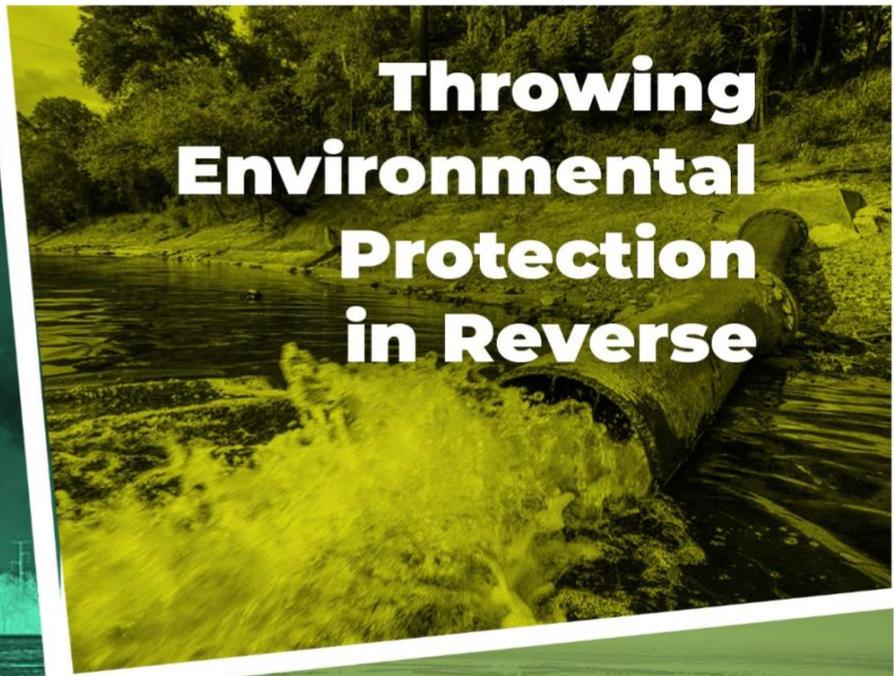


# The Trump Takeover of EPA:



**Throwing  
Environmental  
Protection  
in Reverse**



**Save  
EPA**



**Second Edition**  
*Updated*  
**August 14, 2020**

## REPORT UPDATE: WHAT'S CHANGED?

This report, originally released June 4, 2020, has been updated twice to reflect several major developments that have occurred since then. The updated report also includes a section on pp. 6-7 called “Environmental Injustice,” which describes how environmental harms often have a disproportionate impact on communities of color and low-income Americans, and how Trump administration policies have exacerbated those impacts.

## ACKNOWLEDGEMENTS

This report was researched and written by Save EPA, a volunteer organization of more than 200 former EPA employees based in Denver, Colorado.

Save EPA is dedicated to providing information and tools to help members of the public better understand and respond to Trump Administration actions that threaten to undo or weaken important public health and environmental protections. More about Save EPA and its work can be found at <http://www.saveepaalums.info>.

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# The Trump Takeover of EPA:

## *Throwing Environmental Protection in Reverse*

As the 2020 presidential election approaches, Save EPA has reviewed President Trump's record at the US Environmental Protection Agency. In his first presidential bid, Trump called for dismantling EPA.<sup>i</sup> While Congress has prevented Trump from carrying out his pledge, his administration has been relentless in its efforts to **roll back public health and environmental protections, weaken enforcement of those protections, and cripple EPA's capacity to address new and existing problems**. Virtually all the changes that Trump has made have one thing in common: They help polluters and harm the public, now and in the future.

A particularly dangerous case in point is Trump's attack on efforts to slow climate change. Even as Americans experience the escalating impacts of our changing climate, Trump has worked to overturn or weaken the climate pollution controls that EPA had in place and hobbled the ability of EPA and other agencies to do more. The ongoing COVID-19 pandemic teaches a terrible lesson for climate change and other pollution problems: the longer life-saving actions are delayed, the more costly and heartbreaking the consequences for people, communities, and the economy. But instead of learning that lesson, the administration [continues to roll back](#) climate pollution controls and minimize consideration of climate change in government analyses. It also persists in weakening protections for air, water, and land—including controls on air pollution that increases Americans' risk of respiratory and other diseases that increase vulnerability to COVID-19 (see box below). In the name of economic recovery from the pandemic, Trump has actually called for more and faster deregulation<sup>ii</sup> and ordered agencies to use emergency authorities to speed up big construction projects at the expense of environmental safeguards.<sup>iii</sup>

Insidiously dangerous are Trump's attacks on central pillars of EPA decision-making, science and economic analysis, and on EPA itself. By undermining EPA's ability to consider relevant scientific studies and conduct full economic analyses, Trump sets EPA up to fail in its mission to protect Americans. And by appointing industry insiders, some already forced out for ethical lapses, Trump robs EPA of the leadership and credibility it needs to curb pollution and address crises like climate change.

Save EPA is an all-volunteer organization composed of former EPA employees with expertise in environmental science, law, economics, and policy. We use that expertise here to review, compile, and briefly explain the many steps Trump has taken to reverse environmental protection since he took office in January 2017.

