offices often use the electronic OPF system to make decisions about an employees' rights, benefits and other entitlements throughout their careers.

Various other EPA deadlines are scheduled for August, including an Aug. 18 last day for organizations to request a late separation date for employees, and Aug. 31, the last day employees can decline VERA/VSIP offers.

The Sept. 2 final separation date at EPA is not affected by the eOPF access.

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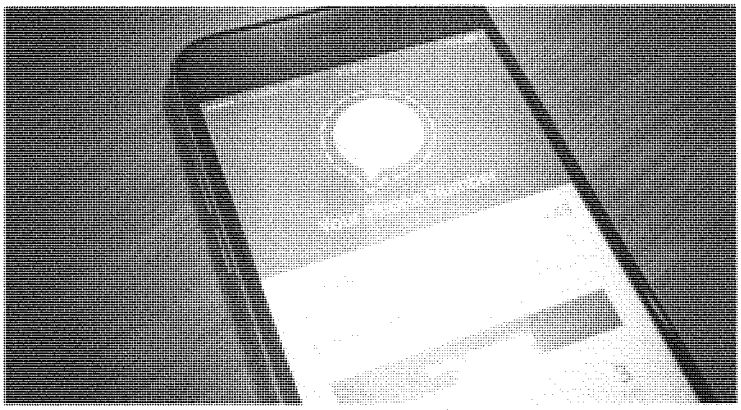
POLITICO

WHITE HOUSE

Federal workers turn to encryption to thwart Trump

Agency employees are turning to Signal and other incognito forms of communication to express their dissent.

By **ANDREW RESTUCCIA**, **MARIANNE LEVINE** and **NAHAL TOOSI** | 02/02/2017 05:07 AM EST



Federal employees are using new technology to express dissent against President Donald Trump's administration. | Getty

Federal employees worried that President Donald Trump will gut their agencies are creating new email addresses, signing up for encrypted messaging apps and looking for other, protected ways to push back against the new administration's agenda.

Whether inside the Environmental Protection Agency, within the Foreign Service, on the edges of the Labor Department or beyond, employees are using new technology as well as more old-fashioned approaches — such as private face-to-face meetings — to organize letters, talk strategy, or contact media outlets and other groups to express their dissent.

The goal is to get their message across while not violating any rules covering workplace communications, which can be monitored by the government and could potentially get them fired.

At the EPA, a small group of career employees — numbering less than a dozen so far — are using an encrypted messaging app to discuss what to do if Trump's political appointees undermine their agency's mission to protect public health and the environment, flout the law, or delete valuable scientific data that the agency has been collecting for years, sources told POLITICO.

Fearing for their jobs, the employees began communicating incognito using the app Signal shortly after Trump's inauguration. Signal, like WhatsApp and other mobile phone software, encrypts all communications, making it more difficult for hackers to gain access to them.

White House puts Iran 'on notice,' won't rule out military force
By **LOUIS NELSON** and **MATTHEW NUSSBAUM**

One EPA employee even got a new, more secure cellphone, and another joked about getting a "burner phone."

"I have no idea where this is going to go. I think we're all just taking it one day at a time and respond in a way that seems appropriate and right," said one of the EPA employees involved in the clandestine effort, who, like others quoted in this story, was granted anonymity to talk about the sensitive discussions.

The employee added that the goal is to "create a network across the agency" of people who will raise red flags if Trump's appointees do anything unlawful.

The White House did not immediately respond to a request for comment.

While many workers across the federal government are still in wait-and-see mode, the first two weeks of the Trump administration — with its flurry of executive orders that have in some cases upended lives — have sent a sobering message to others who believe they must act now.

In recent days, career employees at the State Department gathered nearly 1,000 signatures for what's known as a "Dissent Channel" memo, in which they express their anger over a Trump executive order that bars immigrants from seven Muslim-majority countries and

halts refugee admissions to the country. The number of signatures was extraordinarily high, even though the letter was submitted after White House spokesman Sean Spicer essentially warned the dissenting diplomats they were risking their jobs.

House begins tearing up Obama-era rules
By ALEX GUILLÉN

The executive order on immigration and refugees caused widespread panic at airports, spurring protests and outrage around the world.

It also led to what has been the most high-profile act of defiance yet from a Trump administration official: Acting Attorney General Sally Yates on Monday ordered the Department of Justice's lawyers not to defend the order in court. Yates was fired that same night.

Current and former employees of the Labor Department, meanwhile, are using their private email accounts to send around a link to a letter asking senators to oppose the nomination of Andrew Puzder for secretary of their agency. The employees may sign on to the letter using Google Docs. The letter will not be submitted to the Senate HELP Committee, and the signatures will not be made public, unless 200 current employees sign on.

A federal worker familiar with the letter's circulation said that it's being signed by hundreds of current and former DOL employees.

According to a draft of the letter obtained by POLITICO, the employees write that they have "serious concerns" about the fast-food magnate's willingness to protect the rights of workers given some of his past comments and actions.

The draft of the letter criticizes Puzder's comments about women, and cites his restaurants' advertisements, some of which feature women in bikinis eating burgers. Puzder has defended the ads.

"One of us once heard a colleague ask, quite seriously, whether it would violate workplace rules of civility and prohibitions against sexual harassment to view Mr. Puzder's ads on a government computer," the letter says. "We think the question is a good one."

WHITE HOUSE
Trump security's use of force questioned
By KENNETH P. VOGEL

The federal employees interviewed for this story stressed that they see themselves as nonpartisan stewards of the government. But several also said they believe they have a duty to speak out if they feel a policy is undermining their mission.

Drafts of the Dissent Channel memo signed by the State Department employees insist, for instance, that instead of protecting U.S. national security through his new executive order on refugees and immigrants, Trump is endangering the United States by bolstering the terrorists' narrative that the West hates Muslims.

"I think we all have to look within ourselves and say 'Where is that line that I will not cross?'" one Foreign Service officer said.

Since Trump was elected in November, many State Department employees have also met quietly for other reasons. Groups of Muslims who work at Foggy Bottom, for instance, have held meetings to discuss fears that they could be subject to witch hunts and see their careers stall under the new administration. A few of Trump's top aides have spoken out against radical Islamism in such harsh terms that some Muslims believe the aides are opposed to the religion of Islam as a whole.

Steven Aftergood, who directs the Project on Government Secrecy at the Federation of American Scientists, indicated that it's too soon to say whether there's a broad trend of bureaucratic resistance to Trump taking hold.

"Quite a few federal employees seem to be looking for constructive ways to express discontent," he said. "Meanwhile, tension is still growing, not subsiding."

EPA employees are uniquely concerned about their future, having faced barbs from Trump advisers who have toyed with cutting the agency's staff by two-thirds and from other Republicans who want to eliminate the agency altogether. So career staffers are discussing the best way to alert the public to what's happening behind the scenes.

Trump launches media attack during Black History Month listening session
By LOUIS NELSON

"I'm suddenly spending my days comparing the importance of the oath I took when I started my career service and the code that I have as an American," an EPA employee said.

EPA employees have started reaching out to former Obama administration political appointees, who they hope will help them spread the word about any possible improper conduct at the agency.

"It's probably much safer to have those folks act as the conduit and to act as the gathering point rather than somebody in the agency," the employee said. "You're putting your career and your livelihood and your paycheck at risk every time you talk to somebody."

Organizations such as the Government Accountability Project, which advocates for whistleblowers, have been busy as federal employees fret about what their new bosses may ask them to do.

"We've had a significant number of federal employees who have contacted us in recent weeks," said Louis Clark, the nonprofit's CEO. "It has to be the largest influx of people trying to reach us that we've seen."

The largest group of callers? "The people who want to know what to do if they're asked to violate the law," Clark said.

Jeff Ruch, executive director of Public Employees for Environmental Responsibility, said EPA employees are in perhaps the "deepest pit of despair" among his group's membership.

He said his group has been fielding calls on everything from what triggers a reduction in the federal workforce to how long they can carry health insurance benefits if they are pushed out.

Asked how EPA employees are feeling, Ruch said, "In the broadest sense, scared and depressed."

Rachael Bade contributed to this report.

Wednesday, January 24, 2018

WASHINGTON SECRETS

Success: EPA set to reduce staff 50% in Trump's first term

by Paul Bedard | Jan 9, 2018, 9:33 AM

The Environmental Protection Agency, seen by President Trump as a bloated bureaucratic whale, is on schedule to fulfill his promise to reduce its staff nearly in half by the end of his first term mostly through retirements, not cuts, according to officials.

The EPA Tuesday provided to Secrets its first year staff results which show that the agency is below levels not seen since former President Reagan's administration.

And if just those slated to retire by early 2021 leave, Administrator Scott Pruitt and his team will have reduced a staff of nearly 15,000, to below 8,000, or a reduction of 47 percent.

"We're proud to report that we're reducing the size of government, protecting taxpayer dollars and staying true to our core mission of protecting the environment," Pruitt said in a statement to Secrets.

Several agencies have succeeded in making some cuts, but EPA is taking a lead.

The numbers:

- As of January 3, 2018, the EPA has 14,162 employees.
- The last time EPA was at an actual employment level of 14,440 was in fiscal year 1988 when Reagan was president.
- 23 percent of EPA employees can retire with full benefits and another 4 percent can retire at the end of 2018.
- Additionally, another 20 percent of EPA employees will be eligible for retirement in the next five years.
- Taken together, 47 percent of the EPA will be eligible to retire with full benefits in the next 5 years.

Said an EPA official, "We're happy to be at Reagan-level employment numbers and the future retirements shows a preview of how low we could get during this administration. It would be fair to say anywhere from 25 to 47 percent of EPA could retire during this administration."

Pruitt has used buyouts to spur some of the changes and attractive retirement benefits have also led many to leave the agency. He also instituted a hiring freeze.

Under Pruitt, the agency has gone the "back to basics" of protecting the environment while shucking former President Obama's political agenda focused heavily on climate change.

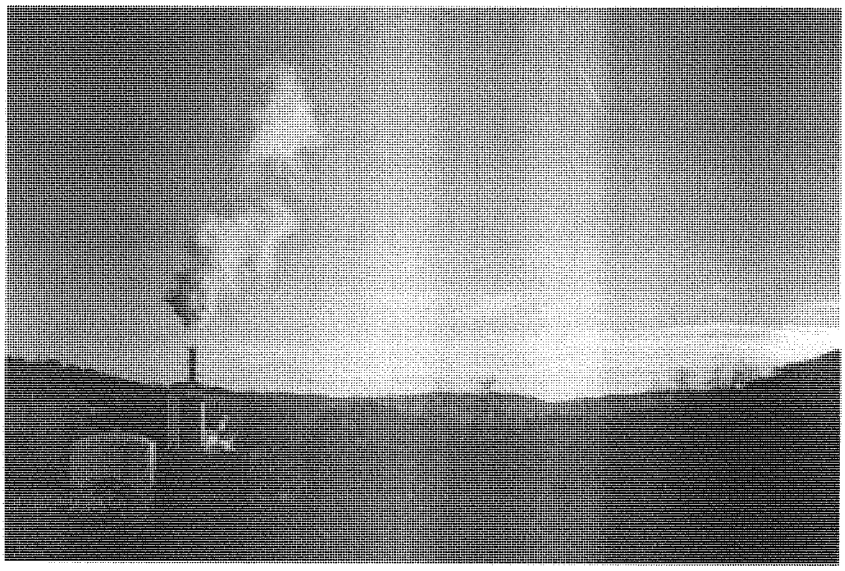
Paul Bedard, the Washington Examiner's "Washington Secrets" columnist, can be contacted at pbedard@washingtonexaminer.com

Scott Pruitt | Donald Trump | EPA | Barack Obama | Washington Secrets | Paul Bedard

POLITICS

Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers

By **ERIC LIPTON** and **DANIELLE IVORY** DEC. 10, 2017



The smokestacks from Heritage Thermal Services in East Liverpool, Ohio. Heritage incinerates hazardous waste at this facility. Andrew Spear for The New York Times

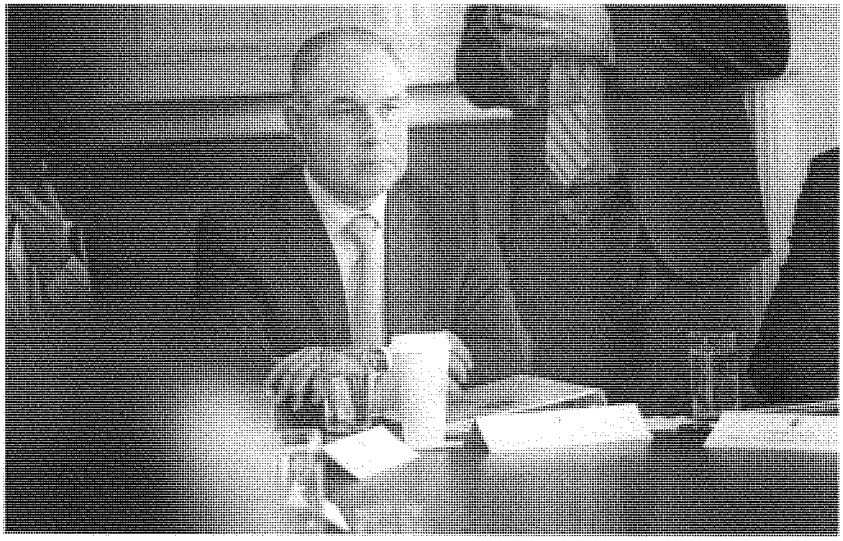
EAST LIVERPOOL, Ohio — The highway billboard at the entrance to town still displays a giant campaign photograph of President Trump, who handily won the election across industrial Ohio. But a revolt is brewing here in East Liverpool over Mr. Trump's move to slow down the federal government's policing of air and water pollution.

The City Council moved unanimously last month to send a protest letter to the Environmental Protection Agency about a hazardous waste incinerator near downtown. Since Mr. Trump took office, the E.P.A. has not moved to punish the plant's owner, even after extensive evidence was assembled during the Obama administration that the plant had repeatedly, and illegally, released harmful pollutants into the air.

"I don't know where we go," Councilman William Hogue, a retired social studies teacher, said in frustration to his fellow council members. "They haven't resolved anything."

Scott Pruitt, the E.P.A. administrator, has said the Trump administration's high-profile regulatory rollback does not mean a free pass for violators of environmental laws. But as the Trump administration moves from one attention-grabbing headline to the next, it has taken a significant but less-noticed turn in the enforcement of federal pollution laws.

An analysis of enforcement data by The New York Times shows that the administration has adopted a more lenient approach than the previous two administrations — Democratic and Republican — toward polluters like those in East Liverpool.



Scott Pruitt, the E.P.A. administrator, listening to President Trump's remarks during a cabinet meeting in Washington this month. Doug Mills/The New York Times

The Times built a database of civil cases filed at the E.P.A. during the Trump, Obama and Bush administrations. During the first nine months under Mr. Pruitt's leadership, the E.P.A. started about 1,900 cases, about one-third fewer than the number under President Barack Obama's first E.P.A. director and about one-quarter fewer than under President George W. Bush's over the same time period.

In addition, the agency sought civil penalties of about $50.4 million from polluters for cases initiated under Mr. Trump. Adjusted for inflation, that is about 39 percent of what the Obama administration sought and about 70 percent of what the Bush administration sought over the same time period.

The E.P.A., turning to one of its most powerful enforcement tools, also can force companies to retrofit their factories to cut pollution. Under Mr. Trump, those demands have dropped sharply. The agency has demanded about $1.2 billion worth of such fixes, known as injunctive relief, in cases initiated during the nine-month period, which, adjusted for inflation, is about 12 percent of what was sought under Mr. Obama and 48 percent

under Mr. Bush.

Resolving complicated pollution cases can take time, and the E.P.A. said it remained committed to ensuring companies obeyed environmental laws.

"E.P.A. and states work together to find violators and bring them back into compliance, and to punish intentional polluters," the agency said in a statement. Officials said Mr. Pruitt was less fixated on seeking large penalties than some of his predecessors were.

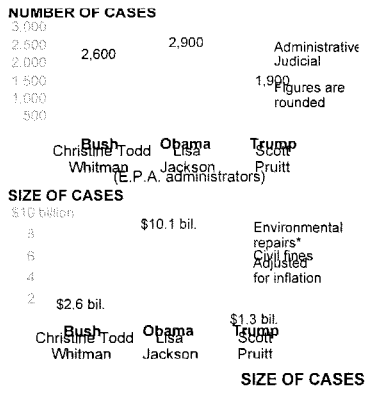
"We focus more on bringing people back into compliance than bean counting," the statement said.

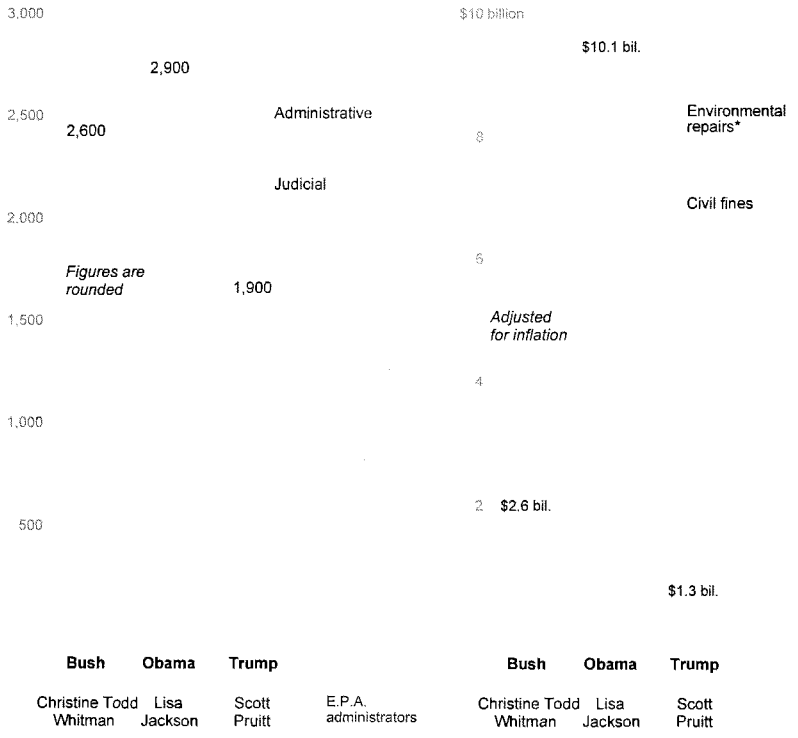
After this article was posted, the E.P.A. issued a statement criticizing the report, and saying that "Administrator Scott Pruitt is committed to enforcement," and that "there is no reduction in E.P.A.'s commitment to ensure compliance with our nation's environmental laws." (The full statement is here.)

Confidential internal E.P.A. documents show that the enforcement slowdown coincides with major policy changes ordered by Mr. Pruitt's team after pleas from oil and gas industry executives.

E.P.A. Enforcement Scorecard

So far in the Trump administration, enforcement actions at the Environmental Protection Agency have been measurably fewer and smaller than the previous two administrations. During 266 days under its administrator, Scott Pruitt, the agency has filed about a thousand fewer cases and sought almost $9 billion less in those cases, including environmental repairs and fines, than during the same period in the Obama Administration.





Notes: *The E.P.A. can order a polluter to do repairs to bring it fully into environmental compliance, called injunctive relief. The time periods are for the first 266 days of each administration. | Source: Environmental Protection Agency | By The New York Times

The documents, which were reviewed by The Times, indicate that E.P.A. enforcement officers across the country no longer have the authority to order certain air and water pollution tests, known as requests for information, without receiving permission from Washington. The tests are essential to building a case against polluters, the equivalent of the radar gun for state highway troopers.

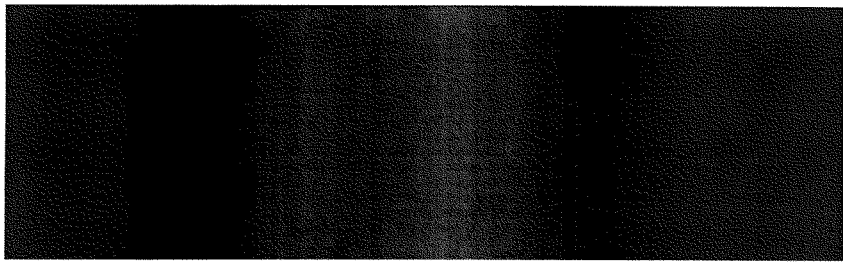
At at least two of the agency's most aggressive regional offices, requests for information involving companies suspected of polluting have fallen significantly under Mr. Trump, according to internal E.P.A. data.

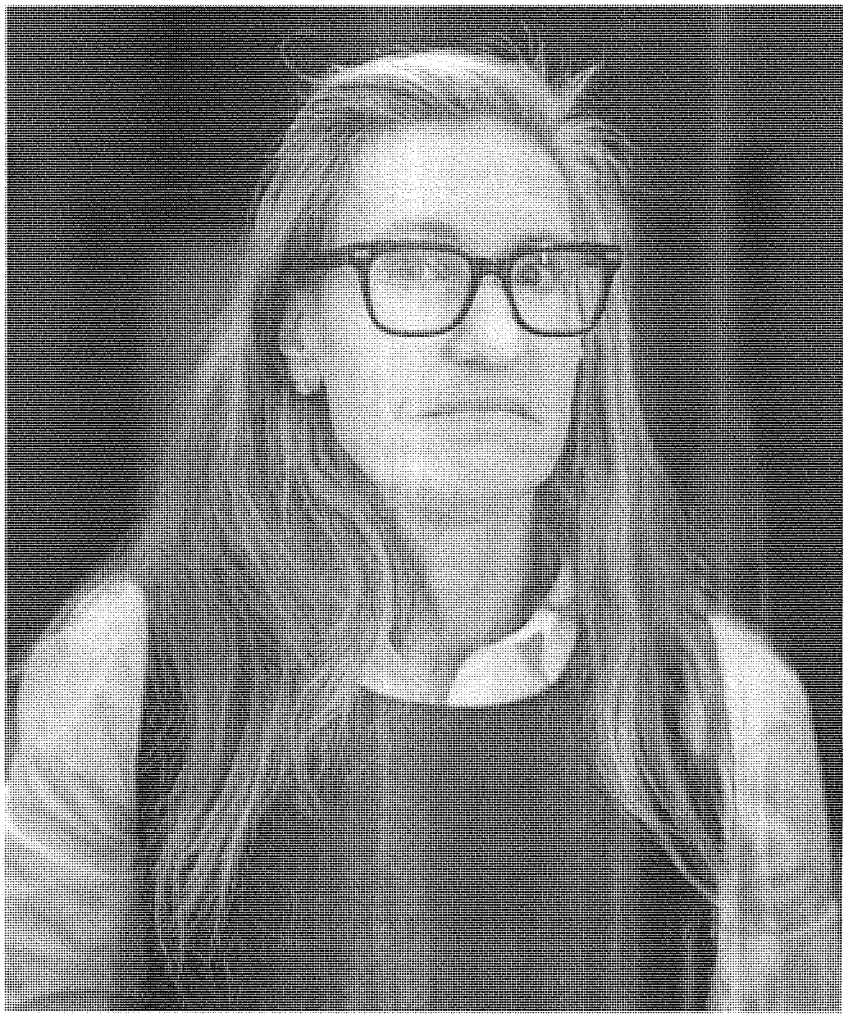
In the last two complete fiscal years of the Obama administration, the E.P.A.'s office in Chicago sent requests for testing that covered an average of 50 facilities per year, or about 4.2 each month. By comparison, after the policy changes, one such request for a single facility was made in the subsequent four-montb period. There was a similar decline in the Denver regional office, according to the data.

The enforcement slowdown has been compounded by the departure of more than 700 employees at the E.P.A. since Mr. Trump's election, many of them via buyouts intended to reduce the agency's size, and high-level political vacancies at the E.P.A. and the Justice Department. The agency's top enforcement officer — Susan Bodine — was confirmed only late last week.

Separately, Mr. Pruitt's team has told officials and industry representatives in Missouri, North Dakota and other states that E.P.A. enforcement officers will stand down on some pollution cases, according to agency documents. The retrenchment is said to be part of a nationwide handoff of many enforcement duties to state authorities, an effort Mr. Pruitt calls cooperative federalism but critics say is an industry-friendly way to ease up on polluters.

Current and recently departed E.P.A. staff members said the new direction has left many employees feeling frozen in place, and demoralized, particularly in the regional offices, which have investigators who are especially knowledgeable of local pollution threats.





Nicole Cantello, an E.P.A. lawyer in the Chicago office, who has worked at the agency for 26 years.

Alyssa Schukar for The New York Times

"Certain people who are polluting are doing it with impunity right now and I think it is horrible," said Nicole Cantello, an E.P.A. lawyer in the Chicago office, who has worked at the agency for 26 years.

Ms. Cantello agreed to speak to The Times because she is protected by her status as a union official. The E.P.A. did not authorize agency employees to speak.

The Times asked top E.P.A. enforcement officials from the Obama and Bush administrations to review The Times's data, analysis and methodology. (Read more about The Times's methodology here.) They said the slowdown signaled a sea change in enforcement under Mr. Trump.

"Those kinds of numbers are stark," said Granta Nakayama, a lawyer who served in the Bush administration as assistant administrator for the E.P.A.'s enforcement office and who now represents companies facing E.P.A. enforcement actions for the law firm King & Spalding, where he oversees the environmental practice.

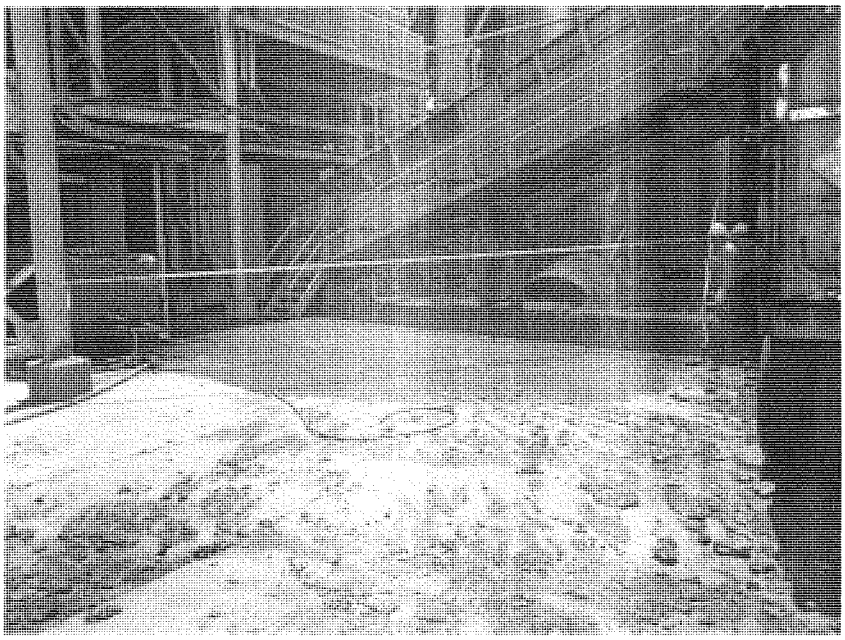
"If you're not filing cases, the cop's not on the beat," he said. "Or has the cop been taken off the beat?"

Cynthia Giles, the former assistant administrator for the E.P.A.'s enforcement office during the Obama administration, also prepared a separate version of the data. She described as a "stunning decline" the reduced efforts under Mr. Trump to require companies to bring their facilities into compliance with pollution laws.

"The Pruitt E.P.A. is cratering on the enforcement work that matters most: holding the biggest polluters accountable," said Ms. Giles, now a director at the Energy & Environment Lab at the University of Chicago.

Some enforcement experts suggested that the E.P.A. under Mr. Pruitt might have filed fewer cases because it was going after larger penalties. But according to the Times analysis, most of the top penalties were smaller than those in the previous two administrations. And the nine-month window included the single largest civil case filed by the E.P.A., against Exxon Mobil.

'It Really Just Scares Me'



The Heritage Thermal plant after the July 2013 accident. [illegible]

On a midsummer afternoon in 2013, boiler ash and steam blasted through a breach at the Heritage Thermal Services hazardous waste incinerator, spewing hundreds of pounds of ash into a nearby neighborhood in East Liverpool and setting off a series of small fires at the plant.

Tests later showed that the ash, which looked like dirty clumps of cotton candy scattered across rooftops and lawns, contained toxic chemicals. In some samples, lead and arsenic were found at concentrations that "could pose a hazard to small children," according to an Ohio Department of

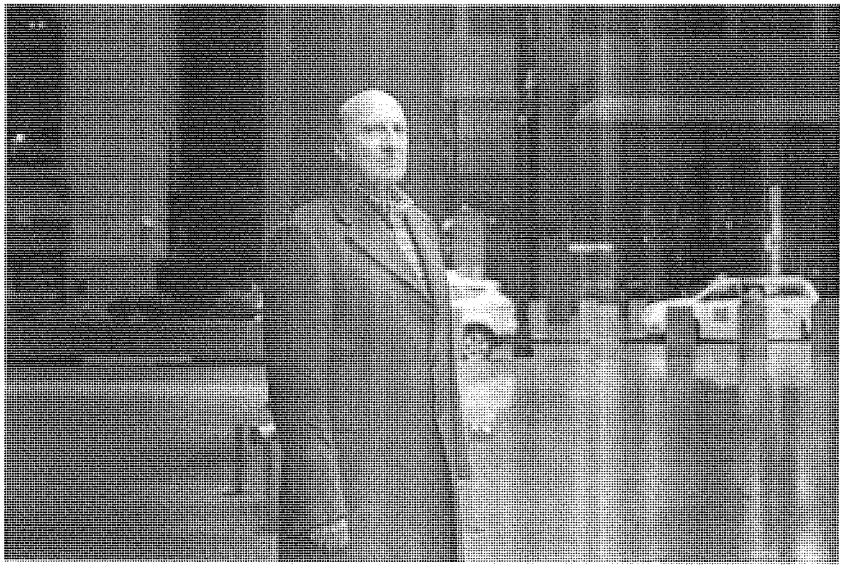
Health report. Heritage Thermal went door to door offering to wash people's houses and replace vegetables in their gardens.

Sandra Estell, 64, who lives on a river bluff overlooking the plant, said the ash covered her brother's Chevy Blazer and blanketed the street where she grew up. Even when the plant operates normally, she said, she smells the incinerator from her home — with the odor changing from rotten eggs to an electrical fire to something difficult to place.

Truckloads of hazardous waste often sit in the parking lot outside the plant, awaiting disposal. On the day of the accident in 2013, the plant was burning through a load of waste sent from an oil refinery in Toledo.

"It really just scares me," Ms. Estell said of the incinerator.

The plant falls under the jurisdiction of the E.P.A. regional office in Chicago, which moved quickly to investigate the episode as a possible violation of the Clean Air Act, federal records show.



George T. Czerniak outside the E.P.A.'s office in Chicago, where he was a regional director of air and radiation.
Alyssa Schukar for The New York Times

Investigators sent Heritage Thermal's general manager what is known as a Section 114(a) request for detailed information on the explosion. Failing to answer the questions, warned George T. Czerniak, who was then the E.P.A.'s Chicago-based director of the air and radiation division, could result in punishment.

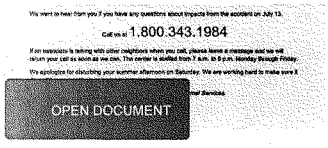
Heritage Thermal complied within weeks, and also disclosed that the plant had faced a series of related problems when pressure inside the incinerator had climbed to dangerous levels. Mr. Czerniak asked for more information about those episodes, and by March 2015 he had signed a formal letter of complaint, alleging a series of Clean Air Act violations that would very likely result in fines, as well as possible civil or criminal action.

"We are offering you an opportunity to confer with us about the violations," Mr. Czerniak wrote in the letter. "You may have an attorney represent you at this conference."

DOCUMENT

Heritage Thermal Incident and E.P.A. Response

A case study of the slow progress being made by the Trump administration in wrapping up an investigation into an industrial accident in East Liverpool, Ohio, that generated protests from area residents.



More than two and a half years later, the matter remains unresolved, leading to the letter of complaint to the E.P.A. last month from the East Liverpool City Council. The body is dominated by Democrats, but it says its motivation in criticizing the E.P.A. is based on concerns about public safety and not partisan politics.

John Mercer, a City Council member, said taking on air pollution issues at Heritage Thermal has been a delicate matter because the area has lost thousands of jobs as steel and pottery manufacturing plants closed. "Heritage Thermal is one of the city's largest employers," he said. "We are all friends and neighbors with those that work there."

Still, he said, residents want the matter resolved. "Our constituents deserve answers that no one seems to want to provide," he said.

A spokesman for the E.P.A. declined to comment on the case's status, as did Christopher T. Pherson, president of Heritage Thermal. The company said in a statement that it "is committed to continuously enhancing its performance and environmental compliance."

Ms. Estell, who was critical of the plant even before it opened in the 1990s for being built near homes, blames the change in administrations in Washington for the inaction. "Something made them slam on the brakes," she said.

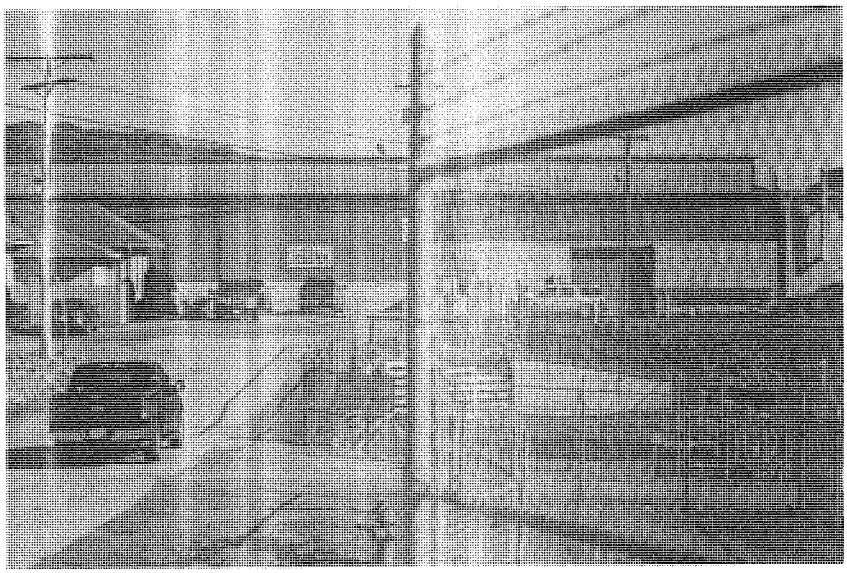
Every administration runs into delays when investigating and enforcing environmental laws, and it is hard to pinpoint why any particular case might stall without access to confidential E.P.A. files. But the lack of action in East Liverpool mirrors a pattern of sluggish new enforcement activity under the Trump administration, as represented in data analyzed by The Times.

The Times identified more than a dozen companies or plants like Heritage Thermal that received notices of violation toward the end of the Obama administration, but as of late November had not faced E.P.A. penalties. The findings were based on agency files released through a Freedom of Information Act request to the Environmental Integrity Project, a nonprofit group run by a former E.P.A. enforcement chief.

Indiana Harbor Coke in East Chicago, Ind., has received at least three warning notices since 2015 for pollution violations, including hundreds of illegal emissions of lead, which can cause serious health problems, especially for children.

Other cases include TimkenSteel Corporation of Canton, Ohio, which was served with a notice in November 2015 for illegally emitting hazardous toxins, including mercury, which, when inhaled in large quantities, can cause pulmonary edema, respiratory failure and death.

In Waterford, Ohio, Globe Metallurgical was cited in June 2015 and December 2016 for air pollution violations. The E.P.A. collected evidence that it was emitting illegal amounts of sulfur dioxide, which can irritate the nose and throat and, at very high concentrations, cause life-threatening accumulation of fluid in the lungs.



S.H. Bell dries, crushes, screens and packages materials for industrial customers in East Liverpool, Ohio. It sometimes works with manganese, which can produce toxic levels of dust. [illegible]

And in East Liverpool, just down the street from the Heritage Thermal incinerator, S.H. Bell was cited for allowing toxic levels of dust with heavy metal chemical additives such as manganese to drift beyond its property line.

Tests conducted near S.H. Bell found "the highest levels of ambient manganese concentrations in the United States," a complaint issued during the Obama administration said. Health officials warned that the situation represented "a public health hazard and should be mitigated as soon as possible to reduce harmful exposures."

Research led by the University of Cincinnati found in September that levels of manganese in the blood and hair of children in East Liverpool appeared to be related to lower I.Q. scores, a conclusion executives from S.H. Bell have disputed.

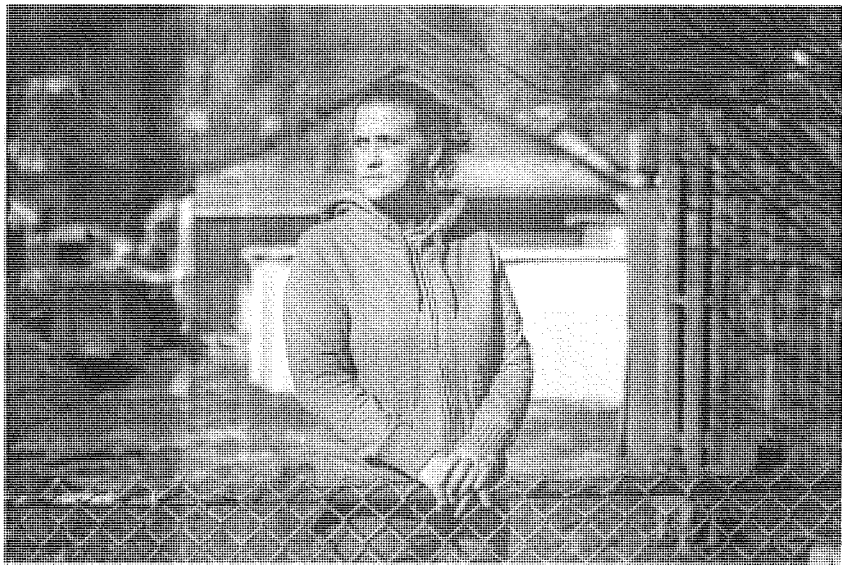
The Heritage Thermal plant during the July 2013 accident.

The E.P.A. moved in the final days of the Obama administration to resolve the S.H. Bell matter, proposing a consent decree in January that would require changes to reduce manganese dust levels and to improve monitoring.

Generally, a proposed consent decree is resolved within several months, but in March, the Trump administration asked a federal judge to delay the case so the E.P.A. could "brief incoming administration officials with decision-making responsibility" given that "many subordinate political positions at the agency remain unfilled." The Justice Department has since asked the court to move ahead, but the case remains open.

A spokeswoman for S.H. Bell said that the company had moved to comply with the requirements and that its operations had not harmed residents. The E.P.A. said in a statement that it was waiting for the court to act. "It would not be appropriate to discuss the open enforcement matters," the statement said.

Roberta Pratt, 49, a bartender who lives with her family on a block situated between Heritage Thermal and S.H. Bell, said she worries constantly about the delays in enforcement at the facilities. The side of her house, she said, is stained with a rusty color from heavy metals that float through the air.



Roberta Pratt outside her home in East Liverpool, Ohio. She said she doesn't have the money to move away from the nearby industrial facilities. Andrew Spear for The New York Times

"It makes me feel like less of a mother," said Ms. Pratt of the pollution problems. "You can't protect your children."

Fighting back tears, she added, "People say to me, 'Why don't you just pick up and move out of here?' Well, I just don't have the money to do that."

Industry Gets a Sympathetic Ear

The memo was marked "Privileged/Confidential/Do Not Release" and was signed by Susan Shinkman, the director of civil enforcement at the E.P.A. and one of Mr. Pruitt's top deputies in Washington at the time.

It arrived by email to agency employees across the country on May 31.

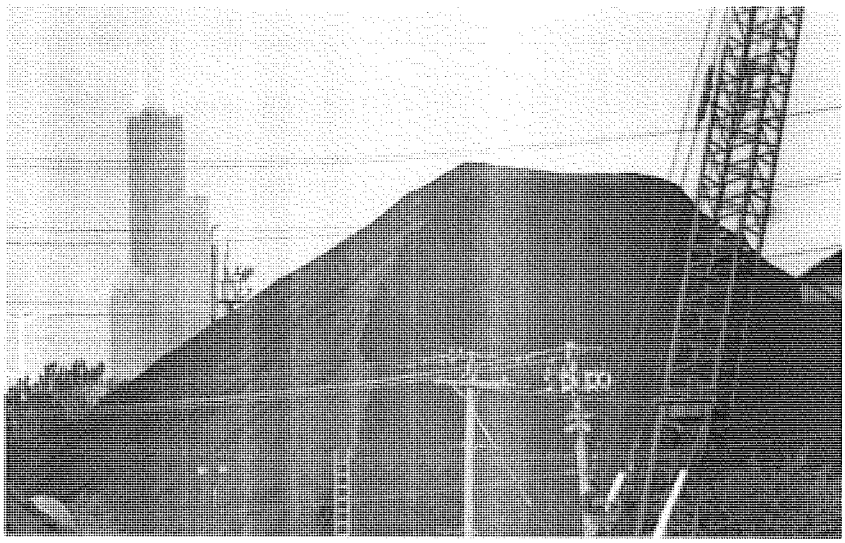
With four pages of detailed instructions, it directed E.P.A. investigators to seek authorization before asking companies to track their emissions with instruments that determine the type and amount of pollutants being released at their plants.

It also said investigators needed special authorization if they did not already have evidence that the company had quite likely violated the law, or if state authorities objected to the tests.

The scope was far-reaching, applying to possible violations of the Clean Air Act, the Clean Water Act and federal laws regulating hazardous waste plants.

The goal of these changes, the memo said, was to "ensure a more nationally consistent and complete accounting of federal compliance monitoring and enforcement activities." But the directive arrived like a thunderbolt, upending one of the agency's most effective methods in catching polluters, E.P.A. regional officials said, and one that was extremely unpopular with the oil and gas industry.

In the prior two years, investigators in the Chicago office had sent requests for information — which includes requests for testing — that covered 267 facilities in the six Midwest states it oversees, including in cases involving giant mountains of petcoke stored near residential neighborhoods in Chicago. A carbon and sulfur byproduct of refining oil, petcoke particles can become airborne and enter the lungs, causing serious health effects.



A mound of petcoke in southeast Chicago. Its particles can damage people's health by becoming airborne and entering their lungs. Charles Rex Arbogast/Associated Press

Investigators in the regional office in Denver, which handles many oil and gas cases, also sent out a series of requests during the Obama administration based on hints that energy producers were letting vast quantities of hazardous air pollutants escape into the atmosphere. The pollutants included benzene, which is a carcinogen, and methane, which is a major contributor to climate change. The investigations escalated after four workers at energy facilities in North Dakota were overcome by fumes and died.

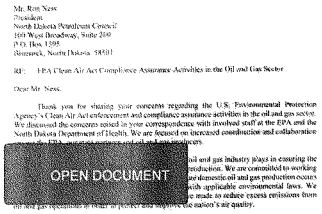
As the Ohama administration came to a close, companies had grown increasingly unhappy with the tests and began to fight them by turning to allies in Washington.

Koch Carbon, a subsidiary of Koch Industries, which operated two petcoke storage facilities in Chicago, challenged the E.P.A.'s authority to require the tests in a formal filing with the agency, E.P.A. documents show, although it still provided the information the agency had requested. The test results showed that its petcoke piles were, in fact, threatening neighbors and led to their removal.

DOCUMENT

Pruitt Moves to Curb E.P.A.'s Power to Demand Pollution Tests

E.P.A. enforcement officials nationwide rely on provisions of the Clean Air and Clean Water Acts that enable them to order polluters to test their emissions for legal violations. Mr. Pruitt, after a request from the oil industry, has put new limits on that power.


Mr. Ron Ness
President
North Dakota Petroleum Council
1600 West Broadway, Suite 200
P.O. Box 1395
Bismarck, North Dakota 58501

RE: EPA Clean Air Act Compliance Assurance Activities in the Oil and Gas Sector

Dear Mr. Ness:

Thank you for sharing your concerns regarding the U.S. Environmental Protection Agency's Clean Air Act enforcement and compliance assurance activities in the oil and gas sector. We discussed the concerns raised in your correspondence with involved staff at the EPA and the North Dakota Department of Health. We are focused on increased coordination and collaboration

OPEN DOCUMENT

Republicans in Congress, including Senator James M. Inhofe of Oklahoma, took up the cause for the oil and gas industry. In public hearings, Mr. Inhofe interrogated E.P.A. officials about the tests and called them "a backdoor effort for the E.P.A. to cut greenhouse gas emissions."

When Mr. Trump was elected and named Mr. Pruitt, the former Oklahoma attorney general, to lead the E.P.A., the complaints got a fresh — and sympathetic — hearing. Ms. Shinkman, in an interview, said she was instructed to write the new policy memo after Mr. Pruitt received letters of complaint from oil industry executives in North Dakota and Colorado. Ms. Shinkman, who joined the agency in 2012 as an Obama administration appointee, retired from the E.P.A. in September; in its statement to The Times, the E.P.A. did not say whether the oil and gas industry had been a factor in its decision.

Ron Ness, the president of the North Dakota Petroleum Council, wrote to Mr. Pruitt in March describing the tests as burdensome and costly. "Under the previous administration, the E.P.A. initiated sweeping Clean Air Act (CAA) Section 114 information requests and threatened company-ending

sanctions." Mr. Ness wrote in a letter obtained by The Times.

In his response to Mr. Ness, Mr. Pruitt wrote that the E.P.A. would "develop best practices for the judicious use" of the requests, and also hand off much of the enforcement of air pollution laws to North Dakota officials, except on Indian lands where the federal government has jurisdiction.

"The E.P.A. acknowledges the critical role that the oil and gas industry plays in ensuring the nation's energy independence through domestic energy production," Mr. Pruitt wrote to Mr. Ness in July.

The change in North Dakota was part of a broader effort by the E.P.A. to give states more say in how to treat polluters.

In a letter to the Missouri Department of Natural Resources, Edward Chu, the deputy administrator of the E.P.A.'s regional office in Kansas, said the agency would back off some inspection and enforcement activity so the state could take the lead. "These shifts in direction do represent significant change," Mr. Chu wrote.

Officials in North Dakota said the new arrangement there is leading to faster resolution of cases involving the oil and gas industry.

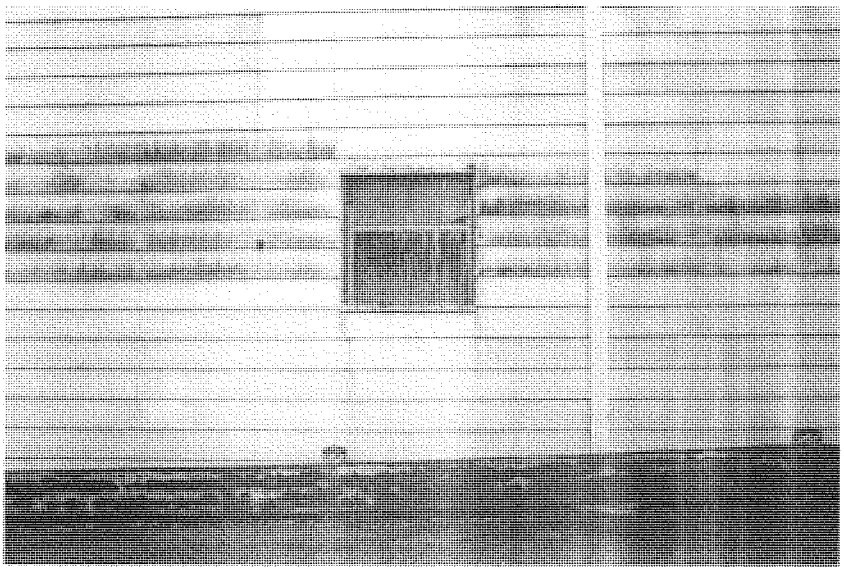
"We are focused on compliance and fixes, not on big fines that are trumped up," said Jim Semerad, who leads the division of the North Dakota Department of Health that enforces air emissions rules.

But some critics question the sincerity of Mr. Pruitt's deference to state authorities, in part because it comes as the Trump administration has proposed cutting grants that help states pay for local enforcement. And the vigilance of some states in taking on the new responsibilities is also uncertain.

An audit by the E.P.A. inspector general in 2011 described North Dakota as "a state philosophically opposed to taking enforcement action" against polluters.

The state's fines, moreover, are a tiny fraction of those imposed by the E.P.A. for the same violations, records obtained by The Times show, and some North Dakota settlements do not require the hiring of independent

inspectors to ensure companies honor their promises.



A building in downtown East Liverpool, Ohio. Citizens believe that a red dust that settles on their homes and property is chemical residue from nearby facilities. Andrew Spear for The New York Times

In Ohio, a change in state law that was tucked into a budget bill this year cut funding for an inspector in East Liverpool, even as Ohio authorities found continued evidence of air pollution violations at the Heritage Thermal incinerator, according to state records obtained by The Times.

Ohio Environmental Services Industry, a trade group that represents Heritage Thermal and a handful of other hazardous waste companies, pushed for the change. The group said the facility would receive sufficient oversight without the dedicated state inspector.

The changes across the country, some lawyers suggest, are giving violators an upper hand in negotiating with the E.P.A.

Paul Calamita, who represents cities accused of violating the Clean Water Act when they release sewage and contaminated storm water into rivers and lakes, recommends that clients team up with state governments to push back against the E.P.A.

Under President Trump, Mr. Calamita said, the E.P.A. and the Department of Justice have been willing to compromise, withdrawing a six-figure penalty in one instance after refusing to do so in two previous rounds of negotiations during the Obama administration.

"States with new Republican governors are following the Trump approach — providing compliance assistance at the outset to avoid enforcement where the discharger is cooperative," he said in a presentation to utility executives from around the United States. "A state that pushes back on E.P.A. is likely to be successful."

A Muscular Office Loses Muscle

The E.P.A. under Mr. Pruitt has pursued some high-profile prosecutions of polluters and has talked tough about companies like Fiat Chrysler, which like Volkswagen has been accused of installing software on its vehicles meant to evade emissions standards.

The agency's biggest civil case filed since Mr. Trump took office involves Exxon Mobil, which was accused of not properly operating and monitoring industrial flares at its petrochemical facilities. Exxon agreed in October to pay $2.5 million in civil penalties, some of which will go to Louisiana, and spend $300 million to install new technology to reduce air pollution.

The agency on Friday also released a list of 21 Superfund sites contaminated with hazardous substances and pollutants that Mr. Pruitt has targeted for immediate and intense attention. One of the sites on the list, Tar Creek, a former lead and zinc mine, is in Oklahoma, where Mr. Pruitt once served as attorney general and state senator.

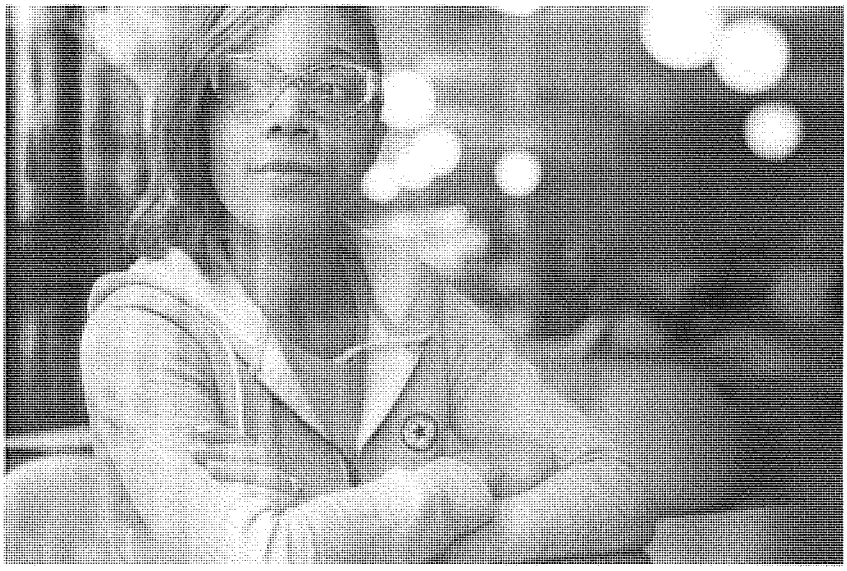
But more than a dozen current and former E.P.A. officials told The Times that the slowdown in enforcement is real on the ground, and that it is being directed from tbe top.

At the Ralph Metcalfe Federal Building in Chicago, which houses a regional office of the E.P.A., employees said it has become difficult to even start a new investigation. Because it covers states populated with Rust Belt industries, the Chicago office has traditionally been one of the busiest of the 10 regions.

An agency spokeswoman, in a statement, said "we have not rejected any requests for sampling, monitoring and testing" that were sent to headquarters as a result of the new policy. But agency staff said the memo made clear such requests were discouraged, and many fewer were being drafted.

Jeff Trevino, a lawyer in the Chicago office, who has worked for the agency for 27 years, said the new hurdles imposed by Mr. Pruitt had created "a Catch-22" because, with new policies effectively discouraging requests for information, investigators will have a harder time getting the data needed to detect and confirm violations.

Mr. Trevino, like other current E.P.A. employees, was not authorized by the agency to speak with The Times, and did so as a member of the labor union.



Felicia Chase is a water pollution enforcement officer in the office of the E.P.A. that covers states from Minnesota to Ohio.
Alyssa Schukar for The New York Times

"We are the boots on the ground and we just are having a hard time now getting the information we need to do our job," said Felicia Chase, who has worked for nearly a decade as a water pollution enforcement officer in the Chicago office, which covers states from Minnesota to Ohio. She was also speaking in her capacity as a union member.

Ms. Chase sat glumly in the cafeteria just before Thanksgiving. On a television set on the wall, President Trump could be seen offering an official pardon to a turkey, joking that he could not reverse Mr. Obama's turkey pardons from the previous year.

Some workers said they would take the unusual step of asking members of Congress to protect funding for the work they do, while others said they held out hope that the new restrictions on information gathering would not be permanent. Ms. Shinkman, the retired author of the May memo, said she had hoped to avoid a sharp drop in requests for information, but she

declined to elaborate how that would be possible.

Mr. Czerniak, who led the air pollution unit in Chicago until his retirement in 2016, said it was hard to watch the agency struggle through this new era.

"People at the agency are just being cautious, almost to the point of paralysis," he said. "They do not want to do anything for fear of being told they have done something wrong — something the new administrator won't like."

Eric Lipton reported from East Liverpool, Ohio; Chicago; and Washington, and Danielle Ivory from New York. Kitty Bennett contributed research.

A version of this article appears in print on December 11, 2017, on Page A1 of the N.Y. edition with the headline: E.P.A.'s Polluter Playbook Takes a Turn to Leniency. Order Reprints | Today's Paper | Subscribe

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5 Chilling Ways Trump Has Declared War on the EPA

By Jeremy Symons

While running for president, Donald Trump threatened to virtually eliminate the U.S. Environmental Protection Agency (EPA), leaving only "little tidbits."

Scott Pruitt, Trump's EPA administrator, has been tasked with the job of tearing down the agency from within. This is the man who sued the EPA 14 times—with strong financial backing from companies seeking to weaken clean air and clean water standards—when serving as Oklahoma's Attorney General.

The president has used deception to reassure the general public that critical environmental laws will continue to protect public health and he is now taking our country in a dangerous direction.

Here are five ways he and Pruitt will go about weakening the agency responsible for keeping our air clean, drinking water safe and toxic chemicals from harming our families:

1. Gut the EPA's Budget

Deep budget cuts at the EPA are being proposed under the guise of fixing budget issues.

In reality, the agency accounts for a mere two-tenths of one percent of federal spending. Any claim that major budget issues can be dealt with on the back of such a small sliver of the budget is false.

Instead, the proposed budget cuts are a clear signal to a narrow group of special interests and supporters who share Trump's disdain for the EPA because environmental regulations don't serve their agenda.

2. Relax Enforcement Against Illegal Pollution

Leaked budget documents show that Trump has already directed the EPA to curtail pollution-monitoring and get states "to assume more active enforcement roles." But this isn't about states' rights; it's merely a convenient cover for gutting federal enforcement responsibility without any assurance that states will pick up the slack.

In fact, Pruitt took Oklahoma in the opposite direction as attorney general by shutting down the state's environmental enforcement unit.

Meanwhile, delegating enforcement to states puts everyone at the mercy of neighboring states' enforcement. Almost every state has communities that are downwind or downstream from polluters across state boundaries.

3. Roll Back Pollution Standards

"The future ain't what it used to be at the EPA," Pruitt explained in a fiery speech to the Conservative Political Action Conference in Washington shortly after his contentious and narrow confirmation by the Senate. He went on to pledge he would "roll back the regulatory state."

President Trump has already issued an executive order seeking to weaken Clean Water Act protections for American rivers and streams. With Pruitt now at his side, he is expected to next take aim at rolling back standards that reduce toxic emissions from cars and power plants.

Trump says he is slashing federal clean air and water standards to ease what he calls "job-crushing regulations." Of course, increasing pollution does not grow the economy.

> Trump Orders EPA to Dismantle Clean Water Rule https://t.co/tE9jGaekp1 @Earthjustice @earthisland
>
> — EcoWatch (@EcoWatch) 1488405627.0

4. Use Misinformation to Justify Political Agenda

During his confirmation hearing, Pruitt ran away from his anti-environmental record and assured senators that he was "concerned" about pollution contributing to climate change, that mercury "should be regulated" and that ground-level ozone is "a dangerous pollutant."

Once he had been confirmed as EPA administrator, his tone changed back to his roots. Pruitt is already a ready partner to Trump when it comes to spreading misinformation and denying climate change.

Political interference in science will come in many forms, but the most dangerous may be an effort to permanently meddle with the EPA's scientific capacity under the guise of "reforming" the scientific process. Such meddling is a top Trump transition goal, according to Myron Ebell, the head of Trump's EPA transition team.

Ebell makes no bones about it: The objective, he's said, is to permanently cripple the agency's capacity to bounce back under future presidents.

5. Surrender to Allow "Sue and Pollute" Lawsuits

We expect Pruitt and U.S. Attorney General Jeff Sessions to take up a new practice of surrendering to "sue and pollute" lawsuits in court. That would abandon the legal defense of EPA rules against suits brought by some polluters who would rather fight in court than invest in cleaner technology.

Pruitt may even take the unprecedented step to refuse to recuse himself from overseeing decisions about lawsuits that he himself brought against the EPA as Oklahoma's attorney general—conveniently switching sides from plaintiff to defendant.

The question now is how Pruitt and Trump will contend with growing opposition as they walk the tightrope between broad public support for the EPA's mission while serving the narrow interests of those who want to permanently weaken the agency.

If we remain vigilant and demand accountability from our elected officials, we can make every step they take along that tightrope more strenuous than the last.

ENERGY STAR by the Numbers

ENERGY STAR® is the government-backed symbol for energy efficiency, providing simple, credible, and unbiased information that consumers and businesses rely on to make well-informed decisions. Thousands of industrial, commercial, utility, state, and local organizations—including more than 40 percent of the Fortune 500®—rely on their partnership with the U.S. Environmental Protection Agency (EPA) to deliver cost-saving energy efficiency solutions. Together, since 1992, ENERGY STAR and its partners have helped save American families and businesses $430 billion—while also achieving broad emissions reductions—all through voluntary action.

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Program-wide facts

- In 2015 alone, ENERGY STAR certified products, homes, buildings, and plants helped Americans save 503 billion kWh of energy and $34 billion* in energy costs, while achieving broad emissions reductions - including 314 million metric tons of greenhouse gas emissions.
- Since 1992, ENERGY STAR and its partners have saved American families and businesses $430 billion* in energy costs and 4.6 trillion kWh of energy, while achieving broad emission reductions—including 2.8 billion metric tons of greenhouse gas emissions.
- More than 90% of American households recognize the ENERGY STAR.[1]
- As of 2016, thousands of industrial, commercial, state, and local organizations—including more than 40% of the Fortune 500—rely on their partnership with EPA to achieve financial and energy savings.
- Nearly 700 utilities—serving roughly 85% of American households—leveraged ENERGY STAR in their efficiency programs in 2016.
- Nearly 290,000 American workers are involved in the manufacture of ENERGY STAR certified products and building materials, as of 2016.[2]

ENERGY STAR products

- ENERGY STAR certified products helped consumers save $23 billion in energy costs in 2015, contributing to cumulative energy cost savings of $246 billion since 1992.*
- By choosing ENERGY STAR, a typical household can save about $575 on their energy bills and still enjoy the quality and performance they expect.5
- Americans purchased more than 300 million ENERGY STAR certified products in 2015, for a cumulative total exceeding 5.5 billion

products (excluding purchases of light bulbs).

- About three-fourths of U.S. households report the ENERGY STAR label as influential in their purchasing decisions.[1]
- EPA sets definitions of efficiency leadership for more than 75 residential and commercial product categories. Currently 50,000 product models have earned the ENERGY STAR based on these rigorous criteria.
- The estimated annual market value of ENERGY STAR product sales is more than $100 billion.
- More than 2,000 product models from more than 130 manufacturers were recognized as "ENERGY STAR Most Efficient" in 2016.
- 80% of purchasers would recommend ENERGY STAR products to a friend.[1]

Learn more about ENERGY STAR products

ENERGY STAR for commercial buildings

- The ENERGY STAR program for commercial buildings helped businesses and organizations save $7.8 billion in energy costs in 2015, contributing to cumulative energy cost savings of $144 billion since 1992.*
- By the end of 2016, nearly 500,000 properties—representing about 50% of the nation's commercial building floor space—have used EPA's ENERGY STAR Portfolio Manager® tool to measure, track, assess, and report on their energy and water consumption.
- As of the end of 2016, 23 local governments and two states rely on EPA's ENERGY STAR Portfolio Manager® tool as the foundation for their energy benchmarking and transparency policies.
- On average, ENERGY STAR certified buildings use 35% less energy than typical buildings nationwide.
- More than 7,500 buildings earned the ENERGY STAR in 2016, bringing the total to 29,500.

Learn more about ENERGY STAR for commercial buildings

ENERGY STAR for industrial plants

- The ENERGY STAR program for industrial plants helped businesses save $2.6 billion in energy costs in 2015, contributing to cumulative energy cost savings of $37 billion since 1992.*
- As of 2016, 30 diverse industrial sectors work with ENERGY STAR to strategically manage their energy use, from cookie and cracker bakeries and pharmaceutical plants to integrated steel mills and petroleum refineries.
- 87 industrial plants earned the ENERGY STAR in 2016.
- 46 industrial plants achieved energy use reductions in the 2016 ENERGY STAR Challenge for Industry campaign.

Learn more about ENERGY STAR for industrial plants

ENERGY STAR for new homes

- The ENERGY STAR certified new homes program helped homeowners save $360 million in energy costs in 2015, contributing to cumulative energy cost savings of $2.5 billion since 1992.*
- By choosing an ENERGY STAR certified home, homeowners can save up to 30% on their energy bills, while enjoying better quality, performance, and comfort.
- In 2016, more than 92,000 ENERGY STAR certified new homes were built, bringing the total to 1.7 million since 1995.
- As of 2016, 88% of the nation's top homebuilders build ENERGY STAR certified homes.
- One out of every 10 homes built in 2015 was ENERGY STAR certified.

Learn more about ENERGY STAR new homes

References

1. National Awareness of ENERGY STAR® for 2016: Analysis of 2016 CEE Household Survey, EPA Office of Air and Radiation, Climate Protection Partnerships Division, 2017, http://energystar.gov/awareness.
U.S. Energy and Employment Report, U.S. Department of Energy, 2017, https://energy.gov/downloads/2017-us-energy-and-employment-

2.
report.
3. The 2016 State Energy Efficiency Scorecard, ACEEE, 2016, http://aceee.org/research-report/u1606(link is external).
4. Benchmarking and Disclosure: Lessons from Leading Cities, Boston Green Ribbon Commission, 2012,http://www.abettercity.org/docs/05.2012%20-%20Benchmarking%20report%20-%...(link is external)
5. Typical House Memo, Lawrence Berkeley National Laboratory, 2016.

‡ The majority of data cited in this report is from 2016. In cases where 2016 data is not yet available, 2015 data is used. All instances are noted as such.

* Estimated energy cost savings represent the present value of net energy cost savings, calculated by taking the difference between total energy bill savings and the incremental additional investment in energy-efficient technologies and services.

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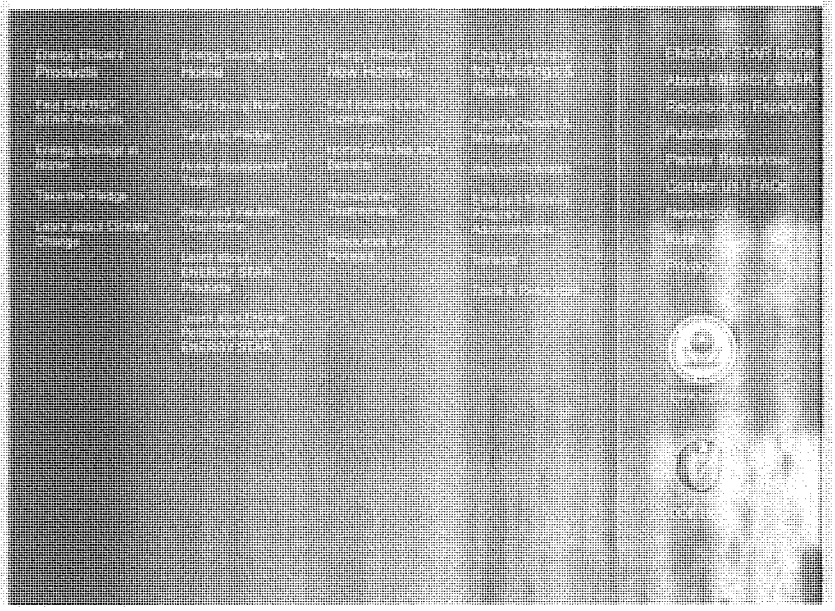

EXPERT BLOG › SCOTT SLESINGER

How Can Scott Pruitt Defend Drastic Cuts to EPA's Budget?

June 14, 2017 Scott Slesinger

Environmental Protection Agency Administrator Scott Pruitt has trouble telling the truth. The world saw that from his brazen attempts on TV recently to spin President Trump's withdrawal of the U.S. from the Paris climate accord. Many fact-checkers have called him out on his lies. See here, or here, or even here.

Pruitt will be in the spotlight again on Thursday. He's scheduled to testify before the House Appropriations Interior Subcommittee on Trump's draconian FY18 budget proposal for EPA.

There's no way that a 31% budget cut will not paralyze environmental protection and threaten public health.

So, when Pruitt tries to claim otherwise, here are some central points to keep in mind:

Budget cuts could cripple critical programs.

The Trump budget seeks a 30% cut to the extremely popular Brownfields program, which helps towns and cities redevelop former industrial sites. This would make it difficult to redevelop former industrial sites, according to Maine Democratic Rep. Chellie Pingree.

It also seeks a $129 million reduction to EPA's already under-resourced enforcement office, which is struggling to tackle drinking water violations as it is. For example, the EPA was only able to act on 11% of the 8,000 infractions reported in violation of the lead and copper rule.

Grants to states, which support air, water, and other core programs, would be sharply cut from about $3.8 billion to $2.9 billion.

Pruitt and public health.

Pruitt should answer how the EPA can carry out the basic requirements of safeguards in the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act, and the Toxics Substances Control Act if the agency loses 31% of its resources and more than 3,700 of its 15,300 people—while Trump also moves to roll back protections provided under those laws.

For perspective, it's worth looking at EPA's track record before the Trump era.

The EPA's critical accomplishments in 2016 included: 13,500 compliance inspections and evaluations; 1,308 enforcement actions under the Clean Water Act and Safe Drinking Water Act; 62 billion pounds of hazardous waste that enforcement actions required companies to address; and 190 million cubic yards of contaminated soil and groundwater cleanup commitments secured—enough to fill the Empire State building more than 138 times.

The effectiveness of Superfund cleanups is in jeopardy.

The Superfund initiative addresses abandoned industrial sites, city landfills, and military depots contaminated by hazardous substances and pollutants that have been linked to higher cancer risks and other diseases. Although Pruitt has said it is an important priority, his plan seems to be to be to make cleanups less expensive for the responsible parties and more risky to the communities living with toxic sites, discussed in my recent blog.

Trump's budget sharply reduces funding for the Superfund program, cutting $330 million from the roughly $1.1 billion Superfund initiative. With many sites with plans in place and waiting to be funded Pruitt should tell those communities how much longer they will have to wait to be free of the toxics in their community. In addition, he should explain why he's not pushed for the reinstatement of the Superfund tax.

Climate work would be rolled back by Pruitt.

Pruitt's antipathy toward the very concept of climate change is well documented, and this budget proposal would put the agency's head in the sand.

Nearly all of EPA's work related to climate, from basic research to voluntary partnership programs that facilitate greenhouse gas reporting and energy efficiency, would be eliminated in this budget. EPA's contribution to the Montreal Protocol Multilateral Fund, which helps the world combat HFC super pollutants, would also be eliminated.

Clean water is under threat from Trump.

Pruitt should answer whether he'll commit that Americans' drinking water safety won't get worse if he successfully repeals Clean Water Act protections.

Trump signed an executive order on February 28 setting in motion steps to eliminate Obama-era clean water protections for waterways from which 117 million Americans get their drinking water. More about these protections from pollution here.

Pruitt's "Back to Basics" agenda clashes with Trump's agenda to cut state funding.

Pruitt has promoted the idea that he will seek to turn power back to the states in his "Back to basics" agenda. But that's without any new funding.

Under Trump's EPA budget proposal state and tribal assistance grants would fall from $1.08 billion to $597 million, or 45%. These grants help states carry out federal requirements including toxic substance compliance, pesticides, enforcement and brownfield inspections. Some spending items have been

completely eliminated, such as beach protection, radon monitoring, and lead testing.

The budget also zeroes out funding for almost a dozen state-level programs to research and protect watershed ecosystems such as the Chesapeake Bay, the Great Lakes, the Gulf of Mexico, Lake Champlain, Lake Pontchartrain and Puget Sound.

Pruitt's "Back to Basics" promotes fossil fuels over public health.

With a coal mine as a backdrop, Pruitt announced his "back to basics," agenda, saying it would refocus the agency on a core mission of cleaning up contaminated waste sites through the Superfund program and providing safe drinking water.

But former EPA administrators, including two Republicans, contend the EPA's mission has always been much broader.

Christine Todd Whitman, George W. Bush's first EPA administrator told Politico: "Superfund is not the only issue for human health. Water pollution is a huge issue and very important and you need to work on it, but it's not the only issue. Air is an issue too. Even if you don't want to believe in climate change, you've got to believe that carbon and mercury are not good for you."

Moves by Trump and Pruitt will lead to more air pollution.

If Pruitt succeeds in changing or delaying the water pollution standards for power plants that EPA adopted in 2015, it sets the stage for more emissions of arsenic, mercury, lead, and other toxins. That could affect the incidences of cancer or loss of IQ in exposed people.

The Trump budget could upend an American success story launched by a Republican president 45 years ago.

After all, The EPA averts tens of thousands of premature deaths and hundreds of thousands of asthma attacks, bronchitis cases and other illnesses—every year. It's made our waters safer for fishing, swimming, and drinking. It has cut air pollution that makes us sick and contributes to climate change by 70 percent—while our economy has more than tripled in size, proving environmental protection and

economic growth go hand in hand—in red, purple and blue states alike.

ABOUT THE AUTHORS

SCOTT SLESINGER
Legislative Director

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Comment of Former Commissioners, Secretaries and Directors of State Environmental Agencies on HR 3354

November 22, 2017

Several months ago, we and other former colleagues signed a Statement expressing significant concerns with the President's proposed FY'18 Budget for the Environmental Protection Agency (EPA). The President's Budget would have reduced EPA's funding by 31 percent, and state grant funding by almost 45 percent (See Attachment). In mid-September, the U.S. House of Representatives approved HR 3354, which maintains current funding levels for state grant programs, but reduces EPA's budget by $650 million, including a 27 percent cut to EPA's core environmental programs and a 16 percent cut to its science and technology programs. In the next few weeks, the U.S. Senate may take up the EPA Budget. With this in mind, we thought an update to our Statement was necessary to offer comment on HR 3354. In that regard, we applaud the House for rejecting cuts to existing state health and environmental protection efforts but express concern with the proposed reductions to the underlying media (air, water, land), and science and technology support programs. Our experience informs us that underfunding these core programs will have adverse impacts on the states' ability to protect human health and the environment, and result in an imbalanced federal/state partnership on environmental matters.

As noted in the attached Statement, federal environmental laws are based on the principle of cooperative federalism, with Congress anticipating defined roles under the laws for both the EPA and the states. In broad terms, the states receive funding to administer the laws on a day-to-day basis while EPA is charged with setting minimum, nationwide protection standards and monitoring state performance. To maintain a balanced federal/state partnership requires sufficient funding for both the EPA and the states. Providing insufficient funding to either EPA or the states can compromise the overall effectiveness of the federal environmental safety net.

Through its core environmental programs, EPA supplements state budget and technical capacities by providing assistance to the states in myriad fundamental and essential ways. This help includes EPA program oversight to guarantee that states apply national pollution standards fairly and consistently, ensuring a level playing field for all states with no one state gaining an economic advantage over another. EPA also serves as a regulatory backstop to achieving compliance where a state lacks the capacity to respond to complex multi-state and multi-facility pollution problems. In addition, the states depend on EPA's resources and capabilities in responding to extreme weather events and catastrophes. The states furthermore rely on EPA's ability to provide scientific and technical assistance and guidance on emission and discharge standards, testing and monitoring methods, emission control and remediation systems, and pollution prevention and best management practices.

These are just a few examples of how the public benefits from a balanced EPA/state environmental partnership. In the next few weeks, the U.S. Senate will consider FY'18 funding for the EPA. In

passing HR 3354 the House appropriately rejected the President's proposed EPA budget and maintained level grant funding for the states. However, as former state environmental officials, we have concerns with HR 3354. First, as discussed above, we are concerned with the proposed cuts to EPA's base operating programs and the associated negative impacts to state environmental protection efforts. Second, EPA's intended rebalancing of the federal/state partnership will result in the states assuming greater regulatory responsibilities. If the states are expected to do more, then more resources must be directed to the states. With this in mind, we urge the Senate to restore funding for the EPA core public health and environmental programs, and provide full funding to cover existing and anticipated state program responsibilities.

The opinions contained in this Comment are personal opinions of the signatories.

Steve Chester, Director
Michigan Department of Environmental Quality (2003-2010)

Mike Linder, Director
Nebraska Department of Environmental Quality (1999-2013)

Matt Frank, Secretary
Wisconsin Department of Natural Resources (2007-2010)

Tom Looby
Director, Office of Environment
Colorado Department of Public Health and Environment (1987-1997)

Bruce Anderson, Director
Hawaii Department of Health (1999-2002)
Deputy Director for Environmental Health, Hawaii Department of Health (1987-1998)

Daniel C. Esty, Commissioner
Connecticut Department of Energy and Environmental Protection (2011-2014)

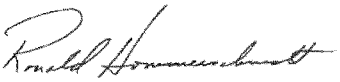
Gary Gill
Deputy Director for Environmental Health, Hawaii Department of Health (1998–2002, 2011–2015)

Laurence Lau
Deputy Director for Environmental Health,
Hawaii Department of Health (2003-2010)

Toni Hardesty, Director
Idaho Department of Environmental
Quality (2004-2012)

Mary Gade, Director
Illinois Environmental Protection
Agency (1991-1999)

Wayne Gieselman, Division Administrator
Iowa Department of Natural
Resources (2002-2011)



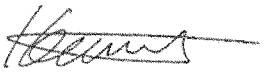
Ronald F. Hammerschmidt, Ph.D.
Director, Division of Environment
Kansas Department of Health and
Environment (1995-2008)

Kai Midboe, Secretary
Louisiana Department of Environmental
Quality (1992-1994)

J. Charles Fox, Secretary
Maryland Department of Natural Resources
(2001-2003)
Assistant Secretary, Maryland Department
of the Environment (1995-1997)

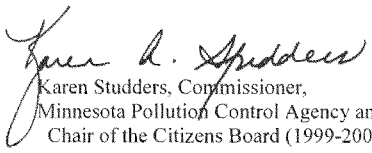
Shari Wilson, Secretary
Maryland Department of Environment
(2007-2010)

Robert W. Golledge, Jr.
Secretary, Massachusetts Executive Office
of Environmental Affairs (2006-2007)
Commissioner, Massachusetts Department
of Environmental Protection (2003-2006)

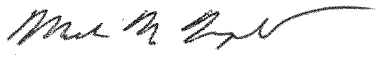


Ken Kimmell, Commissioner
Massachusetts Department of
Environmental Protection (2011-2014)

David Cash, Commissioner
Massachusetts Department of
Environmental Protection (2014-2015)
Commissioner, Massachusetts Department
of Public Utilities (2011-2014)



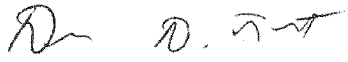
Karen Studders, Commissioner,
Minnesota Pollution Control Agency and
Chair of the Citizens Board (1999-2003)



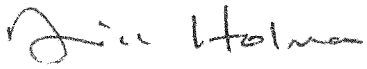
Mark Templeton, Director
Missouri Department of Natural
Resources (2009-2010)

Richard Opper, Director
Montana Department of Environmental
Quality (2005-2012)

Bradley Campbell, Commissioner
New Jersey Department of Environmental
Protection (2002-2006)



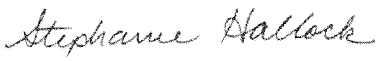
Denise Fort, Director
New Mexico Environmental Improvement
Division (1984-1986)



Bill Holman, Secretary
North Carolina Department of Environment
and Natural Resources (1999-2001)

William Ross, Secretary, North Carolina
Department of Environment and Natural
Resources (2001-2009)
Interim Secretary, North Carolina
Department of Environmental Quality
(January 3-17, 2017)

Dee Freeman, Secretary
North Carolina Department of Environment
and Natural Resources (2009–2013)

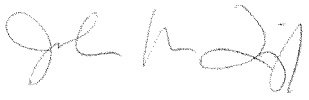


Stephanie Hallock, Director
Oregon Department of Environmental
Quality (2000-2007)

Dick Pedersen, Director
Oregon Department of Environmental
Quality (2008-2016)

James Seif, Secretary
Pennsylvania Department of Environmental
Protection (1995-2001)

John Hanger, Secretary
Pennsylvania Department of Environmental Protection (2008-2011)



John Quigley, Secretary
Pennsylvania Department of Environmental Protection (2015-2016)

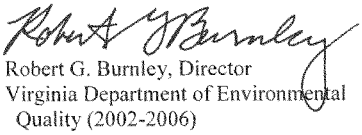
Paul Sloan, Deputy Commissioner and Director of the Bureau of Environment
Tennessee Department of Environmental Conservation (2005-2011)

Scott Johnstone, Secretary
Vermont Agency of Natural Resources (2000-2003)

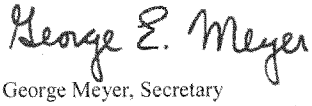
Chris Recchia, Deputy Secretary
Vermont Agency of Natural Resources (2011-2012)
Commissioner, Vermont Department of Environmental Conservation (1997-2003)

Deborah Markowitz, Secretary
Vermont Agency of Natural Resources (2011-2017)

Trey Martin, Assistant Secretary
Vermont Agency of Natural Resources (2015-2016)



Robert G. Burnley, Director
Virginia Department of Environmental Quality (2002-2006)



George Meyer, Secretary
Wisconsin Department of Natural Resources (1993-2001)

Scott Hassett, Secretary
Wisconsin Department of Natural Resources (2003-2007)

ATTACHMENT

Prior Statement by Former Commissioners, Secretaries and Directors
Dated May 24, 2017 (with additions June 5, 2017 and June 30, 2017)

Statement by Former Commissioners, Secretaries and Directors of State Environmental Agencies on the President's Proposed FY'18 Budget for EPA

May 24, 2017

We are former Commissioners, Secretaries and Directors of state environmental protection agencies. We have worked for both Republican and Democratic Governors. We've come together to express our profound concern with the President's proposed Fiscal Year 2018 Budget for the U.S. Environmental Protection Agency (EPA). The White House Budget would reduce the EPA's funding by 31 percent and cut state grant funding by almost 45 percent. The proposal includes cutting EPA staff by 3200, and would result in similar harsh employee reductions for states. These cuts go too far, and will imperil EPA and state efforts to protect human health and the environment.

Federal environmental laws are based on the principle of cooperative federalism with both the EPA and the states having defined roles and responsibilities. In broad terms, the EPA is responsible for setting minimum, nationwide protection standards, conducting oversight of state agency activities in meeting these standards, and addressing matters that are uniquely national in scope and significance. The states are delegated the responsibility to operate the vast majority of federal environmental programs, to prepare plans and write rules to meet program requirements, and to issue pollution control permits to businesses and other regulated operations within their jurisdictions. To operate the federal environmental programs, the states are provided federal funds referred to as state "Categorical Grants." These grants, on average, make up about 27 to 30 percent of state environmental agency budgets.

The President's proposed Budget would reduce state funding support to historically low levels. This would occur at the very same time that the Administration is looking to the states to assume greater responsibilities under the nation's environmental laws. Yet, it is difficult to imagine how requiring the states to do more with substantially fewer dollars will achieve this goal. In fact, if the President's Budget is approved, the following negative outcomes, among others, can be expected:

- lacking funds to meet payroll, many states may have little choice but to lay off significant numbers of staff;
- businesses will experience lengthy delays in obtaining permits, necessary approvals and regulatory interpretations required for jobs growth and economic development;
- voluntary cleanup efforts and redevelopment of contaminated properties will languish without necessary federal and state staff time to review cleanup plans, at the very time communities are striving to revitalize their economies;
- state environmental agencies may discontinue operating certain environmental programs and return them to the EPA to administer;

- a disruption in the continuity of federal and state environmental programs will lead to uncertainty which is detrimental to sound business planning;
- states will not have the resources to timely respond to public complaints and emergencies, and public health will be compromised;
- states will lack the capacity to maintain air and water monitoring networks and data bases relied on by both the public and the business community; and
- third party litigation will increase as advocacy groups lose confidence in federal and state actions to protect the environment.

As former state public officials, each one of us has had our differences and frustrations with the EPA. Despite our disagreements, however, we believe a balanced partnership between the EPA and state environmental agencies best serves the public's interest. The national organization of state environmental agencies, the Environmental Council of States, continually strives to achieve a balanced federal-state relationship. The President's Budget makes that balance unattainable. Both the EPA and the states have legitimate roles and responsibilities under the environmental laws of our nation. Congress has long recognized that the states are best situated to operate most federal environmental programs, while the EPA is best suited to monitoring state performance and assuring national pollution standards are applied fairly and consistently by all states with no one state gaining an economic advantage over another.

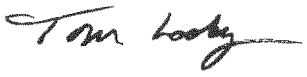
In the following months, Congress will debate next year's funding for the EPA and, by extension, the states. We urge Congress to reject the severe and unprecedented cuts included in the President's FY' 18 EPA Budget. If adopted by Congress, these cuts will undermine the ability of the EPA and the states to protect human health and the environment and will hamper business planning. We ask Congress to avoid this outcome and provide the EPA and the states with the funding essential to ensuring all Americans have access to and the enjoyment of clean air, clean water and clean land. The opinions contained in this Statement are personal opinions of the authors.

Steve Chester, Director
Michigan Department of Environmental Quality (2003-2010)

Matt Frank, Secretary
Wisconsin Department of Natural Resources (2007-2010)

Mike Linder, Director
Nebraska Department of Environmental Quality (1999-2013)

Teresa Marks, Director
Arkansas Department of Environmental Quality (2007-2014)



Tom Looby
Director, Office of Environment
Colorado Department of Public Health and Environment (1987-1997)

Mary Gade, Director
Illinois Environmental Protection Agency (1991-1999)

Lori Kaplan, Commissioner
Indiana Department of Environmental Management (1999-2005)

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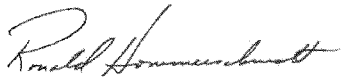
Iowa Department of Natural Resources (2002-2011)



Ronald F. Hammerschmidt, Ph.D.
Director, Division of Environment
Kansas Department of Health and Environment (1995-2008)

Mark Templeton, Director
Missouri Department of Natural Resources (2009-2010)

Leanne Tippett Mosby
Director, Division of Environmental Quality (2009-2011, 2012-2016)
Deputy Director, Operations (2011-2012)
Missouri Department of Natural Resources

Richard Opper, Director
Montana Department of Environmental Quality (2005-2012)

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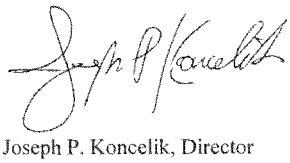
Interim Secretary, North Carolina Department of Environmental Quality (January 3-17, 2017)



Joseph P. Koncelik, Director
Ohio Environmental Protection Agency (2005-2006)

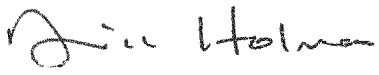
John Hanger, Secretary
Pennsylvania Department of Environmental Protection (2008-2011)

Robert King, Jr.
Deputy Director for Environment
South Carolina Department of Health and
Environmental Control (2004-2012)

Paul Sloan, Deputy Commissioner and
Director of the Bureau of Environment
Tennessee Department of
Environmental Conservation (2005-2011)

Additional Signatories
June 5, 2017

Daniel C. Esty, Commissioner
Connecticut Department of Energy and
Environmental Protection (2011-2014)



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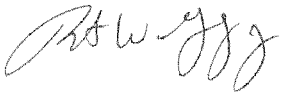
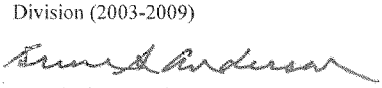


Robert W. Golledge, Jr.
Secretary, Massachusetts Executive Office
of Environmental Affairs (2006-2007)
Commissioner, Massachusetts Department
of Environmental Protection (2003-2006)

Additional Signatories
June 30, 2017

Carol Couch, Director
Georgia Environmental Protection Division (2003-2009)



Bruce Anderson, Director
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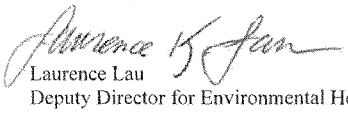
Deputy Director for Environmental Health, Hawaii Department of Health (1987-1998)

Gary Gill
Deputy Director for Environmental Health, Hawaii Department of Health (1998–2002, 2011–2015)



Laurence Lau
Deputy Director for Environmental Health, Hawaii Department of Health (2003-2010)

Kai Midboe, Secretary
Louisiana Department of Environmental Quality (1992-1994)

J. Charles Fox, Secretary
Maryland Department of Natural Resources (2001-2003)
Assistant Secretary, Maryland Department of the Environment (1995-1997)

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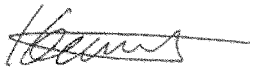
Massachusetts Department of Environmental Protection (2014-2015)



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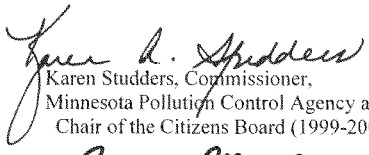
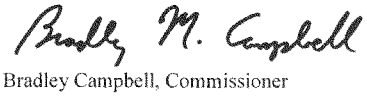
Massachusetts Department of Environmental Protection (2011-2014)



Karen Studders, Commissioner,
Minnesota Pollution Control Agency and Chair of the Citizens Board (1999-2003)[1]



Bradley Campbell, Commissioner
New Jersey Department of Environmental Protection (2002-2006)

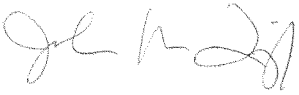
Dee Freeman, Secretary
North Carolina Department of Environment and Natural Resources (2009–2013)

Stephanie Hallock, Director
Oregon Department of Environmental Quality (2000-2007)

Denise Fort, Director
New Mexico Environmental Improvement Division (1984-1986)

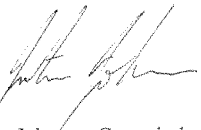
[1] Governor was an Independent.

David Hess, Secretary
Pennsylvania Department of Environmental Protection (2001-2003)



John Quigley, Secretary
Pennsylvania Department of Environmental Protection (2015-2016)

James Seif, Secretary
Pennsylvania Department of Environmental Protection (1995-2001)

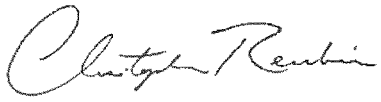


Justin Johnson, Commissioner/Deputy Commissioner, Vermont Department of Environmental Conservation (2006-2013)
Deputy Secretary, Vermont Agency of Natural Resources (2013-2014)

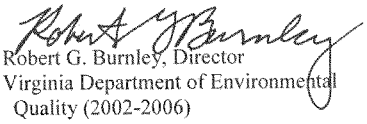
Scott Johnstone, Secretary
Vermont Agency of Natural Resources (2000-2003)

Deborah Markowitz, Secretary
Vermont Agency of Natural Resources (2011-2017)

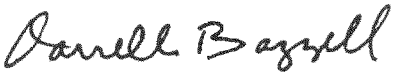
Trey Martin, Assistant Secretary
Vermont Agency of Natural Resources (2015-2016)



Chris Recchia, Deputy Secretary
Vermont Agency of Natural Resources (2011-2012)
Commissioner, Vermont Department of Environmental Conservation (1997-2003)

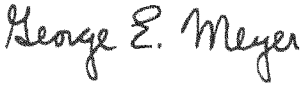


Robert G. Burnley, Director
Virginia Department of Environmental Quality (2002-2006)



Darrell Bazzell, Secretary
Wisconsin Department of Natural Resources (2001-2003)

Scott Hassett, Secretary
Wisconsin Department of Natural Resources (2003-2007)



George Meyer, Secretary
Wisconsin Department of Natural Resources (1993-2001)

Politics

Some GOP Lawmakers Push Back Against EPA Cuts

Decimating environmental agency could hurt — even in Trump country

President Donald Trump's recent budget blueprint proposes eliminating roughly 3,200 positions at the EPA along with 50 programs. (Justin Sullivan/Getty Images file photo)

Stephanie Akin
@stephanieakin

Posted Apr 4, 2017 5:04 AM

As President Donald Trump introduces a series of budget cuts and regulatory rollbacks that would cripple the Environmental Protection Agency, he faces one unpredictable obstacle: resistance from fellow Republicans.

A small but vocal number of GOP lawmakers have rallied in support of popular programs in their districts, including clean water programs in the Great Lakes and the Chesapeake Bay, that are among the biggest losers in the budget Trump proposed to Congress last month.

"I'm not one who says, 'Get rid of the EPA, abolish the EPA,'" said Scott Taylor, a Virginia House freshman who has called for level funding for the Chesapeake Bay Program — a stance that could carry extra weight because he serves on the Appropriations Committee. "I believe you have to have someone

who is administering reasonable, responsible regulations to protect our environment."

Such statements stand in stark contrast to Trump's campaign promise to "get rid of" the EPA by slashing staff, closing regional offices and rolling back environmental regulations — an idea that many Republicans have peddled for years.

They offer one example of a slew of disagreements within the GOP over the core principles represented by the Trump spending plans for fiscal years 2017 and 2018, which propose deep cuts to popular domestic programs in order to pay for increases in the defense budget. At the EPA, roughly 3,200 positions would be eliminated — about a fifth of the agency's work force — along with 50 programs. Congressional appropriators from both parties have panned Trump's request, pointing out that they — not the president — are the ones who determine the final budget. But environmental advocates are nonetheless concerned that with so many cuts proposed, some will almost certainly stick.

"I can't imagine that Congress is going to go along with these cuts," said Bill Becker, executive director of the National Association of Clean Air Agencies. He pointed out that the conservative argument that environmental regulations should be left to the states is also belied by a March request from the administration that called for a 30 percent cut to state grants. "My fear is that the administration has just thrown slop at the wall and some of it will remain," Becker said.

Moderate GOP members or those with environmental problems in their home districts have so far been the most vocal opponents of Trump's proposed EPA cuts. But Adrian Gray, a right-leaning political consultant who worked for the George W. Bush administration and the Republican National Committee, said many more could have reason to be concerned.

His research shows that, across the country, GOP voters care about environmental issues. That's one reason major environmental actions such as the creation of the EPA and the Clean Air Act of 1970 happened under Richard Nixon, a Republican president, he said.

Many Republicans are also strongly opposed to cuts to environmental programs — including in regions considered "Trump country," Gray said.

"If they're distributed across enough districts to make it matter, that's the big question," he said. "That's the math we're trying to work on now."

A survey Gray conducted in late March in regions that Trump carried last fall showed that 70 percent of voters said climate change is a "very" or "somewhat" serious problem.

Of the 58 percent of voters who had heard of Trump's efforts to reduce environmental regulations, 51

percent said it had lowered their opinion of the administration. And while 26 percent said they wanted a rollback on protections that have "become a burden on manufacturing jobs," 66 percent said they wanted "environmental protections" to remain in place.

Typically, voters don't base their decisions at the ballot box on environmental issues, Gray said. But if a piece of legislation puts the topic in the national spotlight or if there is an environmental catastrophe — such as an oil spill or a destructive storm — that could change quickly, he said.

"Then it's a whole new ballgame for Republicans, and they're probably looking at some real costs, not just to a couple of members who have a thorn in their side — some real political costs," Gray said.

For now, members in coastal regions, areas where the economy is tied to the outdoors, or regions with a large block of evangelical voters who believe it's "their duty to protect God's earth," are bound to suffer the most if voters feel their party has abandoned the environment, Gray said.

Ready to pounce

But environmental advocates, sensing a potential line of attack, are ready to pounce on anyone who stays silent on the cuts.

"Our allies, who have stood up against efforts to roll back the EPA, are invigorated for this fight because they recognize that it's a huge overreach to go after the people who are keeping our air clean and our water safe," said Jeremy Symons, an associate vice president at the Environmental Defense Fund. "Anyone who supports this budget will be vulnerable to attacks that this budget puts polluters ahead of children's health."

So it's no wonder that, as news circulated about Trump's budget proposal, the bipartisan Climate Solutions Caucus added a handful of new GOP members — expanding to 34 members, half of whom are Republican, according to the group's charter. Five Republicans joined 12 Democrats to sign a letter to Trump stating their support for a program devoted to cleaning up the Chesapeake Bay. And seven Republicans were among 20 signatories of a similar letter about the Great Lakes.

Some GOP Lawmakers Push Back Against EPA Cuts

Ohio Rep. Marcy Kaptur is among a bipartisan group of lawmakers fighting the Trump administration's proposal to cut federal funding for Great Lakes restoratio

The latter two programs are slated to be eliminated under Trump's budget proposal, but they have received such an outpouring of bipartisan support that advocates believe they will be spared.

"If you are from this region, you are connected to the Chesapeake Bay, and there's a very strong appreciation for the value that the Chesapeake Bay brings to the area," said Kim Coble, a vice president at the Chesapeake Bay Foundation. "The tricky part is, there are so many cuts, and so many budget items that have been zeroed out that Congress will have a tough time prioritizing all the money and where it needs to go."

Among the most vocal opponents of the cuts is Republican Rep. Carlos Curbelo, the co-founder of the Climate Solutions Caucus, whose South Florida district is threatened by rising sea waters and includes the Everglades.

"I'm very confident an overwhelming majority of the Republicans are going to get on the record against these types of proposed cuts," he told Environment and Energy Publishing last month.

Republican Ryan A. Costello, whose Pennsylvania district was carried by Hillary Clinton last fall, issued a statement calling Trump's proposed environmental cuts "unacceptable."

Other members have been more selective about their criticism.

Rep. John Moolenaar was one of the signatories of the Great Lakes letter. The Michigan Republican has criticized the EPA for regulatory "overreach," and came out last week in support of Trump's executive order that would roll back President Barack Obama's efforts to curb global warming.

But when a group of Great Lakes advocates made an in-person appeal in his office recently, he expressed his support in no uncertain terms.

"I'm going to be an advocate for this," he told them.

His wife grew up on Lake Michigan, he said. He vacations there. And he said he knows how important tourism is to the region's economy.

A local issue?

Rep. Andy Harris, a Maryland Republican, decried the proposed cuts to the Chesapeake Bay Program but stressed he has voted for cuts to the EPA's budget every year he's been on the Appropriations Committee.

He said he believes the EPA serves a valuable role on issues that affect multiple regions, but that authority over local issues is best left to state and local governments.

"Environmental issues are important to every American," he said. "Everyone loves clean water, clean air. What we are debating is whether or not the function, the role of the EPA is one that could be best done by the states."

Lee Zeldin, a two-term GOP congressman from Long Island, has a history of voting against environmental issues, according to rankings published by The League of Environmental Voters. But he is pushing back against Trump's proposal to defund a clean water program in the Long Island Sound. He wants the budget increased.

"There are millions of people who live all around the Long Island Sound, putting aside the countless number of wildlife impacted by the quality of the water," he said.

Such arguments correspond with the traditional Republican viewpoint that the environment is generally a local issue — compared to Democrats, who see it as a global one, said Gray, the political consultant.

But that standpoint irks environmental advocates, who call it hypocritical.

Judith Enck, an Obama appointee who served as the regional administration for the EPA's Region 2,

which includes New York and New Jersey, recalled a conversation with a Republican congressman who told her how much he appreciated a program that removed PCBs from schools in his district, but vowed to "continue to blast the agency publicly." When she asked why, he shrugged and said, "That's in the talking points."

"It's disturbing, and consistent with what I experienced for seven years," said Enck, who is now a visiting scholar at the Pace University law school. "You have mostly Republicans who take public potshots at the agency, but when it comes to their district, they want us to do more."

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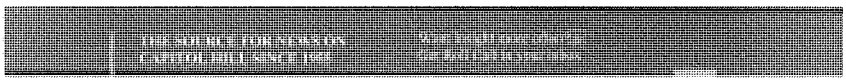
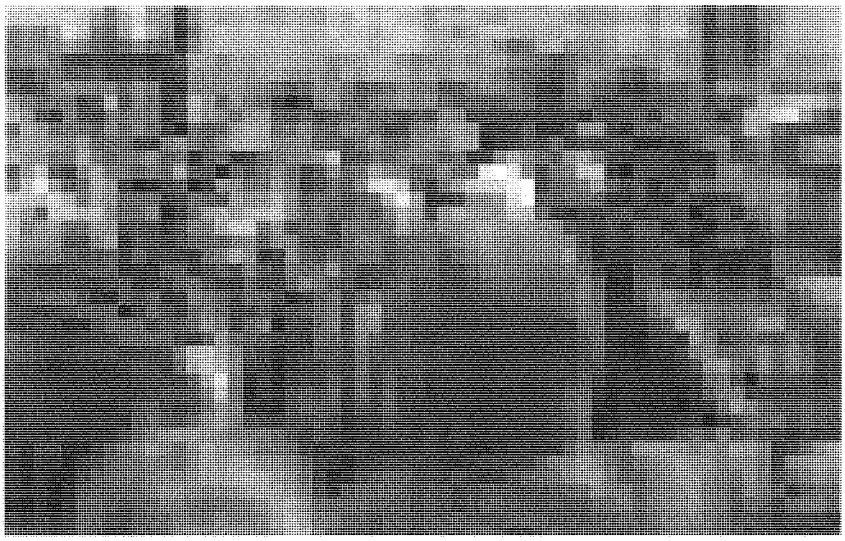


The Washington Post

Health & Science

Trump's budget takes a sledgehammer to the EPA



Union members and environmental groups rally outside the Environmental Protection Agency on March 15 to protect jobs at the agency, whose budget would be cut by nearly one-third under President Trump's proposed budget. (Ricky Carioti/The Washington Post)

By Brady Dennis and Juliet Eilperin March 16, 2017

The Trump administration plans to take a sledgehammer to the Environmental Protection Agency.

Thursday's proposal by the White House would slash the EPA's budget by 31 percent — nearly one third — from its current level of $8.1 billion to $5.7 billion. It would cut 3,200 positions, or more than 20 percent of the agency's current workforce of about 15,000.

"You can't drain the swamp and leave all the people in it. So, I guess the first place that comes to mind will be the Environmental Protection Agency," Mick Mulvaney, director of the White House Office of Management and Budget, told reporters. "The president wants a smaller EPA. He thinks they overreach, and the budget reflects that."

The proposed budget, if enacted, would discontinue funding for the Clean Power Plan — the signature Obama administration effort to combat climate change by regulating carbon dioxide emissions from power plants. It would sharply reduce money for the Superfund program and cut the budget for the EPA's prominent Office of Research and Development roughly in half, to $250 million.

It also would eliminate "more than 50 EPA programs." Among them: the Energy Star program, which aims to improve energy efficiency and save consumers money; infrastructure assistance to Alaska Native villages and the Mexico border; a grant program that helps cities and states combat air pollution; and an office that focuses on environmental justice issues.

Funding for the massive Chesapeake Bay cleanup project, which receives $73 million each year, would be cut to zero. Similar cleanup programs in

the Great Lakes — a massive undertaking championed by President Barack Obama and his first chief of staff, Rahm Emanuel — and elsewhere in the country would suffer the same fate, returning "responsibility for funding local environmental efforts and programs to state and local entities, allowing the EPA to focus on its highest national priorities," according to the White House.

[How Senator Inhofe is steering environmental policy under Donald Trump]

The budget proposal would maintain funding for "high priority" infrastructure investments such as grants and low-cost financing to states and municipalities for drinking water and wastewater projects.

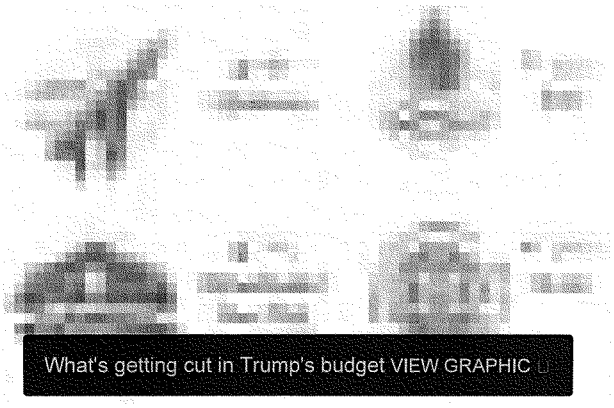
But collectively, the White House wish list would undoubtedly hobble the EPA, leaving the work of safeguarding the nation's water and air primarily up to local officials. Such drastic cuts might not be surprising from President Trump, who as a candidate vowed to get rid of the EPA "in almost every form," leaving only "little tidbits" intact. The agency's new leader, former Oklahoma attorney general Scott Pruitt, has been a key critic of the Obama administration's efforts to fight climate change and reduce fossil-fuel-related pollution.

But the proposed cuts raise questions about what would happen in key areas such as enforcement targeting environmental crimes, an area in which the EPA has often stepped in when states are unable or unwilling to prosecute polluters.

Cynthia Giles, who headed the EPA's Office of Enforcement and Compliance Assurance during the Obama administration, said in an email that enforcement staff at the agency has already been reduced 20 percent over the past eight years, bringing it to its lowest level since

the enforcement office was created in 1995.

[How to contact reporters covering federal agencies for The Washington Post]



What's getting cut in Trump's budget

"[More cuts] won't just drastically reduce EPA enforcement, it will bring it to a halt," she said. "Not only will the staff be a shadow of its former self, the inspectors, lawyers and criminal agents who would be left would be unable to do their jobs, because these cuts would zero out the already small amount of funds used to do inspections, monitor pollution and file cases."

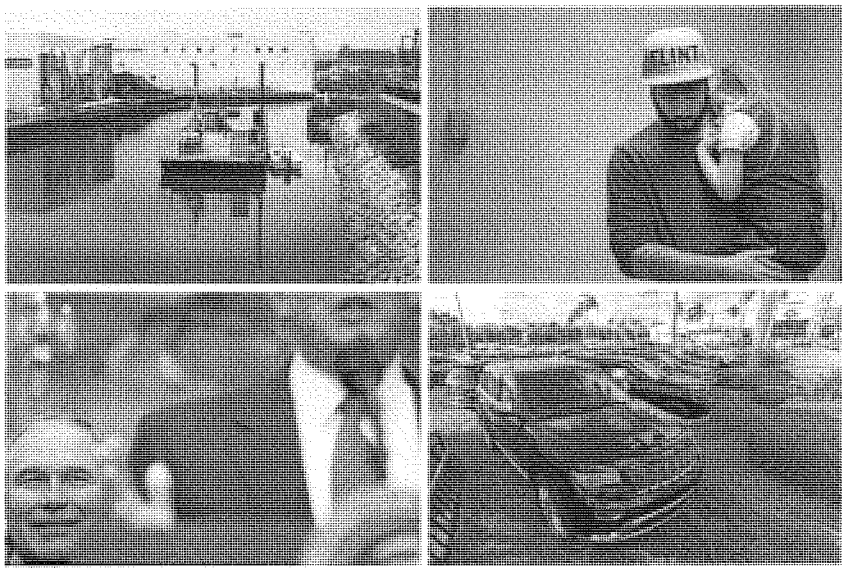
John O'Grady, a career EPA employee who heads a national council of EPA unions, said the agency "is already on a starvation diet, with a bare-bones budget and staffing level" similar to what it had decades ago.

"The administration's proposed budget," he said, "will be akin to taking away the agency's bread and water."

CLIMATE

What's at Stake in Trump's Proposed E.P.A. Cuts

By HIROKO TABUCHI APRIL 10, 2017



President Trump's proposed cuts to the E.P.A. include, clockwise from top left, reductions to the Superfund program, which is cleaning the Gowanus Canal in Brooklyn; the monitoring of public water systems like the one in Flint, Mich.; and cuts to vehicle tests and certifications, which would affect automakers like Fiat/Chrysler. The proposal calls for added security for Scott Pruitt, the agency's new administrator, bottom left.

Clockwise from top left: Spencer Platt/Getty Images; Brett Carlsen/Getty Images; Alan Diaz/Associated Press; Andrew Harnik/Associated Press

What is at stake as Congress considers the E.P.A. budget? Far more than climate change.

The Trump administration's proposed cuts to the Environmental Protection Agency budget are deep and wide-ranging. It seeks to shrink spending by 31 percent, to $5.7 billion from $8.1 billion, and to eliminate a quarter of the agency's 15,000 jobs.

The cuts are so deep that even Republican lawmakers are expected to push back. Senator Lisa Murkowski of Alaska, the chairwoman of the Interior and Environment Subcommittee of the Senate Appropriations Committee, pointedly reminded Mr. Trump last month that his budget request was just "the first step in a long process."

Here are some proposed cuts that are likely to face resistance when the budget reaches Congress.

Tap water

Flint, Mich., is still reeling from its tainted water crisis, and unsafe levels of lead have turned up in tap water in city after city. Still, the E.P.A. is looking to decrease grants that help states monitor public water systems by almost a third, to $71 million from $102 million, according to an internal agency memo first obtained by The Washington Post.

The Public Water System Supervision Grant Program has been critical in making sure communities have access to safe drinking water. In Texas, for example, state-contracted workers collect drinking water samples across the state, an effort funded in part by federal grants.

Much of the risk to the country's water supply stems from its crumbling puhlic water infrastructure: a network of pipes, treatment plants and other facilities built decades ago. Although Congress banned lead pipes in 1986, between 3.3 million and 10 million older ones remain, primed to leach lead into tap water.

Criminal and civil enforcement

Sharp cuts in the agency's enforcement programs could curtail its ability to police environmental offenders and impose penalties. The budget proposal reduces spending on civil and criminal enforcement by almost 60 percent, to $4 million from a combined $10 million. It also eliminates 200 jobs.

Just last week, the agency fined Sunoco Pipeline, a subsidiary of the operator behind the Dakota Access pipeline, nearly $1 million over a 2012 spill. The spill sent 1,950 barrels of gasoline into two waterways near Wellington, Ohio, forcing the evacuation of 70 people.

One enforcement activity that could be set for an increase: security for Scott Pruitt, the new E.P.A. administrator. The agency has asked for 10 additional full-time staff members for a round-the-clock security detail — a first for an E.P.A. chief, who usually has only door-to-door protection — and more than doubling the agency's infrastructure and operations staff.

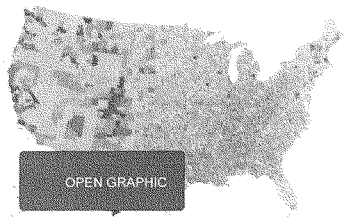
Geographic programs

The agency is taking an equal-opportunity approach to regional cleanup programs, proposing to virtually eliminate all of them: Chesapeake Bay, Gulf of Mexico, Lake Champlain, Long Island Sound, Puget Sound, San Francisco Bay, South Florida, the Great Lakes.

GRAPHIC

How Americans Think About Climate Change, in Six Maps

Americans overwhelmingly believe that global warming is happening, and that carbon emissions should be scaled back. But fewer are sure that it will harm them personally.



Together, those projects amount to a loss of more than $400 million in federal funding for the regions involved. The largest part of that goes to the Great Lakes restoration effort, which is helping revive wetland habitats, clean up toxic pollution, combat invasive species and prevent runoff from farms and cities.

The E.P.A.'s defunding of these projects could backfire. Much of the federal money has gone toward helping bring affected communities to the table to find solutions. Absent that route, communities could sue the E.P.A. for failing to act, ultimately running up the agency's legal bills and slowing remediation as cases wind their way through the courts.

Superfunds and brownfields

Superfund is as high-stakes as environmental programs get. It makes federal funds available for the cleanup of sites contaminated by hazardous substances and pollutants, like the now-defunct Wolff-Alport Chemical Company in Queens, in New York City, which was designated a Superfund site in 2014. The site is heavily contaminated with thorium, a radioactive metal with a half-life of 14 billion years that has been linked to a higher incidence of lung, pancreatic and bone cancer. Superfund money is helping clean up the thorium.

The Superfund program can actually save taxpayers money, because it lets the E.P.A. identify polluters and compel them to pay for the cleanup. But the proposed budget reduces its enforcement and remedial components by 45 percent, bringing it to $221 million from $404 million.

E.P.A. officials call Brownfields, a program that helps towns and cities redevelop former industrial sites, one of the agency's most popular programs. The E.P.A. website still lists its success stories: refashioning an old textile mill in Hickory, N.C., into a retail, dining and event space, and redeveloping former factory sites on the banks of Iowa's Cedar River into riverfront condominiums. Funding to states under the Brownfields program is set for a reduction of 30 percent, to $33 million from $48 million.

Endocrine disrupters

The exact science behind, and health consequences of, a class of chemicals called endocrine disrupters remains unsettled. With the proposed cuts to research at the E.P.A., it could stay that way.

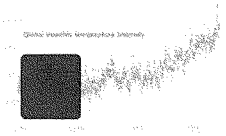
The budget eliminates a $6 million research and screening effort targeting the chemicals, which are found widely in pesticides, plastics, shampoos and

cosmetics, cash register receipts, food can linings and other products. The chemicals have been linked to breast cancer in women and hypospadias, a birth defect in boys.

Ending the program, which would result in the loss of nine jobs, would curtail the agency's ability to review medical data and work with environmental lawyers to fashion an agency response.

Climate protection

It is no surprise that the new E.P.A. is targeting climate change initiatives, given the Trump administration's hostility toward the science of global warming and a pro-business bent. But many of the programs that fall under the $70 million Climate Protection Program — which would be eliminated under the White House proposal — are industry favorites.



Graphic: How 2016 Became Earth's Hottest Year on Record

Take the Energy Star program for energy-efficient televisions, washers, dryers, lights and other consumer goods. Companies say Energy Star helps give their products a competitive edge, and also helps them sell overseas, where the standard has been adopted by the European Union, Japan, Australia and Canada, among major markets.

And the SmartWay program works with logistics companies to make their operations more climate friendly. SmartWay helps trucking companies fit their trucks with aerodynamic flaps and low-resistance tires, for example, that save fuel and reduce emissions.

Federal vehicle and fuels standards

It has been barely a year since Volkswagen agreed to pay as much as $14.7 billion to settle claims stemming from its diesel emissions cheating scandal, and the E.P.A. has accused a second automaker, Fiat Chrysler, of evading emissions standards. But the proposed budget cuts would all but eliminate

the $48.7 million federal budget for vehicle tests and certification.

The budget foresees getting automakers themselves to pay for testing through fees. But that takes time to set up, and any funding shortfall in the meantime would mean a significant paring back of the work at E.P.A.'s emissions testing labs.

Nonpoint source grants

The Trump administration has declared its intent to roll back business-killing regulations. But the second-biggest item eliminated from the proposed budget, after the Great Lakes Restoration project, exists precisely because federal regulations do not cover all pollutants.

The $165 million Nonpoint Source Grant program helps states deal with pollutants from sources that are not directly regulated under the Clean Water Act — like the phosphorus that flows into Lake Erie from fertilizer, which feeds algae and weeds that starve the water of oxygen, harming fish and other wildlife.

Among other remedies, the nonpoint source grants have been used to help states create "buffer strips" — areas of thick vegetation that help filter the contaminated runoff. The proposed budget would eliminate the grants.

Radiation protection and response preparedness

When the 2011 Fukushima nuclear crisis in Japan sent radioactive plumes across the Pacific, the E.P.A.'s RadNet system monitored the fallout on America's shores, deploying additional air monitors in Alaska and Hawaii and ordering accelerated samplings of rain, tap water and milk.

Over the next two months, laboratory analyses detected very low amounts of iodine and other radionuclides across the country. Levels remained far below the safety threshold, and the E.P.A. determined that no action was needed. But in the case of another nuclear accident, RadNet could help officials make science-based decisions on how to protect the public.

The proposed budget would defund the agency's $3.3 million Radiation

Protection program and eliminate 60 jobs. It would also remove four jobs from the Radiation Response Preparedness program; despite those job cuts, funding for that modest program would increase by $177,000, to just over $500,0000, to be used for "essential preparedness work only."

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A version of this article appears in print on April 11, 2017, on Page A17 of the New York edition with the headline: What's at Stake in the Cuts Proposed for the E.P.A. Order Reprints | Today's Paper | Subscribe

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EPA inspector general to investigate agency chief's travels to Oklahoma

Valerie Volcovici, Emily Flitter

3 MIN READ

WASHINGTON/NEW YORK (Reuters) - The frequent travels of the head of the U.S. Environmental Protection Agency, Scott Pruitt, to Oklahoma will be investigated following congressional requests, the agency's Office of Inspector General said on Monday.

Pruitt's many travels to his home state have fueled speculation that he intends to run for the U.S. Senate from Oklahoma.

"Administrator Pruitt is traveling the country to hear directly from the people impacted by EPA's regulations outside of the Washington bubble," said Amy Graham, an EPA spokeswoman. "This is nothing more than a distraction from the Administrator's significant environmental accomplishments."

The Office of Inspector General said it would look into the "frequency, cost and extent" of Pruitt's travels to Oklahoma through July 31, and whether travel policies and procedures were followed.

It said the investigation will also aim to determine "whether EPA policies and procedures are sufficiently designed to prevent fraud, waste and abuse with the Administrator's travel that included trips to Oklahoma."

Pruitt was in Oklahoma on at least 43 of the 92 days of March, April and May, according to copies

of his travel records obtained by the Environmental Integrity Project watchdog group and reviewed by Reuters last month.

The travel records show Pruitt's schedule this spring often took him to cities in the U.S. heartland where he held meetings, often with oil and gas industry representatives, made speeches and attended events before flying to Tulsa for extended weekends. The records showed Pruitt paid for some legs of the trips directly related to his visits home, although it was not clear he paid for all such legs.

Pruitt has riled environmentalists by raising doubts about climate change and by vowing to sweep away scores of Obama-era regulations to help business.

"Pruitt seems to be using these visits to launch his political career," said Melinda Pierce, legislative director for the Sierra Club, an environmental group that has been deeply critical of Pruitt. "Perhaps he should use polluter money to fund these trips if he's going to continue doing their bidding."

Before becoming head of the EPA under Republican President Donald Trump in February, he was Oklahoma's attorney general and repeatedly sued the agency he now runs to block federal environmental rules.

Reporting by Valerie Volcovici in Washington and Emily Flitter in New York; Writing by Mohammad Zargham; Editing by Phil Berlowitz

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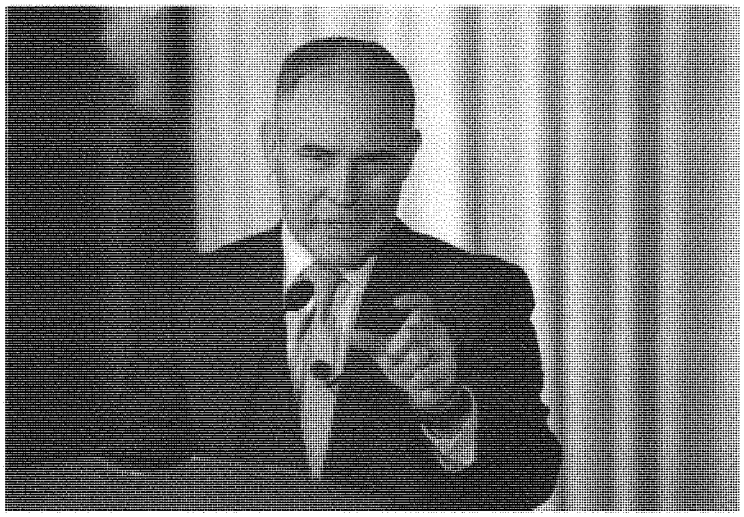
Energy and Environment

EPA spending almost $25,000 to install a secure phone booth for Scott Pruitt

By Brady Dennis [illegible]



Environmental Protection Agency Administrator Scott Pruitt will have a soundproof communication booth. (Susan Walsh/AP)

The Environmental Protection Agency is spending nearly $25,000 to construct a secure, soundproof communications booth in the office of Administrator Scott Pruitt, according to government contracting records.

The agency signed a $24,570 contract earlier this summer with Acoustical Solutions, a Richmond-based company, for a "privacy booth for the

administrator." The company sells and installs an array of sound-dampening and privacy products, from ceiling baffles to full-scale enclosures like the one purchased by the EPA. The project's scheduled completion date is Oct. 9, according to the contract.

Typically, such soundproof booths are used to conduct hearing tests. But the EPA sought a customized version — one that eventually would cost several times more than a typical model — that Pruitt can use to communicate privately.

"They had a lot of modifications," said Steve Snider, an acoustic sales consultant with the company, who worked with the agency on its order earlier this summer. "Their main goal was they wanted essentially a secure phone booth that couldn't be breached from a data point of view or from someone standing outside eavesdropping."

[EPA chief Pruitt met with many corporate execs. Then he made decisions in their favor.]

No previous EPA administrators had such a setup.

"What you are referring to is a secured communication area in the administrator's office so secured calls can be received and made," EPA spokeswoman Liz Bowman said in a statement. "Federal agencies need to have one of these so that secured communications, not subject to hacking from the outside, can be held. It's called a Sensitive Compartmented Information Facility (SCIF). This is something which a number, if not all, Cabinet offices have and EPA needs to have updated."

But according to former agency employees, the EPA has long maintained a SCIF on a separate floor from the administrator's office, where officials with proper clearances can go to share information classified as secret. The agency did not specify what aspects of that facility were outdated, or whether the unit inside Pruitt's office would meet the physical and technical specifications a SCIF generally is required to have.

In recent months, Pruitt and his top deputies have taken other steps aimed at heightening security. Some EPA employees have been asked to surrender their cellphones and other digital devices before meetings in the administrator's office, in much the same way visitors do when visiting the president in the Oval Office.

A senior administration official, who asked not to be identified to discuss internal procedures, said that practice was instituted to ensure that employees are focused on the discussion during meetings. However, Bowman said that "if anyone was

asked not to bring [phones], it was merely a professional courtesy — it is by no means a policy or directive."

[Scott Pruitt says it's not the time to talk climate change. For him, it never is.]

Pruitt also has shied away from using email at EPA, often preferring to deliver instructions verbally and hold face-to-face meetings. The shift stems in part from public disclosure by the New York Times in 2014 — following an open-records request of emails — of how Pruitt and other attorneys general had worked closely with the oil and gas industry to oppose Obama administration environmental safeguards.

Thousands more pages of emails from his time as Oklahoma's attorney general, released earlier this year after the Center for Media and Democracy sued for them to be made public, detailed an often-chummy relationship between Pruitt's office and Devon Energy, a major oil and gas exploration and production company based in Oklahoma City.

In addition, Pruitt has largely avoided the agency's decades-long practice of publicly posting the administrator's appointment calendars. Only last week were details on months worth of meetings released after media outlets filed repeated Freedom of Information Act requests for that information; they showed he has met regularly with corporate executives from the automobile, mining and fossil fuel industries — in several instauces shortly before making decisions favorable to those interest groups.

Pruitt, who has become a polarizing and high-profile figure as he seeks to roll back Obama-era policies and shrink the EPA's footprint, has essentially tripled the personal security detail that served past administrators. The detail now includes about 18 people to cover round-the-clock needs and his frequent travel schedule. Such 24/7 coverage has prompted officials to rotate in special agents from around the country who otherwise would be investigating environmental crimes.

Acoustical Solutions has done work for various government entities over the years, including building soundproof wall barriers at the Defense Nuclear Facilities Safety Board and installing sound-damping wall and ceiling panels at the State Department, Agriculture Department and other agencies. Earlier this year, the Treasury Department turned to the company to provide a "sound enclosure" at the U.S. Mint in Denver.

Snider said the company also has installed numerons "audiometric" booths in other government agencies, such as Veterans Affairs, but those almost always are

used for hearing tests. The EPA's request was something different altogether, he said.

"This is a first," he said. "They are definitely using this booth in a way that wasn't necessarily intended. ... [But] for the criteria they had, it fit this product."

Juliet Eilperin contributed to this report.

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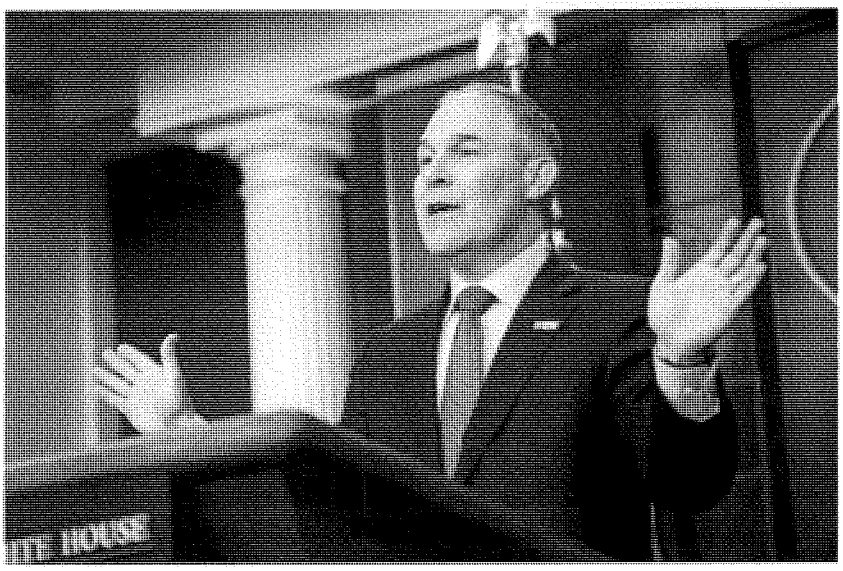
CLIMATE

E.P.A. to Spend Nearly $25,000 on a Soundproof Booth for Pruitt

By **LISA FRIEDMAN** SEPT. 26, 2017



Scott Pruitt, administrator of the Environmental Protection Agency, at the White House in June. Al Drago/The New York Times

WASHINGTON — The Environmental Protection Agency has signed a contract for nearly $25,000 to build a soundproof communications booth for the office of the administrator, Scott Pruitt.