## *Key Findings of the Report*

- **Reversing progress on climate change:** Despite numerous national and international reports warning of the existential crisis that climate change poses, Trump has disavowed the Paris agreement to combat climate change and worked to dismantle or weaken all the climate protections that EPA had put in place. He has reversed federal efforts to consider climate change in government decision-making, help vulnerable communities, and inform the public. His administration has misrepresented climate science, skewed government analysis to understate climate change impacts, rigged electricity pricing to favor fossil fuels over renewables, and offered millions of acres of public land for fossil fuel extraction at bargain prices. By reversing and impeding progress on climate change, Trump has escalated the climate crisis that now imperils all life on Earth.
- **Rolling back other pollution controls:** Pollution of air, water, and land sickens and kills. It causes or worsens many diseases, including those that make people more vulnerable to COVID-19. Children, the elderly, and people with pre-existing illnesses are particularly vulnerable to its worst effects, as are low income and minority populations who often live near highly polluted areas and have less access to medical care. Pollution also damages property, livelihoods, and ways of life. After decades of largely bipartisan efforts to protect Americans from pollution, the Trump administration has relentlessly rolled back pollution controls and slowed, and even halted, enforcement of controls still on the books.
- **Undermining science:** Protecting Americans from pollution means following the science. But the Trump administration is trying to restrict EPA's use of high quality, highly relevant scientific studies, and has disbanded or changed the make-up and role of expert science advisory committees in ways that reduce objectivity and expertise and promote polluters' perspectives.
- **Devaluing public health and environmental protection:** In rolling back rules, the Trump EPA has inflated the costs of controls and refused to count important benefits. It has changed cost-benefit calculations for climate pollution reductions in a way that counts future generations as virtually worthless. These tactics make the benefits of climate protections appear smaller relative to their cost. More broadly, Trump administration has pursued a wide-ranging campaign to avoid or minimize environmental considerations in government decision-making.
- **Cutting out the public:** The Trump administration has reduced or made more difficult the public's opportunity to participate in several areas of environmental decision-making by EPA and other agencies, while maintaining polluters' opportunities or even granting them special status.
- **Crippling EPA and putting industry insiders in charge:** During Trump's first 18 months in office, EPA lost on net more than 1,200 employees, leaving EPA's workforce near 1987 levels. Those who resigned or retired included some of the agency's most experienced personnel. At the same time, Trump has stocked EPA with industry lobbyists, lawyers, and other representatives, some of whom have already been forced out for ethical lapses. Trump has also failed to fill many top jobs at all or for years, avoiding the scrutiny that Senate confirmation entails, and instead filled deputy slots with political appointees who have deep ties to regulated industries.

## ***COVID Connections***

**The climate change connection:** A vital lesson of the COVID-19 pandemic is how important it is to listen to scientists and prepare for a crisis before it happens. For years scientists warned that a pandemic was likely, and early this year they identified the potential for COVID-19 to ravage the US. Federal and state governments were unprepared and slow to act, with tragic results for lives and livelihoods. Similarly, scientists have for years been warning about the consequences of unchecked climate change. But the Trump administration has rolled back every measure that was designed to mitigate a climate crisis and only made it more difficult to take urgently needed action.

**The air pollution connection:** A 2020 Harvard study<sup>1</sup> found that a small increase in long-term exposure to fine particle (or soot) pollution leads to a large increase in the COVID-19 death rate for a community. But rather than redouble efforts to control particle pollution, the Trump Administration has instead:

- announced that it will not enforce some pollution controls, including for fine particles, when facilities say they have failed to meet requirements because of the pandemic;
- proposed no change in the health-based standard for fine particles despite current science showing that, even without taking COVID-19 into account, a tighter standard is needed to protect public health;
- reversed a finding for mercury pollution from power plants that was the basis for controls that also significantly reduced particle pollution;
- repealed climate pollution controls that would have also significantly reduced particle pollution.

More information on each of these actions is included in this report.

## ***Environmental Injustice***

Environmental harm is not borne equally. Minority and low-income people are often disproportionately hurt by pollution. The Trump rollback of environmental protection will make racial and economic disparities in environmental harm worse.

Minority and low-income people too often bear the brunt of pollution for identifiable reasons. They are more likely to live near polluting facilities such as power plants, industrial plants, landfills and hazardous waste sites.<sup>v</sup> They are also more likely to lack resources – financial, political and otherwise – to protect themselves from polluted air and water and the threats of climate change. In the U.S., people of all races suffer from poverty, but the poor are disproportionately people of color. Minority and low-income people have less access to environmental information and adequate health care, including preventive care,<sup>vi</sup> making them more vulnerable to the health impacts of pollution and climate change. Racial disparities in economic opportunity and housing patterns, which affect environmental risk, result from a long history of explicit and systemic racism in the United States.

In recognition of these facts, President Clinton issued Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations*, in 1994. The executive order remains in effect, but the Trump administration has not given it meaningful effect. Instead of working to ensure that minority and low-income communities are protected from pollution, the Trump EPA has rolled back protections that are particularly important to these communities because of the disproportionate risks they face. Trump administration actions have set back progress on environmental justice in many ways because many rollbacks tend to hurt these communities the most.

**Climate pollution rollbacks:** Climate change is already bringing more extreme storms, heat waves, fires, and floods. As this report points out, the Trump EPA has repealed or weakened every measure to slow climate change that was in place when Trump took office. Low-income people are more vulnerable to climate change impacts and have fewer resources for adapting or recovering from those impacts. For example, the threat of death from heat waves is greater for people whose homes lack air conditioning, and low-income people are more likely to live in low-lying, flood-prone areas. As we saw in New Orleans during Hurricane Katrina, poor and mostly Black people lived in the portion of the city most vulnerable to flooding. They did not have the means to escape from the city, and most lacked the resources to rebuild their homes and livelihoods after the disaster. Indigenous people have special vulnerabilities; the changing climate can threaten access to traditional foods such as fish and game and wild crops with cultural significance.

The World Health Organization has found that human health impacts are among the most significant consequences of climate change and that the poor suffer the most from these impacts.<sup>vii</sup> For example, an association has been found between maternal exposure to higher temperatures and increased risk of adverse pregnancy outcomes including premature births, low birthweight, or stillborn births. Minority groups and especially Black mothers are at the highest risk.<sup>viii</sup>

**Air pollution threats:** Fine particle pollution is associated with premature death and serious health problems including lung conditions, heart attacks, and asthma attacks. Studies indicate that, on average, Black and Hispanic Americans and people living in poverty are exposed to higher levels of fine particle air pollution than the general population.<sup>ix</sup> A 2020 Harvard study found that a small increase in exposure to particle pollution results in a significant increase in deaths from COVID-19, thus magnifying racial health risk disparities.<sup>x</sup> As this report documents, the Trump administration has threatened the progress made on fine particle air pollution. For example, the Trump EPA failed to follow the science showing the need for tighter air quality standards and removed the legal basis for power plant air toxics standards that also reduce fine particle pollution.

**Toxic threats:** Toxic pollution can sicken and kill, and minority and low-income people often live or work closest to it. The Trump EPA has refused to reduce the threat to migrant farmworkers, many of whom are Hispanic, from the widely used pesticide chlorpyrifos, despite evidence that the pesticide harms the brains of children. The Trump EPA has also delayed the deadline for power plants to close their leaking impoundments for coal ash, which contains toxic metals. The people who live nearby are disproportionately people of color.

**Reduced public input:** The Trump Administration is limiting the opportunities for the public to provide input on proposed federal actions such as permits for pipelines, mines, and waste discharges that can take a toll on their communities. The Trump EPA has proposed to effectively bar citizens from appealing permitting decisions. It has also tried to make it more difficult for citizens to sue EPA. These longstanding opportunities for citizens to participate in and challenge government decisions have been critical avenues for minority and low-income people to protect themselves, since they tend to have less political influence than white and more affluent people.

**Executive order noncompliance:** Under the Environmental Justice executive order, EPA has followed a policy of considering what more it could do under the law to reduce the environmental harm of activities it was permitting – until now. The agency’s own appeals board has twice chided the Trump EPA for failing to acknowledge that it has a duty under the order to use any statutory discretion it has in this way. The Trump EPA has since proposed to change the way the board operates, including by effectively cutting off access to the board by citizens and public interest groups, among them members and representatives of minority and low-income communities. The Trump EPA proposal even asserts that the EAB would no longer be subject to the Environmental Justice executive order.<sup>xi</sup>

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# ROLLING BACK POLLUTION CONTROL

We focus first on Trump's rollback of rules that provide important public health and environmental protections. Rules are where the rubber meets the road – they require polluters to pollute less or face fines or even jail time. In this section, we look at each area affected by Trump EPA rollback actions -- climate change, and air, water, and land pollution. We briefly explain the stakes in each area and our assessment of the damage that Trump has done. We then list Trump actions to repeal or permanently weaken protections.

Fortunately, many of these rollbacks have been challenged in court by states and environmental groups. Some have already been struck down.<sup>xii</sup> Yet even where court challenges are successful, Trump's rollbacks are an enormous waste of time, effort, and opportunity for protecting public health and the environment. Rules generally take two or three years to establish since federal law requires a fair and transparent rulemaking process that allows the public to participate. Court challenges often take another year or two. And with every rollback, the public loses years' worth of the rule's public health and environmental benefits as well as the taxpayer-funded resources used to roll back the rule and then defend the rollback in court. To reinstate rolled back rules will require a similar amount of time and resources, further extending the losses to the public.

Trump has taken two other types of actions related to the rollbacks covered here. Early in his administration, Trump's EPA precipitously delayed the start date of many rules, adding months or even years to the time for protections to be put in place. Many of the delays were struck down by federal courts because they deprived Americans of protections that were due or because the Trump EPA failed to follow legal requirements for delaying those protections. For more information about Trump's delay actions, as well as the status of lawsuits challenging Trump's rollbacks, see Harvard Environmental and Energy Law Program's regulatory rollback tracker, <https://eelp.law.harvard.edu/regulatory-rollback-tracker/> .

The second type of related action is the Trump EPA changing guidance to states and polluters about how to comply with rules. Guidance does not have the force of law, but it is very influential in how rules are implemented. Guidance can also be changed without public process, so the Trump EPA has been able to quickly change important aspects of how rules are followed, without public input. This report reviews some, but not all, of Trump's relaxations of guidance to states and polluters. For more information about these changes, see the Harvard Law School Environmental and Energy Law Program's [Regulatory Rollback and EPA Mission Trackers](#).

In June 2020, the Trump EPA issued a press release that countered widespread criticism of the Trump administration's overall environmental record by pointing to continued improvements in levels of some but not all key air pollutants. The press release was misleading because the continued improvements have nothing to do with Trump administration policies. The improvements are the product of clean air programs in place prior to the Trump administration, and some of these programs are in the process of being undermined by Trump administration rollbacks and policy changes. In many cases, it will take some time before Trump administration rollbacks become manifest in higher pollution levels, health risks and environmental harm.

## **CLIMATE CHANGE**

No environmental problem, past or present, is as big or as dangerous as climate change. It is already fueling more powerful storms, more sea level rise, more flooding, more wildfires, more droughts, more disease, more pollution, more illness, and more deaths. If climate change is not checked, these and other impacts will get much worse for all life on Earth.

During the Obama administration, the US signed the international Paris climate agreement, and EPA required the biggest sources of climate pollution to reduce their emissions. Since taking office, the Trump administration has disavowed the Paris agreement, now ratified by 189 nations, and has worked to dismantle or weaken all the climate protections that EPA had put in place. The Trump administration has also undermined EPA's ability to assess climate change and its impacts, help vulnerable communities, and inform the public. At other agencies, the Trump administration has moved to increase the extraction and use of fossil fuels, the chief source of climate pollution, and weaken energy efficiency efforts.

Top scientists in the US and around the world tell us that to avoid climate catastrophe, the world must achieve big emission reductions within 10 years and zero net emissions by 2050. National and international reports have warned that the longer we wait to make these reductions, the more difficult and expensive they will be.<sup>xiii</sup> Trump, by his administration's actions and inaction, has squandered precious time and opportunity. Along with the Paris agreement, the climate pollution controls that Trump has rolled back were a down-payment on the action needed to arrest climate change. After four years of Trump, the US will need to do much more to reverse the growth of climate pollution and the climate crisis that it fuels.

## Rolling Back Climate Pollution Controls

The following is a list of major actions that the Trump EPA has taken to repeal or weaken climate pollution controls, many of which also reduce dangerous air pollution like ozone (smog) and particles (soot). The list includes several related rollback actions taken by other agencies. For a more comprehensive list of actions at other agencies, see <https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks.html>. As noted above, many of these rollbacks are being challenged in court.

### **Vehicle controls weakened:**

- The Trump EPA has slashed vehicle emission standards for climate pollution. Vehicles are responsible for about 1/3 of US climate pollution. In a companion action, the Department of Transportation (DOT) has substantially lowered vehicle fuel efficiency standards. The Trump rules reduce by about two thirds the improvements that would have been necessary to meet the previous rules. The Trump rules will result in nearly a billion tons more carbon dioxide pollution that fuels climate change and 80 billion more gallons of gasoline that consumers must buy over the lifetime of the vehicles.

For more information: <https://www.nytimes.com/2020/03/30/climate/trump-fuel-economy.html>;

<https://thehill.com/opinion/energy-environment/490431-the-pandemic-hasnt-stopped-trumps-rollback-of-clean-car-standards>

EPA and DOT actions: <https://www.epa.gov/regulations-emissions-vehicles-and-engines/regulations-greenhouse-gas-emissions-passenger-cars-and>; <https://www.nhtsa.gov/laws-regulations/corporate-average-fuel-economy>

- The Trump EPA has revoked California's longstanding authority to set vehicle emission standards for climate pollution. In 2004, California set its first climate pollution standards for vehicles, and in 2012, it adopted standards set at the same level as the federal standards that the Trump EPA has slashed. Thirteen other states and the District of Columbia have adopted California's standards. The result of the revocation will be more climate-changing pollution.