The contract, with Acoustical Solutions in Richmond, Va., was first reported by The Washington Post. It calls for the construction of a $24,570 "privacy booth" for Mr. Pruitt's office.

Liz Bowman, a spokeswoman for the E.P.A., did not return requests for comment on the contract. In a statement to The Post, she said agencies needed to have such booths to guard against hacking and eavesdropping. "This is something which a number, if not all, Cabinet offices have and E.P.A. needs to have updated," she said.

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Critics say Mr. Pruitt has gone to unusual lengths to operate in secrecy at the E.P.A., where employees report he is often accompanied by armed guards even inside the agency, and avoids making important calls in his office. He is the first E.P.A. administrator to have round-the-clock security.

Steve Snider, a salesman at Acoustical Solutions who handled the E.P.A. contract, said privacy booths are typically used to conduct hearing tests and cost $5,000 to $6,000. He said the E.P.A. had requested significant modifications that ultimately required a custom order for the booth with the manufacturer.

"They wanted a secure phone and computer room, essentially for sensitive

information," Mr. Snider said. "You can't hear what's going on outside, but conversely people outside can't hear what's going on inside."

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The company has worked with government offices since at least 2007 to soundproof rooms and provide acoustic insulation, according to the federal contract database. The company currently has contracts with the Treasury Department to create a sound enclosure at the United States Mint in Denver.

Mr. Snider said the E.P.A.'s request for a secure booth for the head of the agency was unusual.

"It's the first time that I've seen it," he said.

Liz Purchia-Gannon, who served as a spokeswoman for Gina McCarthy, the E.P.A. administrator under President Obama, called the purchase "bizarre" and unnecessary. Ms. Purchia-Gannon said the agency already had a secure room for working with classified information.

"As someone who spent a lot of time in the administrator's office, I can tell you that there was nothing like this previously," she said. "I can't imagine why this taxpayer expense would be necessary and why an extra secure room is needed in his office, other than to avoid staff."

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A version of this article appears in print on September 27, 2017, on Page A20 of the New York edition with the headline: Soundproof Booth Is Set For Office of E.P.A. Chief. Order Reprints | Today's Paper | Subscribe

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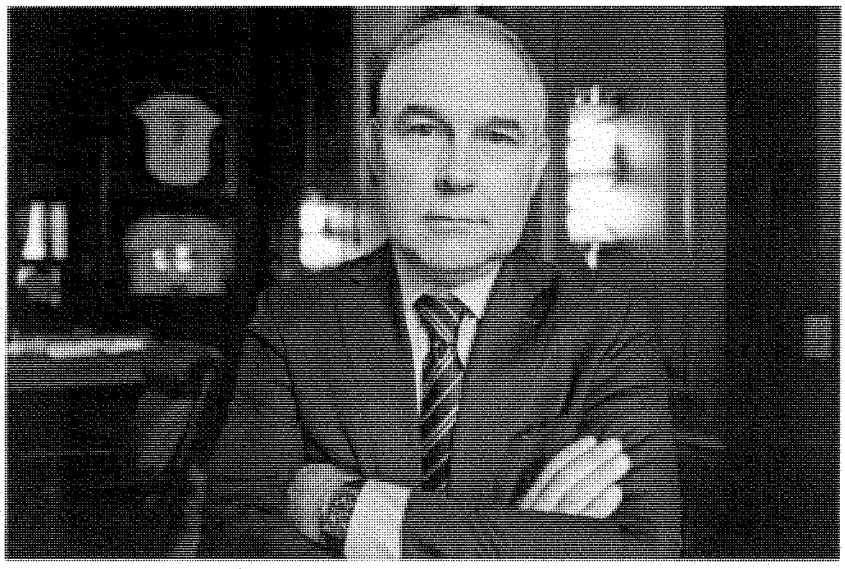
EPA watchdog plans to investigate Scott Pruitt's $25,000 secure phone booth

By Brady Dennis December 12, 2017



Scott Pruitt, administrator of the Environmental Protection Agency, in his office. (Andrew Harrer/Bloomberg)

The Environmental Protection Agency's inspector general will investigate how it decided to spend more than $25,000 installing a secure, soundproof communications booth in the office of Administrator Scott Pruitt.

Rep. Frank Pallone Jr. (D-N.J.), the ranking member of the House Energy and Commerce Committee, requested the inquiry earlier this fall, asking the EPA watchdog to examine any potential waste, fraud or abuse related to the project. The small booth was purchased from the Richmond-based company Acoustical Solutions.

Typically, the type of soundproof booth like the one installed at the agency's headquarters is used to conduct hearing tests. But the EPA sought out a far more expensive, customized version that Pruitt could use to communicate privately with top government officials. The agency appears to also have spent an additional $7,978 removing closed-circuit television equipment to make room for the booth in an area off Pruitt's third-floor office, according to a government contracting database.

In response to Pallone's letter, EPA Inspector General Arthur Elkins wrote that his office would investigate whether the funds spent on the project "comply with appropriations law."

"That is within the authority of the IG to review, and we will do so," Elkins wrote, while also cautioning that such an inquiry might not happen quickly. "As you know, we have numerous other pending matters, and are not sure when we can begin this engagement."

EPA officials initially said that Pruitt needed a secure communications area in his office so he could have private calls with the White House and other administration officials. Pruitt himself has repeated the claim,

describing the soundproof booth as a Sensitive Compartmented Information Facility, or SCIF.

"It's necessary for me to be able to do my job," Pruitt told lawmakers during a hearing on Capitol Hill last week.

But no previous EPA administrators had such a setup, and the agency has long maintained a SCIF on a separate floor from the administrator's office, where officials with proper clearances can go to share information classified as secret. The agency has not specified what aspects of that facility might be outdated, or whether the unit inside Pruitt's office would meet the physical and technical specifications generally required for a SCIF.

"I didn't have a secure phone in this office to have the conversations that sometimes need to be secure," Pruitt told The Washington Post's James Hohmann last month. "And it's kind of hard to tell someone that's reaching out that, to have a confidential secure conversation, I've got to go down two floors, and over two levels, and I'll call you back.... And sometimes legend leads to misinformation in the marketplace. Not everything you read, by the way, is fully reflective of what the truth is."

In a statement Tuesday, an EPA spokesman said that "the use of a secure phone line is strongly preferred for cabinet-level officials, especially when discussing sensitive matters." He added, "We do not comment on OIG matters until they are resolved."

The inquiry is not the only one Pruitt is facing from his agency's inspector general.

In August, the watchdog announced that it had opened an inquiry into Pruitt's frequent travel back to Oklahoma, where he formerly served as state attorney general. It said at the time that the investigation was triggered by "congressional requests and a hotline complaint, all of which expressed concerns about Administrator Pruitt's travel — primarily his frequent travel to and from his home state of Oklahoma at taxpayer expense."

That probe was triggered in part by findings from the Environmental

Integrity Project, a nonprofit group that detailed through public records that Pruitt had spent nearly half of the days in March, April and May in Oklahoma. Pruitt said any taxpayer-funded trips there were work-related.

In October, the EPA inspector general acknowledged plans to expand its initial investigation into Pruitt's travel habits. The move came after disclosures that Pruitt had taken at least four noncommercial and military flights since mid-February, costing taxpayers more than $58,000 to fly him to various parts of the country, according to records provided to a congressional oversight committee and obtained by The Post.

Read more:

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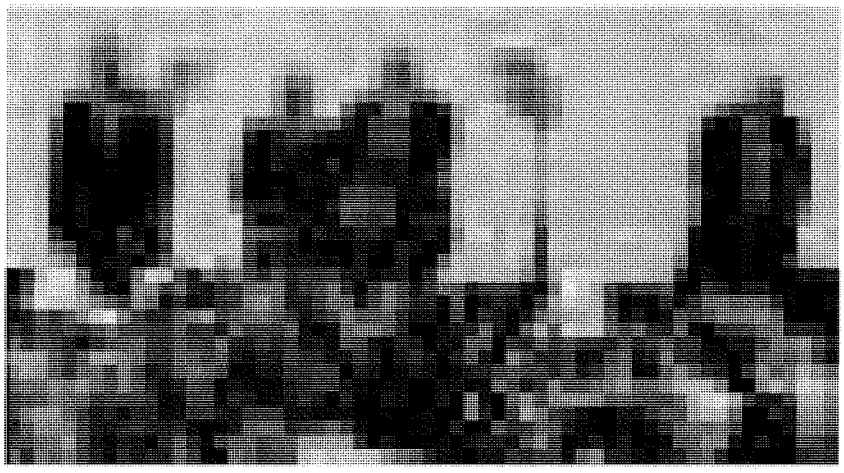
EPA's Pruitt took charter, military flights that cost taxpayers more than $58,000

By Brady Dennis and Juliet Eilperin September 27, 2017



Interior Secretary Ryan Zinke and Environmental Protection Agency Administrator Scott Pruitt (second from left) join President Trump during an event in Cincinnati on June 7. Afterward, Pruitt flew by military jet to New York. (Jonathan Ernst/Reuters)

Environmental Protection Agency Administrator Scott Pruitt has taken at least four noncommercial and military flights since mid-February, costing taxpayers more than $58,000 to fly him to various parts of the country, according to records provided to a congressional oversight committee and obtained by The Washington Post.

"When the administrator travels, he takes commercial flights," EPA spokeswoman Liz Bowman said Wednesday, explaining that the one charter flight and three government flights were due to particular circumstances.

The EPA provided documents that outlined how its Office of General Counsel had given legal authorization for each trip. "The administrator, and any Cabinet secretary, is the face of that agency. They're very outward facing, and we have an obligation to get out throughout the country," Bowman said.

The most expensive of the four trips came in early June, when Pruitt traveled from Andrews Air Force Base to Cincinnati to join President Trump as he pitched a plan to revamp U.S. infrastructure. From there, the administrator and several staff members continued on a military jet to John F. Kennedy airport in New York to catch a flight to Italy for an international meeting of environmental ministers. The cost of that flight was $36,068.50.

The EPA said in travel documents that the White House had approved the trip and that "no viable commercial flights" would have allowed Pruitt to make his plane to Italy, where he had "scheduled meetings with Vatican officials the next day." His official calendar listed meetings with the Vatican foreign minister, Archbishop Paul Gallagher, and a roundtable discussion with the Italian Court of Appeals.

On July 27, records show, Pruitt and six staff members arranged a flight on a Department of Interior plane from Tulsa to the tiny outpost of Guymon, Okla., at a cost of $14,434.50. The EPA noted that "time constraints" on Pruitt's schedule wouldn't allow him to make the 10-hour round-trip drive. The purpose of the trip was to meet with landowners "whose farms have been affected" by a controversial rule regulating water bodies in the United States, according to the agency. Pruitt has initiated a process to withdraw the regulation, known as the Waters of the United States rule.

Bowman said that between 50 and 100 farmers and others from Oklahoma, Texas and Kansas attended the session in Guymon.

Sen. Sheldon Whitehouse (D-R.I.) listed details on the noncommercial flights in a Sept. 26 letter to the EPA's inspector general. Whitehouse, whose office would not comment Wednesday, asked for an investigation into the Guymon trip. Pruitt returned to Oklahoma City around 2 p.m., records show. EPA officials informed Whitehouse that he met there with state officials, though Pruitt's calendar lists only an "editorial board meeting" and "media interview" at 4 p.m. that day.

Pruitt and three staff members arranged a private air charter on Aug. 4, on a trip from Denver to Durango, Colo. The flight cost $5,719.58. According to the EPA, the commercial flight Pruitt had planned to take "was delayed ultimately for eight hours, which would have caused him to miss a mission critical meeting at Gold King Mine" with Gov. John Hickenlooper (D) and other officials. Hickenlooper offered a seat on his plane, but Bowman said that the governor's aircraft only had room for Pruitt and that the EPA already had booked the private plane by then. The charter company involved, Mayo Aviation, bills itself as "Colorado's premier jet charter service."

That day, Pruitt criticized how two years earlier EPA had mishandled operations at the Gold King Mine, where the agency inadvertently triggered a spill that polluted rivers in Colorado, New Mexico and Utah. "The previous administration failed those who counted on them to protect the environment," he said in a statement, vowing to reconsider claims for damages the government previously had denied.

Finally, on Aug. 9, Pruitt and two staffers traveling in North Dakota flew on a state-owned plane to an event in Grand Forks. The flight cost the EPA $2,144.40. "The Governor of the State of North Dakota offered seats on the state-owned plane to transport the Administrator to this event," the agency noted in its justification for the trip, which involved touring the University of North Dakota's Environmental Research Center. "There is no government rate established for this route."

The records also indicate that Pruitt, along with a member of his security detail, flies either in business or first class when those seats are available on commercial flights. Multiple EPA travel documents state that Pruitt "is entitled to business class accommodation due to security concerns."

Bowman said that while Pruitt flies in such classes when that is an option, he has also flown on multiple occasions in coach.

Senator Thomas R. Carper (Del.), the top Democrat on the Senate Environment and Public Works Committee, questioned in a statement why Pruitt would rely on noncommercial aircraft to travel for his work.

"Most people can't lease a plane to fly around," Carper said. "I think as a public servant, you have to try to set some sort of example."

Last month, the EPA's inspector general announced that it would launch a preliminary probe into Pruitt's travels to Oklahoma. The internal watchdog said the inquiry was triggered hy "congressional requests and

a hotline complaint, all of which expressed concerns about Administrator Pruitt's travel — primarily his frequent travel to and from his home state of Oklahoma at taxpayer expense."

The probe was triggered in part by the Environmental Integrity Project, a nonprofit group that found through public records requests that Pruitt had spent nearly half of the days in March, April and May in Oklahoma.

"Administrator Pruitt's extensive travel to Oklahoma, and expensive travel within Oklahoma, suggests disproportionate attention to his home state," Whitehouse wrote, adding that the inspector general should add the Guymon visit to his probe and examine why six staffers accompanied Pruitt there. "As part of your review, I further request you examine whether this trip, and the size and composition of his entourage, is consistent with the travel expenditures of prior EPA administrators."

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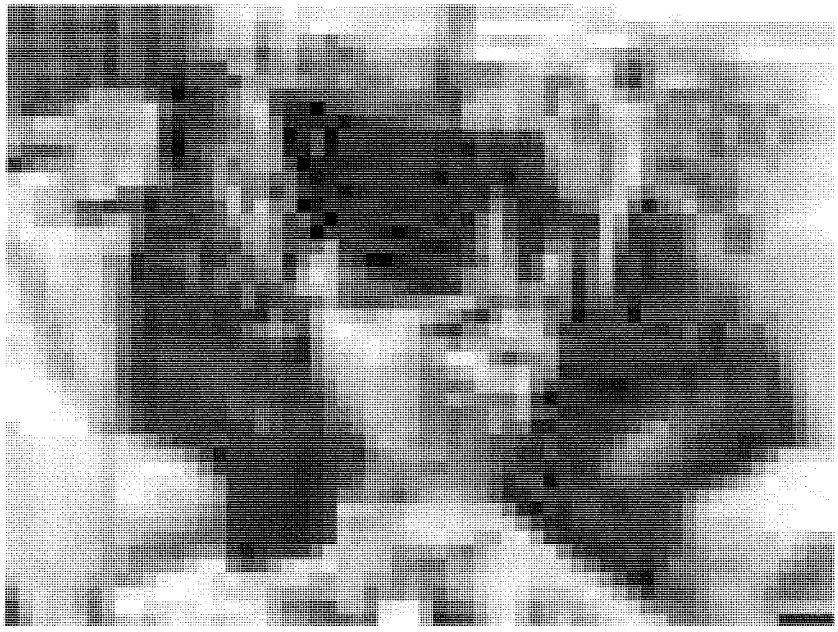
Energy and Environment

Scott Pruitt and a crew of EPA aides just spent four days in Morocco promoting natural gas

By Juliet Eilperin December 13, 2017



Environmental Protection Agency Administrator Scott Pruitt meets with Minister Rabbah in Morocco. (European Pressphoto Agency)

Environmental Protection Agency Administrator Scott Pruitt returned Wednesday from a trip to Morocco, where he talked with officials about their interest in importing natural gas as well as other areas of "continued cooperation" between the two countries.

The EPA disclosed the trip late Tuesday, issuing a media release that included photos and a statement from Pruitt saying that the visit "allowed us to directly convey our priorities and best practices with Moroccan leaders."

"We are committed to working closely with countries like Morocco to enhance environmental stewardship around the world," Pruitt said.

The purpose of the trip sparked questions from environmental groups, Democratic lawmakers and some industry experts, who noted that EPA plays no formal role in overseeing natural gas exports. Such activities are overseen primarily by the Energy Department and Federal Energy Regulatory Commission.

Pruitt took along seven aides and an undisclosed number of staff from his protective detail. The group included four political aides, including Samantha Dravis, associate administrator of the Office of Policy, and senior advisers Sarah Greenwalt and Lincoln Ferguson, as well as one career official, Jane Nishida, principal deputy assistant administrator of the Office of International and Tribal Affairs. Pruitt's head of security determines how many advance staffers travel on any given trip, EPA officials said, and in this instance it was two.

At the request of Senate Democrats, the EPA inspector general is looking into Pruitt's use of military and private flights, as well as his frequent visits to his home state of Oklahoma during his first few months on the job.

"It seems strange that Administrator Pruitt would prioritize a trip to Morocco to discuss natural gas exports while there is no shortage of more pressing issues here in the U.S. that actually fall within the jurisdiction of the agency he leads," said Sen. Thomas R. Carper (Del.), the top Democrat on the Senate Environment and Public Works Committee. "I presume Mr. Pruitt is aware his agency's inspector general is conducting an investigation into his questionable travel, which makes his decision to take this trip an odd choice at best."

Sierra Club Executive Director Michael Brune said in a statement that Pruitt "acts like he is a globe-trotting salesman for the fossil fuel industry who can make taxpayers foot the bill."

Pruitt traveled in business class for three flights, according to an individual who spoke on the condition of anonymity to discuss an internal agency matter, and in economy class for two flights. Asked about the travel arrangements, EPA spokesman Jahan Wilcox replied in an email, "Due to concerns from our security team, Administrator Pruitt was granted a waiver by EPA's Chief Financial Officer to fly business-class."

Wilcox said he could not provide the trip's total cost because the travelers' arrangements were booked through their respective departments.

Pruitt met with three top Moroccan officials, according to the agency statement, including the minister of energy, mines and sustainable development; the minister of justice and liberties; and the secretary of state to the minister of foreign affairs. Wilcox said Pruitt "discussed our bilateral free trade agreement, solid waste response, disaster relief and communications with top Moroccan officials."

His visit came shortly after the EPA held a workshop in Rabat about solid waste management, public participation and crisis communication.

Morocco, the only African country with which the United States has a free-trade agreement, is a signatory to the 2015 Paris climate agreement and has collaborated in the past with U.S. officials on its push to expand domestic solar energy production. During the trip, Moroccan officials took Pruitt on a tour of the IRESEN Green Energy Park, which the EPA said showed the administrator "firsthand the work being done to

promote environmental innovation, including solar energy across Morocco."

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How to Adult

EPA cuts funding for Chesapeake Bay Journal, threatening publication's future

By Scott Dance
The Baltimore Sun

AUGUST 23, 2017, 5:35 PM

The Trump administration has cut a grant funding the Chesapeake Bay Journal, threatening the future of the publication that covers environmental issues across the estuary's watershed.

Editor Karl Blankenship said the organization is "disappointed that political appointees in the EPA have made an unprecedented decision to cut short a multi-year grant to the Bay Journal with no clear explanation."

The Bay Journal has enough funding to continue publishing into early 2018. Beyond that, Blankenship said, the publication's leaders "will be exploring next steps regarding the EPA funding, as well as other potential funding sources."

Staff said the publication was expecting to receive $325,000 from the EPA come Feb. 1, and slightly less than that each year through 2021. The grant makes up about a third of the Bay Journal's budget, they said.

EPA grant records show the agency has awarded the publication $327,000 annually in recent years. That represented about 40 percent of the $795,000 in grants and contributions the Bay Journal reported receiving in 2015, according to tax documents.

The 27-year-old publication closely tracks developments in the health of the Chesapeake and efforts across the six states in the bay watershed to reduce pollution. It receives funding from the EPA through the agency's Annapolis-based Chesapeake Bay Program, serving as part of that office's education and outreach efforts.

Chesapeake Bay Foundation President William C. Baker called the EPA's decision "a transparent attempt to shut down the free exchange of scientifically validated Bay information." He accused EPA Administrator Scott Pruitt of showing "his true anti-environmental colors" in cutting the grant.

EPA officials could not be reached for comment.

Baker called on Gov. Larry Hogan, who was recently named chairman of the bay program's executive council, to demand that Pruitt reinstate the grant.

Asked if Hogan would do so, spokeswoman Amelia Chasse said "the governor has consistently opposed cuts to federal funding for Bay restoration efforts."

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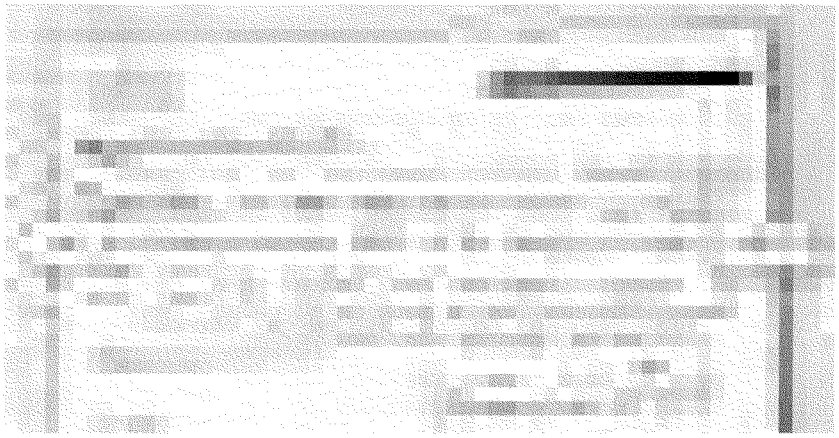


By Juliet Eilperin September 4, 2017

The Environmental Protection Agency has taken the unusual step of putting a political operative in charge of vetting the hundreds of millions

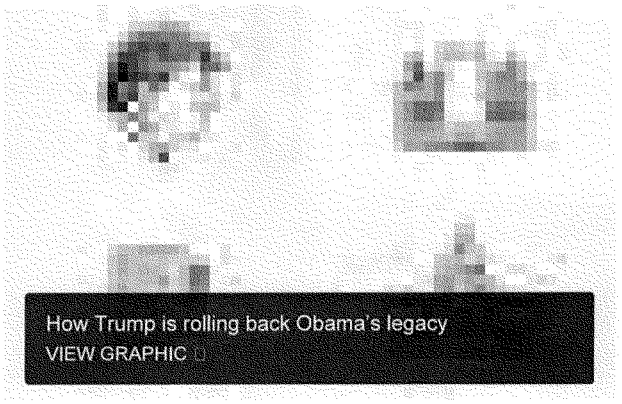
of dollars in grants the EPA distributes annually, assigning final funding decisions to a former Trump campaign aide with little environmental policy experience.

In this role, John Konkus reviews every award the agency gives out, along with every grant solicitation before it is issued. According to both career and political employees, Konkus has told staff that he is on the lookout for "the double C-word" — climate change — and repeatedly has instructed grant officers to eliminate references to the subject in solicitations.

Konkus, who officially works in the EPA's public affairs office, has canceled close to $2 million competitively awarded to universities and nonprofit organizations. Although his review has primarily affected Obama administration priorities, it is the heavily Republican state of Alaska that has undergone the most scrutiny so far.

EPA spokeswoman Liz Bowman said that grant decisions "are to ensure funding is in line with the Agency's mission and policy priorities," with the number of awards denied amounting to just 1 percent of those made since EPA Administrator Scott Pruitt took office. "We review grants to see if they are providing tangible results to the American people," she said in an email.

But the agency's new system has raised concerns among career officials and outside experts, as well as questions among some in Congress that the EPA grant program is being politicized at the expense of their states.



How Trump is rolling back Obama's legacy

Earlier this summer, on the same day that Sen. Lisa Murkowski of Alaska joined with two other Republicans in voting down a GOP health-care bill, EPA staffers were instructed without any explanation to halt all grants to the regional office that covers Alaska, Washington, Oregon and Idaho. That hold was quickly narrowed just to Alaska and remained in place for nearly two weeks.

The ideological shift is a clear break from the practices of previous Republican and Democratic administrations. It bears the hallmarks not just of Pruitt's tenure but of President Trump's, reflecting skepticism of climate science, advocacy groups and academia.

Although the EPA has taken the most systematic approach to scrutinizing the flow of money, it is not the only entity to do so. Attorney General Jeff Sessions has vowed to withhold Justice Department grants from "sanctuary cities" that refuse to hand over arrested immigrants who cannot prove they are in the country legally. The Interior Department, which is conducting a review of its grants, last month

canceled a $100,000 National Academies of Sciences, Engineering and Medicine study aimed at evaluating the impact of surface mining on nearby communities.

[Scott Pruitt moves to the center of power in the Trump administration]

Yet several officials from the Obama and George W. Bush administrations said they had never heard of a public affairs officer scrutinizing EPA's solicitations and its grants, which account for half of the agency's roughly $8 billion budget.

"We didn't do a political screening on every grant, because many of them were based on science, and political appointees don't have that kind of background," said former EPA administrator Christine Todd Whitman, who served under Bush. She said she couldn't recall a time when that administration's political appointees weighed in on a given award.

Konkus is a longtime Republican operative from Florida who served as Trump's Leon County campaign chairman and previously worked for the state's lieutenant governor and as a political consultant. From 2000 to 2006, he was an executive assistant, primarily on scheduling and organizational matters, for then-House Science Committee Chairman Sherwood L. Boehlert (R-N.Y.). The panel has oversight of the EPA.

Now, as deputy associate administrator in the EPA's public affairs office, Konkus helps to publicize the funding of awards and serves more broadly as a grants adviser on policy and management issues.

While most of the internal focus has been on individual grants with a connection to climate change, the decision on July 28 to put a temporary hold on all awards to Alaska attracted broader notice.

Two EPA officials, who spoke on the condition of anonymity for fear of retaliation, said the action prompted a consultation with agency lawyers because of its unusual nature. The hold temporarily slowed awarding more than $10 million in federal funds through half a dozen tribal grants and one to the state's Department of Conservation.

Bowman said Alaska was not singled out in the review, and aides to Murkowski and Alaska Gov. Bill Walker (I) said they were not aware that any funding was delayed. The Obama administration had identified "combating climate change by limiting pollutants" as one of its priorities for awarding tribal funds, but several of the pending Alaska grants were unrelated to climate change.

Konkus has nixed funding for nearly a half-dozen projects to date, including a Bush-era program to address indoor air pollution, a project to protect watersheds in Central and Eastern Europe, and a one-day training session in Flint, Mich., to help residents eradicate bedbugs.

He allowed a $300,000 award for a computer system to help implement the Obama administration's Clean Power Plan after the firm involved told the EPA that it could be used for policies other than climate change, officials said.

E&E News first reported that Konkus was overseeing grant applications but did not describe the criteria he was applying or his specific work on the actual awards.

Bowman said that the agency's approach, which required the development of a new computer-
reporting system, has allowed the Trump administration to determine whether decisions made by the previous administration were a wise use of taxpayer money.

"I want to underscore that only a select few have been rescinded," she said in her email, noting that the EPA had given states nearly $74 million in competitive grants and $1.7 billion in noncompetitive awards between Feb. 1 and Aug. 22.

But Sen. Thomas R. Carper (Del.), the top Democrat on the Environment and Public Works Committee, sent Pruitt a letter late last month asking that he provide documents outlining which grant programs are now subject to political review, how this deviates from past practice and which grants recommended by career staff have been subsequently declined.

From February through July, Carper noted, EPA grant awards to several Democratic-leaning states — including Delaware, Massachusetts and California — had declined compared with the previous year.

"There could be many reasons for these apparent declines," Carper wrote. Although he added that it warranted attention "in light of the potential that EPA's decision to involve political appointees represents a change in the grant-solicitation process and may be indicative of the politicization of the grant-awarding process."

James L. Connaughton, who was chairman of the White House Council on Environmental Quality under Bush, said new administrations routinely do "a soup-to-nuts review of the previous administration's programs" and advance their own priorities through funding decisions.

"Some of the efforts might be more transparent than others, but let's not fool ourselves," he added.

[At EPA museum, history may be in for a change]

Still, Connaughton said it was fair to question a review's outcome. Two

of the awards the EPA's leadership rescinded — $1.1 million to the U.N. Foundation and a nearly $148,000 award to the nonprofit organization Winrock International — supported the deployment of clean cookstoves in the developing world. The U.N. Foundation grant grew out of a 15-year-old EPA program with the private sector, which aims to curb the kind of pollution that fuels climate change and disproportionately affects women and children.

The program addressed pollution that enters the air and "affects all of us," Whitman said. "It was also good for human health in those countries, which we wanted to have stable for national security."

Bowman said the agency was pulling back grants to international entities that are not "providing results for American taxpayers."

But several U.S. firms that sell stoves and equipment benefit from the program, countered Radha Muthiah, chief executive of the Global Alliance for Clean Cookstoves. "It's a cutting-edge solution to one of the world's oldest challenges, it's working, and there is a lot still to be done," she said in a statement.

The smallest grant revoked so far was a $20,000 award to the Midwest Pesticide Action Center to train Flint residents on how to combat bedbugs. Executive Director Ruth Kerzee said in an interview that regional EPA officials had urged the center to apply because it had a small amount of unused funds. The group was notified of the award and then told a month later that it was canceled.

Kerzee said bedbug infestations have spread over time in the Michigan city — which has grappled with lead-contaminated drinking water since 2014 — and the center's past sessions attracted packed audiences. "People really do need this," she said. "For low-income communities, it's

a really desperate situation."

Bowman said the cancellation made sense in light of the agency's overall priorities: "Let's be clear, we are talking about $20,000 for a one-day workshop on bedbugs."

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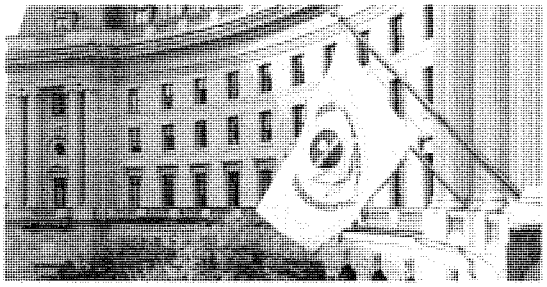
EPA

Pruitt assigns political appointee to vet grant requests

Sean Reilly, E&E News reporter

Greenwire: Thursday, August 17, 2017



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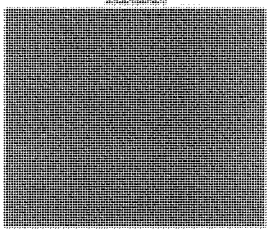


In a break with tradition, U.S. EPA Administrator Scott Pruitt has tasked a senior political appointee with vetting competitive grant solicitations collectively worth hundreds of millions of dollars each year. EPA/Flickr

In a sharp break with tradition, U.S. EPA Administrator Scott Pruitt has inserted a senior political appointee into the role of vetting competitive grant solicitations collectively worth hundreds of millions of dollars each year, according to a memo obtained by E&E News.

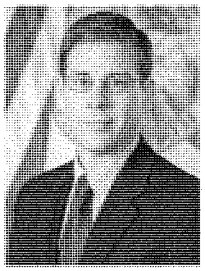
The unsigned directive, released last week, orders agency employees to route the final drafts of all grant solicitations for review by John Konkus, the deputy associate administrator in EPA's Office of Public Affairs.

If Konkus "has any concerns, comments, or questions on the solicitation, he will contact the POC [point of contact] listed in the email," the memo continues.

If the Office of Public Affairs approves the solicitation, the relevant program office must attach a copy of any comments or revisions from Konkus to the "work flow" section of EPA's grants management system. Konkus is also responsible for flagging any legal or competition concerns, the document indicates.

The memo, which attributes the new policy to Pruitt's office, doesn't explain the rationale for putting Konkus or the public affairs office in charge of reviewing solicitations.

In response to a half-dozen written questions from E&E News about Konkus' qualifications and other issues, EPA spokeswoman Liz Bowman issued a statement today: "Grants are being reviewed to ensure they adhere to the Trump administration's goals and policies and the EPA's back-to-basics



John Konkus. Konkus/LinkedIn

agenda."

Konkus, a onetime congressional staffer and media consultant who served as the North Florida field office manager for then-candidate Donald Trump's presidential campaign last fall, declined to comment for the record.

But the policy represents a departure from past practice on at least two fronts, according to former EPA employees.

The Office of Public Affairs is the agency's communications arm, charged with fielding questions from reporters and writing speeches for top EPA officials. It has typically had no role in EPA's grants programs, apart from sending out press releases when individual recipients are chosen.

Also unusual is for a political appointee to be directly embedded in reviewing solicitations before they are made public.

Under the Obama administration, for example, grant-related decisions were typically made by career people, said Karl Brooks, who served as acting head of EPA's Office of Administration and Resources Management for about a year-and-a-half.

Brooks, who now works at the University of Texas, did not recall any involvement in the solicitation and award process by then-Administrator Gina McCarthy or the Office of Public Affairs.

"The grant world was one that we tried to keep really scrupulous, both in the management of the money and the awarding of the grants," he said.

While grants make up more than half of EPA's current $8.1 billion budget, the lion's share of that money flows to states and other entities through formulas.

The exact amount of competitively awarded grants was not immediately available today, but Stan Meiburg, who spent the bulk of his 39 years at EPA as a career employee before serving as acting deputy administrator from late 2014 through this January, put the current yearly total in the hundreds of millions of dollars.

The bulk of that money is spent on scientific research, Meiburg said, but also includes programs like Diesel Emissions Reduction Act grants, used to replace older, high-polluting, diesel-powered vehicles and other equipment with cleaner-burning models.

While political appointees once had some sway in directing grant decisions, the funding amounts at stake were usually "very small," Meiburg said, adding that appointees' influence had steadily diminished over time in favor of awarding grants solely through competition.

Immediately after taking office in January, the Trump administration briefly froze some grant programs, citing concerns about the use of taxpayer money (*Greenwire*, Jan. 25).

Pruitt, a Republican who frequently challenged EPA regulations in his previous job as Oklahoma attorney general, has shown little reluctance about upending agency norms since assuming his current post in February.

This spring, for example, he declined to reappoint dozens of members of the agency's Board of Scientific Counselors, an advisory panel on research activities, to customary second three-year terms. A spokesman suggested Pruitt wanted to make room for more representatives from industry. After seeking a fresh round of nominations for the board, however, the agency has yet to announce replacements.

Protocol for Office of Public Affairs Review of Draft Competitive Grant Solicitations

The Office of the Administrator has directed that all competitive grant solicitations be reviewed by the Office of Public

Affairs (OPA) before they are posted on Grants.gov and before there is any external engagement (e.g., discussions with

external stakeholders regarding priorities or other aspects of the competition) relating to the solicitation. This protocol

establishes the process for OPA review.

1. Program Office Initiates OPA Review Process: When a program office has a final draft of a solicitation that would

otherwise be ready for review through the Next Generation Grants System (NGGS) by the Office of Grants and

Debarment's Grants Competition Advocate's Office (GCA's Office) they must first send it to John Konkus, Deputy

Associate Administrator for Public Affairs in OPA, for review and approval before they transmit it through NGGS for

GCA review. 1

a. Program offices must submit a copy of the draft solicitation via email to John Konkus at

konkus.john@epa.gov. They must also copy Bruce Binder, Senior Associate Director for Grants

Competition, on the email and all subsequent email communications with John Konkus regarding the

solicitation, at binder.bruce@epa.gov.

b. The email to John Konkus must include the name, email address, and telephone number for the program

office's point of contact (POC) to respond to any OPA questions or comments on the solicitation.

2. OPA Reviews Solicitation: John Konkus will review the solicitation within 3 business days of receiving it from the

program office.

a. If he has any concerns, comments, or questions on the solicitation, he will contact the POC listed in the

email. If he has any competition or legal concerns he may also contact the GCA's Office.

b. The program office will work directly with John Konkus to resolve any issues on the solicitation. The

program office may seek assistance from the GCA's Office and/or OGC/ORC as necessary to resolve any

issues.

c. If John Konkus has no concerns, or his concerns have been addressed, he will contact the POC to

communicate OPA's approval of the solicitation.

d. After receiving OPA approval, program offices may engage in appropriate external outreach with the grant

community regarding the solicitation consistent with the Assistance Agreement Competition Policy and

GCA guidance. However, if this engagement results in any substantive changes to the draft solicitation

approved by OPA, the program office must resubmit the solicitation to John Konkus for another review (see

Step 1).

3. Program Office Submits OPA-Approved Solicitation for GCA and OGC/ORC Review: Once OPA has approved the

solicitation, the program office must submit the opportunity to the GCA's Office for review via NGGS as is the

current practice. The GCA's Office will forward it to OGC/ORC for review as appropriate.

a. The program office must include a statement in the comments field of the "Work Flow" section of the

NGGS opportunity indicating that OPA has approved the solicitation (and the date of the approval) and/or

may attach any written approval received from John Konkus in the "Work Flow" section of the opportunity

in NGGS.

b. The program office must attach a copy of any comments or revisions made by John Konkus to the

solicitation in the "Work Flow" section of the NGGS opportunity.

c. If during their review of the solicitation the GCA's Office and/or OGC/ORC raise any comments or concerns

with the solicitation that impact or relate to any comments from OPA, they will work with OPA and the

program office to resolve the issues.

4. Solicitation is Posted: Program offices may post their solicitation on their website only after receiving approval

from OPA and the GCA's Office (and OGC/ORC when applicable). The GCA's Office will then post it on Grants.gov

consistent with the established process.

1

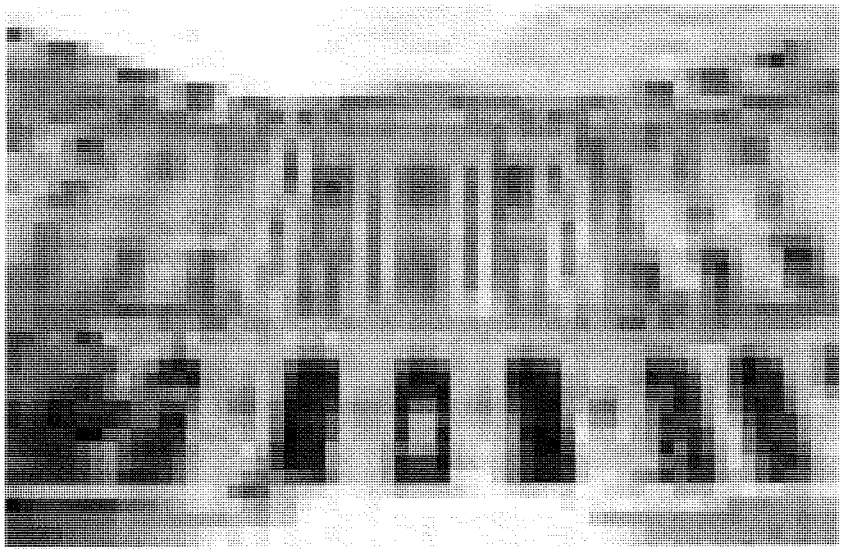
Program offices may still work with the GCA's Office and OGC/ORC when developing the solicitation to address any competition or

legal issues with the competition prior to sending it to OPA for review.

Energy and Environment

Trump administration tells EPA to freeze all grants, contracts

By Brady Dennis and Juliet Eilperin January 24, 2017



The headquarters of the Environmental Protection Agency in Washington. (Matt

McClain/ The Washington Post)

The Trump administration has instructed officials at the Environmental Protection Agency to freeze its grants and contracts, a move that could affect everything from state-led climate research to localized efforts to improve air and water quality to environmental justice projects aimed at helping poor communities.

An email went out to employees in the agency's Office of Acquisition Management within hours of President Trump's swearing-in on Friday.

"New EPA administration has asked that all contract and grant awards be temporarily suspended, effective immediately," read the email, which was shared with The Washington Post. "Until we receive further clarification, which we hope to have soon, please construe this to include task orders and work assignments."

According to its website, each year the EPA awards more than $4 billion in funding for grants and other assistance agreements. For now, it appears, that funding is on hold, casting a cloud of uncertainty over one of the agency's core functions, as well as over the scientists, state and local officials, universities and Native American tribes that often benefit from the grants.

"EPA staff have been reviewing grants and contracts information with the incoming transition team," an agency spokesperson said in an email Tuesday. "Pursuant to that review, the agency is continuing to award the environmental program grants and state revolving loan fund grants to the states and tribes; and we are working to quickly address issues related to other categories of grants." The agency said the goal is to complete the grants and contracts review by the close of business Friday.

It is unclear whether the move by the incoming administration was related to President Trump's order Monday that federal agencies halt hiring in all areas on the executive branch except for the military, national security and public safety, which also curbed contracting as a way of compensating for the freeze. "Contracting outside the Government to circumvent the intent of this memorandum shall not be permitted," the memorandum states.

[Trump's regulatory freeze halts four Obama rules aimed at promoting greater energy efficiency]

Administration officials inserted the language in an apparent attempt to curb the growth in federal contracts that arose during previous freezes imposed under Presidents Jimmy Carter and Ronald Reagan. But the total halt in contracts and grants for a single agency appeared to go beyond that specific provision, which applied solely to contracting activities in response to the halt in hiring.

Myron Ebell, who oversaw the EPA transition for the new administration, told ProPublica on Monday that the freezing of grants and contracts was not unprecedented.

"They're trying to freeze things to make sure nothing happens they don't want to have happen, so any regulations going forward, contracts, grants, hires, they want to make sure to look at them first," said Ebell, director of the Center for Energy and Environment at the Competitive Enterprise Institute, an industry-backed group that has long sought to slash the authority of the EPA.

"This may be a little wider than some previous administrations, but it's very similar to what others have done," he told the publication.

But not in recent history has such a blanket freeze taken place, and one

employee told ProPublica he did not recall anything like it in nearly a decade with the agency.

The move is likely to increase anxieties inside an already tense agency. Ebell and other transition officials have made little secret about their goal of greatly reducing the EPA's footprint and regulatory reach. Trump has repeatedly criticized the EPA for what he calls a string of onerous, expensive regulations that are hampering businesses. And his nominee to run the agency, Oklahoma Attorney General Scott Pruitt, has repeatedly sued the EPA over the years, challenging its legal authority to regulate everything from mercury pollution to various wetlands and waterways to carbon emissions from power plants.

A look at President Trump's first 100 days

The beginning of the president's term has featured controversial executive orders and frequent conflicts with the media.

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PUBLISH DATE: OCTOBER 3, 2017

EPA ADMINISTRATOR SCOTT PRUITT'S CALENDARS SHOW DEEP INDUSTRY CONNECTIONS

As part of our investigation into EPA Administrator Scott Pruitt's mismanagement of the agency, American Oversight has obtained and released copies of **Pruitt's calendars from February through May 2017**. The calendars show extensive meetings with energy and chemical industry executives and lobbyists and provide a deeper look at how Pruitt has been spending his time at the head of the nation's environmental regulator.

Statement from American Oversight Executive Director Austin Evers:

> "These calendars show in black-and-white what we already suspected: that Administrator Pruitt has an open-door policy at the EPA for polluters, the fossil fuel industry, and other special interests. Instead of focusing on protecting our families and the environment from pollution, Pruitt has worked in secret to turn the EPA into an ally and tool of the corporations he's supposed to be regulating. Administrator Pruitt's has launched an unprecedented assault on transparency, but American Oversight will continue to fight to ensure that his actions receive the full scrutiny they deserve."

American Oversight submitted a Freedom of Information Act (FOIA) request to the EPA on April 5, 2017 seeking copies of Pruitt's calendars. After more than two months of waiting for the EPA to provide the calendars, we filed a lawsuit on June 27 to force the agency to comply with the law.

View EPA Administrator Scott Pruitt's calendars from February – May 2017 here.

Part of Investigation:

Scott Pruitt's Mismanagement of the EPA

Topic

Environment & Energy
Ethics & Conflicts

Entity

Environmental Protection Agency

FOIA ID #

EPA-17-0074

Sections

The Washington Post
Democracy Dies in Darkness

Energy and Environment

EPA chief Pruitt met with many corporate execs. Then he made decisions in their favor.

By Steven Mufson and Juliet Eilperin September 23, 2017

Environmental Protection Agency chief Scott Pruitt's schedule has been made public for the first time. (Pablo Martinez Monsivais/AP)

Environmental Protection Agency chief Scott Pruitt has met regularly with corporate executives from the automobile, mining and fossil fuel industries — in several instances shortly before making decisions favorable to those interest groups, according to a copy of his schedule obtained by The Washington Post.

There were, by comparison, only two environmental groups and one public health group on the schedule, which covers the months of April through early September.

It is the broadest public release of Pruitt's schedule and it adds to understanding about how he makes decisions.

On the morning of May 1, Pruitt met at EPA headquarters with the Pebble Limited Partnership, a Canadian firm that had been blocked by the agency in 2014 from building a massive gold, copper and molybdenum mine in Alaska's Bristol Bay watershed.

That afternoon, he met with Sen. Lisa Murkowski (R-Alaska), who also opposed the Obama administration's decision to invoke a provision of the Clean Water Act to block the mine, on the grounds that contamination could jeopardize the region's valuable sockeye salmon run.

A week and a half after the meetings, the two sides struck a legal settlement that cleared the way for the firm to apply for federal permits for the operation.

In a statement at the time, Pruitt said that the agreement "will not guarantee or prejudge a particular outcome, but will provide Pebble a fair process for their permit application and help steer EPA away from costly and time-consuming litigation."

A week after the administrator met with Pebble Limited Partnership, he met at EPA headquarters with Fitzgerald Truck Sales, the nation's largest manufacturer of commercial truck "gliders," which are truck bodies without an engine or transmission.

On Aug. 17, a little more than two months after meeting with Fitzgerald, Pruitt announced that he would revisit an October 2016 decision to apply greenhouse gas emissions standards for heavy-duty trucks to gliders and trailers, saying he was making the decision following "the significant issues" raised by those in the industry.

Frank O'Donnell, president of Clean Air Watch, said that the

manufacturers of gliders have been using their products' lack of engines to evade stricter air pollution standards, which is why EPA issued its 2016 rule in the first place. "It is a classic special-interest loophole- one that would mean dirtier air and public health damage," he said.

President Trump said in mid-March that his administration would reexamine the fuel-efficiency standards for cars and light trucks that President Barack Obama had approved. Pruitt then met with representatives of General Motors on April 26; the Auto Alliance, the industry's lobbying arm, on April 27; and Ford Motor Co. on May 23. The industry has been pressing for a rollback in the efficiency targets. In August, the EPA formally reopened the rules with an eye to relax them.

Gloria Bergquist, vice president of the Auto Alliance, said in an email that "every EPA Administrator meets with the broad spectrum of stakeholder groups to hear their views. The previous administrator met with environmental groups calling for higher fuel economy standards, and then rushed the midterm review forward before the new president took office." She said that "this Administration has simply put the review process agreed upon by all participants back on track so all the relevant data can be gathered."

"As EPA has been the poster child for regulatory overreach, the Agency is now meeting with those ignored by the Obama Administration," EPA spokeswoman Liz Bowman said in an email Friday. "As we return EPA to its core mission, Administrator Pruitt is leading the Agency through process, the rule of law and cooperative federalism."

On April 24, Pruitt met with the executive committee of the National Mining Association, and the next day with representatives of rural cooperatives, whose rural and suburban customers rely largely on aging coal plants. He met with oil industry companies and associations,

including Phillips 66, the American Fuel & Petrochemical Manufacturers board; the American Petroleum Institute directors; and Magellan Midstream Partners, a petroleum pipeline and storage firm.

Earlier this month, Pruitt granted an industry coalition's request to revisit a 2015 EPA rule to tighten federal requirements for how companies contain coal ash, the toxic waste produced from burning coal in power plants. A range of the groups he met with this spring, including several of the nation's largest coal-fired utilities, had sought the regulatory change.

Pruitt met April 6 with FirstEnergy, an Ohio-based utility that has been looking for financial or regulatory relief to keep its aging coal plants from being shut down. The plants have been hard-pressed to meet mercury limits required under the Clean Air Act, and to compete with cheap natural gas and renewable energy.

He also met with a number of agriculture business groups, Boeing, General Electric and CIA Director Mike Pompeo.

GE and Boeing were urging Pruitt to make fuel efficiency and greenhouse gas emissions standards for aircraft and aircraft engines more stringent, said a source familiar with the meeting. GE makes efficient aircraft engines and Boeing is one of its biggest customers. The source asked for anonymity to protect business relationships.

[At EPA, guarding the chief pulls agents from pursuing environmental crimes]

While most of Pruitt's meetings were at EPA headquarters, he has traveled around D.C. and the country to address industry boards and their broader membership behind closed doors. On April 24, he addressed the NMA's board of directors meeting in Naples, Fla. In May

he spoke to the Portland Cement Association, the Large Public Power Council, American Iron and Steel, the American Exploration & Production Council and the board of directors and executive committee of the U.S. Oil & Gas Association in several locations around Washington.

The next month he addressed the board of the American Coalition for Clean Coal Electricity and the National Turkey Federation in different spots in D.C., and on Aug. 10 he met with the Dallas chapter of the National Association of Homebuilders in Plano, Tex. He also addressed a group of social conservatives, the Council for National Policy, in McLean. Va, on May 19.

During the period covered by the schedule, from early April to mid-September, Pruitt consulted repeatedly with state and federal officials by phone or in person. Of the 19 governors he contacted, all but five were Republican.

One, West Virginia's Jim Justice was a Democrat at the time, but subsequently switched parties. Another, Puerto Rico's Ricardo Rosselló, who heads the island's New Progressive Party, which espouses statehood, was contacted after the commonwealth had been hit by Hurricane Irma.

While the administrator has devoted much of his time to meeting with industry representatives, he did meet with three environmental and public-health advocates in late May.

On May 24, he saw officials from the American Academy of Pediatrics, which backs stricter air-pollution standards; the next day, he met with Trout Unlimited.

On May 25, Pruitt met with Bob Perciasepe, who served as deputy

administrator of the EPA for four and-a-half years under Obama and now heads the Center for Climate and Energy Solutions.

How to Adult

A new video series from The Washington Post

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EPA CHIEF SCOTT PRUITT UNDER INVESTIGATION FOR MOROCCO TRIP

BY ALEXANDER NAZARYAN ON 1/11/18 AT 1:34 AM

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U.S.

In December, an American official travelled to the North African nation of Morocco, where he promoted trade in liquified natural gas. The official was not in private industry, nor part of a Department of Energy delegation. Instead, he was Scott Pruitt, administrator of the Environmental Protection Agency. Now, Pruitt is facing investigation for that trip by his own agency's inspector general.

The development was first reported by the *Washington Examiner*.

Pruitt was already being probed for his frequent trips to Oklahoma, where some believe he is laying the groundwork for a senatorial or gubernatorial campaign. His flights to the Sooner State alone, on either private or military craft, have cost American taxpayers $58,000, according to a *Washington Post* report.

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The trip to Morocco lasted four days and cost $40,000. Pruitt was reportedly accompanied by four other officials from the EPA. After the trip came to light, Pruitt said that he was in Morocco to discuss how to "enhance environmental stewardship around the world." Responding to a *Newsweek* query about the trip, EPA spokesman Jahan Wilcox pointed to a press release dated December 12.

But for critics, Pruitt's natural gas boosterism remained a troubling aspect of the trip, especially given his friendliness with private industry — and stated antipathy to regulation. Pruitt's native Oklahoma, after all, is the third-biggest producer of natural gas in the United States after Texas and Pennsylvania, and Pruitt is well liked by the state's energy sector, which formed a significant part of his donor base

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when he was an elected official there. Moreover, Morocco is building a $4.6 billion natural gas terminal near the Atlantic port of El Jadida. Morocco and the United States trade under the U.S.-Morocco Free Trade Agreement, signed in 2004.

"We're glad the Inspector General is looking into Administrator Pruitt's trip to Morocco, along with the other ongoing investigations into his spending and travel," said Keith Gaby, communications director at the Environmental Defense Fund. "This trip was another sign that Pruitt doesn't get that his job is to protect the health of American families. He seems much more interested in raising his profile and promoting the interests of those who have supported his political career."

An investigation into Pruitt's trip to North Africa had been requested by Sen. Thomas R. Carper, Democrat of Delaware. In a December 18 letter to the EPA's inspector general, Arthur A. Elkins, Jr., Carper wrote, "I request that you review the purpose of Administrator Pruitt's travels to determine whether his activities during each trip are in line with EPA's mission 'to protect human health and the environment.'"

On Tuesday, a notice from the EPA's Office of the Inspector General indicated that it was, in fact, expanding its inquiry into Pruitt's travel to include last month's Morocco trip.

Pruitt is one of several Trump cabinet members facing questions about the potentially improper use of taxpayer funds. In September, Health and Human Services secretary Tom Price resigned for having spent more than $400,000 on private flights. More recently, Interior secretary Ryan Zinke has come under scrutiny for a $40,000 helicopter tour of Nevada.

This post had been updated with additional information.

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POLITICS

E.P.A. Chief's Calendar: A Stream of Industry Meetings and Trips Home

By **ERIC LIPTON and LISA FRIEDMAN** OCT. 3, 2017

The calendar of Scott Pruitt, the Environmental Protection Agency administrator, shows he has met much more often with officials and lobbyists from companies he regulates than with environmentalists. Al Drago/The New York Times

WASHINGTON — For lunch on April 26, Scott Pruitt, the new administrator of the Environmental Protection Agency, dined with top executives from Southern Company, one of the nation's largest coal-burning electric utilities, at Equinox, a white-tablecloth favorite of Washington power brokers.

That evening, it was on to BLT Prime, a steakhouse inside the Trump International Hotel in Washington, for a meal with the board of directors of Alliance Resource Partners, a coal-mining giant whose chief executive donated nearly $2 million to help elect President Trump.

Before those two agenda items, Mr. Pruitt met privately with top executives and lobbyists from General Motors to talk about their request to block an Obama administration move to curb emissions that contribute to climate change.

It was just a typical day for Mr. Pruitt, the former Oklahoma attorney general. Since taking office in February, Mr. Trump's E.P.A. chief has held back-to-back meetings, briefing sessions and speaking engagements almost daily with top corporate executives and lobbyists from all the major economic sectors that he regulates — and almost no meetings with environmental groups or consumer or public health advocates, according to a 320-page accounting of his daily schedule from February through May, the most detailed look yet at what Mr. Pruitt has been up to since he took over the agency.

Many of those players have high-profile matters pending before the agency, with potentially hundreds of millions of dollars in regulatory costs at stake. Some of these same companies and trade associations were allies of Mr. Pruitt when, as Oklahoma's attorney general, he sued the E.P.A. at least 14 times to try to block rules Mr. Pruitt is now in charge of enforcing. He also took several trips home to Oklahoma for long weekends, often with one or two brief work meetings, followed by long stretches of downtime.

E.P.A. officials defended Mr. Pruitt's industry-heavy appointment book.

"As E.P.A. has been the poster child for regulatory overreach, the agency is now meeting with those ignored by the Obama administration," an emailed

statement from the agency said, adding that the agency believed that The New York Times was making an "attempt to sensationalize for clicks" the administrator's detailed calendar.

But William K. Reilly, the E.P.A. administrator under the first President George Bush, described the level of meetings between Mr. Pruitt and industry executives as unusual.

"My sense is there is almost nothing about this administration that is traditional," Mr. Reilly said. He said Mr. Pruitt's history of suing the E.P.A. should have prompted him to meet regularly with public health advocates and environmentalists.

"I would think be would feel a responsibility to bend over backward to show a sense of judicious impartiality," Mr. Reilly said.

In just the first 15 days of May, Mr. Pruitt met with the chief executive of the Chemours Company, a leading chemical maker, as well as three chemical lobbying groups; the egg producers lobby; the president of Shell Oil Company; the chief executive of Southern Company; lobbyists for the farm bureau, the toy association and a cement association; the president of a truck equipment manufacturer seeking to roll back emissions regulations for trucks; and the president of the Independent Petroleum Association of America.

The E.P.A. leader also scheduled a call with the Family Research Council, whose self-described mission is to "advance faith, family and freedom in public policy and the culture from a Christian worldview." The topic: pulling "together a small group of key business leaders around the country who are very excited about Administrator Pruitt's new leadership role."

In recent weeks, Freedom of Information Act requests from environmentalists, other nonprofit groups and news organizations including The Washington Post have dislodged documents that hint at Mr. Pruitt's typical day. But for the first time, the most recent release, based on an open records request by the liberal nonprofit American Oversight, includes a description of the topics discussed at each of the meetings, and a list of all the agency officials and corporate executives scheduled to attend.

Mr. Pruitt also has made frequent, government-funded trips to his home

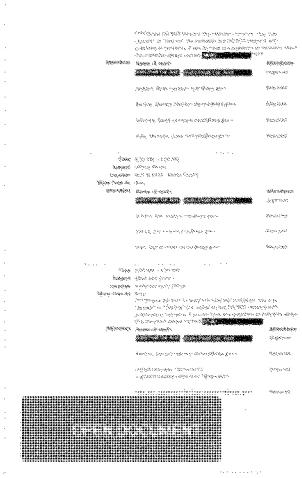
state of Oklahoma, even when the journeys included only a bit of official business. A trip to Oklahoma on May 5, which cost $1,043, was justified by the E.P.A. as an "informational meeting." It consisted of a one-hour sit-down that Friday with Sam Wade, the chief executive of the National Rural Water Association, then a return flight to Washington the following Monday.

Mr. Pruitt flew to Oklahoma on May 19, a Friday, toured a chemical company for three hours the next day, then returned to Washington on Monday. The flight for that trip cost $2,122. These trips are being examined by the agency's inspector general. In later trips Mr. Pruitt appears to have scheduled a greater number of meetings around trips to Oklahoma, such as a three-day trip in July during which he toured a Phillips 66 energy plant, spoke to the Chamber of Commerce in Tulsa, held a round table on the rollback of a Clean Water Act regulation and met with Gov. Mary Fallin.

DOCUMENT

Who Is the E.P.A. Administrator Scott Pruitt Meeting With? A Detailed Schedule

The Environmental Protection Agency late last week released a detailed accounting of Scott Pruitt's daily events for the first three months of his tenure.



Mr. Pruitt generally takes commercial flights when he travels, records show, but on at least one occasion he flew on a much more expensive charter flight, and on two other occasions, on federal government and military planes, after getting authorization from agency officials.

But many of Mr. Pruitt's trips outside Washington, the records show, also involved speeches to industry groups and conservative activists who worked

closely with the energy industry to challenge the Obama administration's regulatory agenda.

Destinations included the Ritz-Carlton Golf Resort in Naples, Fla., in late April, where Mr. Pruitt spoke to the National Mining Association; the Phoenician, a golf resort and spa in Scottsdale, Ariz., where he spoke to the National Association of Manufacturers; and the Broadmoor, a Colorado Springs hotel, for a gathering of conservative activists, sponsored by the Heritage Foundation, where the agenda included sessions like "Innovative Ways to Roll Back the Administrative State."

The Times also examined more than a year's worth of calendar records maintained for Gina McCarthy, Mr. Pruitt's predecessor under President Barack Obama, which also demonstrated a partisan bent. Ms. McCarthy held a disproportionate number of meetings with Democratic lawmakers and environmental groups, particularly in the summer of 2014, when the administration was making the case for sweeping climate-change regulations.

But the documents show Ms. McCarthy apparently spent much more time meeting with E.P.A. professional staff and other federal government officials than Mr. Pruitt, discussing agency programs and policies. She also met with industry players, like the American Gas Association, the National Pork Producers Council and Edison Electric Institute, the utility lobby.

One of Mr. Pruitt's first scheduled meetings with a public health advocacy group, according to the calendar, came on May 24 when he sat down with the American Academy of Pediatrics. A day later he had two meetings with environmental activists, including a group called Trout Unlimited, a conservation group. Liz Bowman, a spokeswoman for the E.P.A., said the agency (she would not specify who) had met with more than two dozen other health and environmental groups, including the Audubon Society and the American Lung Association.

The newly released documents, for the first time, create a direct link between Mr. Pruitt's meetings and actions that the industry wants him to take.

The oil and gas industry, for example, opposed an Obama-era rule that

required it to collect information on the emission of methane, a gas that is considered at least 25 times as effective at warming the planet as carbon dioxide.

On March 27, A.J. Ferate, the vice president of regulatory affairs at the Oklahoma Independent Petroleum Association, saw Mr. Pruitt for half an hour in the administrator's office to offer, according to the schedule notes, "just a few words of appreciation for canceling the Information Collection Request (ICR) on the oil and gas industry." Mr. Ferate and Mr. Pruitt had been working together since at least 2011 — when Mr. Pruitt was Oklahoma's attorney general — to try to kill the methane rule.

The calendars show how companies often turn to people with close personal ties to Mr. Trump or Mr. Pruitt to set up meetings. Roy W. Bailey, the Texas co-finance chairman for the Trump campaign, helped organize a meeting for Intrexon, a Maryland company that wants E.P.A. approval for a biotech-based mosquito control system. Jessica M. Garrison, a former consultant to the Republican Attorneys General Association, helped set up the lunch that Mr. Pruitt had at Equinox with electric utility executives.

The schedule also includes a number of meetings with automakers who pressed the Trump administration to roll back Mr. Obama's decision to lock in vehicle emissions rules through 2025. Mr. Pruitt met in his office on March 17 with the chairman of BMW, Harald Krüger. On April 27, Mr. Pruitt met with G.M. a second time, along with nine other automakers represented by the Alliance of Automobile Manufacturers. The topic: "key E.P.A. priorities affecting the auto industry."

Mr. Pruitt in late April welcomed five executives from a trade association representing sorghum cereal grain growers, including their lobbyist, Joe Bischoff, a former official at the Department of Agriculture. The message they offered Mr. Pruitt: The industry had "witnessed significant pesticide-related restrictions and the threat of revocation of more than half of the crop's reliable insecticides."

Representatives from CropLife America, a trade association run by giant pesticide companies such as Dow AgroSciences and Bayer CropScience, separately met with Mr. Pruitt to "acknowledge the many actions taken already to correct recent regulatory overreach." The meeting with CropLife came the day after Mr. Pruitt overruled E.P.A. scientists who had recommended that the agency ban a pesticide named chlorpyrifos, which has been blamed, in E.P.A.-funded research, for causing developmental disabilities in children, particularly among the families of farm workers.

Another theme emerges in the calendar: Industry executives and conservative activists often scored meetings to press Mr. Pruitt to kill or modify Obama-era climate change regulations, particularly the so-called Clean Power Plan. A May 18 conference call included representatives from the State Policy Network and American Legislative Exchange Council, an organization with ties to Charles G. and David H. Koch, the billionaire industrialists.

"Many people on this call were leading the Clean Power Plan pushback in their state and are advocates for devolving decision making to the local level," the calendar notes.

The E.P.A. is expected to issue a legal justification and plan for rescinding the Clean Power Plan as soon as this week.

A version of this article appears in print on October 3, 2017, on Page A1 of the New York edition with the headline: On Busy Calendar, E.P.A. Chief Puts Interests of Industries First.
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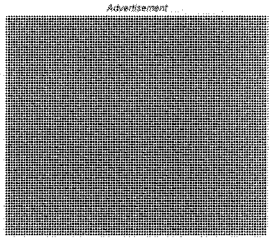

This story was updated at 4:35 p.m. EDT.

The U.S. EPA inspector general is planning to audit Administrator Scott Pruitt's travel back home to Oklahoma.

The agency's internal watchdog said in a notice today it plans to begin "preliminary research" on EPA adhering to policies and procedures regarding Pruitt's travel to Oklahoma.

"This assignment is being initiated based on congressional requests and a hotline complaint, all which expressed concerns about Administrator Pruitt's travel — primarily his frequent travel to and from his home state of Oklahoma at taxpayer expense," said the notice, which was signed by John Trefry, director of forensic audits for the IG's Office of Audit.

The audit's goals are to determine "the frequency, cost and extent" of Pruitt's trips to Oklahoma through July 31, whether policies and procedures were followed for that travel, and whether those policies are "sufficiently designed" to stop fraud, waste and abuse with the EPA chief's travel, according to the notice.

For the probe, auditors will review relevant documents and interview management and staff. The IG will work with EPA's Cincinnati Finance Center as well as its chief financial officer for the audit.

The watchdog expects to start its work on the audit of Pruitt's travel in late August.

An EPA spokeswoman defended Pruitt's travel, saying the administrator wanted to hear from those impacted by the agency's rules.

"Administrator Pruitt is traveling the country to hear directly from the people impacted by EPA's regulations outside of the Washington bubble. This is nothing more than a distraction from the administrator's significant environmental accomplishments," said Amy Graham, the EPA spokeswoman.

Pruitt's trips back home have come under scrutiny from environmental groups as well as Democrats on Capitol Hill. His Oklahoma travel has fueled speculation that Pruitt is preparing for a future run for elected office there.

The EPA administrator spent 43 of 92 days this past spring in Oklahoma, leading to airfare costs of more than $12,000, according to records obtained under the Freedom of Information Act by the Environmental Integrity Project. The group asked the EPA IG to review Pruitt's travel (*E&E News PM*, July 24).

Democrats on the House Energy and Commerce Committee also asked the agency watchdog to investigate the administrator's trips to Oklahoma (*E&E Daily*, July 31).

Inspector General Arthur Elkins sent a separate letter today to Rep. Frank Pallone (D-N.J.), the committee's ranking member, saying that his office "will undertake a systemic audit to review" regarding the agency's handling of Pruitt's travel.

EPA and Pruitt himself have defended his travel to Oklahoma. The EPA chief said in an interview with FOX 25, a local Oklahoma television station, that "an alt-EPA" was behind the research of his travel, noting "their facts are wrong" and "not accurate."

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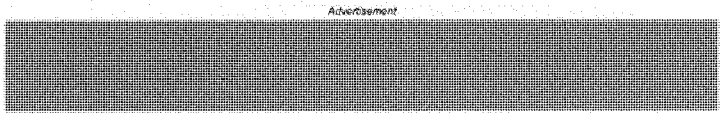

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BY AVERY ANAPOL - 01/11/18 09:59 AM EST

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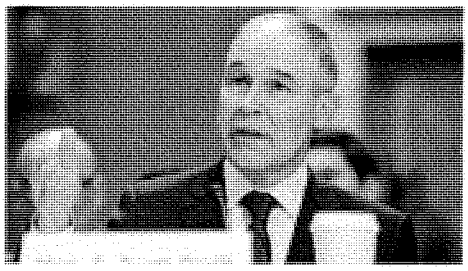

The Environmental Protection Agency's internal inspector general is again expanding its investigation into the travel habits of agency head Scott Pruitt.

An internal memo dated Jan. 10 alerts the agency of the amendment to the investigation, which expands the dates of travel covered in the probe to include Pruitt's travel through the end of 2017. The memo noted that the decision to expand the probe came in response to "additional congressional requests."

Sen. Tom Carper (D-Del.) requested the investigation include Pruitt's December trip to Morocco, which reportedly cost $40,000 in taxpayer dollars.

In a Dec. 18 letter to the inspector general, Carper wrote that one purpose of Pruitt's trip was to promote natural gas exports and that the trip should be scrutinized because the EPA does not oversee natural gas.

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The inspector general's memo notes that the objectives of the investigation remain the same: determining the "frequency, cost and extent" of Pruitt's travel and whether agency policies and procedures were followed.

This is the second time the inspector general has expanded its probe into Pruitt's travel habits. The probe was originally limited to his travel via noncommercial flights through July 31, which had cost more than $58,000.

The investigation was expanded in October to include his taxpayer-funded flights through the end of September.

The office is also looking into Pruitt's April meeting with a coal mining industry group and his decision to have a $25,000 soundproof phone booth installed in his office.

The use of private flights by officials has plagued the Trump administration.

Former Health and Human Services Secretary Tom Price resigned last year over reports about his pricey travel habits and promised to pay back $52,000 to cover "his seat" on the flights.

And the Treasury Department has looked into a flight taken by Secretary Steven Mnuchin that cost taxpayers at least $25,000.

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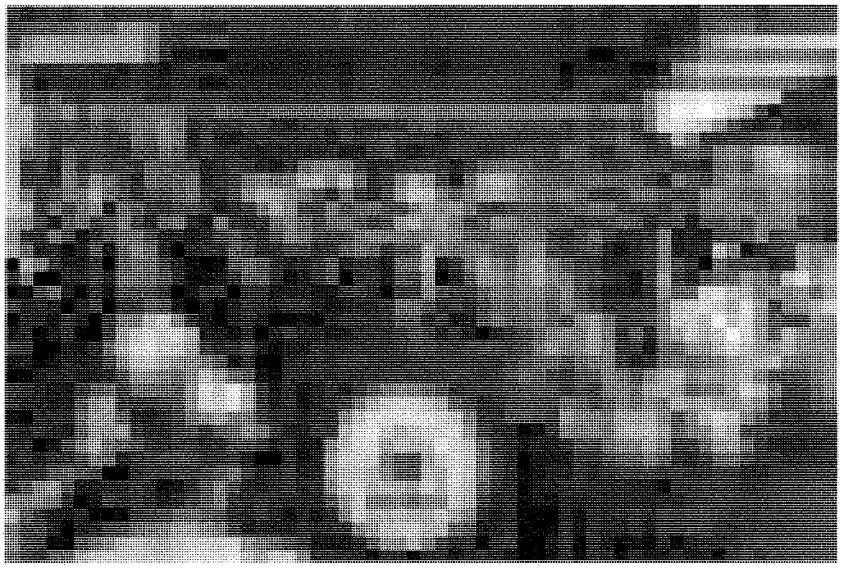
Energy and Environment

EPA inspector general now investigating Pruitt's use of military, private flights

By Brady Dennis October 6, 2017



Environmental Protection Agency Administrator Scott Pruitt speaks with coal miners at the Harvey Mine on April 13 in Sycamore, Pa. (Justin Merriman/Getty Images)

The Environmental Protection Agency's inspector general acknowledged plans Friday to expand its inquiry into Administrator Scott Pruitt's travel habits, marking the latest Trump Cabinet member to face scrutiny from his own agency for taxpayer-funded trips.

The move came after recent disclosures that Pruitt had taken at least four noncommercial and military flights since mid-February, costing taxpayers more than $58,000 to fly him to various parts of the country, according to records provided to a congressional oversight committee and obtained by The Washington Post.

The EPA inspector general's office announced in August that it had

opened an inquiry into Pruitt's frequent travel to his home state of Oklahoma. The internal watchdog at the time said its investigation was triggered by "congressional requests and a hotline complaint, all of which expressed concerns about Administrator Pruitt's travel — primarily his frequent travel to and from his home state of Oklahoma at taxpayer expense."

The probe was triggered in part by findings from the Environmental Integrity Project, a nonprofit group that detailed through public records that Pruitt had spent nearly half of the days in March, April and May in Oklahoma. Initially, EPA investigators said they planned to audit Pruitt's travel records, as well as those of his security and top aides, through the end of July.

But on Friday, the inspector general's office said it would expand that inquiry to include all of Pruitt's travel through the end of September, and not just trips to Oklahoma.

"We will review supporting documentation and conduct interviews with management and staff to determine whether the EPA followed applicable policies and practices, and complied with federal requirements," states Friday's letter, a copy of which was sent to Pruitt.

The EPA has insisted that Pruitt flies commercially when feasible and that all the trips in question were approved by officials in the agency's Office of General Counsel.

"The Trump Administration will work to ensure all officials follow appropriate rules and regulations when traveling, including seeking commercial options at all times appropriate and feasible, to ensure the efficient use of government resources," EPA spokeswoman Liz Bowman said in a statement Friday.

The most expensive of Pruitt's four noncommercial trips came in early June, when Pruitt traveled from Andrews Air Force Base to Cincinnati to join President Trump as he pitched a plan to revamp U.S. infrastructure. From there, Pruitt and several staff members continued on a military jet to John F. Kennedy airport in New York to catch a flight to Italy for an international meeting of environmental ministers. The cost of that flight was $36,068.50.

The EPA has argued that "no viable commercial flights" would have allowed Pruitt to make his plane to Italy, where he had "scheduled meetings with Vatican officials the next day."

Weeks later, on July 27, Pruitt and a half-dozen staff members arranged a flight on an Interior Department plane from Tulsa to the tiny outpost of Guymon, Okla., at a cost of $14,434.50. The EPA noted that "time constraints" on Pruitt's schedule wouldn't allow him to make the 10-hour round-trip drive. The purpose of the trip was to meet with landowners "whose farms have been affected" by a controversial rule regulating water bodies in the United States, according to tbe agency.

On another occasion, Pruitt and three staff members arranged a private air charter on Aug. 4, on a trip from Denver to Durango, Colo. The flight cost $5,719.58. According to the EPA, the commercial flight Pruitt had planned to take "was delayed ultimately for eight hours, wbich would have caused him to miss a mission critical meeting at Gold King Mine" with Gov. John Hickenlooper (D) and other officials. Pruitt that day criticized the EPA's previous handling of the mine, where the agency accidentally triggered a spill two years earlier.

Sen. Sheldon Whitehouse (D-R.I.) wrote to the EPA inspector general on Sept. 26, requesting an additional inquiry into Pruitt's travels. He cited

the "troubling pattern" of Pruitt and other Cabinet officials taking private and military flights at taxpayer expense, arguing that the use of noncommercial flights "warrants an expansion of your investigation beyond its current scope."

In a statement Friday, Whitehouse welcomed the widening of the probe, noting that Pruitt has proposed cutting the agency by 30 percent even as he has "spent tens of thousands of taxpayers dollars on chartered flights and a secure communication chamber in his office, even when the agency already has one."

"I'm glad to see the Inspector General has expanded this investigation into Administrator Pruitt's excessive and dubious spending," Whitehouse added. "The American people deserve to know whether these expenses are a good use of their money."

Juliet Eilperin contributed to this report.

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Energy and Environment

EPA's Pruitt and staff to attend chemical industry meeting at luxury resort next week

By Juliet Eilperin and Brady Dennis November 2, 2017

Scott Pruitt, administrator of the Environmental Protection Agency. (Andrew Harrer/Bloomberg News)

Environmental Protection Agency Administrator Scott Pruitt will travel next week to address the American Chemistry Council's board meeting at a high-end resort on South Carolina's Kiawah Island, his spokesman confirmed Thursday.

Pruitt, who has traveled across the country to meet with industry groups regulated by the EPA, is scheduled to address the board during a session on Nov. 9, according to the event's official schedule. The administrator plans to bring eight EPA staffers to the event. The contingent includes his chief of staff, a senior adviser on state and regional affairs, a press aide, a public engagement official, a security detail of three and an advance person.

The EPA on Thursday said the government is paying for the group's expenses.

"This is part of Administrator Pruitt's 'back-to-basics' tour as he continues to meet with as many stakeholders as possible," EPA spokesman Jahan Wilcox said in a statement. "Administering the Toxic Substances Control Act (TSCA), amended by the 2016 Lautenberg Chemical Safety Act, is one of EPA's core functions."

Traveling to the session, held at the Sanctuary Hotel at Kiawah Island Golf Resort, is the latest example of Pruitt going outside the Beltway to meet with top corporate officials. In recent months he has gone to a Ritz-Carlton resort for a National Mining Association meeting in Naples, Fla., and to another golf resort in Arizona to speak at a board meeting for the National Association of Manufacturers.

According to an online itinerary, rooms for the event are $389 per night, though Wilcox said EPA officials would be paying a government rate of $135 for lodging. Registration for the meeting begins at $649, and includes access to a "chairman's reception and board dinner" on Wednesday evening, before Pruitt's speech.

The American Chemistry Council declined to comment on the event.

The chemical industry group, which frequently criticized the EPA's approach to regulation under President Barack Obama, has emerged as an influential player in the Trump administration. Along with other trade groups, the organization successfully petitioned the agency to institute a two-year delay for the effective date of a chemical risk safety rule adopted in January. That rule would require operators storing chemicals to provide more detailed information to first responders.

Pruitt moved in June to delay the rule, which is aimed at averting the kind of explosions that occurred in 2013 at a fertilizer plant in West, Tex., killing 15 people. It now would not take effect until Feb. 19, 2019.

EPA has changed course on a number of other policies involving chemicals since Pruitt came into office. It is currently in the process of implementing updates to the Toxic Substances Control Act, which made significant changes to how the agency evaluates and regulates both chemicals that are already on the market or about to be introduced.

Environmentalists have charged that EPA is no longer testing new chemicals as it did after the law was passed, when Obama was still in office, and that Pruitt's appointees are rewriting the rules for how the law will be implemented going forward.

In March, Pruitt withdrew a petition to ban the pesticide chlorpyrifos, which is used on a range of crops and was determined by EPA to pose potential health risks to fetal neurological development. He has instructed agency officials to reevaluate scientific determinations on that pesticide as well as other chemical compounds.

The ACC has praised Pruitt for moving to change the makeup of scientific advisory boards that provide recommendations to the agency on a range of matters, including pesticides, toxic chemicals and air pollutants. Earlier this year, an ACC spokesman said of the changes, "We are hopeful Administrator Pruitt's actions will help to ensure regulatory decisions are based on the highest quality science, enhance accountability, create greater balance, more transparency and fewer conflicts of interest on EPA advisory boards."

[Scott Pruitt blocks scientists with EPA funding from serving as agency advisers]

Several people linked to the ACC serve in the EPA or are expected to be named to positions in the agency. Pruitt is set to announce new appointments to the Scientific Advisory Board and two other panels as early as next week, and according to individuals briefed on the matter, ACC's senior director for its chemical products and technology division, Kimberly White, will be named to the board. Nancy Beck, a former ACC executive, now serves as deputy assistant administrator at EPA's Office of Chemical Safety and Pollution Prevention. Michael Dourson, an industry consultant who co-authored a 2016 paper with Beck underwritten by ACC, serves as one of Pruitt's senior advisers and is nominated to lead the chemical safety office. An agency spokeswoman, Liz Bowman, also previously worked at the industry group.

In the paper Beck and Dourson authored last year in the journal Regulatory Toxicology and Pharmacology, they argued that EPA had set acceptable risk levels for 19 chemicals that were too stringent.

"Pruitt's going to meet with ACC's Board in South Carolina, but the real problem is that he could just as well just call Nancy Beck or Michael Dourson into his office for a staff meeting," said Richard Denison, lead senior scientist for the advocacy group Environmental Defense Fund. "The chemical industry has unprecedented access to the inner workings of EPA's toxics office, and it's showing up in myriad ways."

Pruitt met with ACC's chief executive Cal Dooley and several other officials from the group once at EPA headquarters, according to his publicly released schedule, on May 10. The topic listed on the calendar for the meeting was, "Importance of EPA to the antimicrobial and chemical industry and the need for greater transparency and opportunities for stakeholder engagement."

But it is not Pruitt's only interaction with the chemical industry. The

following week, on May 15, he met with Chemours chief executive Mark Vergnano and other company officials. Later that day, he met with the National Association of Chemical Distributors to discuss TSCA and other related issues. A few days later, on May 20, he toured Brainerd Chemical in Tulsa, which describes itself as "a major regional provider and distributor of chemicals for research facilities, industrial plants and agricultural operations."

In the past, Pruitt has shown a tendency to take numerous staff members with him on his out-of town trips, according to the few details available about his travel schedule.

For instance, he took at least five political staffers, in addition to his security detail, on a July 27 noncommercial flight to rural Oklahoma for a meeting about water issues. On Aug. 4, he took several other staff members on a charter flight to visit Gold King Mine in Colorado. The state's governor, John Hickenlooper (D), had offered Pruitt a seat on his plane that day, but the EPA decided to charter its own flight so that Pruitt's staff members could come along.

On June 7, Pruitt and several EPA staffers took a military flight from Cincinnati, where he had attended an event with President Trump, to New York's John F. Kennedy airport to catch an evening flight to Italy for a meeting of environmental ministers. That flight cost in excess of $36,000. In Italy, Pruitt met with a number of other staffers who had traveled ahead of him.

Pruitt's predecessor, Gina McCarthy, made fewer appearances at industry board meetings, though she held more frequent meetings than Pruitt with environmental advocates, often at EPA headquarters.

In the past, when Pruitt has traveled to other industry events to speak,

he has received approval from government ethics officials. Each time government attorneys have greenlighted the trips, but warned that "the persons extending the invitation are registered lobbyists or lobbying organizations, therefore if the official speaks, he must be careful about the organization offering him a tangible gift to take home with him."

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Energy and Environment

Fancy dinners, far-flung speeches: Calendars detail EPA chief's close ties to industry

By Brady Dennis and Juliet Eilperin October 3, 2017

Environmental Protection Agency Administrator Scott Pruitt shakes hands with miners during an April visit to a Consol Pennsylvania Coal Co. mine in Sycamore, Pa. (Gene J. Puskar/AP)

During his seven months in office, Environmental Protection Agency Administrator Scott Pruitt has filled his days meeting with executives from many of the companies he regulates, while all but sidestepping environmental and public health groups. But the face time with industry representatives has extended well

beyond his Washington office.

On April 26, for example, Pruitt had lunch with executives from Southern, one of the nation's biggest coal-burning utilities. They dined at Equinox, a restaurant near the White House, where the baby-carrot-and-red-beet salad with shrimp runs $28. Later that day, Pruitt met with senior leaders at Alliance Resource Partners, a major coal-mining operation, for a dinner at BLT Prime, a steakhouse in the Trump International Hotel, just across from EPA headquarters.

On other occasions, Pruitt traveled to a Ritz-Carlton golf resort in Naples, Fla., for a National Mining Association meeting; to another golf resort in Arizona to speak at a board meeting for the National Association of Manufacturers; and to a resort in Colorado to speak at an event organized by the conservative Heritage Foundation.

The meals with company executives and other evidence of Pruitt's close ties to industries his agency regulates were laid out in a detailed copy of Pruitt's calendar obtained by the liberal nonprofit group American Oversight. The New York Times on Tuesday reported details from American Oversight's Freedom of Information Act request.

The insights into Pruitt's previously undisclosed meetings add to an already familiar story of how he has spent his time since becoming administrator in February. While EPA leaders traditionally talk with a broad array of stakeholders, Pruitt has overwhelmingly leaned toward meetings with corporate executives in industries regulated by the EPA, and in multiple cases he has quickly ruled in their favor on a range of issues. A more limited version of Pruitt's schedule from April to September, obtained and reported last month by The Washington Post, showed that he often met with executives from the automobile, mining and fossil fuel industries while only rarely making time for environmental or public health groups.

On the morning of May 1, for example, Pruitt met at EPA headquarters with the Pebble Limited Partnership. In 2014, citing concerns over the risk of contamination to a valuable sockeye-salmon run, the agency had blocked the Canadian company from building a massive gold, copper and molybdenum mine in Alaska's Bristol Bay watershed.

Hours after that first meeting, Pruitt met with Sen. Lisa Murkowski (R-Alaska), who had opposed the Obama administration's decision. Less than two weeks later, the EPA struck a legal settlement with the partnership that cleared the way for it to

apply for federal permits for the operation.

In June, Pruitt met at EPA headquarters with representatives from Fitzgerald Truck Sales, the nation's largest manufacturer of commercial truck "gliders" — truck bodies without an engine or transmission. Later in the summer, he announced that he would revisit an October 2016 decision to apply greenhouse-gas emissions standards for heavy-duty trucks to trailers and gliders. The decision was because of "the significant issues" raised by those in the industry, he said.

The latest calendars show other meetings with industry executives, many of whom have regulatory issues, involving large sums of money in potential costs, before the agency. They include representatives from Shell and chemical maker Chemours and lobbyists from the chemical industry, the egg-producers lobby and the farm bureau.

In an email Tuesday, EPA strategic-communications adviser Jahan Wilcox detailed a long list of "environmental, consumer protection and public health groups that the EPA has met with," though it appears that most of the meetings involved officials other than Pruitt. The broader list provided by the EPA included the Nature Conservancy, the Audubon Society, the American Lung Association and the National Environmental Health Association.

"The truth is: EPA has met with over 25 consumer protection, public health and environmental groups," Wilcox said in the email. "Additionally, Administrator Pruitt has been praised by the Galveston Bay Foundation and Texas Health and Environment Alliance for his work on cleaning-up toxic Superfund sites."

During his first six months in office, according to public schedules, Pruitt himself met with representatives from three environmental and public health organizations: the American Academy of Pediatrics, Trout Unlimited and the Center for Climate and Energy Solutions.

Agency officials noted that Pruitt's predecessor, Gina McCarthy, said in January that she regretted that she and her deputies hadn't convinced rural Americans that the agency was on their side. The officials also said that McCarthy met with a disproportionate number of Democratic officials and environmental activists as the Obama administration was crafting regulations aimed at curbing greenhouse-gas emissions and combating climate change.

EPA calendars show that McCarthy spent a large chunk of her time meeting with such groups, particularly throughout 2014. But she also met with a number of industry-backed interest groups, such as the American Gas Association, the Edison

Electric Institute and the National Pork Producers Council.

In some cases, the just-released Pruitt calendar records provide new information on events that were vaguely worded in the previous public schedule. On May 11, according to the version released last month, Pruitt attended a "speaking engagement" in Colorado Springs. The new document shows that he spoke at the "Resource Bank" meeting of the Heritage Foundation, the conservative think tank. It also shows that since Pruitt was "invited to speak and present information on behalf of the agency," his "acceptance of free attendance and any meals" at the event did not warrant financial disclosure.

Travel vouchers obtained by the Climate Investigations Center, an environmental advocacy group, said that that Heritage "will be paying for the Administrator's lodging" at that conference.

Even the revised schedule, however, does not provide the full details of Pruitt's activities. For example, the calendar shows that Pruitt attended "Earth Day Events" in Dallas on April 22 and that afterward he flew to Tulsa. But EPA travel vouchers show that Pruitt's travel registry for that day indicate that he was to be in "Tulsa to conduct meetings in the state and to serve as a keynote speaker for ALEC event." ALEC refers to the American Legislative Exchange Council, a state-based conservative group funded by a range of corporations and conservative activists.

"The EPA has tried very hard to keep Pruitt's actual work quiet," Climate Investigations Center Director Kert Davies said in an email. "It took a court order to get the details we learned today. . . . For Pruitt, it's the same as it ever was, a lack of transparency and far too cozy connections with the industries he is supposed to be regulating."

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CLIMATE

Scott Pruitt Spent Much of Early Months at E.P.A. Traveling Home, Report Says

By **LISA FRIEDMAN** JULY 24, 2017

Scott Pruitt, the administrator of the Environmental Protection Agency, arriving to testify before a Senate subcommittee last month. Aaron P. Bernstein/Reuters

Scott Pruitt, the head of the Environmental Protection Agency, traveled to his home state, Oklahoma, 10 times over three months this year, largely at taxpayer expense, according to a report released Monday.

The findings from the Environmental Integrity Project, a nonprofit group founded by former E.P.A. officials, are drawn from Mr. Pruitt's calendar and the travel expenses he has submitted for reimbursement. Obtained under the Freedom of Information Act, the documents show Mr. Pruitt spent 43 out of 92 days from March through May in Oklahoma or traveling to or from the state.

The report does not assert that Mr. Pruitt's estimated $12,000 in federally funded airfare, which includes travel to and from his home state, is improper.

Many in Oklahoma speculate that Mr. Pruitt, who was the state's elected attorney general until assuming the E.P.A. job in February, plans to again seek statewide office. Mr. Pruitt lost a 2006 primary bid to become Oklahoma's lieutenant governor. He was elected attorney general in 2010.

An E.P.A. spokeswoman said that all of Mr. Pruitt's travel was related to agency business and that he had no other political agenda.

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Since assuming the E.P.A. job, Mr. Pruitt has drawn much of his political staff from the office of Senator James M. Inhofe, a fellow Oklahoma

Republican who doubts climate change science and who has championed the dismantlement of fossil fuel regulations.
But a number of top agency jobs — including deputy administrator and head of the air pollution office — remain vacant. The White House intends to announce nominations for those posts in coming weeks, officials said.

Eric Schaeffer, the executive director of the Environmental Integrity Project and the former director of the E.P.A.'s office of civil enforcement, said he had sought Mr. Pruitt's travel documents because agency staff members told him they had difficulty scheduling meetings because Mr. Pruitt was frequently out of town.

It is unclear whether aides or members of Mr. Pruitt's full-time security detail accompanied him. The report lists only Mr. Pruitt's airfare expenses.

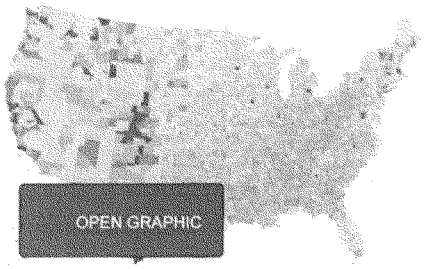
Mr. Schaeffer said Mr. Pruitt had not been transparent about his reasons for spending nearly half of March, April and May in Oklahoma.

For all but one trip, Mr. Pruitt's schedule notes an official reason for being in the state, like a tour he took in May of the Brainerd Chemical Company in Tulsa or a tour a week later of a contaminated creek in Osage County. In some cases, Mr. Pruitt also paid a portion of the travel costs. When he made a three-day stop in Oklahoma after a speaking engagement in Houston, for example, Mr. Pruitt paid for travel between Houston and Tulsa. The E.P.A. picked up the rest of the airfare, according to the voucher documents.

GRAPHIC

How Americans Think About Climate Change, in Six Maps

Americans overwhelmingly believe that global warming is happening, and that carbon emissions should be scaled back. But fewer are sure that it will harm them personally.



The vouchers said Mr. Pruitt was holding "informational meetings" during those days in Oklahoma, but they were not specified on the administrator's calendar.

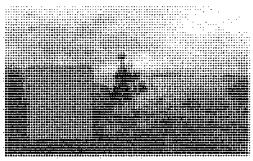
The schedule also points to political destinations, like a keynote address he gave in April to the American Legislative Exchange Council, an industry-funded group.

According to Mr. Pruitt's calendar, he typically spends three to five days in the state but often lists just one official meeting. In one case, he traveled to Oklahoma on March 23 and received an award from the National Stripper Well Association in Oklahoma that day. He stayed through March 27.

In that case, Mr. Pruitt asked for reimbursement for one leg of the travel, noting in the voucher that the rest of the weekend would be spent at his personal residence. On another trip, from May 4 through May 8, Mr. Pruitt met with the head of a rural water association on May 5, with no other meetings scheduled.

"He needs to say why spending half his time in Oklahoma and having one meeting per trip is performing his duties as an administrator," Mr. Schaeffer said. He added that the trips gave the appearance that Mr. Pruitt is "keeping his political contacts warm" and questioned the amount being reimbursed as part of official E.P.A. business.

Asked about the travel to Oklahoma and Mr. Pruitt's future political plans, an E.P.A. spokeswoman, Liz Bowman, said in a statement: "Administrator Pruitt is committed to serving the president by leading the Environmental Protection Agency; he is not running for elected office. The administrator's travel, whether to Utah, Michigan or Oklahoma, all serves the purpose of hearing from hard-working Americans about how E.P.A. can better serve the American people."



Video Feature: The Antarctica Series

Were Mr. Pruitt to try to replace Gov. Mary Fallin of Oklahoma in 2018, his tenure as E.P.A. chief would be cut short. Mr. Inhofe, 82, has not said whether he intends to run for re-election when his six-year term ends in

2020. Oklahoma's other senator, James Lankford, 49, is up for re-election in 2022.

Keith Gaddie, a professor of political science at the University of Oklahoma, said that the field for the governor's race was already crowded without Mr. Pruitt and that he would not bet on Mr. Inhofe's retirement.

Mr. Gaddie added that there was little talk in Oklahoma about Mr. Pruitt returning to the state to run for office.

Rather, Mr. Gaddie said, Mr. Pruitt was probably going home for personal reasons. His daughter, McKenna, recently graduated from the University of Oklahoma, and he has a son, Cade, who is several years younger.

Mr. Gaddie also defended the travel reimbursements. "In a state where everyone's ethics are questioned," he said, "I've never heard his questioned."

Gina McCarthy, who served as E.P.A. administrator during President Barack Obama's second term, also traveled frequently to her home in Boston, where her husband lived. A spokeswoman for Ms. McCarthy, Liz Purchia, estimated that Ms. McCarthy traveled home roughly every other weekend during her term leading the agency. She said Ms. McCarthy paid for the travel.

Ms. McCarthy's travel could not be immediately verified because her travel records are not publicly available.

Coral Davenport and Hiroko Tabuchi contributed reporting.

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CLIMATE

60 Environmental Rules on the Way Out Under Trump

By NADJA POPOVICH, LIVIA ALBECK-RIPKA and KENDRA PIERRE-LOUIS UPDATED Dec. 15, 2017

Since taking office in January, President Trump has made eliminating federal regulations a priority. His administration — with help from Republicans in Congress — has often targeted environmental rules it sees as overly burdensome to the fossil fuel industry, including major Obama-era policies aimed at fighting climate change.

To date, the Trump administration has sought to reverse at least 60 environmental rules, according to a New York Times analysis, based on research from Harvard Law School's Environmental Regulation Rollback Tracker, Columbia Law School's Climate Tracker and other sources.

29
rules have been overturned

- Flood building standards
- Proposed ban on a potentially harmful pesticide
- Freeze on new coal leases on public lands

24
rollbacks are in progress

- Clean Power Plan
- Paris climate agreement
- Wetland and tributary protections
- Car and truck fuel-efficiency standards

7
rollbacks are in limbo

- Methane emission limits at new oil and gas wells
- Limits on landfill emissions
- Mercury emission limits for power plants

- Methane reporting requirement
- Anti-dumping rule for coal companies
- Decision on Keystone XL pipeline
- Decision on Dakota Access pipeline
- Third-party settlement funds
- Offshore drilling ban in the Atlantic and Arctic
- Ban on seismic air gun testing in the Atlantic
- Northern Bering Sea climate resilience plan
- Royalty regulations for oil, gas and coal
- Inclusion of greenhouse gas emissions in environmental reviews
- Permit-issuing process for new infrastructure projects
- Green Climate Fund contributions
- Mining restrictions in Bristol Bay, Alaska
- Endangered species listings
- Hunting ban on wolves and grizzly bears in Alaska
- Protections for whales and sea turtles
- Reusable water bottles rule for national parks
- National parks climate order
- Environmental mitigation for federal projects
- Calculation for "social cost" of carbon
- Planning rule for public lands
- Copper filter cake listing as hazardous waste
- Mine cleanup rule
- Status of 10 national monuments
- Status of 12 marine areas
- Limits on toxic discharge from power plants
- Coal ash discharge regulations
- Emissions standards for new, modified and reconstructed power plants
- Emissions rules for power plant start-up and shutdown
- Sage grouse habitat protections
- Fracking regulations on public lands
- Regulations on oil and gas drilling in some national parks
- Oil rig safety regulations
- Regulations for offshore oil and gas exploration by floating vessels
- Drilling in the Arctic Wildlife Refuge
- Hunting method regulations in Alaska
- Requirement for tracking emissions on federal highways
- Emissions standards for trailers and glider kits
- Limits on methane emissions on public lands
- Permitting process for air-polluting plants
- Offshore oil and gas leasing
- Use of birds in subsistence handicrafts
- Coal dust rule
- Hazardous chemical facility regulations
- Groundwater protections for uranium mines
- Efficiency standards for federal buildings
- Rule helping consumers buy fuel-efficient tires

- Sewage treatment pollution regulations
- Ban on use of lead ammunition on federal lands
- Restrictions on fishing

The chart above reflects three types of policy changes: rules that have been officially reversed; announcements and changes still in progress, pending reviews and other rulemaking procedures; and regulations whose status is unclear because of delays or court actions. (Several rules were undone but later reinstated after legal challenges.)

The process of rolling back the regulations has not been smooth, in part because the administration has tried to bypass the formal rulemaking process in some cases. On more than one occasion, the administration has tried to roll back a rule by announcing its intent but skipping steps such as notifying the public and asking for comment. This has led to a new kind of legal challenge, according to Joseph Goffman, executive director of Harvard's environmental law program. Courts are now being asked to intervene to get agencies to follow the process.

Regulations have often been reversed as a direct response to petitions from oil, coal and gas companies and other industry groups, which have enjoyed a much closer relationship with key figures in the Trump administration than under President Barack Obama.

Scott Pruitt, the head of the Environmental Protection Agency, has met almost daily with industry executives and lobbyists. (As Oklahoma's attorney general, Mr. Pruitt sued the agency he now oversees more than a dozen times to try to block Obama-era rules.) The E.P.A. has been involved in nearly one-third of the policy reversals identified by The Times.

Here are the details for each policy targeted by the administration so far — including who lobbied to get the regulations changed. *Are there rules we missed? Email climateteam@nytimes.com or tweet @nytclimate.*

OVERTURNED

1. Revoked Obama-era flood standards for federal infrastructure projects

This Obama-era rule, revoked by Mr. Trump in August, required that federal agencies protect new infrastructure projects by building to higher flood standards. Building trade groups and many Republican lawmakers opposed it as costly and burdensome.

2. Rejected a proposed ban on a potentially harmful pesticide

Dow Agrosciences, which sells the pesticide chlorpyrifos, opposed a risk analysis by the Obama-era E.P.A. that found the compound posed a risk to fetal brain and nervous system development. Mr. Pruitt rejected the E.P.A.'s analysis, arguing the chemical needed further study.

3. Lifted a freeze on new coal leases on public lands

Coal companies weren't thrilled about the Obama administration's three-year freeze pending an environmental review. Mr. Zinke, the interior secretary, revoked the freeze and review in March. He appointed members to a new advisory committee on coal royalties in September.

4. Canceled a requirement for oil and gas companies to report methane emissions

In March, Republican officials from 11 states wrote a letter to Mr. Pruitt, saying the rule added costs and paperwork for oil and gas companies. The next day, Mr. Pruitt revoked the rule.

5. Revoked a rule that prevented coal companies from dumping mining debris into local streams

The coal industry said the rule was overly burdensome, calling it part of a "war on coal." In February, Congress passed a bill revoking the rule, which Mr. Trump signed into law.

6. Approved the Keystone XL pipeline

Republicans, along with oil, gas and steel industry groups, opposed Mr. Obama's decision to block the pipeline, arguing that the project would create jobs and support North American energy independence. After the pipeline company reapplied for a permit, the Trump administration approved it. In November, state regulators in Nebraska, where the pipeline would pass through, approved the project but rejected the pipeline company's proposed route.

7. Approved the Dakota Access pipeline

Republicans criticized Mr. Obama for delaying construction after protests led by the Standing

Rock Sioux Tribe. Mr. Trump ordered an expedited review of the pipeline, and the Army approved it. Crude oil began flowing June 1, but a federal judge later ordered a new environmental review. The pipeline can continue to operate, but its owners must develop a spill response plan with federal and tribal officials near Lake Oahe in North Dakota, enlist third-party auditors and produce bimonthly reports.

8. Prohibited funding third-party projects through federal lawsuit settlements, which could include environmental programs

Companies settling lawsuits with the federal government have sometimes paid for third-party projects, like when Volkswagen put $2.7 billion toward pollution-fighting programs after its emissions cheating scandal. The Justice Department has now prohibited such payments, which some conservatives have called "slush funds."

9. Repealed a ban on offshore oil and gas drilling in the Atlantic and Arctic oceans

Lobbyists for the oil industry were opposed to Mr. Obama's use of the Outer Continental Shelf Lands Act to permanently ban offshore drilling along parts of the Atlantic coast and much of the ocean around Alaska. Mr. Trump repealed the policy in an April executive order and instructed his interior secretary, Mr. Zinke, to review the locations made available for offshore drilling.

10. Proposed the use of seismic air guns for gas and oil exploration in the Atlantic

Following a executive order in April known as the America-First Offshore Energy Strategy, the Trump administration began an application process to allow five oil and gas companies to survey the Atlantic using seismic air guns, which fire loud blasts that can harm whales, fish and turtles. The Obama administration had previously denied such permits.

11. Revoked a 2016 order protecting the northern Bering Sea region in Alaska

Mr. Trump revoked a 2016 order by Mr. Obama that was meant to protect the Bering Sea and Bering Strait by conserving biodiversity, engaging Alaska Native tribes and building a sustainable economy in the Arctic, which is vulnerable to climate change. Senator Lisa Murkowski, Republican of Alaska, has said she will work on new legislation that would reinstate the part of Mr. Obama's order that required policies be vetted by the region's tribes.

12. Repealed an Obama-era rule regulating royalties for oil, gas and coal

Lobbyists for the fossil fuel industry opposed 2016 Interior Department regulations meant to ensure fair royalties were paid to the government for oil, gas and coal extracted from federal or tribal land. In August, the Trump administration rescinded the rule, saying it caused "confusion and uncertainty" for energy companies.

13. Withdrew guidance for federal agencies to include greenhouse gas emissions in environmental reviews

Republicans in Congress opposed the guidelines, which advised federal agencies to account for possible climate effects in environmental impact reviews. They argued that the government lacked the authority to make such recommendations, and that the new rules would slow down the issuing of permits. Critics say that by eliminating the guidance, the administration is inviting lawsuits that could slow down permitting even more.

14. Relaxed the environmental review process for federal infrastructure projects

Oil and gas industry leaders said the permit-issuing process for new infrastructure projects was costly and cumbersome. In an August executive order, Mr. Trump announced a policy he said would streamline the process for pipelines, bridges, power lines and other federal projects. The order put a single federal agency in charge of navigating environmental reviews, instituted a 90-day timeline for permit authorization decisions and set a goal of completing the full process in two years.

15. Announced intent to stop payments to the Green Climate Fund

Mr. Trump said he would cancel payments to the fund, a United Nations program that helps developing countries reduce emissions and adapt to climate change. Mr. Obama had pledged $3 billion, $1 billion of which Congress has already paid out over the opposition of some Republicans.

16. Dropped proposed restrictions on mining in Bristol Bay, Alaska

A Canadian company sued the E.P.A. over an Obama-era plan to restrict mining in Bristol Bay, an important salmon fishery. The Trump administration settled the suit and allowed the company to apply for permits to build a large gold and copper mine in the area. Commercial fishermen say the mine threatens the spawning and rearing habitat of the region's salmon. Alaska Republicans, including Senator Murkowski, supported the mine.

17. Removed a number of species from the endangered list

Arguing that they no longer warranted protection, the Trump administration removed a number of species from the endangered and threatened species lists, including the Yellowstone grizzly bear, which the Obama administration had also proposed removing. While Republicans had long pushed to have the bears removed, environmentalists said the population had not yet recovered.

18. Overturned a ban on the hunting of predators in Alaskan wildlife refuges

Alaskan politicians opposed the law, which prevented hunters from shooting wolves and grizzly bears on wildlife refuges, arguing that the state has authority over those lands. Congress passed

a bill revoking the rule, which Mr. Trump signed into law.

19. Withdrew proposed limits on endangered marine mammals caught by fishing nets on the West Coast

Under Mr. Trump, the National Marine Fisheries Service withdrew the proposed rule, noting high costs to the fishing industry and arguing that sufficient protections were already in place.

20. Stopped discouraging the sale of plastic water bottles in national parks

The National Park Service had urged parks to reduce or eliminate the sale of disposable plastic water bottles in favor of filling stations and reusable bottles. The International Bottled Water Association called the action unjustified.

21. Rescinded an Obama-era order to consider climate change in managing natural resources in national parks

The 2016 policy, which called for scientific park management, among other objectives, was contested by Republicans. In August, the National Park Service said it rescinded the policy to eliminate confusion among the public and National Park Service employees regarding the Trump administration's "new vision" for America's parks.

22. Revoked directive for federal agencies to mitigate the environmental impacts of projects they approve

In a March executive order, Mr. Trump revoked an Obama-era memorandum that instructed five federal agencies to "avoid and then minimize" the impacts of development on water, wildlife, land and other natural resources. The memo also encouraged private investment in restoration projects.

23. Directed agencies to stop using an Obama-era calculation of the "social cost of carbon"

As part of an expansive March 2017 executive order, Mr. Trump directed agencies to stop using an Obama-era calculation that helped rulemakers monetize the costs of carbon emissions and instead base their estimates on a 2003 cost-benefit analysis. Despite the federal rollback, several states, including New York and Minnesota, are using the Obama-era metric to help reduce emissions from their energy grids.

24. Revoked an update to the Bureau of Land Management's public land use planning process

Republicans and fossil fuel industry groups opposed the updated planning rule for public lands, arguing that it gave the federal government too much power at the expense of local and business interests. Congress passed a bill revoking the rule, which Mr. Trump signed into law.

25. Removed copper filter cake, an electronics

manufacturing byproduct, from the "hazardous waste" list

Samsung petitioned the E.P.A. to delist the waste product, which is produced during electroplating at its Texas semiconductor facility. The E.P.A. granted the petition after a public comment period.

26. Reversed a proposed rule that mines prove they can pay for cleanup

Mining groups and Western-state Republicans opposed an Obama-era proposal that mining companies prove they have the money to clean up pollution left behind at their sites. Abandoned mines have left waterways polluted in many parts of the country. In December, the Trump administration rejected the proposed rule, saying it would impose an undue burden on rural America and on an important sector of the economy.

27. Withdrew a proposed rule reducing pollutants at sewage treatment plants

In December 2016, the E.P.A. proposed a rule requiring sewage treatment plants to further regulate emissions, which can include hazardous air pollutants, including formaldehyde, toluene and tetrachloroethylene.

28. Overturned ban on use of lead ammunition on federal lands

Mr. Zinke overturned the Obama-era order, which banned the use of lead ammunition and fish tackle on lands and waters managed by the Fish and Wildlife Service, citing lack of "significant communication, consultation or coordination with affected stakeholders."

29. Amended fishing regulations for a number of species

After a push by commercial fishing groups, the Trump administration began to roll back regulations on catch limits and season openings for various species of fish, including gray triggerfish, while proposing to review rules for others.

IN PROGRESS

30. Proposed repeal of the Clean Power Plan

Coal companies and Republican officials in many states opposed the plan, which set limits on carbon emissions from existing coal- and gas-fired power plants. Mr. Trump issued an executive

order in March instructing the E.P.A. to re-evaluate the plan, which had not taken effect. In October, the E.P.A. proposed repealing the plan without a replacement, but Mr. Pruitt said in a House hearing in December that the agency did intend to replace it. A full repeal would invite more lawsuits because the Supreme Court has ruled and the E.P.A. has determined that the agency must regulate carbon emissions. As required by law, the E.P.A. is accepting public comment on the repeal.

31. Announced intent to withdraw the United States from the Paris climate agreement

Arguing that it tied his hands in matters of domestic energy policy, Mr. Trump announced that the United States would withdraw from the Paris accord, under which the United States had pledged to cut emissions by 26 to 28 percent below 2005 levels by 2025. The Trump administration has formally notified the United Nations of its intent to withdraw, but it cannot complete the process until late 2020. The United States is the only country in the world opposed to the agreement.

32. Proposed rescinding a rule that protected tributaries and wetlands under the Clean Water Act

Farmers, real estate developers, golf course owners and many Republicans opposed an Obama-era clarification of the Clean Water Act, called the Waters of the United States rule, that extended protections over small waterways. Under Mr. Trump's direction, Mr. Pruitt released a proposal in June to roll back the expanded definition. In November the E.P.A. proposed delaying the effective date of the rule to 2020 from 2018.

33. Reopened a review of fuel-efficiency standards for cars and trucks

Automakers said it would be difficult and costly to meet fuel economy goals they had agreed upon with the Obama administration. Under Mr. Trump, the E.P.A. and Department of Transportation have reopened a standards review for model years 2021 through 2025. The administration is also considering easing penalties on automakers who do not comply with the federal standards.

34. Recommended shrinking or modifying 10 national monuments

Republicans in Congress said the Antiquities Act, which allows presidents to designate national monuments, had been abused by previous administrations. Mr. Obama used the law to protect more than 4 million acres of land and several million square miles of ocean. Mr. Trump ordered a review of recent monuments, culminating in proclamations that shrank two Utah sites, reducing Bears Ears National Monument by 85 percent and Grand Staircase-Escalante almost by half. At least five lawsuits are challenging the modifications.

35. Reviewing 12 marine protected areas

As part of his April executive order aimed at expanding offshore oil and gas drilling, Mr. Trump called for a review of national marine sanctuaries and monuments designated or expanded within the past decade. In June, the National Oceanic and Atmospheric Administration announced that 12 protected marine areas were under review. In his recommendation to the president, Mr. Zinke, the interior secretary, called for introducing commercial fishing in three protected marine areas: Rose Atoll, in the South Pacific; Pacific Remote Islands, to the south

and west of Hawaii; and Northeast Canyons and Seamounts, off the coast of New England.

36. Reviewing limits on toxic discharge from power plants into public waterways

Utility and fossil fuel industry groups opposed the rule, which limited the amount of toxic metals — arsenic, lead and mercury, among others — power plants could release into public waterways. Industry representatives said complying with the guidelines, which were to take effect in 2018, would be extremely expensive. In September, Mr. Pruitt postponed the rule until 2020.

37. Reviewing rules regulating coal ash waste from power plants

Utility industry groups petitioned to change the rule, which regulates how power plants dispose of coal ash in waste pits that are often located near waterways. The E.P.A. agreed to reconsider the rule.

38. Reviewing emissions standards for new, modified and reconstructed power plants

In addition to the Clean Power Plan, Mr. Trump's Executive Order on Promoting Energy Independence called on the E.P.A. to review a related rule limiting carbon dioxide emissions from new, modified and reconstructed power plants.

39. Reviewing emissions rules for power plant start-ups, shutdowns and malfunctions

Power companies and other industry groups sued the Obama administration over the rule, which asked 36 states to tighten emissions exemptions for power plants and other facilities. The E.P.A. under Mr. Trump asked the court to suspend the case while the rule undergoes review.

40. Announced plans to review greater sage grouse habitat protections

Oil and gas industry leaders called the Obama administration's plan for protecting the bird, whose numbers have plummeted in recent years, "deeply flawed" and welcomed an Interior Department review. In 2015, when the plan was created, Sally Jewell, then interior secretary, called it "the largest, most complex land conservation effort ever in the history of the United States." In October, the Bureau of Land Management issued a notice that would shift management plans to the states. Public comment on the proposal is open through Jan. 5.

41. Announced plans to rescind water pollution regulations for fracking on federal and Indian lands

Energy companies petitioned the Bureau of Land Management to rescind the rule, which was proposed by Mr. Obama in 2015 but never enforced amid legal challenges. In July, the bureau announced plans to revoke the rule, citing Mr. Trump's "prioritization of domestic energy production."

42. Ordered review of regulations on oil and gas drilling in national parks where mineral rights are privately owned

Mr. Trump's March executive order called for a review of Obama-era updates to a 50-year-old rule regulating oil and gas drilling in national parks with shared ownership. (Most national parks are owned solely by the government, and drilling in them is banned. In some parks, though, the government owns the surface but the mineral rights are privately held.)

43. Reviewing new safety regulations on offshore drilling

The American Petroleum Institute and other trade groups wrote to the Trump administration, raising concerns over oil rig safety regulations implemented after the 2010 Deepwater Horizon explosion and oil spill. In August, the Bureau of Safety and Environmental Enforcement confirmed it was moving forward with the review. Mr. Trump had ordered a review of the rules earlier in the year.

44. Ordered a review of a rule regulating offshore oil and gas exploration by floating vessels in the Arctic

As part of the expansive executive order on offshore drilling, Mr. Trump called for an immediate review of a rule intended to strengthen safety and environmental standards for exploratory drilling in the Arctic. The rule, a response to the 2013 Kulluk accident in the Gulf of Alaska, increased oversight of floating vessels and other mobile offshore drilling units.

45. Proposed ending a restriction on exploratory drilling in the Arctic National Wildlife Refuge

Republicans have long sought to to open the Alaska refuge to gas and oil drilling. In August, an Interior Department internal memo proposed lifting restrictions on exploratory seismic studies in the region, which is home to polar bears, caribou and other Arctic animals. A proposal championed by Senator Murkowski, which is included in the tax bill that has passed the Senate, would allow drilling in part of the refuge.

46. Ordered a review of federal regulations on hunting methods in Alaska

Obama-era rules prohibited certain hunting methods in Alaska's national preserves. They overruled state law, which had allowed hunters to bait bears with food, shoot caribou from boats and kill bear cubs with their mothers present. Alaska sued the Interior Department, claiming that the regulations affected traditional harvesting. The Trump administration ordered a review.

47. Proposed repeal of a requirement for reporting emissions on federal highways

Transportation and infrastructure industry groups opposed a measure that required state and local officials to track greenhouse gas emissions from vehicles on federally funded highways. The rule took effect in September after the Trump administration's attempts to postpone it were

challenged in court. But the administration formally proposed reversing the rule the next week.

48. Proposed a repeal of emissions standards for trailers and glider kits

Stakeholders in the transportation industry opposed the Obama-era rule, which for the first time applied emissions standards to trailers and glider vehicles. They argued that the E.P.A. lacked the authority to regulate them, because their products are not motorized. In November, the E.P.A. proposed repealing the standards.

49. Suspended rule limiting methane emissions on public lands

The oil and gas industry opposed the rule, which required companies to control methane emissions on federal or tribal land. The House voted this year to revoke the rule, but the Senate rejected the measure, 51 to 49. In December, after a series of legal challenges, the Bureau of Land Management published a notice in the Federal Register delaying the requirements for a year. The administration is also working separately to repeal the rule completely.

50. Announced plans to review permitting programs for air-polluting plants

In an October memorandum, Mr. Pruitt announced that a panel would be established to reconsider a permitting process for building new facilities like power plants that pollute the air. "The potential costs, complexity, and delays that may arise" from the permitting process, Mr. Pruitt wrote, could "slow the construction of domestic energy exploration, production or transmission facilities."

51. Reopened outer continental shelf oil and gas leasing plans

Drilling supporters and Republican lawmakers pushed Mr. Zinke to revise a five-year offshore oil and gas leasing plan. The most recent version was finalized in January under the Obama administration and put much of the outer continental shelf off limits to drillers.

52. Overturned a ban on using parts of migratory birds in handicrafts made in Alaska

The Alaska Migratory Bird Co-Management Council — which includes federal, state and Alaska Native representation — recommended changes to the rule, which banned making handicrafts in Alaska from inedible parts of migratory birds that were hunted for food.

53. Announced a review of coal dust limits in mines.

An Obama administration rule was intended to lower miners' exposure to coal dust in an attempt to reduce the incidence of black lung disease. The Labor Department's Mine Safety and Health Administration announced in December that it would seek a study of the Obama-era requirements, which the mining industry opposes.

54. Reviewing a rule limiting methane emissions at new oil and gas drilling sites

Lobbyists for the oil and gas industries petitioned Mr. Pruitt to reconsider a rule limiting emissions of methane and other pollutants from new and modified oil and gas wells. A federal appeals court has ruled that the E.P.A. must enforce the Obama-era regulation while it rewrites the rule. The E.P.A. said it may do so on a "case by case" basis.

55. Put on hold rules aimed at cutting methane emissions from landfills

Waste industry groups objected to this Obama-era regulation, which required landfills to set up methane gas collection systems and monitor emissions. In May, the E.P.A. suspended enforcement of the new standards for 90 days, pending a review. The delay period has since passed, meaning the rule is in effect util the administration reviews and replaces the rule.

56. Delayed a lawsuit over a rule regulating airborne mercury emissions from power plants

Coal companies, along with Republican officials in several states, sued over this Obama-era rule, which regulates the amount of mercury and other pollutants that fossil fuel power plants can emit. They argued that the rule helped shutter coal plants, many of which were already compliant. Oral arguments in the case have been delayed while the E.P.A. reviews the rule.

57. Delayed a rule aiming to improve safety at facilities that use hazardous chemicals

Chemical, agricultural and power industry groups said that the rule, a response to a 2013 explosion at a fertilizer plant that killed 15 people, did not increase safety. Mr. Pruitt delayed the standards until 2019, pending a review. Eleven states are now suing over the delay.

58. Continuing review of proposed groundwater protections for certain uranium mines

Republicans in Congress came out against a 2015 rule which regulated byproduct materials from a type of uranium mining. They said the E.P.A. had not conducted an adequate cost-benefit analysis of the rule. The Obama administration submitted a revised proposal one day before Mr. Trump was sworn into office. The Trump administration must now decide the fate of the rule.

59. Delayed compliance dates for federal building efficiency standards

Republicans in Congress opposed the rules, which set efficiency standards for the design and construction of new federal buildings. The Trump administration delayed compliance until Sept. 30, but it is unclear whether the rules are now in effect.

60. Withdrew a rule that would help consumers buy more fuel-efficient tires

The rule required tire manufacturers and retailers to provide consumers with information about replacement car tires. The tire industry opposed several aspects of the rule, but had been working with the government to refine it. The Trump administration withdrew the proposed rule in January but has not said whether it may be reinstated.

Some other rules were reinstated after legal challenges

Environmental groups have sued the Trump administration over many of the proposed rollbacks, and, in some cases, have succeeded in reinstating environmental rules.

1. Delayed by one year a compliance deadline for new ozone pollution standards, but later reversed course

Mr. Pruitt initially delayed the compliance deadline for a 2015 national ozone standard, but reversed course after 15 states and the District of Columbia sued. In November, the E.P.A. certified those areas in compliance of the rule but refused to say which areas violated it, missing an Oct. 1 deadline. In December, public health and environmental groups, 14 states and the District of Columbia sued E.P.A. over the second delay.

2. Delayed publishing efficiency standards for household appliances

After being sued by a number of states and environmental groups for failing to publish efficiency standards for appliances like heaters, air conditioners and refrigerators, the Trump administration reversed course and released some of the standards. Others are still being contested in court.

3. Reinstated rule limiting the discharge of mercury by dental offices into municipal sewers

The E.P.A. reinstated an Obama-era rule that regulated the disposal of dental amalgam, a filling material that contains mercury and other toxic metals. The agency initially put the rule on hold as part of a broad regulatory freeze, but environmental groups sued. The American Dental Association came out in support of the rule.

Note: This list does not include new rules proposed by the Trump administration that do not roll back previous policies, nor does it include court actions that have affected environmental policies independent of executive or legislative action.

Sources: Harvard Law School's Environmental Regulation Rollback Tracker; Columbia Law School's Climate Deregulation Tracker; Federal Register; Environmental Protection Agency; U.S. Chamber of Commerce; White House.

Additional reporting by Tatiana Schlossberg.

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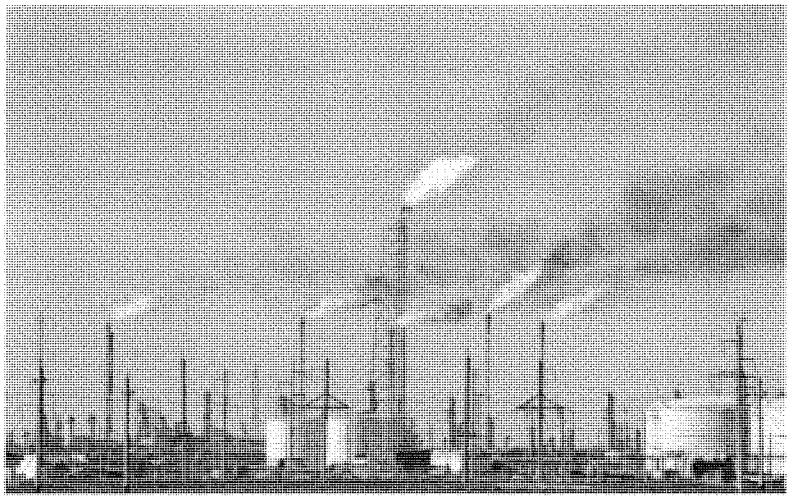
ENVIRONMENT

Make America Wait Again: Trump Tries to Delay Regulations out of Existence

The White House has been postponing environmental rules as it tries to undercut them, a *Scientific American* analysis shows. But a new court decision weakens that strategy

By John McQuaid on July 24, 2017



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Oil and gas wells let loose a lot of methane, a potent greenhouse gas. In April, when the U.S. Environmental Protection Agency suspended for three months an Obama administration rule to restrict such emissions, it did not defend wells or deny climate change. Instead the agency said the rule had not been studied enough. For instance, the EPA said the costs to get new well-venting systems approved bad not been analyzed, so oil and gas companies had been unable to provide input as required by law.

Earlier this month an Appeals Court disagreed and overturned the delay as an

illegal and "capricious" maneuver. "Even a brief scan of the record demonstrates the inaccuracy of EPA's statements," a panel of judges from the U.S. Court of Appeals for the District of Columbia Circuit found. "The administrative record thus makes clear that industry groups had ample opportunity to comment...and indeed, that in several instances the agency incorporated those comments directly into the final rule," the judges wrote. EPA Administrator Scott Pruitt was free to revise the methane rule, the court said, but it was already in place with the force of law, so he could not simply put it on ice.

The delay tactic has become a hallmark of Pres. Donald Trump's approach to environmental rules and other regulations, but the court decision pokes a hole in it. According to an analysis by *Scientific American* and legal scholars, federal agencies have suspended enforcement of at least 39 rules from the administration of Pres. Barack Obama affecting issues ranging from air pollution to airlines' handling of wheelchairs. Other major environmental rules have been placed under review with an eye toward weakening them.

Some of the delays are indefinite, pending the outcome of the reviews or court cases. Most last from a few months to a few years. The suspensions have often come at the request of affected industries. Although a new presidency always revisits its predecessor's regulations, "what's unique about the Trump administration is that we're seeing so much sloppy work, in the sense of these stays that have absolutely no justification," says Emily Hammond, a professor at The George Washington University Law School who is tracking the issue. "We're seeing stays that aren't sufficient to withstand judicial review."

Environmental groups are jumping to take advantage of the weakness. On July 12 a coalition filed suit against the EPA for its recently announced delay in the implementation of new public health–based standards for ozone pollution, on grounds similar to the methane challenge. Another coalition of environmental groups has sued the U.S. Bureau of Land Management to reverse a two-year delay of another methane rule, this one governing emissions from drilling on

federal and Indian lands.