For more information: [Save EPA comments submitted to EPA](#); <https://www.npr.org/2019/09/18/761815991/white-house-to-revoke-waiver-allowing-california-to-set-its-own-emissions-standards>

EPA action: <https://www.govinfo.gov/content/pkg/FR-2019-09-27/pdf/2019-20672.pdf>

**Power plant controls weakened:** The Trump EPA has repealed the Clean Power Plan, the first national program for cutting climate pollution from power plants, and replaced it with a rule that lets existing power plants do very little to reduce their climate pollution. Power plants are responsible for about 1/3 of US climate pollution, so substantial cuts are essential to any credible US effort to cut its emissions.

For more information: [Save EPA comments to EPA on Replacement of the Clean Power Plan with the ACE Rule](#);

<https://www.vox.com/2019/6/19/18684054/climate-change-clean-power-plan-repeal-affordable-emissions>;

<https://www.rff.org/publications/issue-briefs/10-big-little-flaws-in-epas-affordable-clean-energy-rule/>

EPA rule: <https://www.federalregister.gov/documents/2019/07/08/2019-13507/repeal-of-the-clean-power-plan-emission-guidelines-for-greenhouse-gas-emissions-from-existing>

### **Oil and gas industry controls being repealed:**

- The Trump EPA has repealed controls on methane at new oil and gas facilities. Repealing methane controls means more climate change sooner. Methane is 86 times more powerful in

warming the Earth than is carbon dioxide over a 20-year period, and recent measurements show much more methane in the atmosphere than EPA previously estimated. Repealing controls on new oil and gas facilities eliminates a requirement for states to adopt methane controls for existing facilities. The Trump rule also makes it harder for EPA to control methane and other climate pollutants in the future by erecting a new legal hurdle to regulation under a key provision of the Clean Air Act.

For more information: <https://www.nytimes.com/2020/08/13/climate/trump-methane.html>; [Save EPA comments submitted to EPA](#)

EPA rule: [https://www.epa.gov/sites/production/files/2020-08/documents/frn\\_oil\\_and\\_gas\\_review\\_2060-at90\\_final\\_20200812\\_admin\\_web.pdf](https://www.epa.gov/sites/production/files/2020-08/documents/frn_oil_and_gas_review_2060-at90_final_20200812_admin_web.pdf)

- The Bureau of Land Management repealed a 2016 rule to reduce the wasteful release of natural gas during oil and gas production on federal and tribal lands. The repealed rule had the additional benefit of reducing climate pollution from methane. In July 2020 a federal district court vacated the repeal, saying that the process used by the bureau “failed to consider scientific findings” and violated several statutory mandates.

For more information: <https://www.eenews.net/stories/1060098313>; <https://eelp.law.harvard.edu/2017/09/bam-methane-waste-prevention-rule/>

BLM rule: <https://www.regulations.gov/document?D=BLM-2018-0001-223600>

District Court Decision: <https://www.courthousenews.com/wp-content/uploads/2020/07/Methane-ruling.pdf>

### **Climate super-pollutant controls set aside:**

- The Trump Administration has refused to ratify an international agreement to control hydrofluorocarbons (HFCs). The most abundant HFC is 1,300 times more powerful at warming the Earth than carbon dioxide over a 100-year period. The international agreement has been adopted by 88 other countries. US failure to participate means more global warming.

For more information: <https://insideclimatenews.org/news/12022019/kigali-amendment-trump-ratify-hfcs-short-lived-climate-pollutant-republican-business-support-montreal-protocol>

- The Trump EPA has repealed requirements for detecting leaks of HFCs from large commercial refrigeration equipment and for maintaining the equipment to prevent leaks.

For more information: [Save EPA comments submitted to EPA](#); <https://insideclimatenews.org/news/27022020/epa-hfc-refrigerant-emissions-climate-hydrofluorocarbons-pollutant-andrew-wheeler>

EPA rule: <https://www.federalregister.gov/documents/2020/03/11/2020-04773/protection-of-stratospheric-ozone-revisions-to-the-refrigerant-management-programs-extension-to>

**Landfill climate pollution controls delayed:** The Trump EPA has finalized a delay of more than 2 years in the deadline for state plans to control methane-rich emissions from municipal solid waste landfills.

For more information: <https://eelp.law.harvard.edu/2017/09/municipal-solid-waste-landfill-new-source-performance-standards-and-emissions-guidelines/>; <http://biomassmagazine.com/articles/16424/epa-proposes-federal-plan-under-2016-landfill-gas-regulations>

EPA rule: <https://www.epa.gov/stationary-sources-air-pollution/municipal-solid-waste-landfills-new-source-performance-standards>

**Do-nothing airplane standards proposed:** The Trump EPA has proposed climate pollution standards for aircraft that largely mirror lax international standards that airlines had a large part in negotiating and are already meeting. The international standards require only a 4% reduction in

emissions. US aircraft manufacturers asked EPA to set a domestic version of the international standards so they can continue to sell their products abroad.

For more information: <https://www.nytimes.com/2020/07/22/climate/airplanes-climate-change.html?referringSource=articleShare>

EPA proposal: <https://www.epa.gov/sites/production/files/2020-07/documents/aircraft-ghg-nprm-2020-07-22.pdf>

**Appliance energy efficiency program weakened and slow-walked:** The Trump Department of Energy has made “process” changes that will slow progress towards increasing the energy efficiency of household appliances like refrigerators and clothes dryers. DOE has also missed legal deadlines for setting or revising more than 25 energy efficiency standards. Energy efficient appliances help reduce climate pollution and save consumers money.

For more information: <https://crsreports.congress.gov/product/pdf/IF/IF11354>;

<https://www.nytimes.com/2019/09/17/climate/trump-dishwasher-regulatory-rollback.html>

DOE rule: <https://www.federalregister.gov/documents/2020/02/14/2020-00023/energy-conservation-program-for-appliance-standards-procedures-for-use-in-new-or-revised-energy>

**Light bulb energy efficiency requirements blocked:** The Trump Department of Energy has blocked energy-saving standards that would have applied to nearly all America’s light bulbs, allowing continued sales of four classes of wasteful incandescent and halogen bulbs. Energy-efficient light bulbs help reduce climate pollution and save consumers money.