Agency officials say they are, in fact, acting legally. "EPA follows the law when ensuring the agency's actions are consistent with our core mission and statutory authority granted by Congress," agency spokesperson Amy Graham wrote in an e-mailed statement. "Where regulations may be unjustified or overly burdensome, we will consider all legally available means to provide regulatory certainty."

Credit: Amanda Montañez; Source: Research by Rena Steinzor and Elise Desiderio, University of Maryland Francis King Carey School of Law; additional research by John McQuaid

In its first six months the Trump administration has suspended or placed under review a total of 47 Obama-era rules, according to a list of Federal Register filings compiled by Rena Steinzor, a professor at the University of Maryland

Francis King Carey School of Law, and law student Elise Desiderio, with additional research by this publication. The EPA is leading the charge, delaying and/or reviewing at least 14 rules, accounting for 30 percent of all cases across the government. The delays are part of an aggressive deregulatory agenda pushed by the White House and Republican-controlled Congress. Upon taking office Trump signed executive orders mandating a regulatory freeze and requiring agencies to repeal two existing rules for every new one it puts in place.

Under the Administrative Procedure Act, which governs most federal regulations, agencies must follow specific procedures for changing a rule, including postponing its effective date. The process takes a minimum of 60 days and the agency must spell out its reasoning. (Congress has the extra ability to wipe out rules within two months of their effective date with majority votes in the House and Senate; the current legislature used this procedure to repeal 14 last-minute Obama rules.) "Any agency's proposed rulemaking must have a rational basis behind it," says Robert Routh, an attorney for the Clean Air Council, a Philadelphia environmental organization among those challenging the methane rule suspension. "You open up public comments, receive comments and evidence, then you have to justify the decision." In some cases agencies have gone by the book, and sometimes the delays are short.

But often agencies just announced longer rule suspension without going through the legal process, Hammond says. In April, for instance, the Department of Transportation delayed the compliance date for a new rule requiring airlines to electronically report incidents of mishandling wheelchairs and baggage by a year —from January 2018 to January 2019. The agency cited two main reasons: the White House regulatory freeze order and requests for more time from the industry group Airlines for America and Delta Airlines.

Hammond says this delay appears to be illegal. "Memos issued by the presidential administration cannot trump statutory requirements," she says. "The agency seems to be lacking both a reasoned explanation and any source of

authority for failing to undertake notice and comment for the purpose of changing the rule's deadline." A Transportation Department spokesperson, who asked not to be identified, says carriers had been granted extra time to ensure accurate data collection. The department did not respond when asked for a legal justification.

Sen. Tammy Duckworth (D–Ill.), an Army veteran injured in the Iraq war who uses a wheelchair, wrote a letter to Transportation Secretary Elaine Chao asking for an explanation. Chao's response contained no legal justification either; it cited the inconvenience implementing the rule would cause airlines. "Carriers have encountered challenges, such as reprogramming computer systems, developing procedures to account for gate-checked bags and training personnel," she wrote.

Duckworth is not mollified. "Far too many Americans living with a disability—many of whom are veterans—face unnecessary challenges during air travel," she said via a spokesperson. "Two of my wheelchairs were broken outright by airlines while I was traveling and it was the equivalent of having my legs taken away from me again. This rule would go a long way towards ensuring the airline industry protects its passengers and treats them with the respect they deserve." She has included language in the Senate's Federal Aviation Administration reauthorization bill to restore the effective date of the rule to January 2018.

For agencies and industries, legal battles and political flack may have an advantage over reopening the regulatory process. "There's a long game and a short game an agency head is playing," says University of Pennsylvania Law School professor Cary Coglianese, who directs the Penn Program on Regulation. The long game is the overall strategy of rolling back regulations. "One short game may be, 'let's see what we can get away with,'" Coglianese says. "There was very little to be risked by EPA just postponing the methane rule and seeing if they could get away with it." Losing the court fight simply means a rule that was already on the books will proceed. For companies, delaying a rule's

implementation date for even a few months can save money. Their legal fees may be less than the capital investments required by rule compliance. "It's often cheaper for industry to pay for lawyers to litigate and slow things down than it is to comply with a new rule," Steinzor says.

But now the methane rule decision could give advocacy groups a clearer argument to end the slowdowns. David Baron, an attorney with the environmental group EarthJustice, which took part in the ozone and methane suits, says groups are preparing to spend a lot of time in court trying to compel agencies to enforce their own regulations. "The delays have been precipitous and our view unlawful in almost all of these cases," he says. "And so far, anyway, the courts have agreed."

47 Rules on the Slow Track

This list of 39 delayed federal regulations, and eight under review, is drawn from notices in the Federal Register by the Trump administration from January 20 through July 18, 2017.

Hover or tap on the **bold text** to see what each rule does

Click or tap on the [bracketed text] to link out to full details

Delayed Rules

Environment and Energy

February 9 • Bureau of Land Management: **Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations** [Full details] • Justification: Regulatory freeze. • Effect: Effective date delayed from February 9 to March 21, 2017; implementation date delayed from March 13 to April 20, 2017.

February 27 • Natural Resources Revenue Office (Interior Department): **Postponement of Effectiveness of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform 2017 Valuation Rule** [Full details] • Justification: Court challenge by industry. • Effect: Effective date postponed indefinitely from February 28, 2017.

March 21 • Department of Energy: **Energy Efficiency Standards for the Design and Construction of New Federal Low-Rise Residential Buildings' Baseline Standards Update** [Full details] • Justification: Regulatory freeze; claimed exemption from notice-and-comment requirement of Administrative Procedure Act. • Effect: Effective date delayed from March 21 until September 30, 2017.

April 18 • Environmental Protection Agency: **Reconsideration of Final Rule, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed and Modified Sources"** [Full details] • Justification: Companies did not have sufficient input during the rulemaking process. • Effect: Delay rejected by court; EPA granted an additional two-week stay while the agency considers an appeal.

April 25 • Environmental Protection Agency: **Postponement of Certain Compliance Dates for**

Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category [Full details] • Justification: Industry objections, pending court case. • Effect: Original compliance date was November 1, 2018.

May 5 • Environmental Protection Agency: **Convening a proceeding for reconsideration of final rules entitled "Standards of Performance for Municipal Solid Waste Landfills" and "Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills"** [Full details] • Justification: Industry petitioned the agency to overhaul the rules on the basis it did not have adequate opportunity to comment. • Effect: Rules delayed from May 31 until August 29, 2017.

May 12 • Environmental Protection Agency: **Chemical Substances When Manufactured or Processed as Nanoscale Materials; TSCA Reporting and Record-Keeping Requirements** [Full details] • Justification: Industry objections, pending court case. • Effect: Effective date delayed from May 12 to August 14, 2017.

May 24 • Department of Energy: **Energy Conservation Program: Energy Conservation Standards for Ceiling Fans** [Full details] • Justification: Regulatory freeze. • Effect: Rule's initial implementation delayed from January 20 to September 30, 2017.

June 7 • Department of Transportation, National Highway Traffic Safety Administration: **Federal Motor Vehicle Safety Standards; Minimum Sound Requirements for Hybrid and Electric Vehicles** [Full details] • Justification: Regulatory freeze. • Effect: Effective date delayed from February 13 to September 5, 2017.

June 14 • Environmental Protection Agency: **Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date** [Full details] • Justification: Regulatory freeze; petitions by industry groups and states. • Effect: Effective date delayed from March 14, 2017 to February 19, 2019, pending revision.

June 15 • Bureau of Land Management (Interior Department): **Waste Prevention, Production Subject to Royalties and Resource Conservation; Postponement of Certain Compliance Dates** [Full details] • Justification: Upcoming court challenge by industry and states. • Effect: Postpones compliance dates indefinitely.

June 16 • Environmental Protection Agency: **Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources: Stay of Certain Requirements** [Full details] • Justification: Industry groups have objected. Environmental groups are challenging this effort as well.

June 28 • Environmental Protection Agency: **Extension of Deadline for Promulgating Designations for the 2015 Ozone National Ambient Air Quality Standards** [Full details] • Justification: Not enough time to collect necessary information. • Effect: Date postponed from October 1, 2017, to October 1, 2018.

July 11 • Department of Energy: **Energy Conservation Program: Test Procedures for Compressors** [Full details] • Justification: Regulatory freeze; business groups have raised objections. • Effect: Delayed July 3, 2017, until December 30, 2017.

July 12 • National Highway Traffic Safety Administration (Transportation Department): **Civil Penalties for Exceeding an Applicable Corporate Average Fuel Economy (CAFE) Standard** [Full details] • Justification: Agency contemplates revising this rule at the request of industry. • Effect: Rule, set to become effective July 10, delayed indefinitely.

July 13 • Department of Energy: **Energy Conservation Program: Test Procedures for Central Air Conditioners and Heat Pumps** [Full details] • Justification: Court challenge by industry. • Effect: Rule was set to take effect July 5; delayed indefinitely.

Health Care, Food and Education

February 21 • Food and Nutrition Service: **Supplemental Nutrition Assistance Program (SNAP): Eligibility, Certification, and Employment and Training Provisions of the Food, Conservation and Energy Act of 2008; Extension of Effective Dates and Comment Period** [Full details] • Justification: Regulatory freeze. • Effect: Effective dates for some provisions postponed from March 7 to May 8, some from April 7 to June 5, and some to from January 8, 2018 to March 9, 2018.

March 2 • Architectural and Transportation Barriers Compliance Board (independent agency): **Information and Communication Technology (ICT) Standards and Guidelines** [Full details] • Justification: Regulatory freeze executive order. • Effect: Delayed one day, from March 20 to March 21, 2017.

May 18 • Food and Drug Administration: **Clarification of When Products Made or Derived from Tobacco Are Regulated as Drugs, Devices, or Combination Products; Amendments to Regulations Regarding "Intended Uses"; Further Delayed Effective Date; Request for Comments; Extension of Comment Period** [Full details] • Justification: Regulatory freeze; tobacco industry objections. • Effect: Effective date delayed from February 8, 2017, to March 19, 2018.

May 19 • Department of Health and Human Services, Centers for Medicare and Medicaid Services: **Medicare Program; Advancing Care Coordination Through Episode Payment Models (EPMs);**

Cardiac Rehabilitation Incentive Payment Model; and Changes to the Comprehensive Care for Joint Replacement Model (CJR); Delay of Effective Date [Full details] • Justification: Regulatory freeze; agency proposed a new rule to change the dates and solicited public comment. • Effect: One program postponed from February 18 to May 20, 2017. Effective date of nine additional provisions postponed from July 1, 2017, to January 1, 2018.

May 19 • Department of Health and Human Services, Health Resources and Services Administration: **340B Drug Pricing Program Ceiling Price and Manufacturer Civil Monetary Penalties Regulation** [Full details] • Justification: Regulatory freeze; agency published a rule and solicited comments on the change. • Effect: Effective date postponed from March 6 to October 1, 2017.

July 5 • Department of Education: **Program Integrity: Gainful Employment** [Full details] • Justification: The Department intends to revise the rule. • Effect: Delay of compliance date for one year, until July 1, 2018.

July 10 • Department of Health and Human Services, Centers for Medicare and Medicaid Services: **Medicare and Medicaid Programs; Conditions of Participation for Home Health Agencies; Delay of Effective Date** [Full details] • Justification: Industry asked for the postponement; agency posted proposal for delay and solicited public comments. • Effect: Delays effective date from July 13, 2017, to January 13, 2018.

Transportation

February 8 • Federal Aviation Administration: **Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems** [Full details] • Justification: Regulatory freeze executive order. • Effect: Effective date delayed from March 13 to March 21, 2017.

March 21 • Federal Aviation Administration: **Reporting of Data for Mishandled Baggage and Wheelchairs and Scooters Transported in Aircraft Cargo Compartments; Extension of Compliance Date** [Full details] • Justification: Regulatory freeze; request from airlines. • Effect: Compliance date extended from January 1, 2018, to January 1, 2019.

May 19 • Department of Transportation, Federal Highway Administration: **National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program** [Full details] • Justification: Regulatory freeze; agency published a rule proposing the delay and seeking comment on provisions. • Effect: Rule delayed from February 17 to May 20; greenhouse gas-related portions of the rule delayed indefinitely pending review.

June 7 • Department of Transportation, Federal Railroad Administration: **System Safety Program** [Full details] • Justification: Regulatory freeze. • Effect: Rule's effective date postponed from October 11, 2016, until December 4, 2017.

June 16 • Lease and Interchange of Vehicles; Motor Carriers of Passengers: **Lease and Interchange of Vehicles; Motor Carriers of Passengers** [Full details] • Justification: Obama administration was already reconsidering this rule at the request of industry. • Effect: Extends compliance date from January 1, 2018, to January 1, 2019.

Worker Safety

March 21 • Occupational Safety and Health Administration: **Occupational Exposure to Beryllium** [Full details] • Justification: Regulatory freeze, executive order. • Effect: Although this new rule is formulated, those existing provisions will not be enforced. Revised rule could also delay compliance date for the overall safety standards by a year.

May 22 • Department of Labor, Mine Safety and Health Administration: **Examinations of Working Places in Metal and Nonmetal Mines** [Full details] • Justification: Regulatory freeze; industry petitioned for a delay; agency posted a rule proposing the delay and solicited comments. • Effect: Implementation postponed from May 23 until October 2, 2017.

June 2 • Environmental Protection Agency: **Pesticides; Certification of Pesticide Applicators Rule; Delay of Effective Date** [Full details] • Justification: Regulatory freeze. • Effect: Rule delayed from May 22, 2017, to May 22, 2018.

June 28 • Occupational Safety and Health Administration: **Improve Tracking of Workplace Injuries and Illnesses: Proposed Delay of Compliance Date** [Full details] • Justification: Delays in launching system for collecting reports. • Effect: Delays compliance date from July 1 to December 1, 2017.

Consumer Protection and Finance

April 7 • Department of Labor: **Class Exemption for Principal Transactions in Certain Assets between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs** [Full details] • Justification: Presidential memo requesting review. • Effect: Proposed delay was published and

comments solicited. Implementation delayed from April 10 to June 9.

April 25 • Consumer Financial Protection Bureau: **Prepaid Accounts under the Electronic Fund Transfer Act (Regulation E) and the Truth in Lending Act (Regulation Z); Delay of Effective Date** [Full details] • Justification: Based on industry requests, the agency went through a new rulemaking process, and now proposes to amend these regulations and request public comment. • Effect: Delays the effective date of some provisions from October 31, 2017 to April 1, 2018.

May 2 • Small Business Administration: **Small Business Investment Companies: Passive Business Expansion and Technical Clarifications** [Full details] • Justification: Regulatory freeze. • Effect: Effective date delayed from January 27 to August 18, 2017.

May 23 • Securities and Exchange Commission: **Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Continued Listing Standards for Exchange-Traded Products** [Full details] • Justification: Agency/exchange published rule change and solicited comments. • Effect: Two-month delay from August 1 to October 1, 2017.

Agriculture

April 12 • Grain Inspection, Packers and Stockyards Administration (Agriculture Department): **Scope of Sections 202(a) and (b) of the Packers and Stockyards Act** [Full details] • Justification: Regulatory freeze; this is also an "interim rule" that allows for revision when public comments are received after it goes into effect. • Effect: Rule delayed from February 21 to October 19, 2017.

May 10 • Agricultural Marketing Service (Agriculture Department): **National Organic Program (NOP); Organic Livestock and Poultry Practices** [Full details] • Justification: Regulatory freeze. • Effect: Postponement in effective date from March 20 to November 14, 2017.

Immigration

July 11 • Department of Homeland Security: **International Entrepreneur Rule: Delay of Effective Date** [Full details] • Justification: Executive order on immigration enforcement; agency posted proposed delay and solicited comments. • Effect: Delays effective date from July 17, 2017 to March 14, 2018 (except for one provision, which will go into effect on July 17).

Rules under Review

Environment and Energy

February 28 • Environmental Protection Agency, Army: **Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the "Waters of the United States" Rule** [Full details] • Justification: Trump executive order. A court has already suspended the rule. No timeline for the revision.

March 22 • Environmental Protection Agency, National Highway Traffic Safety Administration (Transportation Department): **Notice of Intention to Reconsider the Final Determination of the Midterm Evaluation of Greenhouse Gas Emissions Standards for Model Year 2022–2025 Light Duty Vehicles (81 FR 87927)** [Full details] • Justification: Administration intends to roll back standards. • Effect: EPA has until April 1, 2018, to determine whether current 54.5 mpg fuel economy standard is appropriate.

April 4 • Environmental Protection Agency: **Review of the Standards of Performance for Greenhouse Gas Emissions from New, Modified, and Reconstructed Stationary Sources: Electric Generating Units** [Full details] • Justification: Trump executive order on energy independence; court challenges from states and industry.

April 4 • Environmental Protection Agency: **Review of the 2016 Oil and Gas New Source Performance Standards for New, Reconstructed, and Modified Sources** [Full details] • Justification: Energy independence executive order; court challenges from states and industry.

April 4 • Environmental Protection Agency: **Review of the Clean Power Plan** [Full details] • Justification: Energy independence executive order; due to court challenges the Clean Power Plan is currently under a Supreme Court stay.

April 18 • Environmental Protection Agency: **Reviewing Mercury and Air Toxics Standards (MATS) for Power Plants** [Full details] • Justification: Industry groups and states court challenges. • Effect: EPA was set to defend the rule in court, but was granted a continuance while it reviews the rule.

May 11 • Department of the Interior: **Review of Certain National Monuments Established Since 1996; Notice of Opportunity for Public Comment** [Full details] • Justification: Industry groups and

states court challenges.

June 26 • National Oceanic and Atmospheric Administration (Commerce Department): **Review of National Marine Sanctuaries and Marine National Monuments Designated or Expanded Since April 28, 2007; Notice of Opportunity for Public Comment** [Full details] • Justification: Trump executive order. • Effect: The agency is soliciting public comments.

Credit: Amanda Montañez. *Source:* Research by Rena Steinzor and Elise Desiderio, University of Maryland Francis King Carey School of Law; additional research by John McQuaid

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ABOUT THE AUTHOR(S)

John McQuaid

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(October 10, 2017) - WASHINGTON, D.C.
For more information please contact:

Allison MacMunn
Media@Lung.org
312-801-7628

In response to the announcement by the Trump Administration that U.S. Environmental Protection Agency (EPA) will revoke the Clean Power Plan, the American Lung Association; Allergy and Asthma Network; Alliance of Nurses for Healthy Environments; American Academy of Pediatrics; American College of Physicians; American Public Health Association; American Thoracic Society; Asthma and Allergy Foundation of America; Center for Climate Change and Health; Children's Environmental Health Network; Health Care Without Harm; National Association of County and City Healthy Officials; National Environmental Health Association; National Hispanic Medical Association; National Medical Association; Physicians for Social Responsibility; Public Health Institute; and Trust for America's Health issued the following statement"

"Today's proposal to revoke the Clean Power Plan is inconsistent with EPA's core mission of protecting public health and the environment. The Clean Power Plan, adopted in 2015, would have substantially reduced carbon pollution and other emissions from power plants, and prevented an estimated 90,000 pediatric asthma attacks and 3,600 premature deaths each year once fully implemented. Revoking this lifesaving plan denies Americans these health protections and removes crucial tools to reduce pollution that causes climate change.

"Climate change poses sweeping and devastating threats to human health. From elevated levels of dangerous ozone and particulate air pollution due to higher temperatures and worsening wildfires, to increased risks from vector-borne diseases such as Lyme Disease due to the expanding seasons and geographic ranges of vectors like ticks and mosquitoes, the examples of climate-related health risks are far-reaching. What's more, while every American's health is threatened by climate change, certain groups of people – including children, seniors, low-income communities, and those living with a chronic disease like asthma – are especially vulnerable.

"The health impacts of climate change demand immediate action. Failing to address this public health crisis will have lasting consequences. The longer our nation's leaders postpone action to clean up carbon pollution and other greenhouse gases, the more severe the health costs will be.

"Our organizations are committed to fighting for action on climate change to safeguard the health of all Americans. We will participate in the rule-making process and submit comments conveying our strong opposition to this proposal. As leading public health, patient advocacy, nursing and medical organizations, we call on the EPA to heed the clear scientific evidence and protect public health by cleaning up major sources of carbon pollution from power plants and taking steps to avoid the worst health impacts of climate change."

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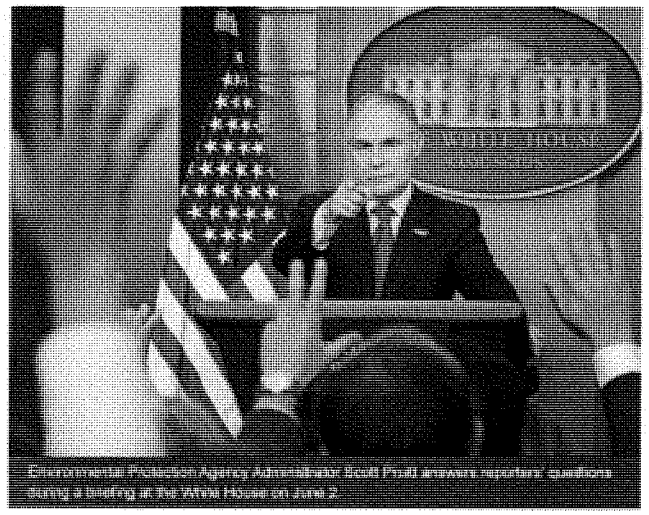
SCIENCE THE STATE OF THE UNIVERSE. | JULY 31 2017 5:27 PM

Pruitt's Deregulation Spree Has Cut Corners

He may be one of the most effective Cabinet members right now, but that may change when his legal shortcuts are litigated.

By Bethany A. Davis Noll and Richard L. Revesz



Environmental Protection Agency Administrator Scott Pruitt answers reporters' questions during a briefing at the White House on June 2.

Pruitt's deregulations won't hold up in court.

Chip Somodevilla/Getty Images

Say what you want about this administration's competence, but there's one area where they are succeeding for now: Scott Pruitt has been the Environmental Protection Agency's administrator for a short five months and already he has speedily and forcefully upended an **unprecedented** number of environmental rules, earning a reputation as one of the few Cabinet members to effectively move Trump's deregulatory agenda forward. Pruitt claims that these regulatory rollbacks represent a return to the "**rule of law**," but he has pursued them in a lawless fashion, cutting corners and ignoring fundamental legal requirements. Now, failing to follow the rules of the game is catching up with him—his EPA recently suffered its first courtroom **defeat**, kicking off what is likely to be a long losing streak and creating regulatory uncertainty along the way.

On July 3, the U.S. Court of Appeals for the District of Columbia Circuit —the court that will hear many of the challenges to the EPA's onslaught of rollbacks—nixed Pruitt's attempt to delay a rule limiting methane leaks at oil and gas facilities. The rule would require companies to plug methane leaks, which would help recover valuable natural gas as well as help clean up the air. But at the **request** of industry, Pruitt decided to **suspend** the rule's compliance deadlines. To justify the delay, he relied on a section of the Clean Air Act that allows the EPA to temporarily suspend a rule while considering objections that could not have been raised prior to the rule's issuance. Pruitt claimed that this standard was met, but the court found his claim to be obviously false: Not only could the objections have been raised earlier, but they *were* in fact raised by industry before the rule was finalized. Strike one for Pruitt.

Federal agencies are not authorized

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Pruitt's other repeal efforts are full of similarly questionable moves. Some of these actions have already been challenged in court; other suits are likely to follow. For example,

to suspend rules first and figure out their reasons later.

the Administrative Procedure Act requires EPA to seek and respond to public input before taking major deregulatory steps. But Pruitt has been attempting to **bypass** that requirement by suspending rules indefinitely without public comment.

Both the Clean Air Act and the Administrative Procedure Act allow Pruitt to suspend rules only before they become operative. Once a rule goes into effect, compliance deadlines cannot be suspended without a public revision process. (This system provides needed certainty and predictability to the industries these rules affect, since facilities may need time to prepare for compliance and also want to know that the rules will not suddenly shift underfoot while they prepare.) Pruitt has paid no attention to these issues and has suspended compliance deadlines for several rules—including the toxic water pollution rule and a rule limiting methane emissions from landfills—long after those rules were effective.

Under the Administrative Procedure Act, the EPA also must give good reasons for suspending or repealing a regulation at the time that decision is finalized. But Pruitt recently blew off this requirement when he indefinitely **suspended** the compliance deadlines in a regulation seeking to improve safety at facilities that deal in dangerous and explosive chemicals. He provided no reasons for the change beyond the fact that the EPA was considering repealing the rule at some unspecified point in the future. But federal agencies are not authorized to suspend rules first and figure out their reasons later. They are supposed to give their reasons so that the public can comment on them *before* a deregulatory move.

Top Comment

I'm a bit old to have watched

The EPA must weigh the costs and benefits of any decision to cancel public health or environmental

Captain Planet as a kid, but my younger brother was the right age. I remember coming home from school and shaking my head at the ridiculous villains as he watched it. More...

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protections. Instead, Pruitt has been using a variety of excuses to ignore the lost health and environmental benefits that result from his rollbacks. For example, in a recent proposal to suspend a Clean Air Act rule, the EPA stated that information about the forgone benefits of the rule is "**currently unavailable**"—despite the fact that the details of the original rule's benefits were **published** just last year and remain available to all. In a **proposal** to repeal a major Clean Water Act rule, the EPA claimed that a large category of benefits can no longer be quantified because the data that the agency originally relied on was published before 2000. But data that was just as old was fine when it came to calculating the cost savings of the proposed repeal. And in suspending the compliance deadlines in the rule updating safety measures at chemical facilities, the EPA absurdly claimed that the benefits of the rule will "**not be impacted**" despite the indefinite delay of safety improvements that will help reduce danger to police and firefighters responding to chemical disasters.

Pruitt's willingness to play fast and loose has helped his anti-regulatory reputation soar. But the brazen deficiencies in the agency's work exposing the hollowness of Pruitt's "rule of law" rhetoric should give Pruitt's supporters pause. Once the judicial challenges run their course, Pruitt may be striking out a lot more.

One more thing

Since Donald Trump entered the White House, ***Slate*** has stepped up our politics coverage—bringing you news and opinion from writers like Jamelle Bouie and Dahlia Lithwick. We're covering the administration's immigration crackdown, the rollback of environmental protections, the efforts of the resistance, and more.

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US Environmental Protection Agency

Scott Pruitt hails era of environmental deregulation in speech at coal mine

EPA administrator declared an end to the government's 'war' on coal in a speech to miners – an agenda that has been bitterly opposed by agency staff

Oliver Milman, *US environment reporter*

@olliemilman

Thu 13 Apr 2017 18.21 EDT

This article is **10 months old**

Scott Pruitt, the US Environmental Protection Agency (EPA) administrator, heralded a new era of environmental deregulation on Thursday, in a speech at a coal mine that was fined last year for contaminating local waterways with toxic materials.

Pruitt said the new "back to basics" agenda for the EPA would focus on devolving oversight of clean air and water to individual states, and bolstering jobs in industries such as coal, oil and gas.

New EPA head Scott Pruitt's emails reveal close ties with fossil fuel interests

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This new agenda for the EPA, bitterly opposed by many of the agency's staff, was unveiled at the Harvey mine in Sycamore, Pennsylvania, on Thursday. Pruitt, who was presented with an honorary mining helmet, said the federal government's "war" on coal was over in a speech to assembled miners.

"The coal industry was nearly devastated by years of regulatory overreach, but with new direction from President Trump, we are helping to turn things around for these miners and for many other hardworking Americans," said Pruitt.

"Back to basics means returning EPA to its core mission: protecting the environment by engaging with state, local, and tribal partners to create sensible regulations that enhance economic growth."

Scott Pruitt holds up a hardhat during his visit to the Harvey mine. Photograph: Gene J. Puskar/AP

The new vision involves scrapping or rewriting rules that combat climate change, water pollution and vehicle emissions. A task force has been set up within the EPA to identify further regulations to be revamped.

Though Pruitt insisted that clean air and water will be maintained in this purge, the choice of venue for the announcement was jarring.

Consol Energy, which operates the Bailey Mine complex which includes the Harvey mine, was fined $3m in August for discharging contaminated wastewater into streams that flow into the Ohio river. In the settlement with the EPA and the justice department, it emerged that the mining operation exceeded effluent limits at least 188 times between 2006 and 2015.

Consol said it has improved its pollution control systems and that is "committed to being a good neighbor" to nearby communities. The company has indicated that it wants to exit the coal business entirely after jettisoning seven mines in the past four years.

Bruce Niles, campaign director for Sierra Club's "beyond coal" campaign said: "Pruitt's record shows that he has put the profits of polluters before the safety of the public by attacking clean air and clean water safeguards over and over again.

EPA head: US doesn't have to choose between environment and jobs

"This toxic backdrop for Pruitt's latest publicity stunt only proves his true priorities are with polluters, not people's health."

Coal miners were also present when Donald Trump signed an executive order last month that called on Pruitt to review the Clean Power Plan, the cornerstone emissions reduction policy of Barack Obama's presidency. Trump has vowed to scrap the plan, which Pruitt opposed in the courts while attorney general of Oklahoma.

Pruitt has accused the Obama administration of advancing an "ideological agenda that expanded the reach of the federal government" and has promised to restore what he has called "core EPA originalism" by protecting air and water quality while helping create jobs.

A trillion is not enough: Trump's infrastructure ambitions grow

In practice, this has involved the attempted rollback of various regulations, including the venting of methane, a powerful greenhouse gas, halting uew vehicle emissions requirements and rewriting a limit on ozone pollution, which causes urban smog.

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During his time in Oklahoma, Pruitt sued the EPA 14 times in opposition to its rules around pollutants, including mercury and smog.

Pruitt has repeatedly questioned mainstream scientific understanding of climate change. The EPA's scientific integrity watchdog is currently investigating comments made by Pruitt that rejected the overwhelming scientific evidence that carbon dioxide is a key driver of global warming.

In March, Pruitt told CNBC that he "would not agree that it's a primary contributor to the global warming that we see". The EPA's scientific integrity policy demands that staff accurately represent scientific findings. The agency's own website, in common with almost all climate scientists, states that CO2 is the "primary greenhouse gas that is contributing to recent climate change".

Head of EPA denies carbon dioxide causes global warming

The EPA administrator also recently decided to reject the conclusion of his own agency's scientists who recommended that a widely used pesticide, chlorpyrifos, should be banned from farms.

Environmentalists sue EPA for reversing Obama-era move to ban pesticide

EPA scientists warned that the pesticides could cause severe harm to children and farm workers, but Pruitt said chlorpyrifos would not be banned in order to provide "regulatory certainty" to businesses.

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The EPA has been targeted by the Trump administration for stringent budget cuts. The agency has drawn up a plan that would lay off 25% of its employees and scrap 56 programs, including pesticide safety, lead toxicity and environmental justice. There would be new funding, however, for a 24-hour security detail for Pruitt.

The plan is the embodiment of Trump's pledge to reduce the EPA to "tidbits" but is unlikely to be fully adopted by Congress, which decides funding levels for federal agencies.

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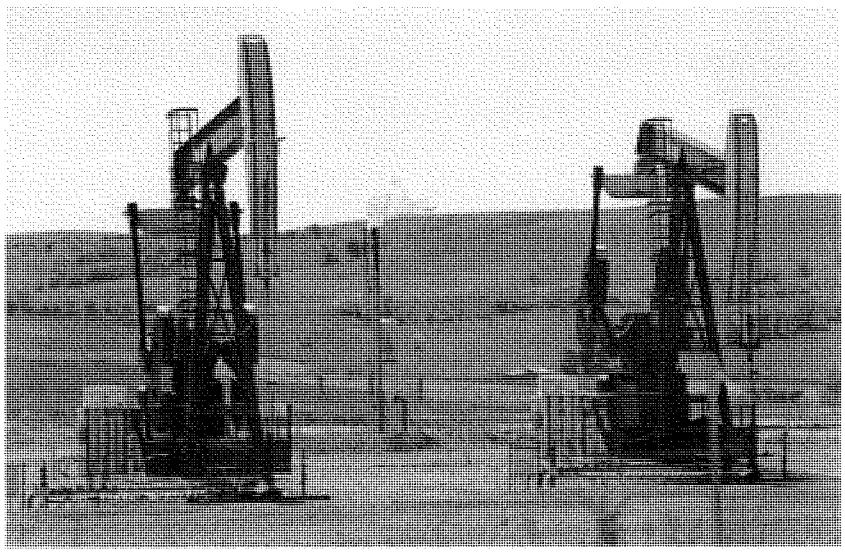
The Energy 202: How Pruitt's hustle to deregulate the EPA may bite him

By Dino Grandoni August 1, 2017

THE LIGHTBULB



Natural gass burn off in Watford City, N.D. (AP Photo/Charles Rex Arbogast, File)

In his aggressive pursuit of rolling back Obama administration regulations, President Trump's top environmental official may be bumping up against his legal limits.

Late Monday, the U.S. Court of Appeals for the D.C. Circuit ordered the Environmental Protection Agency to enforce an Obama administration rule limiting the amount of methane, a powerful greenhouse gas, that can be emitted from new or modified oil and gas wells.

The 9-to-2 decision comes after an earlier ruling in July striking down as illegal a 90-day delay in the implementation of the decision compelling oil and gas well operators to plug methane leaks.

Industry groups have argued that the federal rules were unnecessary as they duplicated state efforts to rein in emissions.

"That's where the previous administration overstepped," said Jack Gerard, the president and chief executive of the American Petroleum Institute, in an interview before the ruling was issued. "There were multiple regulations on methane."

Where much of the rest of the Trump agenda on health care or a tax rewrite flounders, EPA Administrator Scott Pruitt is plugging away at repealing Obama-era regulations and helping bolster the president's claim that he is keeping his campaign promise to deregulate the fossil-fuel sector. With both chambers of Congress led by the GOP, environmentalists opposed to that agenda have turned to the courts to block Trump's policy.

The methane rulings may just be the start of the legal pendulum swinging back to their side. Most of the headlines the EPA has generated during Trump's six months in office boil down to this: The EPA will begin the lengthy review process of undoing such-and-such rule.

For example, in February, **Trump surrounded himself with cameras and lawmakers to sign an executive order** targeting a clean-water rule that greatly expanded the number of waterways that fall under federal protection.

Though Pruitt has publicly indicated to Congress that the EPA would "provide clarity" by "withdrawing" the clean-water protection, called the Waters of the United States (WOTUS) rule, the agency only took its first step in a dual-prong process by officially rescinding the decision last week. And even so, the EPA must take the time to address

the thorny legal question the Obama rule sought to address. Those include what waterways fall under the jurisdiction of the ambiguously worded Clean Water Act. Litigants have tried and failed to sort out that question in the courts for years.

Here's the problem: Pruitt's hustle may be just now coming back to bite him in his quest to cut down on red tape he says is hurting the energy sector – thereby making it harder for him to implement the Trump environmental agenda. The Administrative Procedure Act requires the EPA to seek public comment and state its justification before suspending a rule as it is being considered for repeal. And there are court challenges that could get in the way if the administration isn't careful.

Bethany A. Davis Noll, an attorney at the Institute for Policy Integrity, and Richard L. Revesz, a New York University law professor, argue that the EPA is cutting corners in striking down Obama administration rules.

The lawyers argue that Pruitt has suspended rules without taking actions required beforehand.

"Pruitt's willingness to play fast and loose has helped his anti-regulatory reputation soar," the two lawyers write in Slate. "But the brazen deficiencies in the agency's work exposing the hollowness of Pruitt's 'rule of law' rhetoric should give Pruitt's supporters pause. Once the judicial challenges run their course, Pruitt may be striking out a lot more."

But other legal experts say Pruitt knows to dot every i and cross every t. Jeff Holmstead, a former deputy administrator at the EPA under George W. Bush and a partner at the law firm Bracewell, said that it was "a mistake to read too much into the methane decision." He

said that the rollback of other Obama-era regulations, such as the WOTUS rule or the Clean Power Plan, rely on different parts of the law than what Pruitt used to halt the methane rule.

"Because they know everything will be challenged in court," Holmstead said of EPA officials, "they are bending over backwards to make sure that everything they do has a legal basis."

He added, "I think they were a little taken aback" by the methane ruling.

Correction: An earlier version of this article said that the court that issued the ruling was the U.S. District Court for the District of Columbia. It is the U.S. Court of Appeals for the D.C. Circuit.

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POWER PLAYS

Ryan Zinke, second from right, rides on horseback on his first day of work at the Interior Department in March. (Tami Heilemann/Department of Interior/Handout)

-- **And then there were three**: First, there was Vanity Fair's profile of the Department of Energy. Then there was Rolling Stone's profile of the EPA. And now, GQ has a feature out about the Department of the Interior.

Or more accurately, about the department head, **Ryan Zinke**, who appears to be trying to stay above from the daily fray of Trumpworld and fashion his own political identity. The author of the piece, Elaina Plott, hints that the former 55-year-old congressman from Montana might have another run for office in him.

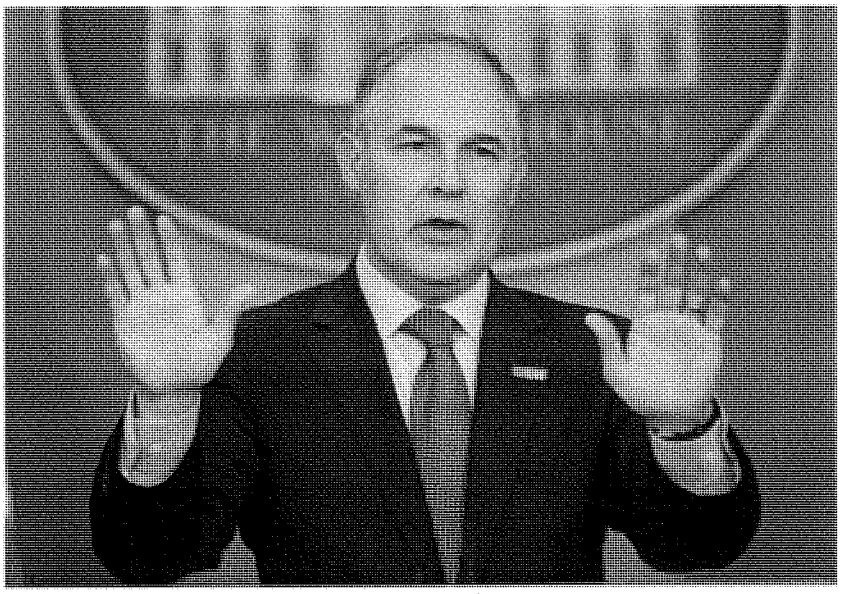
But the best part of the profile is about how Zinke got the job he has

now. Plott reports on Zinke's job interview with Trump (emphasis added):

> *After the election, Zinke was hosting his office Christmas party in Washington when he got the call from Reince Priebus, the then-presumptive (now-former) chief of staff. Mr. Trump, Priebus told Zinke, wanted to see him in New York.*
>
> *Rumors buzzed that he'd been shortlisted for the job atop the Interior Department, but when Zinke and his wife, Lola, passed through the gilded doors of Trump Tower, he actually had no clue what position he was interviewing for—Priebus had never said definitively. And by the end of a rambling conversation with the president-elect, Zinke still wasn't entirely sure.*
>
> ***"The conversation went a hundred seconds. It went from women in combat to Syria policy to the Chinese to energy independence, a little about public lands, a little about hunting access," Zinke tells me. "Most of the conversation was not really Interior, per se." At one point, Trump proposed the Veterans Affairs post, to which Zinke quipped, "I don't think you hate me that much."***
>
> *He was flying back to Montana when Mike Pence called him.* ***"The vice president says, 'Well, congratulations!'" Zinke recalls, sharing the moment he was asked to join the Trump Cabinet, "and I asked him, 'What job?'"***

-- **To the moon, senator!** While visiting Bunkerville, Nev. on Monday, Zinke was asked by reporters about his phone calls with Republican Sens. Lisa Murkowski and Dan Sullivan, in which Zinke let the Alaska senators know, in the words of the Alaska Daily News, that Murkowski's vote against the health-care legislation "put Alaska's future with the administration in jeopardy."

"The moon has been characterized as a threat, too, so I think it's laughable," Zinke said according to E&E News.



Pruitt speaks to the media during the daily briefing at the White House. (AP Photo/Pablo Martinez Monsivais, File)

-- **Pruitt 2020?** The former Oklahoma attorney general talked about his political future in a wide-ranging interview published in The

Oklahoman. While he ruled out a run for governor in 2018, the EPA head did not close the door on future runs — like in 2020 for, say, the seat of 82-year-old Sen. Jim Inhofe (R-Okla.).

"To think somehow that ... I would go through a confirmation process which, by any measure, is pretty intense, serve five months and move to Washington, D.C. in order to run for governor ... I mean, who would do that?" Pruitt told Oklahoman reporter Justin Wingerter.

Wingerter adds: "When asked if he was committed to remaining in the Trump administration for four years, Pruitt hesitated before declining to speculate. He said he didn't know he would be attorney general or the owner of a baseball team, so how could he predict what's next?"

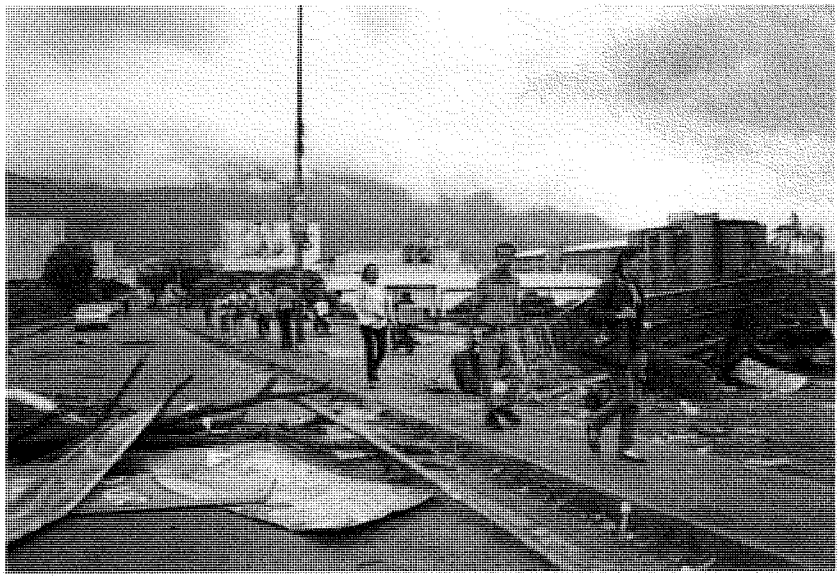
A recent Rolling Stone article fanned rumors of Pruitt's political ambitions, which have bee coursing through Washington for months. If he runs, "there will be more campaign contributions than anyone has ever seen," Gavin Isaacs, the former head of the Oklahoma Bar Association, told the magazine.

-- More than a dozen science groups signed a joint letter to the Trump administration on Monday calling for a meeting with Pruitt before the agency begins the "red team/blue team" debate on the validity and causes of climate change.

The letter was sent to Pruitt by 16 groups led by the American Association for the Advancement of Science to "remind you of the ongoing research, testing, evaluations, and debates that happen on a regular basis in every scientific discipline."

It continues: "Given your interest in the state of climate science, we would welcome the opportunity to meet with you to better understand your perspective and rationale for the proposed activity."

OIL CHECK



Pedestrians walk past a barricade made by anti-government demonstrators in Caracas, Venezuela, on Monday. (Ariana Cubillos/AP)

-- **Not just Russia**: The White House on Monday issued sanctions against Nicolás Maduro, president of oil-rich Venezuela.

As The Post's Heather Long writes, Trump is clearly no fan of Maduro, who he has called a "bad leader" and a "dictator." But Trump stopped short of hitting the Venezuelan leader where it hurts: In the country's oil fields.

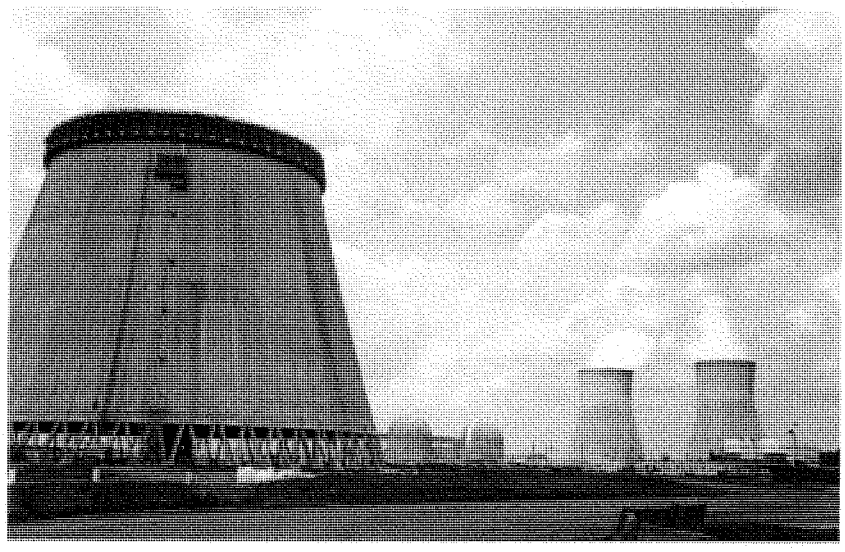
The reason: Trump knows that today's cheap gas is good politics.

Venezuela supplies a tenth of U.S. oil imports, according to the U.S. Energy Information Administration. As one analyst told Long, if Trump banned Venezuelan oil, "prices would go up like a rocket."

DOE: Perry on tweet probe: 'Have at it'

Energy Secretary Rick Perry said Friday he's "not worried in the least" about investigations of Energy Department tweets and that the American people likely think such inquiries are "nonsense."

ALTERNATIVE UNIVERSE

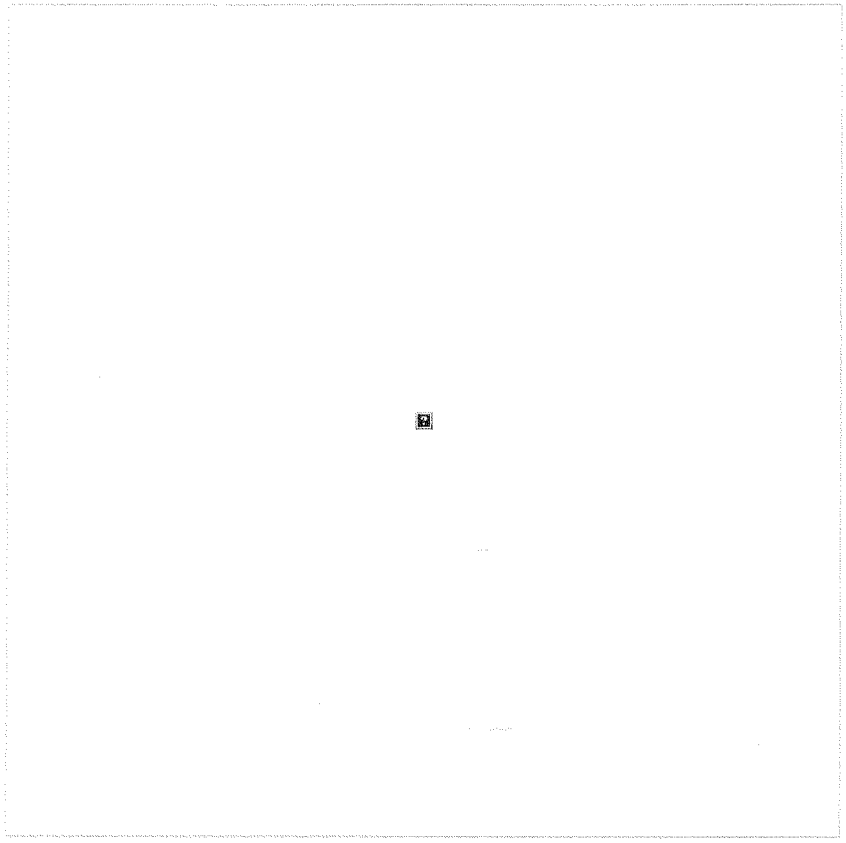


Two reactors at Plant Vogtle power plant in Waynesboro, Ga. Westinghouse Electric Co., the U.S. nuclear unit of Japan's Toshiba Corp., filed for bankruptcy protection in March. (John Bazemore/Associated Press)

-- Two utilities in South Carolina have stopped construction on nuclear reactors, writes The Post's Steven Mufson, delivering a setback to the hope to bring back the country's nuclear-power industry.

What happened: "The project has been plagued by billions of dollars of cost overuns, stagnant demand for electricity, competition from cheap natural gas plants, and the bankruptcy of Westinghouse Electric, the lead contractor and the designer of the AP1000 reactor that was supposed to be the foundation of a smarter, cheaper generation of nuclear power plants. Instead, the South Carolina reactors, along with two others under construction in Georgia, have demonstrated that the main obstacle to new nuclear power projects is an economic one. The plants would be more viable if the federal government were to impose a tax on carbon as part of climate change policy, but that seems unlikely."

The takeaway: Without any serious climate policy from Washington — e.g., a carbon tax — it's hard to see the prospects of nuclear energy getting any brighter in the United States, which has built only one new reactor since 1980. Energy Secretary Rick Perry has talked up nuclear energy since taking office, but the Trump administration proposed slashing funding to the department's nuclear energy office.



A man walks past solar panels at Panda Solar Power Plant in Datong, Shanxi province, China.(EPA/ROMAN PILIPEY)

-- **Solar scraps:** In less than two decades, China, which currently has the world's largest number of solar power plants, will have to figure out what to do with the waste created by out-of-commission solar panels.

The South China Morning Post writes that "the country's cumulative capacity of retired panels would reach up to 70 gigawatts (GW) by 2034. That is three times the scale of the Three Gorges Dam, the world's largest hydropower project, by power production," according to a report by Lu Fang, secretary general of the photovoltaics decision in the China Renewable Energy Society."

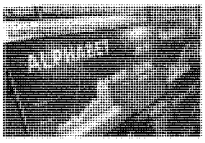
The issue: A solar panel lasts about 20 to 30 years, depending on conditions such as temperatures. The problem China will have to deal with is what to do with those spent solar panels.

Tian Min, general manager of a recycling company that collects old solar panels, said the solar power industry "will explode with full force in two or three decades and wreck the environment, if the estimate is correct."

"This is a huge amount of waste and they are not easy to recycle."

Alphabet Wants to Fix Renewable Energy's Storage Problem — With Salt

The latest idea from the X 'moonshot factory' is code named Malta



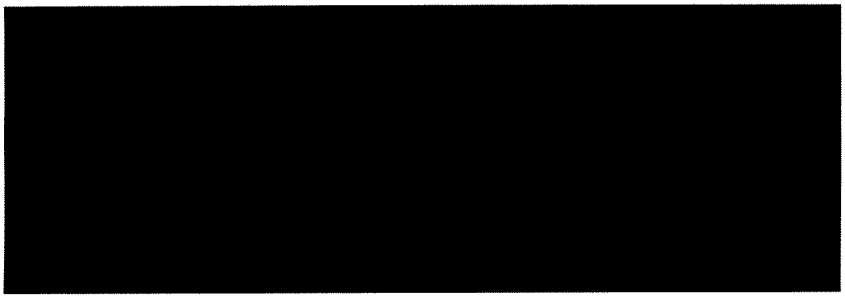
THERMOMETER

The sun sets over sea ice floating on the Victoria Strait along the Northwest Passage in the Canadian Arctic Archipelago on July 21, 2017. (AP Photo/David Goldman)

--Climate optimism be gone: There's seemingly diminishing optimism surrounding climate change with every new study, writes The Post's Chris Mooney, running down a pair of new reports that "asserts that there's little chance of the world will stay within prescribed climate limits."

One of the new studies "calculates the statistical likelihood of various amounts of warming by the year 2100 based on three trends that matter most for how much carbon we put in the air," Mooney writes. **The result?** There's only a 5 percent chance the world can keep warming under 2 degrees Celsius and only a 2 percent chance it can be limited to below 1.5 degrees.

Is there any silver lining? Mooney reports: "The upshot of all the latest research, however, is that while limiting warming to 2 degrees is seeming unlikely, and 1.5 degrees nearly impossible, staying within something like 2.5 degrees still seems quite possible if there's concerted action. And who knows whether in thirty years, negative emissions may appear much more feasible than they do now, providing the option of cooling the planet back down again at some point."



-- **The reviews are in**: If there are a few points of consensus in the reviews of Al Gore's "An Inconvenient Sequel: Truth to Power," it's 1) that the former vice president is cast as the hero of the climate-change movement and 2) that the original 2006 "An Inconvenient Truth" was mostly a Power-Point presentation, and the sequel is less so.

The film, which debuted in limited theaters on Friday and will be released nationwide Aug. 4, updates the world on progress made in the science and policy climate change — plus plenty of Gore's own activities.

Here's what the reviews are saying (emphasis added):

The New York Times calls it the "reboot that justifies its existence:"

"An Inconvenient Sequel: Truth to Power," a follow-up to "An Inconvenient Truth," Davis Guggenheim's Oscar-winning documentary from 2006, ***is a reboot that justifies its existence — and not just because Mr. Gore has fresh news to report on climate change since his previous multimedia presentation played in multiplexes.*** *If there is a thesis in this new documentary, directed by Bonni Cohen and Jon Shenk ("Audrie & Daisy"), it's that a rise in extreme weather is making the impact of climate change harder to deny.*

Entertainment Weekly says it gives viewers "still some reason for hope:"

Back in 2006, when Al Gore turned his PowerPoint climate-change crusade into the Oscar-winning documentary An Inconvenient Truth, there was still some reason for hope. Sure, Bush and Cheney were calling the shots, but the force of Gore's argument was impossible to ignore. Now, a decade later, with a fervent global-warming denier in the Oval Office, hope seems in shorter supply. ***In his wake-up-call follow-up, Gore is a little grayer and a little thicker around the midsection, but he's still tirelessly speaking truth to power on behalf of our ailing planet in his folksy Tennessee twang.*** *During one of his presentations in which he shows disaster footage from around the globe, he says, "Every night on the evening news is like a nature walk through the Book of Revelation." You'd have to have your head in the sand not to agree.*

The New Yorker says it gives younger climate activists the "short shrift:"

Psychologists have studied the dynamics of what advertisers call "fear appeals," and they have found that ***while fear is very good at getting our attention, it's not very good at keeping it.*** *For that, the scary stuff must be followed by solutions that are small enough to be practical but large enough to be meaningful ... "An Inconvenient Sequel," which is a work of advocacy rather than journalism, pivots efficiently away from its disaster reel and*

toward solutions, cheering the rise of cheaper renewables and the promise of the Paris climate accord, even in the wake of the U.S.'s withdrawal. ***But its tight focus on Gore means that grassroots climate activists—many of whom were galvanized by Gore's first film, and by the hundreds of trainings he has held in the years since—get short shrift. For the most part, they are shown sitting in auditoriums, listening raptly to Gore's presentation.*** *A long segment of the film is devoted to Gore's behind-the-scenes negotiations with the Indian delegation at the Paris conference—which, while procedurally interesting, is hardly the sort of thing that most viewers can try at home.*

CNN notes the sequel comes amid "a wave of documentary films" on climate change:

If "Inconvenient Truth" felt groundbreaking, ***the sequel comes on the heels of a wave of documentary films exploring aspects of the topic, from Leonardo DiCaprio's "Before the Flood" to the recent Netflix project "Chasing Coral," about disappearing ocean reefs.***

As celebrity climate warriors go, Gore was a pioneer, and he's inevitably cast as the hero in this story, working behind the scenes to help pave the way for the Paris accord. But there's no questioning his commitment to the cause -- "a mission," he says, "that I have dedicated myself to."

Viewed in concert with the original, that sense of genuine dedication is one of the more enduring aspects of "An Inconvenient Sequel." ***And while Gore paints a fairly rosy longterm picture based on the progress he sees, the great unknown is whether he'll feel motivated to do a third film a decade from now, and not incidentally, how high average temperatures and the sea level will be by then.***

A.V. Club writes the film veered into "celebrity profile:"

There was nothing especially artful about An Inconvenient Truth. Less a movie than a glorified PowerPoint presentation, it offered only the sight of Al Gore, our former vice president, standing on a stage and explaining—through diagrams and photographs and unsexy science—the sobering reality of global warming. What the Oscar-winning documentary lacked in panache, however, it made up for in educational value; there's evidence to suggest that An Inconvenient Truth has greatly raised awareness, reshaping the public's understanding of our ongoing ***environmental crisis. Eleven years later, Gore has spearheaded a follow-up, designed to get everyone up to date on that crisis. But while An Inconvenient Sequel: Truth To Power is certainly more cinematic than its predecessor—its directors haven't just filmed a seminar this time—it's also inherently less useful, because the focus has pivoted away from the alarming statistics to the man delivering them.*** *They've chased a valuable science lesson with something that comes closer, occasionally, to a celebrity profile.*

The Verge argues that the film will fail to energize activists:

As a call to recruit and energize a new generation of environmentalists, no, it's not good. *Al Gore travels across the globe, educating trainees, who we barely get to know. And what exactly Gore trains these men and women to do, beyond monologue in public spaces, is unclear.*

The film doesn't offer any surprising updates on global warming for a pseudo-woke teen with a social-media stream. Nor does it lay out actionable strategies for viewers who could be persuaded to change their habits, but don't know how. In that way, it's a missed opportunity for Gore and his multi-decade agenda. *An Inconvenient Truth formed the choir, and it's inexplicable that this sequel makes no effort to teach that choir to sing.*

The Guardian calls the move boring (and gives the film two stars):

Al Gore knows everybody. He can whip out his cell phone and dial the treasury secretary or the head of a giant solar panel manufacturer and say things such as "I'll check with President Hollande" or "Elon suggested I call." ***It's amazing, then, that nowhere in his contacts is the number of a documentary film-maker that knows a thing or two about keeping audiences awake.***

-- I interviewed Gore after a showing of the film in Washington. Here are a few other questions he answered that I didn't include back then, some of which get at why he made a sequel.

Q: Is one of the reasons you have done a second movie is to reach a younger audience that maybe missed the first movie?

Gore: Yes, but it's more because ***there are new things to say. The solutions are so exciting now and so available.*** *China is now providing leadership instead of opposition, which was the case 10 years ago. India, just since the Paris agreement, has done a U-turn and started canceling coal plans and ramping way up on solar. I think it's important to update the reality that we're facing both to alert people that the problem is worse, but also to let people know that we do have the solutions and we can solve this.*

Q: Have you read the New York magazine [the hotly debated "Uninhabitable Earth"] piece? What did you think of it?

Gore: I know that some scientists have pointed out what they regard as specific mistakes in that analysis, but overall, ***I do think there is a place for a worst-case analysis.*** *My own preference is to try to emphasize the consensus opinions of the scientists and couple the analysis of how dangerous the threat is with a presentation of how real the hope is that we can solve this. We have really witnessed a dramatic change in the availability of affordable solutions. So I like to present that evidence of genuine hope along with the evidence of how dangerous this crisis is.*

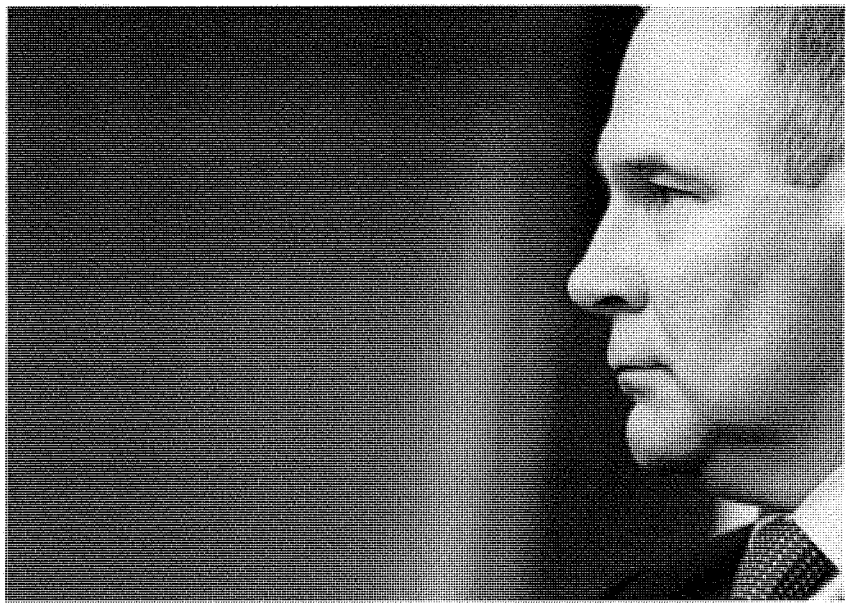
(Question and answers here edited for length and clarity.)

DAYBOOK

THE NEW YORKER
DAILY COMMENT

THE E.P.A.'S DANGEROUS ANTI-REGULATORY POLICIES

By Elizabeth Kolbert June 30, 2017



Scott Pruitt, the head of the E.P.A., has reversed an Obama Administration decision to ban the use of the pesticide chlorpyrifos on food crops.
Photograph by Brendan Smialowski / AFP / Getty

This week, while attention was focussed on the Senate's health-care bill, the Trump Administration continued to quietly do the one thing it does well: wreak havoc on the environment. On Tuesday, the Environmental Protection Agency released its plan to rescind the Clean Water Rule, also known as the Waters of the United States rule, or WOTUS. WOTUS essentially

represents the Obama Administration's attempt to clarify which waterways are governed by the Clean Water Act. A memo that the E.P.A. issued when the rule was put in place, in 2015, notes that it protects streams that roughly one in three Americans depend on for drinking water. (This memo is not currently available on the E.P.A.'s Web site; to find it, you have to go to the archived site.)

You might think that the well-being of a third of the population—some hundred and seventeen million people—would be of significance to the E.P.A., but then you might also think that the agency is there to protect the environment. The Trump Administration thinks otherwise. In announcing the proposal, the E.P.A. administrator, Scott Pruitt, didn't even bother to pretend that he was interested in public safety. Instead, he said, the agency's goal was to "provide regulatory certainty to the nation's farmers and businesses."

Meanwhile, also on Tuesday, the Associated Press reported that Pruitt had met privately with the head of Dow Chemical, Andrew Liveris, during a conference in Houston, shortly before reversing an Obama Administration decision to ban the pesticide chlorpyrifos for use on food crops. (An E.P.A. spokeswoman said that the two men "did not discuss chlorpyrifos.")

Chlorpyrifos is a neurotoxin that has been shown to be especially dangerous to infants and young children, and a review by E.P.A. scientists had led the agency to recommend that it be disallowed. Somewhere between five and ten million pounds of the pesticide, most of it produced by Dow AgroSciences, are applied to crops in the United States every year. (The company said that "authorized uses of chlorpyrifos products offer wide margins of protections for human health and safety.") Liveris, meanwhile, heads a White House manufacturing council, and his company, according to the Washington *Post*, "wrote a $1 million check to help underwrite Trump's inaugural festivities." In announcing that the E.P.A. would not ban chlorpyrifos, Pruitt once again passed over the well-being of the public. The decision, he said, when he

announced it in March, was made out of a "need to provide regulatory certainty."

Of course, if the Trump Administration was really interested in "regulatory certainty," the rational thing to have done would have been to keep the Obama-era rules in place. WOTUS had already been finalized. The proposed change will take years to wend its way through the rule-making process—we can only hope more years than the Trump Administration has left. Similarly, the Administration's decision to reverse course on chlorpyrifos will result in more uncertainty, rather than less. Already, seven states have filed legal objections in an effort to force the agency to follow through on the recommendations of its own scientists. (The coalition is led by New York's attorney general, Eric Schneiderman, who, in announcing the challenge, noted that the E.P.A.'s job is to insure "the health and safety of New Yorkers and all Americans—especially our children.")

What the Administration is really interested in, it seems, isn't "regulatory certainty" but, rather, regulatory laxity. Trump loves to rail against "job-killing regulations." Just last week, he boasted that the White House had formed a task force inside every agency to find and eliminate "job-killing regulations, of which we've had many." But, as with so many Trumpian claims, the number of times this phrase has been repeated is inversely related to its truthfulness. There is, in fact, little evidence that regulations kill jobs. According to a 2014 review of studies on the subject, conducted by researchers at the London School of Economics, environmental regulations seem to have a "statistically insignificant" effect on employment. A 2015 report by the Office of Management and Budget (which has also been taken down from the Web site) notes that sometimes regulations may appear to cost jobs, if, say, a plant closes down, and other times they may appear to create jobs, as when a company staffs up to comply with the new rules. Over the long term, however, these "apparent reductions or increases in employment will often . . . turn out to be shifts in employment" rather than net gains or losses. The report

calculates that the "monetized benefits" of federal regulations enacted during the previous decade were "significantly higher than the monetized costs."

Which brings us to what is most horrifying about what's going on. If you ignore the benefits of regulation, it's easy to argue they are outweighed by the costs. But you don't need a great deal of sophisticated math to conclude that the benefits of maintaining safe drinking water and avoiding developmental problems in kids are pretty high—higher than just about any conceivable estimate of the price. In a letter to Pruitt, the American Academy of Pediatrics stated that its members are "deeply alarmed that the EPA's decision to allow the continued use of chlorpyrifos contradicts the agency's own science and puts developing fetuses, infants, children, and pregnant women at risk."

A gruesome monument to the dangers of deregulation now stands in the middle of London. Grenfell Tower, the North Kensington apartment building that went up in flames earlier this month, was clad in materials that, British authorities had repeatedly been warned, were unsafe for tall buildings. But the government, apparently believing its own anti-regulatory rhetoric, resisted calls for stricter rules. Trump is scheduled to go Warsaw, Hamburg, and Paris next month. Perhaps he should visit London as well.

Elizabeth Kolbert has been a staff writer at The New Yorker since 1999. She won the 2015 Pulitzer Prize for general nonfiction for "The Sixth Extinction: An Unnatural History." *Read more »*

Where is Trump's infrastructure plan? Republicans grow tired of waiting.

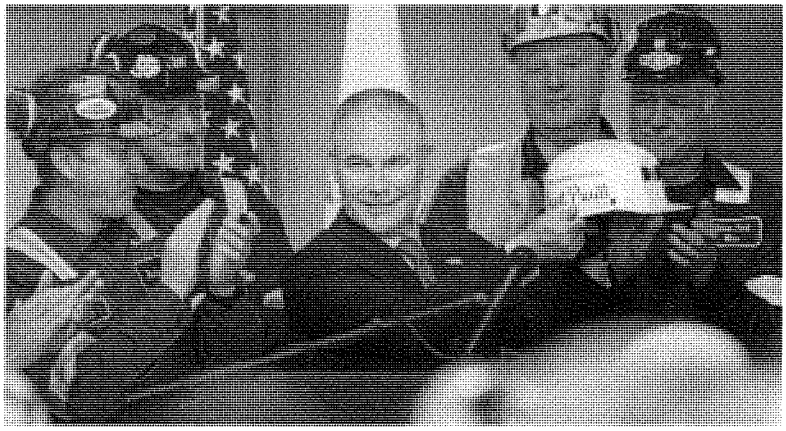
Energy

The radical idea behind Trump's EPA rollbacks

'EPA originalist' Scott Pruitt says he's returning the agency to its proper mission and legal powers. But even some of his Republican predecessors say he's got it wrong.

By ALEX GUILLÉN

06/18/2017 07:13 AM EDT



Several former EPA chiefs say Scott Pruitt and President Donald Trump have it wrong. | Getty

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The Trump administration isn't just pushing to dramatically shrink the Environmental Protection Agency, chop a third of its budget and hobble its regulatory powers. It's also trying to permanently limit the EPA's mission — while portraying doing so as a return to the agency's roots.

What Administrator Scott Pruitt calls his "Back to Basics" agenda would refocus the agency on narrow goals such as cleaning up toxic waste and providing safe drinking water — the kinds of issues that inspired the EPA's creation in 1970 amid a public outcry about burning rivers and smog-filled skies. But it would abandon the Obama administration's climate regulations, along with other efforts that Pruitt argues exceed the agency's legal authority.

Story Continued Below

President Donald Trump has endorsed this notion as well, promising that the U.S. will have "the cleanest air" and "the cleanest water" even in his speech this month repudiating the Paris climate agreement.

Pruitt has labeled this vision "EPA originalism," in a nod to some conservatives' long-running arguments that judges should interpret the Constitution as the Founders understood it. But several former EPA chiefs say Pruitt and Trump have it wrong — and that the agency's mission was never as narrow as the current administration wants it to be.

"I don't personally think you can say, 'I'm somehow going back to what the basic responsibilities of EPA are,'" said Lee Thomas, who led the agency during Ronald Reagan's second term. "That's not what EPA is, that's not where the laws are, and that's not where the risk is."

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Christine Todd Whitman, George W. Bush's first EPA administrator, disputes Pruitt's decision to focus on a limited set of EPA programs, such as the toxic-waste cleanups it carries out under the 1980 Superfund law.

"I don't think it has to be an either-or, nor should it be," Whitman said, adding: "Superfund is not the only issue for human health. Water pollution is a huge issue and very important and you need to work on it, but it's not the only issue. Air is an issue, too. Even if you don't want to believe in climate change, you've got to believe that carbon and mercury are not good for you."

EPA did not make Pruitt available for an interview, but he told Wall Street Journal columnist Kimberley Strassel that his aim is for EPA to achieve "tangible" results through "a restoration of its priorities," such as cleaning up the nation's 1,300 Superfund sites.

"These are issues that go directly to the health of our citizens that should be the absolute focus of this agency," Pruitt told Strassel, who was the first to praise him as an "EPA originalist." Pruitt added: "This president is a fixer, he's an action-oriented leader, and a refocused EPA is in a great position to get results."

Pruitt has also defended Trump's proposal for a 31 percent budget cut at his agency in fiscal year 2018, which would force it to shed about a fifth of its workforce — saying EPA's core functions would survive. "I believe we can fulfill the mission of our agency with a trimmed budget, with proper leadership and management," he said at an appropriations hearing that had him fielding complaints from Republicans and Democrats alike.

On the other hand, Trump's proposal would slash many of the same toxic-waste and clean-water programs that Pruitt has put at the center of the agency's mission.

The tension highlights disputes over EPA's role as environmental threats have evolved, as well as the Trump administration's efforts to achieve lasting reductions in the government's

regulatory powers.

So far, Pruitt has launched rollbacks of Obama's greenhouse gas rules for power plants, delayed deadlines for polluters and slowed agency work on new regulations, and most recently helped persuade Trump to withdraw from the Paris deal.

Pruitt has also placed a greater emphasis on considering economic concerns in the agency's decisions. He has cited that reasoning when he has rolled back regulations on climate change, air pollution and clean water, even in cases where the Supreme Court has said costs cannot factor into a regulation.

"We're going to improve the environment in this country, protect our water, protect our air, but at the same time do it the American way," Pruitt said in an April speech at a coal mine in Sycamore, Pennsylvania. "Grow jobs and show the rest of the world that we can achieve it."

But the powers of the EPA administrator are limited: While he or she can have huge influence over the agency's direction, Congress has laid out its scope and responsibilities in laws like the Clean Air Act and Clean Water Act.

Cybersecurity

Trump's silence on Russian hacking hands Democrats new weapon

By CORY BENNETT

That means Pruitt cannot act like a "tinhorn dictator" by deciding which laws to avoid "in favor of economic development," said Thomas Jorling, a former Senate Republican staffer who co-authored the Clean Air Act in 1970 and the Clean Water Act in 1972. Jorling, who filed a court brief last year defending the Obama EPA's landmark climate regulation, accused Pruitt of being "disingenuous" by focusing the agency on a limited set of priorities.

"It's all basically a smokescreen to their real intention, which is kind of a moral and ethical corruption, to … restore the dependence of the United States energy system on fossil fuels," Jorling said.

Pruitt maintains that the agency's Obama-era leaders vastly overstepped EPA's authority by issuing regulations such as its greenhouse gas limits for power plants. Pruitt previously made that argument while waging legal fights against the EPA when he was Oklahoma attorney general.

Pruitt said last month that he has not yet decided whether to craft new climate rules after repealing the Obama versions.

But his Republicans critics say it's wrong to reject climate change as an EPA priority, even if there's room for debate on the scope of Obama's actions. The Supreme Court has ruled that EPA must regulate greenhouse gases if they threaten human health and welfare, which the agency has concluded they do.

States say Superfund sites are big issues in their communities, said Thomas, the former Reagan administration EPA leader, but the risks of climate change are "significantly higher."

"There's a lot more uncertainty around [global warming], but that doesn't mean you don't deal with it," he said.

Meanwhile, the rollbacks under Pruitt go well beyond climate change. Pruitt has ordered a rewrite of the Obama-era Waters of the U.S. rule, a sweeping regulation that sought to define which waterways and wetlands fall under the federal government's purview. And he remains critical of the Obama administration's efforts to tighten smog standards when much of the country has yet to meet previous limits — even though the Clean Air Act says EPA is supposed to base those decisions solely on the latest health science.

In addition, Pruitt has said his philosophy will involve fewer instances of the federal government overriding state cleanup plans it deems insufficient. And he says EPA will use fewer consent decrees — settlements negotiated with companies that have violated regulations — a practice Republicans have long criticized as "regulation by litigation."

Instead, Pruitt aims to focus on the Superfund program, cleanups of polluted "brownfields," and drinking water infrastructure, all of which involve economic development. He has also placed an emphasis on implementing last year's bipartisan chemical safety reforms, especially the process that approves new chemicals for use in products.

Myron Ebell, a longtime critic of climate change science and the Trump administration's former transition leader for EPA, supports Pruitt's originalism mission because it dials back the

agency's reach.

"It seems to me EPA has fairly clear statutory responsibilities under a number of statutes, and those statutory responsibilities should come first," said Ebell, director of the Competitive Enterprise Institute's Center for Energy and the Environment.

"But over time and particularly in the Obama administration, they have taken on a whole lot of things which are entirely discretionary, that they don't have to do, they're not required by law to do it, but they decided to do it anyway," Ebell added.

But Jorling, the former Republican staffer, said people like Ebell have their history wrong.

Jorling said he and Leon Billings, his late Democratic counterpart in writing the landmark air and water laws that Pruitt is now entrusted to enforce, believed that the statutes they wrote were not static. Instead, they were designed to adapt to new situations.

Democratic 2020 contenders? Voters haven't heard of them

By STEVEN SHEPARD

"It's a complete misreading of those statutes and it really denigrates the senators and members of Congress that I worked for and with at the time," he said of the arguments Pruitt and his supporters make. "They were very concerned that you don't just write a statute for the past. You write a statute for the future."

Georgetown environmental law professor William Buzbee agreed that the laws' legislative history shows they were "not written to be frozen in time, but to give EPA important protective roles that will evolve in light of improved science and understanding of emerging risks."

For example, the Clean Air Act includes a catch-all provision, Section 111, that allowed the agency to address newly discovered pollutants not covered elsewhere in the law. EPA had used that provision just five times over the decades, mostly on obscure pollutants, before the Obama administration wielded it to target carbon dioxide from power plants.

Gina McCarthy, Pruitt's immediate predecessor as EPA administrator, said it's "crazy" to believe that the agency's role was not intended to evolve to include new problems like climate change.

"Is EPA supposed to respond and say, 'We're really busy cleaning up Superfund sites from the '60s. We really can't address the problems that you're facing today?'" McCarthy asked. "Is that what they're really suggesting? And as long as we catch up with the damage that was in place when these laws came in, that we'll have done our job? That doesn't make any sense."

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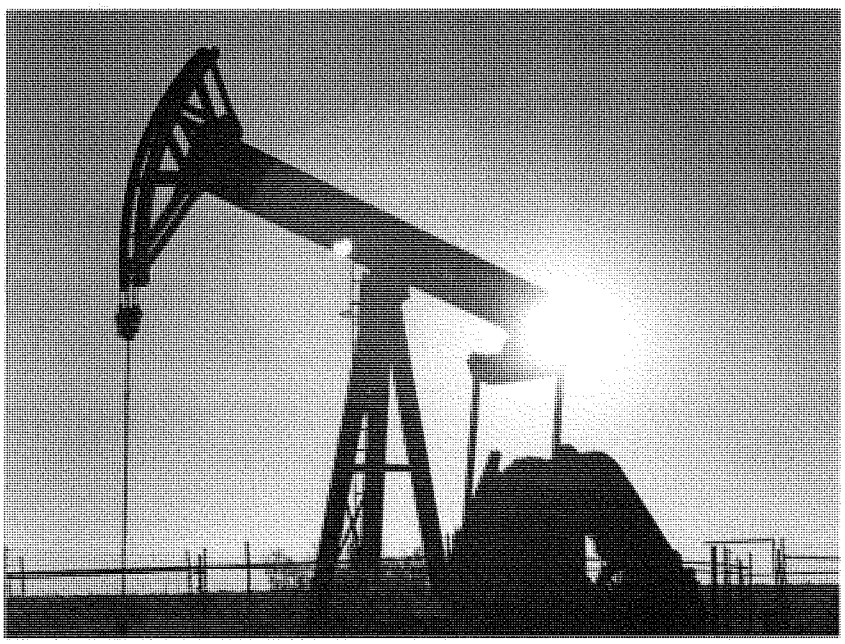
CLIMATE

Court Blocks E.P.A. Effort to Suspend Obama-Era Methane Rule

By **LISA FRIEDMAN** JULY 3, 2017



An oil-drilling rig near Midland, Tex. A federal appeals courts said on Monday that the E.P.A. must comply with an existing rule to limit methane emissions from oil and gas wells. Ernest Scheyder/Reuters

WASHINGTON — Dealing a legal blow to the Trump administration, a federal appeals court ruled on Monday that the Environmental Protection Agency cannot suspend an Obama-era rule to restrict methane emissions from new oil and gas wells.

The 2-to-1 decision from the United States Court of Appeals for the District of Columbia Circuit is a legal setback for Scott Pruitt, the E.P.A. administrator, who is trying to roll back dozens of Obama-era environmental regulations. The ruling signals that the Trump administration's efforts to simply delay environmental and public health actions are likely to face an uphill battle in tbe courts and require a more painstaking process.

The administration had suffered several reversals in federal court to its plans to limit immigration from a group of majority-Muslim nations until the Supreme Court allowed part of the policy to proceed late last month. A federal judge in California also blocked the administration's threat to penalize cities that provide legal sanctuary for undocumented immigrants.

A number of other Trump administration actions to undo regulations it inherited, including a rule on grizzly bear protection and another on chemical spills, are likely to receive close scrutiny from the courts.

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Mr. Pruitt had imposed a 90-day moratorium, which he later extended to two years, on enforcement of parts of the E.P.A. methane regulation. He had also argued that his action was not subject to court review. But the appeals

court ruled that the agency's decision was "unreasonable," "arbitrary" and "capricious." The agency, it said, did not have authority under the Clean Air Act to block the rule.

"E.P.A.'s stay, in other words, is essentially an order delaying the rule's effective date, and this court has held that such orders are tantamount to amending or revoking a rule," Judges David Tatel and Robert Wilkins wrote. The third member of the three-judge panel, Janice Rogers Brown, dissented. The judges said that the agency had the right to reverse the methane regulations but would have to undertake a new rule-making process to undo the Obama administration's regulation.

An E.P.A. spokeswoman said the agency was reviewing the opinion and would weigh its options.

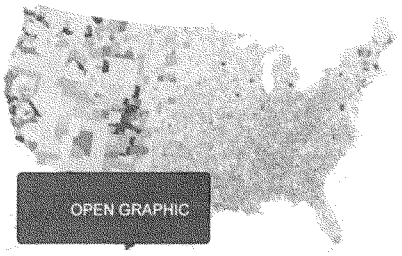
Critics say the Trump administration has improperly delayed other regulations as well, and have challenged a May E.P.A. decision to suspend for 90 days a rule aimed at cutting methane emissions from landfills.

In June, the Interior Department also delayed for two years a set of rules that would have limited the release of methane from wells on federal and tribal lands. That rule has been in the administration's cross hairs, but an attempt to reverse it in Congress failed when Senator John McCain, Republican of Arizona, and two other Republicans defected.

GRAPHIC

How Americans Think About Climate Change, in Six Maps

Americans overwhelmingly believe that global warming is happening, and that carbon emissions should be scaled back. But fewer are sure that it will harm them personally.



The administration has also used the delay tactic to stop a Food and Drug Administration rule requiring restaurants to list the calories in the food they

sell and a Labor Department regulation mandating that financial advisers put consumers' best interests ahead of their own.

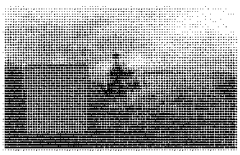
The E.P.A. has been in the vanguard of the administration's attempts to dismantle what Mr. Trump and his advisers consider an oppressive regulatory state. In a February executive order, Mr. Trump instructed cabinet officers to look for every opportunity "to alleviate unnecessary regulatory burdens placed on the American people."

Monday's court ruling signals that this will not be accomplished overnight.

The administration has had some success in delaying or reversing former President Barack Obama's climate change and environmental policies, hut other actions face serious legal hurdles. After the E.P.A. allowed farmers to continue to use a pesticide called chlorpyrifos that has been found to harm children's brains, California and six other states challenged the decision.

And the effort to reverse the Clean Power Plan regulation on power plant carbon emissions — the rule at the heart of Mr. Obama's climate change agenda — could take years. Mr. Pruitt is expected to publish the details of his plan to repeal the regulation in the coming weeks.

David Doniger, director of the climate and clean air program at the Natural Resources Defense Council, said he believed the administration would be on the losing end of those battles.



Video Feature: The Antarctica Series

"This is the first of what we hope will be many court setbacks for Scott Pruitt, whose devotion to the law is rhetorical and not real," he said.

The methane rule was part of a broad suite of climate regulations enacted by Mr. Obama. Methane is a potent greenhouse gas 25 times more powerful

than carbon dioxide.

Oil and gas companies have argued that the rule requiring them to report and fix any methane leaks in their equipment is an unnecessary burden because many oil-producing states already have their own regulations. The E.P.A. announced on June 5 that it was suspending enforcement of the rule, arguing that the industry had not had enough opportunity to comment. The court rejected that argument.

"The court's decision ends the continued pollution by the oil and gas industry that's been illegally allowed by Pruitt," said Fred Krupp, president of the Environmental Defense Fund, one of the plaintiffs in the case.

Reid Porter, a spokesman for the American Petroleum Institute, said that standards set in 2012 were already reducing methane emissions. "A stay is needed to allow for regulatory certainty as E.P.A. continues the formal process to review the rule making," he said in a statement.

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A version of this article appears in print on July 4, 2017, on Page A1 of the New York edition with the headline: Court Rebuffs Trump's Effort To Halt Obama Methane Rule. Order Reprints | Today's Paper | Subscribe

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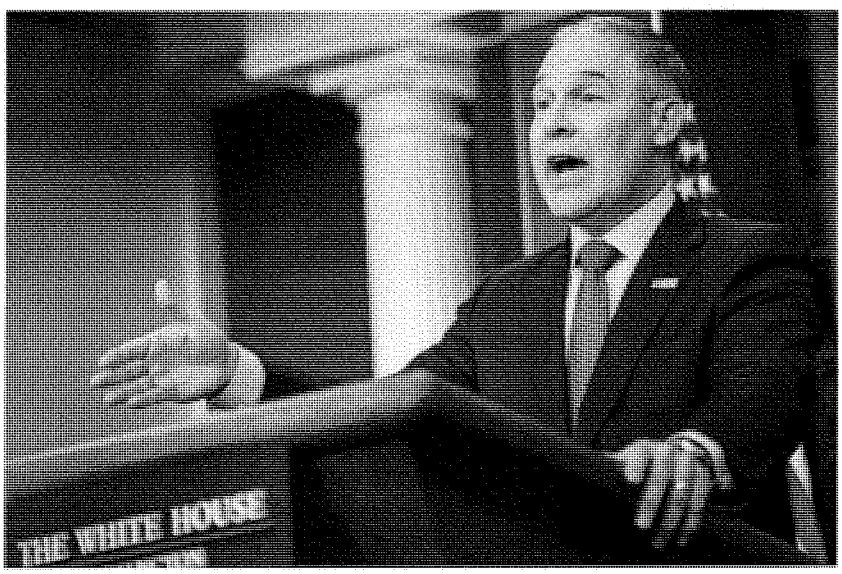
CLIMATE

E.P.A. Announces Repeal of Major Obama-Era Carbon Emissions Rule

By **LISA FRIEDMAN** and **BRAD PLUMER** OCT. 9, 2017



Scott Pruitt, the E.P.A. chief, at the White House in June. Al Drago/The New York Times

WASHINGTON — The Environmental Protection Agency announced on Tuesday that Scott Pruitt, the chief of the agency, had signed a measure to repeal President Barack Obama's signature policy to curb greenhouse gas emissions from power plants, setting up a bitter fight over the future of America's efforts to tackle global warming.

Mr. Pruitt, who had signaled the move at an event with coal miners in eastern Kentucky on Monday, said in a news release that his predecessors had departed from regulatory norms in writing the Clean Power Plan, which was finalized in 2015 and would have pushed states to move away from coal in favor of sources of electricity that produce fewer carbon emissions.

Describing the Obama-era regulation as the "so-called Clean Power Plan," the E.P.A. statement said that repealing the measure "will also facilitate the development of U.S. energy resources and reduce unnecessary regulatory burdens associated with the development of those resources."

The repeal proposal, which will be filed in the Federal Register on Tuesday, fulfills a promise President Trump made to eradicate his predecessor's environmental legacy. Eliminating the Clean Power Plan makes it less likely that the United States can fulfill its promise as part of the Paris climate agreement to ratchet down emissions that are warming the planet and contributing to heat waves and sea-level rise. Mr. Trump has vowed to abandon that international accord.

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It also is a personal triumph for Mr. Pruitt, who as Oklahoma attorney general helped lead more than two dozen states in challenging the rule in the courts. In announcing the repeal, Mr. Pruitt made many of the same arguments that he had made for years to Congress and in lawsuits: that the

Obama administration exceeded its legal authority in an effort to limit greenhouse gas emissions from power plants. (Last year, the Supreme Court blocked the rule from taking effect while courts assessed those lawsuits.) A leaked draft of the repeal proposal asserts that the country would save $33 billion by not complying with the regulation and rejects the health benefits the Obama administration had calculated from the original rule.

Coal- and natural-gas-fired power plants are responsible for about one-third of America's carbon dioxide emissions. When the Clean Power Plan was unveiled in 2015, it was expected to cut power sector emissions 32 percent by 2030, relative to 2005. While many states are already shifting away from coal power for economic reasons, experts say scrapping the rule could slow that transition.

Environmental groups and several states plan to challenge the repeal proposal in federal courts, arguing against Mr. Pruitt's move on both scientific and economic grounds.

Industry groups cheered the announcement, but have also indicated that they would prefer that Mr. Pruitt replace the Clean Power Plan with a new, more modest regulation on power plants in order to blunt any court challenges. The E.P.A. is still required to regulate greenhouse-gas emissions because of a 2009 legal opinion known as the endangerment finding.

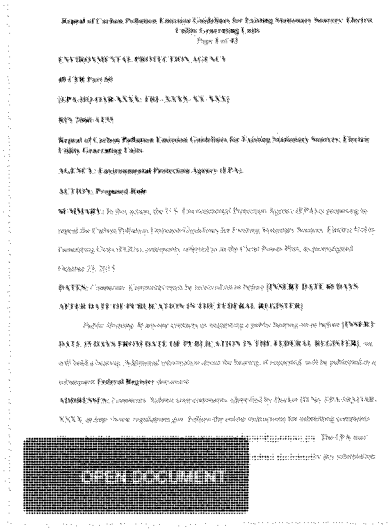
"We have always believed that there is a better way to approach greenhouse gas emissions reductions," Karen A. Harbert, the president of the Chamber of Commerce's Global Energy Institute, said in a statement. "We welcome the opportunity for business to be at the table with the E.P.A. and other stakeholders to develop an approach that lowers emissions, preserves America's energy advantage and respects the bounds of the Clean Air Act."

DOCUMENT

The Trump Administration's Proposal to Repeal the Clean Power Plan

The Trump administration will file a proposal in the Federal Register to repeal

the Clean Power Plan, arguing that the Obama administration exceeded its legal authority in an effort to limit greenhouse gas emissions from power plants.



How would targets be changed?

In order to regulate pollution from existing power plants, the E.P.A. has to set goals for each state based on what is technically feasible and cost-effective. Under the Clean Power Plan, the Obama administration set targets by assuming utilities could improve the efficiency of their coal plants, shift from coal to cleaner natural gas and add more renewable energy to their grids.

But Mr. Obama's approach was controversial, because the E.P.A. assumed utilities could reduce emissions at individual plants by taking actions outside of those plants — say, by replacing coal plants with wind farms elsewhere. Industry groups and more than two dozen states challenged this move in court, arguing that the E.P.A. can look only at cleanup measures that can be undertaken at the plants themselves.

Mr. Pruitt is proposing to repeal the Clean Power Plan on this basis. He also argued that the Obama administration overstated the benefits of its rule by factoring in the gains from curbing global warming in other countries as well as from reducing harmful air pollutants other than carbon dioxide.

> .@EPAScottPruitt: "Tomorrow, I'll be a signing a proposed rule to withdraw the so-called Clean Power Plan of the past administration." pic.twitter.com/6hjvfkoX5d
>
> — Fox News (@FoxNews) Oct. 9, 2017

If Mr. Pruitt does end up pursuing a replacement rule, it would almost certainly be confined to inside-the-fence-line measures, like upgrading coal-plant boilers. Previous E.P.A. analyses found that such upgrades would lead to a roughly 4 percent increase in efficiency at coal plants.

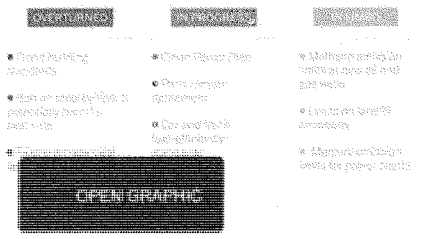
What is the impact on emissions?

While the repeal of the Clean Power Plan offers a reprieve for America's coal industry, it is unlikely to halt the decline of coal altogether. Even in the absence of the rule, many utilities across the country have opted to shift to natural gas, wind and solar, driven by cost concerns and state-level policies. Many states, like California and New York, are already moving ahead of the targets set by the Clean Power Plan as they develop their own climate policies.

GRAPHIC

60 Environmental Rules on the Way Out Under Trump

The list shows dozens of environmental policies that the Trump administration has targeted, often in an effort to ease burdens on the fossil fuel industry.



Gov. John Hickenlooper of Colorado, a Democrat, noted that his state planned to exceed the goals that had been set under the Clean Power Plan because the state was closing coal plants early and developing jobs in wind

and other renewables.

"We have dramatically cleaner air and we are saving money. My question to the E.P.A. would be, 'Which part of that don't you like?'" Mr. Hickenlooper said.

A new analysis by the research firm Rhodium Group estimated that United States electricity emissions are currently on track to fall 27 to 35 percent below 2005 levels by 2030, roughly in the range of what the Clean Power Plan originally envisioned, even if the regulation is repealed.

But John Larsen, the author of the Rhodium Group analysis, estimated that if Mr. Obama's policies had remained in place, as many as 21 states would have had to make deeper reductions than they are currently expected to do without the rule — including Texas, West Virginia, Georgia, Pennsylvania and Wisconsin — and emissions most likely would have fallen further than the 32 percent originally envisioned.

"So for certain states," Mr. Larsen wrote, "today's announcement is a big deal."

Experts also note that the Clean Power Plan would have prevented a rebound in coal use in case natural gas unexpectedly became more expensive or various policies to promote renewable energy were blunted. The repeal comes on the heels of a proposal by the Department of Energy to subsidize coal and nuclear plants by revamping electricity markets.

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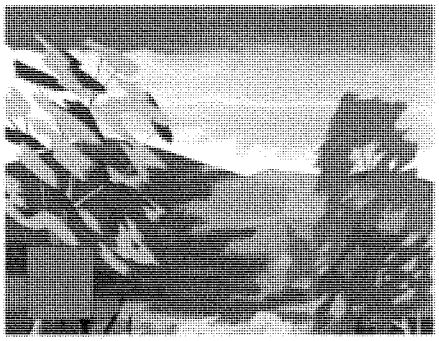

Jody Freeman, director of the environmental law program at Harvard Law School, said the Energy Department proposal combined with the Clean Power Plan repeal signaled that the Trump administration was putting its thumb on the scale in favor of fossil fuels.

"You see a pretty powerful message. Disavow any effort to control greenhouse gases in the power sector, and instead, intervene in the market to promote coal. It's a wow," she said.

What happens next?

Mr. Pruitt's proposal for repeal will now have to go through a formal public-comment period before being finalized, a process that could take months. Mr. Pruitt will also ask the public for comment on what a replacement rule should look like, but the E.P.A. has not offered a timeline.

Environmental groups and Democratic-controlled states are expected to challenge these moves on multiple fronts.

The attorneys general of New York and Massachusetts said they intended to sue the E.P.A. once the repeal is finalized.

Plant Scherer, a coal-fired power plant in Juliette, Ga. "The war on coal is over," Mr. Pruitt said Monday.
Brandon Camp/Associated Press

"Fuel-burning power plants are one of our nation's largest sources of climate change pollution, and common-sense science — and the law — dictate that E.P.A. take action to cut these emissions," Eric T. Schneiderman, New York's attorney general, said in a statement. "I will use every available legal tool to fight their dangerous agenda."

That raises the question of whether the Trump administration can craft and finalize a replacement rule by the 2020 election. Failure to do so, some industry groups worry, could allow a new administration to start over and impose a more stringent climate plan on power plants.

Partly for that reason, many states are already preparing for the prospect of tougher carbon regulations down the road.

Consider Arkansas, one of the states that challenged the Clean Power Plan in court. Ted J. Thomas, the chairman of the Arkansas Public Service

Commission, says that his state is nonetheless in the process of shifting from coal to cheaper natural gas. The initial rule also persuaded the state to start exploring clean-energy options, like expanding wind power, promoting the use of smart meters and developing a working group to look at carbon capture technology for coal plants.

"Even if they repeal the Clean Power Plan, or replace it with something that doesn't require us to do very much, you still have to reckon with the fact that ultimately regulations on carbon are coming," Mr. Thomas said. "So we need to develop options to deal with that other than sticking our heads in the sand and hoping we can just file lawsuits forever."

"You can either be prepared or unprepared," he added, "and that's a pretty simple choice."

Correction: October 9, 2017

An earlier version of this article misstated the findings of a Rhodium Group analysis. The report found that power sector emissions were projected to fall 27 to 35 percent below 2005 levels by 2030, not by 2025.

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A version of this article appears in print on October 10, 2017, on Page A1 of the New York edition with the headline: E.P.A. Announces Bid to Roll Back Emissions Policy. Order Reprints | Today's Paper | Subscribe

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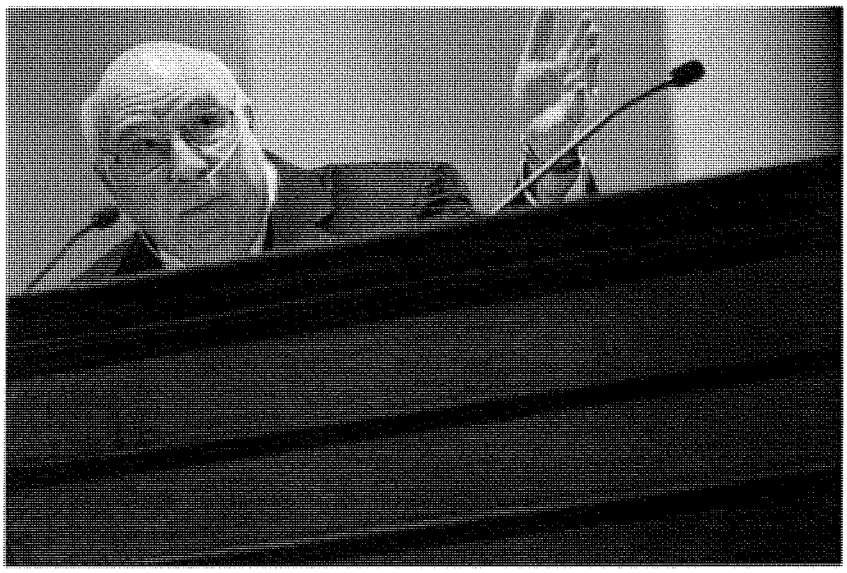
CLIMATE

E.P.A. Heads to Coal Country to Hear Views on an Obama Climate Rule

By **JOHN SCHWARTZ** NOV. 28, 2017



Robert E. Murray, founder and president of Murray Energy, a major coal producer, speaking at the hearing on plans to repeal the Clean Power Plan. Mark E. Tweat for The New York Times

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CHARLESTON, W.Va. — The Environmental Protection Agency convened a public hearing on Tuesday on its plan to roll back the signature climate change rule of the Obama administration. More than 270 people signed up to speak.

The regulation, known as Clean Power Plan, would require states to reduce greenhouse gas emissions from power plants, particularly those that burn coal. The plan, finalized in 2015, would have accelerated a shift already underway from coal-generated power to natural gas and renewable energy sources like wind and solar power.

The proposal sparked a bitter fight from coal interests and from many conservative state officials. The former Oklahoma attorney general, Scott Pruitt, was one of the officials in 29 states who filed a lawsuit to fight the plan. President Trump named Mr. Pruitt head of the E.P.A., where he has made it a top priority to reverse what he has called the Obama administration's "war on coal."

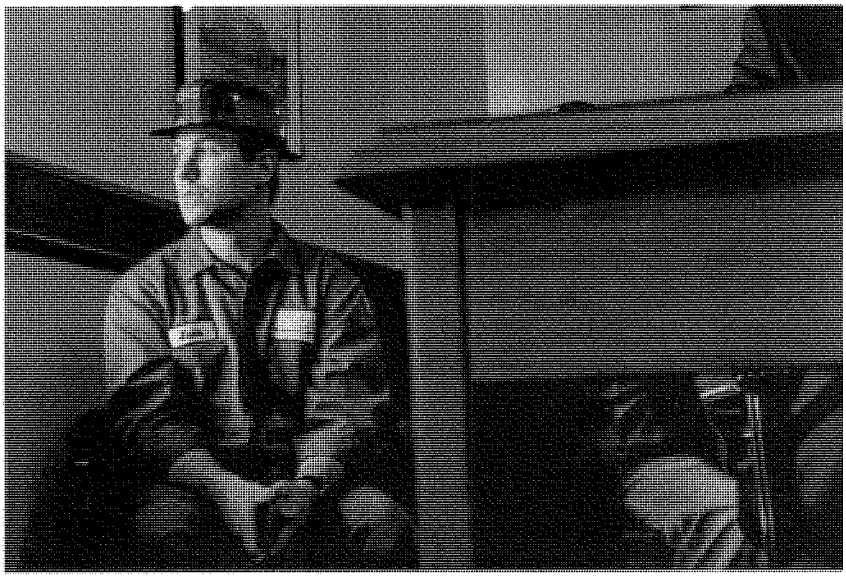
E.P.A. officials listened to speakers at the hearing. Scott Pruitt, the head of the agency, did not attend.
Mark E. Front for The New York Times

Mr. Trump and Mr. Pruitt, like many other administration officials, question the overwhelming scientific evidence that climate change is mainly caused by human activity — a conclusion repeated this month by the government's own scientists in 13 federal agencies.

As part of a broad effort to uproot the environmental policies of the Obama administration, Mr. Pruitt announced in October that he would kill the Clean Power Plan, which he said did not follow regulatory norms and imposed undue burdens on states and energy producers. Tuesday's public hearing was a required part of undoing the regulation.
Mr. Pruitt did not attend.

Holding the hearing in West Virginia "is like holding the only hearing on financial deregulation at the Wall Street Hilton — it does not denote a keen interest in alternative views," Michael B. Gerrard, the director of the Sabin Center for Climate Change Law at Columbia Law School, said in an interview last week.

So many people requested time to speak that they were spread out over three meeting rooms in the state capitol during the two days set aside for the hearing.



Murray Energy brought in dozens of miners for the event. More than 270 people signed up to speak.
Mark E. Trent for The New York Times

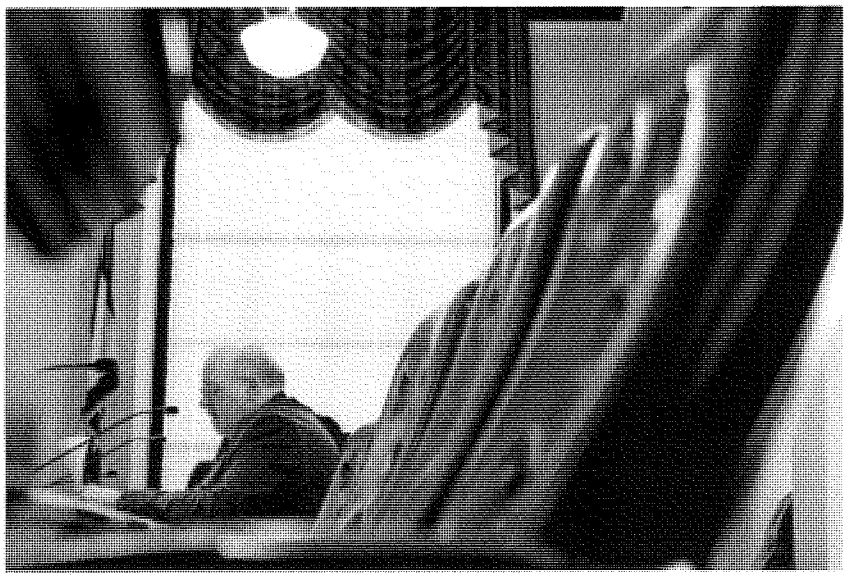
During the morning hearing, Patrick Morrisey, the attorney general of West Virginia, led off the speakers, saying that the power plan "is not only unlawful, but it's bad policy as well." He led the coalition of states that sued to stop the power plan. The Supreme Court in February delayed

enforcement of the regulation. (In similar fashion, a number of Democratic state attorneys general, including Maura Healey of Massachusetts and Eric T. Schneiderman of New York, have pledged to fight the repeal in court.)

Robert E. Murray, founder and president of Murray Energy, a major coal producer, exulted, "In President Trump, we finally have a president who has vowed to preserve coal jobs." The Obama administration's rule, which he called the "so-called and illegal Clean Power Plan, better known as the no-power plan," would impose "massive costs on the power sector and American consumers" while eliminating even more coal jobs.

Before the hearing began, Mr. Murray warmly greeted dozens of miners whom his company brought in by bus for the event. "You all know you have to work the afternoon shift now," he joked.

Several groups are also holding an alternate hearing across the Kanawha River, at the University of Charleston, to discuss the environmental, health and climate benefits of reducing coal consumption. "The Clean Power Plan has a lot of support," said Bill Price, a local organizer for the Sierra Club who grew up in the area and whose father worked in the coal mines. Since the shift to power sources like solar and wind create jobs and clean the environment, he said, the Clean Power Plan is "pro-worker, pro-economy and it's pro-environment."



Stanley Sturgill, a retired Kentucky coal miner who is now an activist, spoke against the repeal.
Mark E. Trent for The New York Times

Some of the speakers marveled at the turnaround on environmental regulation that a change in administrations had wrought. Speaking in favor of repeal, Bill Raney, president of the West Virginia Coal Association said, "I don't think we have ever testified in favor of anything the E.P.A. has ever done."

Opponents of repeal attending the hearing offered rebuttal. Jim Probst, West Virginia coordinator for Citizens Climate Lobby, said that he was speaking with future generations in mind, and said that it was wrong to blame regulations for coal's woes. "The reality is that the coal industry has been in decline for many years."

Liz Perera, climate policy director of the Sierra Club, testified that the Trump administration had "inappropriately cooked the books" on the costs and benefits of the plan. "This is about the kind of world we will leave for our children," she said.

Stanley Sturgill, a retired Kentucky coal miner who has become an activist, started out at 3 a.m. to get to the hearing. Now 71 and afflicted with black lung and chronic obstructive pulmonary disease, he called repealing the plan "immoral and indefensible." He repeated a comment he gave in support of the plan in 2014: "We're dying, literally dying, for you to help us."

Coal-fired power plants are a major source of greenhouse gases: they produce about one-third of the nation's carbon dioxide emissions.

This is the sole hearing scheduled on repealing the plan; the Obama administration held four such hearings in creating it. A spokesman for the E.P.A. said, "We continue to assess the needs for additional hearings, and in the meantime encourage all stakeholders to submit their comments to the public docket, which will be open until January 16, 2018."

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A version of this article appears in print on November 29, 2017, on Page A12 of the New York edition with the headline: In Heart of Coal Country, Hearing on the Repeal of Obama's Clean Power Plan.
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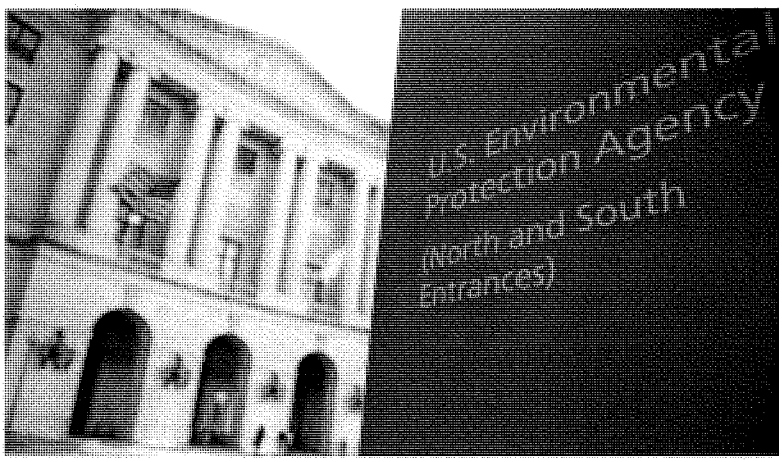

The effort to create a replacement rule signals that EPA is siding with the industry stakeholders who want a rule written under this administration. | Justin Sullivan/Getty Images

EPA moving quickly to write new climate rule in 2018

By EMILY HOLDEN

01/05/2018 06:09 PM EST

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Environmental Protection Agency staffers are under orders from the Trump administration to complete a replacement for former President Barack Obama's major climate change rule by the end of the year, far faster than the normal pace the agency uses to develop major regulations, according to three sources familiar with the process.

That short time frame would give EPA lawyers the chance to defend the regulation from the legal challenges it is certain to face during President Donald Trump's current term. That would allow the proposal from Scott Pruitt's EPA to avoid the fate of the Obama EPA's Clean Power Plan, which was held up in court and is now being rescinded by a new administration that opposed the original carbon dioxide regulation.

Story Continued Below

EPA's air chief, Bill Wehrum, has directed staffers to develop a schedule for conducting analysis, public hearings and revisions that would be completed in 2018. Staff would need to complete a proposal by summer and allow time for the White House to review it before publication.

The tight timeline would mean that the agency would have to repeal and replace the Obama power-sector climate rule simultaneously but in separate processes. EPA would also have to finish revising a separate carbon rule for future fossil fuel plants, which must be in place in order to regulate existing generators.

Jeff Holmstead, a partner at the law firm Bracewell who ran EPA's air office under former President George W. Bush, called the time frame "ambitious but not impossible."

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"It certainly gives them time to defend before the D.C. Circuit," he said, though if the legal process stretches to the Supreme Court, it might not be resolved before the end of Trump's term.

The quick process underway is certain to draw scrutiny from environmental advocates who are gearing up for lawsuits against the changes.

"The Clean Power Plan would cut carbon pollution a third. A weak replacement that gets a percent or two in reductions won't be a serious response to climate change and won't meet Clean Air Act requirements. Americans — who depend on EPA to protect their health and climate — deserve a real solution, not a scam," said David Doniger, climate director for the Natural Resources Defense Council.

Pruitt in recent weeks stopped suggesting that the agency might choose not replace the Clean Power Plan. Pruitt, who has questioned the role of manmade emissions in climate change, has been lobbied by some conservative groups such as The Heartland Institute and Competitive Enterprise Institute to forgo a replacement and instead challenge the science-based endangerment finding that requires EPA to act to limit globe-warming emissions from power plants. Power companies, however, have pressed Pruitt to develop a replacement in order to give them some regulatory certainty and potentially head off any move by a future administration to write tougher standards.

The effort to create a replacement rule signals that EPA is siding with the industry stakeholders who want a rule written under this administration. But Pruitt could still conduct the "red team-blue team" debate over climate change science that he has promised to examine the scientific conclusions that humans are a dominant cause of climate change. That process could happen outside the regulatory and legal world, but it could be the foundation for a challenge to the endangerment finding. EPA would have a hard time fighting the finding after writing the rule precipitated by it, according to multiple conservative lawyers.

EPA's new rule is set to focus on coal plants alone, according to sources and options outlined in a recent notice. The Obama EPA's Clean Power Plan had set targets for states to shift away from coal and toward natural gas and renewable power, a strategy that Pruitt, as Oklahoma attorney general, joined other Republican states to argue was illegal.

EPA chief Pruitt is said to be eyeing attorney general job

By ANDREW RESTUCCIA

Obama's rule aimed to cut carbon levels 32 percent below 2005 levels by 2030. Trump's rule, which is likely to consider only efficiency upgrades that coal plants could make, would curb emissions far less. Some power sector experts have speculated that electricity generators might run their coal plants more if they were forced to operate more efficiently and become more competitive in the power markets. That could in turn lead to higher emissions.

Wehrum told E&E News earlier this week that EPA is still considering not writing a replacement rule. But several sources told POLITICO that Wehrum has been working rapidly since joining EPA in mid-November to sketch out a plan for crafting a new rule.

The agency has issued a proposal to withdraw the Clean Power Plan and an advance notice of proposed rule-making to replace the regulation. Comments on the withdrawal are due Jan. 16, but EPA is set to push back that deadline while it hosts three more public hearings that have not yet been scheduled. Comments on the ANPR are due Feb. 26.

Under a new version of the rule, EPA will have to determine whether to set a common efficiency standard for the coal fleet or write guidance for states to set their own standards for individual plants based on age and technology. Letting states set standards would align with Pruitt's push to give states more autonomy, but each individual plan would be subject to lawsuits at the state level and could linger in the judicial system for years.

EPA did not respond to a request for comment.

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BY DEVIN HENRY - 10/25/17 03:47 PM EDT

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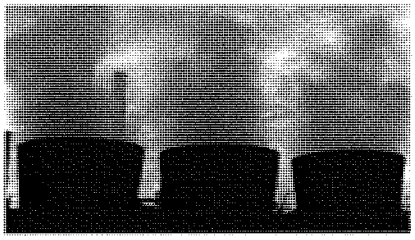

The Environmental Protection Agency (EPA) on Wednesday said it would reassess the way it issues Clean Air Act pollution permits for new facilities, as a way to reduce regulatory burdens for businesses.

As part of a review President Trump mandated earlier this year, the EPA said it would undertake four new initiatives to re-evaluate how it regulates pollution.

The most notable of those is the creation of a new task force to reconsider the permitting process for new sources of air pollution under the Clean Air Act, called the New Source Review (NSR).

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"The potential costs, complexity and delays that may arise from the NSR permitting process can slow the construction of domestic energy exploration, production, or transmission facilities that must undergo review," the EPA wrote in a 15-page report on its regulations.

"In some circumstances, the NSR process discourages the construction of new facilities or modifications of existing ones that could result in greater environmental improvements. Such reactions to the NSR process slows the growth of domestic energy resources and raise energy."

The EPA issues three types of permits for newly built or modified facilities such as power plants, which set site-specific pollution requirements.

But commenters told the EPA the review process is lengthy, complex and costly, and suggested a handful of ways to improve the process.

Administrator Scott Pruitt will convene an "NSR Reform Task Force" to assess the issue, the agency said.

The new initiative comes after President Trump ordered agencies to consider ways to cut regulations and help the American energy sector. The Energy Department also released its regulatory review on Wednesday.

Besides the new source considerations, the EPA said it would work to speed up its approval process for state plans aimed at reducing pollutants governed by the agency's National Ambient Air Quality Standards, like ozone.

It will also begin conducting an evaluation of the costs and employment impact of its regulations and designate a team of employees as points of contact to help industries navigate agency rulemaking. Both measures are likely to win praise within the business and energy communities.

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EPA Seeks To Delay Suit Over States' Plant Emissions Rules

By **Kat Sieniuc**

Law360, New York (April 19, 2017, 8:17 PM EDT) -- The U.S. Environmental Protection Agency on Tuesday asked the D.C. Circuit to postpone oral arguments in litigation over the EPA's requirement that 36 states revise emissions exemptions related to startup, shutdown and malfunction events at power plants and other facilities, in light of the recent change in administration.

In a motion asking for continuance of the oral proceedings — scheduled for the beginning of May — the agency asked for time so officials can fully review the startup, shutdown and malfunction, or SSM, action that was decided by President Barack Obama's EPA, and determine whether the requirement needs to be reconsidered. A continuance will avoid holding oral arguments in the midst of this review, the agency said.

"Additional time for the new administration to determine whether it will reconsider the SSM action is ... important because that action implicates significant Clean Air Act legal and policy issues of national importance," the agency said. "These include questions regarding the appropriate, respective roles of the states and of EPA under the CAA scheme within the context of the specific state implementation plans for 36 states. Given the importance and complexity of these issues, new EPA officials will need time to carefully review the SSM action."

A broad coalition of energy companies, utilities and industry organizations, along with several states and state agencies, have challenged the EPA's May 2015 action requiring states to tighten up SSM regulations, arguing it isn't based on any new statutory requirement or the issuance of new rules. They have also said the action, which stemmed from litigation brought by environmentalists, isn't mandated by any court decision or tied to any demonstrated air quality problem. The Sierra Club and other environmental groups, on the other hand, say the action closes dangerous loopholes.

Now the EPA is requesting a pause to arguments in that challenge, hinting it might come down on the issue differently than the former administration, after its review.

"Recently-appointed EPA officials in the new administration will be closely scrutinizing the SSM action to determine whether it should be maintained, modified, or otherwise reconsidered," the EPA said, noting that "the prior positions taken by the agency with respect to the SSM action may not necessarily reflect its ultimate conclusions after that review is complete."

In May 2015, the EPA defended its "state implementation plan call" as the way to correct specific provisions in several states that violate several "bedrock principles" of the Clean Air Act. The former administration's EPA took the action after determining that some

state implementation plans, or SIPs — which carry out the Clean Air Act's mandates — weren't protective enough. The agency issued a directive, known as a SIP call, for the affected states to amend their provisions applying to facilities' excess emissions during periods of startup, shutdown and malfunction.

The EPA at the time said the final action was drafted to ensure states have plans in place that are fully consistent with the Clean Air Act and recent court decisions concerning SSM operations.

The current EPA said environmental intervenors in support of the SSM action, including the Sierra Club, Citizens for Environmental Justice and the Natural Resources Defense Council, are against postponing arguments and intend to file a response.

The parties could not be immediately reached for comment.

The EPA is represented by David J. Kaplan, Matthew R. Oakes and Dustin J. Maghamfar of the U.S. Department of Justice.

The case is Walter Coke Inc. et al. v. Environmental Protection Agency, case number 15-1166, in the U.S. Court of Appeals for the District of Columbia Circuit.

--Additional reporting by Juan Carlos Rodriguez. Editing by Bruce Goldman.

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Thursday, January 04, 2018

Fifteen states sue EPA's Scott Pruitt over smog rule delay

by John Siciliano | Aug 1, 2017, 5:11 PM

Fifteen states on Tuesday sued Environmental Protection Agency Administrator Scott Pruitt for delaying the Obama administration's strict new rules for cutting smog-producing ozone emissions.

"By illegally blocking these vital clean air protections, Administrator Pruitt is endangering the health and safety of millions," said Democratic New York Attorney General Eric Schneiderman, who was one of the 15 attorneys general to file the lawsuit with the D.C. Circuit Court of Appeals.

He said the one-year delay of the regulations is another example of the "Trump EPA ... [choosing] to put polluters before the health of the American people."

Pruitt delayed the regulations in June while the EPA reviewed the regulations for possible changes and repeal.

Schneiderman led the charge to oppose Pruitt when he was Oklahoma attorney general and challenging the Obama administration's climate regulations. The New York attorney general also has led a high-profile investigation into news reports that Exxon Mobil suppressed its own scientific research from the 1970s that showed climate change would harm its business.

New York was joined by Democratic attorneys general from California, Connecticut, Delaware, Maine, Massachusetts, Minnesota, New Mexico, Oregon, Rhode Island, Vermont, Washington state, Illinois, Iowa, Pennsylvania, and the District of Columbia.

Josh Shapiro, the attorney general of Pennsylvania, a big fracking state, said in a statement that Pruitt is "choosing to ignore" a detailed study that his state environmental agency sent to the EPA identifying a number of regions in the Keystone State, including Philadelphia, "where smog is a serious health risk." He said the delay "is unacceptable."

The smog rules would cut ozone from 75 to 70 parts per billion, which critics of the rules, including manufacturers and the fossil fuel industry, say are nearly impossible to meet. They argue that most states had not met the previous air quality standards before the new rules were proposed and then finalized by the Obama administration.

Environmental groups think the EPA standards should be reduced to 65 parts per billion, which the agency had considered.

A decision the D.C. Circuit made last month on a separate EPA regulation for methane emissions may be telling in how it will rule on the smog suit.

The court had ruled that the EPA could not delay the methane rules on the oil industry for three years as it proposed to do. On Monday evening, the court issued an order directing Pruitt to enforce the

methane rules after environmental groups filed a brief petitioning the court to do so.

Scott Pruitt | John Sicilliano | D.C. Circuit | Air Pollution | Law | Energy and Environment | EPA | News | Politics

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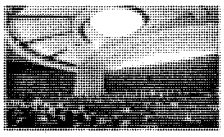

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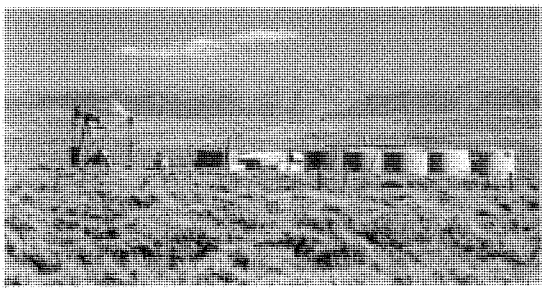
METHANE

With Obama EPA rule in force, compliance clash may loom

Ellen M. Gilmer, E&E News reporter

Energywire: Tuesday, August 22, 2017



Obama-era standards to cut methane emissions from oil and gas operations are in force while the Trump administration works to roll them back. [illegible]

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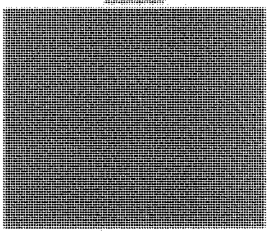

The Trump administration is giving scant details on how or whether it plans to enforce restrictions on greenhouse gas emissions from the oil and gas industry after a federal court revived the standards last month.

U.S. EPA has been tight-lipped since the U.S. Court of Appeals for the District of Columbia Circuit blocked the agency's efforts to delay the Obama-era rule for methane emissions from oil and gas operations. The agency said yesterday that it may make enforcement decisions on a "case-by-case basis."

"EPA may elect to exercise its enforcement discretion on a case-by-case basis with respect to the fugitive emissions monitoring requirements," an EPA spokeswoman said in an email. "Companies that have specific questions regarding their compliance obligations should contact the appropriate EPA regional office."

Finalized last year, the Obama administration's standards aim to reduce emissions of methane, a powerful greenhouse gas, from new and modified oil and gas sites.

Trump's EPA is working to roll back the rule as part of a broader effort to streamline domestic oil and gas production and is expected to finalize a proposed two-year delay of requirements in the coming months.

But the D.C. Circuit's recent decision to strike down a related 90-day delay means that, for now, the Obama rule is alive and well (*Energywire*, Aug. 11).

METHANE EMISSIONS

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Environmental watchdogs are concerned EPA and the oil and gas industry aren't as committed to compliance as they should be.

Matt Watson, associate vice president of the Environmental Defense Fund's Climate and Energy Program, said EPA's "case-by-case" approach is unsurprising but could be legally problematic.

"No surprise there, given that it's clear that their goal is to do away with methane regulation altogether," he said. "What's also unsurprising is the lack of respect for the rule of law that you see in that statement."

EDF attorney Peter Zalzal added that many environmental groups will be monitoring industry and EPA closely and are prepared to take legal action if needed.

"If we just look at the facts of these requirements, my hope would be that companies are out there complying as they're legally required to do," he said.

"That being said," he added, "the Clean Air Act provides a pathway for citizen enforcement. The citizen groups concerned about non-compliance have availed themselves of it in the past, so it's certainly something that's available here, too."

Compliance commitments

For their part, many in the oil and gas industry have already committed to full compliance.

The American Petroleum Institute, Independent Petroleum Association of America and Western Energy Alliance — influential trade groups — all told E&E News they are urging their members to follow every requirement on the books.

"The ruling effectively put the updated rules governing new sources of methane emissions into effect," API spokesman Reid Porter said in an email. "API members follow these rules and all rules to keep their projects compliant."

Exxon Mobil Corp. and Royal Dutch Shell PLC have already reported compliance with the rule's initial requirements, Watson said.

Western Energy Alliance President Kathleen Sgamma said her group is also advising members to comply, and IPAA Executive Vice President Lee Fuller noted that companies would be legally vulnerable if they don't.

"People are exposed legally if they don't comply, so they're going to choose to comply," he told E&E News.

'It's confounding'

Porter, the API spokesman, said his group is maintaining a "collaborative working relationship" with EPA and is providing information about operations and emissions "to inform the agency as they continue to reconsider these important rules."

But industry representatives are far from enthusiastic about being subject to the standards in the meantime.

In an interview, IPAA's Fuller lamented the regulatory uncertainty that accompanied recent regulatory and legal shuffling. He said he's particularly frustrated that the D.C. Circuit did not institute a grace period that would have given industry more time to plan for compliance.

"That's probably the part that creates most of the confusion," he said. "It's confounding to you as a regulated entity."

Fuller said some uncertainty still exists over compliance expectations for oil and gas wells that were completed in late 2015, which are covered by the rule.

"I don't think the expectation was that all of those wells would immediately have to have their first fugitive emissions analysis on June 3 or June 4," he said, referring to the compliance deadline. EPA's 90-day stay, since overturned by the court, kicked in just after the deadline.

"The question is, are they technically in compliance with the requirements given all the confusion

associated with the stay and the litigation?" Fuller asked.

For now, he said, operators should "err on the side of caution" and get in compliance quickly if they are not already.

"We're also hoping to get some clarity from EPA on how it wants to re-engage or restart this process — whether the schedule's going to be different, how they're going to choose to enforce," he said. "We don't have that information at this point in time."

Sgamma said her group hasn't received guidance either.