For more information: <https://www.utilitydive.com/news/trump-administration-finalizes-rejection-obama-lightbulb-efficiency-DOE-standards/569566/>; <https://www.nrdc.org/media/2019/190904>

DOE determination: <https://www.federalregister.gov/documents/2019/12/27/2019-27515/energy-conservation-program-energy-conservation-standards-for-general-service-incandescent-lamps>

**Renewable power disadvantaged:** The Trump administration has rigged electricity markets against renewable power and in favor of fossil fuels, likely resulting in more climate pollution and higher electricity prices for consumers.

- The Federal Energy Regulatory Commission (FERC) has issued an order requiring state-subsidized renewable power providers in 13 Mid-Atlantic and Midwestern states and the District of Columbia to raise their price bids. The effect of the order is to protect the market for fossil-fuel-fired electricity, which means more climate and air pollution.

For more information: <https://www.reuters.com/article/us-usa-electricity-pjm/ferc-rules-clean-energy-sources-must-bid-higher-market-price-idUSKBN1YN2LO>

FERC Order: <https://www.ferc.gov/whats-new/comm-meet/2019/121919/E-1.pdf>

- FERC has issued similar orders affecting New York.

For more information: <https://www.reuters.com/article/us-usa-electricity-new-york/ferc-rules-clean-energy-must-pay-higher-market-price-in-new-york-idUSKBN20E2YF>

**Fossil fuels promoted:** The Trump administration has opened new areas for leasing and offered leases at bargain rates for fossil fuel extraction on an unprecedented 461 million acres of public land, an area four times the size of California. Oil companies have so far leased 9.9 million acres for oil drilling. In addition, the administration decided to resume coal leasing on public lands, reversing a

moratorium established by the previous administration to protect the climate and environment. The resulting fossil fuel production will make climate change worse and profit oil companies at the expense of public health and the US Treasury.

For more information: <https://www.theguardian.com/environment/2020/feb/12/trumps-legacy-drilled-public-lands-and-the-resulting-carbon-emissions>; <https://www.nytimes.com/aponline/2020/07/20/business/ap-us-coal-climate-change.html?auth=login-email&login=email>

**Federal government pollution reductions abandoned:** Trump has repealed an executive order that required all federal agencies to significantly reduce their carbon pollution, improve their energy efficiency, increase their use of renewable energy, and purchase energy efficient and environmentally preferable products. The EO was expected to reduce the government's overall climate pollution by 28% and cut its energy bill by \$8-\$11 billion.

For more information: [https://en.wikipedia.org/wiki/Executive\\_Order\\_13514](https://en.wikipedia.org/wiki/Executive_Order_13514)

Revoked EO: <https://www.federalregister.gov/documents/2009/10/08/E9-24518/federal-leadership-in-environment-energy-and-economic-performance>

**Preparedness efforts abandoned:** Trump has revoked an executive order intended to strengthen the nation's defenses against the effects of climate change. The action removes requirements for EPA and other federal agencies to prepare for climate change impacts and to help states and cities prepare for and protect against the effects of climate change.

For more information: [https://en.wikipedia.org/wiki/Executive\\_Order\\_13653](https://en.wikipedia.org/wiki/Executive_Order_13653)

Revoked EO: [Executive Order 13653](#); Trump EO: [Executive Order 13783](#)

**Increased flood risk from climate change ignored:** Trump revoked a 2015 executive order that required federal agencies, in assessing flood risks for federally funded projects, to consider current and future changes in flooding due to climate change.

For more information: [news article in JDSupra](#); [FEMA explanation of 2015 order](#)

Revoked 2015 EO: [Executive Order 13690](#); Trump EO: [Executive Order 13807](#)

## **Crippling Climate Change Assessment and Analysis**

The Trump administration has not stopped at rolling back existing climate protections and programs. It has essentially eliminated consideration of climate change in making policy, and undermined the ability of EPA and other government agencies to take future action to protect Americans from climate change. The Trump administration has, in effect, opted for a head-in-the-sand approach to government policy-making on climate change that devalues lives and livelihoods, especially those of the unborn, and the well-being of all life on Earth.

**Climate change component of EPA's strategic plan dropped:** EPA's strategic plan for FY2018-FY2022 does not mention climate change. Agencies develop strategic plans to define goals and identify steps for meeting those goals. EPA's previous strategic plans discussed reducing climate pollution and adapting to climate change. Reference to climate change was also dropped from the strategic plan of the Federal Emergency Management Agency.

EPA plan: <https://www.epa.gov/sites/production/files/2018-02/documents/fy-2018-2022-epa-strategic-plan.pdf> ; FEMA plan: <https://www.fema.gov/strategic-plan>

**Research on oil and gas industry stopped:** The Trump EPA has withdrawn a legally enforceable request to oil and gas companies to provide information about equipment and controls that could reduce climate pollution, including methane. EPA uses this kind of request to collect needed data for developing rules and policies for protecting public health and the environment.

For more information: <https://www.scientificamerican.com/article/epa-drops-request-for-methane-information-from-oil-and-gas-industry/>

EPA action: <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/withdrawal-2016-information-request-oil-and>

**Climate change damage devalued:** The Trump administration has changed how damage from climate change is estimated by ignoring much of the damage and slashing the value of future generations. By low-balling estimates, the changes create a bias against taking action to combat and prepare for climate change. These estimates are used in benefit-cost analyses that influence federal decision-making.

For more information: See pp. 8-9 of Save EPA's "[Additional Comments on Replacement of the Clean Power Plan with the Affordable Clean Energy Rule.](#)"

Trump administration actions: See section 5 of [Trump Executive Order 13783](#); and economic analyses for individual climate rules (e.g., [repeal of the Clean Power Plan](#))

- **Worldwide climate change damage ignored:** The Trump administration has directed agencies to consider only climate change damage that occurs within the United States and to ignore climate change damage to the rest of the world. Climate pollution from any country harms all countries, and climate damage in one country can have economic and security impacts on other countries, including the US. If every country decided how much to reduce climate pollution using the Trump approach, much of the depth and breadth of climate impacts would be ignored, and countries would not take the actions needed to save the Earth.
- **Future generations devalued:** In estimating climate change damage, the Trump administration has significantly increased "discount rates" for valuing the lives, health, and welfare of future generations. As a mathematical matter, the highest rate used in the Trump administration approach makes the lives of unborn generations nearly worthless in cost-benefit analyses. The administration is moving to make cost-benefit analyses decisive in whether and how to protect Americans' public health and the environment (see the section below on "Crippling EPA's Capacity to Protect Health and the Environment").

**Federal consideration of climate change impacts curtailed:** The Trump administration has made sweeping changes to environmental impact analyses (EIS) that would effectively reduce or even eliminate analysis of the climate change impacts of proposed major federal actions. Federal agencies are required to prepare EIS's to help agencies, with public input, minimize environmental impacts of big projects like pipelines.

For more information: <https://www.yaleclimateconnections.org/2020/02/what-trumps-proposed-nepa-rollback-could-mean-for-the-climate/>

CEQ action: <https://www.federalregister.gov/documents/2020/01/10/2019-28106/update-to-the-regulations-implementing-the-procedural-provisions-of-the-national-environmental>

More broadly, the Trump administration has limited EPA's scientific and economic assessments in ways that result in EPA de-emphasizing relevant scientific evidence and undervaluing pollution control

benefits. Even more broadly, the Trump administration has curtailed government-wide efforts meant to ensure that the environmental impacts of federal actions are identified and minimized with input from the public. See the section below on “Crippling EPA’s Capacity to Protect Health and the Environment” for a list of the science, analysis, and process changes that hobble the ability of EPA, other agencies, and the public to protect public health and the environment.

## **Misrepresenting Climate Science and Reducing Information Access**

In addition to repealing climate protections and crippling climate change analysis, the Trump administration has tried to mislead the public about climate change science and make it harder to get the facts that people expect from government scientists.

### **Climate change science and impacts misrepresented:**

- Trump and top administration officials have repeatedly misled the public about the **causes of climate change**. As recently as 2018, [Trump said](#), “I don’t know that it’s manmade,” and disavowed the need to act. [Other top administration officials](#) conceded that humans play a role but questioned how much. Their statements conflict with US and international scientific studies, including the US government’s [2018 National Climate Assessment](#), that conclude that climate change pollution and other human activities (like deforestation) are the only factor that can account for the global warming that has occurred over the last century.
- Trump and his top officials have also disputed scientific findings about the potentially catastrophic **impacts of climate change**. Trump discredited the 2018 National Climate Assessment’s findings that climate change damage to US lives, livelihoods, and property could cost many hundreds of billions of dollars each year, [saying, “I don’t believe it.”](#) Trump’s first EPA Administrator even questioned whether climate change [“is necessarily a bad thing.”](#)
- At the Trump EPA, staff were given [misleading talking points](#) to use with the public. Rather than acknowledge the broad scientific consensus about human-caused climate change, the talking points focus on unavoidable lack of perfect precision in measuring humans’ impacts and on “continuing debate” about human causation that the Trump administration and its allies continue to fuel.

**Climate change information removed:** The Trump administration has altered or removed mention of climate change on numerous web pages of agencies across the US government, and some federal climate change information resources are no longer being maintained. At EPA, for example, a website devoted to climate change information was removed from EPA’s active website and relegated to an archival site where the information is no longer updated.

For more information: <https://envirodatagov.org/website-monitoring/>; <https://envirodatagov.org/publication/the-new-digital-landscape-how-the-trump-administration-has-undermined-federal-web-infrastructures-for-climate-information/>;  
<https://www.ucsusa.org/about/news/ucs-report-tallies-attacks-science>

# AIR POLLUTION

Air pollution harms people, animals, and plants. It causes cardiovascular disease, asthma and other respiratory diseases, neurologic damage, cancer, and death. Children, the elderly, and people with pre-existing illnesses are particularly vulnerable to its worst effects. Every year in the US, [hundreds of thousands of Americans die prematurely](#) from air pollution, and many more suffer serious health effects, miss work, or miss school. Low income and minority communities are often particularly hard-hit because of their proximity to polluting facilities, and because they are more likely to lack resources – financial, political and otherwise – to protect themselves from polluted air and water and the threats of climate change. Exposure to high levels of fine particles (soot) in the air also increases the risk of death from COVID-19.

The most pervasive and harmful forms of ground-level air pollution are fine particles (soot) and ozone (smog). Numerous toxic air pollutants are also of concern. Human activity causes air pollution when power plants, factories, fossil fuel production, and even our cars, trucks, and buses operate without adequate air pollution controls.

Since the 1950s, Congress has passed laws for controlling air pollution, and since its creation in 1970, EPA has implemented the Clean Air Act by issuing regulations that require that air pollution be reduced. As the list below demonstrates, the Trump administration has repealed or weakened numerous regulations, leaving public health and the environment more vulnerable to the dangerous effects of air pollution, including higher death rates for COVID-19.

## **Toxic air pollution controls being undermined or removed:**

- The Trump EPA has reversed EPA’s previous finding that mercury and other toxic air pollutants from power plants are dangerous to public health and the environment. Even most of the electric power sector opposed the reversal. Reversing the finding will jeopardize existing control requirements that save lives and prevent sickness and neurologic damage, and that promote reductions in climate pollution. Because mercury builds up in the food chain, low income and minority communities that rely on fish for subsistence diets or cultural reasons are particularly at risk.  
For more information: <http://saveepaalums.info/Saving+MATS; Comments of Save EPA submitted to EPA>  
EPA actions: [Trump EPA final finding and 2016 EPA final finding](#)
- The Trump EPA has reversed a longstanding policy that required major sources of hazardous air pollution to permanently meet standards based on what the best-performing sources in the same industry already achieve. The new policy will enable many sources to meet less stringent limits and increase emissions.  
For more information: <https://eelp.law.harvard.edu/2018/02/once-in-always-in-guidance-for-major-sources-under-the-clean-air-act/>; <http://eelp.law.harvard.edu/wp-content/uploads/NSR-paper-EELP.pdf>; <http://saveepaalums.info/HAP-Major-Area>  
EPA action: <https://www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean>

- The Trump EPA is reversing a commitment by the prior administration to close loopholes that have excused violations of air pollution limits during start-up, shutdown, or malfunction or “upset” events. During these episodes, petrochemical plants and other large sources frequently release large volumes of sulfur dioxide, smog-forming chemicals, and other contaminants, which can trigger asthma attacks and other ailments in nearby communities.