Citizen suits

Environmentalists appear cautiously optimistic that oil and gas operators will stick to their commitments to comply with the rule.

But Watson, of EDF, warned that compliance will likely vary across the industry.

"You're going to have leaders in industry who view compliance as a totally non-negotiable question and, further, that have it as part of their corporate ethos to run a tight ship," he said. "And then I think you'll see a range of responses going downhill from there."

That's where legal action comes in, said Sierra Club attorney Andres Restrepo.

"If [EPA Administrator] Scott Pruitt truly cares about the rule of law like he claims to, he will vigorously enforce EPA's methane standards, which are the law of the land," Restrepo said. "If he doesn't, then those of us in the environmental community will fully explore our legal options, including possible citizen enforcement actions under the Clean Air Act."

To bring a citizen suit, affected environmentalists or landowners would have to show that a company is failing to meet its obligation to find and repair methane leaks. Several groups and individuals routinely use methane detection equipment to monitor emissions in the field.

"We have the capacity," Watson said. "We have some of the best methane scientists in the world and important partnerships with not only researchers but local leaders, including concerned landowners."

Industry groups have criticized EDF and other environmental organizations, arguing that their real goal is to simply shut down all oil and gas development.

"I'm sure EDF would love to file citizen suits," Fuller said. "Their agenda is: Litigate, raise money, litigate."

Watson responded that industry leaders oppose methane standards at their own risk.

"It's these companies, these leaders, who have the greatest risk in all of these because their social license goes down with the ship if this EPA and these trade associations have their way," he said. "It's time for them to stand up and demonstrate real leadership."

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Trump EPA Abdicates Law Enforcement, Gives Polluters Amnesty

December 08, 2017 John Walke

The Trump EPA is reversing clean air enforcement positions against coal-burning power plants that EPA has taken and that federal courts have upheld not once, but twice. Moreover, the Trump administration promises EPA enforcement relief to all industrial polluters covered by a Clean Air Act program designed to ensure industries control their increases in harmful air pollution. These retreats, along with other reversals in EPA practices, reflect the Trump administration granting effective amnesty from legal requirements that protect Americans and uphold the Clean Air Act.

All of these reckless steps are taken in a memorandum from EPA Administrator Scott Pruitt that EPA quietly released after hours on the same day that Pruitt appeared before a congressional oversight committee for the first time since taking office. He made no mention of the enforcement reversals or attacks on clean air safeguards during his testimony.

In Pruitt's memo, EPA effectively adopts the position of a coal-burning power plant defendant in a clean

air enforcement case. DTE Energy, represented by the same law firm where the political head of EPA's clean air office worked before the Senate confirmed him last month. Pruitt announces EPA will exercise its "enforcement discretion" *not* to enforce the Clean Air Act against not just power plants, but all industrial polluters, that fail to properly project how much they will increase harmful air pollution following construction projects. The Trump EPA is reversing course on enforcement stances that EPA is taking in lawsuits today, including in cases where federal courts have sided with EPA and against defendant positions that the Trump EPA now adopts.

The Trump EPA enforcement retreat amounts to permission for industrial polluters to commit fraud and make false projections about their increased emissions, so long as those projections are "procedurally" adequate—even if they are substantively bogus and ultimately harmful to air quality. EPA specifically promises polluting lawbreakers it does not intend to enforce the law against failures to perform "required" air quality analysis, or failures to follow emissions calculation requirements. Memo at 8. What's most remarkable is EPA is presently in court enforcing against Clean Air Act violations that led the Trump EPA Administrator to issue a memo saying, "Never mind. We won't enforce against that lawbreaking from now on."

Equally remarkable, the central promise and approach of Pruitt's memo—that EPA will not "second guess" polluters—is precisely the approach that a federal appellate court has characterized as a straw man. In the second *U.S. v. DTE Energy* case, the federal appeals court wrote that "the focus on so-called 'second-guessing' is misplaced," because obviously EPA may bring enforcement lawsuits to challenge a company's improper emissions projections. The court continued by noting "the EPA definitely is not confined to a 'surface review' or 'cursory examination.'" The Pruitt memo confines EPA enforcement to just those indefensible failings, in a concerted political effort to obstruct EPA enforcement against companies' improper air pollution projections. Pruitt says archly that "the court decision does not compel the EPA to pursue enforcement in such situations." EPA won't pursue enforcement at all, you meddlesome judges.

Pruitt's action plainly is meant to sabotage the ongoing clean air enforcement case against DTE Energy. Worse, Pruitt *openly* disavows the possibility of similar enforcement cases against other industrial polluters during the Trump administration. Pruitt promises that "EPA does not intend to pursue new

enforcement cases in circumstances such as those presented in the DTE matter." Enforcement sabotage, through and through.

I confess I'm struggling to convey just how reckless this Pruitt memo is. At one point, the memo "clarifies" the EPA regulations to mean that when a company projects emissions increases and follows *procedural* requirements, EPA will not challenge false or wrong or even fraudulent projections unless there is "clear error" in application of the procedures. Forget the substance of the projections—the intended or actual air pollution increases. Nothing in the Pruitt memo says that a company's projection of pollution increases needs to be right or even reasonable; indeed, the clear import is polluter projections need be neither.

The only example of a "clear error" exception in the Pruitt memo is applying an incorrect number in the regulations during those procedural steps; applying the right number during the procedural steps and giving that piece of paper to the government suffices, even if the company's pollution projection is manipulated, unreasonable, wrong or it results in unlawful air pollution increases.

Moreover, the memo goes out of its way to reverse EPA's regulatory and enforcement practice to allow companies to purport to "manage" projected air pollution increases to prevent significant increases, but to do so in completely *unenforceable* ways. EPA to date has not recognized unenforceable industry claims, for the simple reasons that there is no way to ensure that companies have been or will be controlling pollution in the way they claim, and no way to enforce any failures to control pollution increases after the fact. Incredibly, the Pruitt memo says that the mere "intent" of a company to manage emissions increases —notwithstanding failure to do so—is good enough for government under the Trump administration. Memo at 6. Enforcement sabotage, through and through.

These are upside down approaches to how Americans should expect EPA to enforce clean air protections to protect U.S. air quality.

This is not simply capitulation by the Trump EPA. It is abdication of EPA's law enforcement responsibilities to uphold the law against polluters that may be knowingly breaking the law, and that EPA believes may be breaking the law. Administrator Pruitt says that matters not—procedural niceties will suffice, and EPA will not "second-guess" those polluters through inquiry or disagreement.

By effectively promising industrial lawbreakers that EPA will not enforce certain Clean Air Act requirements, Pruitt's memo represents a Trump administration attempt to grant amnesty from these requirements. The memo uses coded language about what EPA will "focus on" and what EPA "does not intend to pursue" to bless activities that the law considers violations. As noted, the memo even "clarifies" what the EPA regulations mean, re-casting those regulations to mean something they do not say.

Pruitt's memo predictably uses boilerplate language that EPA includes in memos when the agency wants to let regulated industries rely on winked agency promises of deregulation, at the same time that EPA wishes to be immune from citizen lawsuits to uphold the law, and immune from judges reviewing improper final agency action that breaks the law. It's especially perverse for an EPA Administrator that testified in Congress in the morning against the evils of EPA guidance documents, to turn around in the evening and issue a guidance document that deregulates clean air responsibilities and promises to abdicate EPA's duty to enforce the law.

But the perversity goes well beyond that: in 2002, the Bush administration EPA weakened the clean air regulations at issue here, to insert loopholes and exemptions that let industry increase harmful air pollution significantly and evade any modern pollution controls to reduce emissions. A central author of those 2002 Bush EPA clean air rollbacks was a former industry attorney named Bill Wehrum. Mr. Wehrum left EPA to join the law firm of Hunton & Williams, where he and his colleagues represented coal-burning power plant companies. But wait, it gets better (pronounced worse). Among the power plant companies that Hunton & Williams represents is DTE Energy, the defendant in a Clean Air Act enforcement case that sought to exploit one of the loopholes Mr. Wehrum added to weaken the clean air regulations. The DTE Energy clean air enforcement case is the driving force, and the high profile enforcement retreat, at the heart of Mr. Pruitt's memo.

And Mr. Wehrum? Now he is the political head of the Trump EPA air office tasked with carrying out these clean air regulations. Mr. Wehrum's name does not appear on Pruitt's abdication memo. Presumably, the DTE Energy case appears on a list of matters from which Mr. Wehrum recused himself. He should have. Nevertheless, the public deserves to know what role, if any, Mr. Wehrum, Hunton & Williams, and/or DTE Energy played in producing this Trump administration give-away to polluting industries.

For good reason, law enforcement agencies like EPA rarely issue so-called "enforcement discretion" guidance that promises not to enforce some aspect of federal law: these promises undermine the Rule of Law and the public's confidence in law enforcement; they threaten the concerns and rights protected by the law, such as clean air & Americans' health; and in their worst form, these promises can suggest a sordid collusion of interests with corporations that skirt the law. As a Reagan administration EPA policy put it, enforcement discretion promises "may erode the credibility of EPA's enforcement program by creating real or perceived inequities in the Agency's treatment of the regulated community." That Reagan-era enforcement policy still stands, and it is a testament to why enforcement discretion promises are highly unusual.

At EPA, there is a specific enforcement office process for issuing what are called "no [enforcement] action assurances" to specific facilities, in specific situations, based on case-specific circumstances. The Trump EPA has issued "no action assurances," for example, 'for the import of power generators to be donated for use in communities impacted by Hurricanes Harvey and Irma in Texas and Florida, to assist in recovery efforts.' But proper EPA "no action assurances" promising the exercise of "enforcement discretion" ordinarily are issued by the highest-ranking official of EPA's Office of Enforcement and Compliance Assurance. See, e.g., here. At the very least, EPA policy dating to 1984 requires the "advance concurrence" of the enforcement office.

Pruitt's "enforcement discretion" memo represents a form of "no action assurance" that differs from any I have previously seen in several highly unusual, even unprecedented ways. First, I know of no other EPA "enforcement discretion" guidance that was issued in the middle of a pending enforcement case against a corporate defendant accused of the very failings that the agency says it will turn a blind eye to, henceforth.

Second, the added insult to injury here is federal courts twice have sided with the legal views of EPA enforcement officials prosecuting these failings, while rejecting the defendant's contrary views.

Third, I am unaware of any "enforcement discretion" promise or no action assurance signed by the EPA Administrator. Pruitt's decision to do so clearly is intended to assure corporations that EPA's enforcement

retreat and grant of amnesty enjoy the highest level of political support. Amazingly, the memo even goes out of its way to trace that high level political support all the way back to President Trump. Pruitt says his memo is consistent with an agenda to "reduce burden on regulated sources in accordance with recent Presidential actions," citing a Trump executive order and memo to 'reduce regulatory burden' and 'enforce regulatory reform.'

Fourth, here's an insider observation from my days working as an EPA attorney: it is extraordinary, possibly unprecedented, for EPA to issue an "enforcement discretion" assurance that omits the name of even a single official from EPA's enforcement office. Pruitt is the memo's author, the addressees are Regional Administrators, and the only two officials copied on the memo are Pruitt's chief of staff and the political deputy to the head of EPA's air office, Bill Wehrum. Interesting.

An already-miserable memo ends, aptly, on a foreboding note. In the memo's last paragraph, Pruitt observes that states are approved by EPA to carry out the clean air program in question. He goes on to say, however—cue ominous film soundtrack—that if EPA "later determine[s] that the [clean air program] approved [by EPA] is deficient, the EPA has authority. . . to call for a state to revise its regulations." This none too subtle threat signals that states that fail to follow the Trump EPA rollbacks could face demands by EPA to weaken state regulations.

These outrageous Trump EPA actions raise a host of questions that Americans deserve the answer to: Were Mr. Wehrum's former law firm, Hunton & Williams, DTE Energy or any other non-governmental parties involved with this memo or the process that led to it? What about Mr. Wehrum, or his deputy? Who helped write the memo? Did EPA's enforcement office write it? Were they consulted about it? If so, in what capacity and when? Were EPA and Department of Justice lawyers prosecuting the case against DTE Energy and handling its appeals, involved or consulted? What about enforcement officials in EPA regional offices, where power plant cases often are prosecuted? And EPA's Office of General Counsel, what roles, if any, did it play in this fiasco? Has EPA assessed how much harmful air pollution could increase from Administrator Pruitt's effective grants of amnesty and abdication of law enforcement duties?

Many more questions and concerns are certain to emerge about the Trump administration's abdication and other reckless actions described here.

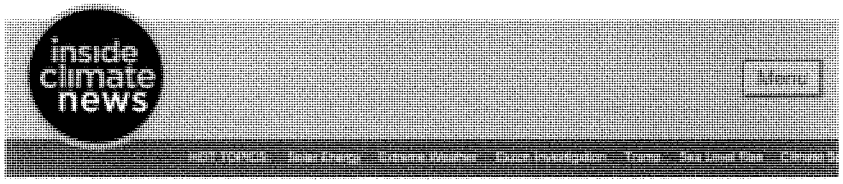
NRDC will submit a Freedom of Information Act Request to EPA to obtain all records associated with this sordid transaction. Congress and EPA's Office of Inspector General also should investigate these deeply troubling actions.

Finally, NRDC will consider challenging Administrator Pruitt's action in court. An agency like EPA may not issue guidance that relieves regulated industries of legal obligations, unless the agency first undertakes notice-and-comment rulemaking that provides the public fair opportunities to comment and oppose unlawful or harmful actions. The Trump EPA did not do this.

In the meantime, nothing in the Administrator's action stops states, public health and environmental groups, and ordinary citizens from bringing enforcement lawsuits to uphold clean air protections that the Trump administration proclaims it will not.

ABOUT THE AUTHORS

JOHN WALKE
Director, Clean Air Project, Climate & Clean Air program

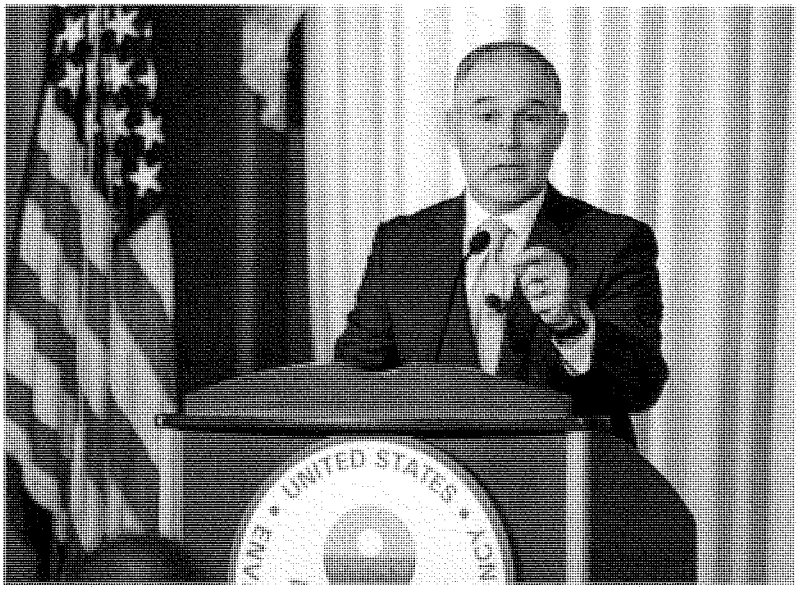


Trump's EPA Halts Request for Methane Information From Oil and Gas Producers

One of Scott Pruitt's first orders as administrator is to walk back from an effort to rein in climate-warming methane leaks from the oil and gas industry.

BY MARIANNE LAVELLE FOLLOW @MLAVELLES

MAR 3, 2017



Scott Pruitt, administrator of the EPA, announced on March 2, 2017, that owners and operators of oil and gas operations no longer have to respond to an Obama-era request for information needed to control methane, a potent greenhouse gas. Credit: REUTERS/Joshua Roberts

In a strong signal of its retreat from climate change action, the Trump administration on Thursday halted an effort to gather data from the oil and gas industry that is needed to rein in leaks of methane, a potent greenhouse gas.

More than 15,000 owners and operators of oil and gas production or processing facilities had been required to submit information on their equipment and operations to the Environmental Protection Agency under an order finalized by the Obama administration in November. With the first deadline of early January already passed and another submission due in May, EPA Administrator Scott Pruitt announced he was withdrawing that request, effective immediately.

The Obama administration had called the survey "a critical step" in its effort to control methane, the main component of natural gas. Emissions of the odorless, colorless gas have proven nearly impossible to measure at 700,000 well sites and thousands of pipelines and facilities across the country. Although technology for controlling those emissions is readily available for oil and gas operations, industry has resisted.

Getting the exact numbers is particularly crucial to understanding whether the nation's fracking boom will accelerate or could help stall global warming. Although gas-fired power plants release half as much carbon dioxide as coal plants, the extraction, production and transport of natural gas releases unknown amounts of methane.

Last May, the EPA finalized rules for methane at new oil and gas operations and at the same time issued a first draft of a request to collect information from the industry on existing facilities, a massive task. Under the Clean Air Act, the EPA has such authority; penalties of nearly $100,000 a day are possible for those who fail to comply. Then-EPA Administrator Gina McCarthy noted that there were hundreds of thousands of small sources of leaks, including pumps, storage tanks and processes that the agency didn't know existed. "EPA is learning this industry right now," she said.

Now, Pruitt says he will assess whether the information is needed. Pruitt acted one day after receiving a letter from nine state attorneys general and the governors of Mississippi and Kentucky, expressing concern about the burden posed by the data gathering. "By taking this step, EPA is signaling that we take these concerns seriously and are committed to strengthening our partnership with the states," Pruitt said in a statement.

As Oklahoma attorney general and a leader in the Republican Attorneys General Association, Pruitt was critical of the EPA's actions on methane, submitting a letter in 2011 accusing the agency of overestimating methane pollution from oil and gas operations in his state. A 2014 Pulitzer Prize-winning series in the New York Times documented how the letter actually had been written by lawyers for Devon Energy, one of Pruitt's campaign donors.

"This is precisely the kind of cozy collaboration with the worst actors in the oil and gas industry that dogged Pruitt throughout his controversial confirmation process," said Mark Brownstein, vice president for climate and energy programs at the Environmental Defense Fund (EDF). "If the EPA is going to run away from collecting even the most basic information about oil and gas operations, what does this say about its dedication to protecting air quality and water quality?"

EDF, which spearheaded an $18 million scientific research program on methane in 2011 with funding from the gas industry and foundations, argues that EPA could have begun regulating methane much earlier. Industry strongly opposed action, however, arguing that the agency didn't have enough information to understand its operations and the burden that would be placed on small companies.

The agency twice drafted and collected comments on its request, and extended the deadlines as industry sought, which delayed the effort into the Trump administration. EPA has said that knowing the equipment and operations companies are using is needed to gauge what methane control measures would be reasonable.

"The irony is a year ago the industry was arguing EPA needed more information," said Brownstein. "Today, you have industry making the argument that the information collection is burdensome and duplicative. And the only thing that's changed is the politics."

Lee Fuller, executive vice president of the Independent Petroleum Association of America (IPAA), praised Pruitt's decision to rescind the methane information collection request, which he said was costly and unnecessary. "IPAA welcomes today's announcement as it brings meaningful relief to independent producers across the nation and demonstrates that creating American jobs and developing U.S. energy is a high priority for the Trump administration," he said in a statement.

The oil and gas industry long has argued that since methane is essentially natural gas, they already have a financial incentive to stop leaks and capture all they can for sale as fuel. The American Petroleum Institute has pointed out that although gas production has increased dramatically due to the hydraulic fracturing boom, methane emissions per unit of energy produced has declined 24 percent since 2005 in natural gas fields.

But the overall amount of methane leaking from oil and gas operations is significant and rising. Emissions reached 9.8 million metric tons in 2014, up 11 percent from four years earlier. That's enough methane to meet all of the natural gas fuel needs of a state the size of Pennsylvania, instead vented to the atmosphere.

Recent scientific studies highlighted the urgency of the methane problem, showing that the EPA had long been underestimating emissions. Those studies helped inform EPA's decision to revise methane emissions numbers upward in its latest greenhouse gas inventory last year, which bumped the oil and gas industry ahead of agriculture as the nation's leading source of methane pollution.

Methane is 25 to 84 times more potent than carbon dioxide as a heat-trapping gas, although it doesn't last as long as carbon dioxide in the air. The EPA, using the more conservative figure, calculated that methane emissions from the oil and gas industry alone account for 3 percent of U.S. greenhouse gas emissions. The Obama administration's goal of cutting those methane emissions by 40 to 45 percent from 2012 levels by 2025 was a key element of the U.S. pledge under the Paris climate accord.

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ABOUT THE AUTHOR

Marianne Lavelle

Marianne Lavelle is a reporter for InsideClimate News. She has covered environment, science, law, and business in Washington, D.C. for more than two decades. She has won the Polk Award, the Investigative Editors and Reporters Award, and numerous other honors. Lavelle spent four years as online energy

news editor and writer at National Geographic. She also has worked at U.S. News and World Report magazine and The National Law Journal. While there, she led the award-winning 1992 investigation, "Unequal Protection," on the disparity in environmental law enforcement against polluters in minority and white communities.

She can be reached at marianne.lavelle@insideclimatenews.org. PGP key: bit.ly/PGPML15

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Trump's EPA to reconsider oil and gas emissions rule

Timothy Gardner 3 MIN READ

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency will reconsider a rule on greenhouse gas emissions from oil and gas operations and delay its compliance date, the agency said on Wednesday in the Trump administration's latest move to reduce regulations.

Oil interest groups, including the American Petroleum Institute and the Texas Oil and Gas Association, had petitioned the EPA a year ago to reconsider the rule limiting emissions of methane and other pollutants from new and revamped oil and gas wells and systems.

The EPA said in a statement that it would delay the rule's June 3 compliance date by 90 days and take public comments during that period.

Under Democratic President Barack Obama, the EPA released the first methane limits on the facilities in May 2016, saying it would cost energy companies $530 million, but would lead to $690 million in benefits, including lowering medical bills.

Scott Pruitt, the EPA chief in the administration of Republican President Donald Trump, joined dozens of other states in challenging the rule when he was attorney general of oil-producing Oklahoma. Pruitt has said he does not believe that greenhouse gas emissions are the main driver of climate change.

Energy companies had complained that the methane rule would add costs to wells that were not

producing much oil and gas, and that it was duplicative as the sector had already reduced the emissions.

Environmentalists believe limiting methane, a gas about 80 times more potent than carbon dioxide in trapping heat, is a low-hanging fruit in efforts to curb climate change.

Michelle Robinson, director of the clean vehicles program at the Union of Concerned Scientists, said EPA was favoring industry over science. "Instead of looking backwards to review well-reasoned rules based on clear science, the administration should be moving forward," and extend methane limits, she said.

Wednesday's move signaled another retreat from climate change action after the Trump administration in March halted an effort to gather methane data from existing oil and gas operations to rein in leaks of the powerful greenhouse gas.

In late March, Trump signed an order to undo climate regulations, following up on a campaign promise.

Pruitt said the EPA is continuing to follow through with Trump's order. "American businesses should have the opportunity to review new requirements, assess economic impacts and report back, before those new requirements are finalized," he said.

Reporting by Timothy Gardner; Editing by Grant McCool and Diane Craft

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#U.S. LEGAL NEWS JANUARY 26, 2018 / 2:37 AM / IN 19 HOURS

U.S. EPA reverses policy on 'major sources' of pollution

Eric Beech 2 MIN READ

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency said on Thursday it was withdrawing a provision of the Clean Air Act that requires a major source of pollution like a power plant to always be treated as a major source, even if it makes changes to reduce emissions.

The decision to withdraw the "once-in always-in" policy is part of President Donald Trump's effort to roll back federal regulations and was sought by utilities, the petroleum industry and others.

Sources of air pollution previously classified as "major sources" may be reclassified as "area" sources when the facility limits its emissions below "major source" thresholds, the EPA said. Area sources are subject to less strict pollution control standards than major sources.

"It will reduce regulatory burden for industries and the states, while continuing to ensure stringent and effective controls on hazardous air pollutants," Bill Wehrum, assistant administrator of the EPA's Office of Air and Radiation, said in a statement.

The "once-in always-in" policy, which was established in 1995, has been a disincentive for power plants, factories and other major sources of pollution to pursue technological innovations that would reduce emissions, the agency said.

The Natural Resources Defense Council, an environmental group, said the decision "is among the most dangerous actions that the Trump EPA has taken yet against public health."

"This move drastically weakens protective limits on air pollutants like arsenic, lead, mercury and other toxins that cause cancer, brain damage, infertility, developmental problems and even death," John Walke, director of a clean air program for the NRDC, said in a statement.

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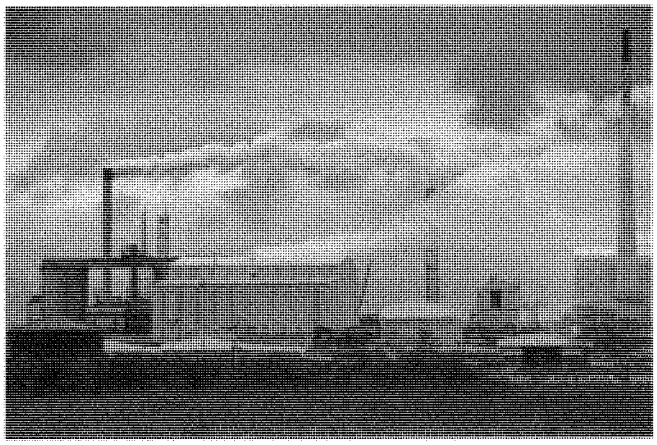
Emily Atkin
5 months ago



Dan Kitwood/Getty

As the Arkema crisis is unfolding, an EPA chemical plant safety rule is on hold. The critical situation at a chemical plant compromised by Hurricane Harvey's flooding is all over the news, and rightfully so. Two small containers of highly volatile organic peroxides have already exploded, and residents living within a 1.5-mile radius of the Houston-area plant were asked to evacuate. Fifteen local sheriff's deputies went to the hospital after getting close to the plant, though all have been released. And Arkema officials say that the worst may not be over. A larger explosion could still occur.

In a statement, the Environmental Protection Agency said it had deployed an aircraft to secure chemical information from the smoke cloud and has sent air monitoring personnel to the scene, as well as a disaster response coordinator. "We will consider using any authority we have to further address the situation to protect human health and the environment," Administrator Scott Pruitt said in a statement.

But as the crisis is unfolding, we shouldn't forget that Pruitt's EPA is delaying an Obama-era chemical safety plant rule that would soon have covered this very plant. In June, the EPA announced it would delay implementation of what environmental groups call the Chemical Disaster Rule for two years. Pruitt's reason, of course, was industry concerns—specifically, the concerns that it would be hard for companies to implement,

and that disclosure of their chemicals could be a national security threat.

The rule, which is actually an amendment to the federal Risk Management Program, was intended to improve accident preparation at facilities. Former EPA Administrator Gina McCarthy told me it was "specifically designed to make sure that large chemical facilities and refineries do more to ensure they are prepared for emergencies and provide local communities with the information they need to deal with potential explosions and releases just like the ones we are seeing today."

Here are some of the specifics, via *ThinkProgress*' Natasha Geiling:

> [The rule] required facilities to conduct root-cause analyses in the event of a chemical release or explosion, to pinpoint exactly what led to the incident. The rule also required facilities to contract with an independent third-party to perform a compliance audit after any incident that caused death, injury, or significant damage.
>
> Under the Obama administration's rule, regulated facilities would have to provide local emergency responders with the facility's emergency response plan and would have to conduct annual exercises to test the facility's ability to effectively communicate with both emergency responders and the public in the event of a release or explosion.
>
> Finally, the rule required that chemical facilities share chemical hazard information with the public upon request, and that the companies provide notification of the availability of such information on their website, via social media, or some other public platform.

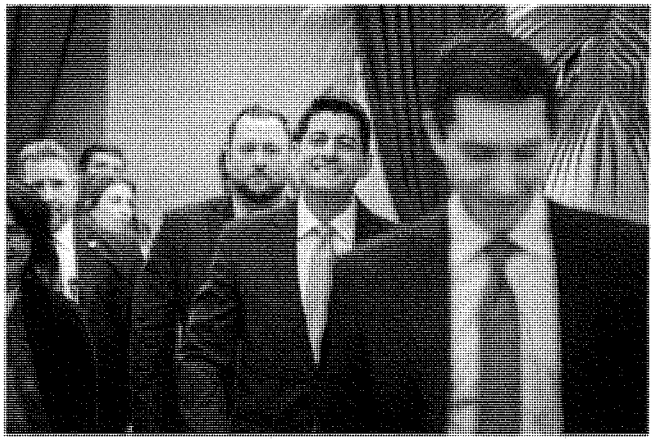
Just to be completely clear: The EPA's decision to delay this particular rule is in no way affecting the situation at the Arkema plant. But environmental groups are pointing to Arkema as an example of what could happen in the future without the regulations. "The Arkema disaster is just the kind situation that the Chemical Disaster Rule is meant to mitigate," said Gordon Sommers, an Earthjustice attorney suing the EPA over its delay of

the regulation. "The last thing that a community battling hurricanes and floods needs is a hazardous chemical release on top of that, but unfortunately that extra threat is what many communities in Texas and Louisiana face because the Trump Administration is delaying chemical disaster prevention measures."

On Thursday the White House announced that the president would donate $1 million of his personal fortune to hurricane relief efforts. But if you were expecting to hear Trump's EPA pledge to implement the Chemical Disaster Rule, you'll have to keep on waiting.

January 22, 2018

Alex Shephard
14 minutes ago



Drew Angerer/Getty

The government shutdown has revealed the GOP's true position on the DREAMers. The shutdown has entered its third day and the two parties are at an impasse. Republicans say they won't consider immigration reform until Democrats help them reopen the government. Democrats say they won't reopen the government until Republicans pledge to hold a vote to protect those 800,000 undocumented immigrants brought to the United States as children.

Both sides are blaming each other, but the cause for this logjam is simple. In September, President Trump ended DACA but claimed that he wanted to protect the DREAMers. Most Republicans have publicly maintained that they do not want to see these people deported. But at the same time, they have used the DREAMers as hostages, threatening to abandon them if Democrats don't agree to a string of tougher immigration measures.

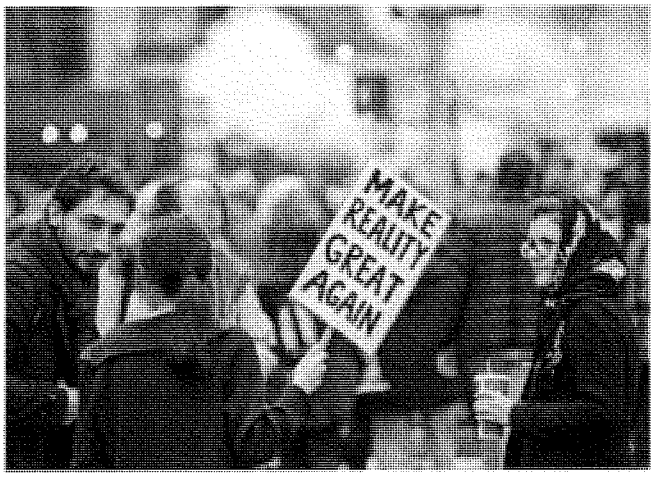
The closer Congress gets to a March deadline to resolve the issue, the more valuable that bargaining chip becomes. If they hammer out an agreement to the DACA issue now, they will lose the leverage to extract more severe concessions from Democrats.

Republicans, in other words, are trying to have it both ways. They don't

want to seem heartless, so they publicly maintain that they are negotiating in good faith to protect the DREAMers. But they also want to keep their legal status in limbo for as long as possible. The Republicans are less interested in the fate of these 800,000 individuals than in using them to get hardline policies on immigration.

January 19, 2018

Emily Atkin
3 days ago



Bryan R. Smith/Getty

Trump has tried to restrict science almost 100 times already. There are 91 entries on Columbia Law School's "Silencing Science Tracker," a searchable database released Friday that intends to document every instance of information censorship or restriction since President Donald Trump was elected. If this is an accurate tally, that means there's been some kind of attempt to limit government scientific information once every week in Trump's America.

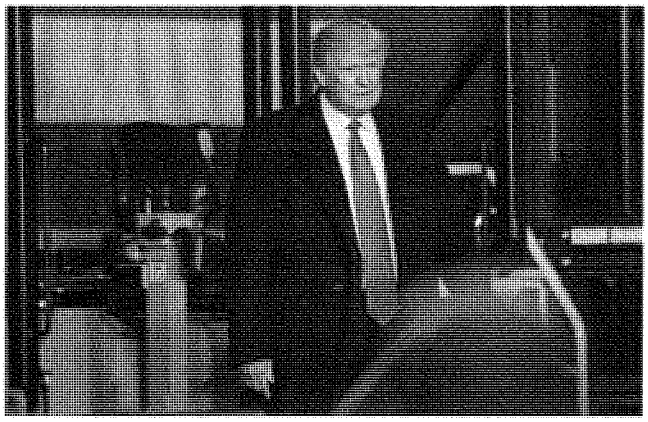
The online resource is a joint project of Columbia's Sabin Center for Climate Change Law and the Climate Science Legal Defense Fund, a non-profit originally created in 2011 to defend scientists from what at the time seemed like the biggest threat facing the climate science community: legal attacks against individual scientists by conservative groups. The group's priorities have shifted somewhat since Trump's election. "Political and ideological attacks on science have a long and shameful history, and such attacks are the most dangerous when carried out or condoned by government authorities," said Lauren Kurtz, CSLDF's executive director.

To be included in the Silencing Science Tracker, a federal government action must have the effect of "prohibiting scientific research, education or discussion, or the publication or use of scientific information," the site says. The tracker divides actions into six broad categories, and includes Trump's

appointments of unqualified nominees to science-related posts, the removal of various climate references from executive agency websites, and suspensions on scientific research. The category with the most entries is "government censorship," which includes 40 instances when the administration changed website content, restricted public communication by scientists, or made data more difficult to access.

Trump isn't censoring all government science, though. This week, NASA released global temperature data showing 2017 to be the second-hottest year on record.

Alex Shephard
3 days ago



Jeff Swensen / Getty

If the government shuts down, Donald Trump is to blame. With hours to go until the government shuts down, surprisingly little is happening in Washington. Negotiations are at a standstill and neither party seems to be facing the potential crisis with any sense of urgency. Instead, Republicans and Democrats are testing out messaging blaming the other party for the disaster to come.

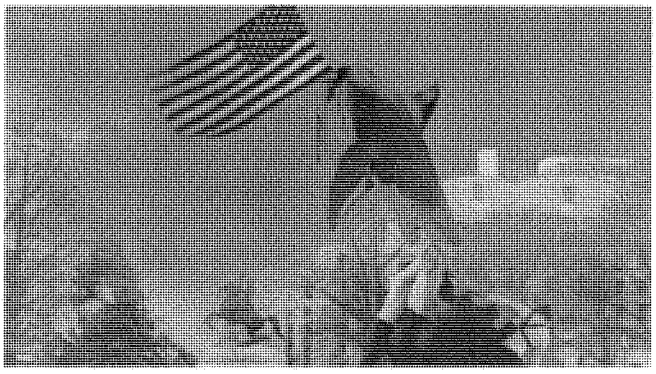
There is, with any shutdown, more than enough blame to go around. But this mess is particularly one of Donald Trump's making. The stage was set when Trump unnecessarily announced that he was ending the DACA program that protected undocumented immigrants who were brought to the United States at a young age. While various proposals have been floated to protect these young immigrants—a move that, at least publicly, has broad bipartisan support—Trump has sided with Republican hardliners, demanding that funding for a border wall be included in any package that codifies DACA and keeps the government open. On Thursday he even negotiated directly with the House's Freedom Caucus on a continuing resolution.

The odd thing about all of this is that last week Trump got what he had professed to want—a deal that would protect DACA *and* include wall funding. For Republicans, it was a big win. Despite having little leverage, they were able to extract a number of concessions, including over $1 billion

in funding for the wall. This is exactly the kind of face-saving compromise that is supposed to win out in these situations.

But Trump tore that deal up for not having enough wall funding. He has now created a situation in which he will shut down the government over the issue—putting hundreds of thousands temporarily out of work and leaving hundreds of thousands of immigrants in the lurch. Republicans, who control both chambers of Congress, deserve a great deal of blame for their lack of internal discipline and their refusal to compromise with Democrats. But they're in this situation because of President Trump's impulsive, self-defeating acts.

Sarah Jones
3 days ago



Getty

Donald Trump has a crippling fear of sharks. Thanks to Stormy Daniels, whose real name is Stephanie Clifford, we at last know the president's kryptonite: sharks. Trump hates sharks, according to a 2011 *In Touch* interview with Daniels. *The Guardian* has the summary:

> According to Clifford, Trump invited her to his hotel room at a celebrity golf tournament in Nevada in 2006. When she arrived there, she said, he was wearing "pajama pants" and watching the

> Discovery Channel's yearly Shark Week on television.
>
> "The strangest thing about that night – this was the best thing ever," Clifford said, describing the businessman's fasciation with a special about a shipwreck. "It was like the worst shark attack in history. He is obsessed with sharks. Terrified of sharks.
>
> "He was like, "I donate to all these charities and I would never donate to any charity that helps sharks. I hope all the sharks die.' He was like riveted. He was like obsessed. It's so strange, I know."

In fact, before he decided to run for president, he almost played the president in Syfy's *Sharknado 3: Oh Hell No!* Perhaps instead of pretend-killing a shark, Trump, a climate change denier, became president so he could actually kill sharks by allowing the oceans to boil. But the sharks aren't going anywhere, as Trump himself once admitted:

> Sorry folks, I'm just not a fan of sharks - and don't worry, they will be around long after we are gone.
> — Donald J. Trump (@realDonaldTrump) July 4, 2013

Sharks are magnificent beasts that frankly deserve more than one week a year dedicated to them. That Trump fears them so much should only increase their reputation. At the very least, this has the makings of a solid premise for a new *Sharknado* movie where the sharks save America.

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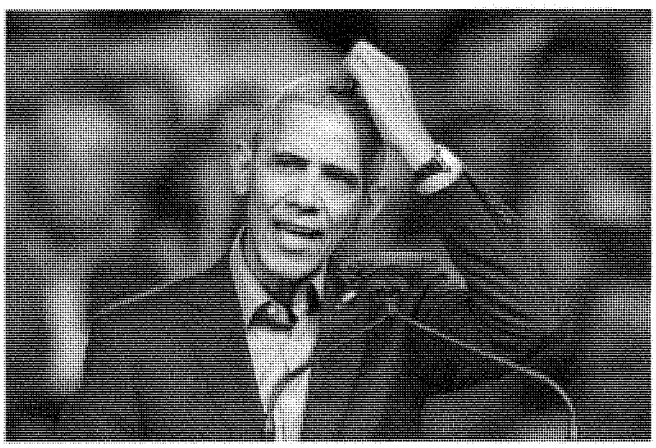
January 18, 2018

Graham Vyse
4 days ago



JIM WATSON / Getty Images

Barack Obama has a Donald Trump dilemma. The former president generally laid low during Donald Trump's first year in the White House. He issued statements on policy issues, campaigned for Governor Ralph Northam in Virginia, and recorded a robocall for Senator Doug Jones in Alabama. Mostly, though, Obama counseled Democrats behind the scenes.

"But with the midterms approaching," Politico reported on Thursday, "people close to him say he'll shift into higher gear: campaigning, focusing his endorsements on down-ballot candidates, and headlining fundraisers. He'll activate his 15,000-member campaign alumni association for causes and candidates he supports — including the 40 who are running for office themselves. He's already strategizing behind the scenes with Democratic National Committee chair Tom Perez and Eric Holder, who's chairing his redistricting effort."

"Throughout," Politico added, "Obama is determined not to become the foil

that he can see President Donald Trump clearly wants, and resist being the face of the Resistance for his own party." The former president is expected to wait until this fall to resume campaigning, and continue to avoid speaking his successor's name in public, "barring a major national crisis that he'd set as his standard for going directly Trump, aware that he can only cross that barrier once for it to have real meaning." Obama feels "vindicated" that his absence last year allowed a new generation of Democrats to raise their profile.

You can understand his dilemma: Obama remains the most unifying figure in a Democratic Party still somewhat divided by Hillary Clinton's presidential primary fight with Bernie Sanders. No Democrat, with the possible exception of former First Lady Michelle Obama, more effectively criticized Trump in 2016, which is why I initially thought he should shun the political norm that former presidents don't criticize their successors directly.

But one of the benefits of the Democratic Party lacking a clear leader is Trump doesn't have a clear foil. He launches an attack on New York Senator Kirsten Gillibrand one day and Massachusetts Senator Elizabeth Warren the next. He's still tweeting about "Crooked Hillary." Perhaps, then, Obama is justified in treading carefully. He's valuable to rally Democrats in this crucial year, but right to let the party look to the future.

Sarah Jones
4 days ago

Win McNamee/Getty Images

If CHIP loses funding, the Republican Party is to blame. A government shutdown looms, and the GOP's solution has been to ask Democrats to choose between equally inhumane proposals. At Vox, Dylan Scott explains:

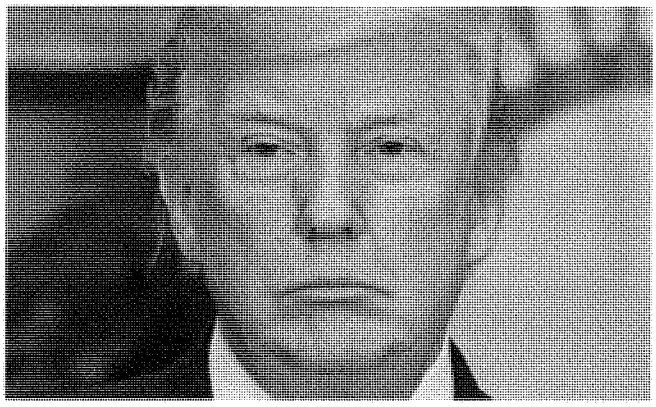
> So Republicans, after months of criticism and a stalemate over how to pay for CHIP, have decided to turn the tables: They attached a six-year CHIP extension to their short-term spending bill in an attempt to deter Democrats from shutting down the federal government this week over the Deferred Action for Childhood Arrivals program, which the two parties still haven't agree on how to fix.

If Democrats reject this—and so far the party seems united in its determination to do just that—the government shuts down. Keep in mind that the Children's Health Insurance Program, which provides health coverage to some 10 million kids, is nearly universally popular, and that extending it costs the government little; extending now, in fact, would actually save the government money. So the usual fiscal excuses don't apply.

The GOP's willingness to hold CHIP hostage is instructive: It opposes welfare for reasons that have nothing to do with the deficit. It's easy to hold

something hostage when you know it matters more to everyone else than it does to you.

Alex Shephard
4 days ago



Pool/Getty

Donald Trump will never give up on The Wall. On Wednesday, Chief of Staff John Kelly sat down with Fox News's Bret Baier and made the case that he was the adult in the room. The gist was that the president may be uninformed and immature, but Kelly was informed and mature. To illustrate this fact, Kelly used his conversations with Congress about Trump's central campaign promise: The Wall.

> As we talked about things—where this president is and how much he wants to deal with this DACA issue and take it away—I told them that, you know, there's been an evolutionary process that this president has gone through as a campaign. And I pointed out to all of the members that were in the room that they all say things during the course of campaigns that may or may not be fully informed. But this president, if you've seen what he's done, he has changed the way that he's looked at a number of things. ... So he has evolved in the way he's looked at things. Campaign to governing are two different things, and this president is very, very flexible in terms of what is within the realm of the possible.

Trump responded by implicitly blasting his chief of staff for suggesting that he has "evolved" on the issue.

> The Wall is the Wall, it has never changed or evolved from the first

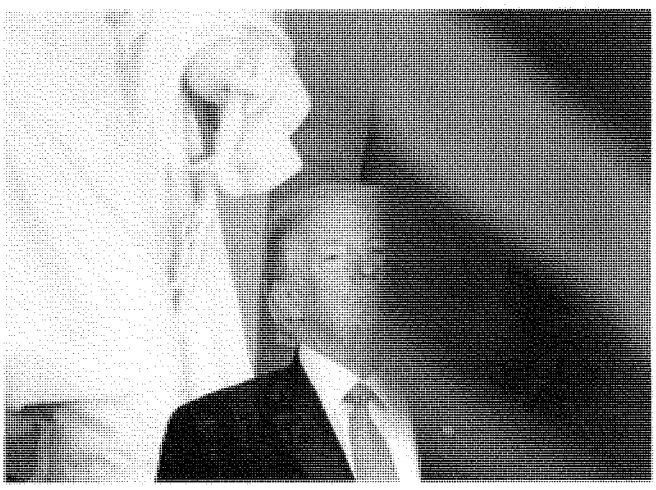
> day I conceived of it. Parts will be, of necessity, see through and it was never intended to be built in areas where there is natural protection such as mountains, wastelands or tough rivers or water.....
>
> — Donald J. Trump (@realDonaldTrump) January 18, 2018

> ....The Wall will be paid for, directly or indirectly, or through longer term reimbursement, by Mexico, which has a ridiculous $71 billion dollar trade surplus with the U.S. The $20 billion dollar Wall is "peanuts" compared to what Mexico makes from the U.S. NAFTA is a bad joke!
>
> — Donald J. Trump (@realDonaldTrump) January 18, 2018

The Wall was a quintessential campaign promise in that it was largely symbolic. Insisting that the United States (or, sometimes, Mexico) build a costly and expensive border wall was a supposed "common sense" proposal—never mind that it's ineffective—meant to illustrate the difference between Trump and the bureaucrats dictating immigration policy. But Trump has never grasped the subtlety of his own messaging and has continued to insist on a literal wall.

The irony of these tweets is that it's clear that Trump *still* isn't "fully informed" about his signature promise or who will pay for it. There has been an expectation that, at some point, the president would have to recognize its infeasibility. But it looks like that won't happen anytime soon.

Emily Atkin
4 days ago



Mark Wilson/Getty Images

Why is Trump censoring some agencies' climate science, but not

others'? NASA and the National Oceanic and Atmospheric Administration are holding an annual joint press conference on Thursday to announce global temperature data for the year 2017. Every year, the conclusion is pretty much the same: The planet is too hot, it's getting hotter, and humans are to blame. This year's announcement is no different. According to NASA, 2017 was the second-hottest year on record; according to NOAA, it's the third hottest. (Both agencies say that the five warmest years on record have all occurred since 2010.)

While this annual announcement is predictable, this year was the first time the government's temperature data was released under President Donald Trump. Some wondered whether Trump, a climate-science denier, would attempt to censor or alter this data. Would he order scientists to soften information that might undermine his policy agenda, like President George W. Bush did? Would he prevent government scientists who compiled the data from speaking with certain media outlets, which Bush also did?

In short: No. Thursday's announcement went off without controversy. The data was released. The scientists were made available for questions. I asked whether Trump's people were involved in the data's analysis or release. "We've done this exactly the way we've always done," NASA climatologist Gavin Schmidt said. "We've had no imput from any political appointees."

On the one hand, this is good news—just as it was when Trump didn't censor a major federal report in November that detailed humans' responsibility for global warming. Political officials from the Trump administration may still be interfering with science at regulatory agencies at regulatory agencies like the Environmental Protection Agency and the Department of Interior, but at least they've left non-regulatory science agencies like NASA and NOAA alone.

And yet, one can't help but wonder why Trump is leaving NASA and NOAA alone. The Bush administration interfered with regulatory and non-regulatory science agencies alike because it wanted the public to think that its environmental and public health policies were based on solid evidence.

They feared what would happen if NASA or NOAA contradicted them on climate science. They considered science a powerful tool in shaping public opinion.

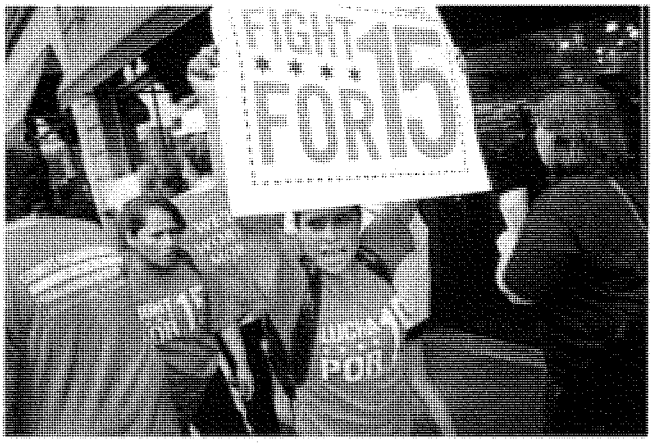
But when it comes to climate and the environment, Trump officials are only interfering with agencies like EPA and Interior, where sound science is often a legal requirement for regulatory decisions. In other words, the Trump administration recognizes that science is powerful in a legal sense, but seems less interested in using science to shape public opinion.

At any time you like, you can visit a website controlled by Donald Trump and learn not only that the planet is rapidly warming, but that there's a scientific consensus that humans are the primary cause. You can watch stunning videos of ice melt in Greenland and Antarctica. From 1880 to the present day, you can watch the earth turn from a blue marble to an orange sphere freckled with red.

And yet, 32 percent of Americans still don't believe global warming is caused by human activity; 38 percent don't believe that changes are happening now; and climate change remains at the near-bottom of the public's priority list. If the scientists who put a man on the moon and orbited a satellite around Saturn can't change that, it's hard to see what could.

January 17, 2018

Sarah Jones
5 days ago



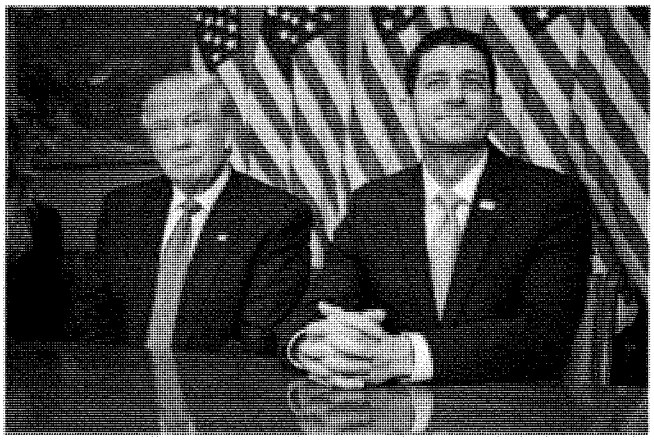
Scott Olson/Getty Images

Trump's war against workers continues. According to the Economic Policy Institute, the Department of Labor has proposed a rule that would allow employers to take employee tips, and does not require them to redistribute the funds. The biggest losers, EPI calculates, would be women:

> In other words, nearly 80 percent of the tips that would be taken by employers as a result of this rule would come out of the pockets of women and their families. (The specific share, calculated from unrounded numbers, is 78.7 percent.) Because women are both more likely to be tipped workers and to earn lower wages, this rule would disproportionately harm them.

No word yet on how Ivanka Trump, who has presented herself as a prominent defender of working women, has taken this news. But the Department of Labor's latest bit of rule-making isn't an isolated incident. The administration wants to adjust the salary threshold for an Obama-era overtime rule; if it succeeds in raising the threshold, lower-wage workers will find themselves in possession of shrinking bank accounts. Trump also used his executive authority to roll back a number of regulations that would have protected worker safety. As his son Eric reminded us Wednesday morning, green is the only color Trump sees.

Alex Shephard
5 days ago



Zach Gibson/Getty

Republicans are this close to shooting themselves in the foot. Congress has until Friday to reach a budget deal that would keep the government open. But with the clock ticking, a deal does not seem close. President Trump's "shithole" comments have set negotiations back in the Senate on provisions related to DACA. In the House, meanwhile, Republicans are effectively negotiating with themselves. But in both chambers, the same fundamental dynamic is playing out. Republicans control the government, but hardline factions within the party, which are decrying any immigration compromise included in the spending bill as "amnesty," are effectively holding the negotiations hostage.

In the Senate, these tensions boiled over on Tuesday in a hearing with Homeland Security Secretary Kirstjen Nielsen. While Democrats grilled Nielsen about what was said in the "shithole" meeting, Republican Lindsey Graham, who had reached an immigration deal with Democrat Dick Durbin last week, said that the shutdown negotiations had turned into a "shitstorm." His colleague Tom Cotton, meanwhile, criticized the Durbin-Graham compromise as "mass amnesty."

In the House, things are even worse. Unlike the Senate, there are enough Republicans in the House to pass a bill without Democratic votes. But the ultra-conservative House Freedom Caucus has once again emerged as a roadblock. On Tuesday evening, conservatives in the House revolted

against a compromise bill pushed by Paul Ryan that would extend government funding for another month and include funding for the Children's Health Insurance Program (CHIP) for six years—a compromise that could win support from Democrats in both chambers and avert a shutdown.

Conservatives are pushing a deal that would fund the government for a month and the Pentagon for a year—a deal that would make hardliners less willing to budge if the government were to shut down in a month over DACA. But Senate Democrats, who are increasingly pushing for a fix for DACA now, have no reason to take that deal.

All of these factors—Trump's "shithole" comments, Democratic anxiety over DACA, the revolt of Republican hardliners—have made a government shutdown more likely than it was a week ago, when a compromise seemed near. With two days to go until the deadline, there's little bringing the factions within the Republican Party together.

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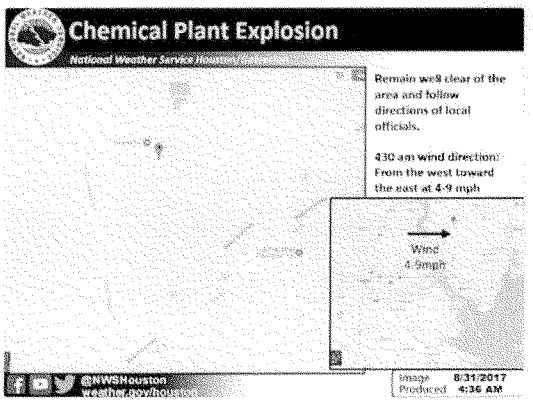
EDITION US

David Halperin, Contributor Attorney, advocate, writer at RepublicReport.org

Burning Houston Chemical Plant Highlights Trump-Pruitt Refusal To Improve Chemical Safety

08/31/2017 12:28 pm ET | Updated Sep 01, 2017



This morning a flooded chemical plant in Crosby, Texas, 20 miles from Houston, continues to burn, after explosions there overnight sent plumes of smoke into the air. The plant, which has lost electric power, is owned by France's Arkema Group, one of the world's biggest chemical companies. An Arkema spokeswoman told the Associated Press that the fire "will be explosive and intense in nature." Richard Rennard, an Arkema executive, told reporters near the site this morning that smoke from the fire could cause irritation to skin, lungs, and eyes and that anyone exposed should "call their doctor or seek medical advice." Brock Long, the Federal Emergency Management Agency head, said that the "the plume is incredibly

dangerous." Residents around the area already had been evacuated because of the potential plant danger.

The Harris County Sheriff's office tweeted that one if its deputies was "taken to hospital after inhaling fumes from Archem plant in Crosby." The sheriff later said that deputy and 14 other first responders were treated and released.

The plant manufactures organic peroxides — compounds used to make countertops, paints, construction materials, and other products.

There is powerful scientific evidence that climate change is making rainstorms more powerful and destructive. So many are pointing out that actions by President Trump and APA administrator Scott Pruitt to cancel U.S. initiatives to combat climate change — withdrawing from the Paris accord and dumping a range of Obama-era environmental regulations — look particularly foolish in the wake of the terrible destruction caused by Harvey.

But the Arkema fires highlights one more area where Trump-Pruitt environmental decisions endanger the American people — and could increase the suffering and destruction in the wake of natural disasters like Harvey. Because in June, Pruitt's EPA announced it was delaying for 20 months an Obama rule aimed at improving safety at U.S. chemical plants, while it revisits the wisdom of the rule.

In April I testified at an EPA hearing on the delay of the chemical safety rule, presenting a joint statement from me and from Major General Randy Manner, US Army (Ret), a former acting director of the Defense Threat Reduction Agency, and Lieutenant General Russel L. Honoré, US Army (Ret), the former commander of Joint Task Force Katrina, who is now in Houston talking about the relief effort.

General Honore, General Manner, and I told the EPA that for decades, our country has failed to squarely address the dangers of hazardous chemical facilities — from oil refineries to water treatment plants. We noted that a chemical explosion or release could be triggered by an accident, a deliberate attack, or a natural disaster — and that such an incident could kill thousands of people. Millions of our citizens live and work near these dangerous facilities.

The Obama EPA rule, issued on January 13, was the product of extensive deliberation — three years of discussions with chemical companies, plant workers, affected communities,

first responders and others. The rule strengthens the federal Risk Management Program (RMP), which addresses some 12,500 facilities that use or store large quantities of highly toxic or highly flammable chemicals.

The AP reports this morning that the EPA had required the Arkema plant now burning to develop and submit a plan under the RMP program, "because it has large amounts of sulfur dioxide, a toxic chemical, and methylpropene, a flammable gas." RMP plans must explain the risks of a potential release, including worst-case scenarios, and outline how the company would respond. The AP report says, "In its most recently available submission from 2014, Arkema said potentially 1.1 million residents could be impacted over a distance of 23 miles (37 kilometers) in a worse case, according to information compiled by a nonprofit group and posted on a website hosted by the Houston Chronicle. But, Arkema added, it was using 'multiple layers of preventative and mitigation measures' at the plant, including steps to reduce the amount of substances released, and that made the worst case 'very unlikely.'" (Note: Here is that website.)

The AP further reported, "Daryl Roberts, the company's vice president of manufacturing, technology and regulatory services in the Americas, did not dispute that worst-case scenario but said that assumed all the controls in place failed and strong winds blew directly toward Houston, the nation's fourth-largest city. 'We have not modeled this exact scenario but we are very comfortable with this 1.5-mile radius,' Roberts told the AP. He added that it mostly resembled less serious scenarios that would affect a half-mile radius and a few dozen people."

Even that version of the risks doesn't sound comforting, on top of all the dangers and hardships the people of the Gulf region face right now.

The Arkema plant is no outlier. Across our country, hazardous chemical facilities are, in effect, as Senator Barack Obama said in 2006, "stationary weapons of mass destruction" — capable, if triggered, of causing the same kinds of harm as chemical weapons.

We know the risk because there have been major incidents, like the 2013 West, Texas, ammonium nitrate explosion. That tragedy, which some federal investigators concluded was sabotage, killed 15 Americans and injured 160 more. It highlighted the failure by many in the chemical industry to minimize and safely secure toxic materials, and our government's failure to create comprehensive and fair rules to protect against such incidents.

West, Texas, was not the only warning. From 2004 to 2013 there were some 1,500 chemical releases or explosions, causing 17,000 injuries and 58 deaths. There have been hundreds more incidents since then, with more casualties.

We know the dangers, also, from the 1984 pesticide plant disaster at Bhopal, India, which caused 20,000 deaths. The Bhopal plant was owned by a U.S. company, Union Carbide. If that plant had been located in the U.S. and 20,000 people had died here, we would have fixed this problem long ago.

Terrorists could trigger a chemical plant attack in our country, with consequences like Bhopal, or worse. 9-11 hijacker Mohammed Atta, before he flew a jet into the World Trade Center, reportedly had been scouting U.S. chemical plant sites.

In 2003, the government's National Infrastructure Protection Center warned that U.S. chemical plants could be terrorist targets. Security experts have warned of the relative ease with which determined attackers could thwart plant security. The potential for cyber attacks makes the challenge even more serious.

The EPA has identified 466 chemical facilities that each put 100,000 or more people at risk of a poison gas disaster. In 2004, the Homeland Security Council projected that a major attack would kill 17,500 people and injure tens of thousands.

This is an urgent national security or homeland security issue. Yet the Trump Administration has simply yielded to the demands of Koch Industries and others in the chemical industry lobby, blocking an urgent, common sense rule to placate wealthy patrons, just as Pruitt has dumped rules to curb global warming and toxic pollution at the behest of the fossil fuel industry and other polluters.

Chemical industry lobbying already kept important protections out of the Obama rule. In particular, community, labor, and environmental groups had strongly urged that plants be required to move to safer technologies where feasible, as some responsible companies, such as Clorox, already have done voluntarily.

But the Obama rule did provide some common sense safety reforms. One can't say now, without more information, that these reforms, once implemented, would have prevented today's Arkema explosion. But the rule blocked by Pruitt would require plants like Arkema's to

engage in more coordination with local first responders to plan for incidents and make it easier for community members to learn about plant dangers. The rule also would require such plants to evaluate whether they need greater safety improvements and emergency preparedness, such as storing fewer chemicals, improving storage safety, and strengthening backup power so electricity would be maintained in a storm. And the rule would have required, for three industries with the most serious accident records — refineries, paper mills, and chemical manufacturers — to analyze whether it was feasible to move to safer technologies and materials.

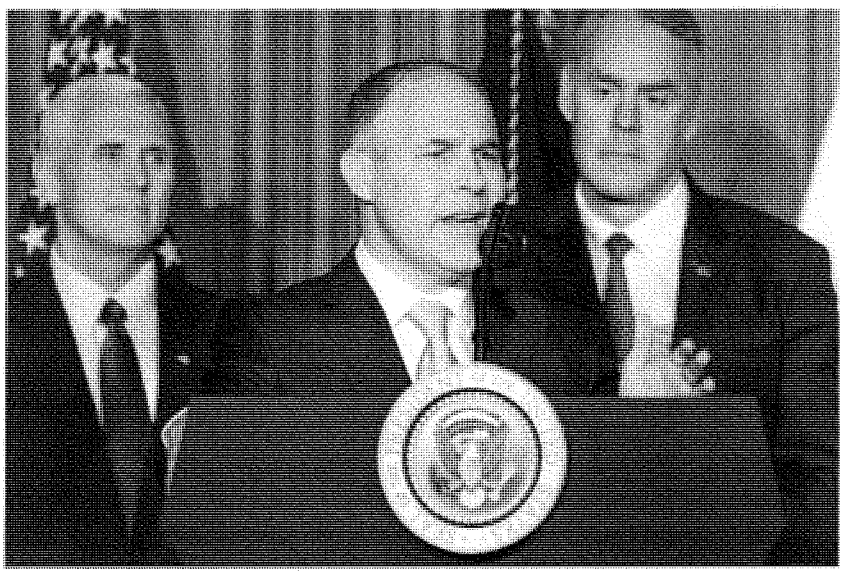
Today's chemical plant explosion highlights the dangers of our chemical plants in the wake of a natural disaster and the urgent need to do more to make our plants safer. Instead, Donald Trump and Scott Pruitt have heightened those dangers.

This article also appears on HuffPost.

POLITICS

E.P.A. Chief, Rejecting Agency's Science, Chooses Not to Ban Insecticide

By ERIC LIPTON MARCH 29, 2017



Scott Pruitt, the head of the Environmental Protection Agency, on Tuesday. Mr. Pruitt rejected a petition filed a decade ago by two environmental groups asking that the agency ban all uses of chlorpyrifos. Jim Watson/Agence France-Presse — Getty Images

WASHINGTON — Scott Pruitt, the head of the Environmental Protection Agency, moved late on Wednesday to reject the scientific conclusion of the agency's own chemical safety experts who under the Obama administration recommended that one of the nation's most widely used insecticides be permanently banned at farms nationwide because of the harm it potentially causes children and farm workers.

The ruling by Mr. Pruitt, in one of his first formal actions as the nation's top environmental official, rejected a petition filed a decade ago by two environmental groups that had asked that the agency ban all uses of chlorpyrifos. The chemical was banned in 2000 for use in most household settings, but still today is used at about 40,000 farms on about 50 different types of crops, ranging from almonds to apples.

Late last year, and based in part on research conducted at Columbia University, E.P.A. scientists concluded that exposure to the chemical that has been in use since 1965 was potentially causing significant health consequences. They included learning and memory declines, particularly among farm workers and young children who may be exposed through drinking water and other sources.

But Dow Chemical, which sells the product under the trade name Lorsban, along with farm groups that use it, had argued that the science demonstrating that chlorpyrifos caused such harm is inconclusive — especially when properly used to kill crop-spoiling insects.

An E.P.A. scientific review panel made up of academic experts last July also had raised questions about some of the conclusions the chemical safety staff had reached. That led the staff to revise the way it had justified its findings of harm, although the agency employees as of late last year still concluded that the chemical should be banned.
Mr. Pruitt, in an announcement issued Wednesday night, said the agency needed to study the science more.

"We need to provide regulatory certainty to the thousands of American farms that rely on chlorpyrifos, while still protecting human health and the environment," Mr. Pruitt said in his statement. "By reversing the previous administration's steps to ban one of the most widely used pesticides in the world, we are returning to using sound science in decision-making — rather

than predetermined results."

The United States Department of Agriculture, which works close with the nation's farmers, supported Mr. Pruitt's action.

"It means that this important pest management tool will remain available to growers, helping to ensure an abundant and affordable food supply for this nation," Sheryl Kunickis, director of the U.S.D.A. Office of Pest Management Policy, said in a statement Wednesday.

Dow Agrosciences, the division that sells the product, also praised the ruling, calling it in a statement "the right decision for farmers who, in about 100 countries, rely on the effectiveness of chlorpyrifos to protect more than 50 crops."

But Jim Jones, who ran the chemical safety unit at the E.P.A. for five years, and spent more than 20 years working there until he left the agency in January when President Trump took office, said he was disappointed by Mr. Pruitt's action.

"They are ignoring the science that is pretty solid," Mr. Jones said, adding that he believed the ruling would put farm workers and exposed children at unnecessary risk.

The ruling is, in some ways, more consequential than the higher profile move by Mr. Trump on Tuesday to order the start of rolling back Obama administration rules related to coal-burning power plants and climate change.

In rejecting the pesticide ban, Mr. Pruitt took what is known as a "final agency action" on the question of the safety and use of chlorpyrifos, suggesting that the matter would not likely be revisited until 2022, the next time the E.P.A. is formally required to re-evaluate the safety of the pesticide.

Mr. Pruitt's move was immediately condemned by environmental groups, which said it showed that the Trump administration cared more about catering to the demands of major corporate players, like Dow Chemical, than the health and safety of families nationwide.

"We have a law that requires the E.P.A. to ban pesticides that it cannot

determine are safe, and the E.P.A. has repeatedly said this pesticide is not safe," said Patti Goldman, managing attorney at Earthjustice, a San Francisco-based environmental group that serves as the legal team for the Natural Resources Defense Council and the Pesticide Action Network of North America, which filed the petition in 2007 to ban the product.

The agency had been under court order to issue a ruling on the petition by Friday. The environmental groups intend to return to the Ninth Circuit Court of Appeals in San Francisco to ask judges to order the agency to "take action to protect children from this pesticide" Ms. Goldman said on Wednesday.

Correction: March 29, 2017

An earlier version of this article misstated part of the name of an environmental advocacy group. It is the Natural Resources Defense Council, not the National Resources Defense Council.

A version of this article appears in print on March 30, 2017, on Page A21 of the New York edition with the headline: E.P.A. Chief Won't Ban Insecticide Thought to Be Risky. Order Reprints | Today's Paper | Subscribe

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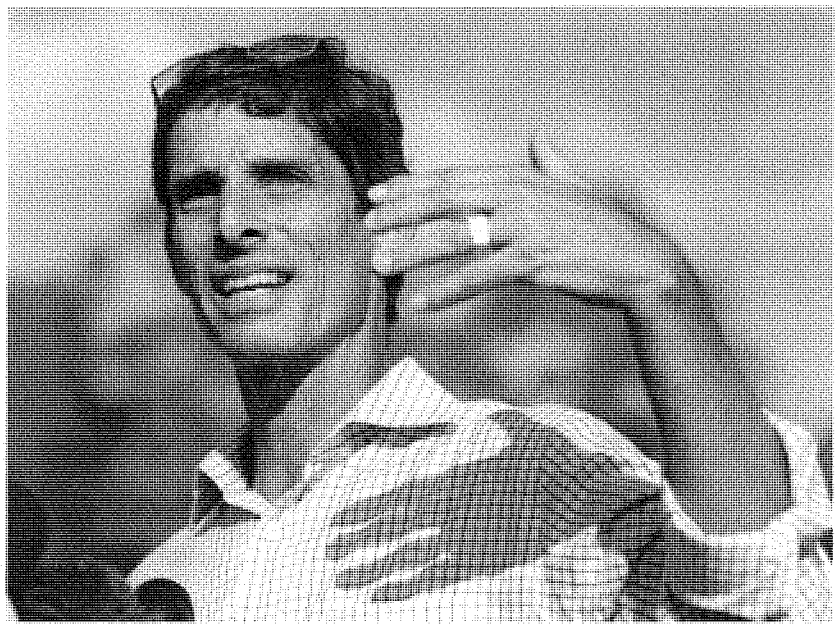
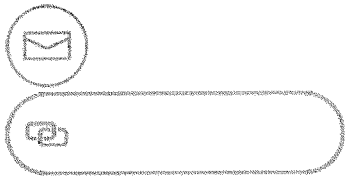


Richard Rennard, president of the acrylic monomers division at Arkema, talks to the media about the explosion of organic peroxide inside the plant Thursday, Aug. 31, 2017, in Crosby, Texas. Explosions and fires rocked a flood-crippled chemical plant near Houston early Thursday, sending up a plume of acrid, eye-irritating smoke and adding a new hazard to Hurricane Harvey's aftermath. (Godofredo A. Vasquez/Houston Chronicle via AP)

EPA delayed chemical safety rule after industry complaints

Mike Cossey, of Bureau Veritas, uses an air monitor to check the quality of air at a police roadblock marking the 1.5-mile perimeter of the evacuation area around the Arkema Inc. chemical plant Thursday, Aug. 31, 2017, in Crosby, Texas. The Houston-area chemical plant that lost power after Harvey engulfed the area in extensive floods was rocked by multiple explosions early Thursday, the plant's operator said. The Arkema Inc. plant had been left without refrigeration for chemicals that become volatile as the temperature rises. (AP Photo/Gregory Bull)



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EPA delayed chemical safety rule after industry complaints

EPA delayed chemical safety rule after industry complaints

A man talks with officers at a roadblock less than three miles from the Arkema Inc. chemical plant Thursday, Aug. 31, 2017, in Crosby, Texas. The Houston-area chemical plant that lost power after Harvey engulfed the area in extensive floods was rocked by multiple explosions early Thursday, the plant's operator said. The Arkema Inc. plant had been left without refrigeration for chemicals that become volatile as the temperature rises. (AP Photo/Gregory Bull)

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By MATTHEW DALY

Aug. 31, 2017

EPA delayed chemical safety rule after industry complaints

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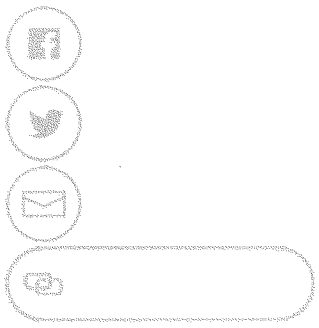
Aug. 31, 2017



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WASHINGTON (AP) — The Trump administration delayed an Obama-era rule that would have tightened safety requirements for companies that store large quantities of dangerous chemicals such as the chemical plant near Houston that exploded early Thursday.

The Environmental Protection Agency rule would have required chemical plants, including the now-destroyed Arkema Inc., plant outside Houston, to make public the types and quantities of chemicals stored on site. The rule was developed after a fertilizer plant in West, Texas, exploded in 2013, killing 15 people.

EPA Administrator Scott Pruitt prevented the safety rule from taking effect until 2019 to allow the agency time to reconsider industry objections. Chemical companies, including Arkema, said the rule could make it easier for terrorists and other criminals to target refineries, chemical plants and other facilities.

Environmental groups and 11 states are fighting the delay in court.

Arkema has not released a full list of chemicals stored at the plant, although officials said the substances that caught fire were organic peroxides, a family of volatile compounds used for making a variety of products, including pharmaceuticals and construction materials.

Mathy Stanislaus, a former EPA assistant administrator who helped draft the rule for the Obama administration, said it probably would not have prevented the explosion but could have greatly reduced the risk to first responders. The Harris County sheriff says 15 deputies sought medical attention for eye irritation after the fire, although most were quickly treated and released.

"There was a gap in specific knowledge. People need to know what chemicals (are being stored) and what kind of precautions are in place," Stanislaus said in an interview Thursday.

Stanislaus, who led the EPA's Office of Land and Emergency Management during the Obama administration, disputed critics who said the rule would have made it easier for terrorists to gain information about hazardous chemicals.

The rule "struck a balance" between the public's right to know important safety information and national security concerns, he said.

An EPA spokeswoman said the agency's Risk Management Program rule continues to be in effect and requires facilities

that use extremely hazardous substances to develop plans that identify potential effects of a chemical accident, steps to prevent an accident and emergency response procedures.

"The agency's recent action to delay the effectiveness of the 2017 amendments had no effect on the major safety requirements that applied to the Arkema Crosby plant at the time of the fire," spokeswoman Amy Graham said.

EPA is providing assistance and resources to the first responders in Harris County and the Federal Emergency Management Agency, Pruitt said in a statement. Data received from an aircraft that surveyed the scene early Thursday "indicates that there are no concentrations of concern for toxic materials reported at this time," he said.

The EPA issued a final rule in January, seven days before President Barack Obama left office. The EPA said at the time that the rule would help prevent accidents and improve emergency preparedness by allowing first responders better data on chemical storage.

A coalition of business groups opposed the rule, saying it would impose significant new costs without specific safety benefits. The rule "may actually compromise the security of our facilities, emergency responders and our communities," groups including the American Chemistry Council, the American Fuel & Petrochemical Manufacturers and American Petroleum Institute said.

Arkema also lobbied against the rule, telling the EPA in a May 2016 letter that the proposal "will likely add significant new costs and burdens" and "could create a risk to our sites and to the communities surrounding them."

Stanislaus called the rule "a modest first step" to address safety for first responders and localities. The rule came after a three-year process that included eight public hearings and more than 44,000 public comments, he said.

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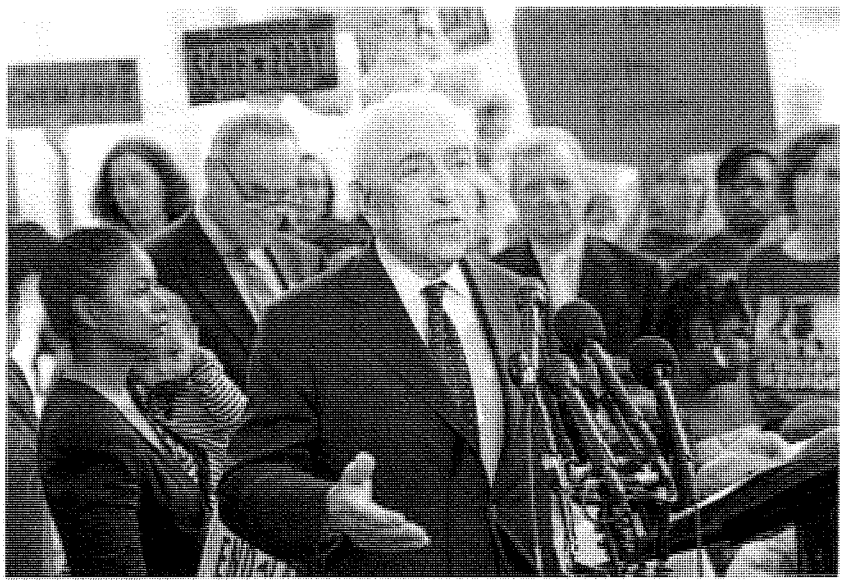
HEALTH

E.P.A. Delays Bans on Uses of Hazardous Chemicals

By **SHEILA KAPLAN** DEC. 19, 2017



Senator Frank Lautenberg, Democrat of New Jersey, on Capitol Hill in 2012, a year before his death. He urged the stricter regulation of toxic chemicals. Chris Maddaloni/CQ Roll Call, via Getty Images

The Environmental Protection Agency will indefinitely postpone bans on certain uses of three toxic chemicals found in consumer products, according to an update of the Trump administration's regulatory plans.

Critics said the reversal demonstrated the agency's increasing reluctance to use enforcement powers granted to it last year by Congress under the Toxic Substances Control Act.

E.P.A. Administrator Scott Pruitt is "blatantly ignoring Congress's clear directive to the agency to better protect the health and safety of millions of Americans by more effectively regulating some of the most dangerous chemicals known to man," said Senator Tom Carper, Democrat of Delaware and the ranking minority member on the Senate Environment and Public Works committee.

The E.P.A. declined to comment. In a news release earlier this month, the agency wrote that its "commonsense, balanced approach carefully protects both public health and the environment while curbing unnecessary regulatory burdens that stifle economic growth for communities across the country."

Agency officials dropped prohibitions against certain uses of two chemicals from the administration's Unified Agenda of Regulatory and Deregulatory Actions, which details short- and long-term plans of the federal agencies. The third ban was dropped in the spring edition of that report.
The proposed bans targeted methylene chloride and N-methylpyrrolidone (NMP), ingredients in paint strippers, and trichloroethylene (TCE), used as a spot cleaner in dry-cleaning and as a degreasing agent.

Under an overhaul of the Toxic Substances Control Act last year, the E.P.A. initially is reviewing the risks of ten chemicals, including other uses of these three. The updated law is known as the Frank R. Lautenberg Chemical Safety for the 21st Century Act, named after the late New Jersey senator who had long championed an overhaul of the loophole-ridden toxic substances law.

The revised law had strong bipartisan support. The Senate passed the measure on a voice vote; the House approved it 403 to 12. The intention was to give the E.P.A. the authority necessary to require new testing and

regulation of thousands of chemicals used in everyday products, from laundry detergents to hardware supplies.

E.P.A. Administrator Scott Pruitt testifying before a House committee earlier this month. The E.P.A. has declined to pursue bans on certain uses of three toxic chemicals. Pete Marovich/Getty Images

In a compromise that disappointed some environmental advocates, the law required the E.P.A. to examine about 20 chemicals at a time, for no longer than seven years per chemical. But the law expressly allowed for faster action on high-risk uses of methylene chloride, NMP and TCE.

Public health experts had been pushing for faster review of methylene chloride-based paint strippers after several deaths from inhalation, among them a 21-year-old who died recently after stripping a bathtub.

It has been several years since the E.P.A. first declared these applications of the three chemicals to he dangerous. The agency itself has found TCE "carcinogenic to humans by all routes of exposure" and has reported that it

causes developmental and reproductive damage.

"Potential health concerns from exposure to trichloroethylene, based on limited epidemiological data and evidence from animal studies, include decreased fetal growth and birth defects, particularly cardiac birth defects," agency officials noted in 2013.

Methylene chloride is toxic to the brain and liver, and NMP can harm the reproductive system.

Michael Dourson, President Trump's nominee to oversee the E.P.A.'s chemical safety branch, in 2010 represented the Halogenated Solvents Industry Alliance before the E.P.A., which was considering restrictions on TCE.

Mr. Dourson, who withdrew his name from consideration last week, had been working as an E.P.A. adviser while awaiting confirmation. The agency did not respond to a query about whether Mr. Dourson had been involved in the evaluation of TCE.

The E.P.A. now describes the enforcement actions regarding TCE, methylene chloride and NMP as "long-term actions" without a set deadline.

"The delays are very disturbing," said Dr. Richard Denison, lead senior scientist of the Environmental Defense Fund. "This latest agenda shows that instead of using their expanded authorities under this new law, the E.P.A. is shoving health protections from highly toxic chemicals to the very back of the back burner."

Representative Frank Pallone, Democrat of New Jersey and the ranking minority member of the House Energy and Commerce committee, agreed, saying, "These indefinite delays are unnecessary and dangerous."

"The harmful impacts of these chemicals are avoidable, and E.P.A. should finalize the proposed rules as soon as possible," he added.

A version of this article appears in print on December 20, 2017, on Page A16 of the New York edition with the headline: In Reversal, Chemicals Are Cleared For Use. Order Reprints | Today's Paper | Subscribe

THE HILL

EPA delays chemical safety rule until 2019

BY DEVIN HENRY - 06/12/17 11:36 AM EDT

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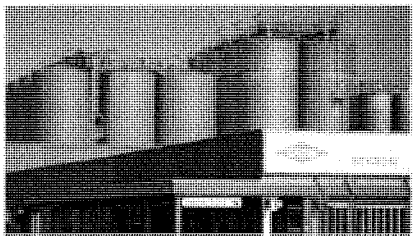

The Environmental Protection Agency (EPA) will delay implementation of an Obama-era chemical safety rule for nearly two years while it reassesses the necessity of the regulation.

The EPA announced on Monday that Administrator Scott Pruitt signed a directive last Friday delaying the chemical plant safety standards until at least Feb. 20, 2019.

The move comes after the EPA delayed the regulation in March amid discussions over the rule's impact on businesses.

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"We are seeking additional time to review the program, so that we can fully evaluate the public comments raised by multiple petitioners and consider other issues that may benefit from additional public input," Pruitt said in a statement.

Obama regulators in December finalized a rule beefing up safety standards at chemical production plants, calling for new emergency requirements for manufacturers regulated by the EPA.

Officials moved to overhaul chemical safety standards after a 2013 explosion at a chemical plant in Texas killed 15 people. Their rule would require companies to better prepare for accidents and expand the EPA's investigative and auditing powers.

But chemical companies wrote in a letter to Pruitt shortly after his February confirmation that the rule would raise "significant security concerns and compliance issues that will cause irreparable harm."

The EPA sought public comment in March on a proposal to delay the rule while considering those objections. The agency said it received 54,117 comments before Pruitt formally moved to delay the rule.

TAGS ENVIRONMENTAL PROTECTION AGENCY SCOTT PRUITT CHEMICAL SAFETY

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POLITICO

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A man talks with officers at a roadblock less than three miles from the Arkema Inc. chemical plant Thursday, Aug. 31 in Crosby, Texas. | Gregory Bull/AP

Houston left with a toxic mess as Trump relaxes rules

By **BEN LEFEBVRE** and **ALEX GUILLÉN** | 08/31/2017 08:00 PM EDT

Explosions and fires at a Houston-area chemical plant triggered an evacuation Thursday in a region still in chaos from Hurricane Harvey — and generated new criticism of President Donald Trump's efforts to repeal the industry's safety rules.

Thursday morning's blasts at the plant came just a day after a federal court refused to force the Environmental Protection Agency to implement an Obama-era chemical safety

regulation that the Trump administration has delayed until 2019. The site's owner, Arkema, has complained about the burdens of the rule, which the EPA created after a 2015 explosion at a Texas fertilizer plant killed 15 people, injured about 200 others and destroyed hundreds of homes.

The rule in question probably wouldn't have prevented Thursday's explosions, but it's aimed at reducing the likelihood of future accidents — and ensuring that emergency responders and the public know what types of dangerous substances they might be exposed to. Firefighters and other emergency crews lack much of that crucial information about the plants and factories now awash with floodwater.

"It's extremely frustrating, it's disheartening, it's unfair to the communities that face these risks," Bakeyah Nelson, executive director of Air Alliance Houston, said of the regulatory rollbacks the administration is pushing. "Not just in a natural disaster-type situation, but on a daily basis."

Collapsed chemical tank roofs, machinery malfunctions and other accidents in the Houston area have sent more than 1,000 tons of dangerous chemicals into the air following days of pummeling from Harvey, according to a POLITICO analysis of incident filings with the Texas Commission on Environmental Quality. Sometimes, toxic chemicals sit in huge storage tanks that border residents' backyards.

Refiners said they won't know the extent of the damage until the waters recede and they can get back into the plants. But emergency crews will have to perform their duties in toxic surroundings, said James Norton, a former deputy assistant secretary at the Department of Homeland Security under President George W. Bush.

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"I'd put it on the scale of 9/11 health risk," said Norton, now the head of the consulting group Play-Action Strategies. "There was a similar challenge in Katrina, as the standing water around the city kind of became a chemical sludge. The risk in Houston is greater."

The swath of the Gulf Coast that Harvey tore apart is home to more than 300 hazardous chemical sites, according to data from the Sierra Club, including more than 230 chemical plants and over 30 refineries. And just clearing the damage will pose health problems. Texas' famously lax site regulations and inspection rates will make normally straightforward emergency response problematic, as firefighters and others may not know whether a storage site's equipment is up to date or even what chemicals it's storing, said Elena Craft, a senior health scientist at the Environmental Defense Fund in Austin.

"Emergency responders don't have the information they need about what's being stored at the facilities," Craft said. "And because these facilities have flooded, and underground tank contents are coming up, all of that will magnify what we had with Katrina."

Another worry is air pollution worsened by the volatile organic compounds and nitrogen oxide that refineries and chemical plants are spewing, which Craft said may endanger flood victims who suffer from asthma and other respiratory or cardiac problems. The Texas environmental commission has forecast that air quality in Houston will be "unhealthy for sensitive groups" at least through the weekend.

Thursday's fires broke out in the early morning at the plant in Crosby, about 20 miles northeast of Houston, according to county officials. Arkema has blamed the incident on power outages and backup systems failures caused by the historic flooding triggered by the storm, which made landfall on Friday as a Category 4 hurricane.

The Arkema plant produces organic peroxides, which are used to make plastics and fiberglass but must be kept refrigerated.

Harris County evacuated everyone in a 1.5-mile radius, and several sheriff's deputies who had breathed the smoke were sent to the hospital before being cleared, county Sheriff Ed Gonzalez said in a news conference. Gonzalez downplayed the incident, saying the officers were "basically standing over a barbecue pit and getting smoke in our eyes. That's basically what occurred."

Two raw materials stored on site and covered by EPA's risk management rules, sulfur dioxide and a chemical called 2-methylpropene, are stored safely and are not considered at risk, Arkema executive Richard Rennard said.

EPA dispatched a sniffer plane equipped with sensors to detect chemical and radiological materials. It found "no concentrations of concern for toxic materials" as of Thursday morning, Administrator Scott Pruitt said in a statement.

Harvey triggers spike in hazardous chemical releases

By **BEN LEFEBVRE**

Separately, the federal Chemical Safety Board is investigating the fire, board Chairwoman Vanessa Sutherland said at a news conference Thursday afternoon. CSB investigators will not visit the site until it is deemed safe, but they are obtaining documents about what types of chemicals were used and stored at the plant.

Trump's proposed budget for next year would eliminate all funding for the board, which issues safety recommendations but cannot directly enforce regulations.

Meanwhile, county emergency workers acknowledged they have no idea what other chemical plants in the area might pose an immediate risk.

"We are personally not monitoring" the status of chemicals kept in other plants in Harvey's path, said Bob Royall, the county's assistant chief of emergency operations. "That is industry's responsibility."

Public health advocates say the incident adds to the need for carrying out the Obama administration rule, which would require companies to provide more public information about the chemicals they're storing, encourage them to look for safer alternatives and mandate third-party safety audits.

"The longer EPA delays the chemical disaster rule, the longer those types of assessments and investments will be delayed," Nelson said. "We're in a crisis situation here, and making policies or creating policies or buckling to industry pressure has real everyday life-or-death impacts to people."

Nelson's group has led a lawsuit trying to overturn Pruitt's delay of the safety rule, which was finalized in the last days of the Obama administration but never took effect.

Arkema criticized the rule last year, telling EPA that the independent audits would "add significant new costs and burdens" but "may not necessarily provide new or additional safety benefits." It also raised security-related concerns about sharing some information with responders and the public.

The Trump administration placed the regulation on ice shortly after taking office. EPA said in June that it would delay the rule until 2019 at the earliest while it reviews the program and potentially revises it.

In a statement, EPA noted that previous risk management rules are still in effect, and said Arkema's Crosby plant updated its emergency plan in 2014. EPA also noted that no major updates would have taken effect until next year anyway.

IN THE ARENA

Harvey Is What Climate Change Looks Like

By ERIC HOLTHAUS

"The Agency's recent action to delay the effectiveness of the 2017 Amendments had no effect on the major safety requirements that applied to the Arkema Crosby plant at the time of the fire," EPA said.

The Obama administration rule allowed between one and four years for facilities to meet various requirements under the update — meaning that the Arkema plant probably wouldn't have been affected even if the regulation were in place.

"Realistically, it probably wouldn't have prevented anything right now in this instance," said Gordon Sommers, an Earthjustice attorney working on the lawsuit against Pruitt's stay. "But we're seeing more and more of these massive weather events, and this certainly illustrates the need for that rule."

Royall said the explosions reported at the plant were more like "small container ruptures that may have a sound of a pop or something of that nature. This is not a massive explosion."

He said the burning peroxides, which are stored in refrigerated 18-wheel truck trailers, emit gases that expand and rupture the trailers' relief valves before eventually burning.

Arkema's Rennard said the company expects another eight trailers to similarly go up in flames in the coming days, although he warned that the high oxygen content of the peroxides could still lead to an explosion.

"We don't want people returning back to their homes thinking it's over. It's not over," Rennard said, adding: "I think we've been a responsible neighbor, and I think we're responding to this the best way we can."

While the rule remains on ice, the lawsuit over Pruitt's delay is ongoing.

The D.C. Circuit Court of Appeals said Wednesday that public health groups had failed to meet the high bar for reinstating the rule, which would have relied in part on showing both a

public interest and a threat of irreparable harm. But the judges placed the lawsuit on a fast track that could see a decision by late this year or in early 2018.

"We will certainly use this as an opportunity to continue to highlight the necessity and the critical nature of having this rule in place," Nelson said.

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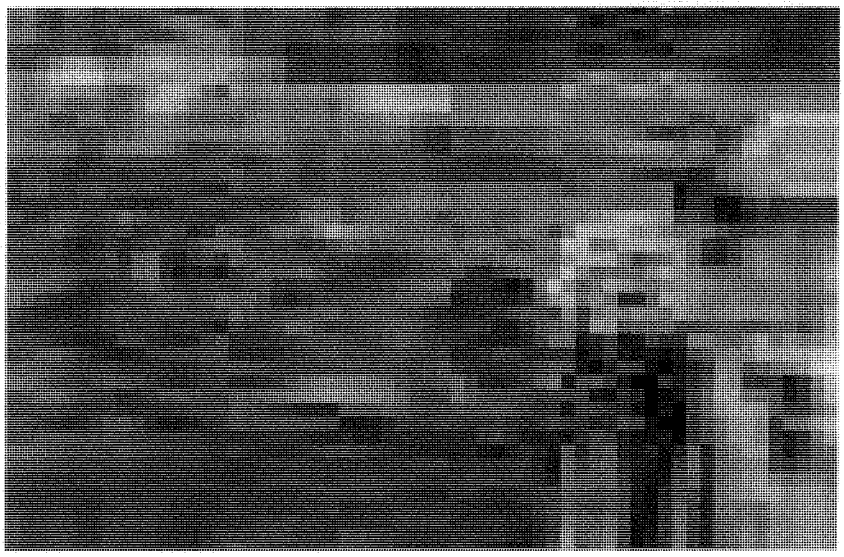
Energy and Environment

EPA will reconsider Obama-era safeguards on coal waste

By Brady Dennis and Juliet Eilperin September 14, 2017



Heavy machinery excavates and carrie coal ash from a drained coal ash pond at

Possum Point Power Station in Dumfries, Va., in 2015. Dominion Resources is moving all existing coal ash to the only lined coal ash pond, which will be capped in a three-year process. (Kate Patterson for The Washington Post)

The Environmental Protection Agency plans to reconsider parts of an Obama-era effort to regulate potentially toxic waste known as coal ash, again siding with energy-industry efforts to slow or reverse standards put in place in recent years.

Federal regulators have struggled for several decades with how to address coal ash, the substance that remains when coal is burned in power plants to generate electricity. A toxic mix of mercury, cadmium, arsenic and other heavy metals, coal ash can pollute waterways, poison wildlife and cause respiratory illness among those living near the massive storage pits plant operators use to contain it.

A rule finalized in 2015 by the Obama administration imposed new standards on coal ash disposal sites by ramping up inspection and monitoring levels and requiring measures such as liners in new waste pits to prevent leaking that could threaten adjacent drinking water supplies.

In May, however, industry officials petitioned the EPA to ask that the new administration revisit the rule. The existing regulation, they wrote, "affects both the utility and coal industries and also affects the large and small businesses that support and rely upon those industries. It is causing significant adverse impacts on coal-fired generation in this country due to the excessive costs of compliance — even EPA acknowledges the costs of the rule outweigh its benefits."

Their pleas found a sympathetic ear in EPA Administrator Scott Pruitt, who in a letter dated Wednesday replied that it was "appropriate and in the public interest" for the agency to rethink the regulation.

"It is important that we give the existing rule a hard look and consider improvements that may help states tailor their permit programs to the needs of their states, in a way that provides greater regulatory certainty, while also ensuring that human health and the environment remain protected," Pruitt said in a statement Thursday.

The agency stressed that it had not committed to changes or that it necessarily agrees with the merits of the industry's petition. If the EPA ultimately decides to roll back the coal ash standards, it will go through the usual rulemaking procedure, which could take years.

Environmental groups were quick to criticize Pruitt's latest decision as another nod to special interests.

"Donald Trump and Scott Pruitt are continuing their capitulation to the coal industry at the expense of the health of our families," Mary Anne Hitt, director of Sierra Club's Beyond Coal campaign, said in a statement. "This is another example of Pruitt not caring about science, working families, or clean water, and instead bending over backwards for polluters eager to avoid accountability to the laws that keep our communities and families healthy."

Ken Kopocis, the former top official in EPA's water office under President Barack Obama, said the original rule had taken industry concerns into account and that rolling it back would endanger public health.

"We bent over backwards for industry both in terms of the substance of the rule and in terms of the timing," Kopocis said. He noted the dangers that coal ash pits pose, particularly in light of the severe storms the country has experienced in recent weeks. "These things are ticking time bombs."

Calls to strengthen safeguards for coal ash waste intensified after a massive December 2008 spill. A dike failed at the Tennessee Valley Authority's Kingston Fossil Plant, allowing 5.4 million cubic yards of ash to flow into nearby rivers. Another accident at a Duke Energy facility in North Carolina in February 2014 resulted in thousands of tons of coal ash pouring into the Dan River.

Utility operators produce more than 110 million tons of coal ash annually, according to the EPA, and a rule the agency finalized in December 2014 established stricter guidelines for constructing and maintaining coal ash storage pits. The regulations said new pits had to be lined — to prevent the waste from seeping out — and that companies must conduct local water quality tests as well as disclose more information about their operations on a publicly available website.

The regulation did not classify coal ash as hazardous waste, as environmentalists have sought unsuccessfully for more than 35 years. More than 40 percent of coal ash is recycled to help make concrete, gypsum wallboard and pavement, and a broad industry coalition has said identifying it as hazardous would raise the cost of handling the material.

Then-EPA Administrator Gina McCarthy described the Obama administration's standards as "a pragmatic step forward," and key industry players said they viewed them as acceptable.

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Trump administration halts Obama-era rule aimed at curbing toxic wastewater from coal plants

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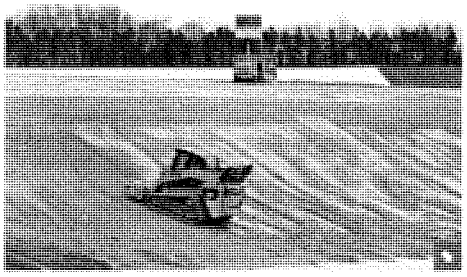
Pruitt moves to rewrite limits on coal's pollution



FILE — In this Jan. 25, 2017 file photo, heavy equipment is used at an ash storage site at Gallatin Fossil Plant in Gallatin, Tenn. The Environmental Protection Agency (EPA) says it plans to scrap an Obama-era measure limiting water ... more >

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By Michael Biesecker ASSOCIATED PRESS - *The Washington Times - Tuesday, August 15, 2017*

Print

The Environmental Protection Agency says it plans to scrap an Obama-era measure limiting water pollution from coal-fired power plants.

A letter from EPA Administrator Scott Pruitt released Monday as part of a legal appeal said he will seek to revise the 2015 guidelines mandating increased treatment for wastewater from steam electric power-generating plants.

Acting at the behest of electric utilities who opposed the stricter standards, Mr. Pruitt first moved in April to delay

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implementation of the new guidelines. The wastewater flushed from the coal-fired plants into rivers and lakes typically contains traces of highly toxic heavy metals such as: lead, arsenic, mercury and selenium.

"After carefully considering your petitions, I have decided that it is appropriate and in the public interest to conduct a rule making to potentially revise (the regulations)," Mr. Pruitt wrote in the letter addressed to the pro-industry Utility Water Act Group and the U.S. Small Business Administration.

Mr. Pruitt's letter, dated Friday, was filed Monday with the 5th U.S. Circuit Court of Appeals in New Orleans, which is hearing legal challenges of the wastewater rule. With Mr. Pruitt now moving to rewrite the standards, EPA has asked to court to freeze the legal fight.

While that process moves ahead, EPA's existing guidelines from 1982 remain in effect. Those standards were set when far less was known about the detrimental impacts of even tiny levels of heavy metals on human health and aquatic life.

"Power plants are by far the largest offenders when it comes to dumping deadly toxics into our lakes and rivers," said Thomas Cmar, a lawyer for Earthjustice. "It's hard to believe that our government officials right now are so beholden to big business that they are willing to let power plants continue to dump lead, mercury, chromium and other dangerous chemicals into our water supply."

EPA estimates that the 2015 rule, if implemented, would reduce power plant pollution by about 1.4 billion pounds a year. Only about 12 percent of the nation's steam electric power plants would have to spend more to meet the higher standards, according to the agency.

Utilities would need to spend about $480 million on new wastewater treatment systems, resulting in about $500 million in estimated public benefits, such as fewer incidents of

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POLITICS 02/22/2017 05:37 pm ET | Updated Feb 23, 2017

Donald Trump's Assault On Clean Water Laws Has Already Begun

The repeal of the Stream Protection Rule is just the start of Trump's efforts to undo regulations meant to keep America's drinking water safe.

By Joseph Erbentraut

It hasn't taken long for President Donald Trump to follow through on his campaign promise to dismantle regulations — even when they protect the safety of America's drinking water supply.

Last week, Trump signed a resolution that voided the Stream Protection Rule, a Department of the Interior regulation finalized during the Obama administration.

The rule would have required coal mining companies to avoid practices that pollute streams and threaten drinking water supplies, monitor and report any pollution, and return waterways to their previous condition after mining operations are completed. Both the Senate and House voted in favor of it.

On the heels of the confirmation of new Environmental Protection Agency administrator Scott Pruitt, Trump is now expected to take executive action this week to undo the EPA's Clean Water Rule.

The rule is aimed at protecting the nation's rivers, streams and wetlands from pollution by placing them under the purview of the federal Clean Water Act. Both Pruitt and Trump have negatively characterized the rule as an example of federal overreach that will hurt farmers and other businesses, and many state attorneys general agree — 31 states have joined together to sue over the rule, which has been tied up in the 6th U.S. Circuit Court of Appeals.

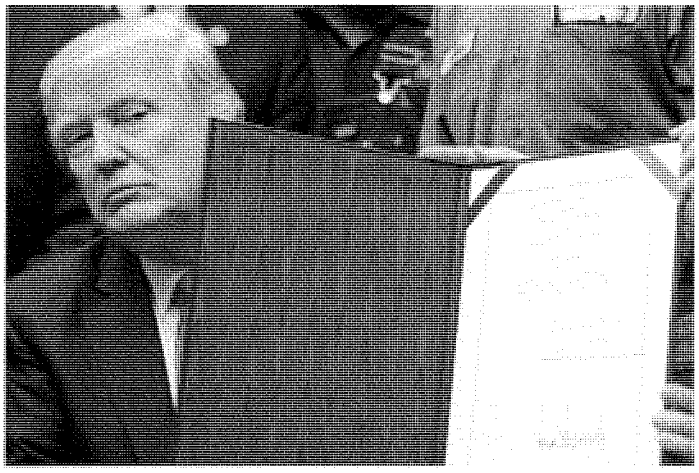
It's a travesty. We should be able to depend on making progress toward cleaner air and cleaner water. Deborah Murray, Southern Environmental Law Center

Yet Trump's dismantling of environmental protections like these could have a devastating impact on the drinking water sources of millions of Americans, advocates say.

"It's a travesty," Deborah Murray, a senior attorney at the Southern Environmental Law Center, told The Huffington Post. "We should be able to depend on making progress toward cleaner air and cleaner water."

Murray noted that the stream protection rule covered 6,000 miles of streams and 52,000 acres of forest. Its repeal means that more streams in the coal-heavy Appalachian region will almost certainly be threatened.

"It's so disturbing," Murray said. "None of the provisions in the regulation were particularly onerous. They're common-sense measures trying to have the coal-mining companies be accountable for devastation and pollution, rather than just business as usual."



CARLOS BARRIA/REUTERS

President Donald Trump shows Resolution 38, which nullifies the stream protection rule, after signing it at the White

House on Feb. 16.

Trump dismantled the Stream Protection Rule last week through a 1996 law known as the Congressional Review Act. The language of the act essentially prevents future administrations from resurrecting rules that Trump has undone if they are deemed "substantially similar" -- which means the damage could be permanent.

Republicans who pushed for the rule's demise presented a "false choice" between protecting the environment and protecting the economy, said Amy Kober, a spokeswoman for the river conservation nonprofit American Rivers.

The coal industry, which has been struggling with declining production for more than a decade, has claimed the rule would cause the loss of up to 280,000 jobs because the regulations would be so expensive to implement. The industry has also claimed the rule would produce "no discernible environmental benefits."

Federal estimates dramatically contradict those claims. A Congressional Research Service analysis estimated that the rule would have created almost as many jobs as it would have cost. Another analysis, from the Office of Surface Mining Reclamation and Enforcement, found the rule would have resulted in the annual loss of about 260 mining jobs, a negligible number compared to the 30,000 jobs the industry has lost since 2009.

The OSMRE analysis also found that the rule would improve water quality in 292 miles of impacted streams each year and reduce the public's exposure to drinking water contaminants.

MANDEL NGAN/AFP/GETTY IMAGES

A June 12, 2008 photo shows water allegedly seeping from an abandoned mine on Kayford Mountain in West Virginia. Mountaintop mining can pollute waterways.

On the campaign trail, Trump said he would make "crystal clear, clean water" a priority as president. But the Trump administration's moves to undo the Stream Protection Rule and the seemingly imminent rollback of the Clean Water Rule bring that promise into question, said Michael Kelly, spokesman for the national environmental group Clean Water Action.

"The administration is going to err on the side of the polluters and the regulated community, not the public or clean water and public health," Kelly said by email. "That's all you need to know about protections for clean water under President Trump and Scott Pruitt."

For her part, Kober is hopeful that the administration's actions on water protections could rally voters — regardless of their political ideology — to push back against further erosions of environmental laws.

"I don't think this is what people voted for," Kober said. "This is the water that flows through our communities and through our taps. This water flows through the veins of our children. We have to believe that, at some point, rivers and clean water will be what brings people

together."

—

Joseph Erbentraut covers promising innovations and challenges in the areas of food, water, agriculture and our climate. Follow Erbentraut on Twitter at @robojojo. Tips? Email joseph.erbentraut@huffingtonpost.com.

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Environmental Group Sues EPA for Revoking Mercury Protection Rule

The lawsuit accuses the agency of illegally withdrawing a rule that reduces the discharge of mercury from dental offices

By Jonathan Stempel, Reuters on February 1, 2017

Credit: Consumerist Flickr (CC BY 2.0)

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As U.S. President Donald Trump takes aim at what he considers an excess of federal regulations, a new lawsuit accuses the Environmental Protection Agency of illegally rescinding a rule to reduce the discharge of mercury from dental offices, mere hours after Trump took office.

In a complaint filed on Wednesday, the nonprofit Natural Resources Defense Council said the final rule was withdrawn on Jan. 20, the date of Trump's inauguration, after White House Chief of Staff Reince Priebus directed federal agencies to "immediately withdraw" final rules slated for publication.

But the NRDC said the mercury rule could not be withdrawn before its expected Jan. 24 publication in the Federal Register because it was subject to a Clean Water Act provision that, given the wording of Priebus' memorandum, forbade withdrawal.

As a result, the EPA had no authority to rescind the rule without first getting public comment, according to the NRDC, an environmental advocacy group. Its lawsuit filed in Manhattan federal court seeks to undo the rule's rescission.

"The Trump administration, and President Trump himself, have made it seem like it will be easy to wipe away environmental protections for the American people," David Goldston, director of government affairs for the NRDC, said in an interview. "We view this rule as one that is final, and which can be rescinded only through the full rulemaking process."

An EPA spokeswoman had no immediate comment.

Mercury discharged into the environment can damage people's health, including through seafood consumption.

Dentists nonetheless can use mercury safely in amalgams for fillings.

The EPA rule would have reduced discharges by dental offices of mercury and other metals into municipal sewage treatment plants by more than 10 tons annually.

It would also have required dentists to adopt "best management" practices recommended by the American Dental Association. (here)

On Monday, Trump issued an executive order requiring many federal agencies to eliminate two regulations for each new regulation introduced. Trump is not a

defendant in the NRDC lawsuit.

The case is Natural Resources Defense Council v EPA et al, U.S. District Court, Southern District of New York, No. 17-00751.

(Reporting by Jonathan Stempel in New York; Editing by Andrew Hay)

ABOUT THE AUTHOR(S)

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EPA moves to repeal Obama water rule

BY TIMOTHY CAMA - 06/27/17 02:39 PM EDT

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The Environmental Protection Agency (EPA) formally proposed Tuesday to repeal the Obama administration's controversial regulation that extended the reach of the federal government over small waterways.

Under the proposal from the EPA and the Army Corps of Engineers, federal officials would go back to enforcing a guidance document from 2008 when deciding whether a waterway is subject to federal oversight for pollution control

purposes.

It's the first formal step by the EPA to fulfilling President Trump's campaign promise to repeal the 2015 "waters of the United States" regulation, which Republicans and numerous industry groups have long argued would have subject farmers, developers and others to costly and time-intensive federal permitting for everyday activities like moving soil.

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The Trump administration plans to separately write a new regulation to replace the water rule with a more industry-friendly definition of federal power over waterways.

"We are taking significant action to return power to the states and provide regulatory certainty to our nation's farmers and businesses," EPA Administrator Scott Pruitt said in a statement.

"This is the first step in the two-step process to redefine 'waters of the U.S.' and we are committed to moving through this re-evaluation to quickly provide regulatory certainty, in a way that is thoughtful, transparent and collaborative with other agencies and the public."

Trump had signed an executive order in February formally asking Pruitt to consider repealing the rule and replacing it with a more limited one.

The Obama rule asserted federal power over ponds, headwaters, wetlands and other water bodies that feed into larger water areas, but whose Clean Water Act jurisdiction was unclear because of conflicting Supreme Court cases.

The Obama administration said that the drinking water supplies for 117 million Americans rely on protection by the rule, which it had dubbed the Clean Water Rule. Wildlife, recreation and navigation activities also depend on those waterways, the previous administration argued.

But it was controversial from the start, with accusations that it would give the federal government control over large swaths of the country, like dry land and puddles. Numerous states and industries sued to stop it, and a federal court in Cincinnati blocked the government from enforcing it while the litigation proceeded.

Environmentalists quickly slammed the Trump administration's action as a direct attack on water protection.

"It is appalling, though not surprising, that the Trump administration is rolling back these critical protections in order to help out corporate interests," League of Conservation Voters President Gene Karpinski said in a statement.

"The Clean Water Rule is vital for protecting the small streams and wetlands that our families, communities, and businesses depend on, and we know this is the first step in the administration's effort to gut the Clean Water Act itself," he said. "But just like the attacks on efforts to tackle climate change and the proposed rollback of our national monuments, and so much more, the Trump administration will face fierce opposition."

"This proposal strikes directly at public health," said Rhea Suh, president of the Natural Resources Defense Council. "It would strip out needed protections for the streams that feed drinking water sources for one in every three Americans. Clean water is too important for that. We'll stand up to this reckless attack on our waters and health."

Supporters of the president applauded the action.

"The final WOTUS rule issued by the last administration was unworkable, a fact acknowledged by courts around the country, and amounted to a massive grab of regulatory authority by an EPA that was overreaching," said Bill Kovacs, vice president for environment and regulatory policy at the U.S. Chamber of Commerce.

"We look forward to working with Administrator Pruitt and his team to craft a rule that protects public health and the environment, while giving clarity and certainty to our nation's farmers and job creators," he said.

"Today marks the beginning of restoring private property rights while protecting our environment," said Sen. Steve Daines (R-Mont.). "Out of state D.C. bureaucrats shouldn't impose regulations that hurt Montana farmers, ranchers and landowners."

The EPA will publish the proposal in the Federal Register within days, at which point the agency will start accepting comments from the public. After considering the comments and making any necessary changes, the agency can make the repeal final.

Finalizing the repeal would then open the door to likely lawsuits from environmental groups, Democratic states and others.

TAGS SCOTT PRUITT ENVIRONMENTAL PROTECTION AGENCY WATER WATER POLLUTION WATERS OF THE UNITED STATES CLEAN WATER RULE

FOR IMMEDIATE RELEASE
October 31, 2017

CONTACT: Jordan Libowitz
202-408-5565 | org

Washington, D.C. — Deputy Assistant EPA Administrator Nancy Beck appears to have actively participated in a rulemaking process for which she has a conflict of interest rather than recusing herself, according to a complaint filed today by Citizens for Responsibility and Ethics in Washington (CREW) with the EPA Office of Inspector General (OIG).

Before her appointment to the EPA earlier this year, Beck was a top official at the

American Chemistry Council (ACC), a trade association of chemical manufacturers. During her time at the ACC, Beck filed comments on proposed EPA regulations for chemical risk evaluation and prioritization programs which are still pending at the agency. Despite the fact that an agency official advised Beck to recuse herself from decisions involving her former employer, Beck was reportedly "very involved" in the rulemakings, and almost certainly participated in meetings, discussions, and decisions involving her past employer.

"The fact that Beck remained involved in matters involving a past employer presents a grave conflict of interest," CREW Executive Director Noah Bookbinder said. "On an important public safety issue, we don't know whether she was acting to serve the American people or the industry that employed her for years."

Government officials may not participate in any specific party matter involving a former employer for a year after leaving, unless given authorization from the agency ethics official. Despite seeking permission to participate in specific matters involving the ACC, Beck was advised to recuse herself from participating in meetings, discussions, or decisions involving the ACC.

"Beck's refusal to take ethics rules seriously is deeply troubling, but it is unfortunately consistent with this administration's approach to ethics and industry influence," Bookbinder said. "This lack of concern for following ethics regulations has become a pattern, and it is cause for serious concern."

CREW also asked the OIG to review the EPA's decision, made after Beck's apparent violation, to allow her to fully participate in rulemaking matters involving the ACC going forward.

Read the complaint here.

-30-

Citizens for Responsibility and Ethics in Washington (CREW) is a non-profit legal

watchdog group dedicated to holding public officials accountable for their actions. For more information, please visit www.citizensforethics.org or contact Jordan Libowitz at 202-408-5565 or org.

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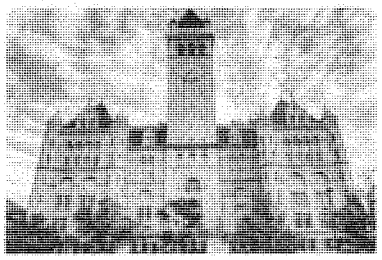

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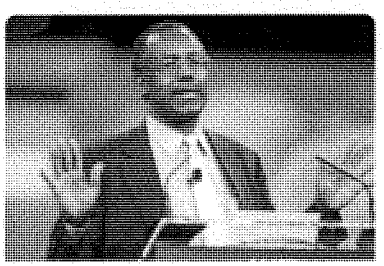

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"Do the opposite thing you did 18 months ago": EPA staffers on the agency in the Trump era

Two dozen former and current employees at the Environmental Protection Agency describe dysfunction under Scott Pruitt.

ByRachel Leven | UpdatedNov 10, 2017, 2:26pm EST

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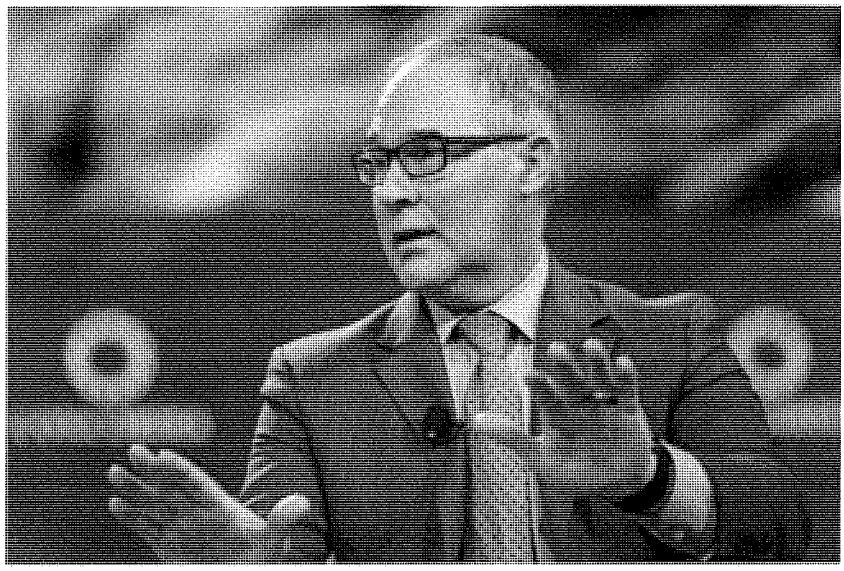

EPA career staff say their opinions seem to hold little weight with administrator Scott Pruitt. | Riccardo Savi/Getty Images for Concordia Summit

This story was produced by the Center for Public Integrity, a nonprofit investigative news organization in Washington, DC.

Environmental Protection Agency Administrator Scott Pruitt doesn't hide his contempt for how the agency has been run, but he does profess to care about one of its key programs: Superfund, which oversees the cleanup of the nation's worst toxic waste sites. In April, he toured a site in East Chicago, Indiana, contaminated with lead and arsenic, and told residents, "We are going to get this right."

The following month, Pruitt — Oklahoma's attorney general before he joined the EPA — tapped one of his former donors, banker Albert "Kell" Kelly, to find ways to accelerate and improve Superfund cleanups. Kelly started by consulting career staff members — often knowledgeable officials who work at the agency regardless of who holds the White House. But then Kelly closed off the process, conferring with Pruitt to produce a final plan that altered or excluded many of the staffers' suggestions. Gone, for example, was the idea that EPA officials be identified early on to lead discussions with communities on how contaminated land should be used after cleanup.

"We're missing a huge opportunity to do something new and different with Superfund," said one of two EPA employees who described the process to the Center for Public Integrity on the condition of anonymity.

What happened with Superfund is hardly an anomaly. Today's EPA is wracked with internal conflict and industry influence and is struggling to fulfill its mission, according to more than two dozen current and former agency employees.

A few dozen political appointees brought in under the Trump administration are driving policy. At least 16 of the 45 appointees worked for industries such as oil, coal and chemicals, as this CIP graphic shows.

Four of these people — and another 21 — worked for, or donated to, politicians who have questioned established climate science, such as Pruitt and Sen. James Inhofe (R-OK).

Career staff members — lawyers, scientists, analysts — are largely being frozen out of decision-making, current and former agency employees say. These staffers rarely get face time with Pruitt and frequently receive top-down orders from political appointees with little room for debate. They must sometimes force their way into conversations about subjects in which

they have expertise.

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And that is a big mistake, said one of Pruitt's predecessors.

Career employees are "very dedicated to protecting human health and the environment, and they will change their ways of how they do that if they're convinced you really want to accomplish that aim," said Christine Todd Whitman, EPA administrator under President George W. Bush.

One such employee agreed. "I think it's the fact that we're not following regular procedures; we're not sure of what the legal justification is for some of the things they're asking us to do. We're just kind of being told, 'Do the opposite thing you did 18 months ago.' That's hard to swallow."

The EPA staffers who spoke to the center say the isolation of Pruitt's top staff from the rest of the agency limits the perspectives the administrator is exposed to before making decisions.

Two appointment calendars, covering a six-month period beginning in March, show that Pruitt hears overwhelmingly from industry. He was scheduled to meet 154 times during the period with officials from companies such as Exxon Mobil and trade associations such as the American Petroleum Institute, the oil industry's biggest lobby group. API was among at least 17 donors to Pruitt when he ran for state or federal office or led the Republican Attorneys General Association that have met with him as EPA administrator. Those same calendars indicate he saw only three groups representing environmental or public health interests, though an EPA press release says he met with two others.

EPA spokesperson Liz Bowman disputed claims that the roughly 15,000-person agency is riven with discord. Career employees are "vital" to the EPA's work and meet regularly with political appointees and the administrator, she said, citing ongoing deliberations on a water pollution rule as an example. (Two career employees who spoke to the center at Bowman's request confirmed that they routinely work with political appointees and did so on the water rule.)

"We talk to people throughout the regions, the states, the career staff, and a variety of different

perspectives prior to making decisions," Bowman said, adding in an email that "we follow the Administrative Procedure Act in our regulatory process, meaning taking into consideration comments submitted by ALL commenters, including environmental NGOs, the public, and other commenters."

For the public, much is at stake. Under Pruitt, who sued the EPA 14 times as Oklahoma's attorney general, the agency has already declined to ban a pesticide linked to neurological damage in children, frozen requirements to reduce water pollution from coal-fired power plants, and opened the door to loosening limits on toxic coal waste. The EPA most recently proposed eliminating the Clean Power Plan, an Obama administration rule aimed at reducing carbon emissions in the power sector.

"These rules [being rolled back] aren't perfect by any stretch of the imagination. There are ways to improve things," said Gordon Binder, who served as chief of staff for then-EPA Administrator William Reilly under President George H.W. Bush. "But Pruitt's come in with a fly swatter and is slapping them down instead of laying out the problems with a rule and saying, 'How can we fix it?'"

Who's running the EPA?

There's a striking absence of high-level leadership at the EPA. Only one of 13 positions requiring Senate confirmation — Pruitt's — is filled. These positions — higher-ranking than those held by the 45 political appointees — include leaders of key agency offices that oversee air, water, and other programs. Six people have been nominated for the 12 open slots and are awaiting confirmation (although two of them have joined the EPA in the meantime as senior advisers).

Most major decisions are made on the third floor of the William Jefferson Clinton South Building on Pennsylvania Avenue, where Pruitt and his handful of confidants have their offices. Among those who most prominently have Pruitt's ear: EPA Chief of Staff Ryan Jackson, who previously held the same position with Inhofe, and Samantha Dravis, who worked with Pruitt at the Republican Attorneys General Association and now leads the EPA's Office of Policy.

Dravis, widely seen as Pruitt's closest adviser, came to the agency with a background in law and politics but little environmental experience. That's a departure from her two immediate predecessors, who were already at the EPA when they were tapped to lead the policy office.

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Jackson helped Inhofe negotiate major bipartisan deals in the Senate, such as the passage of federal chemical policy reform. Still, emails released under the Freedom of Information Act to the New York Times show that Jackson directed career staff to deny a petition seeking to ban chlorpyrifos, a pesticide suspected of harming children's brains, directly contradicting the recommendations of EPA scientists.

Bowman said in an email that career staff were "instrumental" in drafting the denial. The former acting head of the EPA's chemicals office, a career employee who left the agency last month, told the Times she opposed the decision, even as she followed Jackson's instructions.

Other influential political appointees include Sarah Greenwalt, senior adviser to the Office of the Administrator, who worked for Pruitt when he was Oklahoma's attorney general; Bowman, head of public affairs, who came from the American Chemistry Council, a chemical industry trade group; and Mandy Gunasekara, a senior policy adviser who worked on the Republican staff of the Senate Environment and Public Works Committee.

Nine career staff members told the center their opinions seem to hold little weight. They are excluded from meetings, they say, and their advice on agency operations is often disregarded. Some believe this is because of the flurry of leaks that have come from inside the agency since Pruitt took office. Political appointees have lashed out at suspected leakers and relieved them of work assignments, even in the absence of proof, career employees said.

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"They are terrified of career staff leaking," one said. "And once they get an idea in their head [about] someone, they won't change it."

Bowman said, "Those concerns have not been brought to our attention. And if they are, we will do everything we can to address them."

Pruitt has broken with tradition by forgoing many introductory briefings with career staff designed to help new administrators set priorities, several current and former employees said. Instead, he's worked to roll back EPA rules, an effort that also diverges from common practice.

Political appointees are taking more of a hands-on role in tasks career employees previously would have handled. Take, for example, a recent notice announcing that the EPA plans to reconsider whether certain vehicle emission standards for greenhouse gases were too strict. Career staff had drafted a concise version of the notice, but appointees expanded the number of vehicles affected by the review and made the Department of Transportation the lead agency on the decision, despite the EPA's legal obligations to control planet-warming emissions under the Clean Air Act.

"This was a much more major rewrite" than would have happened under previous administrations, said an EPA employee familiar with the matter. "At least one plausible outcome of this process," the employee said, "is that the EPA would unilaterally abdicate its [legal] responsibility."

"It looked like he was kind of checking the box to meet with us"

On the rare occasions when career employees are asked to brief Pruitt, he seems unwilling to change his anti-regulatory posture on major industry priorities, according to some career employees. Betsy Southerland, who headed an office within the EPA's water program until August, said her team met with Pruitt twice about a rule designed to limit wastewater discharges from power plants as he considered weakening parts of it.

The team told Pruitt that industry arguments against the rule had already been considered and were found to be inaccurate. They offered more nuanced actions the administrator could take to address concerns expressed by the Small Business Administration, a separate federal agency; and the Utility Water Act Group, a lobbying organization. Pruitt was unmoved, she said. In August, the EPA announced it would reconsider key parts of the rule.

"You get the feeling that his mind was made up before we started the briefing process," Southerland said. "It looked like he was kind of checking the box to meet with us." The Times found similar behavior by Pruitt when the EPA declined to ban chlorpyrifos. Pruitt didn't follow agency scientists' advice, having "promised farming industry executives who wanted to keep using the pesticide that it is 'a new day and a new future,'" the Times reported.

These episodes could simply reflect inexperience — appointees struggling to figure out the agency they lead. They also could reflect pressure placed on the EPA by executive orders and presidential memoranda to act quickly on big-ticket issues like the Clean Power Plan.

But Pruitt's pro-industry bent has convinced some current and former employees that he and his like-minded advisers are aiming to destroy the EPA from the inside.

"Look, I think he does not support what the agency has been trying to do for 40 years," said William Ruckelshaus, EPA administrator under Presidents Richard Nixon and Ronald Reagan. "He wants to dismantle — not improve or reform — the regulatory system for protecting public health and the environment."

Rachel Leven is a reporter on the environment and workers' rights team at the Center for Public Integrity, a nonprofit investigative news organization in Washington, DC.