For more information: <https://www.natlawreview.com/article/startup-shutdown-malfunction-exemptions-might-they-live-again>; <https://www.environmentallawandpolicy.com/2019/06/epa-region-4-proposes-new-startup-shutdown-and-malfunction-policy/>

EPA actions: <https://www.govinfo.gov/content/pkg/FR-2019-04-29/pdf/2019-08480.pdf>; see regional actions listed at <https://www.epa.gov/air-quality-implementation-plans/emissions-during-periods-startup-shutdown-malfunction-ssm>

## Ozone and particle pollution controls being undermined or removed:

- The Trump EPA has weakened longstanding Clean Air Act policies for ensuring that new and expanding power plants and industrial facilities have state-of-the-art pollution controls and do not contribute to unhealthy air pollution levels. The changes to the “new source review” program narrow what counts as a pollution source, limit the pollution that is counted, and reduce scrutiny of whether requirements are being followed.

For more information: <http://eelp.law.harvard.edu/wp-content/uploads/mccabe.pdf>; <http://eelp.law.harvard.edu/wp-content/uploads/NSR-paper-EELP.pdf>

EPA actions: <https://www.epa.gov/nsr>

- The Trump EPA has eliminated the requirement that new oil and gas transmission and storage facilities limit emissions of ozone (smog)-forming compounds, as part of the action to repeal methane controls.

For more information: <http://saveepaalums.info/Methane+rollback>

EPA rule: [https://www.epa.gov/sites/production/files/2020-08/documents/frn\\_oil\\_and\\_gas\\_review\\_2060-at90\\_final\\_20200812\\_admin\\_web.pdf](https://www.epa.gov/sites/production/files/2020-08/documents/frn_oil_and_gas_review_2060-at90_final_20200812_admin_web.pdf)

- A Trump EPA proposal would effectively cancel a requirement that states control ozone-forming air pollution from existing oil and gas industry facilities in areas of the country with unhealthy ozone levels.

For more information: <http://saveepaalums.info/oilgasctg>

EPA action: <https://www.regulations.gov/document?D=EPA-HQ-OAR-2015-0216-0327>; <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/proposed-withdrawal-2016-control-techniques>

- The Trump EPA has delayed efforts to cut ozone pollution by dragging its feet on determining which areas of the country have air quality that meet the national health-based standard set in 2015, and which do not. For areas with unhealthy air, states must adopt enforceable cleanup plans.

For more information: <https://eelp.law.harvard.edu/2017/09/ozone-national-ambient-air-quality-standards/>

EPA action: <https://www.epa.gov/ozone-designations/ozone-designations-regulatory-actions>;

- The Trump EPA has denied requests from 4 “downwind” states (CT, DE, MD, and NY) for federal controls on air pollution from specific “upwind” power plants in other states, making it difficult for the downwind states to clean up air pollution harming their residents.

For more information: <https://www.adirondackcouncil.org/page/press-releases-16/news/epa-denies-new-yorks-request-for-help-with-cross-state-air-pollution-1246.html>

EPA actions and state litigation: <https://eelp.law.harvard.edu/2020/01/clean-air-act-section-126-petitions/>

- The Trump EPA has repealed air quality-related restrictions on the sale of E15, a blend of gasoline containing more than the usual amount of ethanol. The restrictions prevented E15 from adding to ozone pollution.

For more information: <https://www.reuters.com/article/us-usa-biofuels-ethanol/trump-lifts-curbs-on-e15-to-help-farmers-angering-big-oil-idUSKCN1T11BN>

EPA action: <https://www.govinfo.gov/content/pkg/FR-2019-06-10/pdf/2019-11653.pdf>

**Visibility protection eroded:** For some states (e.g., Arkansas, Utah), the Trump EPA has finalized or proposed actions to withdraw existing federal regional haze plan requirements and approve state plans with less stringent emission control requirements.

For more information: <https://www.npca.org/articles/2211-utah-air-quality-board-approves-regional-haze-plan-paving-the-way-for-more>; <https://www.arkansasonline.com/news/2019/sep/11/epa-drops-state-haze-plan-approves-arka/>

EPA actions: <https://eelp.law.harvard.edu/2018/04/regional-haze-state-implementation-plans/>

**Chemical accident prevention weakened:** The Trump EPA has repealed important safeguards for reducing accidental releases of highly hazardous chemicals that can quickly poison people or cause catastrophic explosions, such as the 2013 explosion at a fertilizer plant in West, Texas, that killed 15 people, injured more than 160, and destroyed or damaged more than 150 buildings. Among the safeguards repealed were requirements that facilities better assess how to avoid accidental releases, and better understand and correct the cause of accidental releases or “near-misses” that do occur, so future accidents could be avoided.

For more information: [Save EPA comments submitted to EPA](#); <https://thehill.com/policy/energy-environment/480553-14-states-sue-epa-over-chemical-safety-rule-rollback>

EPA action: <https://www.epa.gov/rmp/final-amendments-risk-management-program-rmp-rule>

## WATER POLLUTION

Like air pollution, water pollution harms people, animals and plants. People can catch diseases from drinking or swimming in water that contains contaminants from human and animal waste. Drinking water with chemical toxins can cause health effects such as cancer, reduced mental capacity, and hormone disruption. Water pollution often has a disproportionate impact on low income and minority communities because of their proximity to polluting facilities or government failures to ensure safe drinking water. Contaminated water can also have devastating impacts on fish and other wildlife.

Water pollution has many sources. Excess nutrients from farm waste and fertilizer runoff cause algal blooms that reduce the amount of oxygen in the water and create neurotoxins, leading to “dead zones” that harm people and wildlife. Municipal and industrial wastewaters contribute biological and toxic chemical pollutants, and stormwater runoff washes road salt, oil, and chemicals into waterways. Oil spills are another source of contamination. Pollution originating inland is responsible for much of the pollution of the oceans.

Since the 1940s, Congress has passed legislation to protect America’s waters from pollution and safeguard Americans’ drinking water. Much progress has been made, but nearly half our rivers and streams and more than one-third of our lakes were still polluted when last surveyed by EPA. Surface water pollution contributes to groundwater contamination, and almost half of Americans rely on

groundwater for drinking water. But rather than continue the work that still needs to be done, the Trump EPA has scaled back the geographic scope of Clean Water Act protection while working to eliminate industry-specific safeguards for protecting our waterways and drinking water. Following is a list of major actions repealing or weakening water pollution controls.