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EPA

Oil lawyer gets waiver from Trump ethics pledge

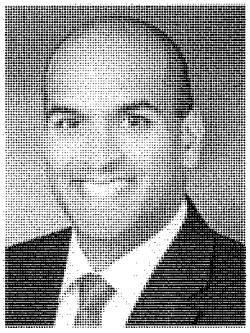
Kevin Bogardus, E&E News reporter

Published: Tuesday, October 3, 2017

Erik Baptist, formerly a top oil and gas industry attorney who is now working at U.S. EPA, has secured a limited waiver from President Trump's ethics pledge.

In a memo posted online by the Office of Government Ethics, White House Counsel Don McGahn said he waived restrictions on former lobbyists joining the administration for Baptist.

McGahn issued the waiver so Baptist could participate in EPA discussions regarding the renewable fuel standard, which the agency oversees.



Erik Baptist. Baptist/LinkedIn

"The facts that Mr. Baptist had not been a registered lobbyist for fourteen months prior to his appointment and signing the Ethics Pledge and that the activities that triggered his obligation to register as a lobbyist were limited, coupled with his deep understanding of the RFS program and the regulated industry, make him an ideal person to assist the Administrator and his senior leadership team to make EPA and its renewable fuel programs more efficient and effective," McGahn said in his memo, dated Aug. 25.

Baptist was senior counsel for the American Petroleum Institute before joining EPA earlier this year as the agency's senior deputy general counsel (*E&E News PM*, June 27).

At API, Baptist was registered to lobby for four years up until 2016. Disclosure records show he was one of the oil and gas group's several lobbyists working on legislation dealing with the RFS, including bills that would eliminate the program.

In his memo, McGahn said he authorized Baptist "to participate personally and substantially in matters regarding" the RFS program and that he understood that Baptist will otherwise fully comply with the president's ethics pledge.

Liz Bowman, an EPA spokeswoman, told E&E News, "Erik has received his ethics training, knows his responsibilities and is committed to serving professionally."

Ethanol supporters have grown frustrated with EPA over its handling of the RFS under the Trump administration. The agency has recently hinted it may reduce the program's required volumes for some biofuels next year and in 2019 (*E&E News PM*, Sept. 27).

Other political appointees at EPA have also avoided being held to Trump's ethics pledge.

Nancy Beck, the deputy assistant administrator in EPA's chemicals office, joined the agency not as a political appointee but in an "Administratively Determined" position.

Consequently, Beck, who used to work for the American Chemistry Council, did not have to sign the pledge, according to ethics documents (*Greenwire*, Aug. 8).

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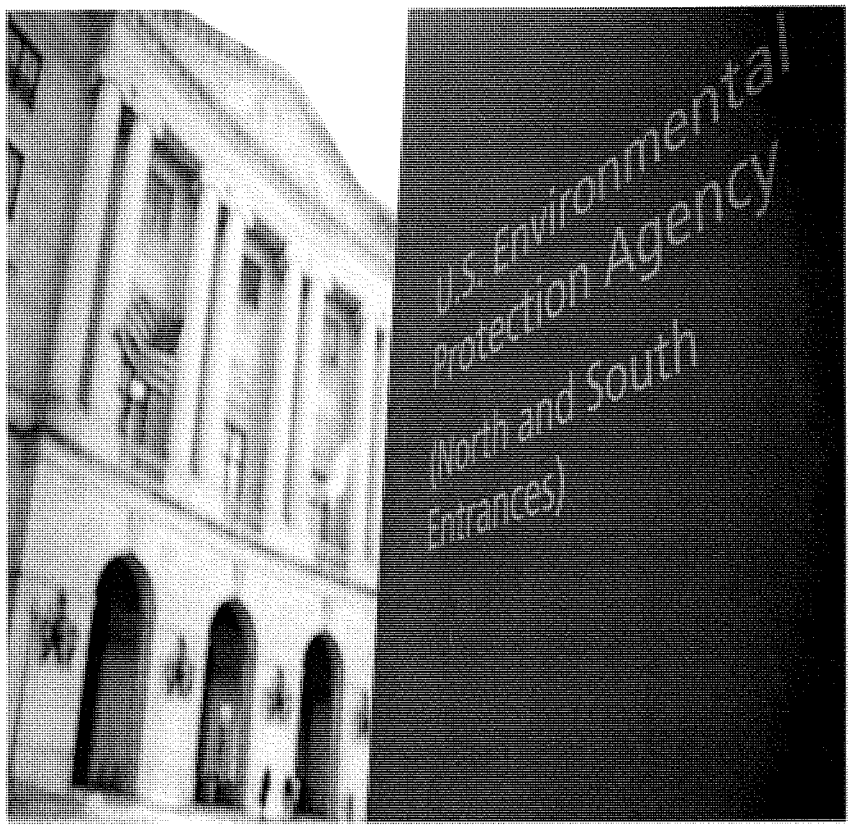
ENERGY & ENVIRONMENT

EPA staffers, Trump official clashed over new chemical rules

The Trump administration appears poised to cement key rules that were heavily shaped by an expert who was a top official for the chemical industry's lobbying group.

By **ANNIE SNIDER** and **ALEX GUILLÉN** | 06/22/2017 07:28 PM EDT | Updated 06/22/2017 07:56 PM EDT



According to the memo, the EPA plans to allow its initial analysis on the safety of a chemical to be limited only to some of its uses, rather than the full array of current and likely future uses. | Justin Sullivan/Getty Images

The Trump administration released the nation's most important chemical-safety rules in decades Thursday — but only after making a series of business-friendly changes overseen by a former industry advocate who holds a top post at the EPA.

Career agency employees had raised objections to the changes steered by EPA Deputy Assistant Administrator Nancy Beck, who until April was the senior director of regulatory science policy at the American Chemistry Council, the chemical industry's leading lobbying group. Those include limits on how broadly the agency would review thousands of

potentially hazardous substances, EPA staffers wrote in an internal memo reviewed by POLITICO.

Such limits could cause the agency to fail to act on potential chemical uses "that present an unreasonable risk to health or the environment," EPA's top chemicals enforcement official argued in the May 23 memo.

The rules are meant to implement last year's landmark rewrite of the 1976 Toxic Substances Control Act, a major bipartisan achievement in a deeply divided Congress. Both parties agreed that the law needed an update — the original version didn't even allow EPA to ban asbestos, a known carcinogen, and some states had begun to step in and create their own patchwork of regulations for chemicals.

But the Trump administration's steps to implement the law, and Beck's role in particular, are drawing alarm from environmental groups and congressional Democrats.

Melanie Benesh of the Environmental Working Group called Beck the "scariest Trump appointee you've never heard of," and pointed to a 2009 Democratic congressional report that accused Beck of working to delay and undermine EPA's chemical studies during her previous tenure at the OMB.

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New Jersey Rep. Frank Pallone, the top Democrat on the House Energy and Commerce Committee, argued in a letter to EPA Administrator Scott Pruitt on Wednesday that Beck's appointment "has the potential to undermine the scientific integrity of EPA's TSCA implementation and the consumer confidence we sought to build with a reformed TSCA." Pallone is seeking information about Beck's involvement with the chemicals rules and the issues she is ethically allowed to work on.

Beck told POLITICO that she has been "very involved" with the rulemaking for the past two months at EPA. She also defended the changes in the rules.

"The development of a rule when you go from proposal to final, or even as you develop a rule, it just evolves over time," she said in an interview Wednesday, before the rules came out. "So I think that this has been a moving target, and will continue to be a moving target until it gets through the OMB review process."

A statement from EPA's senior ethics counsel said Beck did not need to recuse herself from working on the TSCA rules because they are "matters of general applicability." The counsel added that Beck was cleared to consider comments her former employer had submitted.

The American Chemistry Council spent more than $9 million on lobbying last year, and its employees and PAC donated $541,000 to federal candidates in the 2016 cycle, giving Republicans 2½ times as much as it gave Democrats, according to the Center for Responsive Politics.

EPA officials told POLITICO that the issues raised in the memo from the agency's Office of Enforcement and Compliance Assurance were part of a typical intra-agency consultation process.

Jeff Morris, director of EPA's Office of Pollution Prevention and Toxics — the division charged with writing the rules implementing TSCA — said chemical safety officials met with the enforcement office "and talked through their comments, and based on that discussion, we moved forward with the rule. At the end of the day, OECA concurred on our approach."

That doesn't mean the final rules necessarily incorporated OECA's suggestions, he added, but in the end it produced a rule "that we could all support."

Thursday marked the anniversary of the 2016 revamp of the 40-year-old TSCA, which regulates the tens of thousands of chemicals used in the United States. It took Congress two years to hash out the compromise, ultimately winning support from chemical makers and some environmental groups for legislation that beefed up EPA's power to regulate harmful chemicals.

FOURTH ESTATE

Trump Doesn't Want to Be President

By JACK SHAFER

Rather than relying on EPA to prove that a substance was dangerous, the law shifted some of the burden to industry to show a chemical's safety. But TSCA also gave EPA latitude to determine how to go about examining thousands of chemicals — effectively setting the scope

of the review for substances ranging from corrosive chemicals used in refining to the paints and plastics in children's toys.

EPA's plans to implement TSCA came out Thursday in the form of three final regulations known as the "framework rules." One rule lays out how EPA will set priorities for its assessments of chemicals, dividing them into high- and low-risk categories. Another rule details methods for studying the health and environmental risks of each chemical. And the third culls from EPA's list any substances not used commercially since 2006.

That last change will ultimately shrink the inventory from 85,000 chemicals to around 30,000, once companies weigh in on which chemicals they still use, according to a recent estimate from Jim Cooper, a senior petrochemical adviser at American Fuel and Petrochemical Manufacturers. Future use of those chemicals will be prohibited until the agency reviews them.

Pruitt has made TSCA a top priority under his "back to basics" strategy, which has been marked by the rollback of several Obama-era environmental regulations, especially major rules on climate change. Funding for TSCA implementation would be increased under the Trump administration's 2018 budget proposal, while other chemical safety programs and nearly every other aspect of EPA would be cut sharply.

"The activities we are announcing today demonstrate this Administration's commitment to providing regulatory certainty to American businesses, while protecting human health and the environment," Pruitt said in a statement releasing the rules.

EPA's political leaders have pressed the agency's staff to meet the law's aggressive deadlines for writing new rules and evaluating individual chemicals, but environmentalists say they are more concerned with the substance of the implementation rules. Congressional Democrats and green activists were already worried about the approach an anti-regulatory administration might take to toxic substances, especially given President Donald Trump's past support for asbestos, which he once complained got a "bad rap."

Those fears rose with the arrival of Beck, who worked as an OMB analyst for a decade before joining the American Chemistry Council. She represented the council at a March Senate hearing where she criticized the Obama administration's proposed TSCA implementation.

EPA career employees, in turn, have expressed concern about the changes the implementation rules have taken since Beck arrived.

The staff memo reviewed by POLITICO was sent by the head of EPA's Waste and Chemical Enforcement Division to Wendy Cleland-Hamnett, the acting assistant administrator for EPA's chemical office, on the same day part of the final rules package was sent to the White House for review. It laid out a number of concerns about changes the Trump administration made to a section of the Obama EPA's January proposal governing which chemicals warrant the most thorough safety evaluation.

Among those concerns was that EPA would consider only a limited set of uses for a chemical when deciding whether it warrants further scrutiny and then determining the risks to human health, rather than examining all the ways people could be exposed to it. For instance, while most Americans think of asbestos as a building material, its largest use by far in the U.S. today is in equipment used to make chlorine gas. Chemicals manufacturers have argued that that use needn't be considered, saying humans are highly unlikely to come in contact with the asbestos during that process, but environmentalists contend that EPA shouldn't ignore it when deciding how risky the chemical is for human health.

CONGRESS

Pelosi defiant as restless Democrats consider options

By **HEATHER CAYGLE** and **JOHN BRESNAHAN**

In an interview, Cleland-Hamnett said EPA is aiming to set the highest priorities for the chemical uses that present the greatest risk, and that it wasn't prohibiting a broader analysis.

"Not that those are the only uses we would evaluate, but we do want to make sure that we're evaluating those uses," she said. "So I think we've addressed the concern that we might not evaluate the uses that could prevent unreasonable risk."

This issue has been a chief sticking point among environmentalists, public health advocates and the industry. Chemical manufacturers may produce a substance for a specific use, said Richard Denison, lead senior scientist at the Environmental Defense Fund, but once it's put on the market, it can end up being used in a wide variety of ways.

"That chemical that the company may intend to use solely in industrial settings may very well be bought by another company that decides to put it in a consumer product that is sold at your local hardware store," he said.

But Mike Walls, vice president of regulatory and technical affairs at the American Chemistry Council, said the process should differentiate among various uses of each chemical to determine specific restrictions for each.

"Risks can be managed along a spectrum of measures, running from a ban at its most extreme, to things like labeling or warning requirements," he said. "So that risk-evaluation process is really critical."

EPA also released a decision on the scope of its first 10 chemical reviews, which include asbestos, several dry-cleaning chemicals and a purple dye thought to hurt fish and other aquatic life. Industry groups are closely watching whether EPA decides to review those chemicals for all possible exposures, or whether it will limit its review to narrow, specific uses. Further study of those chemicals will take years.

But even as greens have raised alarms about the efficacy of the new chemicals law under the Trump administration, both sides say industry has an interest in making sure it works. After all, it was lack of public trust in the old system that brought everyone to the table a year ago to fix it, said Dimitri Karakitsos, who negotiated the chemicals overhaul measure as a staffer for Senate Republicans.

"Industry and Republicans care very much about a credible system that works, and so does EPA," said Karakitsos, now a partner at the law firm Holland & Knight. "If implementation isn't happening, states ramp up activity again, and that can result in an inconsistent patchwork of regulations and significant impediments to interstate commerce."

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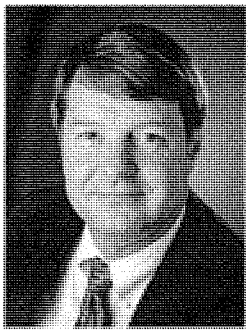
Water official gets waiver from Trump's ethics pledge

Kevin Bogardus, E&E News reporter
Published: Wednesday, October 25, 2017

Dennis Lee Forsgren, the top political deputy in U.S. EPA's water office, has been given a limited waiver to President Trump's ethics pledge.

White House counsel Don McGahn said in a **memo** that he granted a waiver to Forsgren from the pledge's restrictions placed on lobbyists joining the Trump administration. Under the pledge, Trump political appointees are barred from participating in issues they lobbied on within two years prior to their appointment.



Dennis Lee Forsgren, NASA

Forsgren, now EPA deputy assistant administrator in its Office of Water, was granted his waiver so he could talk with the Miccosukee Tribe of Indians of Florida as part of the agency's response to Hurricane Irma. The tribe was a lobbying client of Forsgren's when he worked at HBW Resources, a consulting and advocacy firm, before he joined the agency this year.

"I have determined that it is in the public interest to grant this limited waiver because of serious threat to life and the environment posed by Hurricane Irma to the Miccosukee Reservation and surrounding areas, and Mr. Forsgren's expertise and experience working with the Miccosukee Tribe," McGahn said in his memo, dated Oct. 2, and posted online by the Office of Government Ethics.

"He is an ideal person to engage with the Tribe and assist the Administrator and his senior leadership team to make EPA's response to Hurricane Irma more efficient and effective."

McGahn said that he authorized Forsgren to participate in matters involving the Miccosukee and that he understood the EPA official will comply with the remaining requirements of Trump's ethics pledge as well as other federal ethics rules.

EPA itself had requested the waiver for Forsgren. Kevin Minoli, the agency's acting general counsel, requested in his own **memo** to McGahn that the White House waive the ethics pledge's limitations on lobbyists for the water official.
Minoli noted Forsgren had represented the tribe from 2000 to 2003, 2005 to 2012 and again in 2016 until his appointment at EPA this June (***Greenwire***, June 27). Forsgren worked on several issues for the tribe, including Army Corps projects, restoring the Everglades and water quality.

Forsgren developed an "unmatched" understanding of the tribe among EPA officials and had developed "a personal relationship" with many of the tribe's leaders, Minoli said, making him ideal to talk to the Miccosukee during an emergency, as well as understand how their reservation is affected by water levels.

EPA's acting general counsel said Administrator Scott Pruitt must be able to use all his senior staff in response to the hurricane, especially Forsgren's "unique expertise" when it comes to the Miccosukee. Consequently, Minoli requested the waiver for Forsgren so he could "effectively carry out his duties" as deputy assistant administrator in EPA's water office.

Forsgren is not the first EPA official to receive a waiver from Trump's ethics pledge.

Erik Baptist, senior deputy general counsel at EPA, also secured a limited waiver. At the agency, Baptist has been allowed to participate in matters involving the renewable fuel standard, an issue he was registered to lobby on as senior counsel for the American Petroleum Institute (***E&E News PM***, Oct. 3).

Forsgren may soon have a new boss at the water office. The Senate Environment and Public Works Committee advanced several of Trump's nominees today, including David Ross, the president's pick for water chief at EPA (***see related story***).

Twitter: @KevinBogardus Email: kbogardus@eenews.net

THE HILL

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Expect EPA chief Scott Pruitt's reckless spending to continue in 2018

BY JOHN O'GRADY, OPINION CONTRIBUTOR — 12/31/17 12:00 PM EST
THE VIEWS EXPRESSED BY CONTRIBUTORS ARE THEIR OWN AND NOT THE VIEW OF THE HILL

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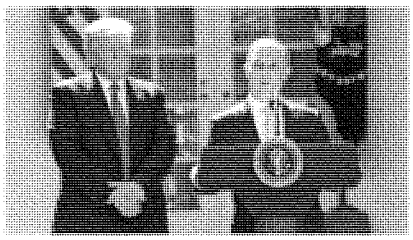

In 2017, the Trump administration established dangerous new norms in environmental policy. For the coming year, it's become obvious what's "in" and what's "out."

Regarding EPA, and according to this White House, fossil fuel energy lobbyists are in, and federal scientists and engineers are out.

Permits for offshore oil and gas drilling and mineral extraction at our national monuments are in, and air pollution regulations and water contamination protocols are out. Scott Pruitt's climate denial and his refusal to release documents supporting his claims are in, while the federal "endangerment finding" that enabled President Obama's climate actions including the Paris Agreement is out.

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In just 10 months, Environmental Protection Agency Administrator Scott Pruitt has devastated EPA by dismantling its science directives to protect public health and the environment. What will result from backing industry interests over defending public health for 300 million Americans? Only time will tell. Here is an inventory of the major investigations of Donald Trump's EPA expected to come to fruition in 2018.

Administrator Scott Pruitt is one of several Trump cabinet members (including Interior Secretary Ryan Zinke, Energy Secretary Rick Perry and former Health and Human Services Secretary Tom Price), who were caught taking expensive private planes for government business on the public's dime.

EPA's Inspector General Arthur Elkins, Jr. is now investigating Pruitt's travel through Sept. 30, 2017, considering the "frequency, cost, and extent" and whether travel policies were followed to prevent waste, fraud and abuse. Pruitt used private and military jet travel instead of commercial airlines for EPA work on four occasions at a cost of nearly $60,000. He traveled 48 of his first 92 days as administrator — 43 of those days included stops in his home state of Oklahoma.

The second investigation questions Pruitt advocating lobbying. At a meeting with the National Mining Association in April, he exhorted mining association members to tell Trump to withdraw from the Paris climate deal.

Pruitt's staff also pressed lawmakers and conservative groups to publicly criticize the climate agreement, increasing public pressure on the resident. Afterward, mining association executives voted to support the U.S. withdrawal.

These actions exemplify a potentially larger pattern of illegal activities by Pruitt and EPA staff as these directives from a cabinet member may violate anti-lobbying laws for government officials.

The Government Accountability Office (GAO) provides legal opinions on anti-lobbying questions. But first, the EPA's inspector general must "develop a comprehensive factual record" for conducting the analysis. He has not

forwarded its investigation's findings to the GAO. Once it does, the GAO will complete its inquiry.

The GAO will also investigate an appearance of impropriety by Pruitt in a video sanctioned by the National Cattlemen's Beef Association to promote weakening EPA's Waters of the U.S. (WOTUS) rule.

In this review to rescind or revise the Clean Water Rule, Pruitt essentially urged the public to comment in favor of repealing the rule. The video advises viewers "tell EPA to kill WOTUS."

The GAO investigation will examine if Pruitt violated laws on the use of appropriated funds for lobbying, publicity and propaganda purposes and for violations of the Anti-Deficiency Act. Obviously, calling on the public to support a rule's withdrawal does not appear fair, impartial or open-minded, and undermines the idea that public participation matters.

Yet another investigation will consider possible ethical violations from Pruitt's insistence that he did not use a personal email address for official EPA business and for speeches he gave to conservative organizations about environmental policy while he was Oklahoma attorney general.

He also ran afoul of professional responsibility in rules for Oklahoma Bar Association lawyers for possibly lying under oath and violation of ethical rules associated with the practice of law. Once the investigation is complete, the bar association's Professional Responsibility Commission may take disciplinary action against him.

The complaint asserts that Pruitt violated Oklahoma's rules of professional conduct for attorneys when he testified during his confirmation hearing for EPA administrator that he did not use a personal "me.com" email address for official state business. Oklahoma public-records revealed that he received at least one email message at his "me.com" email address.

The GAO opened one more inquiry into whether EPA circumvented the Trump administration's own ethics rules when hiring certain agency employees.

To fulfill his promise to "drain the swamp" in Washington, Trump issued an executive order last January prohibiting executive branch employees from participating "in any particular matter" on which they had lobbied in the two years before their appointment.

In August, Tom Carper (D-Del.) and Sheldon Whitehouse (D-R.I.), asked GAO to investigate a violation of Trump's lobbying rules. The senators alleged that

EPA bypassed that order by hiring certain political appointees under a provision of the Safe Drinking Water Act that authorizes the EPA to hire up to 30 people "without regard to civil service laws."

The senators' joint statement said, "The whole point of ethics laws is to give the American people confidence that the work of their government is being conducted fairly, honestly, and free from special interest sway. But when an agency can just ignore those rules — and congressional oversight — the result often leads to corruption and scandal."

EPA's inspector general has agreed to review whether Pruitt misused appropriated funds when he spent $25,000 installing a secure, soundproof communications booth in his office. According to a government contracting database, Pruitt also paid $7,978 more to remove closed-circuit television equipment to accommodate the booth in an area off his third-floor office. Pruitt has come under fire for building the booth when a Sensitive Compartmented Information Facility that guards against electronic surveillance and suppresses data leakage of sensitive information is already available to him at EPA headquarters.

On Dec 18, Sen. Carper sent a letter to EPA's inspector general asking to expand his current audit of Pruitt's travel a third time to include the administrator's recent four-day junket to Morocco to increase exports of U.S. liquefied natural gas. It's suspicious since natural gas exports do not fall within the EPA's mission. Flying first class, the trip cost taxpayers $40,000.

Given the scope and seriousness of the allegations, we think the inspector general will likely grant this request. Carper added, "I presume Mr. Pruitt is aware his agency's inspector general is conducting an investigation into his questionable travel, which makes his decision to take this trip an odd choice at best."

So, inspector general investigations are in, while Pruitt has been at EPA's helm for only 10 months. And, they are expected to provide lots of drama in 2018.

John O'Grady is President of the American Federation of Government Employees (AFGE) National Council of EPA Locals #238 representing over 8,000 bargaining unit employees at the U.S. EPA nationwide.

TAGS SHELDON WHITEHOUSE DONALD TRUMP SCOTT PRUITT TOM CARPER RYAN ZINKE RICK PERRY TOM PRICE JOHN O'GRADY EPA

Industry gains clout within Pruitt's EPA

BY TIMOTHY CAMA - 09/28/17 09:00 AM EDT

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The Environmental Protection Agency (EPA) has taken an industry-friendly turn under the Trump administration.

Administrator Scott Pruitt is moving to address several top priorities of the energy, agriculture and automotive sectors and has been meeting frequently with industry representatives, according to his schedules. He has also chosen people with close industry ties for important positions.

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It's a major shift from the Obama administration, when business groups felt that they were shut out of the process.

"It was the Obama administration that abandoned a successful, consensus-based energy strategy that had prevailed throughout the entire post-war period, one that encouraged all energy sources," said Luke Popovich, spokesman for the National Mining Association.

"The current administration is simply returning to this time-tested approach. Americans are now more likely to benefit from a more secure and resilient grid built on baseload power as well as renewable power."

The mining association has advocated against the EPA's rules on toxic water pollutants from coal-fired power plants; its Clean Water Rule, which would have put small waterways under the EPA's jurisdiction; and its Clean Power Plan, which would have limited carbon dioxide emissions from power plants, among others.

Pruitt has delayed or worked to roll back all of those policies. He also spoke to the group's leadership in April.

Environmental groups have gotten less attention from the EPA. They fear the agency's core mission is taking a back seat to the interests of industry.

"This man's entire career has been devoted to dismantling the EPA, going after the fundamental environmental laws that we all count on to protect public health," said Liz Perera, climate policy director at the Sierra Club. The group has not met with Pruitt since he was confirmed in February.

"What does surprise us is that the public isn't as outraged as they should be, and they don't know."

The EPA released Pruitt's meeting schedules from April to September on Friday. The calendar shows that Pruitt has met frequently with industry groups or companies with interests at the EPA, like the American Gas Association, the Auto Alliance, Valero Energy Corp. and state agriculture associations.

"As EPA has been the poster child for regulatory overreach, the Agency is now meeting with those ignored by the Obama administration," Liz Bowman said. "As we return EPA to its core mission, Administrator Pruitt is leading the agency through process, the rule of law and cooperative federalism."

At times, Pruitt's meetings preceded major decisions favorable to those groups

or companies. For example, he met with leadership of the Pebble Limited Partnership shortly before withdrawing a proposal from the Obama administration to pre-emptively block a major mining project the company planned in Alaska.

While environmental groups are getting less face time at the EPA, they have not been shut out.

Pruitt's calendar shows that he has met with officials from the Nature Conservancy, the Audubon Society and Trout Unlimited, as well as Bob Perciasepe, an EPA deputy administrator under President Obama and current head of the Center for Climate and Energy Solutions.

Pruitt also met in May with leaders from the American Academy of Pediatrics, which advocates for stronger air pollution rules.

In line with the rest of the administration, Pruitt's biggest focus at the EPA has been reducing regulations. Frequently, he's taken those actions after receiving an industry request.

His decision not to further restrict the use of the pesticide chlorpyrifos came after pleas from industry. So did his delays of Obama's methane regulations for oil and natural gas drilling, his postponement of Obama's rule on chemical plant safety plans and his embrace of industry-supported regulations governing how the agency will review chemicals for safety.

And as Pruitt and Trump move to fill out leadership roles at the 15,000-person agency, they are often recruiting people who have been in the trenches battling EPA regulations.

Michael Dourson, tapped to lead the chemical safety office, has run an organization that conducts industry-friendly analyses of chemicals.

William Wehrum, slated to be the top air regulator at the EPA, is an attorney at Hunton & Williams, representing major business clients who are fighting EPA rules.

Elizabeth Bennett, meanwhile, was recently put in charge of public engagement. She previously lobbied at the National Rural Electric Cooperative Association.

Business leaders say Pruitt is striking an effective balance and keeping necessary rules and programs in place.

"We have been pleased with the response from EPA regarding eliminating

duplicative and ineffective programs as well as regulatory requirements that needlessly delay infrastructure projects," said Dave McCurdy, president of the American Gas Association.

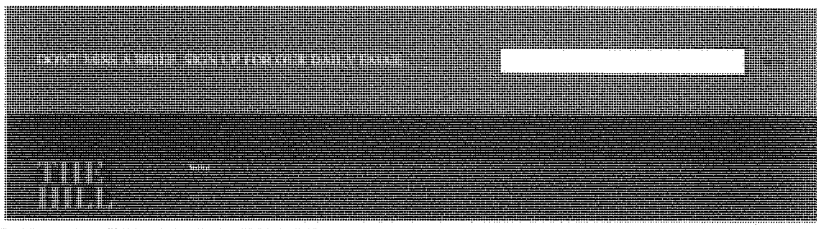
"We have also highlighted for them programs we believe are vital to maintain, like the Greenhouse Gas Inventory."

But Pruitt's actions at the EPA suggest nothing less than an industry takeover.

"The American people expect their public officials to be working on behalf of all of them and not a select few, but with the Trump EPA you see meeting after meeting with industry and then Pruitt acting in their favor," Liz Purchia, the EPA's top spokeswoman under Obama, said of Pruitt's schedule.

"It's not much of a vision for the agency, it's just trying to dismantle any action that was done under the Obama administration."

TAGS SCOTT PRUITT



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July 5, 2017

Petroleum Institute Lawyer Picked for EPA Legal Counsel

From Environment & Energy Report FREE TRIAL

Turn to the nation's most objective and informative daily environmental news resource to learn how the United States and key players around the world are responding to the environmental...

By Catherine Douglas Moran

A lawyer picked to be one of the EPA's senior attorneys says he is learning about areas of the agency that he "did not touch" during his lobbying experience for an oil and natural gas trade association.

"The litigation and lobbying efforts I worked on revolved around fuel issues," Erik Baptist, former senior counsel at the American Petroleum Institute and the Trump's administration's pick for the Environmental Protection Agency's senior deputy general counsel, told Bloomberg BNA. "Those were in small particular areas relating to what EPA does overall."

Baptist's selection was among almost four dozen political appointees hired to fill various positions under Administrator Scott Pruitt, according to a June 27 memo sent by EPA Chief of Staff Ryan Jackson. These political aides do not require Senate confirmation.

Baptist was a registered lobbyist from 2012 to 2016 during his six years as the counsel and then senior counsel at the American Petroleum Institute, the national trade association for oil and natural gas producers. While at the institute, he lobbied on issues such as the Keystone XL pipeline, the renewable fuel standard, and transportation of crude oil.

As senior deputy general counsel, Baptist will provide legal advice to the agency's policymakers for

implementing environmental laws. Baptist said that his game plan is to "work hard, learn a lot, and listen to those who have the internal knowledge here at EPA about the regulations and laws that affect the nation's environment in addition to providing legal advice to the EPA policy staff."

Baptist is the latest EPA appointee with ties to the fossil fuel industry. Pruitt has been criticized by environmental groups for his close ties to the energy sector. Several other agency officials who have worked in or represented fossil fuel companies include:

- Troy Lyons from the congressional relations office who previously worked at BP and Hess Corp.;
- Patrick Traylor, the deputy assistant administrator for enforcement who represented several fossil fuel companies while at Hogan Lovells; and
- Lee Forsgren, a new addition to the EPA water office who is a former NASA official and ex-lobbyist whose clients included General Electric Co. and Babcock & Wilcox Enterprises Inc.

Government, Private Sector Experience

Prior to his work at the American Petroleum Institute, Baptist was an attorney focused on investigations at the Federal Energy Regulatory Commission's enforcement office for two years. Before that, he was

an associate at McDermott Will & Emery LLP, where he worked primarily on commercial litigation.

"Erik is a very accomplished lawyer and we wish him all the best in his new role at EPA," API spokesman Michael Tadeo wrote in an email.

Baptist brings expertise in energy law and years of legal experience in the private and government sector that have shown his ability to master new subject areas quickly, colleagues say.

"He takes his work extremely seriously without taking himself too seriously," Jeremy Medovoy, a longtime friend and colleague of Baptist, told Bloomberg BNA. "He works very hard to master a subject."

Medovoy, an attorney-adviser at FERC, said that he's been "joined at the hip" with Baptist since they met on their first day of law school in 2001 and stayed close friends when they both worked at McDermott Will & Emery and then FERC. Medovoy said that Baptist will bring a fair and balanced approach to the agency.

Joshua Rogaczewski, a partner at McDermott Will & Emery, told Bloomberg BNA that he has known Baptist for 13 years since he started as a summer associate at the law firm. He said that while Baptist was a generalist at the firm, he has honed skills in energy and resource

law at FERC and the American Petroleum Institute.

"I'd say Erik's expertise is identifying issues and coming up with creative solutions," Rogaczewski said.

To contact the reporter on this story: Catherine Douglas Moran in Washington at cmoran@bna.com

To contact the editor responsible for this story: Rachael Daigle at rdaigle@bna.com

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ENERGY & ENVIRONMENT TRUMP RULES

How Rollbacks at Scott Pruitt's E.P.A. Are a Boon to Oil and Gas

By HIROKO TABUCHI and ERIC LIPTON MAY 20, 2017

Devon Energy's Beaver Creek gas plant outside Riverton, Wyo. The company was prepared to install sophisticated equipment to reduce emissions of hazardous air pollution. Since Scott Pruitt assumed the helm of the Environmental Protection Agency, the company has pulled back from its proposals. Ryan Dorgan for The New York Times

FREMONT COUNTY, Wyo. — In a gas field here in Wyoming's struggling energy corridor, nearly 2,000 miles from Washington, the Trump administration's regulatory reversal is crowning an early champion.

Devon Energy, which runs the windswept site, had been prepared to install a sophisticated system to detect and reduce leaks of dangerous gases. It had also discussed paying a six-figure penalty to settle claims by the Obama administration that it was illegally emitting 80 tons each year of hazardous chemicals, like benzene, a known carcinogen.

But something changed in February just five days after Scott Pruitt, the former Oklahoma attorney general with close ties to Devon, was sworn in as the head of the Environmental Protection Agency.

Devon, in a letter dated Feb. 22 and obtained by The New York Times, said it was "re-evaluating its settlement posture." It no longer intended to move ahead with the extensive emissions-control system, second-guessing the E.P.A.'s estimates on the size of the violation, and it was now willing to pay closer to $25,000 to end the three-year-old federal investigation.

Devon's pushback, coming amid an effort to ease a broad array of federal environmental rules, is the first known example under the Trump administration of an accused polluter — which has admitted violating the law — backing away from a proposed environmental settlement. It is already being hailed by other independent energy companies as a template for the future.

"Not in our wildest dreams, never did we expect to get everything," said Kathleen Sgamma, president of Western Energy Alliance, a Denver-based association of independent oil and gas companies. "We were kind of used to getting punished."

The extraordinary about-face reflects the onset of an experiment in President Trump's Washington that is meant to fundamentally reorder the relationship between government and business. Across the federal government, lobbyists and lawyers who once battled regulations on behalf of business are now helping run the agencies they clashed with.

Mr. Trump and his team believe that loosening the regulatory grip on business will help the economy, create jobs and allow Americans "to share in

the riches," as he said during the campaign. But in the energy field, environmentalists, Democrats and even some in the industry fear the efforts will backfire, harming health and safety without creating much economic benefit.

The E.P.A. has not yet made a public response to Devon's new posture, and Mr. Pruitt declined to comment for this article. But the new approach follows a series of important victories for the energy industry in Washington that could reshape environmental policy on a national scale and undermine the Obama administration's campaign to combat climate change.

In just the last three months, with Mr. Pruitt in charge, the E.P.A. postponed a long-planned rule requiring companies like Devon to retrofit drilling equipment to prevent leaks of methane gas — a major contributor to climate change — and to collect more data on how much of the gas is spewing into the air.

The Interior Department, meanwhile, announced this month that it would reconsider a separate rule limiting the burning of unwanted methane gas from wells drilled on federal and Indian lands, a process called flaring. That announcement came the same day the Senate narrowly rejected industry calls to repeal the same rule.

Environmentalists embraced after the Senate this month rejected the repeal of an Interior Department rule curbing methane emissions. But that same afternoon, the Trump administration announced it intended to repeal or revise the rule anyway.
Stephen Crowley/The New York Times

Interior officials have also announced their intention to repeal or revise a contentious rule requiring companies like Devon to take extra steps to prevent groundwater contamination caused by hydraulic fracturing, also known as fracking, a drilling technique in which chemicals and water are forced into rock formations.

Environmental groups like the Natural Resources Defense Council and the Environmental Defense Fund are outraged by these moves, and have vowed to fight any rollbacks in court.

"Devon is doing to the oil and gas industry what Donald Trump did to the

Republican Party, pushing the whole agenda into a world of extremes," said Mark Brownstein, a vice president at the Environmental Defense Fund.

The rollbacks cap a carefully coordinated campaign over the last eight years led in part by Devon, which is based in Oklahoma City and is the nation's eighth-largest natural gas producer, and Mr. Pruitt, who served six years as Oklahoma attorney general before Mr. Trump named him E.P.A. chief.

Regulatory Rollbacks Devon Stands to Profit From

1. Oil, coal and gas royalties rule

The Interior Department rule would have closed a loophole that allowed companies like Devon to pay lower royalties on coal, oil and gas produced on federal land.

On Feb. 27, the department delayed the rule.

2. Methane emissions reporting request

An E.P.A. request would have required Devon and other companies to provide detailed information on methane emissions from all their facilities, to allow the agency to learn more on emissions levels and how best to control them.

On March 2, the agency withdrew its request.

3. New fracking standards

A Bureau of Land Management rule required oil and gas companies to take steps to protect groundwater and disclose chemicals used in hydraulic fracturing on federal and Indian lands. The industry complained it could cost as much as $20 million a year.

On March 15, the government told a federal court that the rule would be revised or withdrawn.

4. Methane leaks rule

The E.P.A. rule would have required oil and gas companies, including Devon, to retrofit drilling equipment to prevent leaks of methane, and other hazardous gases, from all new wells and equipment.

On April 19, the agency postponed the rule.

5. Methane flaring rule

The Interior Department rule would have

required Devon to curb the burning of unwanted methane from wells drilled on federal and Indian lands, a process called flaring.

On May 10, the Senate rejected industry calls to repeal the rule. But the Interior Department that same afternoon announced it intended to "suspend, revise or rescind" the rule.

The New York Times

Devon and Mr. Pruitt, while he was still attorney general out West, teamed up to block new federal rules imposed by the Obama administration that required fossil fuel companies to more closely monitor oil and gas wells for leaks, and disclose chemicals used in hydraulic fracking. Devon also poured millions of dollars a year into lobbying — and hundreds of thousands into campaign contributions to Mr. Pruitt and other Republicans — as it pushed regulators and lawmakers in Washington to do away with the restrictions.

For Devon and its industry allies, the turnaround is as startling as it is long-sought.

"We are so used to not being able to move an agenda forward that it has been very surprising how quickly things have changed," Ms. Sgamma said.

In Riverton, Wyo., a frontier city of dusty roads and squat brick buildings a half-hour drive from where Devon operates its gas field, a fossil fuel revival could not come quickly enough.

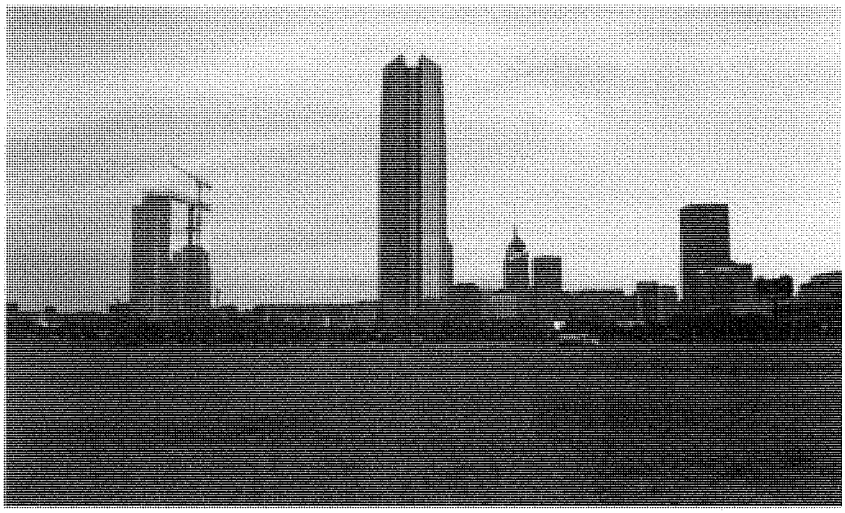
Well-paying jobs in oil and gas — drilling wells, managing roustabouts — are fast disappearing, as production in the state declines because of a slump in energy prices. Government agencies are bracing for cuts to basic services, including children's health programs and security at the county jail, because of declining tax revenues from fossil fuel companies.

Against that backdrop, Mr. Trump's defiant promises to free fossil fuels from their regulatory shackles have resonated here and across Wyoming, the country's second-biggest energy producing state after Texas. Mr. Trump scored his biggest margin of victory in Wyoming, beating Hillary Clinton by 46 percentage points.

In Fremont County, home to Riverton, seven in 10 voters chose Mr. Trump;

in Campbell County, the heart of Wyoming coal country, it was nine out of 10. And there is a palpable disdain toward outsiders — especially those in Washington — who local officials say are quick to vilify fossil fuels without a full understanding of local economic realities.

"At the end of the day, we all just want to make sure we can prosper and raise our families," said Holly Jibben, a local councilwoman, a former rig worker and a mother. "When oil and gas profits, everybody profits."



The Devon Energy Center, visible from miles away, stands out above the Oklahoma City skyline. Nick Oxford for The New York Times

A Mutually Beneficial Friendship

The invitation to lunch at the towering new Devon Energy Center in downtown Oklahoma City came to Mr. Pruitt in June 2012 — 18 months into his tenure as Oklahoma's top law enforcement official — from Larry Nichols, a co-founder of what had become the city's biggest independent oil and gas company.

Mr. Nichols and his father, John, had created Devon in 1971, starting with

four employees and a negative net worth of several million dollars, while sharing a receptionist at an office building not far from their new tower, an early company history says.

Now, there was no denying Devon had reached extraordinary heights.

The Devon tower, 50 stories high, was unlike anything ever built in Oklahoma. It was an Empire State Building of this fossil-fuel town, visible from miles away. It could even be seen far west of Oklahoma City, out toward the 430,000 acres in the center of the state where Devon's rigs were drilling new wells.

Devon was riding a tremendous boom in oil and gas production in the United States that was fueled by the revolutionary new technologies that it had helped establish, like so-called coal-bed natural gas, which uses advanced drilling techniques to extract methane gas from underground coal deposits.

There was just one complication threatening Devon's ascent. President Barack Obama, unable to move many of his environmental goals through Congress, had adopted a new slogan: "We Can't Wait," a blunt statement that he intended to start using his executive powers to combat climate change.

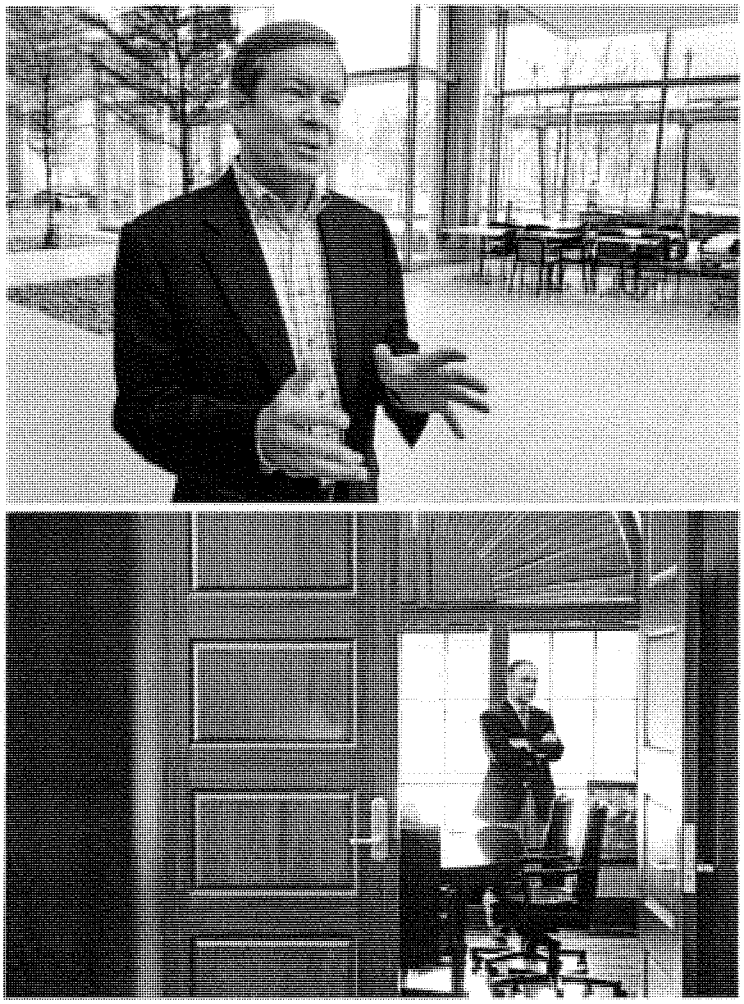
That's where Mr. Pruitt came in.

"We'll meet Scott in the lobby when he checks in at our concierge desk," William F. Whitsitt, then the head of Devon's fast-growing public relations and lobbying operations, wrote in an email to Mr. Pruitt's executive assistant.

Mr. Pruitt, a folksy, deeply religious former state legislator and minor-league baseball team general partner who was largely unknown on the national political stage, had won an upset victory in 2010. He had vowed to challenge Washington's intervention in Oklahoma's affairs.

"There's a mentality emanating from Washington today that says, 'We know best,'" Mr. Pruitt said during the campaign, which was supported by a donation from Mr. Nichols, as well as Devon's political action committee. "It's a one-size-fits-all strategy, a command-and-control kind of approach,

and we've got to make sure we know how to respond to that."



Top, Larry Nichols, co-founder of Devon Energy, talking to reporters as the company moved into its new building in Oklahoma City in 2012. Above, Mr. Pruitt, then Oklahoma's attorney general, in his office in 2014.
Above: Steve Sisney/The Oklahoman; below, Nick Oxford for The New York Times

Devon, historically, had been a minor player in Washington. But that changed in the first year of the Obama presidency, when Devon's spending

on lobbying jumped nearly 350 percent to $2.5 million. Devon brought on a team of politically connected lobbyists, including Anthony Ferate, known as A. J., a lawyer with close ties to Mr. Pruitt, as well as Rebecca Rosen, a former Capitol Hill staff member who had worked on the presidential campaign of Mitt Romney, the former Massachusetts governor.

The first major target was an E.P.A. data-collection effort that had determined methane emissions caused by oil and gas operations were much larger than Devon's own calculations. Air pollution from the then-booming oil and gas industry was now being blamed for extreme declines in air quality in rural areas of Wyoming and Utah. One sparsely populated stretch of northeastern Utah had a worse ozone problem than Los Angeles during the peak of the energy boom.

Devon initially participated in a voluntary program to capture leaking methane, or close off leaks, but was so suspicious of the Obama administration's intentions that it dropped out.

And indeed, the administration soon announced a major expansion of federal regulations aimed at cutting overall industry methane emissions by 45 percent. The oil and gas industry estimated just one of the new rules could cost more than a $800 million a year in new compliance costs.

Devon, furious, turned to Mr. Pruitt for help in pushing back.

"Just a note to pass along the electronic version of the draft letter to Lisa Jackson at E.P.A.," said one early request for help in 2011 from Devon to Mr. Pruitt. Devon suggested that Mr. Pruitt follow up with Mr. Ferate, the company's Washington lobbyist and a fund-raiser for Republican causes, if he had questions.

Mr. Pruitt did just as Devon asked, sending along the draft letter to Ms. Jackson, on his own stationery and under his signature, with only a few word changes.

The interventions by Devon also targeted the Interior Department and its Bureau of Land Management, which controls 260 million acres of public

land and leases out large chunks to oil and gas companies for drilling, including the land here in Fremont County.

The bureau was pushing ahead with plans to require that Devon and other companies take extra steps to prevent chemicals used in hydraulic fracturing from contaminating groundwater, including a demand that Devon disclose the ingredients in millions of gallons of chemical-laced water it pumped into the federally managed land.

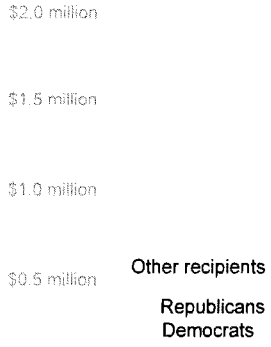
Devon has a total of about 1,500 wells on bureau-controlled land, representing about 15 percent of its oil and gas production.

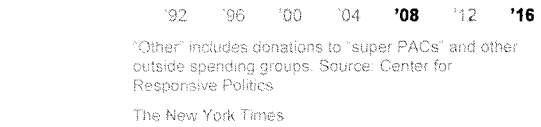
Devon and Mr. Pruitt called the rules redundant in letters to federal officials, including the secretary of the Interior and Mr. Obama, while they also worked to challenge them in court and in Congress.

Devon made targeted contributions to sympathetic Republican lawmakers, who introduced legislation to block the rules or collected signatures among their colleagues on letters pressing federal agencies to back down. Senator James Lankford, Republican of Oklahoma, was a particular favorite of Devon, as he repeatedly co-sponsored bills with names like "Fracturing Regulations Are Effective in State Hands Act" that would block federal intervention.

Devon Energy Political Giving

Contributions from Devon Energy's political action committee and Devon employees ramped up ahead of the 2008 election. Giving to "super PACs" and other outside spending groups increased sharply for the 2015-16 election cycle.





"Other" includes donations to "super PACs" and other outside spending groups. Source: Center for Responsive Politics

The New York Times

Each of the pieces of this campaign fell into place as planned. But Mr. Obama and his aides were hardly about to fold.

"Every day this was not attended to was a day we got closer to the tipping point — when it would be very difficult, if not impossible, to prevent the kind of climate change damage we are worried about," said Janet McCabe, who led the air pollution enforcement division at the E.P.A. under Mr. Obama.

Devon Energy, Ms. McCabe said, was among the most determined opponents of the agency's work, far more so, for example, than international giants like Shell.

"In any regulated industry, there are companies that are more aggressive than others in pushing back at every turn and trying to stop the policy," she said. "Devon was one of those."

Downtown Riverton, Wyo., in 2014. Fading road signs in the area — Gas Hills, Oil Field Road — underline the importance of fossil fuels, and local officials talk of companies like Devon as good corporate citizens. Ryan Dorgan

The Lifeblood of Riverton, Wyo.

Riverton's mayor, John Baker, known as Lars, turned carefully onto a dirt road that winds through Devon's sprawling oil and gas fields just outside the city limits, a source of both pride and frustration in a frontier town the "Marlboro Man," Darrell Winfield, once called home.

Since the early 1900s, oil and gas have been pulled from the ground here, a vast stretch of arid plains in a valley that runs down from Yellowstone National Park — an almost lunar landscape dotted with dry clumps of sagebrush, and rock formations adorned with the petroglyphs etched by Native American tribes, which have inhabited the area for centuries.

But production from the area's wells had slowed over recent decades, and Devon, known for its emphasis on new technologies, had a solution: It would inject carbon dioxide into the ground, putting pressure on

underground oil deposits and pushing them to the pump.

The new method would allow Devon to ramp up production at the site from 100 barrels a day to 5,000, the company said. Statewide, drilling surged, with gas production more than doubling from 2000 to 2010.

The roaring minerals economy filled state coffers with billion-dollar annual surpluses and brought jobs that kept the unemployment rate for much of that decade below the national average.

"It was gangbusters," said Mr. Baker, a former weed and pest control man, who points out the oil and gas rigs as fondly as he does the local flora and fauna, like the Indian paintbrush plant that was just starting to show its red flowers.

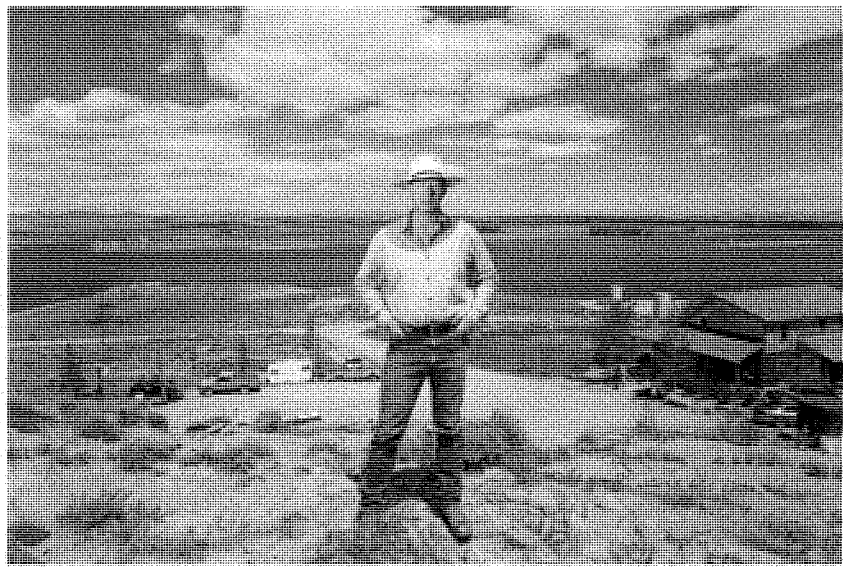
Mr. Baker is not alone. In Riverton, a city of 11,000, the fading road signs — Gas Hills, Oil Field Road — underline the importance of fossil fuels. Local officials talk of companies like Devon as good corporate citizens.

For the last six Thanksgivings, Devon has helped a local group give food baskets to the needy. For years, the company has also donated to youth educational programs at local state parks.

But even as production was rising, tensions were brewing with Washington. The Obama administration had made cracking down on fugitive emissions from oil and gas sites a national priority.

By 2014, Devon stood accused by the E.P.A. of releasing 80 more tons a year of the harmful gases from its Beaver Creek plant in Wyoming than its permit allowed. The extra emissions amounted to a fifth more than the company's stated emissions of 361 tons in 2013, the most recent year for which data is available.

This class of chemicals — known as volatile organic compounds — is extremely potent and is blamed for helping create blankets of smog. Several of the chemicals are known carcinogens.



John Fenton worked for local energy companies until his neighbors' water came out black and his wife, Cathy, lost her senses of taste and smell. He has become an environmentalist. "These companies are emboldened by this remoteness to not do anything," he said.
Dan Cepeda for The New York Times

"You can smell it in the air," said John Fenton, a former Devon contract worker turned environmentalist who monitors oil and gas facilities scattered across Fremont County using an infrared camera.

At Devon, Mr. Fenton repaired heating equipment and did general maintenance jobs. He later worked elsewhere in the gas fields welding pipes for as much as $50 an hour. But he stopped when wells started cropping up close to residential areas, including about 200 feet from his Fremont County ranch. His neighbors' water turned black. His wife, Catherine, complained of losing her senses of smell and taste.

"These companies are emboldened by this remoteness to not do anything," he said.

But Mr. Fenton's concerns have not gained wider traction. Residents fret

mostly about the crackdown on energy companies under Mr. Obama, which coincided with a downturn in oil and gas production brought on largely by a glut in the market and lower energy prices. That has made his tough approach a scapegoat for the downturn, and it is difficult to overstate the animosity toward federal environmental agencies.

Wyoming was one of around two dozen states that sued to block regulations imposed by the Clean Power Plan, Mr. Obama's effort to rein in greenhouse gas emissions. On the campaign trail, Liz Cheney, daughter of former Vice President Dick Cheney and the state's sole member of the House of Representatives, repeatedly called for a reduction in the size and authority of the E.P.A.

"The E.P.A. is the evil empire here," said Steven R. Peck, publisher of The Ranger, Fremont County's daily newspaper. "But the regulatory game hasn't changed as much as the oil and gas industry itself," he said.

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"People think, 'If we could just drill more wells a year,'" he said, "but we also need clean energy and jobs."

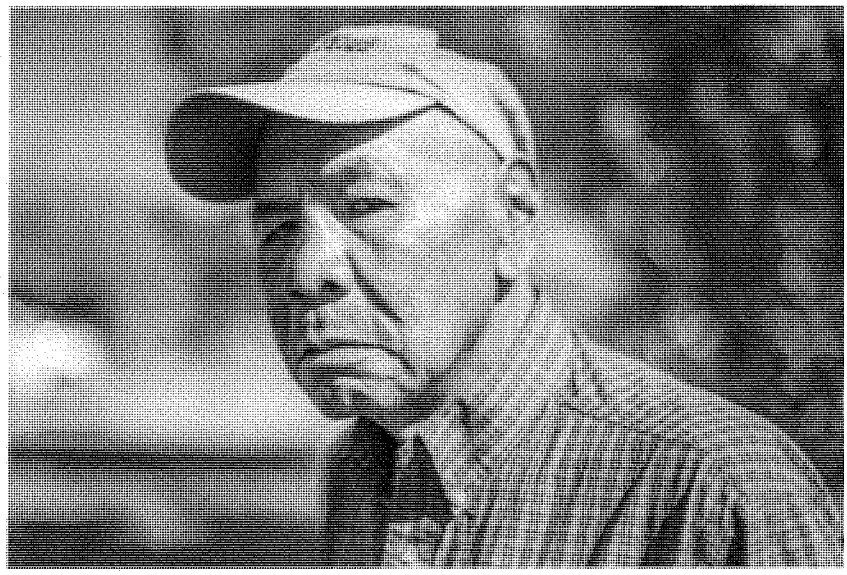
In Riverton, empty houses dot the city. The unemployment rate hovered around 7 percent earlier this year before dropping in March to 6.4 percent as seasonal jobs kicked in. The area's largest private employers are casinos.

"Everything's gone down, down," said Frenchie Warren, 59, a member of the Arapaho tribe, who sat killing time one recent afternoon on a bench next to

a Shell gas station.

Mr. Warren lost his $23-an-hour job at the SST Energy Corporation earlier this year after he mangled his hand in a chain, he said. He is bitter toward Washington politicians, who he said were squeezing the life out of Riverton.

"They aren't helping us," Mr. Warren said. "If I had a gun, I'd shoot them."



Frenchie Warren said he lost his job at the SST Energy Corporation after injuring his hand. He has no trust in Washington politicians. "They aren't helping us," he said. Dan Gigatti for The New York Times

Tacking Hard in Another Direction

They gathered in the Rachel Carson Green Room at the E.P.A.'s headquarters in Washington, about 75 agency employees in a high-ceiling conference room named after the famed environmentalist whose book "Silent Spring" helped inspire the modern environmental movement.

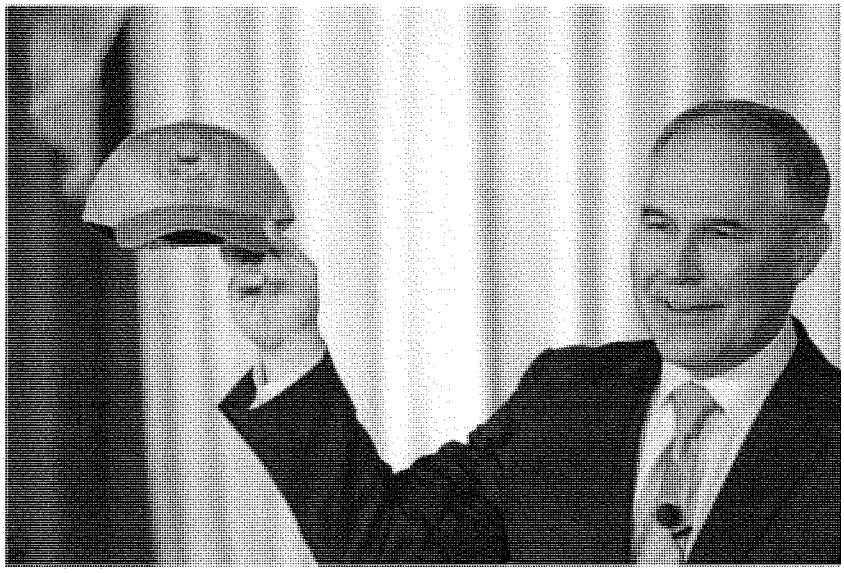
Mr. Pruitt, who a few days earlier had been confirmed as the new E.P.A.

administrator, stood on the stage and tried to calm the nerves of the agency's staff in the room, as well as thousands more watching remotely.

"You don't know me very well," Mr. Pruitt said. "In fact, you don't know me hardly at all other than maybe what you've read in the newspaper and seen on the news. ... I look forward to sharing the rest of the story with you as we spend time together."

Catherine McCabe, the outgoing acting administrator, presented Mr. Pruitt with a baseball cap that featured the agency's iconic logo of a blooming flower surrounded by a sphere that represents blue sky, green earth and blue-green water.

But it quickly became clear that a new day had arrived at the E.P.A. as Mr. Pruitt offered a hint of his priorities at the agency. "I believe that we as an agency and we as a nation can be both pro-energy and -jobs, and pro-environment," he said. "That we don't have to choose between the two."



Mr. Pruitt held up an an E.P.A. cap after he addressed employees upon joining the agency in February. "I believe that we as an agency and we as a nation can be both pro-energy and -jobs, and pro-environment," he told them. Aaron P. Bernstein/Getty Images

Within weeks, the dismantling of the Obama-era rules was set in motion, first through broad proclamations from the White House as Mr. Trump signed executive orders, and later through specific administrative actions by Mr. Pruitt.

In April, Mr. Pruitt notified the oil and gas industry that he was granting its wish to at least temporarily suspend the agency's new rule. "American businesses should have the opportunity to review new requirements, assess economic impacts and report back, before those new requirements are finalized," he said in a statement then.

Devon Energy was poised to be a major beneficiary of the changes.

Killing the methane rule would save Devon an estimated $430,000 a year in the four states where it operates wells, according to an analysis by the Environmental Defense Fund, although if industry estimates of the actual

costs are accurate, the savings may be much higher.

A month earlier, Mr. Pruitt had squelched a request from the E.P.A. that 15,000 oil and gas companies nationwide collect data on methane emissions to help the agency fine-tune its regulations. Devon and other companies feared the data would be used to justify even tighter controls, so Mr. Pruitt canceled the requirement.

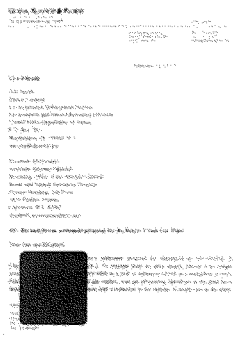
Devon has other allies on the Trump team.

A Devon lobbyist, Michael Catanzaro, resigned from his post and now is the top White House adviser on energy policy. His lobbying disclosure report filed on Jan. 19 — the day before Mr. Trump was sworn in — lists his lobbying work for Devon as targeting "methane emissions from oil and gas production."

Ms. Rosen, the former Romney campaign worker who until late last year was Devon's top in-house lobbyist in Washington, was spotted walking into transition team meetings hosted by Mr. Trump's advisers after the election.

The industry also has important allies in Congress, like Senator John A. Barrasso, Republican of Wyoming, the chairman of the Senate Committee on Environment and Public Works, which oversees the E.P.A. and the Interior Department.

On the day the Senate voted, 54-46, to move ahead with Mr. Pruitt's confirmation, Mr. Barrasso walked off the Senate floor and headed to Charlie Palmer Steak, just across the street from the Senate side of the Capitol. Mr. Barrasso would not say who his guests were, but campaign finance records show that within roughly a month of that event, donations came in from Devon, as well as Chevron, Shell, Koch Industries and the American Petroleum Institute. Mr. Barrasso has collected more than $500,000 in contributions from the oil and gas industry in the last two years.



Document: Devon Energy's Fight Against Environmental Regulation

Some Democrats in Congress have questioned whether Mr. Pruitt is taking actions explicitly to benefit Devon and other financial supporters.

In a letter last month, Senator Sheldon Whitehouse, Democrat of Rhode Island, and three other Senate Democrats pressed Mr. Pruitt to explain why he canceled the data-collection effort on methane — suggesting it might be a favor to industry friends.

After a barrage of such questions, Mr. Pruitt agreed in early May to recuse himself from taking part in the agency's response to the lawsuits he had filed as attorney general, including one challenging the E.P.A.'s methane rule.

Oil and gas companies are hoping that Mr. Pruitt's business-friendly approach will extended to enforcement issues. Devon was first targeted by the E.P.A. in 2014, after it was accused of illegally discharging 80 tons a year of volatile organic compounds into the Wyoming air. The company had been close to reaching a settlement with the federal government.

Devon disclosed in a filing with the Securities and Exchange Commission, on Feb. 15, that negotiations with the E.P.A. "may result in a fine or penalty in excess of $100,000."

But two days after that disclosure, Mr. Pruitt was confirmed as E.P.A. administrator, and by the next week, Devon was changing its tune.

The Beaver Creek plant. Natural gas has been a bonanza to Wyoming, which gave President Trump his biggest margin of victory in the election.

Ryan Dorgan for The New York Times

Instead of the proposed leak-detection system, the company was now planning to replace an older gas-fired compressor with an electrically powered unit, reducing volatile organic compound emissions by about 5 tons a year. Devon also says that, after revisiting aspects of the case, it now "does not believe that a six-figure civil penalty is justified."

Tim Hartley, a Devon spokesman, acknowledged that the company had laid out a shift in its negotiating position. But he attributed the change to "simple economics."

The plant, he said, was marginal and had been considered for shutdown, and adopting a sophisticated leak-detection program there was not economically feasible, especially at a difficult time for the oil and gas industry. Devon's stock surged after Mr. Trump won the election, but has since dipped as oil prices have remained depressed.

The cost of the leak-detection program would amount to about 20 percent of the plant's annual operating budget, the company said in its letter.

Mr. Hartley said that the violations stemmed from a misinterpretation of complicated regulations and that Devon had not intentionally circumvented the rules. He said that Devon had not contacted Mr. Pruitt about the case.

The E.P.A. has not yet made public the investigation, or its decision on a settlement. Andrew Mutter, a spokesman for the agency's Colorado regional office, which covers Wyoming, said that talks on the matter remained active. The Justice Department attorney in charge of the case did not return requests for comment.

Mr. Hartley declined to comment on the effects for Devon of the wider regulatory rollback, saying it would be "pure speculation" to consider how the company might benefit.

But Ms. Sgamma, the president of the Western Energy Alliance, which includes Devon, said that Devon is among several independent oil and gas companies now taking a tougher stand with the E.P.A.

"I am not going to settle with you now, when this new administration has such a different philosophy," she said, explaining the new approach. "It makes sense to do a wait-and-see."

Correction: May 20, 2017

An earlier version of this article misidentified James Lankford as a senator of Utah. He is a senator of Oklahoma.

Hiroko Tabuchi reported from Wyoming, and Eric Lipton from Washington.

Get politics and Washington news updates via Facebook, Twitter and in the Morning Briefing newsletter.

A version of this article appears in print on May 21, 2017, on Page A1 of the New York edition with the headline: Pruitt's E.P.A. Is Boon to Oil and Gas. Order Reprints | Today's Paper | Subscribe

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U.S. • SCOTT PRUITT

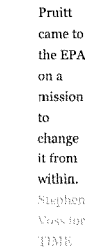
Inside Scott Pruitt's Mission to Remake the EPA

By **JUSTIN WORLAND** October 26, 2017

Bonnie Wirtz was tending to her Minnesota farm one summer evening in 2012 when a crop duster

buzzed low overhead. The aircraft sprayed chemicals on her property, missing its target next door. Soon the fumes seeped into her home through the air conditioner, and Wirtz wound up in an emergency room, coughing and bewildered and worried about the health of her 8-month-old son.

She had been sickened by a reaction to a pesticide called chlorpyrifos, which the agriculture industry uses to kill insects and worms on everything from cotton to oranges. A growing body of scientific evidence has linked the pesticide to health problems in children. Indeed, Wirtz's son was diagnosed in 2015 with a developmental disorder that affects the functioning of the brain. It was the kind of episode that pushed the Environmental Protection Agency (EPA) that same year to propose banning the chemical altogether for most uses.



Pruitt came to the EPA on a mission to change it from within. Stephen Voss for TIME

But when Scott Pruitt took over in February, the agency reconsidered. Pruitt, a former Oklahoma attorney general, came to the EPA on a mission to change it from within. Since its founding in 1970 under Republican President Richard Nixon, the agency's primary task has been to keep people safe from toxic pollutants. Pruitt has pioneered a radically different approach to environmental regulation, weighing impact on job growth and the concerns of business groups on a level plane with environmental protection when the law allows. In March, less than a month after speaking with the CEO of Dow Chemical, the primary maker of chlorpyrifos, Pruitt reversed course, delaying a decision on the pesticide until 2022. (An EPA spokesperson said the

conversation was brief and chlorpyrifos was not discussed.)

In an interview with TIME on Oct. 18, Pruitt dismissed criticism of his industry-friendly approach. "I don't spend any time with polluters. I prosecute polluters," he says. "What I'm spending time with is stakeholders who care about outcomes. I think it's the wrong premise. It's Washington, D.C.–think to look at folks across the country–from states to citizens to farmers and ranchers, industry in general–and say they are evil or wrong."

Illustration by Edel Rodriguez for TIME

But the sharp turn at the EPA and Pruitt's close ties to the industry have raised questions about whose interests the agency is protecting. Since he took office, more than a dozen EPA regulations have been killed or put under review, from fuel-efficiency standards to regulations on the disposal of coal ash to restrictions on toxic metals like arsenic in waterways. Moreover, the Trump Administration has proposed slashing funding for the agency's law-enforcement branch, which identifies polluters under existing regulations.

All this has aided businesses, propping up the declining coal industry, ensuring profit margins for chemical makers and reducing compliance costs for farmers. But the change has also weakened an agency designed to save lives. "They're trying to deconstruct and dismantle the basic protections," says Mustafa Ali, a career EPA official who resigned in March after 24 years. "They're creating situations where more folks are going to get sick, some folks are going to die, more folks are going to be put in harm's way."

Pruitt's work at the EPA is part of the Trump Administration's larger project of rolling back

decades of regulations across government. From the Departments of Education to Energy to Housing and Urban Development, Trump has appointed Cabinet Secretaries who are openly skeptical about the missions of the departments they now control.

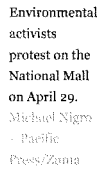
Pruitt's quest to remake the agency has gotten pushback from all sides: environmental groups that sue over every move, career staff reluctant to gut the EPA and even hard-line conservatives who think he moves too slowly. The outcome of these fights will he pivotal, not just for the Trump Administration and its supporters in industry but also for the well-being of millions of Americans.

Pruitt has made his immense wood-paneled office in Washington's Federal Triangle his own. Framed baseball jerseys decorate one wall. Ronald Reagan memorabilia is displayed in a cabinet alongside a Fox News mug, and a bison bust rests on his desk in homage to his home state of Oklahoma. In conversation, he slips between chitchat and complicated policy, wrapping statements questioning the legitimacy of climate change in lawyerly language.

Yet Pruitt does not seem entirely at home at the EPA. His suite on the third floor of its neoclassical headquarters is often off-limits to most career staff. He travels with a 24-hour security detail, an unusual and costly move. During the early months of his tenure, he often chose a staffer's office to make calls, presumably to stave off leaks. More recently, he installed a $24,570 soundproof booth to ensure that his phone calls are secure.

Pruitt rankled many of the agency's career employees from the start. In a February speech, he painted the EPA as a federal bureaucracy run amok. He would change that, he declared shortly thereafter, by "getting back to basics" at the agency. "Our job is to enforce the law," Pruitt tells

TIME. "What has happened the last several years is that this agency–among others, but this agency particularly–has taken those statutes and stretched them so far."



Environmental activists protest on the National Mall on April 29. Michael Nigro - Pacific Press/Zuma

At the center of this realignment is a change in how the EPA assesses the costs and benefits of regulations. In Pruitt's view, protecting the environment is just one element of his job as the country's chief environmental regulator, on par with promoting the economy. The move to protect business comes as little surprise to those who have followed Pruitt's rise. Pruitt made his reputation in Republican circles as one of the EPA's toughest critics; as Oklahoma attorney general, he sued the agency 14 times. A 2014 New York Times report documented how on several occasions Pruitt sent complaints to the EPA at the request of energy companies, copying their proposed language nearly word for word on his official letterhead. Since moving to Washington, Pruitt has selected former industry officials as chief advisers. Schedules released in response to open record requests show that his calendar has been crammed with meetings with industry executives, from the president of Shell Oil Co. to Bob Murray, the Ohio coal baron. The rare meetings he has taken with environmental groups have not accomplished much. "None of us are under any illusion about who he is and what he represents," David Yarnold, who heads the National Audubon Society, told TIME after meeting with Pruitt in April.

Pruitt's approach to dismantling environmental regulations often follows a pattern. First, the administrator meets with an industry group. Then the group petitions for a regulatory change. Soon after, Pruitt announces a review along the lines the group requested. In most cases, Pruitt does not argue that regulations have no benefits. Instead, he attacks them as inconsistent with the letter of the law and argues that the economic costs outweigh the benefits.

Take the Clean Power Plan, which was devised by the Obama Administration as a way to fight climate change. Many conservatives abhor the rule because it intervenes in state energy policy and hurts the GOP-friendly coal industry. When it was announced in 2015, the EPA estimated the measure would slash the amount of sulfur dioxide emitted by power plants by 90% and cut nitrogen oxides by more than 70%. Both pollutants contribute to smog as well as a substance known as particulate matter, which triggers heart attacks, aggravates asthma and affects lung function. According to the EPA's 2015 analysis, the plan would have saved 3,600 lives by 2030 and offered health and climate benefits of at least $34 billion a year.

But Pruitt rejects the idea that the agency should consider such health data and tells TIME that addressing such pollution should be left to other regulations. As he reviewed the Clean Power Plan over the past seven months, Pruitt has focused instead on the billions of dollars that the regulation costs the coal and power industries, accusing the Obama Administration of federal overreach. The rule was stayed by the Supreme Court, bolstering Pruitt's overreach argument. "We shouldn't put up fences. We shouldn't say we have this tremendous natural resource, don't touch it," Pruitt tells TIME. The EPA, he says, should be about "managing that natural resource–whether it's water or fossil fuels or land." In October, Pruitt began the process of canceling the plan.

He's right that the regulation would have hastened the decline of the coal industry, though energy analysts say his move won't save it. And coal carries costs of its own. "It's extremely shortsighted," Christine Todd Whitman, a former Republican governor who ran the agency for two years under President George W. Bush, says of Pruitt's opposition to the plan. "To clean up the air, to help reduce that from an economic point of view makes a huge amount of sense."

Pruitt has taken a similar approach to chlorpyrifos. The EPA banned the chemical from most residential usage in 2000, citing a suspected link to brain defects in children. Since then, scientific data has shown that farmworkers and children in agricultural communities are particularly at risk. One study by researchers at the University of California, Berkeley, indicated that children born in close proximity to a farm where the chemical has been used have lower IQs than their counterparts born elsewhere. Another study of pregnant women by Columbia University researchers found that exposure to the chemical changes the brain structure of their children. But farmers around the world rely on chlorpyrifos. And while Dow Chemical does not say how much it makes from the product, the company has said in court that it would be "significantly impacted" by a ban. In addition to those costs, Pruitt has argued that the science is not conclusive. A federal court ruled in the EPA's favor on the matter in July.

Pruitt's moves alarm not only environmentalists and public health advocates but also many moderate Republicans. "There is no precedent for the range of apparently skeptical reviews of EPA regulations," says William Reilly, who ran the agency under President George H.W. Bush. "I'm not confident that the integrity to the entire legal apparatus is really safe." Some industry officials who worry about economic stability almost as much as overregulation say Pruitt may tip the balance too far in one direction, setting up the agency for another dramatic shift when a new President comes to town. "Virtually everyone in the business community believes that EPA needs to issue a replacement rule" to address climate change, says Jeff Holmstead, a senior EPA official under George W. Bush who now represents energy companies. "They think they would be better off with a reasonable regulation than with no regulation at all."

Meanwhile, critics on the right complain that Pruitt has not gone far enough. Myron Ebell, who led Trump's EPA transition team, says he wants Pruitt to challenge the EPA's endangerment finding–the scientific document underpinning the agency's global-warming regulation. "It's essential," Ebell says. But Pruitt is savvy about which battles he picks. Challenging the endangerment finding would trigger a legal fight much like that which ensnared Trump's ill-fated travel ban. Instead, Pruitt has devised a strategy to publicly debate–and likely undermine–climate science while working bureaucratic channels to weaken regulation behind the scenes.

All this has earned Pruitt Trump's ear as well as his praise. Trump has cited the work of the EPA, and the decision to withdraw from the Paris Agreement–a move that bears Pruitt's fingerprints–on a short list of his top accomplishments. "One of the biggest areas of success for the Trump Administration has been turning around really big regulations," says West Virginia attorney general Patrick Morrisey, who worked with Pruitt on the Republican Attorneys General

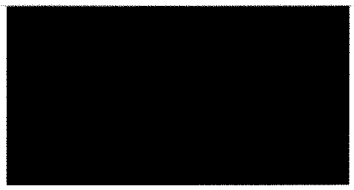
Association. "Pruitt is the driving force behind that."

In some ways that's because he is the President's stylistic opposite. While Trump speaks in generalities and governs by tweet, Pruitt can talk the nuts and bolts of policy and works the levers of his agency slowly and subtly. If the President is impulsive, Pruitt thinks two steps ahead. It is a measure of his political acumen that he has thrived despite often being at odds on climate policy with some of the President's closest confidants, such as his daughter Ivanka Trump and son-in-law Jared Kushner.

It is one reason why many observers believe Pruitt has his eye on a political job, such as governor of Oklahoma or one of the state's U.S. Senate seats. For all his impact at the EPA, Pruitt seems destined to spend much of his time at the agency battling environmentalists and blue-state attorneys general, who are filing lawsuits to challenge every regulatory rollback. This summer, a federal court rejected an attempt to delay a rule curbing methane emissions, and Pruitt backed off a similar delay to a rule on ozone.

But even if Pruitt were to depart today, his tenure would still leave a substantial mark. The chemicals and pollutants spilling into our air and water will not just disappear when a new EPA chief comes to town. And neither will the health effects. Just ask Bonnie Wirtz. "This shouldn't be happening," she says of the EPA delay on chlorpyrifos. "We have the scientific evidence for a ban. Let's do it."

This appears in the November 06, 2017 issue of TIME.



TRUMP RULES

Why Has the E.P.A. Shifted on Toxic Chemicals? An Industry Insider Helps Call the Shots

A scientist who worked for the chemical industry now shapes policy on hazardous chemicals. Within the E.P.A., there is fear that public health is at risk. (At right, a signing ceremony for new rules on toxic chemicals.)

By **ERIC LIPTON** OCT. 21, 2017

WASHINGTON — For years, the Environmental Protection Agency has struggled to prevent an ingredient once used in stain-resistant carpets and nonstick pans from contaminating drinking water.

The chemical, perfluorooctanoic acid, or PFOA, has been linked to kidney cancer, birth defects, immune system disorders and other serious health problems.

So scientists and administrators in the E.P.A.'s Office of Water were alarmed in late May when a top Trump administration appointee insisted upon the

rewriting of a rule to make it harder to track the health consequences of the chemical, and therefore regulate it.

The revision was among more than a dozen demanded by the appointee, Nancy B. Beck, after she joined the E.P.A.'s toxic chemical unit in May as a top deputy. For the previous five years, she had been an executive at the American Chemistry Council, the chemical industry's main trade association.

The changes directed by Dr. Beck may result in an "underestimation of the potential risks to human health and the environment" caused by PFOA and other so-called legacy chemicals no longer sold on the market, the Office of Water's top official warned in a confidential internal memo obtained by The New York Times.

Dr. Beck testifying at a Senate hearing in March. She joined the E.P.A. in May after working as an executive at the American Chemistry Council, the chemical industry's main trade association. U.S. Senate Committee Channel

The E.P.A.'s abrupt new direction on legacy chemicals is part of a broad initiative by the Trump administration to change the way the federal government evaluates health and environmental risks associated with hazardous chemicals, making it more aligned with the industry's wishes. It is a cause with far-reaching consequences for consumers and chemical companies, as the E.P.A. regulates some 80,000 different chemicals, many of them highly toxic and used in workplaces, homes and everyday products. If chemicals are deemed less risky, they are less likely to be subjected to heavy oversight and restrictions.

The effort is not new, nor is the decades-long debate over how best to identify and assess risks, but the industry has not benefited from such highly placed champions in government since the Reagan administration. The

cause was taken up by Dr. Beck and others in the administration of President George W. Bush, with some success, and met with resistance during the Obama administration. Now it has been aggressively revived under President Trump by an array of industry-backed political appointees and others.

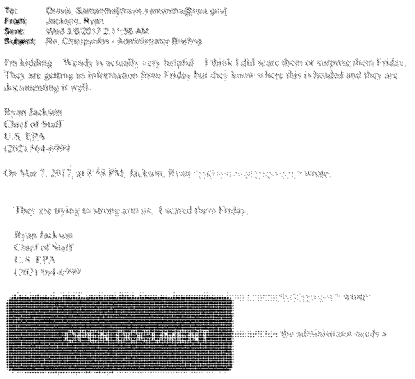
Dr. Beck, who has a doctorate in environmental health, comes from a camp — firmly backed by the chemical industry — that says the government too often directs burdensome rules at what she has called "phantom risks."

Other scientists and administrators at the E.P.A., including Wendy Cleland-Hamnett, until last month the agency's top official overseeing pesticides and toxic chemicals, say the dangers are real and the pushback is often a tactic for deflecting accountability — and shoring up industry profits at the expense of public safety.

DOCUMENT

E.P.A.'s Decision Not to Ban Chlorpyrifos

The New York Times requested copies of email correspondence related to the March 2017 decision by the E.P.A. to reject a decade-old petition to ban chlorpyrifos, a widely used pesticide that research suggests may cause developmental delays in children exposed to it in drinking water or in farming communities. Here are those documents.



Since Mr. Trump's election, Dr. Beck's approach has been unabashedly ascendant, according to interviews with more than two dozen current and former E.P.A. and White House officials, confidential E.P.A. documents, and materials obtained through open-record requests.

In March, Scott Pruitt, the E.P.A. chief, overrode the recommendation of Ms. Hamnett and agency scientists to ban the commercial use of the pesticide chlorpyrifos, blamed for developmental disabilities in children.

The E.P.A.'s new leadership also pressed agency scientists to re-evaluate a plan to ban certain uses of two dangerous chemicals that have caused dozens of deaths or severe health problems: methylene chloride, which is found in paint strippers, and trichloroethylene, which removes grease from metals and is used in dry cleaning.

"It was extremely disturbing to me," Ms. Hamnett said of the order she received to reverse the proposed pesticide ban. "The industry met with E.P.A. political appointees. And then I was asked to change the agency's stand."

The E.P.A. and Dr. Beck declined repeated requests to comment that included detailed lists of questions.

"No matter how much information we give you, you would never write a fair piece," Liz Bowman, a spokeswoman for the E.P.A., said in an email. "The only thing inappropriate and biased is your continued fixation on writing elitist clickbait trying to attack qualified professionals committed to serving their country."

Before joining the E.P.A., Ms. Bowman was a spokeswoman for the American Chemistry Council.

The conflict over how to define risk in federal regulations comes just as the E.P.A. was supposed to be fixing its backlogged and beleaguered chemical regulation program. Last year, after a decade of delays, Congress passed bipartisan legislation that would push the E.P.A. to determine whether dozens of chemicals were so dangerous that they should be banned or restricted.

The E.P.A.'s Top 10 Toxic Threats, and Industry's Pushback

The chemical safety law was passed after Congress and the chemical industry reached a consensus that toxic chemical threats — or at least the fear of them — were so severe that they undermined consumer confidence in products on the market.

But now the chemical industry and many of the companies that use their

compounds are praising the Trump administration's changed direction, saying new chemicals are getting faster regulatory reviews and existing chemicals will benefit from a less dogmatic approach to determining risk.

"U.S. businesses, jobs and competitiveness depend on a functioning new chemicals program," Calvin M. Dooley, a former congressman who is president of the American Chemistry Council, said in a statement. It was issued in June after Dr. Beck, his recent employee, pushed through many industry-friendly changes in her new role at the E.P.A., including the change in tracking legacy chemicals such as PFOA.

Anne Womack Kolton, a vice president at the council, said on Wednesday that Dr. Beck's appointment was a positive development.

"We, along with many others, are glad that individuals who support credible science and thorough analysis as the basis for policymaking have agreed to serve," she said in an email. "Consistency, transparency and high quality science in the regulatory process are in everyone's interests."

The Trump administration's shift, the industry has acknowledged, could have financial benefits. Otherwise, the industry may lose "millions of dollars and years of research invested in a chemical," the American Chemistry Council and other groups wrote in a legal brief defending the changes Dr. Beck had engineered.

But consumer advocates and many longtime scientists, managers and administrators at the E.P.A. are alarmed by the administration's priorities and worry that the new law's anticipated crackdown on hazardous chemicals could be compromised.

Dr. Beck, left, and Ms. Hamnett, center, who clashed over changes to new toxic chemical rules, attended a signing ceremony with Mr. Pruitt. Video by U.S. Environmental Protection Agency. Video by U.S. Environmental Protection Agency

"You are never going to have 100 percent certainty on anything," Ms. Hamnett said. "But when you have a chemical that evidence points to is causing fatalities, you err more on the side of taking some action, as opposed to 'Let's wait and spend some more time and try to get the science entirely certain,' which it hardly ever gets to be."

The divergent approaches and yearslong face-off between Ms. Hamnett and Dr. Beck parallel the story of the chemical industry's quest to keep the E.P.A.'s enforcement arm at bay.

The two women, one a lawyer from New Jersey, the other a scientist from Long Island, have dedicated their lives to the issue of hazardous chemicals. Each's expertise is respected by her peers, but their perspectives couldn't be more dissimilar.

Ms. Hamnett, 63, spent her entire 38-year career at the E.P.A., joining the agency directly from law school as a believer in consumer and environmental protections. Dr. Beck, 51, did a fellowsbip at the E.P.A., but has spent most of her 29-year career elsewhere: in a testing lab at Estée Lauder, as a toxicologist in the Wasbington State Health Department, as a regulatory analyst in the White House and most recently with the chemical industry's trade group.

Ms. Hamnett in Falls Church, Va. Last month, she retired as the top official overseeing pesticides and toxic chemicals at the E.P.A. "I had become irrelevant," she said about changes there under the Trump administration.
Jacob Sparks for The New York Times

Before Mr. Trump's election, Ms. Hamnett would have been regarded as the hands-down victor in their professional tug of war. Her decision to retire in September amounted to a surrender of sorts, a powerful acknowledgment of the two women's reversed fortunes under the Trump administration.

"I had become irrelevant," Ms. Hamnett said.

Her farewell party in late August was held in the wood-paneled Map Room on the first floor of the E.P.A. headquarters, the same room where Mr. Trump had signed an executive order backed by big business that called for the agency to dismantle environmental protections.

Dr. Beck was among those who spoke. She thanked Ms. Hamnett for her decades of service. "I don't know what I am going to do without her," she said, according to multiple people who attended the event.

Ms. Hamnett, in an interview, said she had little trouble envisioning the future under the new leadership. "It's time for me to go," she said. "I have done what I could do."

'Unreasonable Risk of Injury'

Chemical regulation was not part of the E.P.A.'s original mission. But several environmental disasters in the early 1970s prompted Congress to extend the agency's authority.

Industrial waste, including highly toxic PCBs, led to fish kills in the Hudson River. Chemicals from flame retardants were detected in livestock in Michigan, contaminating food across the state. And residents in Niagara Falls, N.Y., first started to notice a black, oily liquid in their basements, early hints of one of the worst environmental disasters in United States history: Love Canal.

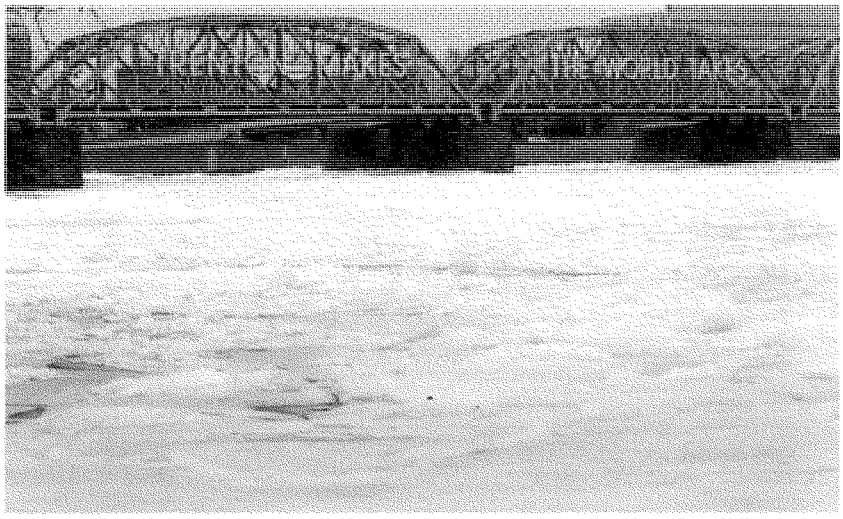
President Gerald R. Ford signed the Toxic Substances Control Act in October 1976, giving the E.P.A. the authority to ban or restrict chemicals it deemed dangerous. It was hailed as a public health breakthrough.

"For the first time, the law empowers the federal government to control and even to stop production or use of chemical substances that may present an unreasonable risk of injury to health or environment," a federal report said.

A few years later, after graduating from George Washington University Law School in 1979, Ms. Hamnett landed at the E.P.A. She arrived fully embracing its enhanced mission.

She had grown up in Trenton, where the words "Trenton Makes, the World

Takes" are affixed in neon to the side of a railroad bridge spanning the Delaware River.



A bridge over the Delaware River in Trenton, N.J., says, "Trenton Makes, the World Takes." The Roebling Steel Company plant brought prosperity to the region, but also contaminated soil and groundwater with hazardous chemicals.
Mel Evans/Associated Press

Her childhood memories included passing by the 200-acre Roebling Steel Company plant — named after the designer of the Brooklyn Bridge. At its peak, the plant was Trenton's largest employer, and it helped spread prosperity to the region.

But the company was also a chronic polluter. For decades, it dumped arsenic, chromium, lead and other hazardous chemicals, contaminating soil and groundwater. Ultimately, the pollution was so pervasive that the E.P.A. declared the property a Superfund cleanup site.

It was this legacy, as well as the congressional directive to the E.P.A. to protect the public from harm, that Ms. Hamnett said guided her.

During the Bush administration, she was drawn into a contentious debate

involving lead paint that highlighted her resolve — and that of her opponents.

Few environmental hazards are as well understood as the dangers of lead in paint. Since it was first used in homes in the United States, more than a century ago, it has poisoned children. Even after it was banned in the late 1970s, it remained a threat, particularly when renovations took place in the tens of millions of homes with lead-based paint.

The E.P.A. set out to establish standards governing home renovations, and Ms. Hamnett came to the discussions with a strong perspective.

"What is the effect of exposure likely to be?" she recalled asking. "If it is likely to be a severe effect and result in a significant number of people exposed, if so, I am going to err on the side of safety."

While the evidence was solid that lead caused learning disabilities and other problems for children, it was less definitive on whether it was also a factor in adult diseases.

To Ms. Hamnett and her colleagues, the results of multiple studies were compelling enough to establish an apparent link to cardiovascular disease in adults. They concluded in a report in 2006 that there was "stronger evidence for a relationship between lead exposure and blood pressure for adults," citing it as a factor for aggressive safety requirements.

The home renovation industry filed protests over the "inappropriate and costly" rule with the Bush administration and Congress. Taking up its cause was a White House official with a reputation for assessing risk much differently: Dr. Beck.

Throwing 'Sand in the Gears'

As the Bush administration took office, John D. Graham, who ran the White House office overseeing regulations, unveiled a plan to ease the government's burden on business by reining in "the regulatory state."

To that end, Mr. Graham hired scientists to review major federal regulations and make recommendations about their worthiness, something the E.P.A.

itself had done over the years.

Dr. Beck, Mr. Graham said, was an excellent addition to his staff.

She had grown up in Oyster Bay, N.Y., an affluent suburb on Long Island, earned an undergraduate microbiology degree in 1988 from Cornell and a doctorate from the University of Washington a decade later. Her dissertation, which examined how the sedative phenobarbital impacts the metabolism of the liver, started with words still relevant to her today: "Each day the human body is confronted with many potentially toxic substances in the form of food items, medicinal products and environmental agents."

She started her career at Estée Lauder, where she helped develop preservatives used to extend the shelf life of cosmetics, and also designed laboratory tests to determine if products caused adverse reactions when applied to skin.

When Mr. Graham hired her, she had been working as a science fellow at the E.P.A.'s center for environmental reviews. He described her as having "street smarts and thick skin," someone who did not need the limelight to be effective.

"Dr. Beck is easy to underestimate," Mr. Graham said in an email.

When the proposed lead paint rule came along in 2006, Dr. Beck, in her White House role, pressed Ms. Hamnett and others in the E.P.A. to revise the language to diminish the link to cardiovascular disease in adults, Ms. Hamnett recalled, before letting the rule go into effect.

That was one marker in Dr. Beck's journey to redefine the way the government evaluates risk. Though they repeatedly found themselves on opposite sides, Ms. Hamnett said that, in a way, she admired Dr. Beck's effort during those years.

She described Dr. Beck as a voracious reader of scientific studies and agency reports, diving deep into footnotes and scientific data with a rigor matched by few colleagues. She combed through thousands of comments submitted

on proposed rules. And she had a habit of reading the Federal Register, the daily diary of new federal rules.

All of it made Dr. Beck an intimidating and confident adversary, Ms. Hamnett recalled. "She's very smart and very well informed," she said.

But there was a destructive side to that confidence, others said. In particular, Dr. Beck was seen as an enemy of scientists and risk assessors at the E.P.A., willing to challenge the validity of their studies and impose her own judgment, said Robert M. Sussman, a lawyer who represented chemical industry clients during the Bush administration and later became an E.P.A. lawyer and policy adviser under the Obama administration.

"Her goal was to throw sand in the gears to stop things from going forward," said Mr. Sussman, who now is counsel to Safer Chemicals, Healthy Families, a coalition of consumer and environmental groups.

Jack Housenger, a biologist who served as the director of the E.P.A.'s pesticide program, had a more positive recollection. He said Dr. Beck asked reasonable questions about his findings related to a wood preservative used in playgrounds and outdoor decks that was being pulled from the market.

"She wanted us to present the uncertainties and ranges of risk," said Mr. Housenger, who retired this year. "She was trying to understand the methodology."

Paul Noe, a lawyer who worked with Dr. Beck during the Bush administration, also said her critics got her wrong.

"What you really want to do as a government is to set priorities," he said. "If you don't have a realistic way of distinguishing significant risks from insignificant ones, you are just going to get bogged down and waste significant resources, and that can impede public health and safety."

One of the harshest criticisms of Dr. Beck's tenure in the Bush White House came in 2007 from the nonpartisan National Academy of Sciences, which examined a draft policy she helped write proposing much stricter controls over the way the government evaluates risks.

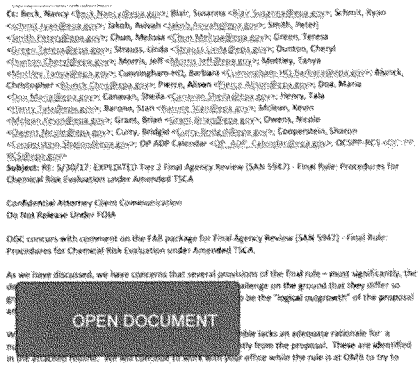
"The committee agrees that there is room for improvement in risk

assessment practices in the federal government," the review said, but it described Dr. Beck's suggestions as "oversimplified" and "fundamentally flawed." It recommended her proposal be withdrawn.

DOCUMENT

E.P.A. and Toxic Chemical Rules

An internal struggle has broken out in the Environmental Protection Agency over how to regulate toxic chemicals. These documents tell the backstory of the tension, which emerged after the Trump administration named an industry insider as a top agency regulator.



Dr. Beck was so aggressive in second-guessing E.P.A. scientists that she became central to a special investigation by the House Committee on Science and Technology.

The committee obtained copies of her detailed emails to agency officials and accused her of slowing progress in confirming drinking-water health threats presented by chemicals like perchlorate, used in rocket fuel. "Suppression of Environmental Science by the Bush Administration's Office of Management and Budget," the committee wrote in 2009, before describing Dr. Beck's actions.

The opposition became so intense that Dr. Beck's efforts started to get shut down.

First, the new risk assessment policy she had proposed was formally withdrawn. Then, after Mr. Obama took office in 2009, Mr. Sussman recalled going to the White House along with Lisa P. Jackson, the new E.P.A. administrator, to ask for a commitment to curb Dr. Beck's power.

"We told them that we need the White House out of the E.P.A. science program," Mr. Sussman said. "We demanded that. And we got it."

Continuing the Fight

During Mr. Obama's first term, Dr. Beck left the White House for the American Chemistry Council, whose members include Dow, DuPont and dozens of other major manufacturers and chemical companies.

As the trade association's senior regulatory scientist, she was perfectly positioned to continue her second-guessing of the E.P.A.'s science.

Now her detailed criticisms of the agency came on trade association letterhead and in presentations at agency meetings and events.

"If the same person says the same thing three times, does this create a weight of evidence?" Dr. Beck said in a presentation in 2013, essentially mocking the scientific standards at the agency.

E.P.A. records show her challenging the agency's scientific conclusions related to arsenic (used to manufacture semiconductors), tert-Butanol (used in perfumes and as an octane booster in gasoline), and 1-bromopropane (used in dry cleaning).

Her point was often the same: Did the scientists producing work that federal regulators relied on adequately justify all of the conclusions about any risks?

"Scientists today are more prolific than ever," she said in a November 2014 presentation, later adding that "unfortunately, many of the scientific studies we read about in the news were not quite ready for prime time."

But at the same time, the industry was confronting a much larger existential problem.

E.P.A. and government-funded academic researchers were raising serious health questions about the safety of a range of chemicals, including flame retardants in furniture and plastics in water bottles and children's toys. Consumer confidence in the industry was eroding.

Some state legislatures, frustrated by the E.P.A.'s slow response and facing a consumer backlash, moved to increase their own authority to investigate and act on the problems — threatening the chemical industry with an

unwieldy patchwork of state rules and regulations.

Dr. Beck and other chemical industry representatives were dispatched to the E.P.A. and Congress to press for changes to the federal regulatory system that would standardize testing of the most worrisome existing chemicals and improve and accelerate the evaluation of new ones.

The resulting law, passed last year with Democratic and Republican support, gave both sides something they wanted. The chemical industry got pre-emption from most new state regulations, and environmentalists got assurances that new chemicals would be evaluated on health and safety risks alone, not financial considerations.

It was the most significant overhaul of the Toxic Substances Control Act since its enactment in the 1970s, and once again Ms. Hamnett was prepared to help shepherd it into place. The task was shaping up to be what she considered her final, crowning act at the E.P.A.

Ms. Hamnett was invited to the Eisenhower Executive Office Building, a part of the White House complex, to be present as Mr. Obama signed the bill into law. She was so excited that she arrived early and sneaked up to the stage to look at the papers Mr. Obama would be signing.

President Barack Obama signing a chemical safety bill in June last year. Zach Gibson for The New York Times

"Protecting people and the environment for decades to come," she said, recalling her thoughts, as she excitedly stood on the stage. "At least, that is what we planned."

Turning the Tables

They gathered in early June around a long conference table at the E.P.A. headquarters, the sunlight shining in from Constitution Avenue. In the crowd were Dr. Beck, Ms. Hamnett and other top agency officials charged with regulating toxic chemicals, as well as environmentalists worried about last-minute changes to rules being pushed by the chemical industry.

Olga Naidenko, an immunologist specializing in children's health, said she was struck by the head-spinning scene. Dr. Beck, who had spent years trying to influence Ms. Hamnett and others to issue rules friendly to the chemical industry, was now sitting at the conference table as a government decision

maker.

"I am running the show. I am now in the chair. And it is mine," Dr. Naidenko said, describing her impressions of Dr. Beck at the gathering.

The Obama-era leadership at the E.P.A., in its last weeks, had published drafts of two critical rules needed to start the new chemical program. The rules detailed how the agency would choose the most risky chemicals to be tested or evaluated and how the hazards should be judged.

It would be up to Mr. Pruitt, the new E.P.A. chief, and his team to complete the process in time for a June deadline, set in the legislation.

Dr. Naidenko, a staff scientist at the Environmental Working Group, was there to plead with the agency to ignore a request from the American Chemistry Council to make more than a dozen last-minute changes, some pushed by Dr. Beck while she was at the council.

Dr. Beck did not seem convinced, recalled Dr. Naidenko and one of her colleagues, Melanie Benesh, a lawyer with the same organization.

"Tell me why you are concerned. What is it about?" Ms. Benesh and Ms. Hamnett each said they recalled Dr. Beck saying.

In fact, behind the scenes, the deed was already done.

Before Dr. Beck's arrival, representatives from the E.P.A.'s major divisions had agreed on final wording for the rules that would be sent to the White House for approval. But they were told to wait until May 1, when Dr. Beck began her job as the acting assistant administrator for chemical safety.

Dr. Beck then spent her first weeks on the job pressing agency staff to rewrite the standards to reflect, in some cases, word for word, the chemical industry's proposed changes, three staff members involved in the effort said. They asked not to be named for fear of losing their jobs.

Dr. Beck had unusual authority to make it happen.

When she was hired by the Trump administration, she was granted the status of "administratively determined" position. It is an unusual classification that means she was not hired based on a competitive process — as civil servants are — and she was also not identified as a political appointee. There are only about a dozen such posts at the E.P.A., among the 15,800 agency employees, and the jobs are typically reserved for technical experts, not managers with the authority to give orders.

Crucially, the special status meant that Dr. Beck did not have to abide by the ethics agreement Mr. Trump adopted in January, which bars political appointees in his administration from participating for two years "in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts."

Her written offer of employment, obtained through a Freedom of Information Act request, also made it clear that Dr. Beck's appointment was junior enough not to require Senate confirmation, which would have almost certainly delayed her arrival at the agency and prevented her from making changes to the rules ahead of the June deadline.

None of these arrangements raised concerns with the E.P.A.'s acting general counsel, Kevin S. Minoli, who issued a ruling on her unusual employment status. Mr. Minoli saw Dr. Beck's background as a benefit, according to a memo he wrote that was reviewed by The Times.

"You have extensive prior experience with the regulated industry's perspective and are already familiar with (and may well have authored) A.C.C. comments now under consideration," he wrote, referring to the American Chemistry Council.

He added that Dr. Beck's "unique expertise, knowledge and prior experience will ensure that the agency is able to consider all perspectives, including that of the regulated industry's major trade association."

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

JUN - 8 2017

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: Participation in Specific Party Matters Involving Your Former Employer, the American Chemistry Council

FROM: Kevin S. Minoli
Designated Agency Ethics Official and
Acting General Counsel

TO: Nancy Beck, Ph.D., DABT
Deputy Assistant Administrator
Office of Chemical Safety and Pollution Prevention

Effective April 30, 2017, you joined the United States Environmental Protection Agency (EPA) in an Administratively Determined (AD) position as the Deputy Assistant Administrator for the Office of Chemical Safety and Pollution Prevention (OCSPP). In this position, you are responsible for advising the Acting Assistant Administrator in matters pertaining to chemical safety, pollution prevention, pesticides and toxic substances, including implementation of rulemaking under applicable federal statutes. Previous to your selection, you served as the Senior Director of Regulatory Science Policy at the American Chemistry Council (ACC), which represents companies that are directly regulated by EPA. You seek permission to participate in specific party matters involving your former employer.

In a letter, an E.P.A. official addressed Dr. Beck's ability to be involved in matters affecting her former employer.

Others at the E.P.A., however, were stunned at the free pass given to Dr. Beck.

"It was a clear demonstration this administration has been captured by the industry," said Elizabeth Southerland, who served as the director of science and technology in the Office of Water until her retirement in July.

Getting Her Way

In the weeks leading up to the June deadline, Dr. Beck made clear what changes she wanted.

The conversations were polite, and Dr. Beck listened to counterarguments that Ms. Hamnett and her team made, Ms. Hamnett said. But in most cases, Dr. Beck did not back down, demanding a variety of revisions, particularly related to how the agency defined risks.

It all had a familiar ring. Ms. Hamnett and the others had fielded many of the same demands from the American Chemistry Council and from Dr. Beck herself when she worked there. Ms. Hamnett took detailed notes in spiral notepads, excerpts from which she showed The Times.

One area of contention was Dr. Beck's insistence that the E.P.A. adopt precise definitions of terms and phrases used in imposing rules and regulations, such as "best available science" and "weight of the evidence."

The agency had repeatedly rejected the idea, most recently in January, in part because the definitions were seen as a guise for opponents to raise legal challenges.

"These terms have and will continue to evolve with changing scientific methods and innovation," the agency said in a Jan. 17 statement in the Federal Register, three days before Mr. Trump was sworn in. "Codifying specific definitions for these phrases in this rule may inhibit the flexibility and responsiveness of the agency to quickly adapt to and implement changing science."

Another area of dispute involved the "all uses" standard for evaluating health threats posed by chemicals. Under that standard, the E.P.A. would consider any possible use of a chemical when determining how to regulate it; Dr. Beck, like the chemical industry, wanted the E.P.A. to limit the evaluations to specific intended uses.

"There is no way we can look at thousands of uses," Dr. Beck told Ms. Hamnett in one meeting in mid-May, according to Ms. Hamnett and her notes. "We can't chase the last molecule."

5/12

- FW Check-In
  - OMB Briefing
    - OGC - David F
      - Logical outgrowth - A range of [illegible] - depending on which change [illegible]

- OMB Re: RE & PI Rules
  - Prioritization: [illegible]
    - [illegible] definitions [illegible] still [illegible] outgrowth issues, per OMB OGC.
  - RE: - Conditions of use [illegible] [illegible]
    - Mfr - requested [illegible]
    - [illegible]
    - Interagency collab. [illegible]
    - [illegible] risk determ. (define)
      - Commenters [illegible] "consideration"
      - Will [illegible] in preamble.
  - 801377? - [illegible] de minimis burden exemption. Danielle [illegible] to Angela; Danielle needs to consult further. [illegible]: EO [illegible] ex. $50,000 annual cost [illegible] burden.
  - Guidance, can submit as supplemental doc or submit as sep. doc. Need to discuss further.

Ms. Hamnett's notes from meetings where changes in toxic chemical rules were discussed at the request of Dr. Beck, who had a history of second-guessing the E.P.A.'s scientists.

As the June deadline under the new law approached, Dr. Beck took control of the rewriting herself, a highly unusual step at the E.P.A., where expert Civil Service employees traditionally hold the rule-writing pen.

Ms. Hamnett said she did not try to stop Dr. Beck given she had the support of the agency's new leadership.

Mr. Noe, the lawyer who worked with Dr. Beck during the Bush administration, was not involved in the rewriting of the new rules. But he said it was wrong to interpret Dr. Beck's actions as pro-industry; instead, he said, she was a defender of rigorous science.

"Anyone who would question Nancy's ability or integrity does not know her at all and just has a political ax to grind," he said.

Ms. Hamnett's handwritten notes, however, record increasingly urgent objections from across the agency, including from the Waste and Chemical Enforcement Division, the Office of Water and the Office of General Counsel.

"Everyone was furious," said Ms. Southerland, the official from the Office of Water. "Nancy was just rewriting the rule herself. And it was a huge change. Everybody was stunned such a substantial change would be made literally in the last week."

The general counsel's objections to the substance of the changes were among the most alarming.

Laurel Celeste, an agency lawyer, questioned whether the last-minute changes would leave the agency's rule-making open to legal challenges. Her objections were outlined in a memo reviewed by The Times that was marked "confidential attorney client communication. Do not release under FOIA," referring to the Freedom of Information Act.

Federal law requires rules to be a "logical outgrowth" of the administrative record. But Dr. Beck had demanded changes that the staff had rejected,

meaning that the rule contained items that "differ so greatly from the proposal that they cannot be considered to be the 'logical outgrowth' of the proposal and the comments," Ms. Celeste said.

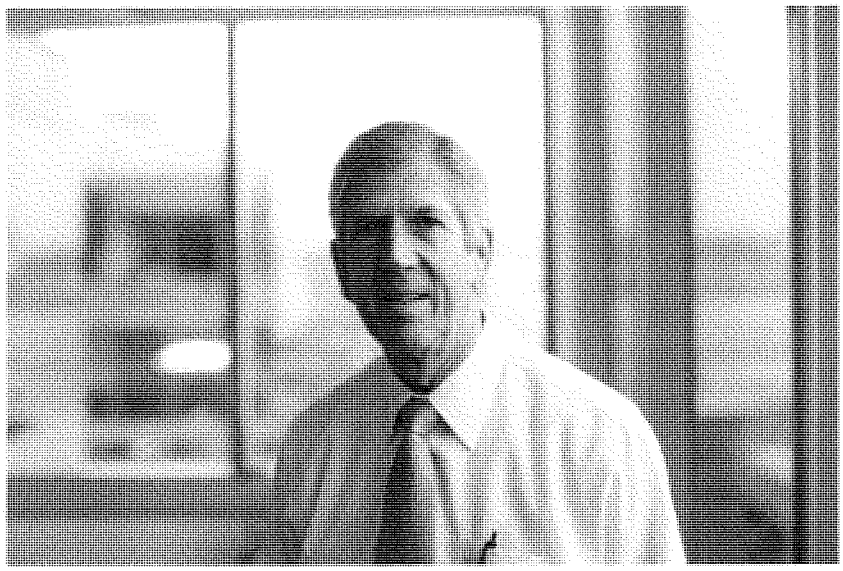
Her memo, sent by email on May 30 to Dr. Beck and more than two dozen agency scientists and staff members, also raised concerns about the preamble, an important piece of any regulation that must accurately reflect its contents.

"We are also concerned that, as currently drafted, the preamble lacks an adequate rationale for a number of final rule provisions that have changed significantly from the proposal," Ms. Celeste wrote.

The objections were strongly worded, but they fell short of an important legal threshold — the formal filing of a "nonconcurrence" memo — that would have triggered further review of Dr. Beck's actions. Several E.P.A. staff members said in interviews that they had been told by Mr. Pruitt's top deputies to air their concerns in so-called concur-with-comment memos, which put objections on the record but allowed the process to move forward.

The rules, with Dr. Beck's changes, were sent to the White House and approved by the June deadline. Mr. Pruitt assembled the team in late June for a brief ceremony to celebrate the completion of the work.

"Everybody here worked very, very hard," Ms. Hamnett said, as Mr. Pruitt signed his name, according to a video of the ceremony posted by the E.P.A.



Calvin M. Dooley, a former congressman who is president of the American Chemistry Council. In May, Dr. Beck, his recent employee, pushed through many industry-friendly changes at the E.P.A. Jabin Botsford/The New York Times

'Not One of My Best Days'

Environmentalists were dismayed, but Ms. Hamnett emerged from the whirlwind process with some confidence that all was not lost.

While she disagreed with a number of Dr. Beck's changes, she trusted that the E.P.A. staff would maintain its commitment to honor Congress's intent in the 2016 legislation. That would translate into a rigorous crackdown on the most dangerous chemicals, regardless of the changes.

But her confidence in the E.P.A.'s resolve was fragile, and it had been shaken by other actions, including the order Ms. Hamnett received to reverse course on banning the pesticide chlorpyrifos.

The order came before Dr. Beck's arrival at the agency, but Ms. Hamnett saw the industry's fingerprints all over it. Mr. Pruitt's chief of staff, Ryan

Jackson, instructed Ms. Hamnett to ignore the recommendation of agency scientists, she said.

The scientists had called for a ban based on research suggesting the pesticide might cause developmental disabilities in children.

Farm workers in a field picking berries. Chlorpyrifos, a pesticide blamed for developmental disabilities in children, is still widely used in agriculture. In March, Mr. Pruitt overrode agency scientists' recommendation to ban it.
Jim Wilson/The New York Times

To keep the pesticide on the market, under E.P.A. guidelines, the agency needed to have a "reasonable certainty" that no harm was being caused.

"The science and the law tell us this is the way to go," Ms. Hamnett said of a ban.

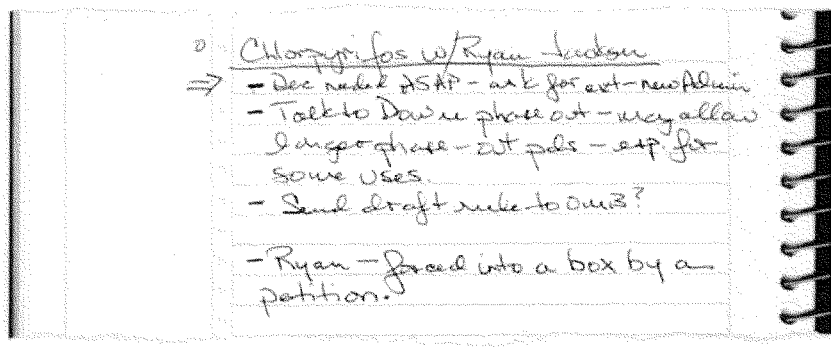
But the reaction from her superiors was not about the science or the law, she said. Instead, they queried her about Dow Chemical, the pesticide's largest

manufacturer, which had been lobbying against a ban.

The clash is recorded in Ms. Hamnett notebook as well as in emails among Mr. Pruitt's top political aides, which were obtained by The Times.

"They are trying to strong arm us," Mr. Jackson wrote after meeting with Ms. Hamnett, who presented him with a draft petition to ban the pesticide.

Mr. Jackson, Ms. Hamnett's notebook shows, then asked her to come up with alternatives to a ban. He asserted, her notes show, that he did not want to be "forced into a box" by the petition.



Ms. Hamnett recorded Mr. Jackson's reaction to a pesticide ban in her notebook.

"I scared them," Mr. Jackson wrote in an email to a colleague about his demands on Ms. Hamnett and her team.

As a possible compromise, Ms. Hamnett's team had been talking to Dow about perhaps phasing out the pesticide instead of imposing an immediate ban. But Dow, after Mr. Trump's election, was suddenly in no mood to compromise, Ms. Hamnett recalled. Dow did not respond to requests for comment.

She now knew, she said, that tbe effort to ban the pesticide had been lost, something Mr. Jackson's emails celebrated.

"They know where this is headed," Mr. Jackson wrote.

Just over a week later, Ms. Hamnett submitted a draft order that would deny the request for a ban.

"It was hard, very hard," she said, worrying that the pesticide would continue to harm children of farmworkers. "That was not one of my best days."

The episode is one reason she worries the E.P.A. will defer to the chemical industry as it begins to evaluate toxic chemicals under the standards created by the new law. She became particularly concerned because of a more recent exchange with Dr. Beck over methylene chloride, which is used in paint removers.

After more than a decade of research, the agency had concluded in January that methylene chloride was so hazardous that its use in paint removers should be banned.

Methylene chloride has been blamed in dozens of deaths, including that of a 21-year-old Tennessee man in April, who was overwhelmed by fumes as he was refinishing a bathtub.

"How is it possible that you can go to a home improvement store and buy a paint remover that can kill you?" Ms. Hamnett asked. "How can we let this happen?"

Furniture-refinishing companies and chemical manufacturers have urged the E.P.A. to focus on steps like strengthening warning labels, complaining that there are few reasonably priced alternatives.

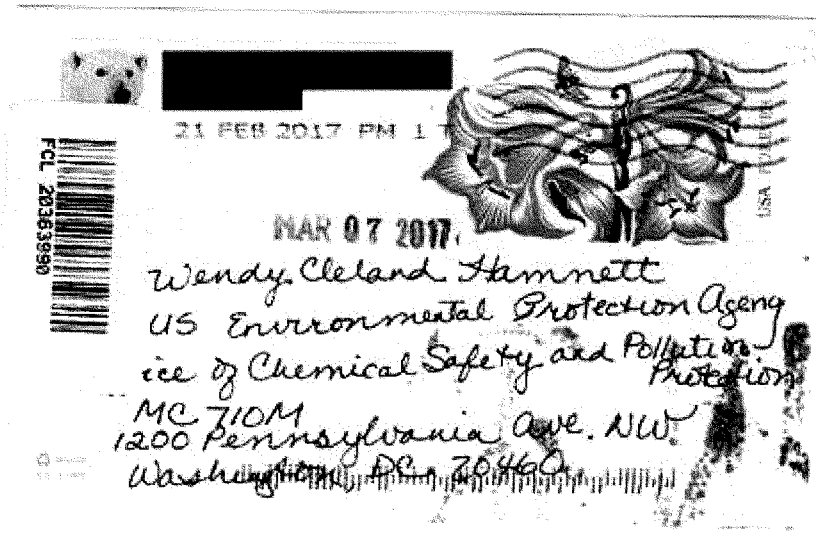
Ms. Hamnett said Dr. Beck raised the possibility that people were not following the directions on the labels. She also suggested that only a small number of users had been injured. "Is it 1 percent?" Ms. Hamnett recalled Dr. Beck asking.

Ms. Hamnett said she was devastated by the line of questioning.

After years of successfully fending off Dr. Beck and her industry allies, the balance of power at the agency had shifted toward the industry.

Hello,
[illegible] not know me. However,

I would expect that your job possibly has become more difficult under this new administration. I want you to know that I support you in any endeavors to help protect our environment from toxics and pesticides, backed up by actual scientific facts. I applaud you, and hope your office prevails.
Thank you, [redacted]



A postcard received by Ms. Hamnett during the early months of the Trump administration, urging her to stay the course. The

sender's information has been redacted by The New York Times.

She had long planned to wrap up her work at the agency soon, as her husband, David, had retired three years ago. On Sept. 1, Ms. Hamnett turned in her badge and joined him.

Mr. Pruitt has selected a replacement for Ms. Hamnett: Michael L. Dourson, a toxicologist who has spent the last two decades as a consultant helping businesses fight E.P.A. restrictions on the use of potentially toxic compounds. He is already at work at the agency in a temporary post while he awaits Senate confirmation.

The American Chemistry Council, and its members, are among the top private-sector sponsors of Mr. Dourson's research. Last year, he collaborated on a paper that was funded by the trade group. His fellow author was Dr. Beck.

Sheila Kaplan contributed reporting.

Follow Eric Lipton on Twitter: @EricLiptonNYT.

A version of this article appears in print on October 22, 2017, on Page A1 of the New York edition with the headline: Chemical Industry Insider Now Shapes E.P.A. Policy. Order Reprints | Today's Paper | Subscribe

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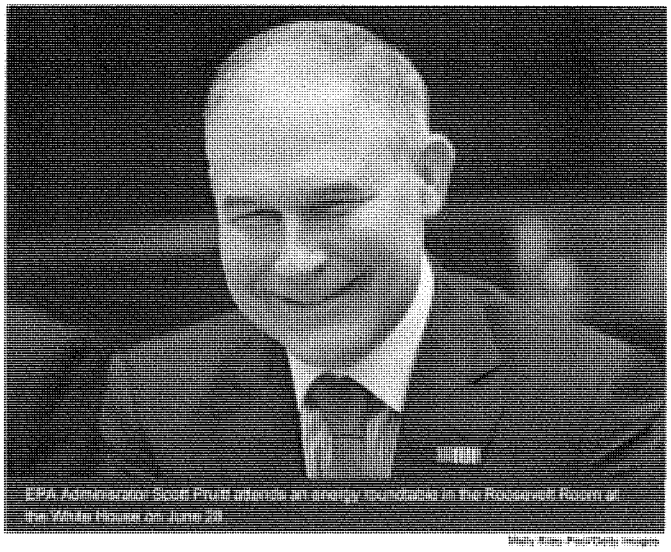
Here's the Expertise Scott Pruitt Is Removing From the EPA's Advisory Boards

These academic scientiss will no longer be able to serve because of "confict of interes." Pruitt will likely replace them with indusry scientiss.

By Lila Thulin



Environmental Protection Agency Adminisrator Scott Pruitt has made yet another frightening decision that seems likely to further untether the agency he leads from sound environmental science. The former attorney general of Oklahoma **announced** Tuesday that scientiss receiving EPA grants for their research would no longer be eligible to serve on committees that provide his agency with expert scientifc input, including the Scientifc Advisory Board, the Clean Air Scientifc Advisory Committee, and the Board of Scientifc Counselors. In a **memo** that echoed a **recent speech at the Heritage Foundation**, Pruitt outlined the unprecedented rules as a way to guard agains confict of interes (no comparable rules prohibit committee members from having ties to indusry) and "promote fresh perspectives" (likely Pruitt's own personal euphemism for incorporating climate change denialism). The EPA head also reprised **the controversial decision he'd made this June** to not renew contracts for the Board of Scientifc Counselors: Incumbent committee members who have only served

one three-year term will not be asked to return to the agency, even

though it has recently been routine for them to serve two terms, **according to the *New Republic***.

This roser slashing allows Pruitt, who has **extensive ties to the energy indusry**, to fll 21 of the 42 seats on the Scientifc Advisory Board. According to a lis **procured by *E&E News***—but unconfrmed by the EPA—Pruitt loaded the panel with male scientiss from the Midwes and South, several with ties to indusry or local government (he also recently **decreased its annual number of meetings** through a new charter), and announced that Michael Honeycutt, who has **expressed doubt** over the health dangers posed by ozone, would chair the committee.

This roser

The move to limit

Advertisement

slashing allows Pruitt, who has extensive ties to the energy indusry, to fll 21 of the 42 seats on the Scientifc Advisory Board.

scientiss who receive grants is particularly worrisome. As Ana Diez Roux, the jus-replaced chairwoman of the Clean Air Scientifc Advisory Committee, said in an email to ***Science* magazine**, "The top scientiss, the ones mos qualifed to provide objective and transparent scientifc advice to EPA, are of course the scientiss who will likely be mos successful at obtaining highly competitive federal grants. … It would be a disservice to the American public

to exclude those mos qualifed from serving on these panels."

By comparing the leaked lis of Pruitt's nominations to current rosers that included term limit data, ***Slate*** compiled a lis of the scientiss whose expertise the EPA will no longer beneft from because these changes cut their time on its advisory boards short:

The **Scientifc Advisory Board** provides reports on scientifc topics

(like fracking or toxic chemicals) that pertain to EPA regulations. Here

are the members whose terms will not be renewed:

Deborah Hall Bennett (frs term slated to end in 2019) of the University of California, Davis, an expert on pollutants and environmental epidemiology

Kiros Berhane (frs term slated to end in 2018) of the

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University of Southern California, an EPA-funded expert on using satisics to analyze the health impacts of climate change, air pollution, and occupational exposure

Sylvie Brouder (frs term ended in 2017) of Purdue University, an expert on crop nutrition, soil fertility, and agricultural sysems

Ana Diez Roux (former CASAC chairwoman, frs term on SAB ended in 2017) of Drexel University, an expert on race and neighborhood-related health disparities.

Robert Johnson (second term slated to end in 2018) of Clark University, an expert on the economics of fooding and sea level rise. When asked about the new rules, Johnson said to ***Politico Pro***, "I think it's really unfortunate that that role is now being politicized in a way that it never has before under any adminisration."

Catherine Karr (second term slated to end in 2018) of

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the University of Washington, an expert on children's environmental health.

Francine Laden (second term slated to end in 2018) of the Harvard T.H. Chan School of Public Health, an EPA-funded expert on environmental risk factors for cancer and respiratory disease. Laden told ***Politico Pro*** she has "serious concerns about the motivations and implications of this decision."

Denise Mauzerall (frs term ended 2017) of Princeton University, an expert on air pollution policy

A list of expertise Scott Pruitt is removing from the EPA.

Kari Nadeau (frs term slated to end in 2018) of the Stanford University School of Medicine, an expert on allergy and ashma immunology

Jeanne VanBriesen (second term slated to end in

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2018) of Carnegie Mellon University, an expert on environmental sysems and the impacts of energy extraction

Elke Weber (frs term ended 2017) of Princeton University, an expert on decision-making and risk analysis in fnancial and environmentalchoices

Charles Werth (frs term ended 2017) of the University of Texas at Ausin, an expert in clean energy, water treatment, and pollution

Robyn Wilson (frs term slated to end in 2018) of Ohio State University, an EPA-funded expert in land management decision- making and risk analysis. Wilson tweeted:

> #EPA to prohibit #scientiss with agency funding from serving as advisers. Turns out I am one of them. #Fired. https://t.co/uGSsb0FzAq
>
> — Robyn Wilson (@RiskWilson) October 30, 2017

On the **Clean Air Scientifc Advisory Committee**, a

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smaller panel that ofers insight on air pollution sandards and health efects, these members will be leaving their positions earlier than anticipated:

Donna Kenski (frs term slated to end in 2019) of the Lake

Michigan Air Directors Consortium (an EPA-funded nonproft), an expert on air quality monitoring. Kenski **told the *New York Times***, "The really galling part of this is that it's all in an efort to avoid confict of interes, but they pretend that the indusry people who are being ofered up positions on the panel are somehow unbiased because they're not getting money from EPA."

Ronald Wyzga (second term slated to end in 2018) of the Electric Power Research Insitute, an expert on the health efects of air pollution

Top Comment

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If there's any silver lining to be had, it's this: Pruitt didn't seem to rely on his panel of experts much anyway. In September, outgoing board chairman Peter Thorne wrote to the adminisrator that "the SAB sands ready to serve and encourages you to take full advantage of the vital resource we can provide," but then, **the *Washington Pos* notes**, "Pruitt never met with the group."

Unfortunately, given Pruitt's hisory, it seems quite likely that he'll make better use of the board once he's socked it with indusry insiders.

One more thing

Since Donald Trump entered the White House, ***Slate*** has sepped up our politics coverage—bringing you news and opinion from writers like Jamelle Bouie and Dahlia Lithwick. We're covering the adminisration's immigration crackdown, the rollback of environmental protections, the eforts of the resisance, and more.

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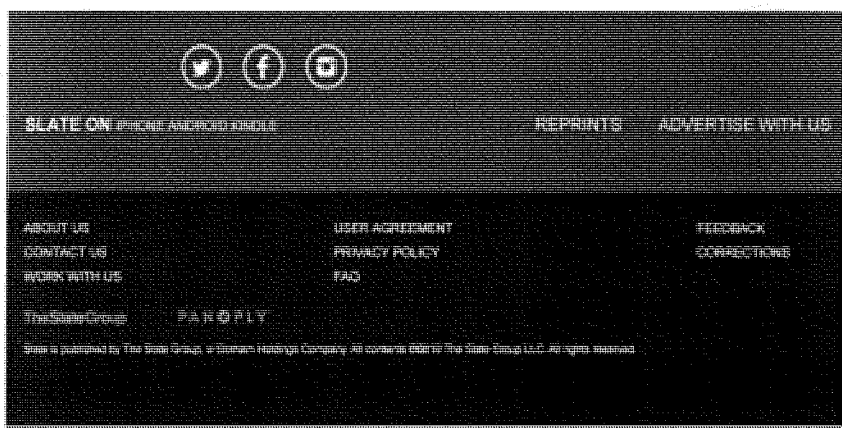

CLIMATE

E.P.A. Cancels Talk on Climate Change by Agency Scientists

By **LISA FRIEDMAN** OCT. 22, 2017

The Narragansett Bay Estuary Program is funded through the E.P.A.'s approximately $26 million National Estuary Program.
Erik Jacobs for The New York Times

WASHINGTON — The Environmental Protection Agency has canceled the speaking appearance of three agency scientists who were scheduled to discuss climate change at a conference on Monday in Rhode Island, according to the agency and several people involved.

John Konkus, an E.P.A. spokesman and a former Trump campaign operative in Florida, confirmed that agency scientists would not speak at the State of the Narragansett Bay and Watershed program in Providence. He provided no further explanation.

Scientists involved in the program said that much of the discussion at the event centers on climate change. Many said they were surprised by the E.P.A.'s last-minute cancellation, particularly since the agency helps to fund the Narragansett Bay Estuary Program, which is hosting the conference. The scientists who have been barred from speaking contributed substantial material to a 400-page report to be issued on Monday.

The move highlights widespread concern that the E.P.A. will silence government scientists from speaking publicly or conducting work on climate change. Scott Pruitt, the agency administrator, has said that he does not believe human-caused greenhouse gas emissions are primarily responsible for the warming of the planet.

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"It's definitely a blatant example of the scientific censorship we all suspected was going to start being enforced at E.P.A.," said John King, a professor of oceanography at the University of Rhode Island who chairs the science advisory committee of the Narragansett Bay Estuary Program. "They don't believe in climate change, so I think what they're trying to do is stifle discussions of the impacts of climate change."

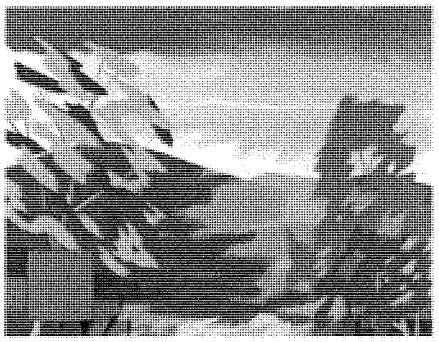
Monday's conference is designed to draw attention to the health of Narragansett Bay, the largest estuary in New England and a key to the region's tourism and fishing industries. Rhode Island's entire congressional delegation, all Democrats, will attend a morning news conference. Sen. Sheldon Whitehouse, an outspoken critic of Mr. Pruitt, will be among the speakers.

Scientists there will unveil the report on the state of the bay, which E.P.A. scientists helped research and write. Among the findings will be that climate change is affecting air and water temperatures, precipitation, sea level and fish in and around the estuary.

Autumn Oczkowski, a research ecologist at the E.P.A.'s National Health and Environmental Effects Research Laboratory Atlantic Ecology Division in Rhode Island, was scheduled to give the keynote address. Colleagues familiar with her speech said she intended to address climate change and other factors affecting the health of the estuary.

Climate Change Is Complex. We've Got Answers to Your Questions.

We know. Global warming is daunting. So here's a place to start: 17 often-asked questions with some straightforward answers.



Rose Martin, a postdoctoral fellow at the same E.P.A. laboratory and Emily Shumchenia, an E.P.A. consultant, were scheduled to speak on an afternoon panel entitled "The Present and Future Biological Implications of Climate Change."

"The report is about trends. It's kind of hard not to talk about climate change when you're talking about the future of the Narragansett Bay," Mr. King said.

The agenda and speaker lineup was emailed to attendees on October 4. Tom Borden, the program director of the Narragansett Bay Estuary Program, said he received a call on Friday from Wayne Munns, director of the Atlantic ecology division of the E.P.A.'s Environmental Effects Research Laboratory, telling him the three scientists would not be allowed to speak.

"I was not really provided with a clear explanation," Mr. Borden said. "He advised me that it was the decision of the E.P.A. Office of Public Affairs."

GRAPHIC

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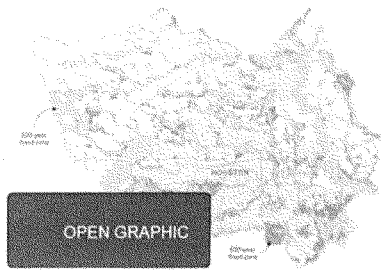

Several Rhode Island scientists who work closely with the regional lab said political officials from E.P.A. headquarters in Washington spent two days last week in the Rhode Island office reviewing the lab's work.

Mr. Munns confirmed that E.P.A. officials would not be participating in the meeting but did not explain why. Mr. Konkus, the agency spokesman, did not respond to questions about whether the conference's focus on climate change was a factor in canceling the appearances.

He said in an email that E.P.A. scientists may attend the program, but not the morning news conference. He later clarified saying, "E.P.A. staff will not be formally presenting at either."

Since August, all E.P.A. grant solicitations have gone through Mr. Konkus's office for review, according to a directive first obtained by E & E News. Mr. Konkus served on President Trump's campaign before he was appointed

deputy associate administrator in E.P.A.'s Office of Public Affairs. At the time, agency officials said they were ensuring agency funding is in line with Mr. Pruitt's priorities.

The Narragansett Bay Estuary Program is funded through the E.P.A.'s approximately $26 million National Estuary Program. It funds 28 state-based estuary programs and delivers about $600,000 annually to the Narragansett Bay program. Mr. Pruitt's proposed budget for 2018 would eliminate the national program.

Under Mr. Pruitt's leadership the E.P.A. also has removed most mentions of the words "climate change" from its website. He has declined to link carbon dioxide emissions to global warming, and in an interview with Time magazine last week said he intended to assemble a team of independent experts to challenge established climate science because, Mr. Pruitt asserted, it has not yet been subject to "a robust, meaningful debate."

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A version of this article appears in print on October 23, 2017, on Page A16 of the New York edition with the headline: E.P.A. Bars 3 of Its Scientists From a Conference to Discuss Climate Change.
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Politics

EPA is taking more advice from industry — and ignoring its own scientists

by Juliet Eilperin and Brady Dennis November 10, 2017 Email the author

When the Environmental Protection Agency this week proposed repealing tighter emissions standards for a type of freight trucks, it cited research conducted by Tennessee Tech University but underwritten by the biggest truck manufacturer challenging the rule.

Fitzgerald Glider Kits — which makes new truck bodies, called gliders, that house refurbished engines — had questioned both the legality and data underpinning the Obama-era rule. Its products would have been required to meet the tougher pollution standards starting in January.

The company's recent petition to the EPA included a letter signed by Tennessee Tech's president and the head of the school's Center for Intelligent Mobility, soon to be housed in a new facility built by Fitzgerald. EPA Administrator Scott Pruitt, who two months earlier had met with company officials, quickly agreed their arguments had merit.

It was the latest example of a profound shift unfolding in the EPA under President Trump, in which the agency has reassessed its own data and analyses at the prompting of corporations. On pesticides, chemical solvents and air pollutants, Pruitt and his deputies are using industry figures to challenge past findings and recommendations of the agency's own scientists.

Such change has drawn praise from longtime EPA critics, such as House Science Committee Chairman Lamar Smith (R-Tex.).

"Throughout the Obama administration, Science Committee hearings repeatedly revealed faulty, one-sided science as the underpinnings of EPA regulations. Administrator Pruitt has taken a different approach," Smith said in a statement. "His actions make clear that he is working to unburden American families and to ensure this administration's policies are based on sound, transparent science."

But environmentalists contend Pruitt is sidelining agency scientists on key decisions.

"What stands out in this administration is the overt way in which career staff, especially scientists, are viewed as unfriendly or on the other side," said Ken Cook, president of the nonprofit Environmental Working Group. "He's just stiff-arming the entire scientific process."

During his confirmation hearing before Congress in January, Pruitt testified at length about the need for credible science to guide the EPA's decision-making. "If confirmed, it will be my privilege to work with EPA scientists," he wrote in response to questions from Sen. Cory Booker (D-N.J.). Independent peer review "is critical to ensuring the integrity of scientific research," and "sound, objective science must serve as 'the backbone' of EPA actions."

Detractors say his actions tell a different story.

Pruitt has questioned the legitimacy of the agency's work on climate science, and continued pressing for the White House to create a "red team-blue team" effort to debate the expert consensus on climate change. One idea would be to publicly scrutinize a massive new federal climate report, complied by scientists at 13 different agencies, affirming that human activity is driving recent global warming and could produce dire consequences in the coming decades.

Last month, Pruitt moved to change the makeup of EPA advisory boards — including panels that help prioritize the agency's research and provide recommendations on federal air-pollution and chemical exposure limits — reflecting his broader effort to shift the way the agency evaluates science. He cut any researchers currently receiving EPA grants from the committees, on the grounds that this funding poses a conflict of interest, while bringing in advisers whose work is funded by industry.

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Several new appointees have blasted the EPA in the past for the science it used to justify tougher limits on pollutants and chemicals. The new chairman of the Clean Air Scientific Advisory Committee, consultant Louis Anthony "Tony" Cox Jr., argued in 2015 the agency had erred in concluding that stricter smog limits would protect public health.

"What we're trying to do is ensure that the process and that the methodology we're using is something folks have confidence in, and I think that this is a step toward that," he told reporters.

Pruitt's public schedule shows dozens of meetings with industry trade group officials and top executives from chemical, agricultural and fossil fuel companies — yet only holds periodic meetings with his own staff members about policy issues.

"EPA reviews all comments, research and data submitted to the agency, as part of understanding the issue, so that the agency can make informed decisions," spokeswoman Liz Bowman said.

Yet the question of which studies should guide the EPA's decision-making has cropped up repeatedly since the former Oklahoma attorney general came to Washington.

One of the most polarizing cases emerged in March, when he put the brakes on banning the pesticide chlorpyrifos, which has been used by farmers for a half-century to kill pests on a range of crops.

The EPA prohibited its spraying indoors to combat household bugs more than a decade ago. But in 2015, the agency proposed revoking all uses of chlorpyrifos on food in response to a petition filed by the Natural Resources Defense Council and Pesticide Action Network North America. The two groups cited scientific evidence about the potential health risks to fetal neurological development.

In March, facing a deadline to decide on the petition, Pruitt changed gears and withdrew the proposed ban. He said he wanted to provide "regulatory certainty to the thousands of American farms that rely on chlorpyrifos" and that reversing the previous administration's decision amounted to "returning to using sound science . . . rather than predetermined results."

The scientific arguments Pruitt chose to rely on came in part from the chemical industry itself. Dow AgroSciences, which manufactures chlorpyrifos, questioned epidemiological studies using data from human subjects rather than lab animals and said the EPA's assessment of the chemical's safety "lacks scientific rigor." The Agriculture Department also raised concerns about the EPA's methodology, and Pruitt cited those divergent views in his decision.

The EPA might not formally revisit questions about the safety of chlorpyrifos until 2022, when the agency is mandated to reevaluate the pesticide.

Other industry groups are now pushing for review of the EPA's scientific assessment of chloroprene, a chemical the agency identified as a likely carcinogen in 2010.

Smith and the chair of his panel's environment subcommittee, Rep. Andy Biggs (R-Ariz.), wrote Pruitt on Oct. 12 asking for a briefing and documents related to the analysis underpinning the assessment. They questioned why the EPA "ignored the conclusion of the highest quality study" cited by a consultant for Denka Performance Elastomer, the Japanese company that operates the sole U.S. chloroprene manufacturing plant.

That consultant, Kenneth Mundt, said Friday that he and several other researchers believe the EPA erroneously calculated the high cancer-risk levels it attributed to chloroprene. The research he had referenced, which did not find an elevated risk, was funded in part by U.S. and French chloroprene manufacturers.

Mundt, Denka officials and some of the firm's other consultants met on Oct. 30 with seven EPA officials to discuss the science surrounding chloroprene.

"In the past, it was difficult to get our perspectives considered at EPA . . . if you had some relationship with industry, because the door would be closed," he said. "But that's easing, and there's an increasing sense of cooperation, at least on the part of the scientists."

Pruitt is now giving the EPA data behind the 2016 truck emissions rule another look, as the agency moves forward with its repeal. The aim of the rule was to apply the stricter pollution controls that already existed for other types of trucks to gliders.

EPA modeling, which assumed that most gliders use pre-2002 engines, found that they emit anywhere from 20 to 40 times as much nitrogen oxides and soot as trucks with new engines. But the petition filed by Fitzgerald cited Tennessee Tech testing that concluded gliders "performed equally as well and in some instances out-performed" vehicles with newer engines. The document, which the company submitted with Harrison Truck Centers and Indiana Phoenix, did not include specific results from those tests.

Tennessee Tech spokesman Dewayne Wright said via email that one of the school's engineering professors went with graduate students "to a Fitzgerald facility to conduct independent research" on the EPA rule. The discussion of housing the school's Center for Intelligent Mobility in the Fitzgerald Technology Complex took place after the first tests were completed, he added.

"Tennessee Tech continually looks for ways to expose students to real-world situations and problem solving, and this was an excellent opportunity for our students, under the guidance of a Tech faculty member, to conduct such research," Wright said.

EPA staff members are doing their own round of emissions testing on a glider kit in an agency lab. But Pruitt has already proposed the rule rescinding the Obama-era standards that Fitzgerald wants gone — before the tests are finished.

Read more:

'Let us do our job': Anger erupts over EPA's apparent muzzling of scientists

EPA now requires political aide's sign-off for agency awards, grant applications

525 Comments

Juliet Eilperin

Juliet Eilperin is The Washington Post's senior national affairs correspondent, covering how the new administration is transforming a range of U.S. policies and the federal government itself. She is the author of two books — one on sharks and another on Congress, not to be confused with each other — and has worked for The Post since 1998. Follow

Brady Dennis

Brady Dennis is a national reporter for The Washington Post, focusing on the environment and public health issues. He previously spent years covering the nation's economy. Dennis was a

INCOMING EPA ADVISER THINKS AIR IS TOO CLEAN

BY SUMMER MEZA ON 11/2/17 AT 5:30 PM

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U.S. ROBERT PHALEN EPA AIR POLLUTION

One of the new White House appointees to a critical environmental panel once said that the air these days is just too clean to promote good health.

Robert Phalen, an air pollution researcher at the Irvine campus of the University of California, said in 2012 that children need to breathe irritants so that their bodies learn how to ward them off.

"Modern air," he told the American Association for the Advancement of Science, "is a little too clean for optimum health."

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Phalen is one of 17 new appointees to the Environmental Protection Agency's Scientific Advisory Board, which helps develop environmental policy. Other nominees include scientists from the oil industry, a chemical industry trade association, and various universities and consulting groups.

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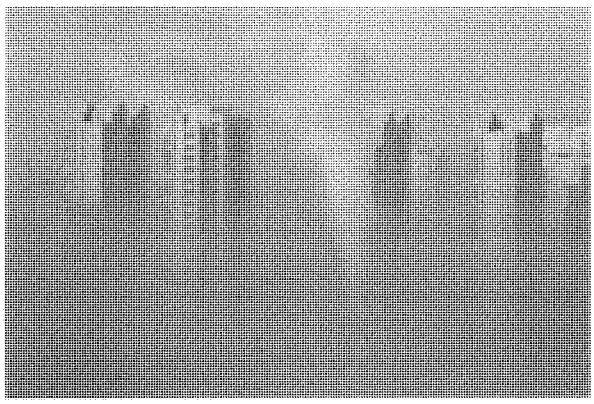

A chimney is seen in front of residential buildings during a polluted day in Harbin, Heilongjiang Province, China, January 21, 2016. REUTERS One researcher says that air pollution levels in China may have peaked.

REUTERS

Like Phalen, many are expected to argue for less regulation, an agenda that is backed by EPA Administrator Scott Pruitt.

But Phalen's earlier comments drew renewed interest in his career as a researcher and an opponent of air pollution-related regulations. Much like President Donald Trump, Phalen prides himself on holding unpopular opinions, like his 2004 study that air pollution is not such a big deal.

"The relative risks associated with modern [particulate matter] are very small and confounded by many factors," Phalen wrote. "Neither toxicology studies nor human clinical investigations have identified the components and/or characteristics of [particulate matter] that might be causing the health-effect associations."

Phalen also received heat after he defended his use of dogs to test the effects of air pollution on lung health on "The Oprah Winfrey Show" in the 1980s—a controversial stance he maintained in several radio and television interviews.

"My most important role in science is causing trouble and controversy," he said in the 2012 interview.

The Trump Administration has moved quickly to assert its control over the EPA's science team. Several members of the advisory panel were dismissed in May, part of the EPA's anti-regulatory agenda and shift to hearing more voices from business and industry, said some departed members of the panel. President Trump directed Pruitt to cut the EPA budget by 40 percent, and to roll back regulations on clean water protection and climate change prevention. The official

EPA website also deleted pages that included climate change research.

More recently, Pruitt announced that no scientist who received funding from the agency would be eligible to serve on the advisory board, a move that blocks hundreds of credible scientists from the panel. Pruitt said the move would prevent conflicts of interest, but critics say it's a false issue.

"They pretend that the industry people who are being offered up positions on the panel are somehow unbiased because they're not getting money from EPA," Donna Kenski of the Lake Michigan Air Directors Consortium in Illinois told the New York Times. Kenski was dismissed from a clean air advisory board earlier in the week, the Times reported.

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Man who believes current air quality is 'too clean' named to US Environmental Protection Agency advisory board

EPA Director Scott Pruitt has named 66 new experts to three different EPA scientific committees

Emily Shugerman New York | @eshugerman | Saturday 4 November 2017 21:46 GMT

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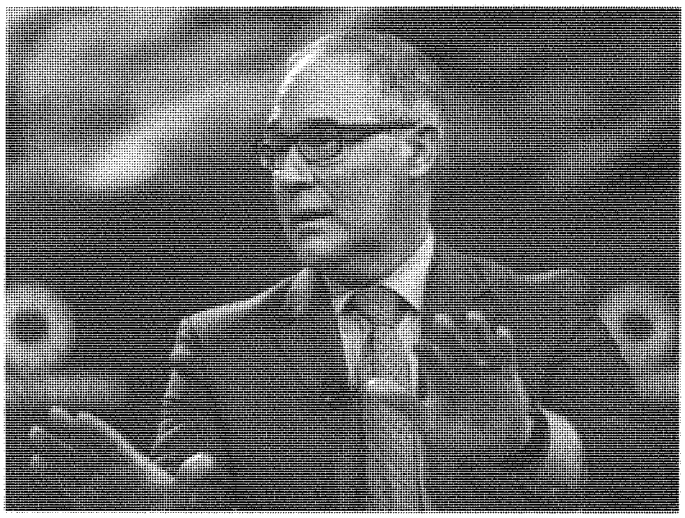


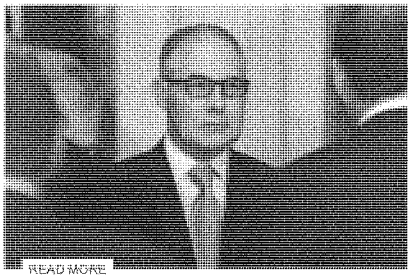
Scott Pruitt *Getty*

A man who once claimed that the air in America was "a little too clean for optimum health", has been appointed to an advisory board of America's Environmental Protection Agency (EPA).

Robert Phalen once claimed that children's lungs need to breathe irritants so their bodies can learn to fight them.

The former director of the Air Pollution Health Effects Laboratory at the University of California Irvine was appointed to the agency's critical Scientific Advisory Board by EPA Director Scott Pruitt.

Mr Pruitt has recently removed all the scientists who receive grant money from the agency.



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EPA chief Scott Pruitt to get $25,000 'privacy booth'

Speaking to the the American Association for the Advancement of Science in 2012, Mr Phalen told the audience: "Modern air is a little too clean for optimum health."

Mr Phalen has also argued that the risks associated with modern particulate matter are "very small and confounded by many factors".

In a 2004 study, he wrote that, "neither toxicology studies nor human clinical investigations have identified the components and/or characteristics of [particulate matter] that might be causing the health-effect associations".

Donald Trump's least presidential moments so far...

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The appointment is part of Mr Pruitt's plan to promote advisers who are "financially independent" from the agency.

He has barred scientists who receive grant money from the EPA from serving on its advisory boards, saying he will instead focus on "fresh perspectives" and "geographical representation".

As a result, Mr Pruitt has placed 66 new experts on three different EPA scientific committees, according to the *Washington Post*. Several of these experts come from industries that the agency regulates. New advisers hail from companies such as Dow Chemical, Procter & Gamble, and the French petroleum company Total.

The committees also include current and former members of the American Chemistry Council – the primary trade and lobbying group for the chemical industry. Mr Pruitt is scheduled to give a speech the Council's annual board meeting next week.

Fox News destroyed EPA chief Scott Pruitt over climate change

While Mr Pruitt says his new policy is meant to prevent conflicts of interest, others claim it will only promote them.

"Pruitt is turning the idea of 'conflict of interest' on its head," Andrew Rosenberg, director of the Centre for Science and Democracy at the Union for Concerned Scientists, said in a statement. "He claims federal research grants should exclude a scientist from an EPA advisory board but industry funding shouldn't."

He added: "The consequences of these decisions aren't just bad for a few scientists. This could mean that there's no independent voice ensuring that EPA follows the science on everything from drinking water pollution to atmospheric chemical exposure."

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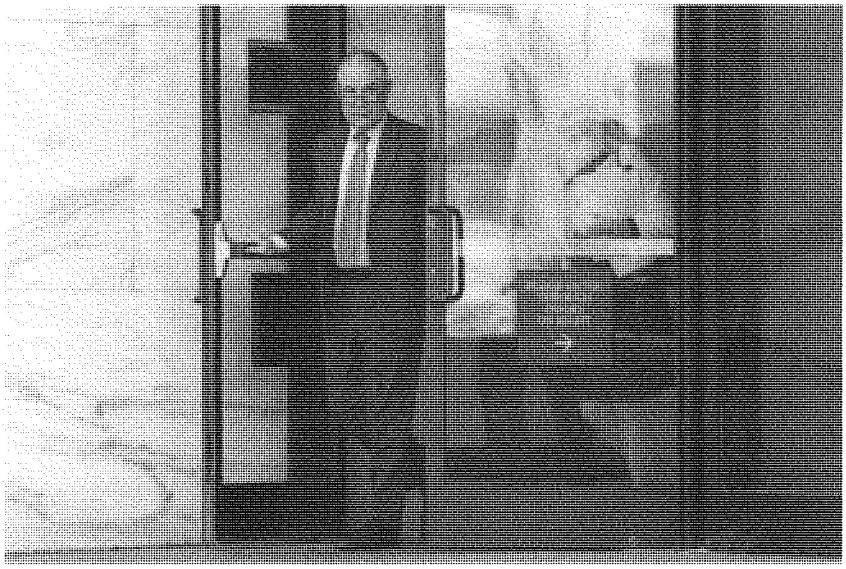
CLIMATE

Pruitt Bars Some Scientists From Advising E.P.A.

By **LISA FRIEDMAN** OCT. 31, 2017



Scott Pruitt, the head of the Environmental Protection Agency, on Capitol Hill on Oct. 17. Mr. Pruitt issued new rules barring researchers who receive E.P.A. grant money from sitting on panels that advise the agency. Tom Brenner/The New York Times

WASHINGTON — Scott Pruitt, the head of the Environmental Protection Agency, stripped a half-dozen scientists and academics of advisory positions Tuesday and issued new rules barring anyone who receives E.P.A. grant money from serving on panels that counsel the agency on scientific decisions.

The move will effectively bar a large number of academic researchers, many of them experts in fields ranging from toxicology to epidemiology, from advising the E.P.A. on scientific matters, since the agency is one of the largest funders of environmental research.

Mr. Pruitt was expected to appoint several industry representatives to the panels. He did not impose any new restrictions to prevent them from offering advice on environmental regulations that may affect their businesses.

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In an announcement at agency headquarters surrounded by conservative activists and Republican lawmakers who have long called for an overhaul of the advisory boards, Mr. Pruitt said he made the decision to ensure the agency would receive data and advice free from conflicts of interest or any appearance of a conflict. He said that people currently serving on E.P.A. advisory boards had received $77 million in grant money over the past three years as they were issuing advice on policy.

"Our focus should be sound science, not political science," Mr. Pruitt said.

"We want to ensure independence."

Democrats, scientists and environmental groups denounced the decision. They said E.P.A. advisory boards already had stringent conflict of interest policies, and they asserted that neither Mr. Pruitt nor Republican critics of the panels had found any cases in which academic advisers profited from the agency by providing advice.

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"The really galling part of this is that it's all in an effort to avoid conflict of interest, but they pretend that the industry people who are being offered up positions on the panel are somehow unbiased because they're not getting money from E.P.A.," said Donna Kenski, director of data analysis at the Lake Michigan Air Directors Consortiun in Illinois. Ms. Kenski, who was dismissed from tbe Clean Air Scientific Advisory Committee on Tuesday, said her organization received money from E.P.A. indirectly through the State of Illinois.

"I don't believe it's really about the funding," Ms. Kenski said. "I believe it's a blatant attempt to politicize a process that has been refreshingly free of politics."

Mr. Pruitt is expected to ask about two dozen people to replace advisers whose terms have ended or were removed under the new rules, according to a list provided by several people close to the process. Among the expected appointees, several are state regulators and private consultants; one is a senior director at the American Chemistry Council, a trade association; another is the chief environmental officer for Southern Company, an electric utility; and one is the vice president of technology for Phillips 66 Research Center in Oklahoma, and previously worked for ConocoPhillips.

The E.P.A. did not confirm the full list of new appointees, but did announce

that Michael E. Honeycutt, the top toxicologist at the Texas Commission on Environmental Quality, would chair the E.P.A.'s Scientific Advisory Board. Dr. Honeycutt has sparred with the E.P.A. over ozone standards, and was a co-author of a study in an air and waste management magazine arguing that the agency has inflated the health benefits of more stringent air quality standards.

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A version of this article appears in print on November 1, 2017, on Page A9 of the New York edition with the headline: Pruitt Ousts Scientists From Panels At the E.P.A. Order Reprints | Today's Paper | Subscribe

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Pruitt Makes EPA Science Board More Industry Friendly

by SUZY KHIMM and ANDREW RAFFERTY

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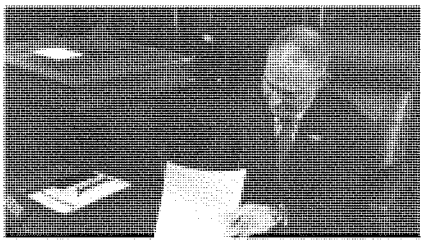
WASHINGTON — The Environmental Protection Agency has removed six university researchers — whose expertise ranges from economics to environmental health — from the agency's Science Advisory Board, replacing them with advisers with more industry-friendly views.

EPA administrator Scott Pruitt announced the new appointments on Friday in the wake of new guidelines that prohibit scientists who receive EPA grants from serving on advisory panels that provide critical expertise and oversight for federal policymaking.



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"To ensure that EPA is receiving the best independent scientific advice, I am appointing highly-qualified

experts and scientists to these important committees," Pruitt said in a statement. The agency noted that all board members have "committed to remaining financially independent from EPA grants during their tenures."

The list of new appointees to the Science Advisory Board includes industry representatives, red-state officials, and independent scientists who share EPA administrator Scott Pruitt's critical views of major federal environmental regulations, according to a review by NBC News.

Those members include Larry Monroe, a former executive at Southern Company, an Alabama gas and electric firm; Merlin Lindstrom of Phillips 66, a Texas fuel company; Robert Merritt, a retired executive from petrochemical firm Total; and Kimberly White of the American Chemistry Council, the most prominent trade association for chemical manufacturers.

Pruitt has also selected red-state regulators who have contested major EPA policies to serve on the board. As North Carolina's head of environmental quality, Donald van der Vaart led his state to sue the federal government over the Clean Power Plan, which Pruitt has moved to withdraw. The Science Advisory Board's new chair is Michael Honeycutt, a toxicologist at the Texas Board of Environmental Quality has fought against stricter ozone standards and helped relax chemical regulations in Texas.

In addition, the EPA announced new members of the agency's Clean Air Scientific Advisory Committee and Board of Scientific Counselors — two other independent advisory panels.

Pruitt said that the new guidelines are necessary to avoid conflicts of interest between board members who are receiving grants from the agency they're advising, and will help promote greater geographic diversity on the advisory boards.

Related: EPA Keeps Scientists From Speaking About Report on Climate

But opponents of the move fear that the Pruitt's new guidelines — which appears to be a first for the agency — will make the board less independent and undermine policymaking based on evidence-based science, as EPA grants are a major source of funding for independent academic researchers.

"The move to remove scientists with EPA funding is, simply put, scientific censorship," says University of Minnesota professor Deborah Swackhamer, a former chair of the Science Advisory Board and a current member of the EPA's Board of Scientific Counselors.

Congress originally established EPA's Science Advisory Board to provide expert advice and oversight of the agency. Last year, the panel issued a report criticizing EPA's conclusion that hydraulic fracturing had no "widespread, systemic impacts on drinking water resources," saying the agency had failed to provide enough evidence to support such findings.

"EPA uses all sorts of science to support its activities — [The board] was in effect the last stop," says Robert Johnston, an environmental economist at Clark University who was removed from the board after he refused to give up his EPA-funded research on water quality. "Without an unbiased, unvarnished Scientific Advisory Board, there's nothing to stop the agency from using science that isn't appropriate."

Critics of Pruitt's directive said they believe the EPA already has a robust policy requiring its independent advisers to recuse themselves on issues that might pose a conflict of interest, pointing out that the new guidelines only apply to EPA funding, not industry funding that could pose an even greater conflict of interest.

"This directive is totally unnecessary and clearly political, not ethical," Swackhamer said.

When asked if board members with financial interests from industry or other government agencies also had a conflict, Pruitt said that the agency's ethics commission would address such questions on a case by case basis. "This is just about the EPA," he said.

CORRECTION (Nov. 3, 5:51 p.m.): An earlier version of this article misstated the number of scientists removed from the EPA's Science Advisory Board. Six scientists were dismissed, not seven.

SUZY KHIMM

ANDREW RAFFERTY

CONTRIBUTOR JORDAN JACKSON

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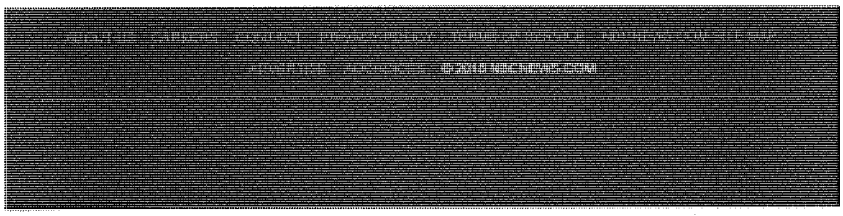

The Washington Post

Health & Science

Scott Pruitt blocks scientists with EPA funding from serving as agency advisers

Scott Pruitt, administrator of the Environmental Protection Agency, no longer will allow scientists with EPA funding to serve on its scientific advisory boards. (Andrew Harrer/Bloomberg)

By Brady Dennis and Juliet Eilperin October 31, 2017

The head of the Environmental Protection Agency upended the agency's key advisory groups on Tuesday, announcing plans to jettison scientists who have received EPA grants.

The move sets in motion a fundamental shift, one that could change the scientific and technical advice that historically has guided the agency as it crafts environmental regulations. The decision to bar any researcher who receives EPA grant money from serving as an adviser appears to be unprecedented.

"It is very, very important to ensure independence, to ensure that we're getting advice and counsel independent of the EPA," Administrator Scott Pruitt told reporters Tuesday.

He estimated that the members of three different committees — the Scientific Advisory Board, the Clean Air Science Advisory Committee and the Board of Scientific Counselors — had collectively accepted $77 million in EPA grants over the last three years. He noted that researchers will have the option of ending their grant or continuing to advise EPA, "but they can't do both."

EPA will not impose a similar litmus test on scientific advisers who receive grants from outside sources. But Pruitt said they will undergo the same sort of ethics review that is already in place "to ensure that there aren't issues of potential conflict with areas that they're working upon."

The agency made an effort to enlist researchers from a wider range of states to broaden the panels' outlook, he said. Members will include

experts from 40 states and the District of Columbia, he said, reflecting the addition of researchers from Alaska and several states in the middle of the country.

"We want to ensure geographical representation," he said. "We want to ensure the independence and integrity of the process through the decisions we're making."

Pruitt did not announce his selections for new appointees to the Science Advisory Board, but a list obtained by The Washington Post from multiple individuals familiar with the likely appointments includes several categories of experts — voices from regulated industries, academics and environmental regulators from conservative states, and researchers who have a history of critiquing the science and economics underpinning tighter environmental regulations. They would replace a number of scientists who currently have agency grants and whose terms are expiring.

Terry F. Yosie, who was the advisory board's director during the Reagan administration, said the changes "represent a major purge of independent scientists and a decision to sideline the SAB from major EPA decision-making in the future."

Environmental and scientific groups were quick to condemn the changes and question Pruitt's motives on Tuesday.

"Pruitt is turning the idea of 'conflict of interest' on its head — he claims federal research grants should exclude a scientist from an EPA advisory board but industry funding shouldn't," Andrew Rosenberg, director of the Center for Science and Democracy at the Union for Concerned Scientists, said in a statement. "The consequences of these decisions aren't just bad for a few scientists. This could mean that there's no

independent voice ensuring that EPA follows the science on everything from drinking water pollution to atmospheric chemical exposure."

But industry groups and conservative lawmakers, including longtime EPA critic Sen. James M. Inhofe (R-Okla.), who attended the announcement, applauded the action.

"The changes announced today will help ensure EPA's scientific review panels are well balanced with perspectives from qualified scientists of diverse backgrounds and board members are free of any disqualifying conflicts of interest," American Chemistry Council president Cal Dooley said in a statement.

Pruitt had foreshadowed the sweeping changes in a speech this month at the Heritage Foundation that he planned to rid the agency's scientific advisory boards of researchers with EPA funding. He argued that the current structure raises questions about their independence, though he did not voice similar objections to industry-funded scientists.

"What's most important at the agency is to have scientific advisers that are objective, independent-minded, providing transparent recommendations," Pruitt said at the time. "If we have individuals who are on those boards, sometimes receiving money from the agency . . . that to me causes questions on the independence and the veracity and the transparency of those recommendations that are coming our way."

Among the expected appointees are sharp proponents of deregulation who have argued both in academic circles and while serving in government that federal regulators need to raise the bar before imposing new burdens on the private sector.

John D. Graham, who now serves as dean of Indiana University's School of Public and Environmental Affairs, launched a major deregulatory

push while head of the Office of Management and Budget's Office of Information and Regulatory Affairs under George W. Bush. He repeatedly informed agencies that they had not sufficiently justified the rules they wanted to enact, establishing a process under the Data Quality Act that allowed petitioners to ask agencies to withdraw information that did not meet OMB standards for "quality, objectivity, utility and integrity."

Anne Smith, who serves as managing director of NERA Economic Consulting and co-heads its environmental practice, belongs to a firm that has done extensive work for groups that fought the Obama administration's regulatory agenda. In June, President Trump cited a report NERA produced for the American Council for Capital Formation and the U.S. Chamber of Commerce when announcing his decision to exit the international Paris climate agreement. The report projected that meeting America's commitment under the accord would mean "as much as 2.7 million lost jobs by 2025."

That study was based on several assumptions, including the idea that the United States would meet its emissions targets not by maximizing energy efficiency or other low-cost approaches but by forcing the industrial sector to cut emissions by 40 percent between 2005 and 2025. The report did not take into account potential benefits from lowered greenhouse gas emissions or technological advances that could make cutting carbon emissions cheaper.

At least three potential appointees have backgrounds working for large corporations with activities now or potentially regulated by the EPA, including the French oil giant Total, Phillips 66 and Southern Co., one the largest U.S. utilities.

One of them, Larry Monroe, was previously chief environmental officer

at Southern, which has millions of customers in the Southeast. Monroe has particular expertise in how the EPA regulated emissions from coal-fired power plants and criticized the Obama administration's Clean Power Plan, which Pruitt is trying to roll back. Monroe argued that the plan, intended to reduce carbon emissions, was "unworkable and would increase electricity prices to customers while hurting reliability."

In addition, the group includes those who have, like Pruitt, battled the EPA in the past. One is Michael Honeycutt, head of the Texas Commission on Environmental Quality's toxicology division, who Pruitt announced Tuesday as the new head of the Science Advisory Board. Honeycutt has suggested that the health risks associated with smog are overstated.

The move to prohibit anyone receiving EPA grant money from serving on the board has prompted questions and criticism from independent researchers and from some of the agency's current advisers, who noted that they follow strict ethics procedures to avoid conflicts of interest.

Robyn Wilson, an Ohio State University professor and an advisory board member who specializes in risk analysis, said in an interview that she received a grant this year to work on a project evaluating the extent to which federal funds spent on restoring the Great Lakes have made an impact. The agency approved a roughly $750,000 grant that will be divided among about 10 researchers at three different institutions; about $150,000 would go to Ohio State.

"You want people there with expertise, who have experience with the issues EPA is dealing with," Wilson said, adding that with each assignment board members must "go through a pretty elaborate conflict of interest process" to make clear that they don't have a stake in the outcome.

Angela Nugent, who previously worked for the EPA as the designated federal officer for the board, said that the determination regarding EPA grants would differ from how the agency used to determine when a conflict of interest had occurred.

"It would be a major departure from current policy" to assume that board members have a conflict of interest merely based on their grants, she said.

In the past, Nugent said, the board has required financial disclosures from members in relation to each particular study or project on which they were advising. Determinations of conflict of interest were then made relating to the specifics of the subject matter conflicts, rather than a blanket bar because an individual had an EPA grant.

Current advisory members reached out to Pruitt on Sept. 13, formally asking him to meet with them so they could discuss his agenda and their role in advising the agency.

"Such a meeting would afford you the opportunity to highlight EPA activities and priorities and would allow for a dialogue on how best the SAB can work to ensure the highest quality science supports Agency's policies and decisions," wrote board chair Peter Thorne, a professor of occupational and environmental health at the University of Iowa. "The SAB stands ready to serve and encourages you to take full advantage of the vital resource we can provide."

Pruitt never met with the group.

Chris Mooney contributed to this report.

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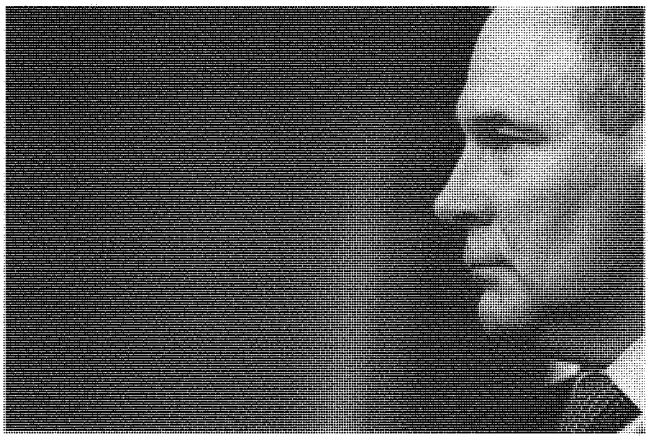

Scott Pruitt Declares War on Air Pollution Science

In stacking EPA advisory boards with skeptics, he's laying the groundwork to gut regulations that protect Americans from polluted air.

BY **EMILY ATKIN** | October 31, 2017

The Trump administration's environmental denialism runs much deeper than global warming. That became clear just one month into the presidency, at the annual Conservative Political Action Conference, where panelist Steve Milloy—formerly a paid flack for

the tobacco and fossil fuel industries and member of the president's Environmental Protection Agency transition team —argued that the mainstream science on the health risks of air pollution was wrong. Contra the Centers for Disease Control, the World Health Organization, the National Institutes of Health and most publishing epidemiologists, Milloy insisted that excessive particulate matter is not linked to premature death—and that scientists who advise the EPA made up evidence to support the Obama administration's regulatory priorities. "These people validate and rubber-stamp the EPA's conclusion that air pollution kills people," he said. His co-panelists nodded in agreement.

Milloy called for EPA Administrator Scott Pruitt to overhaul the agency's scientific advisory boards, the bodies that ensure public health regulations are based on sound, peer-reviewed science. Milloy said scientists who receive EPA grants are biased toward regulation, and thus Pruitt should ban them from serving on the boards. He and his co-panelists also argued for more representation from polluting industries, which clearly do have a bias *against* regulation.

Milloy and others on the anti-environmental fringe are getting their wish. On Tuesday, Pruitt announced massive changes to the EPA's Scientific Advisory Board and Clean Air Scientific Advisory Council, both of which advise EPA on the science behind proposed regulations. Pruitt announced that EPA will no longer appoint scientists who have received grants from the agency to these boards. "From this day forward, EPA advisory committee members will be financially independent from the agency," he said. Pruitt is also expected to replace every single member whose term is expiring instead of renewing some for a second term, as is common practice. Terry Yosie, former director of the Science Advisory Board during the Reagan administration, told me, "It's

fair to say that this has never happened to this sweeping degree before of existing board members whose terms are expiring this year."

These changes have been expected for several weeks, but it's all the more concerning when we look at who these new advisors are. A list of expected appointees to the EPA's Science Advisory Board, obtained by the *Post,* E&E News, and *The New Republic,* shows that Pruitt is expected to appoint multiple people who have downplayed the impact of air pollution on public health. These deniers will have the influence to contort EPA science, leading to the weakening or even repeal of clean-air regulations that protected Americans for decades.

Of the 17 new members expected to be appointed to the EPA's Scientific Advisory Board (SAB), three hail from large fossil-fuel companies: Southern Company, Phillips 66, and Total. Three are from red-state governments; one is from a chemical industry trade association; the rest are from various universities and consulting groups. Five of the 17 hold views on air pollution that are outside of the scientific mainstream. Of the three new members expected to be appointed to the Clean Air Scientific Advisory Council (CASAC), one is an air pollution skeptic.

Most toxicologists and epidemiologists accept that air pollution can harm humans, and that excessive air pollution can lead to death in vulnerable populations (like children and the elderly). That's why the government regulates it—principally under the Clean Air Act, a widely popular law passed in 1963 and amended multiple times with unanimous or overwhelming support in the Senate. Through that law, we have various regulations on specific

air pollutants, including National Ambient Air Quality Standards for particulate matter and ground-level ozone.

Several expected SAB appointees will likely argue that these regulations should be weakened. Michael Honeycutt, the director of toxicology at the Texas Commission on Environmental Quality (TCEQ), has been aggressively seeking a spot on one of the scientific advisory boards since last year. He is "one of the top ozone science doubters in the state," according to a 2016 profile in the Houston Press:

> Honeycutt is the guy who has been leading the charge against making any changes to air quality standards in Texas. He and a bunch of TCEQ scientists have followed in the footsteps of Republicans in Texas and across the country in vowing to oppose EPA air quality changes until the end of time, more or less. He's stated in the past he's against any measures to reduce air pollution mainly because he feels they would be too expensive. Aside from that, Honeycutt reasons that ozone levels aren't an issue at all because "most people spend more than 90 percent of their time indoors" so they're rarely exposed to significant layers of ozone.

The EPA considers ozone a harmful air pollutant. "Reducing ozone pollution makes breathing easier," the agency's website reads. "Breathing ozone can trigger a variety of health problems, particularly for children, the elderly, and people of all ages who have lung diseases such as asthma." Honeycutt, who's been trying to undercut the scientific basis for smog regulations since 2010, argues that people aren't outside long enough for high levels of ozone exposure to make a difference.

Robert Phalen, who directs the Air Pollution Health Effects

Laboratory at the University of California Irvine, is not an obvious ideologue like Honeycutt, but his research findings would support a deregulatory agenda for air pollution. "The relative risks associated with modern [particulate matter] are very small and confounded by many factors," he wrote in a 2004 study. "Neither toxicology studies nor human clinical investigations have identified the components and/or characteristics of [particulate matter] that might be causing the health-effect associations." Phalen has argued that the air is currently too clean, because children's lungs need to breathe irritants in order to learn how to fight them. "Modern air," he said in 2012, "is a little too clean for optimum health."

Anne Smith, an analyst at NERA Economic Consulting, has argued against President Barack Obama's signature climate change regulation, the Clean Power Plan. Specifically, she took issue with how his administration classified the health risks of particulate matter. She contends that one can't know for certain whether a death during, for instance, a smog event was directly caused by air pollution. Mainstream scientists acknowledge as much, but say the strong statistical correlation between death rates and pollution rates are enough to prove the risks. Smith disagrees.

The rest of the expected nominees are similarly skeptical. The University of North Carolina's Richard Smith is the author of a recent peer-reviewed study that found "No association of acute deaths with levels of PM2.5 or ozone." Stanley Young, a listed expert at the climate-denying Heartland Institute, has written that there is "empirical evidence and a logical case that air pollution is (most likely) not causally related to acute deaths." And Tony Cox—the one expected to be appointed to the clean air board—has long argued that the public health benefits of reducing ozone pollution are "unwarranted and exaggerated."

Unlike with climate change, which scientists overwhelmingly agree is driven by humans, some peer-reviewed studies cast doubt on air pollution's health impacts. But other peer-reviewed studies say air pollution's health risks are even greater than we currently assume. And the majority of scientists agree that air pollution poses a threat to public health, and can trigger death in vulnerable populations. The disproportionate number of doubters on Pruitt's science advisory team doesn't reflect that robust debate happening within the scientific community. Instead, it drastically tips the scales in favor of Pruitt's deregulatory policy agenda. Or as Milloy, the EPA transition team member and CPAC panelist put it on Tuesday afternoon, "More winning!"

Emily Atkin is a staff writer at the *New Republic*.

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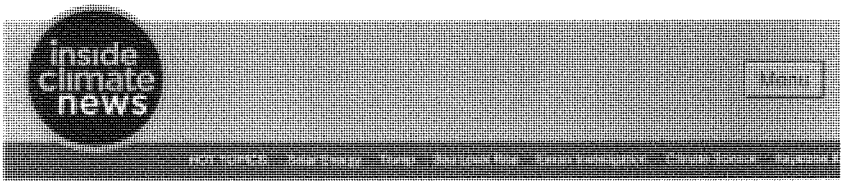
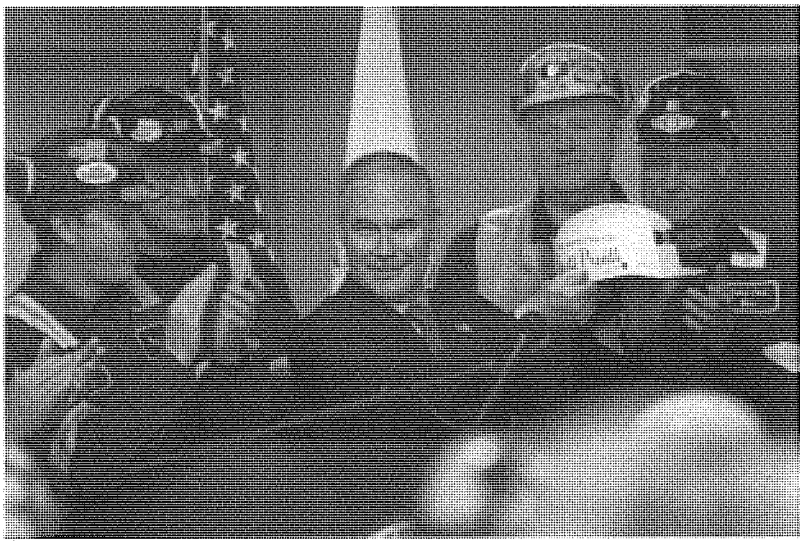


Trump Administration Deserts Science Advisory Boards Across Agencies

While top-level science positions remain vacant, scientific advisory panels have been quietly diminished, disbanded or stacked with industry scientists.

BY GEORGINA GUSTIN FOLLOW @GEORGINA_GUSTIN

JAN 18, 2018



EPA Administrator Scott Pruitt, meeting here with miners in Pennsylvania, has pushed scientists off the EPA's Science Advisory Board and added representatives from industries the agency regulates. A new Union of Concerned Scientists report looks at the changes. Credit: Justin Merriman/Getty Images

Stay informed about the latest climate, energy and environmental justice news by email. Sign up for the ICN newsletter.

Shortly after President Donald Trump took office, Paul Beier, a professor at Northern Arizona University and a member of a little known government science panel that advised the Interior Department on climate change, got an email.

"It basically said, 'Thank you very much,'" Beier recalled. "I said, 'Is this a goodbye letter?' They said, 'Yeah, you're done'."

Beier was one of 25 people on the Advisory Committee on Climate Change and Natural Resource Science, a panel that advised the Department of Interior on ways to minimize the impacts of climate change at natural and culturally important sites. Like dozens of panels and boards formed to advise government agencies on science-related challenges, the committee met regularly and offered recommendations.

"They would take our ideas and run with them, so it was quite rewarding," Beier said, remembering the

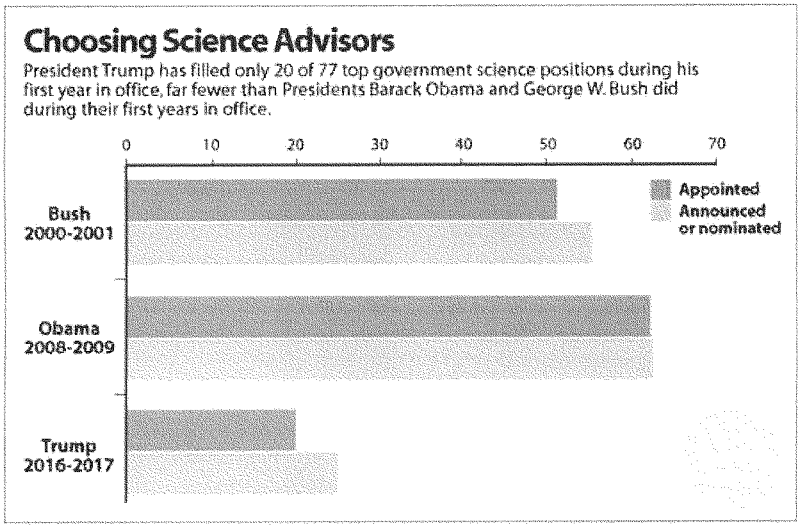
work of the panel under the Obama administration. "They clearly wanted our advice."

Not anymore.

A report released Thursday by the Union of Concerned Scientists (UCS) found that, in the first year of the Trump administration, science advisory panels charged with advising agencies across the government have been whittled down or, like Beier's, dissolved entirely. Those still in existence, the report found, met less often than they have since the government began tracking their meetings 20 years ago.

UCS looked at the schedules and records of 73 science advisory panels and found that membership declined 14 percent compared to 2016, while the number of meetings dropped 20 percent. In 2017, nearly two-thirds of the panels that UCS studied met less often than their charters require.

"Throughout the system, they're sidelining scientists. It's not just at the higher levels," said Andrew Rosenberg, director of UCS's Center for Science and Democracy, who has also served on several advisory panels. "They want no dissenting voices."



SOURCE: Union of Concerned Scientists PAUL HORN / InsideClimate News

President Donald Trump has yet to appoint a presidential science advisor to lead the Office of Science and Technology Policy, or to appoint members to the Presidential Council on Advisors on Science and Technology, among other notable vacancies. But UCS wanted to look at advisory boards, which have a lower profile and don't craft policy themselves, yet hold an important role in disseminating critical science to

policy makers.

"They inform the public, too, and [their work] becomes part of the administrative record," Rosenberg said. "So a Secretary can't say, 'I didn't know about this when I made a decision.' They can be held accountable by the public, the courts or Congress. The information is in the record."

Bears Ears, Other Decisions Made While Advisory Boards on Hold

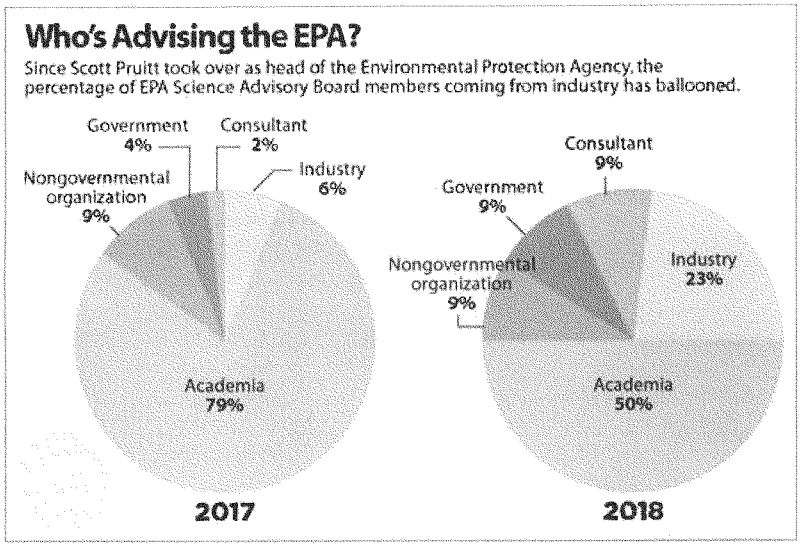
Already, the UCS report says, the Trump administration has made several key decisions or rules without the benefit of advisory panels, including Interior Secretary Ryan Zinke's proposal to radically downsize two national monuments in Utah—Bears Ears and Grand Staircase-Escalante—while agency advisory committees were on hold.

The UCS report notes that, earlier in the year, Zinke froze 200 advisory panels, including nine scientific advisory panels. This week, The Washington Post reported that most of the members on one of those advisory panels—the National Park System Advisory Board—had resigned in frustration, saying Zinke had refused to schedule even a single meeting.

At least one research institution is taking matters into its own hands. Earlier this month, Columbia University's Earth Institute announced it had hired Richard Moss, who headed NOAA's Advisory Panel for the Sustained National Climate Assessment, which was disbanded last summer. The purpose of the committee was to help share the findings of the National Climate Assessment with businesses, policy makers and government planners so they could make more informed decisions on improving resilience or adapting to climate change risk. In his new role, Moss will reassemble the group, the institute said.

EPA Boosted Industry Presence on Science Board

Environmental Protection Agency Administrator Scott Pruitt has hit his agency's scientific panels especially hard, failing to renew terms according to custom, the report says. Pruitt also issued a directive in October that ordered any member of the agency's Science Advisory Board who receives EPA funding to either give up the funding or step down. Pruitt, meanwhile, has appointed people from industries that the agency regulates.



SOURCES: Union of Concerned Scientists; EPA; GSA PAUL HORN / InsideClimate News

"The Trump administration has clearly decided they have no need for the best science advice. In fact, they think they need no scientific advice. For the most part, they're letting these committees atrophy," said David Michaels, a professor in the department of environmental and occupational health at George Washington University. "The exception to that is when they're appointing conflicted scientists at EPA."

Michaels, who was an assistant secretary at the departments of both Labor and Energy during the Clinton and Obama administrations, has written extensively on science in politics.

"We know that conflict of interest shapes your view of the world," he said. "So to have scientists who work for the industry on an advisory board means he or she will not be providing impartial scientific judgment."

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ABOUT THE AUTHOR

Georgina Gustin

Georgina Gustin is a Washington-based reporter who has covered food policy, farming and the environment for more than a decade. She started her journalism career at The Day in New London, Conn., then moved to the St. Louis Post-Dispatch, where she launched the "food beat," covering agriculture, biotech giant Monsanto and the growing "good food" movement. At CQ Roll Call, she covered food, farm and drug policy and the intersections between federal regulatory agencies and Congress. Her work has also appeared in The New York Times, Washington Post and National Geographic's The Plate, among others.

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BY BOB BERWYN

Policy

EPA Budget Cuts Won't Fly, House Appropriators Tell Pruitt

House appropriators, both Republicans and Democrats, were opposed to the cuts to the EPA budget defended by its administrator, Scott Pruitt. (Tom Williams/CQ Roll Call File Photo)

Elvina Nawaguna

Posted Jun 16, 2017 5:23 PM

EPA Administrator Scott Pruitt's defense of the administration's proposal to his agency's budget by 30 percent are falling short with House appropriators, who are making clear that they'll toss it aside when they write their Interior-Environment spending bill.

The sharp cuts proposed in the President Donald Trump's budget are "untenable," Interior-Environment Subcommittee Chairman Ken Calvert told Pruitt at a hearing, a sharp rebuke from a key appropriator.

Facing a 30 percent cut in its spending, the EPA would incur the steepest cuts of any federal agency in Trump's fiscal 2018 budget request. The White House's proposed $5.7 billion for EPA is $2.4 billion below the $8.1 billion enacted in the fiscal 2017 omnibus bill (PL 115-31).

"I can assure you, you'll be the first EPA administrator who has come before this committee in eight years that gets more money than you've asked for," Rep. Tom Cole, R-Okla., told Pruitt, acknowledging

longstanding antipathy toward the agency by Congress' Republican majority. "The final decision rests here."

Pruitt, an outspoken critic of the agency in his previous role as Oklahoma's attorney general, told lawmakers that the agency can fulfill its mission with "a trimmed budget" and proper management.

"The president's budget aims to reduce redundancies and inefficiencies, and prioritize EPA's core statutory mission of providing Americans with clean air, land, and water," he said.

The administration's budget also proposes to eliminate nearly 3,800 positions, amounting to about a quarter of the agency's workforce. Pruitt told the panel the cuts would be through attrition, voluntary buyouts and a hiring freeze.

The EPA has lost more than 2,000 employees over the last decade and critics of the budget request fear further reductions could cripple the agency and its ability to protect the environment and enforce regulations.

Rep. Mark Amodei, R-Nev., said he would take into account the fact that the agency has already lost a big chunk of its funding and staff.

"It's important to know that the Congress has cut the agency quite a bit before you got there and quite a bit recently in relative terms," Amodei told Pruitt. "Quite frankly, as many people have made the point, nobody is standing on the rooftop begging for dirty water and dirty air and dirty soil and those sorts of things."

While Republicans on the panel commended Trump's attempts to balance the budget and continue current funding levels for drinking water infrastructure, lawmakers from both parties made it clear they would not support a budget that would cut dozens of programs important to their constituencies.

"Proposed cuts of this magnitude put agencies and important tasks at risk," Calvert said. "In many instances the budget proposes to significantly reduce or eliminate programs that are vitally important to each member on this subcommittee."

State Role

In defending the proposal, Pruitt told lawmakers that his goal was to return more power to the states to regulate environmental issues.

"EPA can accomplish a lot when the agency focuses on working cooperatively with the states and tribes

to improve health and the environment," Pruitt said.

But that assertion was challenged by both Republicans and Democrats, who pointed to the deep cuts to multiple state grant programs that they said would hurt their communities.

"I don't know how we can expect states to take on more of EPA's responsibilities without money," Rep. Derek Kilmer, D-Wash., told Pruitt.

Calvert said he objected to cuts to several programs including the Diesel Emissions Reduction Act grant program, which he said is essential to improving air quality in his state of California and the Superfund program, that would see its budget cut by a third.

"These are all proposals that we're unlikely to entertain," Calvert said. "Further, the budget proposes to significantly reduce other important state grants while asking states to continue to serve as principle leads to implement delegated environmental programs."

Ohio lawmakers on the panel, Republican David Joyce and Democrat Marcy Kaptur, scolded Pruitt for the administration's plan to eliminate the Great Lakes Restoration Initiative.

The initiative was founded in 2010 to bolster efforts to protect and restore what is considered the largest system of fresh surface water in the world, covering Lakes Superior, Michigan, Huron, Erie, and Ontario.

"It wouldn't happen without federal support," Joyce said.

Overall, the budget would cut around 50 EPA programs and eliminate most of the agency's climate programs, which the administration views as a waste of money. Trump himself has in the past said that climate change is a hoax perpetrated by the Chinese and his representatives have recently dodged questions seeking to clarify his position on the issue.

Democrats rebuked the administration for what they view as an anti-environment plan that rejects the agency's responsibility to provide a healthy environment and clean water.

House Appropriations' top Democrat, Nita M. Lowey of New York, said the budget displayed the administration's "willful ignorance" of climate change and falls short of the agency's responsibilities.

Pruitt has acknowledged that climate change is happening, but casts doubt on the science linking global warming to human activity and carbon emissions. He has also challenged assumptions that the long-term economic cost of climate change is greater than the short term cost of reducing carbon emissions.

Interior-Environment Subcommittee top Democrat, Betty McCollum of Minnesota, said she will not support a budget that funds the agency below 2017 levels.

"President Trump can propose this destructive budget and the administrator can come here and defend it, but it's Congress and this committee which will determine EPA's funding," McCollum said.

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Ewire: Pruitt's secrecy draws criticism -- even from his friends

August 14, 2017

https://insideepa.com/daily-feed/ewire-pruitts-secrecy-draws-criticism-even-his-friends

As EPA Administrator Scott Pruitt rolls back major Obama-era climate and other environmental regulations, he is doing much of his work in secret, with the help of a small group of political appointees -- many of whom share a similar background in Oklahoma politics and staunch opposition to EPA.

The New York Times brings the dynamic to light, reporting that Pruitt limits access to the floor where his office is and that career employees are sometimes told to leave behind cellphones or not take notes when meeting with him. According to the Times, Pruitt also often does not use the phone in his office to take important phone calls.

As Inside EPA readers know, Pruitt's EPA had already taken steps to limit access, including by ending the typical practice of publicly posting the administrator's schedule. And shortly after taking office, the Trump administration began to remove pages from EPA's website, including many of the pages related to climate change, claiming it was redoing the website to reflect administration priorities.

But Pruitt's apparent cloak of secrecy is sparking criticism from many corners -- including current Republican senators and former Republican EPA administrators.

Sen. John Hoeven (R-ND) criticized Pruitt for holding a series of closed meetings when he visited North Dakota last week, according to the Bismark Tribune.

"I think [meetings] should be open," Hoeven told the paper after Pruitt held several closed meetings in North Dakota with local officials, as well as agriculture and energy industry representatives. "And when my office organizes them, that's how we do it."

According to the paper, "the level of privacy -- and the security it entailed -- led to a pair of Grand Forks Herald reporters who arrived ahead of Pruitt's appearance at the UND Energy and Environmental Research facility being ejected from the grounds of the campus building by UND Police."

That prompted a response from National Press Club President Jeff Ballou, who said his is "looking into" the incident.

Pruitt is also catching flak from William Ruckelhaus, who served as EPA chief in two Republican administrations, told the Times, "Reforming the regulatory system would be a good thing if there were an honest, open process. But it appears that what is happening now is taking a meat ax to the protections of public health and environment and then hiding it."

As an example, the Times relays an account of Pruitt's treatment of the Obama-era Clean Water Act (CWA) jurisdiction rule, which he is working to repeal and rewrite. EPA released in June a proposal to repeal the rule, and it included an updated economic justification.

Betsy Southerland, a former top water office official, told the Times that the office, under Pruitt's orders, produced -- in three days -- a new economic analysis of the jurisdiction rule rollback that gutted the benefits analysis the Obama administration had issued. "They produced a new cost-benefit analysis that showed no quantifiable benefit to preserving wetlands," Southerland said.

She and others said such a sudden shift was "highly unusual" since studies that estimate rules' economic impacts take months or years to produce, and include extensive written justifications. "Typically there are huge written records, weighing in on the scientific facts, the technology facts and the economic facts," she said. "Everything's in writing. This repeal process is political staff giving verbal directions to get the outcome they want, essentially overnight."

The play-by-play over the CWA jurisdiction rule could provide insight into how Pruitt plans to approach the deregulatory process for other major Obama-era regulations, including the Clean Power Plan (CPP). Sources have said EPA's proposal to repeal the CPP -- sent to the White House for interagency review June 8 -- is expected to include a redone economic justification that increases the cost to regulated entities of the rule.

Stay tuned to InsideEPA as we bring you the latest on the deregulatory process.

THE HILL

GOP senator criticizes EPA head's closed-door meeting in North Dakota

BY DEVIN HENRY - 08/14/17 10:10 AM EDT

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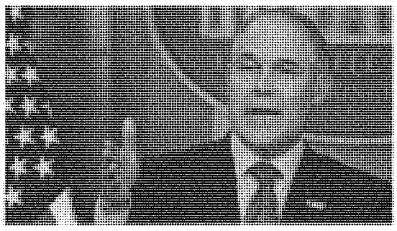

Sen. John Hoeven (R-N.D.) criticized Environmental Protection Agency (EPA) Administrator Scott Pruitt for holding a closed-door meeting during a trip to the state last week.

Hoeven's office told the Tribune that it had encouraged the EPA to open up Pruitt's meetings with state officials last Wednesday.

Pruitt spent the day with Hoeven, North Dakota Gov. Doug Burgum (R) and Rep. Kevin Cramer (R-N.D.) and held closed-door meetings with agriculture and energy industry representatives.

Pruitt spoke with some media outlets during the trip, but reporters for the Grand Forks Herald clashed with EPA officials over access during his trip there. The National Press Club and the North Dakota Newspaper Association both later criticized the meetings.

A spokesman for Burgum told the Tribune the meetings' logistics amounted to a "misunderstanding." Cramer said "there certainly would have been no reason to feel threatened by North Dakotans," because he said the EPA's positions are in line with those of people in the state.

The EPA did not reply to a request for comment Monday.

TAGS ENVIRONMENTAL PROTECTION AGENCY JOHN HOEVEN NORTH DAKOTA

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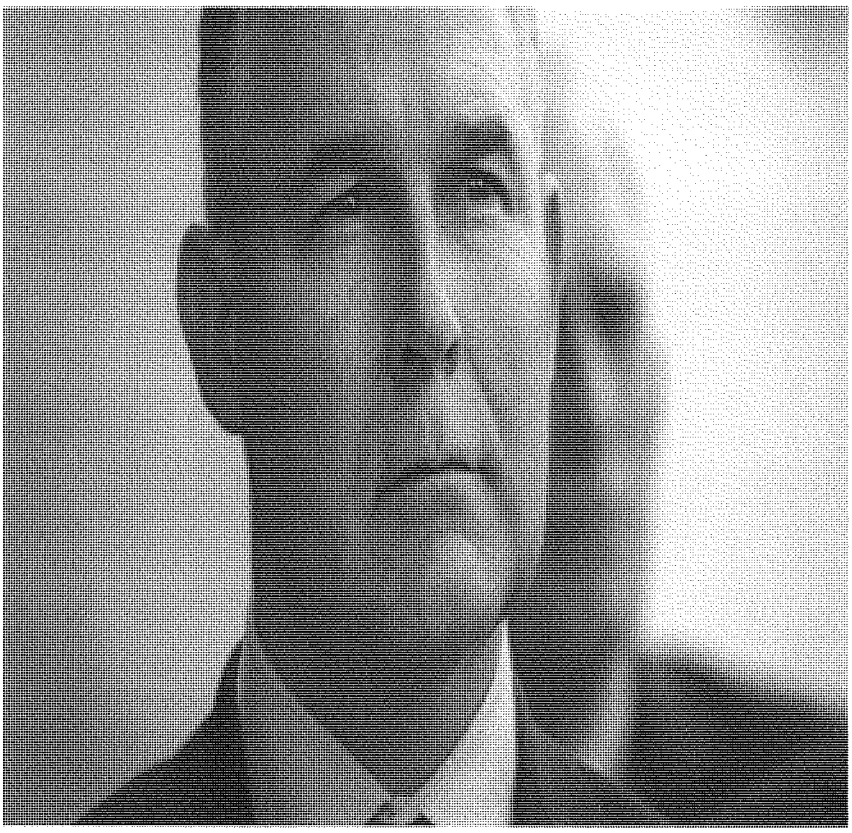
ENERGY AND ENVIRONMENT

Pruitt climate science challenge splits conservative allies

There is concern the GOP and its policies will suffer if the EPA chief reopens a losing argument about whether global warming is real.

By **EMILY HOLDEN** | 08/09/2017 05:38 AM EDT



EPA Administrator Scott Pruitt has publicly scoffed at the idea that carbon dioxide is a "primary contributor" to global warming. | Scott Olson/Getty Images

EPA chief Scott Pruitt's attacks on mainstream climate science are causing discomfort in a surprising corner — among many of the conservative and industry groups that have cheered his efforts to dismantle Barack Obama's environmental regulations.

The U.S. Chamber of Commerce, political groups backed by the Koch brothers and the top lobbying organizations for the coal, oil, natural gas and power industries are among those so far declining to back Pruitt's efforts to undermine the scientific consensus on human-caused climate change, according to more than a dozen interviews by POLITICO. Some advocates privately worry that the debate would politically harm moderate Republicans, while wasting time and effort that's better spent on the Environmental Protection Agency's regulatory rollback.

Nevertheless, the former Oklahoma attorney general is persisting — a stance that could enhance his future political prospects in his deep-red home state.

As with immigration, trade and health care, climate change is one of numerous issues on which President Donald Trump's administration must decide how aggressively to attack the established consensus. And some of Pruitt's allies worry about the dangers of going too far.

"Policy risks could arise from playing politics," said Chrissy Harbin, vice president of external affairs for Americans for Prosperity, a major conservative group backed by the industrialist brothers Charles and David Koch. "If done incorrectly, efforts that are more politically motivated than policy-focused could unintentionally undermine conservatives' ability to roll back overreaching Obama-era regulations."

Pruitt drew widespread criticism in late June after EPA revealed that he was pushing for government-chosen experts to hold a public "red team, blue team" debate about climate science — a move that environmentalists say would place fringe views on an even playing field with established, peer-reviewed research.

He also hasn't ruled out trying to overturn EPA's science-based conclusion that climate change threatens human health and welfare, a 2009 decision that legally requires the agency to take action to limit greenhouse gas emissions.

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Pruitt is also weighing a crucial policy decision in which science could play a major role — whether EPA should craft a replacement for Obama's landmark 2015 greenhouse gas regulations for power plants, which Pruitt and Trump have vowed to repeal. Most power companies want the agency to replace Obama's climate standards with a far laxer regulation that would require few changes for coal plants, but doing that would mean acknowledging EPA's legal authority on climate change.

A riskier alternative would be for EPA to revoke its 2009 scientific conclusions in hopes of forgoing climate regulations altogether.

Pruitt's decision could be influenced by people like West Virginia Attorney General Patrick Morrisey, who is challenging Sen. Joe Manchin (D-W.Va.) in 2018 and was involved in lawsuits against Obama's regulations. Morrisey recently pitched options to "permanently kill the Obama Power Plan" to his state's coal lobby, and he plans to talk to through those possibilities with other Republican attorneys general soon.

Pruitt has publicly scoffed at the idea that carbon dioxide is a "primary contributor" to global warming — not too unlike Trump himself, who has dismissed human-caused climate change as a "hoax."

But not all Republicans support reopening that debate. And the top fossil-fuel trade groups have not asked the agency to reexamine its 2009 conclusion about climate science, commonly known as the "endangerment finding."

"We have neither taken a position on it nor have we been terribly interested in that debate," said Luke Popovich, a spokesman for the National Mining Association, which has preferred to attack Obama-era regulations as government overreach and threats to jobs and the economy. "We're not debating the 'accept or deny climate science.' We approach it as a policy issue: how do we deal with this issue, what is the most prudent and rational course for that ... we have much more pressing issues, as you can imagine."

AFP and the Chamber also have not asked Pruitt to dispute climate science or the legal finding, and neither have the Koch-backed American Legislative Exchange Council, the American Petroleum Institute, the American Coalition for Clean Coal Electricity, the Edison Electric Institute or the National Rural Electric Cooperative Association, a major political donor whose members include coal-burning power utilities in rural states. Most of those groups haven't taken a public stance, but others have privately argued against the effort.

On the other hand, some conservative groups do want Pruitt to contest the endangerment finding — among them, the Heritage Foundation, the Cato Institute, the American Energy Alliance, the Competitive Enterprise Institute and the Heartland Institute. Bob Murray, CEO of the coal company Murray Energy CEO, has also argued that his industry needs Pruitt to rescind the finding, although other coal producers have disagreed with him. Other coal companies are still discussing their positions.

Trump deportations lag behind Obama levels
By **TED HESSON**

Steve Milloy, a well-known climate change critic who is a fellow for the conservative E&E Legal Institute, maintained that "all of the climate skeptics are in favor of this whole thing." But he added that he thinks the idea for challenging climate science "all came from Scott Pruitt himself."

"Industry guys are all over the map," Milloy said. "They're all very confused and don't know what's good for them."

Disputing the endangerment finding would be tough, triggering a legal fight from environmental groups that EPA could easily lose given the vast amount of evidence from scientists that shows man-made greenhouse gas emissions harm the environment. And it could last through the end of the Trump administration.

"The downsides are considerable," said David Bookbinder, chief counsel for the libertarian Niskanen Center, which believes Pruitt has a legal duty to regulate greenhouse gases. "It would take an enormous amount of work to do it, and then [Pruitt] would get laughed out of court."

Bookbinder argues Pruitt's climate debate is a "a political exercise entirely."

"This is nothing more than to give people a show," Bookbinder said. "The man's running for Senate next year. Everything he says is calculated toward securing the Republican nomination in Oklahoma and then winning the general election there."

Pruitt has not disclosed any plans for a Senate run, although Sen. Jim Inhofe's term is up in 2020. Democrats and watchdog groups have similarly accused Pruitt of using his EPA post and the climate debate to launch a campaign for Congress. Pruitt has helped fuel those accusations by making frequent trips home — based on a review of travel records, Reuters reported that Pruitt spent almost half his days in Oklahoma this past spring.

Pruitt recently told The Oklahoman that he was not interested in jumping into the state's open gubernatorial race next year. But he declined to speculate on a possible run for Senate if Inhofe retires before Election Day in 2020, at which point Inhofe would be 85.

EPA did not comment for this story.

Climate change typically doesn't drive voters to the polls. Still, Oklahomans are more skeptical of the science than most Americans, according to the Yale Program on Climate Change Communication. Inhofe has repeatedly won reelection as one of the chamber's most vocal critics of climate science, including writing a book on the topic called "The Greatest Hoax."

Republicans who accept that humans cause climate change but have questions about the best policy response say Pruitt's enterprise could be helpful but risks becoming overly politicized.

Eli Lehrer, president of the R Street Institute, a free-market think tank that has argued for a congressionally mandated carbon price, said a debate "could be very helpful in clarifying what conservatives should be doing and how conservatives should and should not worry about it."

Temperatures are rising and it's our fault. Here's what scientists are saying.
By **EMILY HOLDEN** and **LILY MIHALIK**

"If Republicans, on the other hand, end up going down the rabbit hole of saying that an overwhelming scientific consensus is a hoax or a fraud, then it becomes a problem," he added.

GOP politicians in swing districts would be forced to defend or denounce the administration, he said.

But that's inevitable, some of the people pushing for a review of the science say.

"The whole, 'I'm not a scientist' thing went over like a lead balloon,'" said one conservative familiar with polling on the issue — alluding to one recent GOP talking point on climate change. "You're not a doctor either, but you vote on health care. [Addressing] the science in unavoidable."

In addition to potentially stressing moderate Republicans, Pruitt's plans put industry in a tough spot.

Power companies in particular are against debating the science or reviewing the endangerment finding, but they don't want to fight Pruitt publicly.

"In the utility world, I couldn't name anyone who is advocating for that right now," said one power-sector source who spoke anonymously because he didn't want to draw attention to his company.

Some want the finding intact because they are continuing to lower their carbon emissions by shutting down coal plants and building more natural gas-fired and renewable electricity. They assume they will face carbon limits in the future, regardless of the Trump administration's plans. Others don't think the fight is worth the time and money, the source said.

The source added that most aren't making their position known because it's "not worth the risk of being out in front of something like this like this," including because they might come under pressure from shareholders for any public comments.

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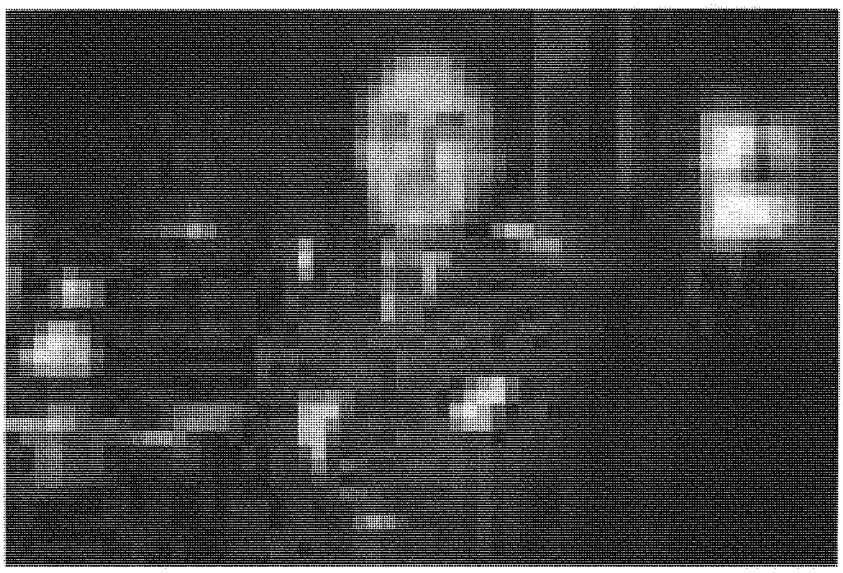
Pruitt is turning his back on transparency at the EPA



Scott Pruitt, the administrator of the Environmental Protection Agency. (Andrew Harrer/Bloomberg)

By William D. Ruckelshaus November 1, 2017

William D. Ruckelshaus was administrator of the Environmental Protection Agency from 1970 to 1973 and from 1983 to 1985.

In May 1983, President Ronald Reagan asked me to lead the Environmental Protection Agency for a second time. The first time was when the EPA began. Reagan's first appointed administrator, Anne Burford, had lost the trust of the public and the confidence of Congress. There were serious questions about the management of the EPA's Superfund program and a too-cozy relationship with corporate executives and lobbyists.

On my first day back, I issued what is now called the "fishbowl memo," which laid out my commitment to openness at the agency. We started to release my full schedule and the publication of written communications on a daily basis. We held regular, brown-bag lunches with the reporters who covered the agency, and every reporter knew he or she could attend. Every other Wednesday, I would spend 90 minutes meeting with those reporters, answering questions. Nothing was off-limits. Everything was on the record.

Why was this so important?

Because the EPA is a public-health agency that is just as important to people's well-being as the Food and Drug Administration or the National Institutes of Health. The statutes the EPA administers are explicit and unmistakable: Set a safe level of exposure to (name your chemical or pollutant or pesticide) with an adequate margin of safety.

Is it safe to breathe this air? Is it safe to drink this water? Or to swim in it? Is that apple free of toxic chemicals? What is that old waste dump doing to the well water? These are the kinds of questions the EPA

answers for the American people.

For the agency to be effective in protecting health, it must first be trusted. People have to believe that when the EPA says something is safe, it is. Otherwise we'll have chaos.

People must believe that the EPA is acting in their interest, the public interest, not on behalf of a special or influential interest. That's why at a time of crisis for the EPA in 1983, the fishbowl memo was so important, why press access was so important.

Scott Pruitt, the current EPA administrator, is taking the absolute opposite approach.

Pruitt operates in secrecy. By concealing his efforts, even innocent actions create an air of suspicion, making it difficult for a skeptical public to give him the benefit of the doubt.

It's not that Pruitt is meeting too frequently with executives and lobbyists from the industries he regulates. Every EPA administrator does that and should do that. But there should be a public record about what was discussed at the meetings. Any access to a specific interest should be matched by the same grant to all interests. Most often the public hearing process will satisfy any need for individual meetings.

Becoming an advocate for a specific industry raises serious questions that sow doubt about fairness and objectivity. The EPA should have no natural constituency but the public whose health it is mandated to protect.

Pruitt appears to be turning his back on a bipartisan tradition of transparent governance at the EPA. While no administration is perfect on this, Pruitt's history of working intimately with industry makes it all

the more important that he allay his critics' fears instead of intensifying them. And the consequence of such conduct is the slow, destructive erosion of public trust in the EPA.

Once trust is lost and warnings of unsafe air or contaminated water are ignored, Americans will pay the price. Without that trust, not only will people question whether they can believe their government but also business and industry will face public backlash. Boycotts and other attacks are no good for industry and may result in more regulation than warranted.

Industry leaders understand that a public regulatory agency gives their businesses a public license to operate. A strong, credible and fair regulatory regime is essential to the smooth functioning of our economy. Unless people believe their health and the environment are being safeguarded, they will withdraw their permission for companies to do business.

To Pruitt and President Trump, I suggest remembering Anne Burford's experience at the EPA. Remember that a loss of public trust can come back to haunt your administration.

Read more here:

The Post's View: The EPA rips up the Clean Power Plan

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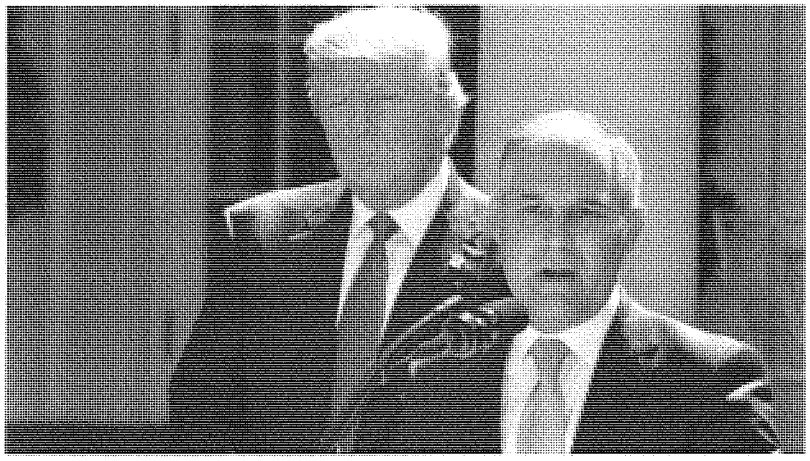
These Republicans Are Pretty Upset About Trump's EPA Budget

Congress reminds Trump you can't always get what you want.

REBECCA LEBER JUN. 15, 2017 5:03 PM



Mike Theiler/Xinhua via ZUMA Wire

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If President Donald Trump gets what he has asked for in his budget request, the Environmental Protection Agency will be in the worst shape of its entire 47-year history.

Trump's budget would eliminate more than 50 EPA programs, cut the agency's scientific research by nearly half, and decimate environmental enforcement and grants to states and tribes. In all, the proposal would eliminate $2.6 billion in EPA spending, which amounts to roughly 31 percent of the agency's annual expenditures.

But there is a limited silver lining in all this. Trump's budget is so extreme that it has prompted some GOP lawmakers to speak up in defense of the EPA. That became apparent Thursday when EPA chief Scott Pruitt appeared before a House appropriations subcommittee to deliver his first defense of the budget cuts. Several Republicans had an unexpected reply to Pruitt's testimony: You're going to get more than you've asked for.

"You may be the first person to get more than you asked for, because...nobody is standing on the rooftops begging for dirty water and dirty air and dirty soil."

"You may be the first person to get more than you asked for, because, quite frankly, as many people have made the point, nobody is standing on the rooftops begging for dirty water and dirty air and dirty soil and those sort of things," Rep. Mark Amodei (R-Nevada) told Pruitt during the hearing.

Amodei also echoed an argument made by some former EPA staffers, who have pointed out that the agency was already stretched thin during the Obama years when it was operating with a smaller budget than in the past. "Congress has cut the agency quite a bit before you got there, and quite a bit recently in relative terms," Amodei said.

Throughout the hearing, Pruitt avoided wading into the Trump administration's usual ideological arguments about how the EPA kills jobs or harms economic growth. Instead, whenever the Republicans and Democrats questioned him about proposed budget cuts affecting their districts, Pruitt acknowledged that the issue was an important one and insisted that the EPA would still fulfill its obligations—even in some cases where Trump has proposed entirely eliminating the relevant office or program.

It was Rep. David Joyce, a Republican from Ohio, who noted the contradiction in what Pruitt was saying. Joyce spoke out in defense of the EPA's Great Lakes restoration program, which Trump's budget zeroes out. The budget "appears to largely remove the federal government as

a partner in all our Great Lakes," Joyce said. "I view it as a national treasure," he added, before asking if Pruitt thinks it's "fair to expect states and local communities to shoulder the burden of caring for them."

Pruitt's responded that the federal "leadership role is important as well and it will continue," though he didn't quite articulate how that would be possible if the program was eliminated. "We view those states as partners and stakeholders and will continue to view them in that fashion as we go forward," Pruitt insisted. "It's important we show leadership but work with each of the stakeholders to achieve the good outcomes."

On a few other occasions, Republicans reminded Pruitt which branch of government ultimately writes appropriations bills, hinting that the administration wouldn't get its way. Rep. Rodney Frelinghuysen (R-N.J.) noted that "the power of the purse is here on Capitol Hill." Frelinghuysen was upset with the roughly 30 percent cuts proposed for the Superfund program, which would affect the more than 100 hazardous waste sites in New Jersey.

Rep. Tom Cole (R-Okla.) expressed concern over the budget zeroing out several tribal environmental grants and programs. "There's a big difference between states and localities that have taxing powers and Indian tribes that don't," Cole said, explaining that it would be difficult for tribal government to fill the vacuum left by the EPA.

Rep. Kevin Calvert (R-Calif.) used his time to question Pruitt on whether he'd continue to honor California's waiver allowing the state to pursue tougher greenhouse gas standards for motor vehicles. The auto industry and some conservatives have pressed the Trump administration to rescind California's waiver, but Pruitt said it was not currently under review. Calvert also criticized a line in the budget that would eliminate a program for reducing diesel emissions.

Despite the Republican criticism, many EPA programs remain as vulnerable as ever, especially as Pruitt pursues employee buyouts well ahead of any vote on the new budget. It's actually one of the few areas where Trump's budget asks for *more* funds for the EPA: specifically, $68 million for a program called "workforce reshaping."

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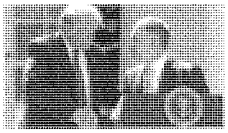

Trump Wants to Cut EPA's Scientific Research in Half

REBECCA LEBER

VIEW COMMENTS

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Christine Todd Whitman: How Not to Run the E.P.A.

By CHRISTINE TODD WHITMAN SEPT. 8, 2017

I have been worried about how the Environmental Protection Agency would be run ever since President Trump appointed Scott Pruitt, the former attorney general of Oklahoma, to oversee it. The past few months have confirmed my fears. The agency created by a Republican president 47 years ago to protect the environment and public health may end up doing neither under Mr. Pruitt's direction.

As a Republican appointed by President George W. Bush to run the agency, I can hardly be written off as part of the liberal resistance to the new administration. But the evidence is abundant of the dangerous political turn of an agency that is supposed to be guided by science.

The E.P.A.'s recent attack on a reporter for The Associated Press and the installation of a political appointee to ferret out grants containing "the double C-word" are only the latest manifestations of my fears, which mounted with Mr. Pruitt's swift and legally questionable repeals of E.P.A. regulations — actions that pose real and lasting threats to the nation's land, air, water and public health.

Scott Pruitt, head of the Environmental Protection Agency, answering questions from reporters at the White House in June.
Al Drago for The New York Times

All of that is bad enough. But Mr. Pruitt recently unveiled a plan that amounts to a slow-rolling catastrophe in the making: the creation of an antagonistic "red team" of dissenting scientists to challenge the conclusions reached by thousands of scientists over decades of research on climate change. It will serve only to confuse the public and sets a deeply troubling precedent for policy-making at the E.P.A.

The red-team approach makes sense in the military and in consumer and technology companies, where assumptions about enemy strategy or a competitor's plans are rooted in unknowable human choices. But the basic physics of the climate are well understood. Burning fossil fuels emits carbon

dioxide. And carbon dioxide is a greenhouse gas that traps heat in the atmosphere. There is no debate about that. The link is as certain as the link between smoking and cancer.

A broad consensus of scientists also warn of the influence of the warming climate on extreme weather events. Hurricanes Harvey and Irma, the enormous wildfires in the Western United States and widespread flooding from monsoons in Southeast Asia are potent reminders of the cost of ignoring climate science.

As a Republican like Mr. Pruitt, I too embrace the promise of the free market and worry about the perils of overregulation. But decisions must be based on reliable science. The red team begins with his politically preferred conclusion that climate change isn't a problem, and it will seek evidence to justify that position. That's the opposite of how science works. True science follows the evidence. The critical tests of peer review and replication ensure that the consensus is sound. Government bases policy on those results. This applies to liberals and conservatives alike.

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There are two sides, at least, to most political questions, and a politician's impulse may be to believe that the same holds true for science. Certainly, there are disputes in science. But on the question of climate change, the divide is stark. On one side is the overwhelming consensus of thousands of scientists at universities, research centers and the government who publish in peer-reviewed literature, are cited regularly by fellow scientists and are certain that humans are contributing to climate change.

On the other side is a tiny minority of contrarians who publish very little by comparison, are rarely cited in the scientific literature and are often funded

by fossil fuel interests, and whose books are published, most often, by special interest groups. That Mr. Pruitt seeks to use the power of the E.P.A. to elevate those who have already lost the argument is shameful, and the only outcome will be that the public will know less about the science of climate change than before.

The red-team idea is a waste of the government's time, energy and resources, and a slap in the face to fiscal responsibility and responsible governance. Sending scientists on a wild-goose chase so that Mr. Pruitt, Rick Perry, the energy secretary, who has endorsed this approach, and President Trump can avoid acknowledging and acting on the reality of climate change is simply unjustifiable. And truly, it ignores and distracts from the real imperative: developing solutions that create good jobs, grow our economy, reduce greenhouse gas emissions and prepare for the impacts of climate change.

Policy should always be rooted in unbiased science. The E.P.A. is too important to treat like a reality TV show. People's lives and our country's resources are at stake. Mr. Pruitt should respect his duty to the agency's mission, end the red team and call on his agency's scientists to educate him. No doubt they're willing and eager to impart the knowledge they've dedicated their lives to understanding.

If this project goes forward, it should be treated for what it is: a shameful attempt to confuse the public into accepting the false premise that there is no need to regulate fossil fuels.

Christine Todd Whitman, president of the Whitman Strategy Group, was the E.P.A. administrator from 2001 to 2003 and the governor of New Jersey from 1994 to 2001.

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A version of this op-ed appears in print on September 8, 2017, on Page A27 of the New York edition with the headline: How Not To Run The E.P.A. Today's Paper | Subscribe

POLITICS 01/27/2018 07:31 am ET | Updated 1 day ago

EPA Chief Under Nixon And Reagan: GOP's Climate Denial Is 'Killing Everything'

William Ruckelshaus, the first and fifth EPA administrator, has been a fierce critic of Scott Pruitt.

By Alexander C. Kaufman

GETTY IMAGES

William Ruckelshaus in 1970.

The nation's first Environmental Protection Agency chief, who returned as administrator in 1983 under President Ronald Reagan, excoriated his own party on Friday, warning that Republicans' ideological opposition to widely-accepted climate science would prove lethal.

"It's a threat to the country," William Ruckelshaus, whom President Richard Nixon appointed in 1970 to lead the newly-created EPA, told HuffPost in a wide-ranging interview by phone from his home in Seattle. "If you don't step up and take care of real problems, and don't do anything about it, lives will be sacrificed."

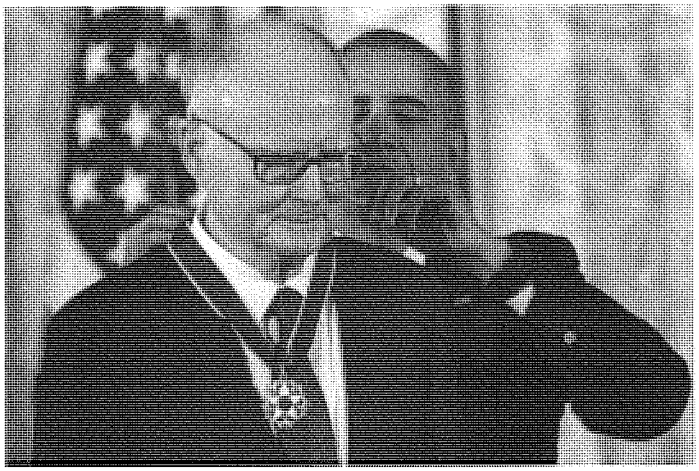
"They certainly are killing everything," he added, noting that President Donald Trump's assault on climate change policies would be a cornerstone of his legacy.

Ruckelshaus, 85, has emerged over the past year as a fierce critic of current EPA Administrator Scott Pruitt.

In March, less than a month after Pruitt was sworn into office, Ruckelshaus cautioned the former Oklahoma attorney general against gutting regulations and coddling polluting industries. He compared Pruitt's zeal for deregulation to Anne Gorsuch, Reagan's first EPA administrator, whom Ruckelshaus replaced after she resigned and was held in contempt of Congress. On Friday, he again drew parallels between the two.

"They don't believe in the mission of the agency," he said, adding that Pruitt is the only EPA administrator he has never met. "Neither one of them did. Anne Gorsuch did not, and I don't think Pruitt does either. They think we're over-regulating."

But he said now, even more than in the early 1980s, Pruitt's radical view of the agency he leads represents the partisan dogma of the moment. The Republican Party inched toward serious action on climate change in the mid-2000s. John McCain, the GOP presidential nominee in 2008, called for renewable energy investments, caps on greenhouse gas emissions and subsidies for electric cars, though he supported aggressive oil drilling and remained skeptical of joining international agreements like the Kyoto Protocol. During the Obama years, the billionaire brothers behind fossil fuel giant Koch Industries became political kingmakers in the Republican Party, and engineered an ideological shift toward climate change denial.



ALEX WONG VIA GETTY IMAGES

Then-President Barack Obama presents the Presidential Medal of Freedom to William Ruckelshaus, the first and fifth Administrator of the Environmental Protection Agency, during an East Room ceremony on Nov. 24, 2015, at the White House.

Even now, Republicans who acknowledge the basic realities of climate science are few and far between, and radical new megadonors, such as Robert and Rebekah Mercer, are funding some of the most fringe climate-denial proponents.

"To a certain extent, the Republican position for years now, really starting with Gorsuch, has been ideologically antagonistic to these kinds of controls over industry," Ruckelshaus said. "Republicans tend to spend more time on economic impacts of what they're doing than Democrats, but they were all serious about it, and they didn't think it was nonsense."

"Pruitt has already had success — ideological success — because he seems to be complying with the wishes of the Republican Party," he added.

Last week, three former EPA administrators told HuffPost it could take decades for the next agency chief to restore the staffing, reputation and regulatory muscle lost under Pruitt. Carol Browner, who served as administrator under President Bill Clinton from 1993 to 2001, said it

would take up to 20 or 30 years.

Pruitt has already had success — ideological success — because he seems to be complying with the wishes of the Republican Party. William Ruckelshaus, former EPA administrator

When Ruckelshaus returned to the EPA in 1983, employees greeted him with a banner proclaiming: "How do you spell relief? Ruckelshaus," according to a New York Times report from 1984. He increased the eviscerated budget and revitalized morale, earning him the nickname "Mr. Clean." Doing the same after Pruitt, and reversing some of his regulatory decisions, could take a matter of years. He said reconsidering rejected pesticide bans, installing advisers who take air pollution science seriously, and reviving climate change regulations akin to the Clean Power Plan that Pruitt proposed repealing would be critical first steps.

Restoring trust in the agency could prove a greater challenge, he said.

"The agency would have to open up completely," Ruckelshaus said. "Not just surreptitiously reinstating what the Trump administration took away."

KENNETH GARRETT/HUFFINGTON POST VIA GETTY IMAGES

William Ruckelshaus at the EPA in the 1980s.

As an example, he pointed to Gina McCarthy, the Obama-era administrator who, in 2014, toured oil-rich states like North Dakota as a "listener and a saleswoman," saying she had to be "everywhere" because "people have to have a relationship with me." From his own experience, Ruckelshaus recalled the well-known case of a copper smelter outside Seattle, which blamed its closure on EPA regulations, despite being slated to shut down before new arsenic rules were passed. Ruckelshaus said he countered the company's claims by going public.

"We had very public hearings, TV cameras were there, and everyone was hearing what was going on," he said.

To be sure, the toxic legacy of that smelter lives on three decades later, as residents of Tacoma, Washington, still struggle with lead and arsenic exposure. And Ruckelshaus' calls for more debate on the merits of regulating sulfur dioxide, the cause of acid rain, delayed clean-up efforts until the next administration.

"I did all that I could," he said. "I don't tend to think back on those kinds of assignments and think of the things I didn't do. But I was not successful in grasping acid rain."

Yet he warned that climate change poses a much more complex challenge than acid rain — and one that will become more difficult to deal with as key agencies like the EPA lose scientists researching the problem.

"If your position is, 'I don't believe the science, therefore I'm going to get rid of all the scientists studying this, and let's not mention it in any public announcement,' that's just crazy," Ruckelshaus said. " What you want to do is more science."

That, however, may have to wait for the next administration.

"I don't think Pruitt cares about this stuff at all," Ruckelshaus said. "He's just like Trump, he's got an ideological approach to it, an approach that affects the large contributors in his party in Oklahoma."

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INTERVIEW

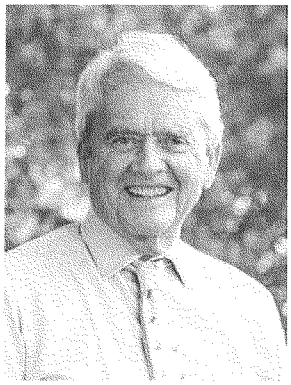
Republican Who Led the EPA Urges Confronting Trump on Climate

William K. Reilly, a Republican and one-time head of the EPA, is dismayed that a climate change skeptic has been named to lead his former agency. But in a Yale e360 interview, he insists environmental progress can be made despite resistance from the Trump administration.

BY CHRISTIAN SCHWÄGERL • JANUARY 12, 2017

William K. Reilly, who was head of the Environmental Protection Agency under President George H.W. Bush, is blunt in his assessment of the climate change deniers and anti-regulatory hawks who have been nominated to fill many of President-elect Donald J. Trump's top environmental posts. Reilly, a Republican, looks with special alarm upon Oklahoma Attorney General Scott Pruitt, nominated to run the EPA.

"For a prospective EPA



William K. Reilly

administrator to doubt or even contest a conclusion that 11 national academies of science have embraced is willful political obstruction," says Reilly. "Science is the secular religion underlying everything EPA does, and one who cannot rely on it, or is determinedly contemptuous of it, cannot effectively lead the agency or serve as the country's environmental conscience."

In an interview with *Yale Environment 360*, Reilly discusses how Trump administration threats to cut funding for NASA climate change research represent a "reckless head-in-the-sand posture," explains why he believes former Exxon CEO and Secretary-of-State nominee Rex Tillerson may be one of the more enlightened environmental voices in the new administration, assesses how large states and other nations such as China can lead the climate battle, and urges EPA employees to stay and fight for the environment. "I would not advocate that committed people leave," says Reilly. "We need them now more than ever."

Yale Environment 360: You are a Republican and an environmentalist. Which was more important to you in the past election? And how do you view the appointment of Scott Pruitt as the new administrator of the Environmental Protection Agency?

William Reilly: I decided several elections ago that I could no longer support a presidential candidate who rejected the science on climate change. Republican presidential candidates up through John McCain in 2008 did accept the science, and McCain was even the lead

GOP sponsor of the climate bill, McCain-Lieberman, in the Senate. For a prospective EPA administrator to doubt or even contest a conclusion that 11 national academies of science have embraced is willful political obstruction. By all reports, Scott Pruitt is a highly intelligent lawyer and he has cited no alternative scientific authority that disputes mainstream science. Science is the secular religion underlying everything EPA does, and one who cannot rely on it, or is determinedly contemptuous of it, cannot effectively lead the agency or serve as the country's environmental conscience, which is EPA's unique mission.

e360: What was your first thought when you heard that Scott Pruitt will lead the agency?

Reilly: There has never been a more explicit and opposing interpretation of the authority and responsibility of EPA by an EPA nominee. Scott Pruitt has petitioned to reverse President Obama's Clean Power rule to reduce CO2 from electric generating plants. These account for about a third of U.S. carbon dioxide emissions, and so the rule is one of the major pillars of the U.S. effort to avert catastrophic climate change. I have submitted a legal brief vigorously disputing Pruitt's interpretation of the law and the very role of EPA on climate.

"One hopes that in four years someone claiming to be a Republican environmentalist won't make people laugh."

e360: Mr. Pruitt has sued the agency because it attempted to reduce methane emissions. Do you see that as a conflict of interest?

Reilly: I would not argue that Pruitt is conflicted because he has sued

to overturn EPA's methane rule. Lawyers argue cases, defend positions, represent clients — it's what they do. The key question for Pruitt in his Senate confirmation is, what does he believe and propose to do as EPA administrator to reduce methane emissions? Many energy companies are working to reduce them. Does he have an alternative to the rule? Are these emissions tolerable?

e360: How painful is Trump's environmental policy for somebody like you who is both an environmentalist and a Republican?

Reilly: One hopes that in four years someone claiming to be a Republican environmentalist won't make people laugh. A Republican — President Nixon — created the EPA precisely to avert a race to the bottom by states competing for polluting industries. Trump's environmental positions, judging from the Republican Party platform and his campaign statements — climate change is a hoax conceived by the Chinese, the EPA should be dismantled and its authorities transferred to the states — would roll back the clock.

e360: How was it possible that the Republicans stopped listening to scientific advice?

Reilly: This begins with the traditional conservative wariness about excesses of government and costs of regulation. The Tea Party, the coal mining industry and its workers, industry spokesmen who have blamed their decline on pollution controls, nativists who fear loss of sovereignty from the Paris agreements — all that is involved.

e360: Who is the driving force within the Republican Party?

Reilly: When I have asked Republican Congress members who fully understand climate change but are constrained by constituent pressures, who is it that feels so strongly opposed to climate

initiatives, they tell me it's evangelicals. Evangelicals constitute something like a third of GOP voters, and they voted 80 percent for Donald Trump. Hence Republican office holders from the Southwest, for example, say that they would be defeated in their primaries if they were to vote for carbon regulation.

e360: Do you think that the climate- and Earth-monitoring programs the U.S. government runs through agencies like NASA, NOAA, or EPA will survive four years of Trump?

Reilly: There will undoubtedly be efforts to muzzle them. The entire world will lose something very valuable if that is allowed to happen. Much of the science on climate — on causes, chemistry, and measuring climate change — has been done by U.S. agencies: NOAA [the National Oceanic and Atmospheric Administration], NASA, NCAR [the National Center for Atmospheric Research], EPA. The budgets and priorities of these agencies must be watched very carefully for they are likely to represent countervailing opinions to the administration's climate deniers, and they won't like it.

e360: Speaking of NASA, what is your opinion about plans to cut its Earth-monitoring programs?

Reilly: Cuts in NASA's Earth monitoring program would be so destructive, a reckless head-in-the-sand posture that says, "If we don't look, then nothing bad will happen."

e360: If you were an EPA official — would you consider quitting? Do you have any advice?

Reilly: When I took office as EPA administrator in 1989, the environment had not been a priority for the eight years of the Reagan administration. However, after a scandalous two years when Reagan had a deregulator running EPA, the ship was righted and some good

things got done, including the Montreal Protocol [to protect the ozone layer]. I had the good fortune to inherit many fine civil servants who had weathered the storm of attempted relaxation of environmental protections, and I was frankly amazed and impressed that some of the best people had stayed at the agency through the darkest years, even as their leader was fired and one senior official went to prison. So I would not advocate that committed people leave. We need them now more than ever!

"If there is anything positive to say, I suppose it is to acknowledge that the president-elect is not an ideologue."

e360: What will happen to U.S. renewable energy and to the Paris climate treaty now?

Reilly: Last year, 60 percent of new solar installations were utility grade — that represents a breakthrough. I believe there is enough support in the Congress and the states to protect renewables, which are becoming competitive now. California, Texas, and other states will continue to support renewables. The good news in America is that the country is decarbonizing. The success of fracking, the resulting plentiful supply and low price of natural gas, is displacing coal and leading to annual stable or even decreasing greenhouse gas emissions, all without the Clean Power rule.

e360: If Donald Trump puts his promises into effect, how will this affect the global efforts to limit climate change?

Reilly: One has to hope that the European Union and China stay the course set in Paris if Trump disavows the commitments. I was in Beijing recently and spoke with senior government officials. Pollution

reduction is a major source of public anger and concern and as coal consumption comes down and pollution is reduced, so too will CO2. I worry more about India, which has been explicit that it will require outside financing if it's to reduce its carbon footprint and honor its promises made in Paris.

e360: Can you imagine an outside event that might change the current course of the Trump administration?

Reilly: I have long believed that, unfortunately, a catastrophe will be necessary to jolt American opinion to demand the urgent and sweeping measures required to avert severe inhospitable weather. American politics can turn on a dime. George Bush, who served for eight years as Ronald Reagan's vice president, is the same man who promised in his campaign to be "the environmental president" and who appointed me, the president of the World Wildlife Fund at the time, as his EPA administrator, and who initiated a fabulously successful and cost-effective clean air law.

e360: Are there positive aspects of Donald Trump's environmental agenda?

Reilly: If there is anything positive to say, I suppose it is to acknowledge that the president-elect is not an ideologue, is not apparently a fervent climate denier, is someone who follows polling results and who presumably will be exposed to high-level briefings on science and climate which his entourage has not yet tapped. There is also likely to be a reinvigoration of people and groups determined to ensure that states and cities adapt and prepare for climate change and promote the energy efficiencies, renewables, water conservation, and agricultural transformation that will help people flourish and prosper even as the earth warms and the sea level rises.

e360: Is the appointment of Rex Tillerson, CEO of Exxon, as Secretary of State the death-blow for U.S. environmental policy?

Reilly: I would offer a counter-intuitive measure of respect. It was Tillerson who discontinued his predecessor's funding of climate deniers. He imposed a high shadow carbon price when assessing the anticipated returns from capital investments. He has publicly supported a carbon tax and has acknowledged the science and characterized climate change as a serious challenge. I know from my experience as co-chair of President Obama's Commission on the BP Gulf of Mexico disaster that ExxonMobil's competitors and peers regard the company as the most environmentally effective and safety conscious of all the major [oil companies]. For that reason, I asked him to speak at one of our hearings and to explain how his company had transformed itself after its own disaster in Alaska [the Exxon Valdez oil spill] in 1989 when I was EPA administrator.

Words of Caution on Climate From Obama's Top Scientist

In an interview with *Yale e360*, President Obama's chief science adviser, John Holdren, talks about the urgency of the climate challenge and why he hopes the next administration will not abandon efforts to address it. Read more.

e360: There are fears he will team up with the authoritarian government of Russia to help fossil fuel exploitation in the Arctic.

Reilly: His familiarity with Russia is deep, and I suspect he has no illusions. He has stated that Russia has no rule of law. As to whatever major exploration Russia and ExxonMobil may do in the Arctic, my own knowledge of the industry would indicate that most Arctic countries — Canada, Norway, Greenland, the U.S. — are all planning major Arctic exploration and investments. So better Rosneft [the state-owned Russian oil company] has a responsible partner. As to the sanctions, one must hope that he views them through a different lens once he speaks not for his company, but for America. And let's be serious: Compared with some of the names mentioned for Secretary of State, Tillerson is safe hands.

e360: Is it an option to just wait for four years until the Trump presidency is over and then move on?

Reilly: For some time there has been the sense that serious climate disruptions are likely to confront our grandchildren, not us. Current forecasts indicate problems are more imminent. Midwestern plant zone changes have already led Chicago to cease planting Norway spruce, maple, and ash trees in the parks. Termites, tropical diseases, and bark beetles all are flourishing and moving into warming regions. Zika and dengue fever are in Florida and Texas. The problem, the challenge, is upon us. Time is important, and it appears the nation will not lead on the most urgent planetary challenge in modern history, which is profoundly saddening. But Washington is not the only locus of change and policy in America, and competing centers of influence are mobilizing in this very big and dynamic country. None of us who care are giving up.

Christian Schwägerl is a Berlin-based journalist who writes for *GEO* magazine, the German newspaper *Frankfurter Allgemeine*, and other media outlets. He is co-founder of RiffReporter, a freelance cooperative, and author of *The Anthropocene: The Human Era and How it Shapes Our Planet*. Follow him on Twitter. MORE →

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Energy and Environment

EPA environmental justice leader resigns, amid White House plans to dismantle program

By Brady Dennis March 9, 2017

A key environmental justice leader at the Environmental Protection Agency has resigned, saying that a recent budget proposal to defund such work would harm the people who most rely on the EPA.

Mustafa Ali, a senior adviser and assistant associate administrator for environmental justice, has served more than two decades at the agency, working to ease the burden of air and water pollution in hundreds of poor, minority communities nationwide. He helped found the EPA's environmental justice office during the early 1990s and became a key adviser to agency administrators under Republican and Democratic presidents.

Ali's departure, initially reported Thursday by InsideClimate, comes as the White House is seeking to close the agency's Office of Environmental Justice. A budget proposal reviewed last week by The Washington Post would cut the ageucy's overall budget by a quarter, leading to a 20 percent reduction in the workforce. It also listed the environmental justice program as among several dozen slated to lose all funding. The document stated that the new administration supports the idea of environmental justice but would eliminate that EPA office and "assumes any future EJ specific policy work can be transferred to the Office of Policy."

Ali explained his departure in an interview Thursday, saying, "I never saw in the past a concerted effort to roll back the positive steps that many, many people have worked on though all the previous administrations. ... I can't be a part of anything that would burt those communities. I just couldn't sign off on those types of things."

He added that it remains early in the Trump era and noted that each new administration sets its own priorities. Still, he said, "I hadn't seen any positive movement in relationship to vulnerable communities ... I hadn't seen yet any engagement with communities with environmental justice concerns."

In his resignation letter, Ali implored the agency's administrator, former Oklahoma attorney general Scott Pruitt, to think twice before slashing EPA programs aimed at helping disadvantaged areas.

"When I hear we are considering making cuts to grant programs like the EJ small grants or Collaborative Problem Solving programs, which have assisted over 1,400 communities, I wonder if our new leadership has had the opportunity to converse with those who need our help the most," Ali wrote. "I strongly encourage you and your team to continue promoting agency efforts to validate these communities' concerns, and value their lives."

Environmental justice leaders have been skeptical of Pruitt from the start. The longtime EPA adversary repeatedly sued the agency in tandem with fossil fuel companies and other corporate interests, often arguing that the agency's efforts to regulate pollution went beyond its legal authority.

During his Senate confirmation process, Pruitt answered written questions from Sen. Cory Booker (D-N.J.). One of them read: "How do you define 'environmental justice'? Do you think it's a serious issue?"

"I am familiar with the concept of environmental justice," Pruitt answered. "As I testified, the administrator plays an important role regarding environmental justice. I agree that it is important that all Americans be treated equally under the law, including the environmental laws."

But Pruitt's critics point to the hundreds of thousands of dollars he received from oil and gas companies during his political campaigns over the years. He also led the Republican Attorneys General Association, which received substantial sums of money from Koch Industries, ExxonMobil, Murray Energy and other firms. Since arriving at the EPA last month, he has taken early steps to beginning rolling back Obama-era regulations on everything from methane emissions to vehicle fuel standards.

"The future ain't what it used to be at the EPA," Pruitt recently told an audience at the Conservative Political Action Conference.

That's a future for which Ali decided not to stick around.

"I've seen too much over the years to allow there to be any rolling back," he said. "Sometimes people forget that we're talking about folks lives. If we do our job properly, it can be a huge benefit. If not, it can have big ts."

Michelle Roberts, national co-coordinator of the Environmental Justice Health Alliance, said Thursday that Ali "played a significant role on the issue of environmental justice" by advocating within the EPA on behalf of low-income Americans and those of color. "People were able to have a seat at the table" though Ali's work, Roberts said, noting that he also helped provide the grants and technical resources that allowed communities to show how they were being disproportionately affected by pollution.

Ali pressed for President Obama to issue a 2013 executive order that improved chemical plant safety, Roberts noted, and served as a crucial intermediary between the town of Mossville, La., and the company building a major plant nearby.

It is unclear whether the proposed cuts will remain in place when the White House releases its budget blueprint in mid-March, and any reductions would have to be approved by Congress through the appropriations process.

Ali also helped shape one of the last major EPA initiatives under the Obama administration — an "EJ 2020 Action Agenda" that would direct more enforcement resources to pollution-affected communities, focus on eliminating disparities in drinking water and air quality around the country and consider environmental justice issues in the agency's rulemaking and permitting approaches. There have been few indications that the new administration intends to follow through on that plan.

Ali has taken a job as senior vice president at the Hip Hop Caucus, a nonprofit civil and human rights group that tries to foster grass-roots activism among younger Americans through hip-hop music and cultural events. "As one of the leading voices in the social justice movement, he has shown himself to be an extraordinary leader throughout his career and has a proven track record," the group's president, the Rev. Lennox Yearwood Jr., said in a statement.

On Thursday, Ali made his first public appearance for the group at an environmental justice conference in Flint, Mich., home to a poor community nearly three years into a crippling water contamination crisis.

Juliet Eilperin contributed to this report.

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Brady Dennis is a national reporter for The Washington Post, focusing on the environment and public health issues.
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EPA moves to politicize the offices of environmental justice and NEPA

September 12, 2017
Other

In a memo discussing the reorganization of the U.S. Environmental Protection Agency, Administrator Scott Pruitt told staff members that he is moving the offices of environmental justice and the National Environmental Policy Act (NEPA) to be housed within the Office of Policy. Running the policy office is Samantha Dravis, a political appointee who worked with Pruitt at the Republican Governors Association when Pruitt was Oklahoma attorney general. President Trump has already proposed defunding the environmental justice office, so reducing its autonomy "is not a

move to enhance environmental justice," says Cynthia Giles, who headed the EPA enforcement office during the Obama administration. She also found relocating the NEPA office, which reviews the environmental analyses of other agencies, troubling. Giles told E&E News that the only reason behind moving NEPA would be "to inject politics."

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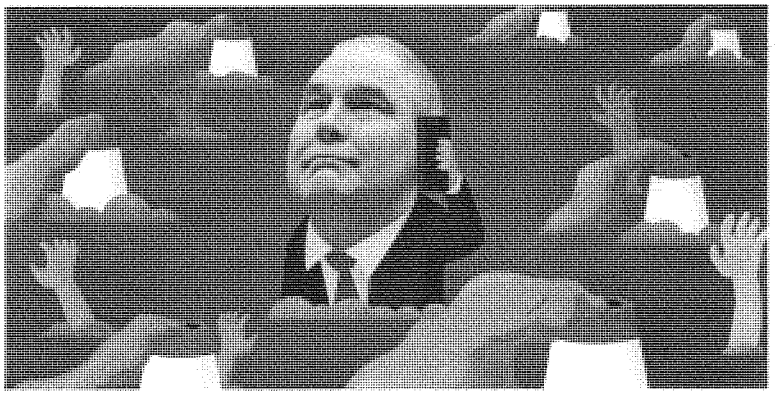
Pruitt's Attacks On Environmental Protections Hit People Of Color Hardest

Lisa Garcia
Guest Writer



The Environmental Protection Agency under the Trump administration has shown no interest in protecting the health of all people — and the agency actually seems averse to protecting the health of people of color.

Consider smog, a type of air pollution formed when exhaust from vehicles and power plants heats up in the sun. It is a major contributor to asthma and premature death. One 2014 study found that people of color live in communities with 38 percent more nitrogen dioxide, a compound that is a precursor for the formation of smog.

The nation has made strides in reducing this type of pollution and was on track to do an even better job when the EPA, under former President Barack Obama, set more protective smog standards in 2015.

Last October, the EPA was required to pinpoint those areas of the country that weren't meeting the 2015 air quality standard, so action could be taken to clean up the air.

But instead of identifying all those problem areas, EPA Administrator Scott Pruitt simply ignored federal law by missing the October deadline. In fact, Pruitt has stalled numerous environmental regulations by delaying action or deciding to revisit rules that were set for implementation.

This prompted Earthjustice, the nonprofit I work for, to sue him on behalf of a number of health and environmental groups, including the American Lung Association, National Parks Conservation Association and Environmental Defense Fund.

Pruitt's inaction is one of many examples of how the Trump administration has attempted to stall the implementation of required health protections so that corporations can focus on their bottom lines, rather than on the communities or neighborhoods they may be polluting.

Pruitt's actions indicate nothing is safe. Earlier this month, he announced his decision to rescind Obama's Clean Power Plan, which would have reduced carbon emissions, a primary driver of climate change. And he's planning to scale back regulations that protect streams and other wetlands from pollution, which has affected the wildlife and drinking water that communities depend on.

The quality of your air and water — and your exposure to toxic and hazardous substances — is determined to a great extent by your race and income.

Pruitt's disregard for the health of our communities comes as no surprise, considering he has spent much of his tenure as Oklahoma's attorney general fighting environmental protections on behalf of corporate interests.

At the end of October, Pruitt issued a directive barring scientists who have received grants from the EPA from serving on science advisory committees.

Many of those who have served on these committees and have received EPA grants are highly qualified medical professionals and expert university academics who have guided the agency on scientific and technical matters. Instead, Pruitt has begun replacing them with people that have a track record of disagreeing with established scientific research and in some cases have financial connections to polluting industries.

One of these new appointees to the Science Advisory Board, Robert Phalen, the former director of the Air Pollution Health Effects Laboratory at the University of California, Irvine, claims that air pollution is good for children. He has also said that "modern air is a little too clean for optimum health."

Pruitt has appointed other people who've downplayed the effects of pollution to lead the Science Advisory Board. This includes Michael Honeycutt, lead toxicologist at the Texas Commission on Environmental Quality, who has expressed doubt about the overwhelming evidence that smog causes asthma. Honeycutt has served on the Alliance for Risk Assessment, which conducts research for polluters, including the American Chemistry Council and Coca-Cola.

The quality of your air and water — and your exposure to toxic and hazardous substances — is determined to a great extent by your race and income.

AFP CONTRIBUTOR VIA GETTY IMAGES

A layer of pollution hovering over Los Angeles in October.

People of color have limited access to the healthiest environments and are more likely to live near highways, garbage dumps and toxic waste sites. Even people of color who are middle class are forced to breathe worse air than their white counterparts.

The health impacts of these environmental disparities are clear. One in six black children has asthma, a rate that is about double the proportion of white children with the disease. One in five Puerto Ricans across the U.S. has asthma, which is the highest of any racial or ethnic group in the nation. And thousands die from the disease every year.

More than two decades ago, the EPA first began addressing this issue of environmental injustice when then-President Bill Clinton, following pressure from community and environmental justice groups, issued Executive Order 12898. It directed federal agencies to address the disproportionate burden faced by communities of color and low-income populations.

I was the adviser on environmental justice for two EPA administrators — Lisa Jackson, the first African-American to serve in that role, and Gina McCarthy — both Obama appointees. My role existed because of pressure from environmental and community groups, and because of the Obama administration's desire to fully implement Clinton's executive order. It took years to deepen the EPA's focus on environmental justice so that disproportionate impacts and health disparities were considered when environmental regulations were drafted or updated.

Throughout the Obama administration, the EPA focused on improving health in communities by creating a new environmental justice-focused strategy with Plan EJ 2014. This, in part, offered screening tools to identify environmental threats and disparities wherever they exist in the U.S. That effort continued the Environmental Justice 2020 Action Agenda, the agency's commitment to work in the 100 communities most overburdened by pollution.

But last spring, Pruitt proposed eliminating the EPA's Office of Environmental Justice by gutting the $2 million allocated to run it.

Pruitt and President Donald Trump's lack of concern for healthy communities, while deeply troubling, has not caused environmental leaders of color to bury their heads in the sand.

We're resolved to fight even harder.

In California, for instance, communities have been at the forefront of demanding zero-emissions technology, knowing that communities of color bear the brunt of air pollution from fossil fuels. And last spring, the Los Angeles County Metropolitan Transportation Authority committed to ending their use of natural gas-powered buses and replacing them with all electric buses by 2030, in large part due to communities' efforts.

In April, the New York City Council passed the most comprehensive environmental justice legislation found in any U.S. city, requiring the local government to address pollution in overburdened communities. Environmental justice groups across the city, including the New York City EJ Alliance and the Harlem-based We ACT for Environmental Justice, played a leading role in developing this legislation and getting it across the finish line.

These efforts in California and New York, small examples among many in this nation, show how democracy can function when local and state leaders carry out the will of communities determined to protect their health.

Lisa Garcia is the vice president of Litigation for Healthy Communities at Earthjustice, where she directs litigation that helps protect communities and families from a wide range of pollution issues.

This piece is part of HuffPost's brand-new Opinion section. For more information on how to pitch us an idea, go here.

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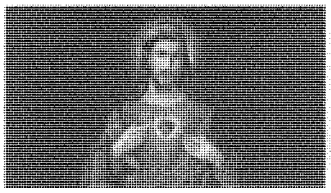

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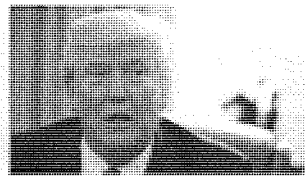

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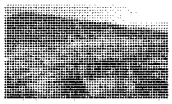

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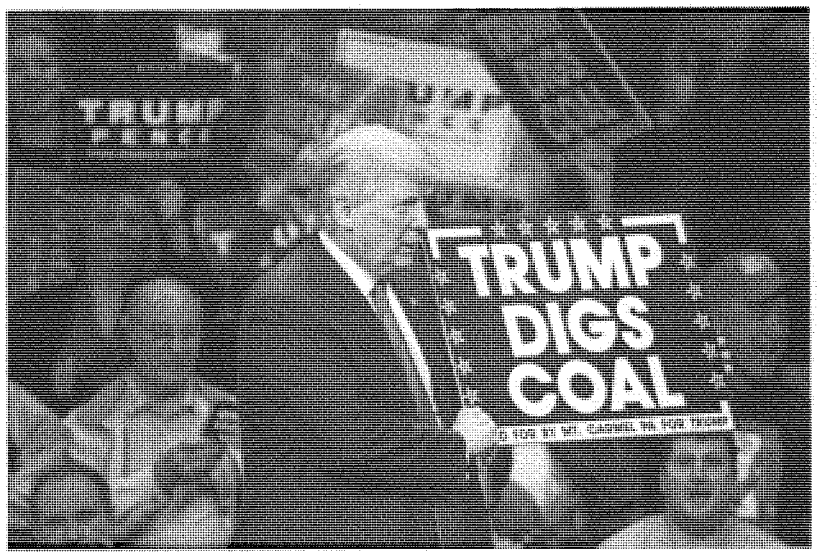
Environmental Enforcement Under Trump

Records Show 60 Percent Drop in Civil Penalties Against Polluters During President Trump's First Six Months



AUGUST 10, 2017

ENVIRONMENTAL INTEGRITY PROJECT

ACKNOWLEDGEMENTS

Written by Eric Schaeffer, executive director of the Environmental Integrity Project, with research by analyst Keene Kelderman.

THE ENVIRONMENTAL INTEGRITY PROJECT

The Environmental Integrity Project (http://www.environmentalintegrity.org) is a nonpartisan, nonprofit organization established in March of 2002 by former EPA enforcement attorneys to advocate for effective enforcement of environmental laws. EIP has three goals: 1) to provide objective analyses of how the failure to enforce or implement environmental laws increases pollution and affects public health; 2) to hold federal and state agencies, as well as individual corporations, accountable for failing to enforce or comply with environmental laws; and 3) to help local communities obtain the protection of environmental laws.

CONTACTS:

For questions about this report, please contact:

Tom Pelton, Environmental Integrity Project, (202) 888-2703 or tpelton@environmentalintegrity.org

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Environmental Enforcement Under Trump

When it comes to enforcing environmental law, the Trump Administration is off to a very slow start. So far, the Justice Department has collected 60 percent less in civil penalties than polluters had paid on average by this time in the first year of Presidents Barack Obama, George W. Bush and Bill Clinton. The cases this year are smaller, requiring much less spending on cleanup, and resulting in fewer measurable reductions in pollutants that end up in our air or water. While the early news is neither encouraging nor surprising, enforcement results may vary over the short term. The actions that EPA and the Justice Department take over the next year will indicate whether the disappointing results so far are all we can expect.

The analysis below reviews the consent decrees lodged by the Justice Department from January 21 (President Trump's first day) through July 31, 2017, looking at three factors: penalties paid, the amount violators will spend on pollution controls and, where available, how much pollution these enforcement actions are expected to eliminate. We compare these results to similar data reported for environmental consent decrees lodged under Presidents Obama, Bush, and Clinton between Inauguration Day and July 31 of each President's first year in office. The analysis is limited to civil cases, and does not include Superfund actions related to cleanup of abandoned waste dumps.

President Trump's Justice Department lodged 26 civil cases resolving violations of the Clean Air Act, the Clean Water Act, and other environmental laws (not including Superfund) that collected a combined total of $12 million in penalties from violators. Government records show that Presidents Obama, George W. Bush, and Clinton lodged more cases and collected significantly more – an average of $30 million -- in civil penalties by July 31 of each administration's first year.

TABLE 1. TOTAL ENVIRONMENTAL CASES LODGED (CIVIL) AND PENALTIES PAID

Administration	Total Number of Cases Lodged	Penalties
Clinton	45	$25 million
Bush	31	$30 million
Obama	34	$36 million
Trump	26	$12 million

Note: Civil cases lodged from first day in office through July 31 of first year

About twenty years ago, EPA began estimating the value of "injunctive relief," i.e., how much violators will spend to install and maintain the control equipment needed to clean up pollution and comply with environmental standards. These pollution control devices include scrubbers to remove sulfur dioxide from smokestacks or treatment systems that decontaminate wastewater before it is released to a river. EPA reports on the total value of injunctive relief for cases that require a significant investment in pollution controls, although actual costs may be spread over a number of years.

Through July 31, the Trump Administration estimated that the injunctive relief required in the 10 cases reporting such data would total $197 million, compared to $710 million in 16

cases in President George W. Bush's first half year and more than $1.2 billion in 22 cases under the same period for President Obama. EPA did not begin compiling this data until the late 1990's, so comparable estimates are not available for the Clinton Administration's first year.

TABLE 2. ESTIMATED VALUE OF INJUNCTIVE RELIEF FOR CIVIL CASES

Administration	Cases Containing Injunctive Relief Value	Injunctive Relief
Clinton	NA	NA
Bush	16	$710 million
Obama	22	$1.201 million
Trump	11	$197 million

Note: Civil cases lodged from first day in office through July 31 of first year.

For some Clean Air Act cases, EPA also estimates the amount of pollution that will be reduced once consent decree requirements take full effect. For example, in March 2001, the U.S. Department of Justice and EPA signed consent decrees with oil refining companies Motiva and Shell that were expected to reduce sulfur dioxide emissions by nearly 50,000 tons. Sulfur dioxide is a major contributor to the formation of fine particles known to cause premature death, primarily from heart disease, and to worsen asthma and other lung ailments. EPA has estimated that, on average, eliminating 1,000 tons of sulfur dioxide emissions from refineries would avoid between 7.7 and 17 premature deaths per year. The chart below includes the reductions in sulfur dioxide, nitrogen oxides, and particulates under consent decrees lodged through July 31, and the corresponding reductions in premature deaths from fine particle exposure.

TABLE 3. ESTIMATED ANNUAL POLLUTION REDUCTIONS AND PREMATURE DEATHS AVOIDED[1]

Administration	Cases	Sulfur Dioxide Reductions (Tons)	Premature Deaths Avoided	Nitrogen Oxides Reductions (Tons)	Premature Deaths Avoided	Particulates Reductions (Tons)	Premature Deaths Avoided
Bush	4	68,620	528-1,167	28,239	21-48	1,929	69-160
Obama	8	39,260	178-397	9,378	6-15	1,918	45-104
Trump	5	627	4-10	4,331	3-7	264	15-34

Note: From civil cases for which pollution reduction information was available lodged first day in office through July 31 of first year.

Readers should note that these results are based on a small handful of cases, and that one or two cases requiring cleanup of a power plant, refinery, auto company or other large emission source can significantly affect totals from one year to the next.

For a full listing of all civil environmental enforcement cases filed during the first six months of the Trump, Obama, Bush, and Clinton administrations, see appendices A through D at the end of this report.

Largest Cases Filed During First Six Months of Trump Presidency vs Past Administrations

The fines imposed by the Trump Administration against big polluters from Inauguration Day through July 31 were relatively modest, by historical standards. The largest civil penalty imposed so far by the administration came on May 17, when EPA and Texas imposed a $2.5 million penalty on the owner of a Houston area chemical storage tank facility, Vopak Terminals North America Inc., after suing the company for air pollution violations near the Houston Ship Channel.[2] The company's Deer Park facility failed to comply with Clean Air Act requirements to properly manage equipment, which resulted in excess emissions of benzene (a carcinogen) and volatile organic compounds, according to EPA. These compounds contribute to smog and causes astshma attacks and eye, nose and throat irritation, as well as headaches, nausea and damage to liver, kidney and the central nervous system. The consent decree to settle the lawsuit also included $5 million in injunctive relief, which includes requirements for the company to implement an inspection and repair program for the tank terminal and control air pollution by operating flares in a way that more completely burns pollutants.

The largest civil penalty imposed by the Obama Administration during its first six months was a $12 million fine imposed on the owner of the third largest oil refinery in the U.S., BP Texas City, on Febuary 19, 2009.[3] The lawsuit grew out out of a series of fires and explosions at the plant on March 23, 2005, that killed 15 workers and injured more than 170 people. In addition to the civil penalty, the federal government also forced BP to pay $161 million to install pollution control equipment and spend $6 million on a supplemental project to reduce air pollution in Texas City.

The biggest penalty imposed during the first six months of the George W. Bush Administration was a $9.5 million fine -- along with $400 million in pollution control work (injunctive relief) and $5.5 million in supplemental environmental projects -- imposed on the petroleum refining companies Motiva, Equilon and Shell on March 21, 2001 for air pollution violations.[4] Consent decrees filed in federal court in Houston required the companies to install modern pollution-control equipment and significantly reduce emissions from leaking valves, vents and flares throughout their refineries. The companies were required to cut nitrogen oxide and sulfur dioxide emissions from nine refineries by more than 60,000 tons a year by using innovative technologies. Improved leak detection and repair practices and other pollution-control upgrades also reduced emissions of smog-causing volatile organic compounds and benzene, a known carcinogen.

During the first six months of the Clinton Administration, the largest civil penalty was a $11.1 million fine imposed on Louisiana Pacific and Kirby Forest Industries, Inc., on May 24, 1993 for air pollution violations at 14 of its wood product plants.[5] The company either failed to obtain required air permits for the plants or got them by using misleading information, according to EPA. Under a consent decree, the company was required to install $70 million worth of modern air pollution control equipment, which was expected to reduce air pollution by more than 90 percent.

Methodology

The data in this report are based on consent decrees lodged in federal court that resolve violation of environmental law that EPA has referred to the Justice Department for civil prosecution. Once lodged, these consent decrees are announced in the Federal Register and the public is given thirty days to comment on its terms. After any comments are reviewed by the court and Justice Department, the consent decree will be "entered" as a final judgment. Although lodged settlements may be revised in response to public input before they are entered, that rarely happens in practice.

Most EPA civil enforcement actions are resolved through consent decrees, although the outcome may be shaped by earlier decisions by the court, e.g., that determine the scope of the defendant's liability for the violations that EPA has alleged. These settlements may come after a year or more of negotiations, so any consent decrees lodged within the first few months of a President's first year in office will reflect work done in a prior Administration. But the number and quality of these cases may indicate whether enforcement is on track, or whether the new Administration and his team are more directly involved in reviewing settlements and taking longer to approve them.

All lodged cases were identified through Federal Register announcements, which also indicated the amounts paid in civil penalties[6] for all but a few cases. Where necessary, EIP reviewed press announcements by the Department of Justice or data posted on EPA's webpage[7] to identify the government's estimates of injunctive relief and reductions in emissions, as well as any civil penalty data not provided in Federal Register notices.

APPENDIX A: CIVIL ENFORCEMENT CASES FILED UNDER THE FIRST SIX MONTHS OF THE CLINTON ADMINISTRATION

Case	Final Order Lodged	Federal Penalty ($1,000)	Administration
Dana Corporation, Perfect Circle Division	1/21/1993	1,300	Clinton
New York City	1/22/1993	200	Clinton
Consolidated Edison	1/25/1993	220	Clinton
GNB, Inc.	2/4/1993	135	Clinton
City of New Albany, IN	2/9/1993	175	Clinton
U.S. Oil Company	2/10/1993	470	Clinton
Texaco Refining and Marketing, Inc.	2/10/1993	500	Clinton
USX	2/19/1993	1,800	Clinton
Leslie Salt Company	2/28/1993	50	Clinton
MSA Manufacturing, Inc.	3/1/1993	29	Clinton
Eastern Environmental Services of the Southeast	3/4/1993	28	Clinton
Port of Portland	3/5/1993	92	Clinton
International Crane Compay	3/5/1993	25	Clinton
City of Niagra Falls, NY	3/8/1993		Clinton
New Boston Coke Corporation	3/9/1993	250	Clinton
Alpha Cellulose Corp.	3/9/1993	850	Clinton
Fina Oil and Chemical Company	3/10/1993	450	Clinton
Windward Properties, Inc.	3/16/1993	75	Clinton
Puerto Rico Industrial Development Company	3/22/1993	1,000	Clinton
Easton Area Joint Sewer Authority	3/28/1993	435	Clinton
IMC Fertilizer, Inc.	3/29/1993	100	Clinton
Texas Tank Car	3/31/1993	60	Clinton
Shenango, Inc.	4/12/1993	540	Clinton
Leith Jeep-Eagle, Inc.	4/26/1993	15	Clinton
Cressona Aluminum	5/4/1993	200	Clinton
Richard Nelson	5/7/1993	5	Clinton
El Paso Natural Gas	5/13/1993	10	Clinton
Group Dekko, Inc.	5/13/1993	550	Clinton
Grumman St. Augustine Corp.	5/13/1993	1,500	Clinton
Town of Hastings	5/13/1993	5	Clinton
Masco Corporation	5/14/1993	10	Clinton
American Felt & Filter	5/19/1993	13	Clinton
Louisiana Pacific, Inc., and Kirby Forest Industries	5/24/1993	11,100	Clinton
US v. Modine Manufacturing	5/28/1993	750	Clinton
Elliott Drywall and Asbestos, Inc.	6/10/1993	22	Clinton
Global, Inc.	6/18/1993	50	Clinton

Boliden Intertrade, A.G.	6/25/1993	25	Clinton
MTD Products Inc. and Columbia Manufacturing	6/28/1993	100	Clinton
Pacific Coast Producers, Inc.	6/28/1993	101	Clinton
Union Tank Car	7/6/1993	350	Clinton
Bethlehem Steel	7/14/1993	545	Clinton
Donald E. Buchs and Lorain Properties Company	7/14/1993	20	Clinton
Florida Tile	7/26/1993	493	Clinton
Amelia Associates and Joey's Excavating, Inc.	7/29/1993	125	Clinton

APPENDIX B: CIVIL ENFORCEMENT CASES FILED UNDER THE FIRST SIX MONTHS OF THE GEORGE W. BUSH ADMINISTRATION

Case	Final Order Lodged	Federal Penalty ($1,000)	SEP/Mitigation ($1,000)	Injunctive Relief ($1,000)	Administration
Michael's Furniture Company	1/25/2001	186			Bush
Natural Gas Pipeline Company	2/1/2001	215	100		Bush
Preston Engravers Inc.	2/5/2001	245		1	Bush
Forsch Polymer Corporation	2/8/2001	32			Bush
Gillette	2/9/2001				Bush
J.L. Land Development, Inc.	2/15/2001	100			Bush
Chevron USA Inc.	2/19/2001	650	150	748	Bush
Viktron, L.P.	3/20/2001	150			Bush
Motiva, Equilon, and Shell	3/21/2001	9,500	5,500	400,000	Bush
University of Rhode Island	4/5/2001	195	550		Bush
Black Mesa Pipeline	4/7/2001	128			Bush
MIT	4/18/2001	155	405	2,000	Bush
Shell Oil Company and Motiva Enterprises LLC	4/27/2001	390			Bush
V-1 Oil Company	5/2/2001	478			Bush
Raymond T. James, et al.	5/7/2001	6		15	Bush
Marathon Ashland Petroleum, Inc.	5/11/2001	3,800	5,900	263,000	Bush
A&S Tribal Industries	5/14/2001	40		112	Bush
Fort Lewis, US Army	5/18/2001	60	200		Bush
Wal-Mart Stores, Inc.	6/7/2001	1,000		4,500	Bush
Hartz Construction	6/15/2001	80		80	Bush
Cenex Harvest States Cooperatives	6/15/2001	56	300		Bush

Guide Corporation and Crown EG, Ind.	6/18/2001	2,000	6,000	2,025	Bush
Charles T. Cannada	6/20/2001	50			Bush
Air Liquide America Corporation	6/21/2001	4,500	500	12,000	Bush
Macalloy Group	6/26/2001	1,200		1,800	Bush
National Railroad Passenger Corp.	6/28/2001	500	900		Bush
Gulf Oil L.P. and Catamount Management Co.	7/5/2001	40	421	10	Bush
Murphy Family Farms	7/10/2001	72		17	Bush
Premcor Refining Group, Inc. (formerly Clark Refining and Marketing)	7/12/2001	2,000		22,000	Bush
Texaco	7/16/2001	568		1,700	Bush
Diamond Shamrock Refining Co., LP	7/25/2001	1,200			Bush

APPENDIX C: CIVIL ENFORCEMENT CASES FILED UNDER THE FIRST SIX MONTHS OF THE OBAMA ADMINISTRATION

Case	Final Order Lodged	Federal Penalty ($1,000)	SEP/Mitigation ($1,000)	Injunctive Relief ($1,000)	Administration
Anderson-Wilcox Corporation	2/3/2009	300			Obama
Kentucky Utilities – E.W. Brown	2/3/2009	1,400	3,000	147,000	Obama
Patriot Coal Corporation	2/5/2009	6,500		6,000	Obama
Frontier El Dorado Refining Company	2/10/2009	1,230	1,307	127,000	Obama
Wyoming Refining Company	2/10/2009	150		14,000	Obama
BP Texas City	2/19/2009	12,000	6,000	161,000	Obama
The Port of Astoria, Oregon	3/20/2009	125			Obama
City of Independence	3/31/2009	255	450	35,000	Obama
INVISTA S.a.r.l. (National Case)	4/13/2009	1,700		500,000	Obama
Dominion Exploration - Kings Canyon	4/17/2009	250		6,100	Obama
Miller Dyer & Company	4/17/2009	142		90	Obama
North Carolina DOT Ferry Division, et al.	4/17/2009				Obama
North Hill Creek Compressor Station/Bill Barrett/Wind River	4/17/2009	240	200	372	Obama
Lucite International & E.I. Dupont deNemours	4/20/2009	2,000			Obama
Anadarko Petroleum Corporation	5/7/2009	1,050		8,718	Obama
Alaska Gold Company, Rock Creek Mine	5/12/2009	884		8,177	Obama
J.T. Walker Industries, Inc. / MI Metals	5/20/2009	105		100	Obama
Zelmer, Inc./Spencer Heights, Inc.	5/21/2009	25	445		Obama
Lebanon WWTF	5/27/2009			30,200	Obama

Friction Holdings LLC	5/29/2009	338		55	Obama
City of West Point, et al.	6/12/2009	150			Obama
American Laboratories Incorporated	6/16/2009	440		181	Obama
Wallside, Inc.	6/16/2009	100	350	695	Obama
Carmen Neapolitan	6/18/2009	2			Obama
City of Duluth/Western Lake Superior	6/23/2009	400		130,000	Obama
JLG Enterprises	6/23/2009	50		195	Obama
Holcim (US) Inc.	6/25/2009	160			Obama
Citygas Gasoline Corporation, et al.	7/6/2009	1,400			Obama
Skull Valley Band of Goshute indians	7/13/2009	1	4	1	Obama
Delek/ La Gloria - Crown Central Petroleum Corporation (d.b.a. La Gloria Oil and Gas Company)	7/20/2009	624		25,000	Obama
Colorado Interstate Gas Co.	7/23/2009	1,020			Obama
Sierra Properties I, LLC	7/28/2009	276			Obama
City of St. Martinville	7/30/2009	50			Obama
INEOS ABS (USA) Corporation, et al.	7/31/2009	3,100		2,000	Obama

APPENDIX D: CIVIL ENFORCEMENT CASES FILED UNDER THE FIRST SIX MONTHS OF THE TRUMP ADMINISTRATION

Case	Final Order Lodged	Federal Penalty ($1,000)	SEP/Mitigation ($1,000)	Injunctive Relief ($1,000)	Administration
EMD Millipore	1/30/2017	385		3,500	Trump
Hammond Sanitary District	2/3/2017	248	555	180,000	Trump
Maynard Steel Casting Company	3/1/2017	25		350	Trump
Clean Rentals Inc.	3/13/2017	200			Trump
Sunoco Pipeline LP (Wellington OH) CWA 311(b)(3)	3/31/2017	990			Trump
United States v. Georgia Coastal Land Co., et al., No. 2:16-cv-00060-LGW-RSB	4/7/2017	333			Trump
Municipality of Santa Isabel	4/12/2017	20			Trump
United States and State of Alaska v. Westward Seafoods, Inc., Civil Action No. 3:17-cv-00087-TMB	4/17/2017	1,300			Trump
Valero Refining Company d/b/a Paulsboro Refining Company	4/19/2017	180			Trump
Momentive Performance Materials Silicones, LLC	4/21/2017	1,250			Trump
Falcon Petroleum, LLC et al.	4/25/2017	60	220	218	Trump
U.S. v. PPG Industries Ohio, Inc. (Civil Action No. 2:17-cv-00374)	5/2/2017	225			Trump
Homeca Recycling Center Co. Inc. et al.	5/12/2017	50			Trump
Nevada Cement Company	5/12/2017	550		3,000	Trump

Mesabi Nugget	5/15/2017	150		160	Trump
U.S. v. James F. Jerge, Jr., Case Number 1:17-cv-00428	5/17/2017				Trump
Vopak North America, Inc.	5/17/2017	2,500		5,000	Trump
Alon USA Big Spring Refinery	5/30/2017	456	1,500		Trump
U.S. v. Port Stewart GmbH&Co. Kg of Germany, Civil Action No. 3:17-cv-01742	6/1/2017			550	Trump
NVR, Inc. d/b/a Ryan Homes (National Case - no NLPs)	6/15/2017	425		2,008	Trump
Evergreen Power, LLC v. U.S., Civil Action No. 3:14-cv-01537-WWE	6/19/2017	246		454	Trump
Cleveland Heights v. State of Ohio	6/19/2017				Trump
United States and State of Colorado v. Rocky Mountain Company, LLC, Civil Action No. 1:17-cv-01554	6/26/2017	475			Trump
U.S. v. Suez Shipping North America LLC and Hoegh LNG Fleet Management AS, Civil Action No. 3:17-cv-01741	6/28/2017			1,900	Trump
Harcros Chemicals, Inc	7/31/2017	950	2,500		Trump
U.S. v. Lima Refining Company, Civil Action No. 3:17-cv-01320-JZ	6/22/2017	1,000	11,750		Trump

NOTES:

[1] U.S. Environmental Protection Agency. EPA Technical Support Document. "Estimating the Benefit per Ton of Reducing PM2.5 Precursors from 17 Sectors." January 2013.

[2] U.S. Department of Justice, "Notice of Lodging of Proposed Consent Decree Under the Clean Air Act: United States and State of Texas v. Vopak Terminal Deer Park Inc. and Vopak Logistics Services USA Inc., Civil Action No. 4:17-cv-1518," May 23, 2017. Link: https://www.federalregister.gov/documents/2017/05/23/2017-10467/notice-of-lodging-of-proposed-consent-decree-under-the-clean-air-act

[3] U.S. Department of Justice, "BP Texas City Clean Air Act Settlement," Feb. 19, 2009, link: https://www.epa.gov/enforcement/bp-texas-city-clean-air-act-settlement

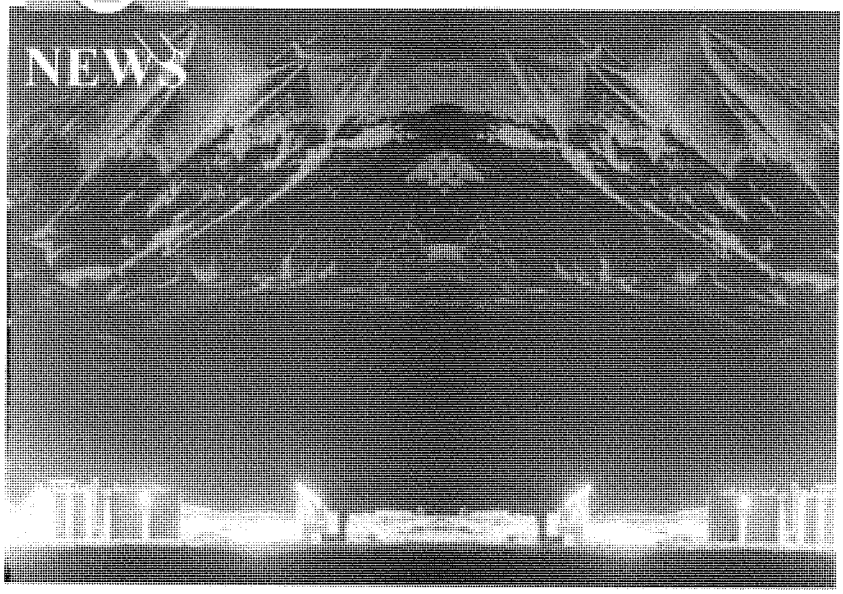
[4] EPA, "Motiva Enterprises LLC Refinery Settlement," March 21, 2001, link: https://www.epa.gov/enforcement/motiva-enterprises-llc-refinery-settlement.

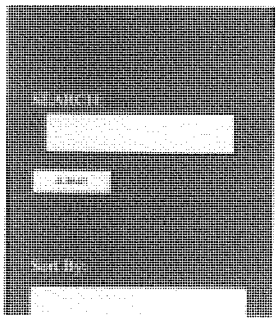
[5] Federal Register, "Lodging of Consent Decree in United States v. Louisiana-Pacific, Inc. and Kirby Forest Industries, Inc., Civil Action No. 93-0869," June 28, 1993, link: https://www.gpo.gov/fdsys/pkg/FR-1993-06-28/pdf/FR-1993-06-28.pdf

[6] The payments that defendants made to the "natural resource" damages trust fund in several oil spill cases were included in amounts reported as injunctive relief rather than as penalty.

[7] U.S. Environmental Protection Agency. Enforcement: Civil Cases and Settlements, link: https://cfpub.epa.gov/enforcement/cases/

ENVIRONMENTAL INTEGRITY PROJECT

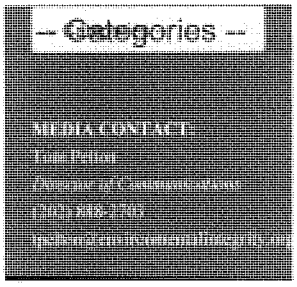


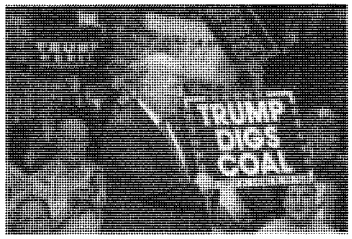


Civil Penalties Against Polluters Drop 60 Percent So Far Under Trump

August 10, 2017

Records Show





Environmental Enforcement is Down: Fewer Lawsuits and Smaller Fines During Six Months of Trump EPA Compared to Same Period Under Obama, Bush and Clinton.

Washington, D.C. – So far, the Trump Administration's EPA has been lighter on the pocketbooks of polluters than previous administrations, collecting 60 percent less in civil penalties than previous administrations had recovered from environmental violators on average by the end of July in their first year after taking office.

Federal records reviewed by the Environmental Integrity Project (EIP) also show a significant drop in the number of environmental enforcement lawsuits filed against companies for breaking pollution control laws, compared to comparable periods in the Obama, Bush, and Clinton Administrations.

From President Trump's first day in office through the end of July, the U.S. Department of Justice collected a total of $12 million in civil penalties as part of 26 civil lawsuits filed against companies for breaking pollution control laws. This was less than the $36 million in penalties in 34 cases in Obama's first January through July; $30 million in 31 cases under the same period during George W. Bush's administration; and $25 million in 45 cases during Clinton's first half year, according to EIP's report, "Environmental Enforcement Under President Trump."

"President Trump campaigned on a promise of 'law and order,' but apparently law enforcement for big polluters is not what he had in mind," said Eric Schaeffer, Executive Director of the Environmental Integrity Project and former Director of Civil

Enforcement at EPA. "The early returns show fewer cases with smaller penalties for violations of environmental law. If this drop-off in environmental enforcement continues, it will leave more people breathing more air pollution or swimming in waterways with more waste."

This analysis is based on EIP's examination of federal consent decrees in EPA civil enforcement cases referred to the U.S. Justice Department for prosecution that resolve violations of the Clean Air Act, Clean Water Act, and other environmental laws. It does not include Superfund cases, which may be examined by EIP in a future report.

Reduced environmental enforcement harms public health because pollutants such as sulfur dioxide and nitrogen oxides contribute to the formation of fine soot-like particles known to cause premature deaths from heart attacks and lung disease.

Pollution reduction information is not available for all lawsuits. But according to available case information and formulas used by EPA, the pollution reductions from five civil environmental cases filed by the Trump administration so far will prevent at least 22 premature deaths per year. This is less than the estimated 229 premature deaths annually avoided by the emission reductions required in eight cases filed during President Obama's first six months, and 618 deaths per year avoided by four cases at this point in George W. Bush's administration.

Estimated Annual Emissions Reductions and Premature Deaths Avoided

		SO2		NOx		Particulates PM2.5	
Administration	Cases	Tons	Premature Deaths Avoided	Tons	Premature Deaths Avoided	Tons	Premature Deaths Avoided
Bush	4	68,620	528-1,167	28,239	21-48	1,929	69-160
Obama	8	39,260	178-397	9,378	6-15	1,918	45-104
Trump	5	627	4-10	4,331	3-7	264	15-34

Note: For civil cases lodged from first day in office through July 31 of first year.

The data for the Trump Administration's record so far is just a snapshot and trends vary over time. Large future cases could potentially shift these results. "The actions that Justice Department and EPA take over the next year will indicate whether the disappointing results so far are all we can expect," Schaeffer said.

The numbers so far show that President Trump's Justice Department has collected about 60 percent less in penalties than polluters had paid by on average this time in the first year of Presidents Barack Obama, George W. Bush, and Bill Clinton. The cases this year are smaller, requiring much less spending on cleanup, and resulting in fewer measurable reductions in pollutants that end up in our air or water.

Below is a chart comparing the number of civil lawsuits and penalties during President Trump's first six months compared to the same period of time for the three previous presidents.

Total Environmental Cases Lodged (Civil) and Penalties Paid

Administration	Total Number of Cases Lodged	Penalties
Clinton	45	$25 million
Bush	31	$30 million
Obama	34	$36 million
Trump	26	$12 million

Note: For civil cases lodged from first day in office through July 31 of first year. Premature deaths calculating using EPA's estimation methods.

The disparity between administrations is more significant when inflation is taken into account. For example, the $25 million in civil penalties paid from January through July of 1993, during the Clinton administration, is equivalent to more than $42 million in 2017 dollars (compared to the $12 million collected during a comparable time period in the Trump administration).

Beyond civil penalties, EPA also estimates the value of another outcome of environmental lawsuits: "injunctive relief." This

means how much money violators will spend to install and maintain the pollution control equipment needed to reduce emissions and comply with environmental standards. This equipment includes scrubbers to remove sulfur dioxide from smokestacks or treatment systems that decontaminate wastewater before it is released to a river. EPA has been making these injunctive relief cost estimates for the last two decades.

The value of court-approved "injunctive relief" has fallen to $197 million during President Trump's first January through July, compared to $1.3 billion under the same period of time at the beginning of President Obama's first term, and $710 million under the first half year of George W. Bush's first term, federal records show.

Read the full report.

To listen to audio of our press conference, click here.

The Environmental Integrity Project is a 15-year-old nonprofit, nonpartisan organization, based in Washington D.C. and Austin, Texas, dedicated to enforcing environmental laws and holding polluters and governments accountable to protect public health.

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Media contact: Tom Pelton, Environmental Integrity Project, (202) 888-2703

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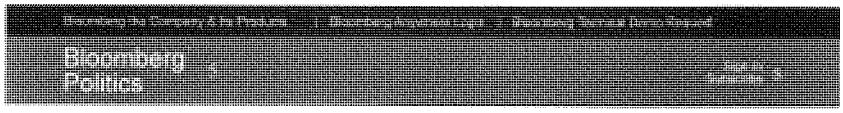

EPA's Pruitt Denies He's an Ally of Polluters, Vows to Get Tough

By Jennifer A Dlouhy and Jennifer Jacobs

- Cites decision to force toxic cleanup at Texas Superfund site
- Critics say agency chief is too cozy with oil, coal industry

Scott Pruitt, the head of the Environmental Protection Agency, vowed that he will get tough on corporate polluters, dismissing critics who cast him as too cozy with industry.

"They don't know me," Pruitt said, during an interview with Bloomberg News in his Washington office. "I've led a grand jury. We are going to do enforcement, to go after bad actors and go after polluters."

Pruitt, the former Oklahoma attorney general, is leading the efforts to roll back Obama-era environmental regulations, including the first limits on carbon dioxide emissions from power plants and an overhaul of clean-water

Pruitt after an interview in Washington on Oct. 25. Photographer: Andrew Harrer/Bloomberg

rules. Despite moving to rescind those measures, those that remain in place will be fully enforced, he said.

"I know what it means to prosecute people," he said. "And we've got some of those folks across the country -- those people that are intentionally taking steps to pollute our water, to pollute our air."

While coal miners, manufacturers and oil companies have praised Pruitt's efforts to halt or rescind regulations, environmental advocates say he's the leading example of a Trump administration appointee who has an agenda that conflicts with the very nature of the agency he leads.

Under former President Barack Obama, the EPA played a pivotal role in the government's fight against climate change, proposing sweeping rules to limit on methane leaks from oil wells and carbon-dioxide emissions from coal plants. Pruitt, who sued the EPA more than a dozen time to challenge those and other regulations, by contrast, is pursuing what he calls a "back to basics" agenda that he says will prioritize action on traditional pollutants.

Read More: EPA Set to Scrap Obama's Power Plant Rule Tuesday, Pruitt Says

Eric Schaeffer, a former director of civil enforcement at the EPA under former President Bill Clinton, says Pruitt's environmental record as attorney general Oklahoma -- where "he didn't do bupkis for enforcement" -- makes him skeptical the administrator is going to be "very good on enforcement" now.

"But it would be great to be wrong," Schaeffer said in an interview. "So far, the EPA's enforcement record is thin."

The Environmental Integrity Project, a watchdog group led by Schaeffer, reported in August that during President Donald Trump's first six months in office, civil penalties paid for environmental violations were 60 percent smaller on average than for comparable periods in the administrations of presidents Obama, George W. Bush and Clinton.

In Oklahoma, Pruitt pursued fraud cases against some insurers and claims of unfair and deceptive practices by mortgage servicers, yielding a multimillion dollar payout for victims in the state. But he also dismantled a unit in Oklahoma dedicated to enforcing environmental violations and built his political career challenging what he termed the "EPA's activist agenda" under Obama.

Read More: Polluters Penalized Less Under Trump Than His Predecessors

Pruitt highlighted the EPA's decision earlier this month to approve a plan for removing toxins from the San Jacinto Waste Pits, a Superfund site near Houston that began leaking cancer-causing dioxin after flooding from Hurricane Harvey.

That included ordering two companies -- International Paper Co. and a subsidiary of Waste Management Inc. -- to pay an estimated $115 million toward excavating more than 212,000 cubic yards of contaminated waste from the site. Both companies have objected to the cleanup plan.

"And they are already barking down there," Pruitt said, referencing those companies' complaints. Pruitt said he was told some people would be "surprised" he would seek to hold Fortune 500 companies accountable.

Another example: In June, the Trump administration filed a lawsuit alleging that a Colorado-

based oil company repeatedly violated clean air rules by allowing volatile organic compounds to escape from dozens of storage-tank batteries. According to the complaint filed in that civil case, the EPA alleged that PDC Energy Inc. failed to adequately design, operate and maintain control systems on those tanks., resulting in those leaks. That case is ongoing.

"I am here because I really feel called to it," Pruitt said. "My desire each day is to bless the president and the decisions he's making."

As World Edges Away From Coal, Trump Seeks Revival: QuickTake

Pruitt said he is still making plans for a "red team, blue team" exercise to examine the scientific research around climate change, with skeptics squaring off against scientists who say data overwhelmingly prove carbon dioxide emissions drive the phenomenon.

That effort -- which Pruitt likened to "peer review happening in real time" -- would be separate from any formal review of the EPA's landmark 2009 conclusion that greenhouse gases endanger human health and welfare. Some conservatives have argued that unless the EPA reverses that endangerment finding, as it is known, his regulatory repeals will not endure.

Pruitt didn't explicitly detail plans for a review of the endangerment finding -- or commit to one -- instead suggesting that regulatory action around the EPA's proposed repeal of the Clean Power Plan should come first.

"Any type of review of endangerment findings would take time -- it would take meaningful time," Pruitt said. "You can't in the midst of that have confusion created by a vacuum because you are not addressing the Clean Power Plan, the 2015 rule or any authority you have" under the Clean Air Act to address greenhouse gas emissions.

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EXPERT BLOG > JOHN WALKE

Trump EPA Abdicates Law Enforcement, Gives Polluters Amnesty

December 08, 2017 John Walke

The Trump EPA is reversing clean air enforcement positions against coal-burning power plants that EPA has taken and that federal courts have upheld not once, but twice. Moreover, the Trump administration promises EPA enforcement relief to all industrial polluters covered by a Clean Air Act program designed to ensure industries control their increases in harmful air pollution. These retreats, along with other reversals in EPA practices, reflect the Trump administration granting effective amnesty from legal requirements that protect Americans and uphold the Clean Air Act.

All of these reckless steps are taken in a memorandum from EPA Administrator Scott Pruitt that EPA quietly released after hours on the same day that Pruitt appeared before a congressional oversight committee for the first time since taking office. He made no mention of the enforcement reversals or attacks on clean air safeguards during his testimony.

In Pruitt's memo, EPA effectively adopts the position of a coal-burning power plant defendant in a clean

air enforcement case, DTE Energy, represented by the same law firm where the political head of EPA's clean air office worked before the Senate confirmed him last month. Pruitt announces EPA will exercise its "enforcement discretion" *not* to enforce the Clean Air Act against not just power plants, but all industrial polluters, that fail to properly project how much they will increase harmful air pollution following construction projects. The Trump EPA is reversing course on enforcement stances that EPA is taking in lawsuits today, including in cases where federal courts have sided with EPA and against defendant positions that the Trump EPA now adopts.

The Trump EPA enforcement retreat amounts to permission for industrial polluters to commit fraud and make false projections about their increased emissions, so long as those projections are "procedurally" adequate—even if they are substantively bogus and ultimately harmful to air quality. EPA specifically promises polluting lawbreakers it does not intend to enforce the law against failures to perform "required" air quality analysis, or failures to follow emissions calculation requirements. Memo at 8. What's most remarkable is EPA is presently in court enforcing against Clean Air Act violations that led the Trump EPA Administrator to issue a memo saying, "Never mind. We won't enforce against that lawbreaking from now on."

Equally remarkable, the central promise and approach of Pruitt's memo—that EPA will not "second guess" polluters—is precisely the approach that a federal appellate court has characterized as a straw man. In the second *U.S. v. DTE Energy* case, the federal appeals court wrote that "the focus on so-called 'second-guessing' is misplaced," because obviously EPA may bring enforcement lawsuits to challenge a company's improper emissions projections. The court continued by noting "the EPA definitely is not confined to a 'surface review' or 'cursory examination.'" The Pruitt memo confines EPA enforcement to just those indefensible failings, in a concerted political effort to obstruct EPA enforcement against companies' improper air pollution projections. Pruitt says archly that "the court decision does not compel the EPA to pursue enforcement in such situations." EPA won't pursue enforcement at all, you meddlesome judges.

Pruitt's action plainly is meant to sabotage the ongoing clean air enforcement case against DTE Energy. Worse, Pruitt *openly* disavows the possibility of similar enforcement cases against other industrial polluters during the Trump administration. Pruitt promises that "EPA does not intend to pursue new

enforcement cases in circumstances such as those presented in the DTE matter." Enforcement sabotage, through and through.

I confess I'm struggling to convey just how reckless this Pruitt memo is. At one point, the memo "clarifies" the EPA regulations to mean that when a company projects emissions increases and follows *procedural* requirements, EPA will not challenge false or wrong or even fraudulent projections unless there is "clear error" in application of the procedures. Forget the substance of the projections—the intended or actual air pollution increases. Nothing in the Pruitt memo says that a company's projection of pollution increases needs to be right or even reasonable; indeed, the clear import is polluter projections need be neither.

The only example of a "clear error" exception in the Pruitt memo is applying an incorrect number in the regulations during those procedural steps; applying the right number during the procedural steps and giving that piece of paper to the government suffices, even if the company's pollution projection is manipulated, unreasonable, wrong or it results in unlawful air pollution increases.

Moreover, the memo goes out of its way to reverse EPA's regulatory and enforcement practice to allow companies to purport to "manage" projected air pollution increases to prevent significant increases, but to do so in completely *unenforceable* ways. EPA to date has not recognized unenforceable industry claims, for the simple reasons that there is no way to ensure that companies have been or will be controlling pollution in the way they claim, and no way to enforce any failures to control pollution increases after the fact. Incredibly, the Pruitt memo says that the mere "intent" of a company to manage emissions increases —notwithstanding failure to do so—is good enough for government under the Trump administration. Memo at 6. Enforcement sabotage, through and through.

These are upside down approaches to how Americans should expect EPA to enforce clean air protections to protect U.S. air quality.

This is not simply capitulation by the Trump EPA. It is abdication of EPA's law enforcement responsibilities to uphold the law against polluters that may be knowingly breaking the law, and that EPA believes may be breaking the law. Administrator Pruitt says that matters not—procedural niceties will suffice, and EPA will not "second-guess" those polluters through inquiry or disagreement.

By effectively promising industrial lawbreakers that EPA will not enforce certain Clean Air Act requirements, Pruitt's memo represents a Trump administration attempt to grant amnesty from these requirements. The memo uses coded language about what EPA will "focus on" and what EPA "does not intend to pursue" to bless activities that the law considers violations. As noted, the memo even "clarifies" what the EPA regulations mean, re-casting those regulations to mean something they do not say.

Pruitt's memo predictably uses boilerplate language that EPA includes in memos when the agency wants to let regulated industries rely on winked agency promises of deregulation, at the same time that EPA wishes to be immune from citizen lawsuits to uphold the law, and immune from judges reviewing improper final agency action that breaks the law. It's especially perverse for an EPA Administrator that testified in Congress in the morning against the evils of EPA guidance documents, to turn around in the evening and issue a guidance document that deregulates clean air responsibilities and promises to abdicate EPA's duty to enforce the law.

But the perversity goes well beyond that: in 2002, the Bush administration EPA weakened the clean air regulations at issue here, to insert loopholes and exemptions that let industry increase harmful air pollution significantly and evade any modern pollution controls to reduce emissions. A central author of those 2002 Bush EPA clean air rollbacks was a former industry attorney named Bill Wehrum. Mr. Wehrum left EPA to join the law firm of Hunton & Williams, where he and his colleagues represented coal-burning power plant companies. But wait, it gets better (pronounced worse). Among the power plant companies that Hunton & Williams represents is DTE Energy, the defendant in a Clean Air Act enforcement case that sought to exploit one of the loopholes Mr. Wehrum added to weaken the clean air regulations. The DTE Energy clean air enforcement case is the driving force, and the high profile enforcement retreat, at the heart of Mr. Pruitt's memo.

And Mr. Wehrum? Now he is the political head of the Trump EPA air office tasked with carrying out these clean air regulations. Mr. Wehrum's name does not appear on Pruitt's abdication memo. Presumably, the DTE Energy case appears on a list of matters from which Mr. Wehrum recused himself. He should have. Nevertheless, the public deserves to know what role, if any, Mr. Wehrum, Hunton & Williams, and/or DTE Energy played in producing this Trump administration give-away to polluting industries.

For good reason, law enforcement agencies like EPA rarely issue so-called "enforcement discretion" guidance that promises not to enforce some aspect of federal law: these promises undermine the Rule of Law and the public's confidence in law enforcement; they threaten the concerns and rights protected by the law, such as clean air & Americans' health; and in their worst form, these promises can suggest a sordid collusion of interests with corporations that skirt the law. As a Reagan administration EPA policy put it, enforcement discretion promises "may erode the credibility of EPA's enforcement program by creating real or perceived inequities in the Agency's treatment of the regulated community." That Reagan-era enforcement policy still stands, and it is a testament to why enforcement discretion promises are highly unusual.

At EPA, there is a specific enforcement office process for issuing what are called "no [enforcement] action assurances" to specific facilities, in specific situations, based on case-specific circumstances. The Trump EPA has issued "no action assurances," for example, 'for the import of power generators to be donated for use in communities impacted by Hurricanes Harvey and Irma in Texas and Florida, to assist in recovery efforts.' But proper EPA "no action assurances" promising the exercise of "enforcement discretion" ordinarily are issued by the highest-ranking official of EPA's Office of Enforcement and Compliance Assurance. See, e.g., here. At the very least, EPA policy dating to 1984 requires the "advance concurrence" of the enforcement office.

Pruitt's "enforcement discretion" memo represents a form of "no action assurance" that differs from any I have previously seen in several highly unusual, even unprecedented ways. First, I know of no other EPA "enforcement discretion" guidance that was issued in the middle of a pending enforcement case against a corporate defendant accused of the very failings that the agency says it will turn a blind eye to, henceforth.

Second, the added insult to injury here is federal courts twice have sided with the legal views of EPA enforcement officials prosecuting these failings, while rejecting the defendant's contrary views.

Third, I am unaware of any "enforcement discretion" promise or no action assurance signed by the EPA Administrator. Pruitt's decision to do so clearly is intended to assure corporations that EPA's enforcement

retreat and grant of amnesty enjoy the highest level of political support. Amazingly, the memo even goes out of its way to trace that high level political support all the way back to President Trump. Pruitt says his memo is consistent with an agenda to "reduce burden on regulated sources in accordance with recent Presidential actions," citing a Trump executive order and memo to 'reduce regulatory burden' and 'enforce regulatory reform.'

Fourth, here's an insider observation from my days working as an EPA attorney: it is extraordinary, possibly unprecedented, for EPA to issue an "enforcement discretion" assurance that omits the name of even a single official from EPA's enforcement office. Pruitt is the memo's author, the addressees are Regional Administrators, and the only two officials copied on the memo are Pruitt's chief of staff and the political deputy to the head of EPA's air office, Bill Wehrum. Interesting.

An already-miserable memo ends, aptly, on a foreboding note. In the memo's last paragraph, Pruitt observes that states are approved by EPA to carry out the clean air program in question. He goes on to say, however—cue ominous film soundtrack—that if EPA "later determine[s] that the [clean air program] approved [by EPA] is deficient, the EPA has authority. . . to call for a state to revise its regulations." This none too subtle threat signals that states that fail to follow the Trump EPA rollbacks could face demands by EPA to weaken state regulations.

These outrageous Trump EPA actions raise a host of questions that Americans deserve the answer to: Were Mr. Wehrum's former law firm, Hunton & Williams, DTE Energy or any other non-governmental parties involved with this memo or the process that led to it? What about Mr. Wehrum, or his deputy? Who helped write the memo? Did EPA's enforcement office write it? Were they consulted about it? If so, in what capacity and when? Were EPA and Department of Justice lawyers prosecuting the case against DTE Energy and handling its appeals, involved or consulted? What about enforcement officials in EPA regional offices, where power plant cases often are prosecuted? And EPA's Office of General Counsel, what roles, if any, did it play in this fiasco? Has EPA assessed how much harmful air pollution could increase from Administrator Pruitt's effective grants of amnesty and abdication of law enforcement duties?

Many more questions and concerns are certain to emerge about the Trump administration's abdication and other reckless actions described here.

NRDC will submit a Freedom of Information Act Request to EPA to obtain all records associated with this sordid transaction. Congress and EPA's Office of Inspector General also should investigate these deeply troubling actions.

Finally, NRDC will consider challenging Administrator Pruitt's action in court. An agency like EPA may not issue guidance that relieves regulated industries of legal obligations, unless the agency first undertakes notice-and-comment rulemaking that provides the public fair opportunities to comment and oppose unlawful or harmful actions. The Trump EPA did not do this.

In the meantime, nothing in the Administrator's action stops states, public health and environmental groups, and ordinary citizens from bringing enforcement lawsuits to uphold clean air protections that the Trump administration proclaims it will not.

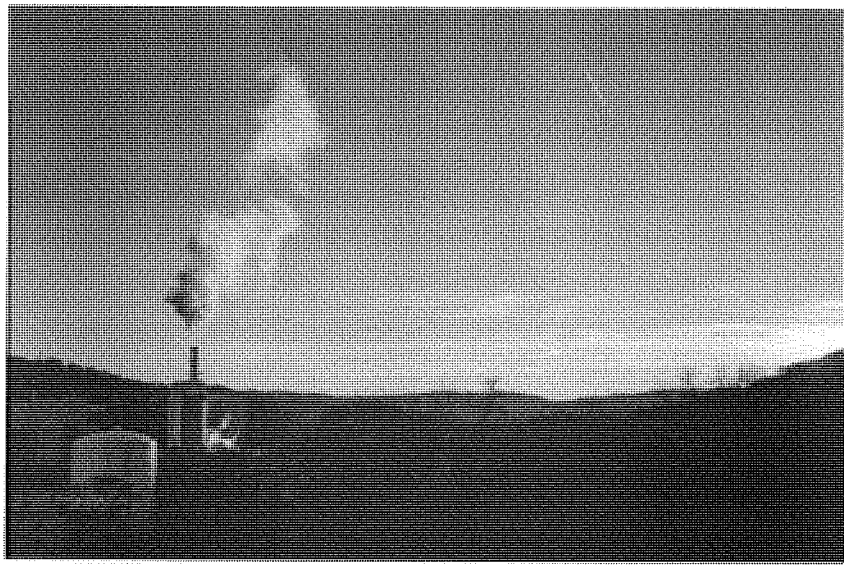
ABOUT THE AUTHORS

JOHN WALKE
Director, Clean Air Project, Climate & Clean Air program

POLITICS

Under Trump, E.P.A. Has Slowed Actions Against Polluters, and Put Limits on Enforcement Officers

By ERIC LIPTON and DANIELLE IVORY DEC. 10, 2017



The smokestacks from Heritage Thermal Services in East Liverpool, Ohio. Heritage incinerates hazardous waste at this facility. Andrew Spear for The New York Times

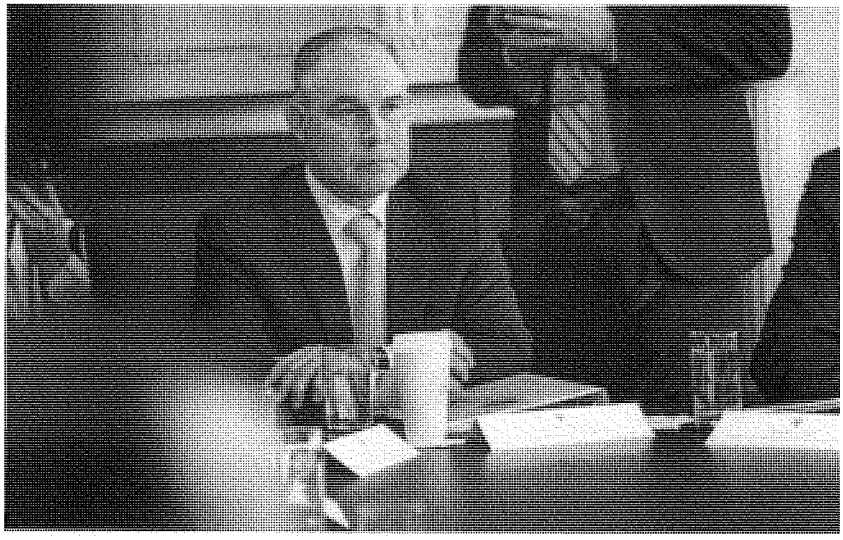
EAST LIVERPOOL, Ohio — The highway billboard at the entrance to town still displays a giant campaign photograph of President Trump, who handily won the election across industrial Ohio. But a revolt is brewing here in East Liverpool over Mr. Trump's move to slow down the federal government's policing of air and water pollution.

The City Council moved unanimously last month to send a protest letter to the Environmental Protection Agency about a hazardous waste incinerator near downtown. Since Mr. Trump took office, the E.P.A. has not moved to punish the plant's owner, even after extensive evidence was assembled during the Obama administration that the plant had repeatedly, and illegally, released harmful pollutants into the air.

"I don't know where we go," Councilman William Hogue, a retired social studies teacher, said in frustration to his fellow council members. "They haven't resolved anything."

Scott Pruitt, the E.P.A. administrator, has said the Trump administration's high-profile regulatory rollback does not mean a free pass for violators of environmental laws. But as the Trump administration moves from one attention-grabbing headline to the next, it has taken a significant but less-noticed turn in the enforcement of federal pollution laws.

An analysis of enforcement data by The New York Times shows that the administration has adopted a more lenient approach than the previous two administrations — Democratic and Republican — toward polluters like those in East Liverpool.



Scott Pruitt, the E.P.A. administrator, listening to President Trump's remarks during a cabinet meeting in Washington this month. Doug Mills/The New York Times

The Times built a database of civil cases filed at the E.P.A. during the Trump, Obama and Bush administrations. During the first nine months under Mr. Pruitt's leadership, the E.P.A. started about 1,900 cases, about one-third fewer than the number under President Barack Obama's first E.P.A. director and about one-quarter fewer than under President George W. Bush's over the same time period.

In addition, the agency sought civil penalties of about $50.4 million from polluters for cases initiated under Mr. Trump. Adjusted for inflation, that is about 39 percent of what the Obama administration sought and about 70 percent of what the Bush administration sought over the same time period.

The E.P.A., turning to one of its most powerful enforcement tools, also can force companies to retrofit their factories to cut pollution. Under Mr. Trump, those demands have dropped sharply. The agency has demanded about $1.2 billion worth of such fixes, known as injunctive relief, in cases initiated during the nine-month period, which, adjusted for inflation, is about 12 percent of what was sought under Mr. Obama and 48 percent

under Mr. Bush.

Resolving complicated pollution cases can take time, and the E.P.A. said it remained committed to ensuring companies obeyed environmental laws.

"E.P.A. and states work together to find violators and bring them back into compliance, and to punish intentional polluters," the agency said in a statement. Officials said Mr. Pruitt was less fixated on seeking large penalties than some of his predecessors were.

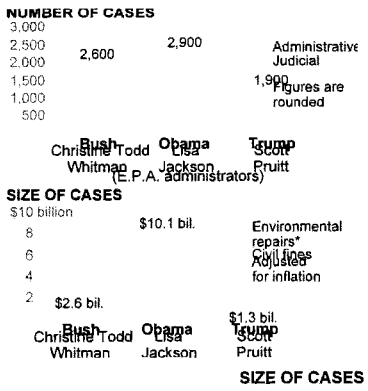
"We focus more on bringing people back into compliance than bean counting," the statement said.

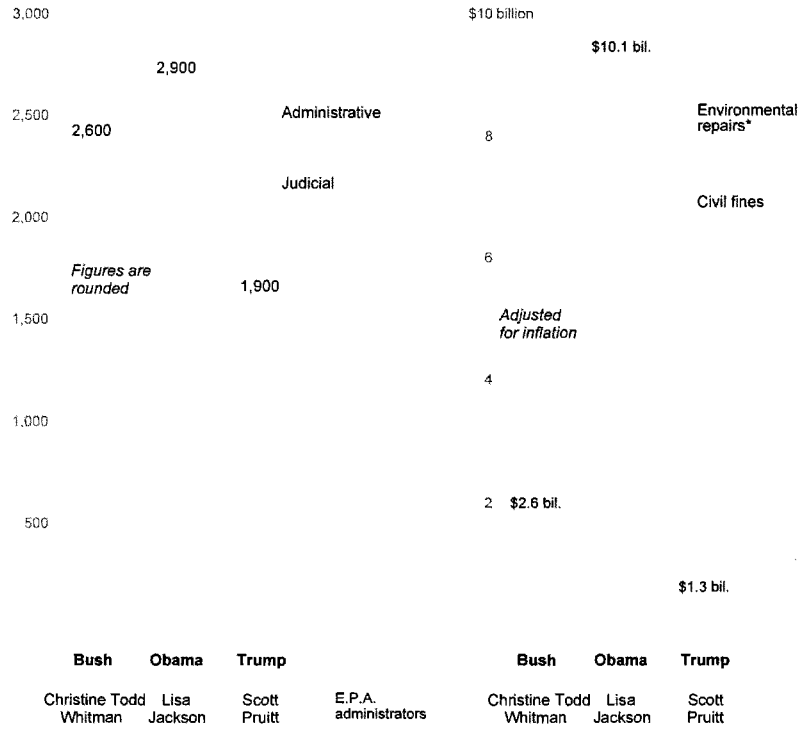
After this article was posted, the E.P.A. issued a statement criticizing the report, and saying that "Administrator Scott Pruitt is committed to enforcement," and that "there is no reduction in E.P.A.'s commitment to ensure compliance with our nation's environmental laws." (The full statement is here.)

Confidential internal E.P.A. documents show that the enforcement slowdown coincides with major policy changes ordered by Mr. Pruitt's team after pleas from oil and gas industry executives.

E.P.A. Enforcement Scorecard

So far in the Trump administration, enforcement actions at the Environmental Protection Agency have been measurably fewer and smaller than the previous two administrations. During 266 days under its administrator, Scott Pruitt, the agency has filed about a thousand fewer cases and sought almost $9 billion less in those cases, including environmental repairs and fines, than during the same period in the Obama Administration.





Notes: *The E.P.A. can order a polluter to do repairs to bring a facility into environmental compliance, called injunctive relief. The time periods are for the first 266 days of each administration. | Source: Environmental Protection Agency | By The New York Times

The documents, which were reviewed by The Times, indicate that E.P.A. enforcement officers across the country no longer have the authority to order certain air and water pollution tests, known as requests for information, without receiving permission from Washington. The tests are essential to building a case against polluters, the equivalent of the radar gun for state highway troopers.

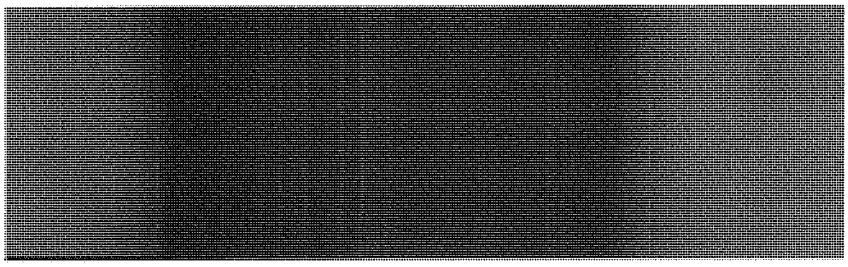
At at least two of the agency's most aggressive regional offices, requests for information involving companies suspected of polluting have fallen significantly under Mr. Trump, according to internal E.P.A. data.

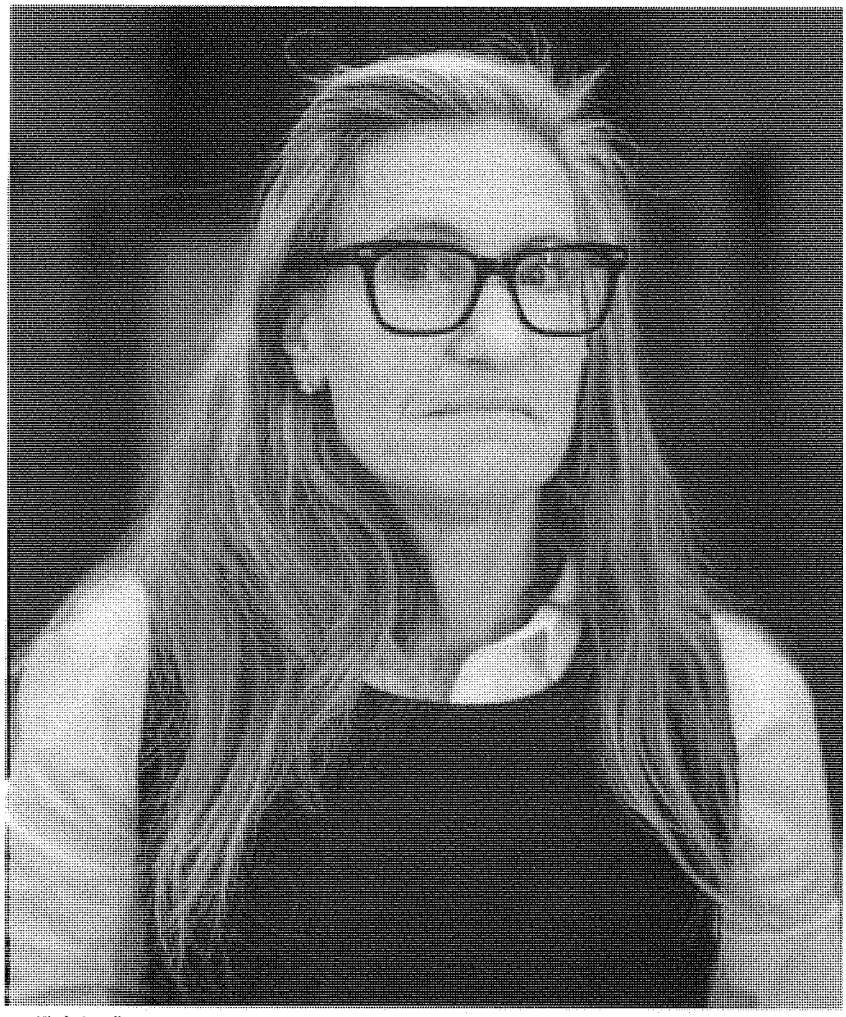
In the last two complete fiscal years of the Obama administration, the E.P.A.'s office in Chicago sent requests for testing that covered an average of 50 facilities per year, or about 4.2 each month. By comparison, after the policy changes, one such request for a single facility was made in the subsequent four-month period. There was a similar decline in the Denver regional office, according to the data.

The enforcement slowdown has been compounded by the departure of more than 700 employees at the E.P.A. since Mr. Trump's election, many of them via buyouts intended to reduce the agency's size, and high-level political vacancies at the E.P.A. and the Justice Department. The agency's top enforcement officer — Susan Bodine — was confirmed only late last week.

Separately, Mr. Pruitt's team has told officials and industry representatives in Missouri, North Dakota and other states that E.P.A. enforcement officers will stand down on some pollution cases, according to agency documents. The retrenchment is said to be part of a nationwide handoff of many enforcement duties to state authorities, an effort Mr. Pruitt calls cooperative federalism but critics say is an industry-friendly way to ease up on polluters.

Current and recently departed E.P.A. staff members said the new direction has left many employees feeling frozen in place, and demoralized, particularly in the regional offices, which have investigators who are especially knowledgeable of local pollution threats.





Nicole Cantello, an E.P.A. lawyer in the Chicago office, who has worked at the agency for 26 years.

Alyssa Schukar for The New York Times

"Certain people who are polluting are doing it with impunity right now and I think it is horrible," said Nicole Cantello, an E.P.A. lawyer in the Chicago office, who has worked at the agency for 26 years.

Ms. Cantello agreed to speak to The Times because she is protected by her status as a union official. The E.P.A. did not authorize agency employees to speak.

The Times asked top E.P.A. enforcement officials from the Obama and Bush administrations to review The Times's data, analysis and methodology. (Read more about The Times's methodology here.) They said the slowdown signaled a sea change in enforcement under Mr. Trump.

"Those kinds of numbers are stark," said Granta Nakayama, a lawyer who served in the Bush administration as assistant administrator for the E.P.A.'s enforcement office and who now represents companies facing E.P.A. enforcement actions for the law firm King & Spalding, where he oversees the environmental practice.

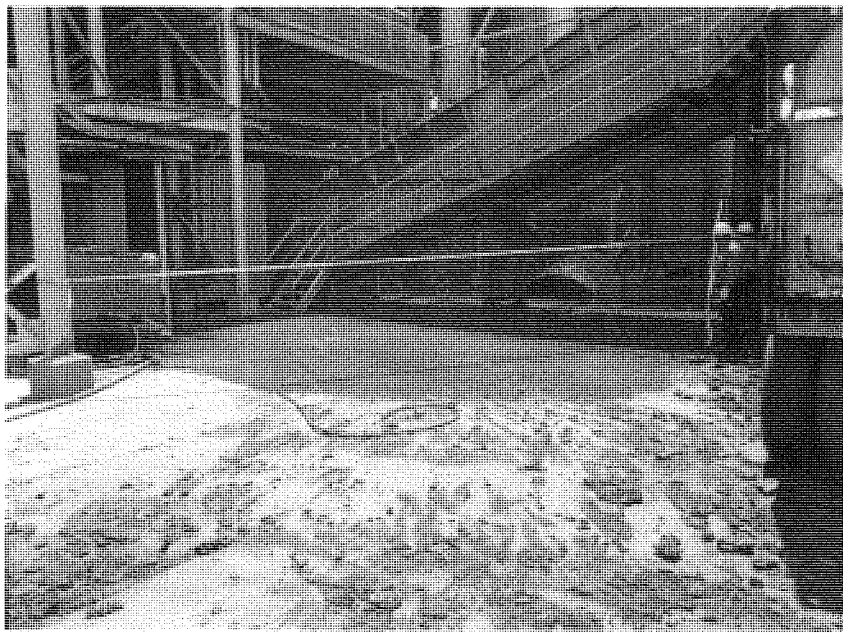
"If you're not filing cases, the cop's not on the beat," he said. "Or has the cop been taken off the beat?"

Cynthia Giles, the former assistant administrator for the E.P.A.'s enforcement office during the Obama administration, also prepared a separate version of the data. She described as a "stunning decline" the reduced efforts under Mr. Trump to require companies to bring their facilities into compliance with pollution laws.

"The Pruitt E.P.A. is cratering on the enforcement work that matters most: holding the biggest polluters accountable," said Ms. Giles, now a director at the Energy & Environment Lab at the University of Chicago.

Some enforcement experts suggested that the E.P.A. under Mr. Pruitt might have filed fewer cases because it was going after larger penalties. But according to the Times analysis, most of the top penalties were smaller than those in the previous two administrations. And the nine-month window included the single largest civil case filed by the E.P.A., against Exxon Mobil.

'It Really Just Scares Me'



The Heritage Thermal plant after the July 2013 accident. Heritage Thermal, via an accident report to EPA

On a midsummer afternoon in 2013, boiler ash and steam blasted through a breach at the Heritage Thermal Services hazardous waste incinerator, spewing hundreds of pounds of ash into a nearby neighborhood in East Liverpool and setting off a series of small fires at the plant.

Tests later showed that the ash, which looked like dirty clumps of cotton candy scattered across rooftops and lawns, contained toxic chemicals. In some samples, lead and arsenic were found at concentrations that "could pose a hazard to small children," according to an Ohio Department of

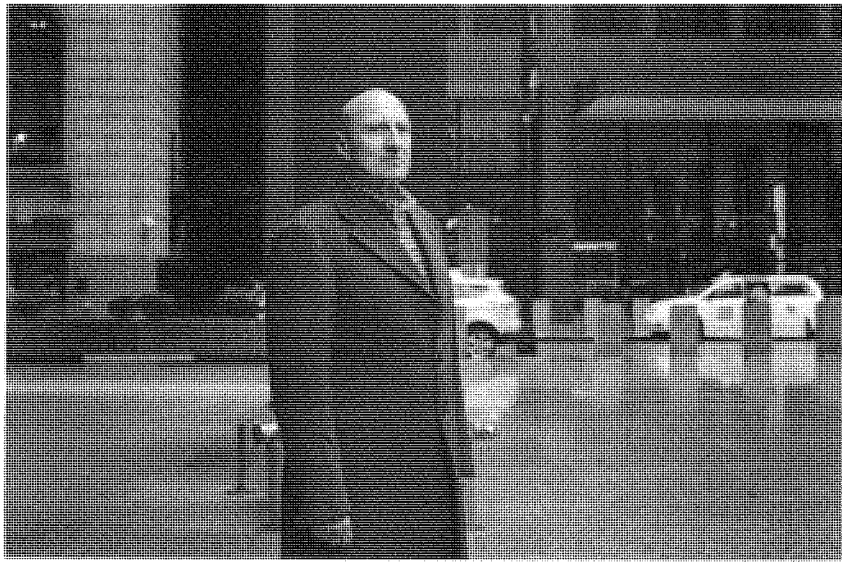
Health report. Heritage Thermal went door to door offering to wash people's houses and replace vegetables in their gardens.

Sandra Estell, 64, who lives on a river bluff overlooking the plant, said the ash covered her brother's Chevy Blazer and blanketed the street where she grew up. Even when the plant operates normally, she said, she smells the incinerator from her home — with the odor changing from rotten eggs to an electrical fire to something difficult to place.

Truckloads of hazardous waste often sit in the parking lot outside the plant, awaiting disposal. On the day of the accident in 2013, the plant was burning through a load of waste sent from an oil refinery in Toledo.

"It really just scares me," Ms. Estell said of the incinerator.

The plant falls under the jurisdiction of the E.P.A. regional office in Chicago, which moved quickly to investigate the episode as a possible violation of the Clean Air Act, federal records show.



George T. Czerniak outside the E.P.A.'s office in Chicago, where he was a regional director of air and radiation.
Alyssa Schukar for The New York Times

Investigators sent Heritage Thermal's general manager what is known as a Section 114(a) request for detailed information on the explosion. Failing to answer the questions, warned George T. Czerniak, who was then the E.P.A.'s Chicago-based director of the air and radiation division, could result in punishment.

Heritage Thermal complied within weeks, and also disclosed that the plant had faced a series of related problems when pressure inside the incinerator had climbed to dangerous levels. Mr. Czerniak asked for more information about those episodes, and by March 2015 he had signed a formal letter of complaint, alleging a series of Clean Air Act violations that would very likely result in fines, as well as possible civil or criminal action.

"We are offering you an opportunity to confer with us about the violations," Mr. Czerniak wrote in the letter. "You may have an attorney represent you at this conference."

DOCUMENT

Heritage Thermal Incident and E.P.A. Response

A case study of the slow progress being made by the Trump administration in wrapping up an investigation into an industrial accident in East Liverpool, Ohio, that generated protests from area residents.

More than two and a half years later, the matter remains unresolved, leading to the letter of complaint to the E.P.A. last month from the East Liverpool City Council. The body is dominated by Democrats, but it says its motivation in criticizing the E.P.A. is based on concerns about public safety and not partisan politics.

John Mercer, a City Council member, said taking on air pollution issues at Heritage Thermal has been a delicate matter because the area has lost thousands of jobs as steel and pottery manufacturing plants closed. "Heritage Thermal is one of the city's largest employers," he said. "We are all friends and neighbors with those that work there."

Still, he said, residents want the matter resolved. "Our constituents deserve answers that no one seems to want to provide," he said.

A spokesman for the E.P.A. declined to comment on the case's status, as did Christopher T. Pherson, president of Heritage Thermal. The company said in a statement that it "is committed to continuously enhancing its performance and environmental compliance."

Ms. Estell, who was critical of the plant even before it opened in the 1990s for being built near homes, blames the change in administrations in Washington for the inaction. "Something made them slam on the brakes," she said.

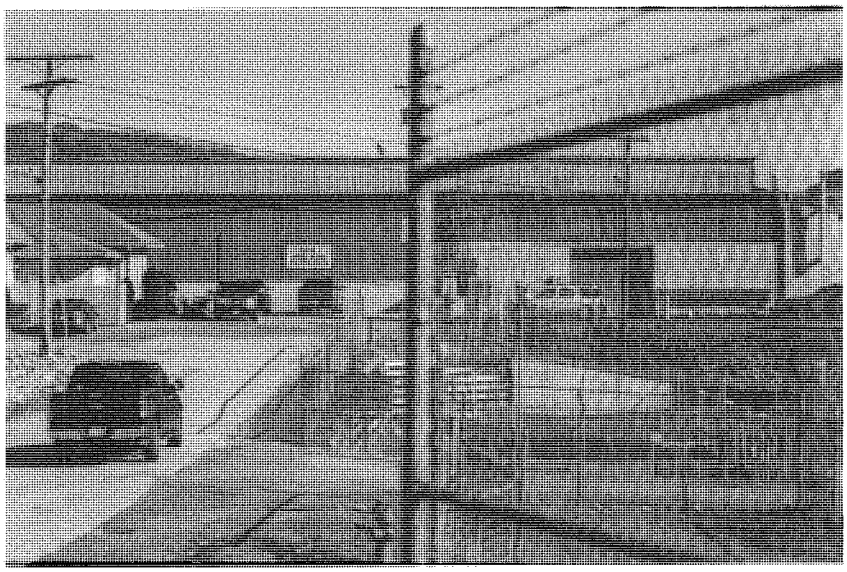
Every administration runs into delays when investigating and enforcing environmental laws, and it is hard to pinpoint why any particular case might stall without access to confidential E.P.A. files. But the lack of action in East Liverpool mirrors a pattern of sluggish new enforcement activity under the Trump administration, as represented in data analyzed by The Times.

The Times identified more than a dozen companies or plants like Heritage Thermal that received notices of violation toward the end of the Obama administration, but as of late Novemher had not faced E.P.A. penalties. The findings were based on agency files released through a Freedom of Information Act request to the Environmental Integrity Project, a nonprofit group run by a former E.P.A. enforcement chief.

Indiana Harbor Coke in East Chicago, Ind., has received at least three warning notices since 2015 for pollution violations, including hundreds of illegal emissions of lead, which can cause serious health problems, especially for children.

Other cases include TimkenSteel Corporation of Canton, Ohio, whieh was served with a notice in November 2015 for illegally emitting hazardous toxins, including mercury, which, when inhaled in large quantities, ean cause pulmonary edema, respiratory failure and death.

In Waterford, Ohio, Globe Metallurgical was cited in June 2015 and December 2016 for air pollution violations. The E.P.A. collected evidence that it was emitting illegal amounts of sulfur dioxide, which can irritate the nose and throat and, at very high concentrations, cause life-threatening accumulation of fluid in the lungs.



S.H. Bell dries, crushes, screens and packages materials for industrial customers in East Liverpool, Ohio. It sometimes works with manganese, which can produce toxic levels of dust. Andrew Spear for The New York Times

And in East Liverpool, just down the street from the Heritage Thermal incinerator, S.H. Bell was cited for allowing toxic levels of dust with heavy metal chemical additives such as manganese to drift beyond its property line.

Tests conducted near S.H. Bell found "the highest levels of ambient manganese concentrations in the United States," a complaint issued during the Obama administration said. Health officials warned that the situation represented "a public health hazard and should be mitigated as soon as possible to reduce harmful exposures."

Research led by the University of Cincinnati found in September that levels of manganese in the blood and hair of children in East Liverpool appeared to be related to lower I.Q. scores, a conclusion executives from S.H. Bell have disputed.

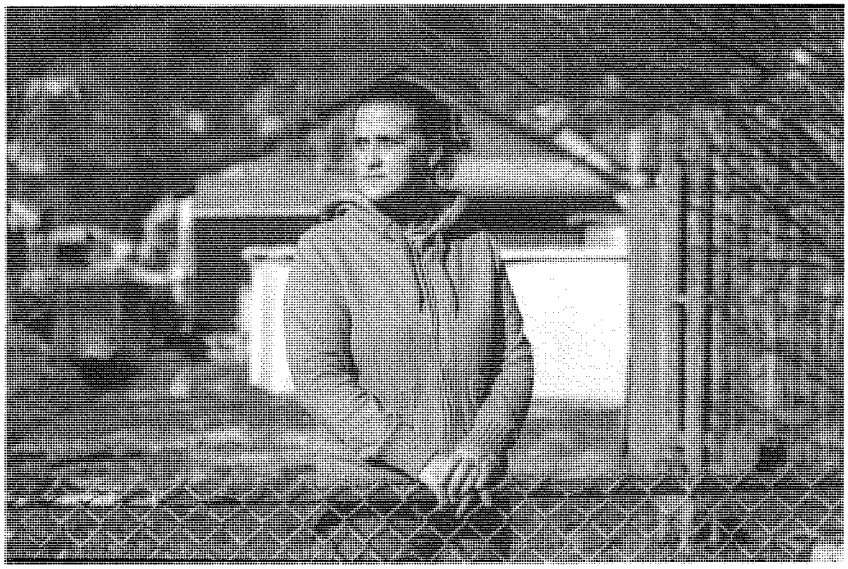
The Heritage Thermal plant during the July 2013 accident.

The E.P.A. moved in the final days of the Obama administration to resolve the S.H. Bell matter, proposing a consent decree in January that would require changes to reduce manganese dust levels and to improve monitoring.

Generally, a proposed consent decree is resolved within several months, but in March, the Trump administration asked a federal judge to delay the case so the E.P.A. could "brief incoming administration officials with decision-making responsibility" given that "many subordinate political positions at the agency remain unfilled." The Justice Department has since asked the court to move ahead, but the case remains open.

A spokeswoman for S.H. Bell said that the company had moved to comply with the requirements and that its operations had not harmed residents. The E.P.A. said in a statement that it was waiting for the court to act. "It would not be appropriate to discuss the open enforcement matters," the statement said.

Roberta Pratt, 49, a bartender who lives with her family on a block situated between Heritage Thermal and S.H. Bell, said she worries constantly about the delays in enforcement at the facilities. The side of her house, she said, is stained with a rusty color from heavy metals that float through the air.



Roberta Pratt outside her home in East Liverpool, Ohio. She said she doesn't have the money to move away from the nearby industrial facilities. Andrew Spear for The New York Times

"It makes me feel like less of a mother," said Ms. Pratt of the pollution problems. "You can't protect your children."

Fighting back tears, she added, "People say to me, 'Why don't you just pick up and move out of here?' Well, I just don't have the money to do that."

Industry Gets a Sympathetic Ear

The memo was marked "Privileged/Confidential/Do Not Release" and was signed by Susan Shinkman, the director of civil enforcement at the E.P.A. and one of Mr. Pruitt's top deputies in Washington at the time.

It arrived by email to agency employees across the country on May 31.

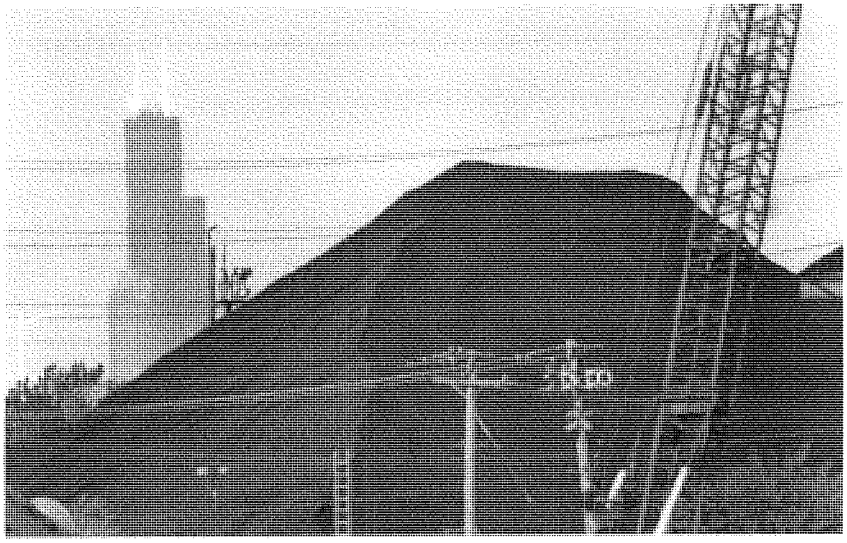
With four pages of detailed instructions, it directed E.P.A. investigators to seek authorization before asking companies to track their emissions with instruments that determine the type and amount of pollutants being released at their plants.

It also said investigators needed special authorization if they did not already have evidence that the company had quite likely violated the law, or if state authorities objected to the tests.

The scope was far-reaching, applying to possible violations of the Clean Air Act, the Clean Water Act and federal laws regulating hazardous waste plants.

The goal of these changes, the memo said, was to "ensure a more nationally consistent and complete accounting of federal compliance monitoring and enforcement activities." But the directive arrived like a thunderbolt, upending one of the agency's most effective methods in catching polluters, E.P.A. regional officials said, and one that was extremely unpopular with the oil and gas industry.

In the prior two years, investigators in the Chicago office had sent requests for information — which includes requests for testing — that covered 267 facilities in the six Midwest states it oversees, including in cases involving giant mountains of petcoke stored near residential neighborhoods in Chicago. A carbon and sulfur byproduct of refining oil, petcoke particles can become airborne and enter the lungs, causing serious health effects.



A mound of petcoke in southeast Chicago. Its particles can damage people's health by becoming airborne and entering their lungs. [illegible]

Investigators in the regional office in Denver, which handles many oil and gas cases, also sent out a series of requests during the Obama administration based on hints that energy producers were letting vast quantities of hazardous air pollutants escape into the atmosphere. The pollutants included benzene, which is a carcinogen, and methane, which is a major contributor to climate change. The investigations escalated after four workers at energy facilities in North Dakota were overcome by fumes and died.

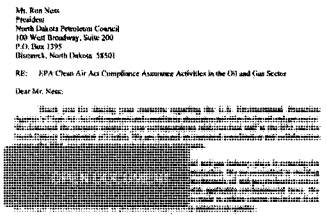
As the Obama administration came to a close, companies had grown increasingly unhappy with the tests and began to fight them by turning to allies in Washington.

Koch Carbon, a subsidiary of Koch Industries, which operated two petcoke storage facilities in Chicago, challenged the E.P.A.'s authority to require the tests in a formal filing with the agency, E.P.A. documents show, although it still provided the information the agency had requested. The test results showed that its petcoke piles were, in fact, threatening neighbors and led to their removal.

DOCUMENT

Pruitt Moves to Curb E.P.A.'s Power to Demand Pollution Tests

E.P.A. enforcement officials nationwide rely on provisions of the Clean Air and Clean Water Acts that enable them to order polluters to test their emissions for legal violations. Mr. Pruitt, after a request from the oil industry, has put new limits on that power.



Mr. Ron Ness
President
North Dakota Petroleum Council
100 West Broadway, Suite 200
P.O. Box 1395
Bismarck, North Dakota 58501

RE: EPA Clean Air Act Compliance Assurance Activities in the Oil and Gas Sector

Dear Mr. Ness:

Republicans in Congress, including Senator James M. Inhofe of Oklahoma, took up the cause for the oil and gas industry. In public hearings, Mr. Inhofe interrogated E.P.A. officials about the tests and called them "a backdoor effort for the E.P.A. to cut greenhouse gas emissions."

When Mr. Trump was elected and named Mr. Pruitt, the former Oklahoma attorney general, to lead the E.P.A., the complaints got a fresh — and sympathetic — hearing. Ms. Shinkman, in an interview, said she was instructed to write the new policy memo after Mr. Pruitt received letters of complaint from oil industry executives in North Dakota and Colorado. Ms. Shinkman, who joined the agency in 2012 as an Obama administration appointee, retired from the E.P.A. in September; in its statement to The Times, the E.P.A. did not say whether the oil and gas industry had been a factor in its decision.

Ron Ness, the president of the North Dakota Petroleum Council, wrote to Mr. Pruitt in March describing the tests as burdensome and costly. "Under the previous administration, the E.P.A. initiated sweeping Clean Air Act (CAA) Section 114 information requests and threatened company-ending

sanctions." Mr. Ness wrote in a letter obtained by The Times.

In his response to Mr. Ness, Mr. Pruitt wrote that the E.P.A. would "develop best practices for the judicious use" of the requests, and also hand off much of the enforcement of air pollution laws to North Dakota officials, except on Indian lands where the federal government has jurisdiction.

"The E.P.A. acknowledges the critical role that the oil and gas industry plays in ensuring the nation's energy independence through domestic energy production," Mr. Pruitt wrote to Mr. Ness in July.

The change in North Dakota was part of a broader effort by the E.P.A. to give states more say in how to treat polluters.

In a letter to the Missouri Department of Natural Resources, Edward Chu, the deputy administrator of the E.P.A.'s regional office in Kansas, said the agency would back off some inspection and enforcement activity so the state could take the lead. "These shifts in direction do represent significant change," Mr. Chu wrote.

Officials in North Dakota said the new arrangement there is leading to faster resolution of cases involving the oil and gas industry.

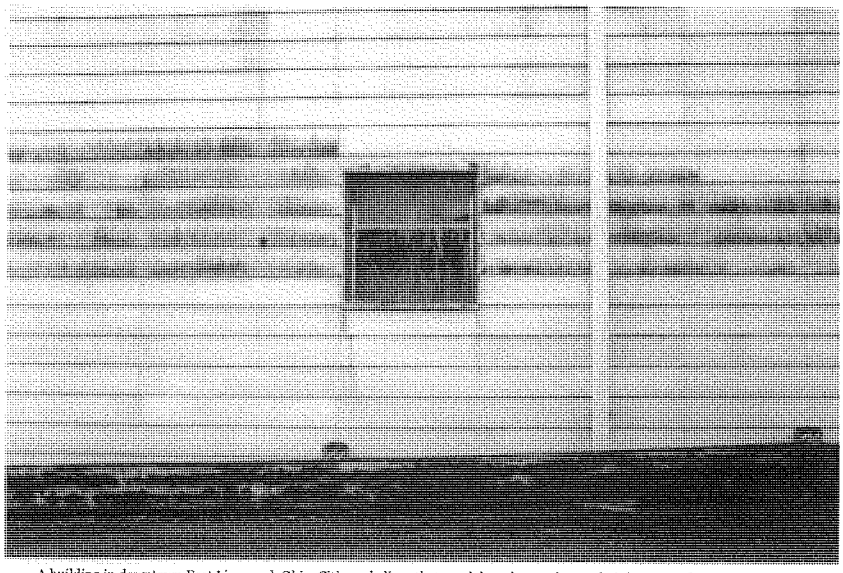
"We are focused on compliance and fixes, not on big fines that are trumped up," said Jim Semerad, who leads the division of the North Dakota Department of Health that enforces air emissions rules.

But some critics question the sincerity of Mr. Pruitt's deference to state authorities, in part because it comes as the Trump administration has proposed cutting grants that help states pay for local enforcement. And the vigilance of some states in taking on the new responsibilities is also uncertain.

An audit by the E.P.A. inspector general in 2011 described North Dakota as "a state philosophically opposed to taking enforcement action" against polluters.

The state's fines, moreover, are a tiny fraction of those imposed by the E.P.A. for the same violations, records obtained by The Times show, and some North Dakota settlements do not require the hiring of independent

inspectors to ensure companies honor their promises.



A building in downtown East Liverpool, Ohio. Citizens believe that a red dust that settles on their homes and property is chemical residue from nearby facilities. Andrew Spear for The New York Times

In Ohio, a change in state law that was tucked into a budget bill this year cut funding for an inspector in East Liverpool, even as Ohio authorities found continued evidence of air pollution violations at the Heritage Thermal incinerator, according to state records obtained by The Times.

Ohio Environmental Services Industry, a trade group that represents Heritage Thermal and a handful of other hazardous waste companies, pushed for the change. The group said the facility would receive sufficient oversight without the dedicated state inspector.

The changes across the country, some lawyers suggest, are giving violators an upper hand in negotiating with the E.P.A.

Paul Calamita, who represents cities accused of violating the Clean Water Act when they release sewage and contaminated storm water into rivers and lakes, recommends that clients team up with state governments to push back against the E.P.A.

Under President Trump, Mr. Calamita said, the E.P.A. and the Department of Justice have been willing to compromise, withdrawing a six-figure penalty in one instance after refusing to do so in two previous rounds of negotiations during the Obama administration.

"States with new Republican governors are following the Trump approach — providing compliance assistance at the outset to avoid enforcement where the discharger is cooperative," he said in a presentation to utility executives from around the United States. "A state that pushes back on E.P.A. is likely to be successful."

A Muscular Office Loses Muscle

The E.P.A. under Mr. Pruitt has pursued some high-profile prosecutions of polluters and has talked tough about companies like Fiat Chrysler, which like Volkswagen has been accused of installing software on its vehicles meant to evade emissions standards.

The agency's biggest civil case filed since Mr. Trump took office involves Exxon Mobil, which was accused of not properly operating and monitoring industrial flares at its petrochemical facilities. Exxon agreed in October to pay $2.5 million in civil penalties, some of which will go to Louisiana, and spend $300 million to install new technology to reduce air pollution.

The agency on Friday also released a list of 21 Superfund sites contaminated with hazardous substances and pollutants that Mr. Pruitt has targeted for immediate and intense attention. One of the sites on the list, Tar Creek, a former lead and zinc mine, is in Oklahoma, where Mr. Pruitt once served as attorney general and state senator.

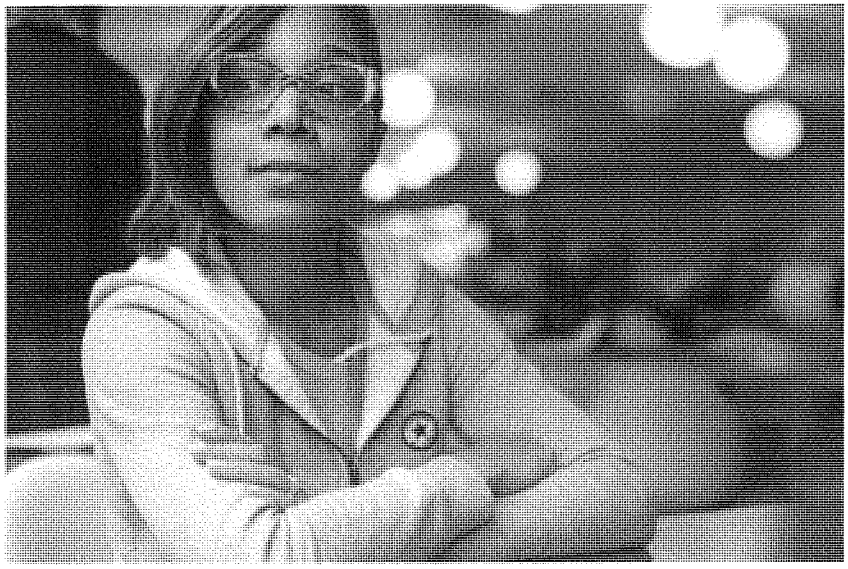
But more than a dozen current and former E.P.A. officials told The Times that the slowdown in enforcement is real on the ground, and that it is being directed from the top.

At the Ralph Metcalfe Federal Building in Chicago, which houses a regional office of the E.P.A., employees said it has become difficult to even start a new investigation. Because it covers states populated with Rust Belt industries, the Chicago office has traditionally been one of the busiest of the 10 regions.

An agency spokeswoman, in a statement, said "we have not rejected any requests for sampling, monitoring and testing" that were sent to headquarters as a result of the new policy. But agency staff said the memo made clear such requests were discouraged, and many fewer were being drafted.

Jeff Trevino, a lawyer in the Chicago office, who has worked for the agency for 27 years, said the new hurdles imposed by Mr. Pruitt had created "a Catch-22" because, with new policies effectively discouraging requests for information, investigators will have a harder time getting the data needed to detect and confirm violations.

Mr. Trevino, like other current E.P.A. employees, was not authorized by the agency to speak with The Times, and did so as a member of the labor union.



Felicia Chase is a water pollution enforcement officer in the office of the E.P.A. that covers states from Minnesota to Ohio.
Alyssa Schuhar for The New York Times

"We are the boots on the ground and we just are having a hard time now getting the information we need to do our job," said Felicia Chase, who has worked for nearly a decade as a water pollution enforcement officer in the Chicago office, which covers states from Minnesota to Ohio. She was also speaking in ber capacity as a union member.

Ms. Chase sat glumly in the cafeteria just before Thanksgiving. On a television set on the wall, President Trump could be seen offering an official pardon to a turkey, joking that he could not reverse Mr. Obama's turkey pardons from the previous year.

Some workers said they would take the unusual step of asking members of Congress to protect funding for the work they do, while others said they held out hope that the new restrictions on information gathering would not be permanent. Ms. Shinkman, the retired author of the May memo, said she had hoped to avoid a sharp drop in requests for information, but she

declined to elaborate how that would be possible.

Mr. Czerniak, who led the air pollution unit in Chicago until his retirement in 2016, said it was hard to watch the agency struggle through this new era.

"People at the agency are just being cautious, almost to the point of paralysis," he said. "They do not want to do anything for fear of being told they have done something wrong — something the new administrator won't like."

Eric Lipton reported from East Liverpool, Ohio; Chicago; and Washington, and Danielle Ivory from New York. Kitty Bennett contributed research.

A version of this article appears in print on December 11, 2017, on Page A1 of the New York edition with the headline: E.P.A.'s Polluter Playbook Takes a Turn to Leniency. Order Reprints | Today's Paper | Subscribe

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POLITICS

Counseled by Industry, Not Staff, E.P.A. Chief Is Off to a Blazing Start

By **CORAL DAVENPORT** JULY 1, 2017

Scott Pruitt, right, the Environmental Protection Agency administrator, with Treasury Secretary Steve Mnuchin after President Trump announced his intention to withdraw from the Paris agreement on climate change. Al Drago/The New York Times

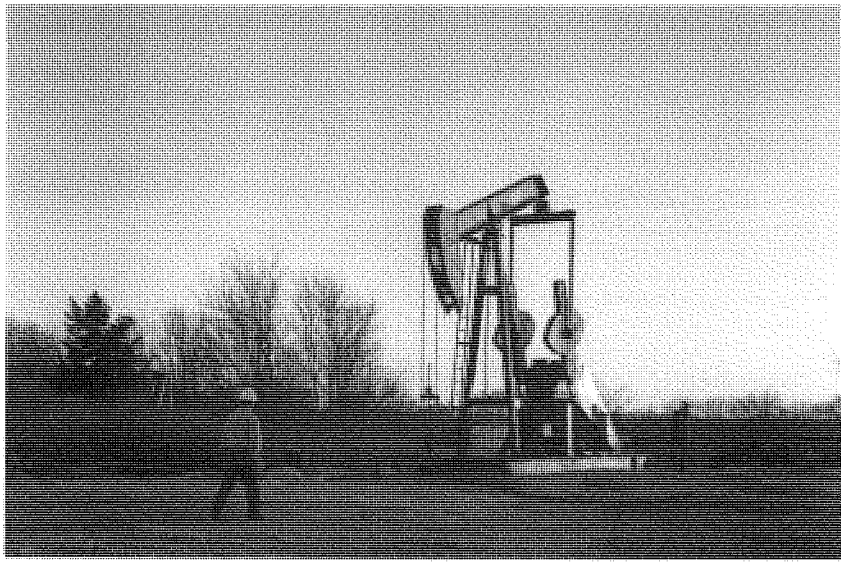
WASHINGTON — In the four months since he took office as the Environmental Protection Agency's administrator, Scott Pruitt has moved to undo, delay or otherwise block more than 30 environmental rules, a regulatory rollback larger in scope than any other over so short a time in the agency's 47-year history, according to experts in environmental law.

Mr. Pruitt's supporters, including President Trump, have hailed his moves as an uprooting of the administrative state and a clearing of onerous regulations that have stymied American business. Environmental advocates have watched in horror as Mr. Pruitt has worked to disable the authority of the agency charged with protecting the nation's air, water and public health.

But both sides agree: While much of Mr. Trump's policy agenda is mired in legal and legislative delays, hampered by poor execution and overshadowed by the Russia investigations, the E.P.A. is acting. Mr. Pruitt, a former Oklahoma attorney general who built a career out of suing the agency he now leads, is moving effectively to dismantle the regulations and international agreements that stood as a cornerstone of President Barack Obama's legacy.

"Just the numher of environmental rollbacks in this time frame is astounding," said Richard Lazarus, a professor of environmental law at Harvard. "Pruitt has come in with a real mission. He is much more organized, much more focused than the other cabinet-level officials, who have not really taken charge of their agencies. It's very striking how much they've done."

Since February, Mr. Pruitt has filed a proposal of intent to undo or weaken Mr. Obama's climate change regulations, known as the Clean Power Plan. In late June, he filed a legal plan to repeal an Obama-era rule curbing pollution in the nation's waterways. He delayed a rule that would require fossil fuel companies to rein in leaks of methane, a potent greenhouse gas, from oil and gas wells. He delayed the date by which companies must comply with a rule to prevent explosions and spills at chemical plants. And he reversed a ban on the use of a pesticide that the E.P.A.'s own scientists have said is linked to damage of children's nervous systems.



A pump jack near Ardmore, Okla. Mr. Pruitt withdrew a rule requiring energy companies to collect data on emissions of methane from oil and gas wells. Brandon Thibodeaux for The New York Times

In a sign of both Mr. Pruitt's influence in the White House and the high regard in which Mr. Trump holds him, he will take a leading role in devising the legal path to withdraw from the 194-nation Paris agreement on climate change, a job that would typically fall to lawyers at the State Department. And he is doing all this largely without the input of the 15,000 career employees at the agency he heads, according to interviews with over 20 current and former E.P.A. senior career staff members.

"I have been consistently informed by multiple career people at E.P.A. that Administrator Pruitt is not meeting with them ahead of making decisions like rolling back these major regulations," said James J. Jones, who had worked at the agency since the Reagan administration before retiring in January. Mr. Jones, an expert in chemical and pesticide pollution, was appointed by Mr. Obama as the E.P.A.'s assistant administrator for chemical safety in his final years at the agency.

Instead, Mr. Pruitt has outsourced crucial work to a network of lawyers, lobbyists and other allies, especially Republican state attorneys general, a network he worked with closely as the head of the Republican Attorneys General Association. Since 2013, the group has collected $4.2 million from fossil fuel-related companies like Exxon Mobil, Koch Industries, Murray Energy and Southern Company, businesses that also worked closely with Mr. Pruitt in many of the 14 lawsuits he filed against the E.P.A.

Within the agency, Mr. Pruitt relies on the counsel of a small network of political appointees, including a number of former lobbyists and senior industry officials. For example, he tapped Nancy Beck, previously a policy director for the American Chemistry Council, which lobbies on behalf of companies such as Dow and DuPont, to oversee the E.P.A. office charged with enforcing regulations on hazardous chemicals.

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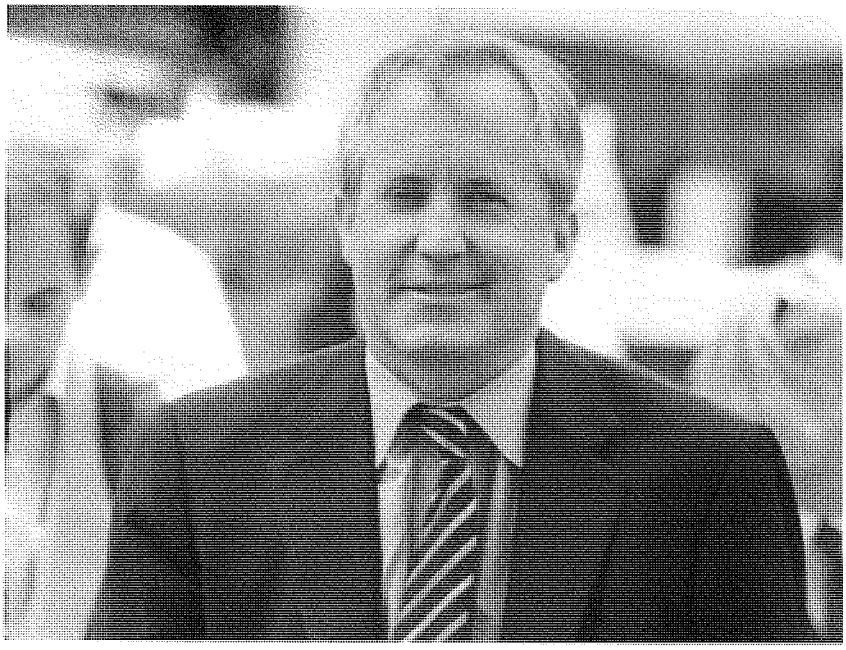
"It amounts to a corporate takeover of the agency, in its decision- and policy-making functions," said Robert Weissman, the president of Public Citizen, a government watchdog group.

Mr. Pruitt, 49, sees himself as a champion of states' rights, pressing to diminish the intrusive authority of an overbearing federal agency. Hanging near the fireplace on the wood-paneled walls of his office is a portrait of President James Monroe, who opposed ratifying the Constitution because he said it gave too much power to the federal government.

Mr. Pruitt pushed that message in his first speech to the agency's staff. "Congress has been very prescriptive in providing, in many instances, a very robust role, an important role of the states," he said. He did not mention public health or climate change.

Since then, Mr. Pruitt has begun what he calls his "back to basics" agenda for the E.P.A. — one that he has described to multiple people as an effort to rein in the regulatory efforts of the Obama era, which focused on invisible greenhouse gases from tailpipes and smokestacks. Instead, Mr. Pruitt has said, he wants to focus on "tangible" pollution — for example, the Superfund program, which cleans up hazardous waste at old industrial sites.

"I am making it a priority to ensure contaminated sites get cleaned up," he said. "We will be more hands-on." (His proposed budget for 2018, however, would cut the Superfund program by about 25 percent.)



Attorney General Ken Paxton of Texas, who said, "The nice thing is, now we feel like we're being heard." When Mr. Pruitt was Oklahoma's attorney general, the two worked closely on lawsuits against the E.P.A. LM Otero/Associated Press

Mr. Pruitt made his message explicit in a visit to the Harvey coal mine in Sycamore, Pa., to kick off a "back to basics" promotional tour in April.

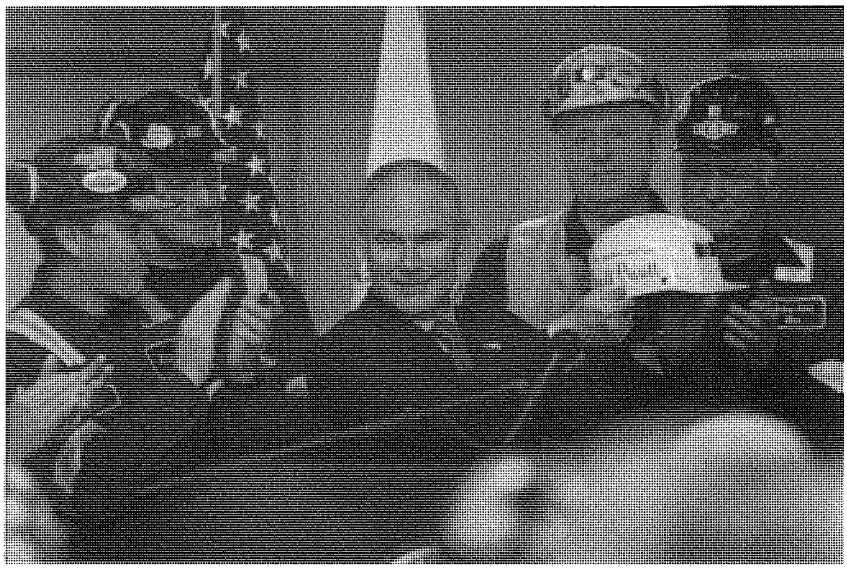
"It's sad that a regulatory body of the government of the United States would declare a war on any part of our economy," he told the miners. "The regulatory assault is over."

Attorney General Ken Paxton of Texas, who worked closely with Mr. Pruitt when he was Oklahoma's attorney general to sue the E.P.A., said he was pleased that Mr. Pruitt's new job hadn't changed him. On March 1, Mr. Paxton met with Mr. Pruitt to request that the agency withdraw a rule

requiring energy companies to collect data on emissions of methane from oil and gas wells. Mr. Paxton delivered the letter with the signatures of 11 attorneys general, laying out the case for walking back the rule.

"I personally handed him the letter, and the next day the rule was personally withdrawn," Mr. Paxton said.

Meanwhile, the agency's career scientists and legal experts say they have been largely cut out of the process. Senior staff members with decades of experience in environmental law and science said they had been consulted rarely on the agency's major decisions to undo environmental protections.



Mr. Pruitt at a coal mine in Sycamore, Pa., in April. "The regulatory assault is over," he told the miners.
Justin Merriman/Getty Images

It is not unusual for E.P.A. administrators to consult with lobbyists, state officials, and industry and advocacy groups as they develop major policy proposals. But veteran E.P.A. employees say Mr. Pruitt has gone much

further in cutting out career staff members.

"Going back to the Reagan administration, I was never aware of a substantive decision made without input from career staff," said Mr. Jones, the former head of the E.P.A.'s chemical regulation office. "It's hard to imagine that you have all the relevant facts if you're not meeting with the people who have a greater depth of knowledge on these issues than almost anyone in the country."

Some career E.P.A. employees said they had been consulted, particularly in the writing of legal language to execute Mr. Pruitt's agenda. After Mr. Pruitt drafted his plan to repeal Mr. Obama's rule on pollution in the nation's waterways, he turned to the E.P.A.'s legal office to help ensure the language was bulletproof, said Kevin Minoli, the agency's acting general counsel.

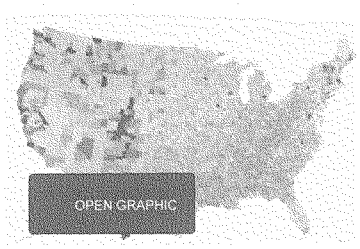
"As lawyers, it's not our job to choose the ultimate policy decision," said Mr. Minoli, who has served as an E.P.A. lawyer since the end of the Clinton administration. "As lawyers, our job is to help articulate the policy in the most legally defensible way possible."

But Mr. Pruitt's main source of counsel on industry regulations appears to be the industries he regulates. An excerpt from his calendar for Feb. 21 to March 31, acquired through the Freedom of Information Act by the energy trade publication E & E News, details multiple meetings with chief executives and lobbyists from oil, gas, chemical, agribusiness and other industries regulated by the E.P.A., as well as with Mr. Pruitt's personally appointed political staff — but few meetings with career employees or environmental groups.

GRAPHIC

How Americans Think About Climate Change, in Six Maps

Americans overwhelmingly believe that global warming is happening, and that carbon emissions should be scaled back. But fewer are sure that it will harm them



personally.

Leaders of at least three major environmental and public health groups — the Audubon Society, the Nature Conservancy and the American Lung Association — have had meetings with Mr. Pruitt, they said. E.P.A. officials said he had also met with advocacy groups such as the American Public Health Association, the American Academy of Pediatrics, the March of Dimes, the National Medical Association, the Asthma and Allergy Foundation of American, and the National Environmental Health Association.

But the influence of those groups, which have pushed to retain environmental rules, appears to be outweighed by the counsel of industry groups.

Dow Chemical Company had pushed the E.P.A. to reconsider an Obama-era ban on the use of chlorpyrifos, a pesticide that the E.P.A.'s scientists have concluded causes developmental damage in children. On March 30, Mr. Pruitt reversed the ban.

On March 13, Mr. Pruitt met with agriculture lobbyists, including Dale Moore, executive director of the American Farm Bureau Federation, which has lobbied heavily for the repeal of an Obama-era regulation that could restrict the use of fertilizers near waterways. Last month, Mr. Pruitt filed a draft plan to repeal the Waters of the United States Rule.

On March 22, he had dinner at the Trump International Hotel in Washington with 45 members of the board of directors of the American Petroleum Institute, a body composed largely of chief executive officers of the oil and gas industry. At the time, oil and gas companies were pushing the E.P.A. to roll back a set of rules on methane leaks from drilling wells, which the industry estimates could cost it over $170 million.

On June 13, Mr. Pruitt filed a proposal to delay those regulations by two years, and the agency is expected to rewrite them. In the filing, he noted that the E.P.A. had concluded that a delay of the pollution rules "may have a disproportionate effect on children." But he also said the rules would come at a significant cost to the oil and gas industry.

"The nice thing is," Mr. Paxton, the attorney general of Texas, said, "now we feel like we're being heard."

Correction: July 6, 2017

An article on Sunday about the influence of Scott Pruitt, administrator of the Environmental Protection Agency, erroneously reported a meeting between Mr. Pruitt and Andrew Liveris, the chief executive of the Dow Chemical Company. While a meeting was scheduled for March 9 at an energy conference in Houston, both the E.P.A. and Dow said it was later canceled and did not take place.

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A version of this article appears in print on July 2, 2017, on Page A1 of the New York edition with the headline: E.P.A. Chief Voids Obama-Era Rules In Blazing Start. Order Reprints | Today's Paper | Subscribe

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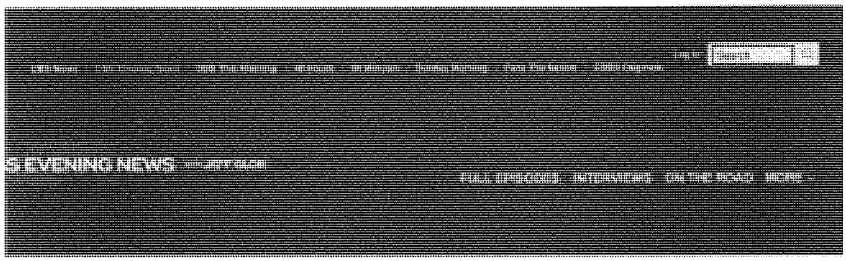

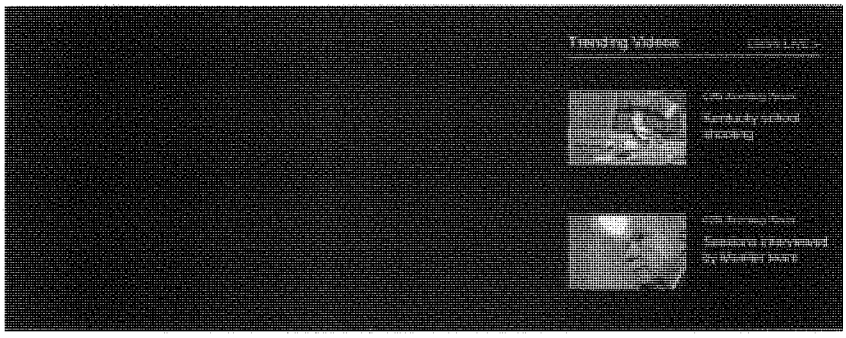

By **JACQUELINE ALEMANY** **CBS NEWS** *January 17, 2018, 5:18 PM*

EPA chief Scott Pruitt: Industry is necessary partner

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Last Updated Jan 18, 2018 7:12 PM EST

Environmental Protection Agency Administrator Scott Pruitt told CBS News that a partnership with "industry" is necessary in order for the agency to protect the environment.

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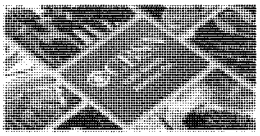

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"This paradigm that says we have to choose industry over the environment or the environment over industry is the old way of thinking," Pruitt told CBS News' chief White House correspondent Major Garrett in an interview Wednesday.

"Now that serves political ends but it doesn't serve the environment because I will tell you this: to achieve what we want to achieve in environmental protection, environmental stewardship, we need the partnership of industry," he added.

Pruitt, who has been accused by critics of being too cozy with special interest groups and executives and advocates of the fossil fuel industry, defended these relationships as necessary for environmental stewardship. The former Oklahoma Attorney General, cited his experience as a prosecutor, and called it "wrong-headed" to assume that all industries are bad actors.

"We should be about stewardship and we should be about partnership," Pruitt said. "Now, I will tell you as a former attorney general, I've led a grand jury. I've prosecuted bad actors. And I will tell you, if we have companies, industries, citizens who violate the law, we are going to prosecute them and we are going to hold them accountable. But we should not start from the premise that all people are that way or that all industries are that way. That is just simply wrong-headed. And it doesn't achieve good outcomes."

- EPA Admin Scott Pruitt says White House will withdraw from Clean Power Plan

Pruitt has also come under fire for appointing executives from the coal, gas and chemical industries to senior staff positions at the EPA. He has swiftly sought to reverse, delay and block more regulations than any other administrator in the history of the agency, including the Obama-era Clean Power Plan and Clean Water Rule.

"We had many regulations that this agency had adopted historical that had created confusion, and did not serve advancing protection of the environment," Pruitt argued.

Pruitt confirmed reports that he has eased the EPA's safety review process for assessing the risk of new chemicals being produced by manufacturers to the environmental and humans under the Toxic Substances Control Act. He told CBS News that the agency will no longer require manufacturers to sign consent orders that restrict the use of potentially hazardous chemicals in the future. Pruitt claimed that the EPA's new approach is "absolutely" safer than the old approach.

"What I've said about consent orders and consent decrees is that we shouldn't regulate through litigation," Pruitt argued. "If there are industries or companies out there that don't do what the law requires, we're going to issue consent orders and enforcement actions against them, and already have, to hold them accountable."

"From our perspective, when I speak to clarity in regulations, I believe most companies, most states, most citizens want to comply with the law," Pruitt added.

In December, a federal appeals court ordered the EPA to revise the antiquated lead paint hazard standards after the Trump administration had requested a six year delay to review the rule. Pruitt would not say whether or not the EPA planned to appeal the ruling or take it to the Supreme Court, and deferred the decision to the Justice Department. The rule has not been updated in nearly 17 years.

"The legal process is something that Justice will be the decider upon the

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procedural approach to that," Pruitt said. "But I can tell you this: it's important for this agency to get that rule and get it done."

"Indeed the EPA itself has acknowledge that 'lead poisoning is the number one environmental health threat to children ages 6 and younger, and that the current standards are insufficient," the ruling by the U.S. Court of Appeals for the Ninth Circuit reads.

Pruitt added that he wanted to "declare a war on lead" and also eradicate lead from drinking water within 10 years, primarily through an infrastructure package.

- Trump's EPA to ease emission restrictions: AP

Addressing some controversial staff appointments that have presented a conflict of interest, like Nancy Beck -- a former senior director in the American Chemistry Council who is now deputy assistant administrator in the office of Chemical Safety and Pollution Protection at the EPA -- Pruitt said he rejected the premise that "we can't be both about stewardship and also economic development and growth."

Pruitt has also appointed other staffers who have publicly questioned sound scientific data, like Michael Honeycutt, chairman of the EPA's Science Advisory Board who once said in an interview that lowering the ozone "might have a negative health benefit." Pruitt dismissed his comments.

"Ozone is something that we most definitely have to regulate," he said. "It's a very important thing to regulate."

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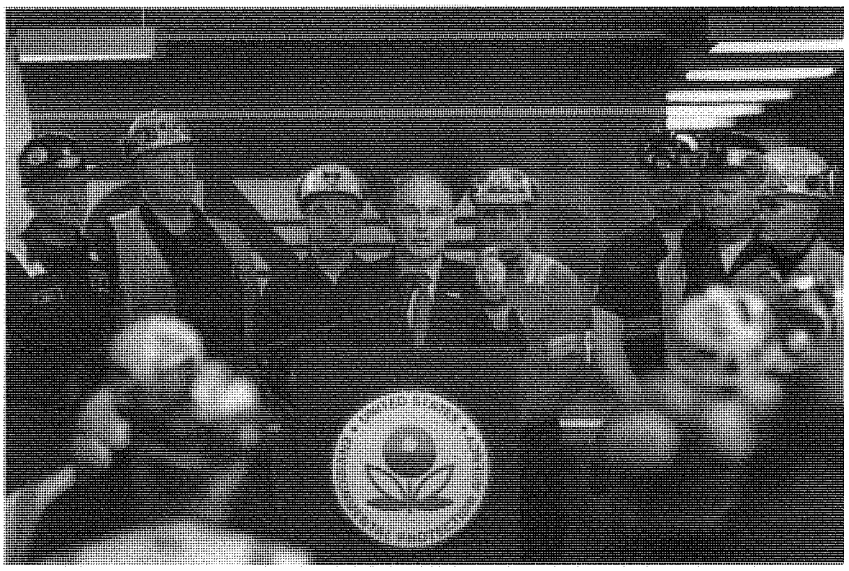
Expect Environmental Battles to Be 'Even More Significant' in 2018

By **LISA FRIEDMAN** JAN. 5, 2018



Scott Pruitt, the Environmental Protection Agency administrator, with coal miners in Sycamore, Pa., last year.
Justin Merriman/Getty Images

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WASHINGTON — If 2017 was the Trump administration's year of grand pronouncements declaring an end to environmental regulations, 2018 will be the year of trying to finish what it started.

Despite President Trump's proclamation in the Rose Garden that the United States will withdraw from the Paris climate agreement, the United States is still in the Paris agreement. Despite a trip by Scott Pruitt, the head of the Environmental Protection Agency, to Kentucky coal country to announce an end to the Clean Power Plan rule curbing coal plant emissions, the Clean Power Plan still stands. And a host of other federal regulations, from controls on methane emissions to protections for wetlands, remain on the books despite executive orders declaring them void.

The administration opened the new year by proposing to reverse a ban on offshore oil and gas drilling in most United States coastal waters. But environmentalists and proponents of deregulation alike say they expect fewer high-profile announcements over all and more action in the courts, where both sides will fight over the future of deregulation.

"You may not see as many fireworks as there were in the past, but I think it's going to be an even more significant year," predicted Representative Rob Bishop, Republican of Utah and the chairman of the House Natural Resources Committee.
Here are some things to look for in 2018:

The Clean Power Plan isn't dead yet

Mr. Pruitt put forward a formal plan in October to eliminate the Clean Power Plan, the Obama-era regulation restricting emissions from new coal-fired power plants. But analysts say the road to getting rid of the regulation is still a long one.

The public has a chance to weigh in on the effort until Jan. 16. But the E.P.A. recently announced that new hearings would be held in San Francisco, Gillette, Wyo., and Kansas City, Mo. The dates have not been scheduled, but the meetings could push back the comment period and by extension

progress on the full repeal.

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The agency has indicated it plans to devise a new, narrower version of the regulation. Yet so far, all it has done is ask the public for thoughts on what a new rule should look like.

"They're nowhere near the end of the line on the Clean Power Plan," said David Doniger, director of the Climate and Clean Energy Program at the Natural Resources Defense Council. If the E.P.A. kills the regulation before it moves forward with a replacement, Mr. Doniger said, the agency could be vulnerable to lawsuits because under the Clean Air Act it will still be obligated to address carbon dioxide.

"They have a long way to go to finish their rollback goals," Mr. Doniger said. "And when they finish, we will see them in court."

Scott H. Segal, a lawyer with the firm Bracewell who supports rolling back the Clean Power Plan, said replacing the rule — presumably with one that merely directs coal plants to enact efficiency measures — would allow utilities to plan ahead and would serve "as a bulwark against frivolous litigation."

How far is Pruitt willing to go?

Mr. Pruitt told coal industry executives in June that he wanted the E.P.A. to conduct a "red team-blue team" debate to raise questions about climate science. But there has been no public announcement about such an effort to date.

That might not stop a broader inquiry into the legal underpinning of E.P.A. climate regulations, a 2009 document known as the endangerment finding.

The endangerment finding concludes that greenhouse gas emissions pose a threat to human health and must be regulated under the Clean Air Act. As long as it stands, the E.P.A. will be obligated to address climate change, even without the Clean Power Plan.

Legal experts agree that challenging the endangerment finding will be an uphill battle. But it may be one Mr. Pruitt wants to wage. In several interviews last year Mr. Pruitt cast doubt on the document, and he has faced pressure from his supporters to overturn it. Yet he has avoided declaring definitively whether he will do so.

Climate Change Is Complex. We've Got Answers to Your Questions.

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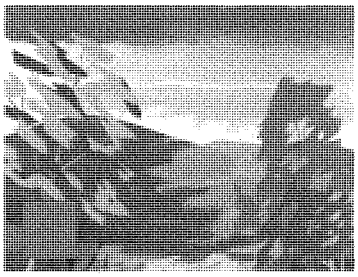

Repealing the Clean Power Plan may force Mr. Pruitt to make a decision one way or another by the end of the year.

Keep an eye on the infrastructure bill

With a major tax bill out of the way, Mr. Trump has said he hopes to tackle infrastructure next. That could create an opening for some of the year's biggest environmental changes.

Mr. Bishop said he hoped any infrastructure bill would incorporate changes to the Endangered Species Act, which many conservatives argue has been used to thwart development. He also wants to overhaul a 1969 law that

requires federal agencies to assess the environmental effects of their proposed actions.

"People have realized over and over again how that bill that was supposed to be passed so there is local input is being used to stop progress," Mr. Bishop said of the law, the National Environmental Policy Act. He has previously introduced legislation that would make the endangered species law more friendly to landowners and industry.

"If there is a big infrastructure bill we will try to put those all in a big package," Mr. Bishop said. "If not we will try to move them in pieces."

Christy Goldfuss, who led the White House Council on Environmental Quality in the Obama administration, said she expected a bruising battle.

"The infrastructure fight will be very much set up as a false choice between putting people to work and destroying the bedrock environmental laws," she said. Efforts to weaken rules on the construction of roads and bridges, she said, do not draw attention like debates over climate change. But she asserted that undermining fundamental environmental safeguards will do long term damage.

"This is going to be a big fight for the environmental community," she said.

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A version of this article appears in print on January 6, 2018, on Page A14 of the New York edition with the headline: Fight Over Environmental Policy Is Just Getting Started. Order Reprints | Today's Paper | Subscribe

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How President Trump and the EPA's Scott Pruitt are making America's environment deadly again

By THE TIMES EDITORIAL BOARD

SEP 05, 2017 4:00 AM

How President Trump and the EPA's Scott Pruitt are making America's environment deadly again

President Donald Trump shakes hands with EPA Administrator Scott Pruitt in the Rose Garden of the White House in Washington on June 1.

(Andrew Harnik / Associated Press)

When Donald Trump ran for president, one pledge he made repeatedly was to reduce regulations and limit the hurdles businesses face when trying to build, expand or operate — including when they affect the environment. You know, pollute. And there is a legitimate argument to be made that outdated, ineffective or counterproductive regulations should be amended or withdrawn; that's why every presidential candidate promises to do just that. But there is absolutely no persuasive argument to be made that the federal government should ignore its responsibility to enforce environmental regulations.

But that appears to be just what is happening under Environmental Protection Agency director Scott Pruitt, whose coziness with the oil-and-gas industry makes him among the least-appropriate people in the country to ensure the right balance is struck between promoting economic and industrial activity and preserving the environment. Pruitt stepped into the national political spotlight when, as attorney general for Oklahoma, he sued the EPA at least 14 times. Now he's in charge of it, and he has moved aggressively to undo or dismantle core aspects of EPA enforcement. In fact, the Environmental Integrity Project reports that the Trump administration collected 60% less in civil penalties from polluters through July 31 than any of the previous three administrations collected over a similar time frame. Pruitt has filed only 26 civil actions to resolve violations, 30% fewer than the three previous administrations filed on average during the same time period.

Pruitt also has targeted more than 30 rules and regulations for rescission or rollback, and, according to the Public Employees for Environmental Responsibility advocacy group, has significantly reduced enforcement of the Clean Water Act and the Clean Air Act — which provided the "most active dockets" under previous administrators. But his aim is broad. He overruled his own staff and refused to ban chlorpyrifos, a pesticide that mounting scientific evidence suggests can affect development of the brain and nervous systems in young children. He dropped an Obama administration requirement that oil and gas drillers collect and report data on emissions. He also tried to freeze an Obama rule restricting methane emissions from new oil and gas wells, but a federal appeals court held that Pruitt couldn't do so unilaterally and must follow federal regulatory procedures — a decision that should hearten environmentalists who hope the courts will be the firewall against the administration's attack on environmental protections.

Trump's proposed EPA budget would cut 31% of the agency's funding, kill 3,200 of the agency's 15,000 jobs, and cut $129 million from federal enforcement.

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And make no mistake — this is an attack. During the campaign, Trump said: "Environmental protection, what they do is a disgrace; every week they come out with new regulations." His proposed budget, which Pruitt endorses, would cut 31% of the agency's funding, kill 3,200 of the agency's 15,000 jobs, and cut $129 million from federal enforcement and an additional $482 million in aid to states to support their enforcement efforts, among other environmental programs. The Republican-led Congress told Trump it will not go along with such a devastating budget, but the spending plan still evinces how much value Trump places on environmental protection. Given the president's abject disinterest in the nuts-and-bolts of policy, Trump's priorities are by default set by Pruitt, a man who went to Washington planning to collapse from within an agency he had fought so hard from the outside.

And Pruitt is doing it largely out of sight. Career employees say they rarely interact with him, and when they do, note-taking is not allowed, limiting creation of government records. Policy decisions — such as they are — are made in consultation with a coterie of political appointees and industry representatives, a practice that led several Senate Democrats on Thursday to accuse Pruitt of "taking deliberate steps to thwart transparency," including taking care not to leave a paper trail of the decision-making process. Tellingly, Pruitt moves through the EPA offices with a bodyguard detail, a message that he sees himself as treading in enemy territory. Not surprisingly, morale is toxic and career employees are looking for the exit — which, in fact, helps speed up the agency's decline.

While it's true that any of the other Republican candidates for president last year likely would have targeted the EPA for some cuts, it's hard to imagine any of them doing it with this level of aggression. Congress has yet to set federal spending levels for the next fiscal year, so it's hard to tell what the EPA's budget ultimately will look like. But what is clear is that even if Congress appropriates money, Pruitt won't necessarily use it. Congress has an oversight role here, and it must ensure that Pruitt, left to his own devices, doesn't single-handedly dismantle the nation's strongest force for environmental protection.

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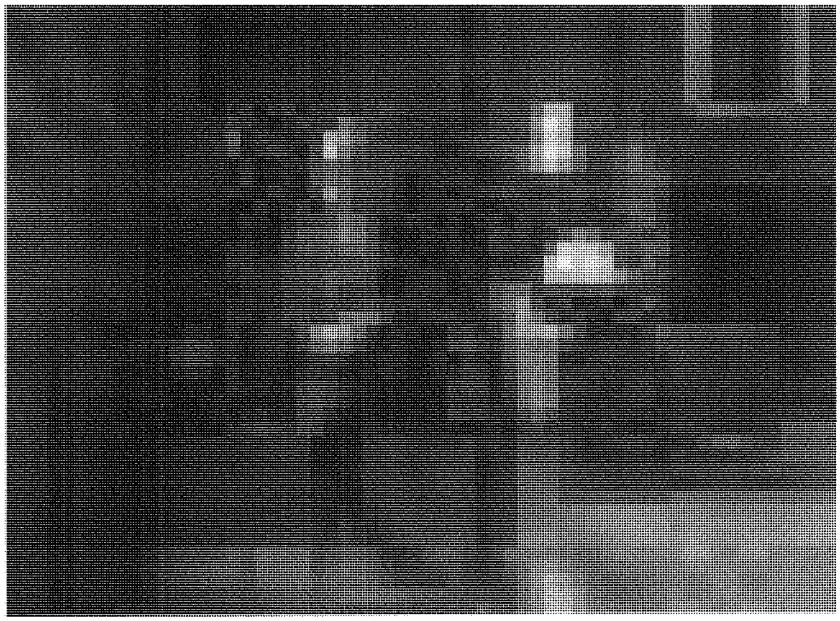
Health & Science

How Scott Pruitt turned the EPA into one of Trump's most powerful tools

By Brady Dennis and Juliet Eilperin December 31, 2017



Scott Pruitt, seen in his office at the Environmental Protection Agency, has spent his first year as administrator shrinking the EPA's reach, altering its focus and erasing its work to fight climate change. (Ricky Carioti/The Washington Post)

Since 2010, the Environmental Protection Agency has been embroiled in an enforcement battle with a Michigan-based company accused of modifying the state's largest coal-fired power plant without getting federal permits for a projected rise in pollution.

On Dec. 7, as the Supreme Court was considering whether to hear the case, EPA Administrator Scott Pruitt issued a memo that single-handedly reversed the agency's position. No longer would the EPA be "second-guessing" DTE Energy's emission projections. Rather, it would accept the firm's "intent" to manage its pollution without requiring an

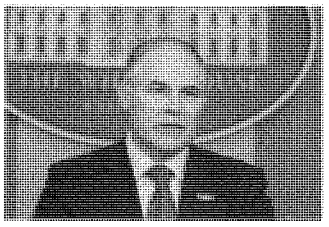
enforceable agreement — part of President Trump's broader push to reduce the "burden" on companies, he wrote.

The little-noticed episode offers a glimpse into how Pruitt has spent his first year running the EPA. In legal maneuvers and executive actions, in public speeches and closed-door meetings with industry groups, he has moved to shrink the agency's reach, alter its focus, and pause or reverse numerous environmental rules. The effect has been to steer the EPA in the direction sought by those being regulated.

Along the way, Pruitt has begun to dismantle former president Barack Obama's environmental legacy, halting the agency's efforts to combat climate change and to shift the nation away from its reliance on fossil fuels.

Such aggressiveness on issues from coal waste to vehicle emissions has made Pruitt one of Trump's most high-profile and consequential Cabinet members. It also has made him one of the most controversial.

Critics describe his short tenure as an assault on the agency's mission, its science and its employees.



EPA Administrator Scott Pruitt speaks in the Brady Press Briefing Room of the White House in June. (Pablo Martinez Monsivais/Associated Press)

"We've spent 40 years putting together an apparatus to protect public health and the environment from a lot of different pollutants," said William Ruckelshaus, the EPA's first administrator, who led the agency under Richard M. Nixon and Ronald Reagan. "He's pulling that whole apparatus

down."

Yet, allies praise Pruitt for returning more power to individual states while scaling back what they see as the previous administration's regulatory excesses.

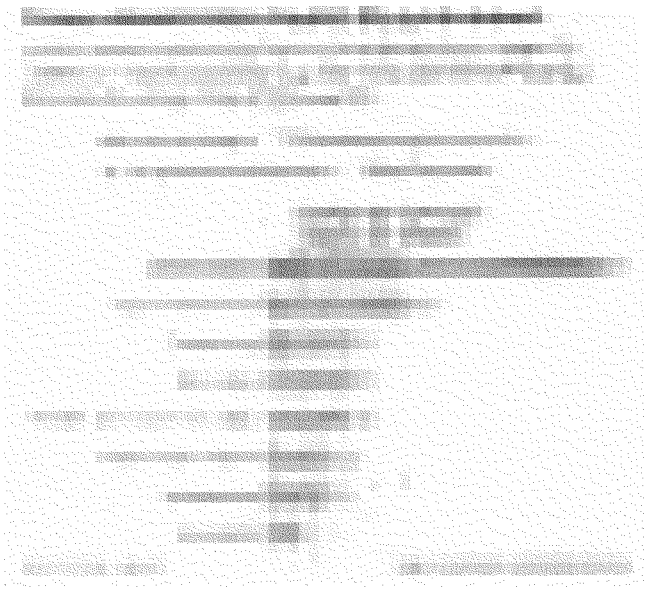
"It is a stark change, the way they solicit input from the industry that they're seeking to regulate," said Karen Harbert, president of the U.S. Chamber of Commerce's Global Energy Institute, who welcomes the shift.

In an interview, Pruitt said a priority during his first 10 months in office has been listening to "stakeholders that actually live under the regulations that we adopt. . . . I don't understand how that's not what I should be doing."

Already, some people are speculating about what his future holds.

As Oklahoma attorney general, Pruitt was widely viewed as a potential gubernatorial candidate there. Since he joined the Trump administration, rumors have swirled about whether he might pursue a Senate seat. He regularly heads to the White House mess for lunch, which provides more opportunities to run into key presidential aides. Privately, he has mused about whether he could occupy other Cabinet spots, according to individuals who spoke on the condition of anonymity to discuss confidential conversations.

The man who spent years railing against the long reach of the federal government now seems determined to make his mark in Washington.



Pruitt, 49, stands on the opposite end of the political spectrum from his immediate predecessor, Gina McCarthy, but the two share something in common: a willingness to use the agency's broad executive authority to act unilaterally.

"Vested in the administrator is this incredible power and this incredible regulatory reach," said Ken Cook, president of the advocacy organization Environmental Working Group. "When there's someone on the inside willing to unlock the door and let these special interests in, they can do tremendous damage to the environmental rule of law."

From the moment Pruitt arrived at the agency in February, he began using his levers of power to halt existing regulations and shift the

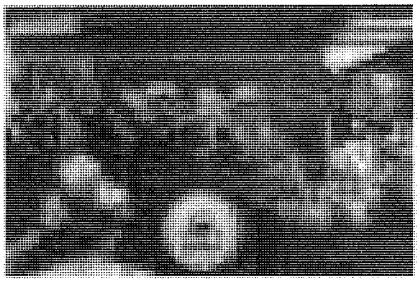
bureaucracy.

"The administrator has been effective and very decisive on a number of issues [where] he can do things with the stroke of a pen," said Jeffrey Holmstead, a former top EPA official under George W. Bush and now a partner at the law and lobbying firm Bracewell. "He came in with a list of targets he needed to deal with, and he's been very decisive on saying, 'Here's what we need to do.' "

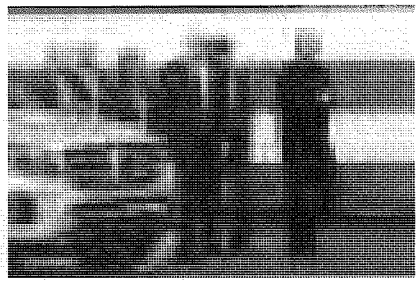
Within days of taking office, Pruitt canceled the EPA's request that nearly 20,000 oil and gas companies gauge their emissions of methane, a potent greenhouse gas. The following month, he withdrew a proposed ban on a commonly used pesticide, chlorpyrifos, that the EPA's own scientists had argued posed risks to human health.

Last month, the EPA issued a guidance document outlining how it would implement a bipartisan 2016 law that for the first time requires the agency to rule on a new chemical's potential risks before allowing it on the market. Instead of including "reasonably foreseeable uses," the document states, the agency will now consider only the "intended" conditions of use submitted by the manufacturer — a significant and contentious change.

Three of the bill's Democratic authors say the interpretation defies the law's intent. But it is precisely the approach pushed by the American Chemistry Council.



The EPA chief traveled to Sycamore, Pa., in April to talk with coal miners at the Harvey Mine. The site, owned by CNX Coal Resources, is part of the largest U.S. underground mining complex. (Justin Merriman/Getty Images)



President Trump tours the American Center of Mobility in Ypsilanti Township, Mich., in March. Pruitt, far left, was the only Cabinet member on the visit. (Evan Vucci/Associated Press)

Despite his scant experience running environmental programs, Pruitt sued the Obama EPA 14 times as Oklahoma attorney general and challenged the agency's authority to regulate toxic mercury pollution, smog, carbon emissions from power plants and the quality of wetlands and other waters.

"All that suing he did for years steeped him in the knowledge of the agency and how it works," Ruckelshaus noted.

That doesn't mean Pruitt has prevailed on all fronts this year. In July, a federal appeals court vacated the agency's attempt to delay a rule limiting methane and other pollutants from oil and gas operations. The next month, after Democratic attorneys general and public health groups went to court, the EPA reversed its decision to delay implementing an Obama-era rule requiring more stringent air quality standards.

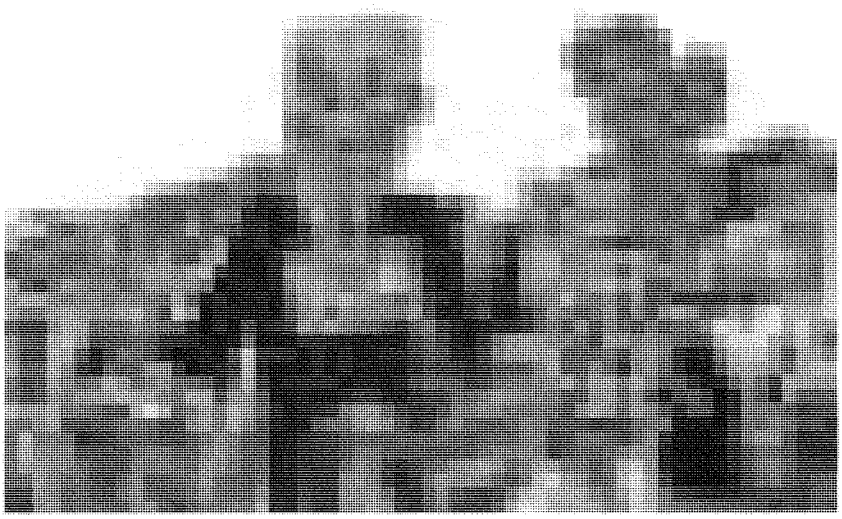
And on Wednesday, a separate federal appeals court in California ordered the agency to quickly issue new standards to protect children from lead in paint — rejecting the Trump administration's position that

a new rule on acceptable levels of exposure could take six years.

David Rivkin, a partner at Baker Hostetler and one of the administrator's informal advisers, said Pruitt remains acutely aware of the gantlet he faces. "I cannot think of any administrator who paid so much attention to creating rules that are legally defensible," Rivkin said.

Pruitt says he has set about "revitalizing" the agency and focusing on areas, such as the Superfund cleanup program, that were "dormant" in past administrations. He seems confident that he will succeed in reshaping the EPA as he and Trump envision, despite environmental advocates vowing to battle him at every turn.

"I'm pretty sanguine about our ability to defend our actions here at the agency, so long as we do things timely and within the text of the statute," he said. "The problem the agency had historically is when [officials] have not done things in the time frame they were supposed to do something. That's invited lawsuits that then allow others to set the priorities."



A giant puppet depicting Pruitt is carried by demonstrators during the People's Climate March in Washington in April. (Mike Theiler/Reuters)

From his wood-paneled office complex on the third floor of the EPA's headquarters, Pruitt operates in a cocoon of sorts.

He is accompanied 24/7 by a security detail — a setup that has tripled past staffing requirements. He has installed biometric locks on his office doors, as well as a $25,000 soundproof booth from which he can make secure calls to the White House. And he has shied away from using email at the EPA, which would be subject to open records laws, preferring instead to communicate by phone or in face-to-face meetings.

While he has met with scores of industry executives, trade groups, farmers and ranchers, spoken to conservative political organizations and shuttled back and forth to the White House, Pruitt's calendars show limited contact with the EPA's own career staff. He has visited 30 states,

by his count, but has yet to visit any of EPA's 10 regional offices.

The EPA routinely refuses to release details about where Pruitt will be any given day, citing security concerns. So as he travels the country and sometimes the world, his appearances often come as a surprise to the media and the public.

Despite Pruitt's claims that his door is open, advocacy groups such as the Sierra Club and Environmental Working Group have not bothered to request meetings. But when Earthjustice asked to attend a May session with state officials about how EPA planned to give them more authority over storing toxic coal ash, the agency refused. It also denied access to a 247-page guidance document it was drafting.

Other organizations have come up against similar walls. In response to a Freedom of Information Act request from a public watchdog group, government lawyers said Pruitt's Superfund Task Force took no minutes of its meetings. On one of the administrator's top priorities, the task force apparently produced just one document — a list of final recommendations.

The paradigm shift at EPA has been domiuated so far by a handful of political aides and trusted advisers, led by agency chief of staff Ryan Jackson, who didn't require confirmation. The Senate only recently confirmed several of the agency's top deputies.

"It doesn't take a big staff to delay things and provide almost no reasoning," said Georgetown University law professor Lisa Heinzerling, who served as the EPA's associate administrator for the Office of Policy between July 2009 and December 2010. But she cautioned that Pruitt eventually will have to provide more detailed legal justifications for his own regulatory proposals. "That's where it's going

to get trickier."

Legal fights aside, Pruitt is making a more fundamental push to alter the agency's composition and mind-set. Too often in recent years, he said, the agency has come at issues in terms of "prohibition" — "It was to put up fences. It was to keep fossil fuels in the ground, as an example." By contrast, he sees his role as allowing the country to responsibly tap its natural resources.

"He understands the culture of the agency as part of the problem," said former Virginia attorney general Ken Cuccinelli, who joined Pruitt in suing the Obama administration. Some EPA staff "believe they have been anointed by God" to pursue a specific agenda, he said.

To that end, Pruitt has moved aggressively to shrink the agency. More than 700 people have left, several hundred through buyouts this summer. With them have gone decades of scientific expertise. The EPA now has about 14,400 staff members — fewer than at any time since the final year of the Reagan administration. The exodus has dampened morale, numerous current and former career staffers say.

At the same time, Pruitt has overhauled the EPA's scientific advisory boards, getting rid of numerous academic researchers in favor of experts from regulated industries and conservative states.

The EPA's leader argues that he is trying to make it more efficient, to create "almost a franchise model" where regional offices around the country would act with more uniformity. He recruited a former top Arizona environmental official to create metrics for the agency's performance.

What Pruitt describes as efficiency, his critics see as undermining the EPA's ability to fulfill its mission. But friends and foes alike agree that he has been straightforward about his intentions.

Environmental group Trout Unlimited's president, Chris Wood, met with the administrator early on. The two spoke cordially about cleaning up abandoned mines, but the reception "was a lot chillier" when Wood suggested maintaining Obama-era policies to protect seasonal streams and block a proposed gold mine near Alaska's Bristol Bay.

"It was an incredibly honest meeting," Wood recalled. "He didn't pretend he was going to be Theodore Roosevelt."

Both at home and abroad, Pruitt is proving to be anything but a typical EPA head.

While he successfully lobbied Trump to exit the 2015 Paris climate accord, leaving the United States as the only nation in the world to reject it, Pruitt has shown an interest in raising his profile beyond U.S. borders.

In June, he took seven political aides to Rome before attending a summit of G-7 environment ministers in Bologna, Italy. Their first stop featured not just a meet-and-greet with business executives but two days of papal visits, including a private tour of the Vatican and St. Peter's Basilica.

This month, he and an entourage of aides traveled to Morocco at a price tag of roughly $40,000. Pruitt met with the country's foreign minister, talked about solid waste and toured a solar energy installation. But he also spent time touting the advantages of U.S. natural gas exports.

It was an extraordinary occurrence: the leader of the EPA, in a foreign land, serving as one of the most outspoken salesmen for the nation's fossil fuel industry.

Read more:

WALL STREET JOURNAL

Scott Pruitt Aims to Accelerate His Efforts to Remake the EPA

The skeptic of climate science wants to speed up permitting, repeal Obama rule on power-plant emissions

By Eli Stokols and Timothy Puko

Updated Jan. 17, 2018 3:43 p.m. ET

WASHINGTON—Environmental Protection Agency chief Scott Pruitt plans to use his second year on the job to accelerate efforts to remake the agency, saying he wants to speed its permitting processes and transform a culture he says is bureaucratic.

In an interview with The Wall Street Journal, Mr. Pruitt outlined the changes he is looking to make in year two: repealing and rewriting Obama-era rules for power plant emissions, speeding up the EPA's permit review process, implementing weekly performance assessments across the agency and fostering a public debate about climate change.

Mr. Pruitt has long questioned the scientific consensus that human activities are a significant factor in rising global temperatures and severe weather, and pose a potential existential threat to life on Earth in decades to come.

Discussing his plans for the year, Mr. Pruitt emphasized the importance of moving quickly. "There's tremendous opportunity to show really significant results to the American people in a really short time frame," Mr. Pruitt said.

In his first year on the job, the former Oklahoma attorney general swiftly repealed several of former President Barack Obama's signature policies and encouraged President Donald Trump to pursue a withdrawal from the Paris climate agreement. Mr. Trump announced his intention to exit from the agreement in June.

Mr. Pruitt has memorialized the moment in his office with a framed photo of the two of them in the Rose Garden and the president's autograph on Mr. Pruitt's prepared remarks, "Scott—Great Job!"

Going forward, Mr. Pruitt wants to use metrics to measure the weekly performance of every EPA office and wants final permit decisions completed within six months. He already has a multicolored pyramid diagram outlining his plan to streamline the agency's bureaucracy and organizational workflow.

"That's the thing that's been so striking to me as I've come into this position…is just the lack of focus and lack of energy and lack of commitment to actually get results," said Mr. Pruitt, speaking during a 30-minute interview in his wood-paneled office this week. "We have permits that literally are sitting on a shelf, and just sitting there because there's just no attention, no leadership, no direction. It's that simple."

Some of Mr. Pruitt's policies, and his criticism of the agency as bureaucratic and hidebound, have turned off some career employees, including many scientists at the EPA. The agency saw 700 staffers depart last year.

The agency's work force is about 4.1% smaller than at the end of 2016, putting it among executive departments and agencies with the biggest declines, according to data from the Office of Personnel Management.

"At the same time [Mr. Pruitt] is making these comments, he's basically doing everything he can to gut the agency of quality personnel," said John O'Grady, president of the American Federation of Government Employees Council 238, which represents EPA workers. "They are basically going to break government and then somehow declare victory."

Mr. O'Grady pointed to Mr. Pruitt's sometimes antagonistic position towards agency scientists, saying it would be difficult for the agency to finish research, write policies and grant permits more quickly if the staff and resources keep shrinking. The Trump administration has threatened budget cuts, and departures have brought staff to about 14,000 workers, their lowest point in more than 30 years and down 9% from 2015.

Mr. Pruitt said he inherited an agency that employs hundreds of scientists and nevertheless contracts out some of its research.

The EPA chief also said he believes the agency exceeded its legal mandate under President Barack Obama in creating new rules for power plants in the name of slowing the pace of climate

change. "This agency for years has speculated about harm that may be happening 100 years from now as opposed to what's right in their own backyard," said Mr. Pruitt.

In 2018, he said he plans to focus on cleaning up toxic sites in the Superfund program and with what he calls "the war on lead."

"I really believe that we can eradicate lead from our drinking supply within a decade. We just have to get serious about it," Mr. Pruitt said. "We haven't been focused and urgent about the things that matter and can impact people's health today, and we need to do that."

"Everything the agency does is to protect public health and the public from future risks," said Gina McCarthy, a former EPA administrator during the Obama administration. "You don't stop smoking because it kills you when you smoke the cigarette; it's because it kills you later. It's the same argument with climate change. You take action today to protect health today and in the future."

Ms. McCarthy, who now teaches at the Harvard School of Public Health, said Mr. Pruitt's statement that the effects of climate change won't be felt for decades "rings extremely hollow" after a year in which the federal government spent $306 billion responding to extreme weather events. "Anyone suggesting that climate change isn't happening or damaging us today is not keeping their eyes open," she said.

Asked if his urgency has anything to do with future plans to leave, Mr. Pruitt played down a recent report by Politico suggesting he is angling to succeed Attorney General Jeff Sessions, but he didn't fully rule anything out. "I thoroughly, thoroughly enjoy what I'm doing," he said. "What does it say in scripture? 'Whatever your hand finds to do, do it with all your might.' And that's what I'm doing."

JULY 27, 2017 12:00PM ET

Scott Pruitt's Crimes Against Nature

Trump's EPA chief is gutting the agency, defunding science and serving the fossil-fuel industry

By JEFF GOODELL

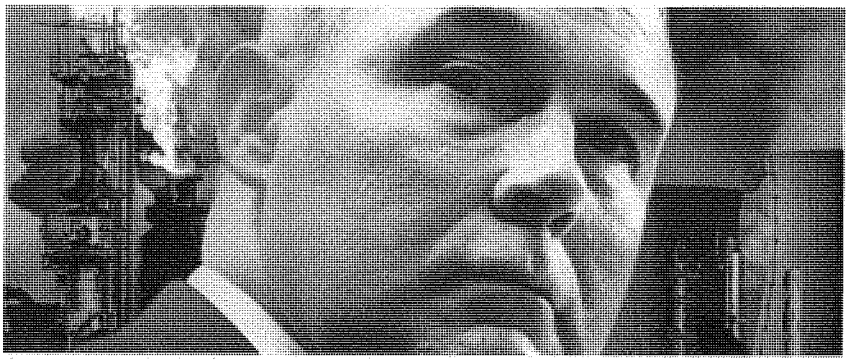
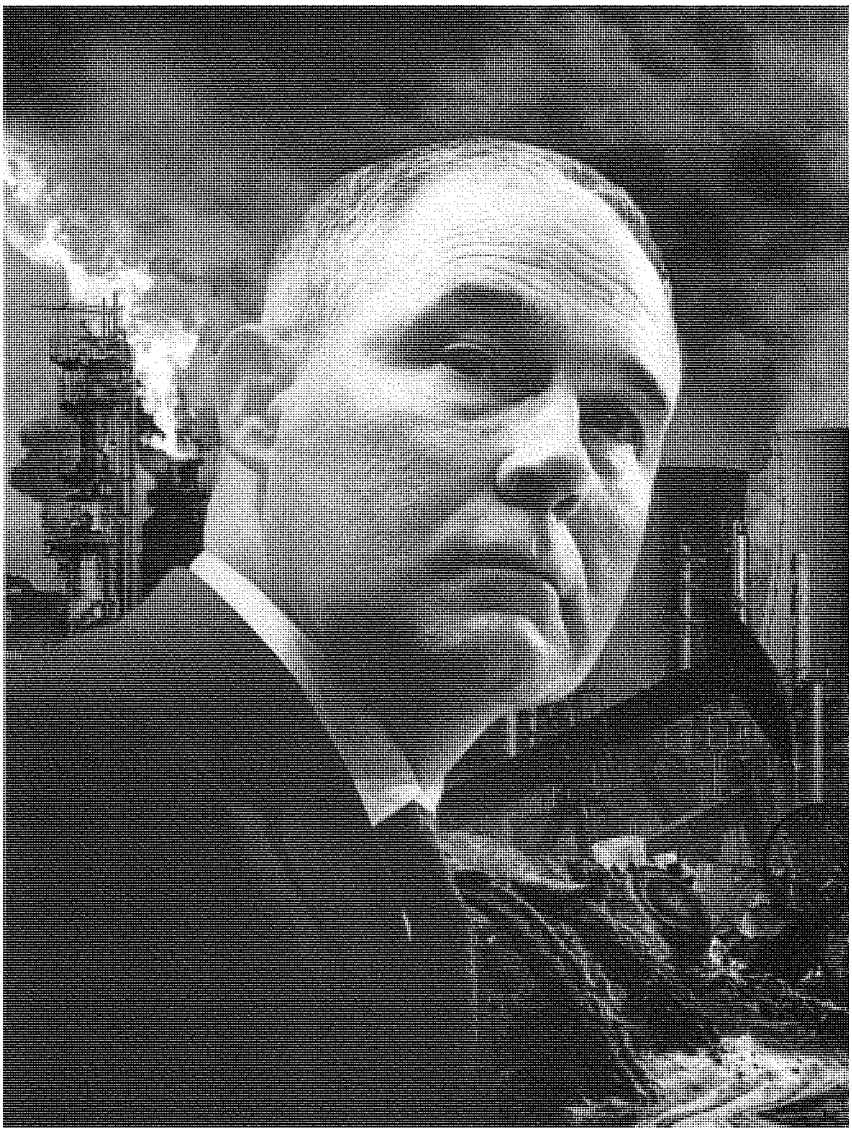


Illustration by Sean McCabe



Scott Pruitt, the administrator of the Environmental Protection Agency, wants you to know that he was responsible for persuading President Trump to pull out of the Paris climate agreement. Pruitt has never said that explicitly, of course – he understands that if he wants to keep his job, he needs to pretend that the decision was Trump's alone. But Pruitt did everything he could to telegraph to the world that he thought Paris was a bad deal for America, and urged Big Coal executives to make their views known to the president as well. Trump, who has dismissed **climate change** as a hoax perpetrated by the Chinese, was lobbied equally hard by major business leaders and some of his own advisers, including his daughter Ivanka and Secretary of State Rex Tillerson, to stay in the agreement. But Pruitt, aligned with White House chief strategist and populist provocateur Steve Bannon, won the fight. And when Trump announced the decision to withdraw from Paris in the White House Rose Garden on June 1st, Pruitt was the only Cabinet official who spoke at the ceremony. "We owe no apologies to other nations for our environmental stewardship," Pruitt said in a strikingly defiant tone.

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In the following days, Pruitt was all over the media, taking bows on Fox News and sparring with Jake Tapper and Joe Scarborough. He argued that the agreement would slow the U.S. economy by hindering America's God-given right to mine, export and burn fossil fuels, even suggesting the agreement was part of a plot by European leaders to weaken America. "The reason European leaders . . . want us to stay in is because they know it will continue to shackle our economy," he said on CNBC. At one press conference, he claimed that 50,000 new coal jobs had been created by the Trump administration since the beginning of the year – a fake fact he refused to correct. (There are only about 51,000 miners in the entire coal industry; according to the Federal Bureau of Labor Statistics, about 1,000 new jobs have been created in the coal industry this year as of June.)

Pruitt also dodged questions about whether he and the president actually believe that climate change is a hoax. "All the discussions that we had through the last several weeks have been focused on one singular issue," Pruitt said. "Is Paris good or not for this country?" It didn't matter that solar and wind energy are creating American jobs at a rate 12 times faster than the rest of the economy, or that 61 percent of Americans disagreed with the decision to pull out of Paris, because Pruitt was not talking to America. "He wanted all his pals in the fossil-fuel industry to know, 'Hey, I did this for you. I got this done. I'm the man,' " says Jeremy Symons, associate vice president of climate political affairs at the Environmental Defense Fnnd. "This was Scott Pruitt's victory lap."

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Trump's EPA Pick Is the Fossil-Fuel Industry's Con Man

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While the rest of the Trump administration has been mired in scandal or incompetence (or both), and the media has been distracted by the Republican health care debacle and daily revelations about the Trump family's involvement with the Russians, Pruitt has been quietly tearing down decades of environmental progress. "If there was ever an example of the fox guarding the henhouse, this is it," says Michael Mann, a noted climate scientist at Penn State University. "We have a Koch-brothers-connected industry shill who is now in charge of climate and environmental policy for the entire country."

The mission statement of the EPA is simple: "to protect human health and the **environment**." It says nothing about promoting economic development or energy security or the glory of fossil fuels. But Pruitt has already carried out an impressive list of corporate favors: He rejected the advice of EPA scientists and approved the use of millions of pounds of a toxic pesticide that causes neurological damage in children; in a gift to Big Coal, he delayed tougher ozone air-pollution rules; he plotted to kill Obama's signature climate accomplishment, the Clean Power Plan, designed to put America on track to cut greenhouse-gas emissions by 32 percent by 2030; he rescinded the Clean Water Rule, allowing countless streams and rivers to be exempted from pollution controls; he undermined regulations on the release of mercury, a potent neurotoxin, from power plants and other sources; and he submitted a budget that would wipe out more than a third of the funding for the agency, including cutting money for scientific research in half.

"Scott Pruitt is not secretary of commerce," says a former top Obama administration official. "His job is not to protect the fossil-fuel industry. It's to make difficult decisions, based on science and risk-reward analysis, that protect the environment and the health of the American people. And he's not doing that." Sen. Al Franken of Minnesota, who opposed Pruitt's confirmation, says that having a guy like Pruitt in charge of the EPA is evidence of the "dangerous, bizarro world we now live in."

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In the past, EPA administrators have understood their role as the tough cop on the beat. "You say yes to things that protect public health and the environment while growing the economy," explains Gina McCarthy, EPA administrator during Obama's second term. "But it's often about saying no – 'No, you can't dump that pollutant into the river. No, you can't run that coal plant without a scrubber.' " The EPA is an enormous agency, with ten regional offices and 15,000 employees around the country; only about 80 of them are political appointees. The rest are civil servants, many of whom joined the agency because they believe deeply in its mission. The administrator, as a member of the president's Cabinet, reflects the political priorities of the administration: Anne Gorsuch, who was appointed by Ronald Reagan in the 1980s (and was the mother of Supreme Court Justice Neil Gorsuch), is remembered for her anti-regulatory zeal; Gina McCarthy is best known for her role in shaping climate policy. But the job has never been a launchpad for political ambition. In fact, no administrator in the 47-year history of the agency has ever gone on to higher office.

Pruitt may be different. After only six months running the EPA, he has elevated the power and influence of the job to a new level, inspiring speculation within the Beltway that he sees the position as a steppingstone to bigger things. Given Pruitt's unabashedly pro-fossil-fuel agenda, it helps that he's working for a president who generates such chaos that worrying about ozone levels in the air we breathe seems like a quaint concern. Pruitt also has the support of White House advisers like Bannon, who famously vowed to fight every day for "the deconstruction of the administrative state." But now Pruitt's political ambitions will be measured against the future prospects of the planet – and the health and welfare of the people who live on it. "The appointment of Scott Pruitt as EPA administrator is as serious a threat to our environment as we've ever faced," says Michael Brune, executive director of the Sierra Club. "Pruitt's entire career represents the exact opposite of the EPA's mission, which is to protect us from the reckless polluters and the disastrous consequences of climate change."

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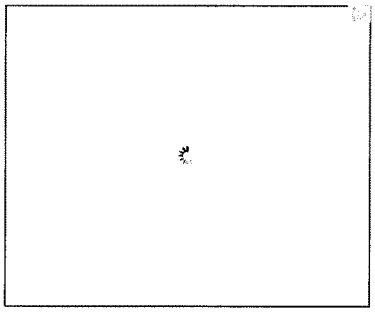

EPA headquarters is only a few blocks from the White House, in a grand building with a curved stone facade that now overlooks, of all things, the Trump International Hotel. After a contentious seven-hour confirmation hearing in early February, Pruitt took his seat in the administrator's wood-paneled office on the third floor and immediately got to work. In interviews with conservative media, he touted a "back to basics" approach at the EPA, which was Pruitt's way of saying he was going to gut Obama's progressive environmental legacy and give polluters a free pass. "He's not just going after climate, he's going after all the rules," McCarthy says. "Air, water, chemical safety. He's not going back to basics, unless the basics mean the 1960s."

To help with his cause, Pruitt brought in a team of experienced EPA-bashers and climate-change obstructionists, many of whom have worked for Oklahoma Sen. James Inhofe, the most notorious and flamboyant climate denier in Congress. (Inhofe once brought a snowball to the Senate floor as evidence that global warming isn't real.) Pruitt's favored pick for deputy administrator, Andrew Wheeler, worked for Inhofe early in his career, then became a lobbyist for coal magnate Bob Murray, among others. Ryan Jackson, Pruitt's chief of staff, was formerly Inhofe's chief of staff. "He brought in the climate-denial all-stars," says Frank O'Donnell, head of Clean Air Watch, a climate and anti-pollution advocacy group in Washington, D.C.

Many of the career staffers looked on in shock and disbelief. "Most people who work at the EPA do it because they believe in the mission of the agency," says one EPA manager, who insists on anonymity – like nearly everyone I talked to at the agency. "The people Pruitt brought in made it clear they had no interest in pursuing that mission." Within the first week, Pruitt alienated many of the rank and file with an uninspiring introductory speech about the importance of civility and how "regulators exist to give certainty to those that they regulate." He did not say a word about public health or the environment. That same week, at the Conservative Political Action Conference, he said that those who want to eliminate the EPA are "justified" in their beliefs. "I think people across the country look at the EPA the way they look at the IRS," Pruitt said. As one EPA staffer commented later, "Could he have been more insulting?"

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Previous EPA administrators spent their first months meeting with environmental groups, public-health organizations and industry. "We wanted to meet with as many stakeholders as possible," says Matt Fritz, McCarthy's chief of staff. "We thought engaging in dialogue with these folks would help us gain a range of perspectives on the issues and challenges facing the country and the world, frankly." In Pruitt's first months, he met with almost no one from public-health or environmental groups. But for the fossil-fuel industry, he was wide open. One month after taking

office, he hosted BP's U.S. chairman at his office. The next day, he met with two top executives from Chevron Corporation to discuss regulatory reform. The day after that, he spent two hours mingling with 45 CEOs from **oil**-and-gas companies at Trump's D.C. hotel. On March 9th, Lynn Good, chief executive of the utility giant Duke Energy, got 45 minutes with Pruitt to discuss "policy priorities." On March 28th and 29th, Pruitt had a pair of 30-minute meetings with Bob Murray, the coal baron and Trump confidant whom HBO's John Oliver recently called "a geriatric Dr. Evil" in a segment about a 2007 collapse at a Murray Energy-owned mine in Utah that killed nine people.

Some events seemed orchestrated to demoralize the agency's staff. Trump invited coal miners into the Rachel Carson Room to witness the dismantling of Obama's Clean Power Plan. "Inviting the miners to come over to the EPA for the signing was such an invasion," one EPA staffer says, noting the rollback took place in the very room where McCarthy had signed the Clean Power Plan. "They knew exactly what they were doing – it was staged to be totally in-your-face." Posters of Pruitt shaking hands with miners now adorn the halls of the agency.

In May, Trump's budget director, Mick Mulvaney, who openly mocks funding for climate science, released the White House's 2018 budget proposal. It aims to cut EPA funds from $8.2 billion to $5.7 billion – the 31 percent reduction would be the largest of any federal agency. Climate science is a big target: The program for reporting on greenhouse-gas emissions would be zeroed out, and the office responsible for drafting climate regulations would see its funds cut by nearly 70 percent. Even programs Pruitt says he supports, such as Superfund, which cleans up land contaminated by toxic waste, would be whacked by 30 percent. Pruitt, who developed the budget in consultation with Mulvaney, argued that states would pick up the slack, but then failed to point out that the budget also cuts a set of state grants by 45 percent. "This wasn't just penny-squeezing," one EPA staffer tells me. "It was just a giant fuck you to our mission."

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As long as the House and Senate remain in Republican control, Pruitt has few checks on his power. And that includes the press, too. Except for his victory lap after Paris, he mostly avoids mainstream media. (Pruitt's office refused numerous requests to interview him for this story.) And despite his often-professed belief in "the rule of law," he has steadfastly resisted and evaded Freedom of Information Act requests for e-mail records and other public documents. He's so good at operating in the shadows, in fact, that he was recently given the Golden Padlock Award by investigative journalists, which recognizes the most secretive publicly funded person or agency in the United States.

Even within the agency, Pruitt remains an almost invisible presence. Of the dozens of agency staffers I talked to, only two had spoken to him directly, and none had received an e-mail from him. "He spends plenty of time traveling around the country and meeting with industry folks, but he's completely uninterested in building any relationship or trust with the people who actually work here," one staffer says. There's also a new level of secrecy and paranoia within the agency. Unlike previous administrators, Pruitt has round-the-clock Secret Service protection, and has prohibited people from bringing phones into sensitive meetings out of fear that what he says may be surreptitiously recorded. "It's been six months," another EPA staffer says, "and people are still crying at their desks."

If you had to guess what Pruitt did for a living just by shaking his hand, you might guess tax accountant or school-board president. He is 49, balding a little on top, and stout. Outside the office, he dresses conservatively in khakis and plaid shirts or fleeces, and is unfailingly polite, remembering your name even if he has met you just once, and offering to get you a cup of coffee if he's getting one for himself. Pruitt and his wife, Marlyn, have two college-age kids, and back home in Oklahoma attend services at First Baptist Church in the town of Broken Arrow, where Pruitt is a deacon. Nick Garland, the head pastor, knows Pruitt well and says he displays "a tremendous amount of Christian character."

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Pruitt was born in Danville, Kentucky, a small town about an hour south of Lexington, where his father ran steakhouses. The oldest of three kids in a devout Baptist family, Pruitt grew up listening to Ronnie Milsap, attending church and playing baseball (second base). He earned an athletic scholarship to the University of Kentucky, where he met his future wife. As one of his roommates recalled, he "definitely wasn't a guy that went out and screwed around much." One of his teammates called him "**the possum**," although it's unclear if the nickname referred to his night-creature-like eyes or his crafty nature.

Pruitt eventually transferred to Georgetown College, a small Baptist school nearby, and then moved to Oklahoma to attend the University of Tulsa's law school. For most of the 20th century, Tulsa was known as the "oil capital of the world." Until the 1930s, Oklahoma was tied with California as the largest oil-producing state in the country (it's now the sixth-largest oil producer in the nation). Fossil-fuel pride runs deep here: The Golden Driller, a 75-foot-tall statue of an oil worker, adorns the fairgrounds, and the big houses on the city's rolling hills are a legacy of the black gold that came gushing out of the ground.

Pruitt's first job out of law school was at a small legal practice he founded in Tulsa – Christian Legal Services – that focused on religious-liberty cases. In 1998, as President Clinton's impeachment melodrama riled up the religious right, Pruitt ran for state Senate as a 30-year-old God-fearing Christian and won easily. In office, he introduced legislation requiring a pregnant woman to notify the father before getting an abortion and was one of only four senators to vote against an early-childhood-development bill targeted at helping low-income, at-risk children.

But on the campaign trail, Pruitt didn't possess much charm. In 2001, he got trounced in a special election for the U.S. House of Representatives. In 2006, he gave up his seat in the state Senate to run for lieutenant governor and lost the Republican nomination. He spent the next few years licking his wounds and building a network among the state's upper crust as co-owner of the Oklahoma City RedHawks, a Triple-A baseball team. "It was always clear that Scott had big political aspirations," former Oklahoma Gov. David Walters tells me. "But after losing twice, it looked like he had run too much and was out of the game."

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When I ask what changed, Walters replies, "The money."

In 2010, the Supreme Court's *Citizens United* decision allowed virtually unlimited giving from corporations to political action committees. Big players like Koch Industries could now rain millions of dollars on candidates who supported their anti-government, anti-climate-change agenda. That same year, Pruitt decided to run for Oklahoma attorney general. As a politician, he was born-again. Instead of speaking about the evils of abortion, he talked about the limits of federal powers and the rule of law, code words for loosening regulations on polluters. And, of course, he trashed Obama whenever he had the chance. "In that race, Pruitt made Obama the big issue," says Drew Edmondson, then the incumbent Oklahoma attorney general. "It was an explicitly anti-Obama campaign."

Pruitt amassed a $950,000 war chest, almost twice as much as his Democratic opponent, who, among other things, refused to take money from Oklahoma's powerful chicken industry. Pruitt took $62,000 from people connected with it, and shortly after he was elected – by a large margin – he dropped a lawsuit against several major chicken producers for dumping poultry waste into the Illinois River.

As attorney general, Pruitt spent most of his time suing the federal government. In the 14 lawsuits he filed against the EPA, Pruitt attempted to stop rules limiting the amount of smog that drifts across state borders; block a new standard on pollution from mercury, claiming "the record does not support the EPA's findings that mercury . . . pose[s] public health hazards"; and stall a plan for reducing air pollution in national parks. Most of these lawsuits were tossed out, but some were effective in clogging up the courts, buying industry a few more years to pollute. Of course, Pruitt couched it all in high-minded rhetoric about the American way: "Our battles against the EPA," Pruitt wrote in a 2011 editorial for *The Oklahoman*, "are about our right as a state to control our own destiny and resist attempts by the administration to ramrod a wish list of regulations through agency heads instead of garnering approval from Congress."

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For Pruitt, bashing the Feds turned out to be good business. His staff expanded, the budget grew and he moved into swankier office space. Lori Sheltman, who worked as a legal secretary under Pruitt for two years, told an Oklahoma newspaper that employees were shocked when Pruitt began to pray before staff meetings. "When you work for a state agency, it's something that you are not used to," Sheltman said. Former Gov. Walters recalls seeing Pruitt at a Rotary Club meeting in Oklahoma City the year after he was elected. "His talk was all about Obama and suing the federal government. He did not mention a single thing about what he was doing for Oklahoma, or how he was protecting the people of the state. I was horrified. Then the guy sitting next to me turns to me and says, 'Isn't this guy wonderful?' "

During Pruitt's watch, enforcement of environmental laws in Oklahoma virtually ended. The budget for the Environmental Protection Unit, which investigated environmental crimes like illegal dumping and contamination from refineries, was slashed to zero and the group was disbanded. In 2014, an investigation by *The New York Times* revealed that a letter Pruitt sent to the EPA in 2011 – complaining about federal estimates of air pollution caused by drilling in Oklahoma – was actually written by lawyers for Devon Energy, one of the state's biggest oil-and-gas companies. ("Outstanding!" the company's director of government relations wrote in a note to Pruitt's office.) The *Times* found that Pruitt had sent similar letters, drafted by energy-industry lobbyists, to the Department of the Interior, the Office of Management and Budget, and President Obama. "I would have found that embarrassing," says Edmondson. "Scott did not." (Pruitt, with classic piety, told the *Tulsa World* that the *Times* story "did not accurately reflect what motivates my service and how we seek to make decisions on advancing these cases.")

At that point, Pruitt was head of the Republican Attorneys General Association, a political group for state attorneys general to hobnob with corporate lobbyists and CEOs at posh resorts each year. While Pruitt was a member of RAGA's executive committee, the group hauled in big donations from the fossil-fuel mafia: $530,000 from Koch Industries, the empire owned and operated by the Koch brothers; $350,000 from Murray Energy; $160,000 from oil giant ExxonMobil, a longtime funder of climate deniers; and $125,000 from Devon Energy. Since 2015, the fossil-fuel industry and its pals have given more than $2.25 million to RAGA.

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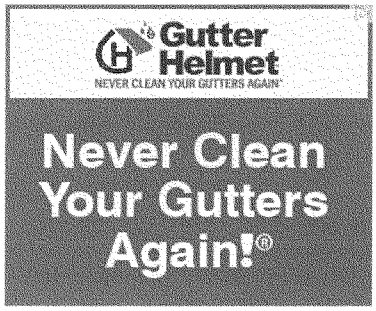
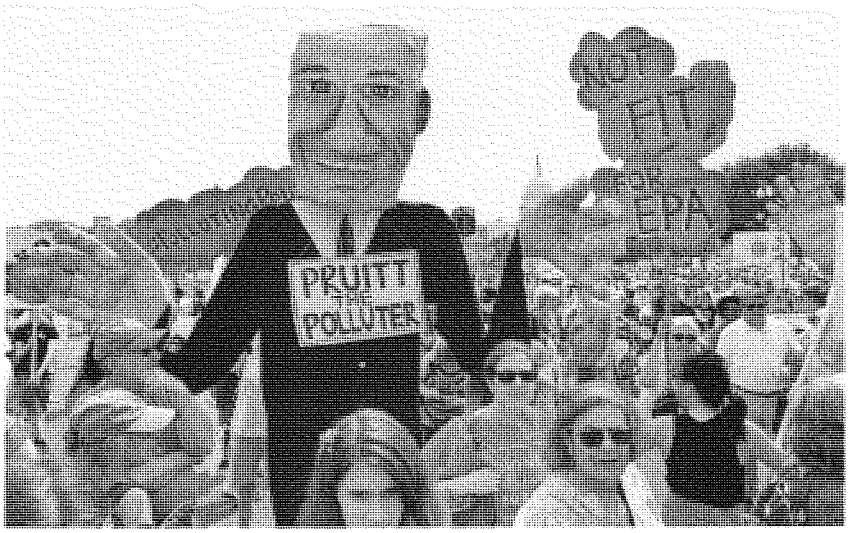


An even murkier source of money was the Rule of Law Defense Fund, which identifies itself as a "public policy organization for issues relevant to the nation's Republican attorneys general." The group was founded while Pruitt was head of RAGA, and he remained a board member until he took over as head of the EPA. As a nonprofit, the fund doesn't have to disclose the sources of the money it receives. "It's just a dark hole," Rhode Island Sen. Sheldon Whitehouse tells me. But tax

documents from Freedom Partners, the Koch brothers' Super PAC, show that the organization has donated at least $175,000 to the Rule of Law Defense Fund since 2014. During confirmation hearings, Whitehouse pushed Pruitt to reveal the names of donors to the Rule of Law Defense Fund and other sources of dark money, pointing out that if, say, Devon Energy had given the fund $1 million, it is not hard to imagine that Pruitt would be beholden to them. Pruitt refused to identify any donors, saying he had been cleared by the EPA ethics office, and promised he "would take the appropriate steps to recuse if [the EPA ethics office] told me to do so."

To Whitehouse, that's unacceptable. "He knows who gave him money, and they know who gave him money, but it is the public who doesn't know," Whitehouse tells me. "He is a puppet of the fossil-fuel industry, and we have a right to know who is pulling his strings."

No one has suggested that Pruitt personally benefited from all this dark money; however, he certainly did well as a public official in Oklahoma. A year after he became attorney general, Pruitt and his family moved to a $1.2 million home in a neighborhood of estates built by oil barons in the 1920s. Pruitt's four-bedroom, five-fireplace brick house in Tulsa, which he still owns and, according to colleagues, returns to most weekends, looks like a British manor house that has been transported out of the Gilded Age and dropped onto the prairie.



On August 3rd, 2015, the very day Obama stood in the East Room of the White House with McCarthy to announce the Clean Power Plan, Pruitt was at the Greenbrier, a stately- resort in the

hills of West Virginia, participating in a four-day RAGA meeting with coal and energy-industry lobbyists. (The topic of Pruitt's discussion panel was "The Dangerous Consequences of the Clean Power Plan & Other EPA Rules.") On the day the Obama plan was unveiled, Pruitt and the other attorneys general held a press conference at the Greenbrier to announce a lawsuit to stop it. The lawsuit is still tied up in court, but it's clear that, as EPA administrator, Pruitt will try to kill the Clean Power Plan.

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The Clean Air Act requires the EPA to regulate air pollutants "anticipated to endanger public health or welfare." In 2009, in *Massachusetts v. EPA*, the Supreme Court found that greenhouse gases are pollutants, and later that year, the EPA determined the emission of greenhouse gases poses a threat. The agency's decision became known as the "endangerment finding," and the Clean Power Plan was the Obama administration's vision for how to comply with it, putting overall limits on power plants and vehicle pollution.

But because the Clean Power Plan standards were set by the agency, not by a law passed by Congress, they are always subject to revision. "They can just say, 'We don't agree with Obama's interpretation of the Clean Air Act,'" explains Jody Freeman, who worked as a legal adviser on climate and energy issues in Obama's White House and is the founding director of the Harvard Law School Environmental Law and Policy Program. "Or they can take another tack, which is to make a much less stringent rule. What approach they take depends on how confident they feel – and how much time they want to spend in court."

Pruitt, however, has bigger deregulation ambitions than simply killing the Clean Power Plan. "The goal is to destroy the legal foundation for greenhouse-gas regulations of any kind," says David Doniger, director of the climate and clean-air program at the Natural Resources Defense Council. For that, Pruitt must successfully argue that the endangerment finding is fundamentally

incorrect. "Pruitt will either have to prove that accumulation of all greenhouse gases isn't damaging, or that contributions from vehicles and power plants aren't contributing to the problem," says Doniger. "And he will need to document it all with a double Mount Everest of data to offset the Mount Everest of data that shows that accumulated pollution does indeed endanger public health and welfare. No one thinks it's possible, especially with his resources and staff. He will be laughed out of court."

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For decades, the largest players in the fossil-fuel industry – Peabody Energy, the National Mining Association, ExxonMobil, Koch Industries – argued that changes in the climate were either from natural cycles or they weren't happening at all. They spent millions on campaigns to show that CO2, the leading cause of global warming, was actually good for you because it makes plants grow. But Pruitt's disregard for the risks of climate change runs deeper. Like many (but not all) evangelical Christians, he sees fossil fuels not as the remains of dead plants and animals, but as God's gift to mankind. "God has blessed us with natural resources," he told Politico recently. "Let's use them to feed the world. Let's use them to power the world. Let's use them to protect the world." As for climate change, that's not something humans are responsible for. "God's still up there," Pruitt's mentor, Sen. Inhofe, has said. "The arrogance of people to think that we, human beings, would be able to change what He is doing in the climate is to me outrageous."

Not surprisingly, Pruitt has begun removing climate data and scientific information from the EPA's website. In May, the contracts of most members of the Board of Scientific Counselors, which advises the agency on internal research, were canceled. "The Board of Scientific Counselors had 68 members two months ago – it will have 11 come September 1st," says Deborah Swackhamer, a retired professor at the University of Minnesota who is chairperson of the board. "They've essentially suspended scientific activities by ending these terms. We have no meetings scheduled, no bodies to do the work." In May, when Swackhamer was summoned to testify before

Congress on the importance of scientific integrity in the agency, she received a series of e-mails from Pruitt's chief of staff, Ryan Jackson, asking her to stick to "talking points" on the dismissal of several board members. She refused. "I felt bullied and intimidated," she tells me.

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Pruitt's debasement of science is not limited to climate change. Earlier this year, the agency approved the use of millions of pounds of chlorpyrifos, an agricultural pesticide shown to be especially dangerous to infants and young children. EPA scientists had recommended that it be disallowed, but Pruitt thought differently. It's probably not a coincidence that Andrew Liveris, the CEO of Dow Chemical, a leading producer of chlorpyrifos, heads a White House manufacturing council (his company also wrote a $1 million check to help underwrite Trump's inaugural festivities). In early March, Pruitt was scheduled to meet with Liveris on the sidelines of an energy conference in Houston. The sit-down was canceled, but according to Pruitt's office the pair did have a "brief introduction in passing." A few weeks later, the EPA chief announced that chlorpyrifos would not be banned. Pruitt said the decision was made out of a "need to provide regulatory certainty." But, as Philip Landrigan, dean of global health at Mount Sinai Hospital in New York, points out, Pruitt campaigned aggressively as a pro-life candidate when he was running for office in Oklahoma. "Now he has approved a pesticide that has a clear impact on the development of children's brains," Landrigan says. "That makes him the worst kind of hypocrite."

Still, Pruitt hesitates to erode confidence in climate science with full-frontal attacks. "The new denialism is to admit that the climate is changing, but that the science is still unsettled, and the role that human activity plays is still unclear, and until we figure that out, there's no real reason to take action," says Mann, the Penn State climate scientist. As evidence of this approach, Mann points to an idea Pruitt recently floated of bringing together a red team and a blue team to debate various issues in climate science in public – perhaps even on TV. It's an idea that might work in a debate over, say, health care policy. But climate science is based on physical facts, not political or

economic theory. As Mann says, "If our civilization doesn't survive, it will be because of this kind of malicious stupidity."

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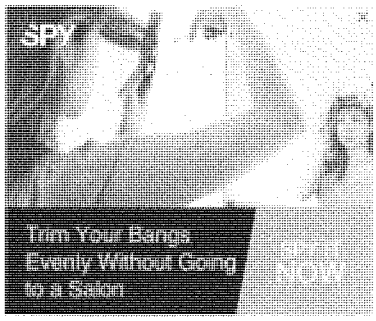

In the end, Pruitt's goal might simply be to derail political momentum toward rapidly cutting CO_2 emissions. After all, the fossil-fuel industry has invested billions in new pipelines, coal mines, drilling technology and port infrastructure. A 2015 study by Carbon Tracker, a U.K. financial organization, estimated that if the goals of the Paris Agreement are achieved, the global fossil-fuel industry risks writing off $2 trillion in assets. For Big Coal and Big Oil, a few million dollars to prop up a guy like Pruitt is a very smart investment.

So far, Pruitt has ingratiated himself at the White House, proved his mettle to the fossil-fuel industry and even gotten late-night talk-show hosts to tweet about him ("Put simply, Scott Pruitt is a piece of shit," Jimmy Kimmel tweeted during Pruitt's confirmation hearing). But his honeymoon may also be coming to an end. In July, a federal court rejected his attempt to delay new rules on methane emissions. New York State Attorney General Eric Schneiderman, who has already challenged many of Pruitt's rollbacks, predicts, "We'll be spending a lot of time in court." Even more worrisome for Pruitt, his pals on the right are getting impatient. Myron Ebell, the noted climate-change denier who led Trump's EPA transition team, criticized Pruitt at a conservative conference in April, saying he is a "clever lawyer" but his "political ambition" may undermine his willingness to take on heavy lifts like challenging the endangerment finding.

James Delingpole, a writer at Breitbart who is close to Bannon, said that if Pruitt refused to undo the endangerment finding, "it will represent a major setback for President Trump's war with the Climate Industrial Complex." Delingpole added, "If Scott Pruitt is not up to that task, then maybe it's about time he did the decent thing and handed over the reins to someone who is."

Pruitt faces risks within the agency, too. He has zero loyalty among the rank and file, which means, as one veteran staffer says, "Everything is gonna get slow-walked. Stuff that embarrasses Pruitt will be leaked. You will see the power of bureaucracy in action." Exhibit A: Subversive Twitter accounts like @altUSEPA and @ActualEPAFacts ("leading the members of The #Resistance to a better world") have hundreds of thousands of followers and offer a daily stream of Pruitt-damning commentary.

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As Pruitt knows, the last EPA administrator who came in with a burn-it-to-the-ground agenda was Anne Gorsuch. Like Pruitt, Gorsuch promised to roll back regulations, slash the budget and cut agency staff. But after a year, she was under siege, turning the agency into what *The New York Times* called "an Augean stable, reeking of cynicism, mismanagement and decay." Eventually, the House cited Gorsuch, who repeatedly failed to hand over subpoenaed records, for contempt of Congress. The debacle led Reagan to ask for her resignation. "Pruitt may think that because Republicans control all three branches of government right now, he has immunity," says the former Obama official. "He does not. If he gets in trouble, he will be jettisoned faster than you can say 'Donald Trump Jr.' "

Then there is the possibility of an environmental disaster on his watch. Imagine a high-profile Deepwater Horizon-like catastrophe involving one of Pruitt's cronies in the oil-and-gas industry. The congressional investigation that would follow might shine a very bright – and unwelcome – light on Pruitt's corporate ties.

For now, Pruitt's rise could not come at a worse time for the planet. The Paris Agreement, which aims to limit CO2 emissions to a level that will prevent warming above 2 degrees Celsius, was signed last year by virtually every nation in the world. And not a moment too soon. To avert climate catastrophe, a recent study in *Nature* determined emissions need to be on a downward trajectory by 2020 – that's just three years away. America's decision to pull out of the Paris climate deal, physicist Stephen Hawking recently warned, could be "the tipping point where global warming becomes irreversible." Companies like Apple, Amazon and Wal-Mart are investing billions in clean energy, and U.S. cities and states are pushing ahead on their own (California just extended its landmark cap-and-trade program to cut carbon pollution). But on a global scale, for America to reboot its love for fossil fuels at this late stage is like taking five shots of tequila at midnight and promising to drive the rest of civilization home safely.

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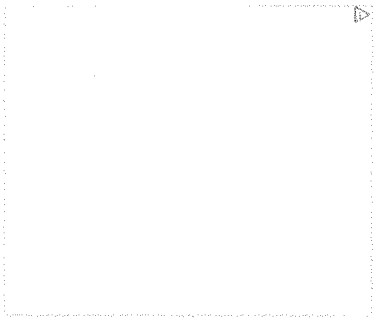

There are plenty of other reasons to be appalled by Pruitt. He is destroying the mission of the EPA. He is pushing policies that will make poor people poorer and rich people richer. And he is quite literally putting his own political career above the welfare of tens of thousands of people. While the air quality in many parts of America has gotten better in recent decades, air pollution still causes more than 200,000 premature deaths a year; even small increases in pollution mean more deaths. "He is sacrificing the health and welfare of children in order to give industry a few years of regulatory relief," says Jeff Carter, executive director of Physicians for Social Responsibility.

But it's likely that Pruitt won't hang around at the EPA long enough for anyone to count the bodies. His sights are set on higher things: the Oklahoma governor's race in 2018, or a run for Inhofe's Senate seat in 2020. Either way, Gavin Isaacs, the former head of the Oklahoma Bar Association, predicts "there will be more campaign contributions than anyone has ever seen." For that reason alone, Pruitt should not be underestimated. He may be on the wrong side of science

and the wrong side of history, but given the post-factual trajectory of American politics right now, that doesn't mean his future isn't bright. It's the hope for a stable climate and a rapid transition to clean energy that's really in trouble.

In This Article: Climate Change, Donald Trump, Environment, Oil

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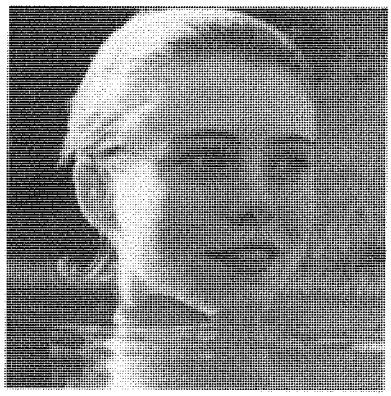

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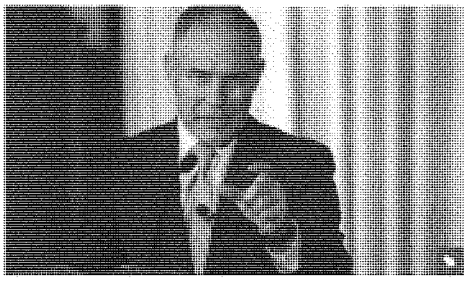

FILE - In this Feb. 21, 2017, file photo, Environmental Protection Agency (EPA) Administrator Scott Pruitt speaks to employees of the EPA in Washington. Sen. Sheldon Whitehouse filed an ethics complaint on April 25 against EPA Administrator Scott Pruitt over more >

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By Ben Wolfgang - *The Washington Times* - *Thursday, May 11, 2017* Print

Former President Obama is widely revered by activists and progressive Democrats for his actions on climate change, but Environmental Protection Agency Administrator Scott Pruitt on Thursday challenged those credentials and said the former commander in chief was no "environmental savior."

In a radio interview with Hugh Hewitt, Mr. Pruitt said the past administration talked a good game on the environment, but has little in the way of concrete accomplishments. He pointed

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to the environmental disaster in Flint, Michigan, and the Gold King Mine spill, both of which led to widespread water contamination.

He also said the administration's attempts to rein in carbon emissions were blocked by federal courts, as were other high-profile regulations. At the same time, Mr. Pruitt charged, much of the country remained in non-compliance with federal ozone standards, and the number of Superfund sites — areas contaminated by hazardous waste and identified for federal clean-up efforts — increased during Mr. Obama's tenure.

"It's just poor leadership. It's poor focus," said Mr. Pruitt, the former attorney general of Oklahoma. "When you look at the past administration's environmental record, I mean, the past administration is viewed as the environmental savior. But when you look at air attainment in this country, we're at 40 percent non-attainment right now on ozone. About 140 million people live in non-attainment areas for air quality, under air quality programs.

"Superfund sites, we have more today than when President Obama came into office," he continued. "Water infrastructure, you had Flint and you had Gold King. And the regulations that they issued on carbon, they failed twice. They struck out twice. So when you look at their record, what exactly did they accomplish for the environment that folks are so excited about?"

Mr. Pruitt is leading the charge to roll back many Obama-era regulations. His targets include those rules that were blocked by federal courts, including the Clean Power Plan, a proposed set of limits on carbon emissions from power plants.

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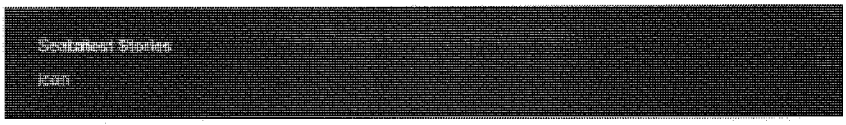

Scott Pruitt wants to move full steam ahead on his pro-industry agenda in 2018

Despite facing numerous investigations himself, EPA administrator cites poor leadership culture at agency.

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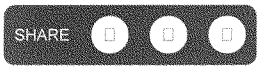


SCOTT PRUITT, ADMINISTRATOR OF EPA, HOPES TO SPEED UP THE PERMITTING PROCESS FOR INDUSTRY IN 2018. CREDIT: RICCARDO SAVI/GETTY IMAGES FOR CONCORDIA SUMMIT

Environmental Protection Agency Administrator Scott Pruitt wants to use metrics to gauge the weekly performance of every office at his agency. That would be good news if Pruitt's intention was to measure how each EPA office is protecting the environment and public health to the best of its ability.

But the metrics to which Pruitt is referring will be used to measure how quickly the EPA is granting clean air and clean water permits to polluters. Pruitt wants to ensure industry is not having to wait long to get permission to conduct work that will likely have harmful effects on the environment.

In an interview with The Wall Street Journal this week, Pruitt accused EPA staffers of a "lack of energy and lack of commitment" to meeting the needs of industry stakeholders who have been pleading for more prompt action by the environmental agency.

"We have permits that literally are sitting on a shelf, and just sitting there because there's just no attention, no leadership, no direction. It's that simple," the former Oklahoma attorney general told the newspaper. By permits, Pruitt means granting entities permission to pollute as long as the pollution meets agency standards.

In a presentation at an energy industry conference in Texas last fall, Pruitt told oil and gas officials that "regulatory uncertainty" for businesses and regulated industry "is the biggest reason why the U.S. economy isn't growing faster."

In the same interview with The Wall Street Journal, Pruitt said, along with implementing a metrics-based system for each EPA office, he wants to use his second year on the job to speed up the process for granting permits to polluters. "There's tremendous opportunity to show really significant results to the American people in a really short time frame," he said.

Scott Pruitt is leaving a toxic trail at EPA after only 6 months on the job

Pruitt was asked if his urgency was related to any future plans to leave the agency, perhaps to take over as U.S. attorney general if Attorney General Jeff Sessions resigns or is fired. The EPA administrator did not directly address the question. Instead, he brought his evangelical Christian beliefs into the equation. "What does it say in scripture? 'Whatever your hand finds to do, do it with all your might.' And that's what I'm doing," he said.

As Pruitt emphasizes his goal of improving the leadership at the EPA, the administrator himself is under investigation for his questionable conduct in the top role at the agency. Pruitt has attracted widespread scrutiny for alleged misuse of agency funds, potential violation of a lobbying law, and holding secret meetings with officials from the industries his agency is tasked with regulating.

Last week, for example, the EPA's inspector general sent a letter to Rep. Pete DeFazio (D-OR) that his office has learned the Government Accountability Office has accepted a congressional request to review questions regarding the installation of a security booth in Pruitt's office at the EPA's headquarters building in Washington.

"Regarding your request that the [office of inspector general] review the administrator's use of expenditures on a security booth, we have confirmed that the U.S. Government Accountability Office (GAO) accepted a congressional request to review appropriation law questions regarding the installation of the security booth.

The GAO will be reviewing virtually the same scope of issues that we planned to examine," EPA Inspector General Arthur Elkins said in a January 10 letter to DeFazio.

In terms of assessing the leadership qualities of his top lieutenants, Pruitt's hand-picked official to oversee the Superfund program failed to show up for a planned appearance before the House Environment and Commerce Committee. Albert Kelly, a close friend and financial patron of Pruitt, cited a "scheduling conflict" with Thursday's hearing by the House committee on the future of the toxic waste cleanup program.

> In the Trump administration, people tend to fail upwards into positions they're not qualified for at all — like Albert Kelly, friend of Secretary Pruitt who was BANNED from banking for life. He's now in charge of the @EPA's Superfund Program. https://t.co/21Zwf6TZSe
>
> — Center for Bio Div (@CenterForBioDiv) December 29, 2017

In a Wednesday news release, Environmental Working Group President Ken Cook said Kelly's decision not to tell Congress about his and Pruitt's strategy for cleaning up the nation's most toxic communities is irresponsible and evasive. "Most, if not all, members of the [House] committee represent districts where there are abandoned toxic waste dumps. They should press Kelly about what he's done so

far and his strategy to clean up these dangerous sites that millions of Americans live near," Cook said.

Pruitt put Kelly in charge of the Superfund program after he was banned for life from the banking industry. A consent order from the Federal Deposit Insurance Corporation showed that Kelly agreed last May to pay a fine of $125,000 over allegations that he violated federal banking laws as an executive at his family owned SpiritBank in Oklahoma, The Intercept reported last month. Kelly is forbidden from ever working in the banking and financial services industry again.

Kelly's only connection to the EPA and the vital role it plays in protecting communities from pollution is his years-long relationship with Pruitt, according to Cook. Kelly and his bank gave Pruitt loans to purchase personal property and a controlling share of a minor league baseball team.

"In the Trump administration, people tend to fail upwards into positions they're not qualified for at all — like Albert Kelly, friend of Secretary Pruitt who was banned from banking for life," the Center for Biological Diversity noted in a tweet.

Superfund is one of the few programs that Pruitt has vowed to make a priority during his tenure as EPA administrator. Newspapers in states with large numbers of Superfund sites, however, have complained about the selection of Kelly to lead the program. "Even for Scott Pruitt, the chief vandal at the EPA, it was an

extraordinary act of arrogance to appoint his personal banker, Albert Kelly, as Special Advisor in charge of Superfund," the Newark Star-Ledger wrote in a staff editorial published on January 12.

Scott Pruitt claims he's taken more actions to fight pollution than Obama, but can't name any

The EPA has not taken a single step to significantly reduce air or water pollution under Trump.

Along with citing the Superfund program, Pruitt told The Wall Street Journal he plans to lead a "war on lead."

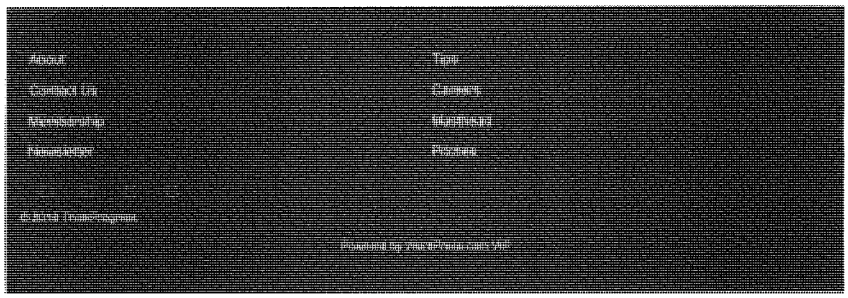
However, the EPA has had a poor track record on fighting lead since Pruitt took over as administrator. In fact, even before he was sworn in, Pruitt demonstrated a lack of knowledge of lead poisoning. At his confirmation hearing, Pruitt told the Senate panel that he doesn't "know about" the science of lead poisoning.

In September, months after taking over the EPA, Pruitt announced his agency would postpone the compliance date by two years for new effluent limitations guidelines for coal-fired power plants that were issued in 2015. The Obama-era rules would limit the amount of toxins, including lead, that power plant operators can dump into waterways. Electric plants dump 64,400 pounds of lead into the country's waterways every year. Lead has been linked to developmental and reproductive problems.

Pruitt is living up to his promise to reduce lead contamination in at least one way. In December, Pruitt sent a letter to municipalities inviting officials to meet about potential revisions the agency is considering to what's known as the Lead and Copper Rule. The Obama administration accelerated the process for updating the rule following the Flint, Michigan, drinking water crisis, which started in 2014.

"Despite lead contaminated sites being an environmental threat to our country, EPA has not updated the Lead and Copper Rule in decades," Pruitt said in a statement last month. "In keeping with our commitment to cooperative federalism, EPA is seeking input from state stakeholders on proposed revisions to properly address lead and ensure communities have access to safe drinking water."

#CLIMATE, #EPA, #SCOTT PRUITT, #SUPERFUND



Scott Pruitt's First Year Set The EPA Back Anywhere From A Few Years To 3 Decades

Former EPA chiefs reflect on policy changes, budget cuts and staffing issues under Pruitt.

By Alexander C. Kaufman

1/20/2018

https://www.huffingtonpost.com/entry/pruitt-one-year_us_5a610a5ce4b074ce7a06beb4

Shortly after taking office, Environmental Protection Agency chief Scott Pruitt set out to permanently limit the agency's regulatory power in what he billed as a "Back to Basics" agenda focusing on cleaning up toxic waste and providing safe drinking water — but not curbing new industrial pollution.

Former administrators warn that it could take anywhere from a few years to three decades for future administrations to restore the EPA to where it was a year ago, before the regulatory rollbacks, mass attrition and budget cuts.

"If [former President Barack] Obama's name is near it — irrespective of whether it's good, bad or indifferent — they're undoing it," Christine Todd Whitman, who served as administrator under former President George W. Bush from 2001 to 2003, told HuffPost. "To just mindlessly do it is… mindless. There's no other word for it."

The lasting damage is already significant, and seems likely to get worse. Despite rumors that Pruitt may leave his post early to run for Senate or governor in Oklahoma, his home state, or take over as attorney general if Jeff Sessions steps down, the administrator has plans to ramp up his efforts in 2018. He told The Wall Street Journal this week that his second year would focus on accelerating efforts to remake the agency and speeding up the permitting process.

"There's tremendous opportunity to show really significant results to the American people in a really short time frame," Pruitt said.

Some of the policies Pruitt has rolled back could be restored. The administrator decided in April not to prohibit a pesticide linked to brain damage, immediately prompting lawsuits that could force the agency to issue a ban anyway. The next EPA chief could ramp up enforcement efforts to make up for the dramatic drop in prosecutions of polluters seen so far under Pruitt. A future head of the agency could also reverse Pruitt's October order barring scientists who receive

agency grants from serving on its advisory boards, and could even, in theory, issue a new order to limit the industry-funded researchers now set to dominate the panels.

Yet, Pruitt's swift moves to axe major rules that took decades to craft stands apart from previous Republican efforts to slow new regulatory regimes at the agency.

Take, for example, the EPA's Mercury and Air Toxics Standard, which curbs heavy metal pollution from coal-fired power plants. The rule took over two decades to craft: It began under former President Bill Clinton, was briefly sidelined during the Bush era, and came into effect more than two years ago, under Obama. But, in 2015, the Supreme Court ruled that the EPA had not adequately accounted for the cost of adhering to the regulation, and sent the case back to the D.C. Circuit Court of Appeals. The federal government had been scheduled to defend the rule. Then, in April, Pruitt ordered the agency to "fully review" the findings behind the rule, stoking fears among environmentalists that the new industry-friendly administration was laying the groundwork for a potential repeal.

Under Pruitt, what they're doing is conscientiously tearing the place down.

Consider, too, the Clean Power Plan. The signature Obama-era climate policy limiting carbon dioxide pollution from power plants and incentivizing renewable energy came out of a policy analysis started in the mid-1990s.

Back then, the Clinton administration drafted what became known as the Cannon memo, arguing that greenhouse gas emissions could be regulated as pollutants under the Clean Air Act. That formed the legal foundation of Massachusetts' landmark Supreme Court victory over the Bush-era EPA in 2007. From there, the Bush administration began writing what became known as the Endangerment Finding — that greenhouse gases posed a threat to public health and required EPA regulation under the Clean Air Act — although it never implemented the policy. In 2009, the Obama administration picked up the baton, issuing the Endangerment Finding and, in response to its mandate, drafting the Clean Power Plan. The Supreme Court temporarily blocked the rule in February 2016. Rather than defend or modify that regulation, Pruitt proposed repealing the plan outright in October. He didn't provide an alternative.

Most legal scholars argue that overturning the Endangerment Finding would require Pruitt to prove in court that climate change isn't caused by humans. Still, the hard-line climate change deniers with whom Pruitt has allied himself are calling on the EPA to attempt just that.

If the Clean Power Plan were completely repealed, the next administration at the EPA would have to start from square one, said Carol Browner, who served as EPA administrator under Clinton from 1993 to 2001. She said it could take "20 to 30 years."

The agency suffered from "sort of benign neglect" under Bush, said Browner, but "it wasn't a forced policy."

"Under Pruitt, what they're doing is conscientiously tearing the place down," she said.

The EPA's dismantling does not rest in Pruitt's hands alone. The Trump administration has proposed slashing the agency's budget by 30 percent — to a 40-year low of $5.7 billion — and the Republican-dominated Congress seems ready to make significant cuts. Restoring the agency's capacity in the future will require replenishing its coffers with adequate funding.

"It's just the sheer fact that you'd need a budget to do it," Browner said, referring to the challenge of reversing the damage Pruitt has inflicted.

Restaffing the agency after Pruitt could pose a series of challenges. More than 700 personnel have left the EPA over the past year, according to a joint investigation published last month by The New York Times and ProPublica. Of the employees who quit, retired or took buyouts, more than 200 were scientists, and another 96 were environmental protection specialists. The EPA aims to cut staffing by nearly 50 percent — from 15,000 to less than 8,000 — by 2021, the agency told the Washington Examiner this month.

"You'd have to convince some of those who have been dismissed to come back," Whitman said. "You'd want some of them to come back and help break in new people so you don't have a complete vacuum of that institutional knowledge."

"We're in grave danger of losing that," she added. "It's a very complicated agency, these regulations are complicated, the rules Congress enacted when they enacted the legislation are very prescriptive."

She warned that it could become harder to attract top young talent in the future if they fear the agency cannot offer stable, long-term careers.

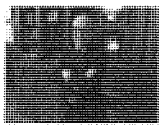
There are other, less tangible potential effects of EPA's pendular approach to regulatory policy and newfound status as a culture war battleground. Pruitt's oft-repeated slogan — that "regulations ought to make things regular" — runs amok of his radical agenda to roll back rules that scientists say are necessary to curb pollution, and therefore appear likely to return under future administrations.

Gina McCarthy, the EPA administrator from 2013 to 2017, said Pruitt is creating the exact sort of regulatory confusion for businesses that he railed against.

"The challenge that this administration is posing, and it's certainly not limited to the EPA, is they've created a wealth of uncertainty," McCarthy told HuffPost. "At EPA, it's uncertainties in the business community. Do they ever take rules seriously if every administration undoes everything the prior administration did?"

Scott Pruitt on a mission to change the climate of the EPA

Ledyard King, USATODAY Published 12:00 p.m. ET Nov. 26, 2017 | Updated 3:42 p.m. ET Nov. 28, 2017



(Photo: Ledyard King, USA TODAY)

WASHINGTON — EPA Administrator Scott Pruitt isn't just dismantling the Clean Power Plan and other high-profile environmental programs of the Obama era. He's on a mission to re-engineer the agency's culture by returning power to states and away from the Washington bureaucrats and coastal elites he said have led it astray.

The EPA, for example, is doing away with the "sue-and-settle" approach that Pruitt said improperly allowed the Obama administration to circumvent laws by rewriting regulations behind closed doors with friendly environmental groups who filed lawsuits.

The agency also has rewritten membership rules for the agency's advisory boards, so that both industry advocates and academics from Midwestern and Mountain states — which Pruitt said were under-represented — have greater influence when counseling agency leaders on new rules.

And he's adopted a "red team/blue team" model designed to challenge climate change assumptions that global warming is occurring and humans are the primary cause — a view endorsed both by the vast majority of scientists and by a massive federal report the White House issued earlier this month.

Pruitt, who challenged the Clean Power Plan as Oklahoma attorney general, said he's plowing ahead with the rollback of the rule designed to curb carbon emissions from coal-fired power plants despite the report's conclusions.

And he said the red team/blue team approach that promotes "curious inquiry and continued analysis" is integral to the rigorous self-analysis he believes the EPA has been lacking in recent years.

"I'm an attorney. I believe in bringing people together in an open process to encourage peer review, that's what science is," Pruitt said during a recent interview in his office. "We shouldn't run from that ... That's something we ought to embrace as a culture and I think as an agency."

Of all Pruitt's moves to reshape an agency whose authority he frequently challenged in court, the red team/blue team strategy has raised some of the loudest alarm bells among his many critics who consider it an attack on settled science.

The exercise was designed at the height of the Cold War to assess Soviet reactions to various scenarios. And that's where it belongs — not to relitigate the proven facts of climate science, said former New Jersey GOP Gov. Christine Todd Whitman, who served as EPA administrator under George W. Bush.

"That Mr. Pruitt seeks to use the power of the EPA to elevate those who have already lost the argument is shameful, and the only outcome will be that the public will know less about the science of climate change than before," she wrote in a opinion column (https://www.nytimes.com/2017/09/08/opinion/how-not-to-run-the-epa.html?mcubz=0&_r=0) for *The New York Times* entitled "How not to run the EPA"

Ken Cuccinelli, a Pruitt ally and former Republican attorney general from Virginia, said the EPA administrator rightly believes the agency needs to return to its roots and abandon quixotic pursuits Obama conducted on global warming embodied by the Clean Power Plan and the decision to sign on to the international treaty known as the Paris Accord (/story/news/politics/2017/05/31/democrats-vent-but-cant-stop-trump-leaving-paris-climate-agreement/102343042/).

Former Virginia Attorney General Ken Cuccinelli defends how Scott Pruitt is running the EPA. *(Photo: Molly Riley, AP)*

"The previous administration weaponized this agency," Cuccinelli said. "They were assaulting America through the EPA. Scott believes in clean water and clean air. There's never been any doubt about that. But all of the other creative stuff is the kind of stuff that political elites want to spend their time on and if it affects Americans all it does is reduce their opportunities."

Pruitt arrived (https://www.c-span.org/video/?424362-1/administrator-scott-pruitt-addresses-epa-employees) at EPA under a mutual cloud of hostility.

He had sued the agency 14 times on behalf of Oklahoma challenging a variety of regulations and billing (https://www.linkedin.com/in/e-scott-pruitt-3b771653/)himself as "a leading activist against EPA's activist agenda." A month after he took the helm in February, the budget released by President Trump, an ardent EPA critic, proposed gutting the $8.2 billion agency by nearly a third.

In turn, Pruitt was opposed loudly by hundreds of former EPA employees, and more quietly by some current ones. They feared he would assist the petrochemical industry he grew close to in Oklahoma while ignoring the carefully constructed science that served as the foundation of many public health protections.

Subsequent cuts in pollution enforcement and the departure of hundreds of veteran EPA staffers through a buyout program have given environmental groups more reason to worry.

Nearly a year into his tenure, Pruitt still feels the resistance from employees who have yet to buy into his message that the EPA ought to work more with business to find mutually acceptable solutions when it comes to public health.

"The most challenging thing that we encounter (at EPA) is this thinking, this attitude that we as a country have to choose between growth and jobs and being good stewards of our environment," he recently told (https://www.youtube.com/watch?v=nso8wY4s0oo) an audience at the conservative Federalist Society National Lawyers Convention. "We can do both. But the past few years, we've been told it's prohibition, it's put up a fence, it's do not touch. And frankly I don't think that's consistent with the law. I don't think that's consistent with how we've done business as a country."

His many critics say that's code for giving the energy industry and other polluters carte blanche to maximize profit with little regard for environmental damage.

Normally soft-spoken Delaware Sen. Tom Carper, the top Democrat on the Senate Environment and Public Works Committee, described (/story/news/politics/2017/03/03/delaware-sen-tom-carper-emerges-unlikely-environmental-warrior/98648454/) Pruitt during his confirmation process earlier this year as "hostile to the basic protections to keep Americans and our environment safe."

As part of his effort to change the culture at EPA, Pruitt is touting a "back-to-basics " agenda that emphasizes partnerships with states and issues he calls central to the agency's mission when Congress created it in 1970.

He's prioritizing cleanup of toxic Superfund sites, lead-tainted drinking water systems, and abandoned mines.

Those issues, he said, took a back seat the previous eight years as the Obama administration engaged in regulatory over-reach on climate change and the "Waters of the U.S." rule that spelled out that streams, rivers and other bodies can be regulated by the federal government.

More: Pruitt moves to shake up EPA advisory boards, further antagonizing environmental activists (/story/news/politics/2017/10/31/pruitt-moves-shake-up-epa-advisory-boards-further-antagonizing-environmental-activists/817405001/)

More: Exclusive: EPA's Pruitt vows to continue rolling back rules despite alarming climate report (/story/news/politics/2017/11/08/pruitt-says-alarming-climate-report-not-deter-replacement-clean-power-plan/839857001/)

More: Rollback of Clean Power Plan rule by EPA Administrator Pruitt won't happen overnight (/story/news/politics/2017/10/09/rollback-clean-power-plepa-administrator-pruitts-rollback-clean-power-plan-rule-wont-happen-overnigh/746607001/)

"Our job is to administer statutes," he said in the interview. "We have to act based on the authority given to us by Congress. When this agency and other agencies in the past have gone askew is when they've created and filled in the vacuum. That's what they did with the Clean Power Plan ... We're correcting that."

Pruitt points to Superfund as an area that previous administrators should have taken more time to address. He's visited a lead-contaminated site in East Chicago, Ind., and the Gold King mine in Colorado (where a mistake by an EPA contractor in 2015 led to a major spill) to emphasize the program's importance.

He often talks about the problems at the West Lake Landfill near St. Louis and how the EPA still hasn't decided how to proceed 27 years after it was tagged as a Superfund site.

"Not clean it up. Not fix the problem. But just simply decide," he told the Federalist Society.

More than half of the original 406 sites from 1983 remain on the list. (https://www.epa.gov/superfund/search-superfund-sites-where-you-live) On average, it takes about 19 years for a site to be removed from the list, according to to the Government Accountability Office.

Gina McCarthy, who served as EPA administrator during Obama's second term, brushed aside the notion that Superfund was not a priority under her watch. And she said Pruitt's view of his agency's role is so narrow it's imperiling public health.

Scott Pruitt's mandate to change the culture of the EPA

Former EPA Administrator Gina McCarthy. *(Photo: Brian Ach, Getty Images for The New Yorker)*

"It is just ridiculous to think that you can ignore the most significant threats to public health today while chasing Superfund sites that have been around for 20 years," she said. "You don't make those choices. You do both."

She said Pruitt's plan to address the nation's most toxic sites will be much tougher if Congress goes along with Trump's 2018 budget proposal (https://www.epa.gov/sites/production/files/2017-05/documents/fy-2018-budget-in-brief.pdf) to slash by $330 million the nearly $1.1 billion Superfund received this year.

"The challenge has been resources constraints," she said. "So for an administrator to say he's going back to basics and even caring about doing a better job with Superfund while he's defending a budget that would dismantle the agency and reduce Superfund, it doesn't seem like a very consistent message to me."

Cuccinelli acknowledges that it is an odd pairing to have Pruitt, someone from "fly-over country," heading an agency "favored by the cocktail party set."

But he thinks it will take someone like the Kentucky-born, former Cincinnati Reds baseball prospect to shake up an agency in need of cultural re-orientation.

"God forbid we have an administrator of the EPA who thinks it's important to obey the law and Scott does," he said.

Pruitt doesn't use the term political elites when he describes his predecessors at the EPA but it's clear he considers himself someone attuned to the needs of states, especially the red ones that resented much of the Obama environmental agenda.

EPA Administrator Scott Pruitt holds up a poster showing how his planned changes to the makeup of three key advisory committees will be more geographically diverse. *(Photo: Ledyard King, USA TODAY)*

It's one reason he took the unprecedented step last month of barring scientists who receive EPA grants from serving on any of the agency's nearly two dozen advisory boards. The move to eliminate what Pruitt described as "political science" opened up seats for researchers representing industries and institutions based in the middle of the country whose input he said hasn't always been valued.

Robert Johnson (https://www2.clarku.edu/faculty/facultybio.cfm?id=738), an economics professor at Clark University in Massachusetts and a past member of the EPA Science Advisory Board, criticized Pruitt's decision.

The advisory board "has always been bastion of truth and independent scientific advice that withstood changes in political administrations and differences of political opinion," Johnson. "That changed (with Pruitt's act)."

Pruitt also speaks of the importance of restoring "federalism" where states have an equal seat at the table when it comes to implementing clean air and water programs.

McCarthy pushed back on his interpretation.

"Federalism does not mean that the agency doesn't do its work in accordance with Congress. And Congress, on issues like the Clean Air Act, did not give states the role of primacy," she said.

Nonetheless, members of Congress who clashed with Obama are clearly delighted that Pruitt is driving an agenda that many of their constituents back home like.

When Pruitt last month told (https://www.youtube.com/watch?v=Pk_E88XR1Qw) an audience of coal miners in Hazard, Ky., that "the war on coal is over" as he announced the administration's plan to repeal the Clean Power Plan, Senate Majority Leader Mitch McConnell, R-Ky., seemed clearly tickled.

"It's great to have an administrator of the EPA," McConnell said as he introduced Pruitt, "who's not afraid to come to Kentucky."

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THE WALL STREET JOURNAL

Scott Pruitt's Back-to-Basics Agenda for the EPA

The new administrator plans to follow his statutory mandate—clean air and water—and to respect states' rights.

By Kimberley A. Strassel

Feb. 17, 2017 6:57 p.m. ET

Republican presidents tend to nominate one of two types of administrator to lead the Environmental Protection Agency. The first is the centrist—think Christie Todd Whitman (2001-03)—who might be equally at home in a Democratic administration. The other is the fierce conservative—think Anne Gorsuch (1981-83)—who views the agency in a hostile light.

Scott Pruitt, whom the Senate confirmed Friday, 52-46, doesn't fit either mold. His focus is neither expanding nor reducing regulation. "There is no reason why EPA's role should ebb or flow based on a particular administration, or a particular administrator," he says. "Agencies exist to administer the law. Congress passes statutes, and those statutes are very clear on the job EPA has to do. We're going to do that job." You might call him an EPA originalist.

Not that environmentalists and Democrats saw it that way. His was one of President Trump's most contentious cabinet nominations. Opponents objected that as Oklahoma's attorney general Mr. Pruitt had sued the EPA at least 14 times. Detractors labeled him a "climate denier" and an oil-and-gas shill, intent on gutting the agency and destroying the planet. For his confirmation hearing, Mr. Pruitt sat through six theatrical hours of questions and submitted more than 1,000 written responses.

When Mr. Pruitt sat down Thursday for his first interview since his November nomination, he spent most of the time waxing enthusiastic about all the good his agency can accomplish once he refocuses it on its statutorily defined mission: working cooperatively with the states to improve water and air quality.

"We've made extraordinary progress on the environment over the decades, and that's something we should celebrate," he says. "But there is real work to be done." What kind of work? Hitting air-quality targets, for one: "Under current measurements, some 40% of the country is still in

nonattainment." There's also toxic waste to clean up: "We've got 1,300 Superfund sites and some of them have been on the list for more than three decades."

Such work is where Washington can make a real difference. "These are issues that go directly to the health of our citizens that should be the absolute focus of this agency," Mr. Pruitt says. "This president is a fixer, he's an action-oriented leader, and a refocused EPA is in a great position to get results."

That, he adds, marks a change in direction from his predecessor at the EPA, Gina McCarthy. "This past administration didn't bother with statutes," he says. "They displaced Congress, disregarded the law, and in general said they would act in their own way. That now ends."

Mr. Pruitt says he expects to quickly withdraw both the Clean Power Plan (President Obama's premier climate regulation) and the 2015 Waters of the United States rule (which asserts EPA power over every creek, pond or prairie pothole with a "significant nexus" to a "navigable waterway"). "There's a very simple reason why this needs to happen: Because the courts have seriously called into question the legality of those rules," Mr. Pruitt says. He would know, since his state was a party to the lawsuits that led to both the Supreme Court's stay of the Clean Power Plan and an appeals court's hold on the water rule.

Will the EPA regulate carbon dioxide? Mr. Pruitt says he won't prejudge the question. "There will be a rule-making process to withdraw those rules, and that will kick off a process," he says. "And part of that process is a very careful review of a fundamental question: Does EPA even possess the tools, under the Clean Air Act, to address this? It's a fair question to ask if we do, or whether there in fact needs to be a congressional response to the climate issue." Some might remember that even President Obama believed the executive branch needed express congressional authorization to regulate CO 2 —that is, until Congress said "no" and Mr. Obama turbocharged the EPA.

Among Mr. Pruitt's top priorities is improving America's water infrastructure. "I'm going to be advancing this with the president, this idea that when we talk about investing in infrastructure, we need to look more broadly than bridges and roads," he says. "Look at what happened in Flint," the Michigan town where lead was found in the water supply. "Look at what is happening in California," where the Oroville Dam's failure endangers tens of thousands of homes.

Mr. Pruitt defies the stereotype of the fierce conservative who wants to destroy the agency he runs. Nonetheless, he is likely to encounter considerable hostility. The union that represents the

EPA's 15,000-strong bureaucracy urged its members to besiege their senators with calls this week asking them to reject Mr. Pruitt's appointment. (The effort didn't have much effect: The vote was nearly along party lines, with only two Democrats and one Republican breaking ranks.) These bureaucrats have the ability to sabotage his leadership. That's what happened to Mrs. Gorsuch. She went to war with the bureaucracy, and the bureaucracy won.

Mr. Pruitt wants progress. "I am committed to the role of this agency," he says. "The administration is committed to the role of this agency. There is so much to accomplish. So its important that the career staff here at the EPA know this isn't a disregard for the agency, it's a restoration of its priorities."

He says EPA employees ought to be able to embrace his priorities: "Think about how tangible it would be to the citizens of Washington state to finally have the Hanford nuclear site cleaned up. Think about how tangible it would be to the citizens along the Hudson River, to fix that pollution. These are some of the most direct things we can do to benefit our environment. That ought to get people at the agency excited. It ought to get people in this country excited."

Mr. Pruitt has read those laws his agency is charged with enforcing, and they guide another major change: a rebalancing of power between Washington and the states. "Every statute makes clear this is supposed to be a cooperative relationship," he explains, "that Congress understood that a one-size-fits-all model doesn't work for environmental regulation, and that the state departments of environmental quality have an enormous role to play."

He faults President Obama's EPA for its "attitude that the states are a vessel of federal will. They were aggressive about dictating to the states and displacing their authority and letting it be known they didn't trust the states." Mr. Pruitt has numbers to back up the claim: During the combined presidencies of George H.W. Bush, Bill Clinton and George W. Bush, the EPA imposed five federal air-quality implementation plans on states. Mr. Obama's EPA imposed 56.

States' rights were the motivating impulse behind Mr. Pruitt's lawsuits against the Obama administration, and he has plenty of examples of the benefits of letting states take the lead on pressing environmental problems. He mentions the progress that a state coalition has made on improving the habitat of the lesser prairie chicken, a threatened species. States have also clubbed together to tackle water pollution in the Chesapeake Bay.

"There is this attitude that has grown of late that Oklahomans and Texans and Coloradans really don't care about the air they breathe or the water they drink," he says. "That's just not the case."

As a demonstration of his commitment to the devolution of power, he pledges to vigorously defend the portion of the EPA's annual $7 billion budget—roughly half—that goes to the states as funds and grants: "This is the front line of a lot of the work on air and water quality and infrastructure, and its very important that money continue."

Mr. Pruitt argues that his renewed focus on statutes and federalism will help produce regulatory certainty, which will be good for business: "The greatest threat we've had to economic growth has been that those in industry don't know what is expected of them. Rules come that are outside of statutes. Rules get changed midway. It creates vast uncertainty and paralysis, and re-establishing a vigorous commitment to rule of law is going to help a lot."

His focus on jobs and the economy sets him apart from some past EPA administrators. "I reject this paradigm that says we can't be both pro-environment and pro-energy," he says several times during the interview. "We are blessed with great national resources, and we should be good stewards of those. But we've been the best in the world at showing you do that while also growing jobs and the economy. Too many people put on a jersey in this fight. I want to send the message that we can and will do both."

Leading the EPA will be a role reversal for the former attorney general, in that it will place him on the receiving end of litigation. Lawsuits are proving to be the favorite weapon of the anti-Trump "resistance," and environmental groups have declared their intention to bury Mr. Pruitt in court filings if he attempts to "roll back" their agenda. Yet he's sanguine at the prospect. "Most lawsuits against the EPA historically have come either because of the agency's lack of regard for a statute, or because the EPA failed in an obligation or deadline," he says. "But we protect ourselves by hewing to the statutes. It will prove very difficult for environmental groups to sue on the grounds that they think one priority is more important than another—because that is something that really is at the discretion of agency."

Speaking of lawsuits, Mr. Pruitt says he plans to end the practice known as "sue and settle." That's when a federal agency invites a lawsuit from an ideologically sympathetic group, with the intent to immediately settle. The goal is to hand the litigators a policy victory through the courts—thereby avoiding the rule-making process, transparency and public criticism. The Obama administration used lawsuits over carbon emissions as its pretext to create climate regulations.

"There is a time and place to sometimes resolve litigation," Mr. Pruitt allows. "But don't use the judicial process to bypass accountability." Some conservatives have suggested the same tactic might be useful now that Republicans are in charge. "That's not going to happen," he insists.

"Regulation through litigation is simply wrong." Instead, Mr. Pruitt says, the EPA will return to a rule-making by the book. "We need to end this practice of issuing guidance, to get around the rule-making procedure. Or rushing things through, playing games on the timing."

For similar reasons, Mr. Pruitt plans to overhaul the agency's procedure for producing scientific studies and cost-benefit analyses. "The citizens just don't trust that EPA is honest with these numbers," he says. "Let's get real, objective data, not just do modeling. Let's vigorously publish and peer-review science. Let's do honest cost-benefit work. We need to restore the trust."

Ms. Strassel writes the Journal's Potomac Watch column.

Appeared in the February 18, 2017, print edition as 'A Back-to-Basics Agenda for the EPA.'

Opinion OP-ED COLUMNIST

Trump and Pruitt, Making America Polluted Again

Paul Krugman AUG. 25, 2017

Steam rising from the coal-fired Jim Bridger power plant outside Rock Springs, Wyo.
Jim Urquhart/Reuters

Efforts to kill Obamacare have failed, at least for now. Tax "reform" — which really means big tax cuts for the rich — faces doubtful prospects. Indeed,

these prospects may have become even more doubtful thanks to Louise Linton, wife of Treasury Secretary Steven Mnuchin: Her now infamous Instagram rant may open at least a few voters' eyes to the contempt "populist" Donald Trump's inner circle really feels for the little people.

So many observers are asking whether Trump can restart his stalled agenda. But that turns out to be a bad question, in a couple of ways.

First, Trump doesn't really have an agenda beyond "winning." He has instincts and prejudices, but no interest in the details, or even the broad outlines, of policy. For example, it's obvious that he never had any idea what was in his own party's health care plan. And he has definitely shown no interest in turning his populist rhetoric into anything concrete.

As a result, whatever personal feuds Trump may have with the Republican establishment, that establishment — the same interest groups and ideologues who've been driving G.O.P. positions for decades — is setting his administration's policy agenda.

Which brings me to my second point: While the legislative agenda does indeed appear stalled, a lot of what those interest groups want doesn't require legislation, and is anything but stalled. This is especially true for environmental policy, where decisions about how to interpret and enforce laws already on the books can have a huge impact.
So Trump's true legacy may well be defined not by the laws he does or more likely doesn't pass, but by his decision to put Scott Pruitt in charge of the Environmental Protection Agency.

As Oklahoma's attorney general, Pruitt effectively acted as a servant, not of the public, but of polluting industries. That's not an accusation; it's confirmed by his own email trail.

Now, at a time when much of the Trump administration seems paralyzed by lack of leadership and key personnel, Pruitt is firing on all cylinders — but not because he's making the E.P.A. more effective. On the contrary, he's engaged in sabotage from the top, moving quickly to undermine his own agency's mission — not just its efforts against climate change, but its role in protecting the environment across the board.

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Trump won't make America great again, but Pruitt, who clearly has Trump's full backing, can do a lot to make it polluted again.

This is an unpopular agenda, or it would be if people knew about it.

The improvement in air and water quality since the E.P.A. was founded in 1970 is one of America's great policy success stories. It's also largely unsung.

When Donald Trump was young, New York's air was filthy, and killer smogs sometimes killed hundreds; meanwhile, New York's own governor described the Hudson as "one great septic tank." But Trump probably doesn't remember that or realize that regulation made the difference, and neither do many voters.

True, that could change quickly if people realized that the relatively clean air and water they take for granted was being put at risk. Think of how support for the Affordable Care Act surged once people realized that coverage for millions might really be taken away. There would be a similar but even bigger surge in support for environmental protection if, say, Republicans tried to repeal the Clean Water Act.

As I said, however, Pruitt can do a lot of harm without changing the law. He can, for example, reverse the ban on a pesticide that the E.P.A.'s own scientists say may damage children's nervous systems. Or he can move to scrap a rule that would limit heavy-metal contamination from power-plant

wastewater.

And he can cripple enforcement of the rules he doesn't undo simply by working with Trump to starve his own agency of personnel and funds. The Trump budget released in May won't actually become law, but it was an indication of priorities — and it called for cutting funding for the E.P.A. by 31 percent, more than any other agency.

Individually, no one of these actions is likely to be treated as front-page news, especially given everything else going on. Cumulatively, however, they will kill or cripple large numbers of Americans — for that is what pollution does, even if the damage is gradual and sometimes invisible.

By the way, if you're wondering whether an anti-environmental agenda will at least be good for job creation, the answer is no, it won't. Coal jobs, in particular, aren't coming back no matter how much leeway we give corporations to blow the tops off mountains and dump toxins in waterways. This agenda will, however, be worth billions to certain campaign donors.

So don't say that the administration's agenda is stalled. Some parts are, but other parts are moving right along. When it comes to environmental policy, Trump will definitely change America — and his legacy will literally be toxic.

Read my blog, The Conscience of a Liberal, and follow me on Twitter, @PaulKrugman.

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A version of this op-ed appears in print on August 25, 2017, on Page A27 of the New York edition with the headline: Making America Polluted Again. Today's Paper · Subscribe

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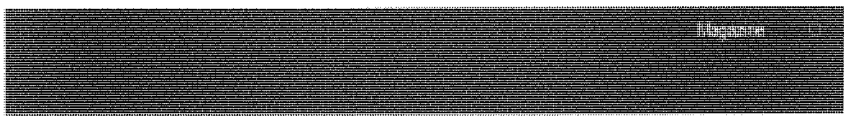

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ENERGY & ENVIRONMENT

What EPA chief Scott Pruitt promised — and what he's done

By ALEX GUILLÉN and EMILY HOLDEN | 11/19/17 05:00 AM EDT

Scott Pruitt. Getty Images

For Scott Pruitt, "back to basics" has translated to "back off."

The Environmental Protection Agency administrator came into office promising to discard his predecessor's "overreaching" focus on climate change and concentrate on what he called the agency's real mission: cleaning up the air, water and land.

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But instead, Pruitt has rolled back or stalled environmental protections, given the fossil fuel and chemistry industries more sway over public health decisions and taken steps that critics fear will undermine work on pollution cleanups, according to a POLITICO analysis of what he's accomplished to date. He says he will be tough on environmental crimes, but his agency is also easing up on enforcement and collecting far less in penalties than previous administrations, according to agency watchdogs.

Pruitt is the most unorthodox EPA administrator in decades, an avowed critic of the agency who has alienated much of his career staff. He's spent heavily on travel to meet with business executives and GOP leaders, who want to see a much weaker EPA and could back Pruitt in a future political campaign. He has declined to disclose his daily schedule, employs a large entourage of bodyguards and built a "privacy booth" for communications in his office. He has questioned manmade climate change and kicked respected scientists off his advisory boards, replacing them with representatives from the businesses and the states he regulates.

Obama and Trump's EPAs compared

Actions the Environmental Protection Agency took during the first eight months of the Obama and Trump administrations reflect the differing priorities of each presidency.

Type of action	2009	2017
Delay or withdrawal	14	47

What EPA chief Scott Pruitt promised — and what he's done

Significant proposed rules*	19	2
Significant final rules	15	6
Action on state cleanup plans	213	378
Declarations that areas met or missed standards	28	33
Superfund decisions	54	37

*Includes advance notices of proposed rulemaking

Source: POLITICO analysis of Federal Register data from Jan. 21-Sept. 25 in 2009 and 2017

Still, Pruitt, who regularly references his Christian faith, says God wants people to be stewards of the earth. And an agency spokesman said that so far, Pruitt has visited more than 25 states, taken action on major Obama-era regulations and the nation's most-polluted sites, and increased the number of EPA enforcement agents, which had declined under the previous administration.

"We're only 10 months on the job and eight years from today, Americans will be impressed with how President Trump and Administrator Pruitt were able to protect the environment and American jobs," said EPA spokesman Jahan Wilcox.

But Judith Enck, a New York-based regional EPA administrator under former President Barack Obama, said Pruitt's rhetoric doesn't match his record.

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"You can't have clean air and you can't have clean water if you're going to roll back crucial environmental rules and not enforce the rules we have on the book," said Enck, who recently returned from seeing hurricane damage in the Virgin Islands. "We'll see the effects very soon."

To get beyond the rhetoric and competing claims, POLITICO compared EPA's Federal Register filings for the first eight months of the Trump administration with the same period for Obama's presidency in 2009. They show a significant increase in how often the agency has withdrawn or delayed regulations this year, along with a decrease in new regulations. The data also show that Pruitt has sped up approvals of state plans to battle air pollution — a fact that his allies consider a sign of progress, but which environmentalists cite as evidence that he is rubber-stamping lax plans.

Enforcing years-old air pollution standards

Congress has instructed EPA to periodically consider tightening standards for pollutants like smog-forming ozone and lung-damaging soot, based on the latest science about their effects on human health. EPA is in charge of setting national standards and evaluating states' plans to reach them.

But Pruitt said he wants to meet older air quality rules, like the George W. Bush administration's weaker 2008 ozone standard, before focusing on more recent ones. He has not announced which regions have failed to meet the 2015 standard, delaying a years-long

process for enforcing those limits.

PROMISE

Clean up air pollution

Pruitt often praises the improvements in U.S. air quality since the Clean Air Act was passed in the early 1970s. But he also says Obama should have done more to meet existing standards before issuing newer, tighter limits on pollutants, such as a 2015 ozone standard that drew opposition from business groups.

IN PRUITT'S OWN WORDS

"One-hundred-twenty million people in this country live in areas that don't meet air quality standards. That's what the previous administration left us with," Pruitt told a Heritage Foundation event in October.

In line with his promise

✓ Plans to keep EPA's existing standards for nitrogen oxide and sulfur dioxide, which cause respiratory problems and acid rain.

✓ Advanced or approved a higher number of state implementation plans for cutting pollution than the Obama administration did in its first eight months.

Not in line

☐ Missed a key deadline for implementing Obama's 2015 ozone pollution limits and has not indicated when EPA will require polluted areas to take action. Instead formed an ozone task force.

☐ Moved to rescind Obama's Clean Power Plan, which would have reduced planet-warming carbon emissions and harmful air pollutants from coal plants.

☐ Plans to ease Obama's auto pollution standards.

☐ Delayed the legal defense of Obama's standards for mercury and air toxics from power plants.

Halted an Obama-era order to prevent states from exempting power plants, refineries and chemical manufacturers from pollution standards when they are starting up, shutting down or malfunctioning.

Defended a White House budget proposal that would cut money for state regulators who test air quality and carry out federal laws – despite his public vow to push for funding.

He has also criticized Obama's EPA for rejecting state implementation plans that the agency deemed to be too lax, complaining that it demonstrated a "we know best" attitude in Washington.

Pruitt's EPA has signed off on 378 actions related to state plans as of Sept. 25, compared with 213 during the same period under Obama.

But Natural Resources Defense Council lawyer John Walke said those numbers may show that EPA is rushing to sign off on weak plans, rather than ensuring that the states are putting in place sufficient protections. For example, environmentalists complained after EPA released a plan in October to reduce haze-forming emissions from Texas power plants that they said was "drastically" weaker than the Obama administration's initial proposal.

State and local regulators want to comply with current air standards,

said Miles Keogh, executive director of the National Association of Clean Air Agencies, but they also need federal money to do so. The White House has suggested slashing those funds, although Congress is likely to keep them at or near last year's level.

Supercharging Superfund?

Pruitt's actions could be seen as speeding up the cleanup at polluted sites, but environmental advocates say they are toothless and could actually hurt the overall effort.

"The top 10 list, which he claimed would accelerate cleanups, actually entails taking money from some cleanups and putting it in other cleanups," said Elgie Holstein, senior director for strategic planning at the Environmental Defense Fund.

PROMISE

Clean up Superfund sites

EPA has logged more than 1,300 hazardous waste sites into its Superfund program, many of them decades old. Polluters typically pay for cleanup as part of legal agreements with EPA. When they don't, taxpayers are on the hook.

IN PRUITT'S OWN WORDS

"The American people deserve, in my view, leadership on how to remediate those sites. That's some of the most tangible benefits we can provide folks environmentally," Pruitt said at the Heritage event. "We have more sites now than when President Obama came into office."

In line with his promise Not in line

What EPA chief Scott Pruitt promised — and what he's done

- ✓ Suggested a top-10 list of priority sites for the agency to aggressively address.
- ✓ Ordered all Superfund cleanup plans costing more than $50 million to get his personal approval.
- ✓ Issued a task force list of 42 recommendations for the Superfund program, including steps to speed up the assessment, review and decision processes.
- ✓ Ordered two companies to pay $115 million to clean up the San Jacinto Superfund site in Houston, one of two sites significantly damaged by flooding from Hurricane Harvey.
- ☐ Signed off on a White House budget proposal that would strip $330 million from the $1.1 billion Superfund program and cut funding for the Justice Department to enforce cases.
- ☐ Has endorsed further staff and resource cuts that could make it more difficult to expedite cleanups.

That "opens the door to lobbyists trying to push for attention for one site versus another," Holstein said.

The Superfund program is famously problematic, largely because it lacks money for cleanups. Congress has been reluctant to hand over more money for the cases when EPA can't force polluters to pay. Trump's proposed budget cuts would worsen that situation.

Pruitt frequently criticizes Obama's EPA for adding more sites to the Superfund list than it cleaned up. He also points out that past administrations from both parties have been slow to act on some sites, such as the West Lake landfill near St. Louis, which holds

thousands of tons of radioactive waste from the Manhattan Project. It was added to the Superfund list in 1990, but EPA has yet to determine how to clean it up.

The Obama administration cleaned up and delisted 60 Superfund sites and added 142 sites over eight years. So far under Pruitt, EPA has deleted two sites and added seven.

Cleaning up drinking water — but where's the money?

Adam Krantz, CEO of the National Association of Clean Water Agencies, which oversee wastewater and stormwater systems, said he hasn't seen Pruitt or his agency have a "rapid or deep desire to change or roll back major regulations that really affect our members."

PROMISE

Upgrade water infrastructure and promote clean water

Pruitt has highlighted the lead contamination in the drinking water in Flint, Michigan, as the type of disaster his agency aims to prevent.

IN PRUITT'S OWN WORDS

"We have a water infrastructure issue right now across this country. It's not just roads and bridges," Pruitt told a meeting of the U.S. Conference of Mayors in March.

In line with his promise

✓ Supports a White House budget proposal that would provide a 1 percent increase for

Not in line

□ Rescinded a pending Obama regulation requiring dentists to keep mercury from entering the

EPA's State Revolving Funds, which provide low-interest loans to states for water projects.

✓ Could provide additional money for water projects as part of the White House's promise to push for an infrastructure spending package.

water supply — but then reissued it months later amid lawsuits.

Moved to withdraw and replace the Obama-era Waters of the United States rule, a sweeping regulation that seeks to define the waters and wetlands the federal government can regulate.

Supports a White House budget proposal that would cut funding for water cleanup projects, including those in the Chesapeake Bay, the Great Lakes and Puget Sound.

Trump has pushed a $1 trillion plan to revamp the nation's infrastructure over a decade that could funnel funds to water infrastructure, although the White House has offered few details on how it intends to pay for that package and get it through Congress. Based on suggestions the administration has released so far, about 80 percent of the money would come from private parties or state or local governments.

Undoing Obama's climate agenda

Pruitt has discounted the science showing that manmade emissions are the primary cause of climate change and argued that EPA overstepped its authority with Obama's Clean Power Plan. He has long been a backer of fossil fuels, and the oil and gas industry supported his campaigns in Oklahoma.

"God has blessed us with natural resources," Pruitt told POLITICO in July. "Let's use them to feed the world. Let's use them to power the world. Let's use them to protect the world."

PROMISE

Halt climate regulations and challenge the scientific research behind global warming

As attorney general of Oklahoma, Pruitt fought EPA's climate regulations for the power sector. Now, he's proposed withdrawing the standards, saying the Obama EPA overreached its legal authority. He disagrees with the accepted science that human activities, mainly burning fossil fuels, are the main cause of the planet's warming, increased extreme weather and sea-level rise.

IN PRUITT'S OWN WORDS

On climate change: "I think that measuring with precision human activity on the climate is something very challenging to do and there's tremendous disagreement about the degree of impact," Pruitt told CNBC. "So no, I would not agree that [carbon dioxide is] a primary contributor to the global warming that we see. But we don't know that yet, we need to continue to debate, continue the review and analysis."

In line with his promise

✓ Proposed hosting public debates on the merits of mainstream climate science, an idea that scientists widely criticized as unnecessary given the huge volume of research showing that manmade climate change poses a serious threat.

✓ Moved to withdraw EPA's Clean Power Plan, a key part of Obama's climate policies, which

Not in line

—

would curb greenhouse gases from fossil-fuel-fired power plants 32 percent below 2005 levels by 2030.

✓ Proposed to delay a rule limiting planet-warming methane pollution from new oil and gas wells, and halted progress toward a rule for existing wells.

✓ Is reconsidering Obama's tightened mileage standards for automobiles and parts of a fuel efficiency standards for large trucks.

✓ Successfully lobbied Trump to exit the Paris climate agreement.

✓ Removed climate change information from government websites.

✓ Supports a White House budget proposal that would eliminate climate programs, as well as spending on science and research.

Pruitt hasn't committed to replacing the Clean Power Plan or ruled out the possibility of trying to overturn a years-old legal finding that requires EPA to curb greenhouse gas emissions. He wants to publicly debate the science, which many industry supporters fear would be a losing and embarrassing effort.

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Meanwhile, Pruitt's Clean Power Plan repeal is facing lawsuits from states and environmental groups, which say he won't have the final word.

"The second step here is a final [withdrawal] that survives legal challenges," Walke, of the Natural Resources Defense Council, said of the effort to eliminate the Clean Power Plan. "Scott Pruitt has not had any of those yet. Let's wait and see how successful he is."

The power sector's greenhouse gas emissions have been declining even without Obama's climate rule. But those emissions represent less than one third of total U.S. carbon pollution, and Pruitt has not taken steps to curb greenhouse gases from other industries.

Pledging more 'respect' for states and businesses

Pruitt has touted his outreach to businesses and states, which he says bear the brunt of EPA regulations but were shut out of the process under Obama. He's gotten mixed reviews from the states themselves, whose responses are largely divided along party lines.

Dan Byers, vice president of policy for the U.S. Chamber of Commerce's Global Energy Institute, lauded Pruitt's approach but said it's too early to tell whether his moves to relax regulations will succeed.

PROMISE

Put more responsibility for environmental protection in the hands of states and businesses

Pruitt has described EPA's past efforts to regulate greenhouse gas emissions and water pollution as overreaching, "arrogant" and "paternalistic." He has called for states to have a bigger role in carrying out federal environment laws, although his agency's budget proposal would cut much of the federal money they rely on.

IN PRUITT'S OWN WORDS

On states: "Where the past administration missed it is they didn't respect the role of states. … They saw them as adversaries as opposed to partners. That's just wrongheaded," Pruitt said in an October interview. On regulating companies: "There aren't enough people that this agency can hire to stand on every corner in this country to look over the shoulder of all these companies and say 'do this' or 'do that.' What we have to have are people who are committed to care about outcomes. … Most of those folks do," Pruitt said in an interview with Time.

In line with his promise

✓ Moved to withdraw major climate, water and other regulations that some states and businesses have opposed.

✓ Launched a Smart Sectors program that assigns an EPA contact for each industry.

✓ Initiated regulatory reform task forces, including one to consider changes to an air permitting program known as New Source Review, which the utility, manufacturing and chemical industries have complained about for decades.

Not in line

□ Supports a White House budget proposal that would nix almost 20 percent of funding that helps states pay for environmental projects and staff.

□ Is carrying out further staffing cuts, including the potential for closing certain regional offices, all of which would may make outreach harder.

What EPA chief Scott Pruitt promised — and what he's done

✓ Gave industry a greater role in negotiations with green groups that sue EPA seeking tighter regulations.

✓ Restructured science advisory boards to include more industry and state interests.

Under Obama, there was "at least a sense that we would have a nice polite meeting, but that feedback was moot because the path had already been decided," Byers said. "Now there's a feeling of a true partnership."

Similarly, Julia Anastasio, executive director of the Association of Clean Water Administrators, said Pruitt's approach with states is "refreshing." Her members thought previous administrations treated the EPA-state dynamic like a "parent-child relationship," rather than a "co-partnership or collaboration of equals," she said.

But Pruitt's outreach has been selective: He has almost exclusively visited Republican states, making media appearances with GOP governors, including Nebraska's Pete Ricketts, who said his state was "ecstatic" about the withdrawal of the Waters of the U.S. rule.

Sen. Tom Carper also noted in an August letter to Pruitt that EPA's grant database showed awards to Democratic-leaning states — including Delaware, Massachusetts and California — had declined compared with 2016. EPA has not yet responded to that letter, according to a Carper spokeswoman.

Democratic-led states, meanwhile, plan to go to court to fight many of Pruitt's anti-regulatory plans.

Rep. Don Beyer (D-Va.) said he's concerned Pruitt's actions are already causing real damage.

"I think it's having a really major impact and it's really discouraging," Beyer said in an interview. "I just can't wait for these next three years and three months to be up."

Anthony Adragna contributed to this report. Development by Lily Mihalik.

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January 30, 2018

The Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: **Petition for RFS Waiver Under CAA Section 211(o)(7)(A)(i)**

Dear Mr. Pruitt:

As Governor of the State of Delaware, please let this serve as my request that you exercise the waiver authority contained in Clean Air Act Section 211(o)(7)(A)(i) to reduce the nationwide renewable fuel volume mandates in order to provide relief to the refiners in Delaware and elsewhere grappling with tremendous operational impediments due to the current and proposed volume mandates. This request is based upon the detrimental effect that that the high costs of compliance associated with the Renewable Fuels Standards ("RFS") will have on the refinery industry both in Delaware and throughout the rest of the regional Mid-Atlantic economy.

Pursuant to CAA Section 211(o)(7)(A)(i), the United States Environmental Protection Agency ("EPA") has the broad authority to grant a waiver to RFS, in whole or in part, upon a determination that "implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States." I kindly request that you consider reducing volumes to a level that will allow Delaware refineries to avoid the severe economic harm that would be caused by compliance with the high costs of purchasing Renewable Identification Numbers ("RINs") to comply with the RFS.

The 2018 mandates will undoubtedly "severely harm" the State of Delaware, the entire Mid-Atlantic region, and the national economy because of the extremely significant and unreasonable compliance costs associated with RINs that will be placed on petroleum refineries. RINs prices are approximately 1 dollar per gallon after trading for prices in the mid-30 cents per gallon range earlier this year - a 200 percent increase. The sharp and significant increases in costs to the refinery industry will directly lead to devastating job losses in Delaware and throughout the region. A waiver is necessary to not only preserve the steady refinery industry jobs in Delaware, but to also maintain affordable, reliable fuel supplies for consumers and preserve refining capacity in the U.S.

In a letter to you last year, I outlined how Delaware's central location in the Mid-Atlantic, between major cities like New York, Philadelphia, Baltimore, and Washington D.C., and its

proximity to major shipping lines in the waters off the eastern seaboard, allows our refinery industry to be a reliable source of jobs here in Delaware. It is also an economic engine for the state and region. The Delaware City refinery has 560 full-time employees, with typically an additional 250-300 contractors. The plant can employ as many as 2,000 more craft workers during major maintenance periods known as "turnarounds." Without their presence here, hundreds of Delawareans would be without a job.

But, the Delaware City refinery simply does not have the large terminals and distribution infrastructure to blend ethanol into gasoline, so it is required to buy credits from integrated oil companies that have such advanced capabilities and, thus, have excess credits. Due to this flawed system, Delaware's only refinery incurred over $90 million in RIN costs last year.

The vast majority of other refineries on the East Coast face a similar situation. After spending more than $250 million on RINs, Philadelphia Energy Solutions ("PES") was forced to eliminate jobs and cut employee benefits. The job losses that already occurred have a significant multiplier effect that have resulted in economic harm to the Mid-Atlantic region. And, just this week, PES filed for Chapter 11 bankruptcy due to the significant financial strain of complying with its RIN obligations. Delaware cannot afford the severe economic harm already occurring from RIN costs to spread any further.

Finally, recent experience highlights the need for regional diversity of refining capacity to prevent severe economic harm. Given the previously mentioned fuel supply constraints on the East Coast, Delaware and the Mid-Atlantic experienced fuel price spikes of over 25 cents per gallon when Hurricane Harvey took out 17 percent of the nation's refining capacity in the Gulf Coast. Gulf Coast refiners provide a significant portion of the East Coast's fuel supply via Colonial Pipeline. The post-hurricane price spikes would have been even more severe without the presence of the East Coast refining complex. The threat of skyrocketing RIN costs on East Coast refiners could make the constant potential for fuel supply disruptions and price spikes in an emergency a permanent risk for severe economic harm.

We need a Renewable Fuel Standard policy that truly balances both the needs of our economy and our environment. It is important that we work to reduce the United States' dependence on foreign oil by crafting policies that work to both stabilize the RIN market and ensure that independent refineries here in Delaware and the Mid-Atlantic continue to remain strong. For all the above reasons, I respectfully request that you exercise your waiver authority to reduce the renewable fuel mandates pursuant to Section 211(o)(7) of the CAA. This decision will help ensure that Delawareans keep their jobs, provide for their families, and make our economy stronger than ever.

Please do not hesitate to contact me if you have any additional questions or concerns.

Sincerely,

John C. Carney

John C. Carney
Governor

○