**Clean water protection scaled back:** The Trump EPA has repealed the 2015 Clean Water Rule, which clarified the geographic coverage of the Clean Water Act, and replaced it with a rule that is unprecedented and unscientific in its narrow definition of waters entitled to federal protection. Some waters losing protection had been protected under federal law for nearly 50 years. Under the new rule, protection will be denied to at least 18% of streams and 51% of wetlands, according to an EPA staff analysis. A scientific approach would support protection for all waters that eventually flow into rivers, lakes, and bays on which people and communities depend for drinking water, livelihoods, and recreation.

For more information: <https://www.sciencemag.org/news/2018/12/epa-claims-no-data-impact-weakening-water-rule-numbers-exist>; <https://www.nytimes.com/2020/01/22/climate/trump-environment-water.html>  
EPA action: <https://www.epa.gov/nwpr>

### **Controls on toxic pollution from coal-fired power plants being rolled back:**

The Trump EPA has proposed to roll back a 2015 rule requiring coal-fired power plants to treat the toxic wastewater generated when air emission filters are cleaned and to safely dispose toxic coal ash instead of washing it into ponds known to leak and overflow. The proposed rollback will harm public health and the environment by allowing high levels of selenium, mercury, nitrates, and other toxic chemicals to continue to contaminate private wells, community drinking water supplies, and downstream fisheries. Coal-fired power plants are the largest single discharger of toxic pollutants into water in the US.

For more information: <https://www.epa.gov/eg/steam-electric-power-generating-effluent-guidelines-2015-final-rule>  
EPA proposal: <https://www.federalregister.gov/documents/2019/11/22/2019-24686/effluent-limitations-guidelines-and-standards-for-the-steam-electric-power-generating-point-source>

**Protection of streams from mining wastes revoked:** Trump signed into law a congressional resolution striking down a Department of the Interior rule that protected streams from mining wastes, including from mountain-top removal of coal.

For more information: [https://en.wikipedia.org/wiki/Stream\\_Protection\\_Rule](https://en.wikipedia.org/wiki/Stream_Protection_Rule)  
Congressional resolution: <https://www.congress.gov/115/plaws/publ5/PLAW-115publ5.pdf>

**Groundwater protections removed:** The Trump EPA has issued guidance stating that a Clean Water Act permit is not required for a facility that discharges pollution into groundwater, even if the groundwater has a direct connection to surface water. This policy allows pollution threats to groundwater and downstream waters—streams, rivers, lakes and oceans. A court has ruled the Trump position illegal.

For more information: <http://saveepaalums.info/NPDES+for+Groundwater>;  
<https://www.nytimes.com/2020/04/23/us/supreme-court-clean-water-act-hawaii.html>  
EPA action: <https://www.epa.gov/npdes/releases-point-source-groundwater>

**Groundwater protection from “fracking” repealed:** The Trump Bureau of Land Management has repealed requirements on hydraulic fracturing on federal and Indian lands to protect groundwater

and to inform the public about the chemicals used. Hydraulic fracturing is used by the oil and gas industry to stimulate production from oil and gas wells, but the chemicals used can contaminate groundwater and surface water.

For more information: <https://www.energylegalblog.com/blog/2018/01/08/rescission-blm's-hydraulic-fracturing-rule-what-happens-now>

BLM action: <https://www.govinfo.gov/content/pkg/FR-2017-12-29/pdf/2017-28211.pdf>

**Dangers of “fracking” papered over:** The Trump EPA has given its hydraulic fracturing webpage an industry-friendly makeover, posting letters from industry executives advocating regulatory rollbacks and removing information on chemicals used in hydraulic fracturing. Content and links related to EPA guidance and compliance material on hydraulic fracturing were removed.

For more information: <https://envirodatagov.org/website-monitoring/> ; [https://www.vice.com/en\\_us/article/qvqkd3/the-epa-gave-its-website-a-pro-fracking-makeover](https://www.vice.com/en_us/article/qvqkd3/the-epa-gave-its-website-a-pro-fracking-makeover)

**Groundwater threatened by uranium mining:** The Trump EPA has withdrawn a proposed rule designed to improve safeguards on disposal of uranium mill tailings. The proposed standards were intended to prevent, monitor, and remedy groundwater contamination during and after uranium extraction operations—and particularly to protect groundwater used for drinking water from this low-level radioactive waste.

For more information: <https://thehill.com/policy/energy-environment/412299-trump-administration-withdraws-obama-rule-on-uranium-mills>

EPA action: <https://www.govinfo.gov/content/pkg/FR-2018-10-30/pdf/2018-23583.pdf>

**Alaskan fishery threatened by mining:** The Trump EPA withdrew a 2014 proposal to restrict use of the Bristol Bay watershed for disposal of dredged or fill material from a proposed 1-mile square open-pit mine copper and gold mine. A peer-reviewed EPA report found that use of the watershed for this would unacceptably destroy fish habitat, fisheries, and wildlife in Bristol Bay, the world’s largest sockeye salmon fishery. Contrary to the views of experts inside and outside the government, the Trump administration has instead found that the proposed mine would not measurably affect fish numbers in Bristol Bay, clearing the way for the Army Corps of Engineers to issue a permit for the mine.

For more information: <https://www.epa.gov/bristolbay/bristol-bay-assessment-final-report-2014>;  
<https://www.latimes.com/world-nation/story/2020-07-24/pebble-mine-army-corps-alaska>

EPA action: <https://www.federalregister.gov/documents/2019/08/30/2019-18596/notification-of-decision-to-withdraw-proposed-determination-to-restrict-the-use-of-an-area-as-a>

Army Corps of Engineers action: <https://pebblewatch.com/wp-content/uploads/2020/07/ExecutiveSummary.pdf>

**Chesapeake Bay protections not enforced:** The Trump EPA has not held Pennsylvania accountable for failing to comply with a legal requirement that applies to every state whose water pollution affects the Chesapeake Bay: to adopt a plan that meets specified limits for its contribution of certain water pollutants. A Trump EPA official described the limits as “aspirational” only. Every state must adopt an adequate plan for the Chesapeake Bay to be restored to health.

For more information: <https://eelp.law.harvard.edu/2017/09/chesapeake-bay-and-non-point-source-programs-tmdls/>;  
<https://www.cbf.org/news-media/newsroom/2020/federal/cbf-preparing-to-sue-epa.html>

EPA action: <https://www.epa.gov/chesapeake-bay-tmdl/chesapeake-bay-tmdl-fact-sheet>; <https://www.epa.gov/chesapeake-bay-tmdl/epa-evaluation-final-phase-iii-wips>

**Drinking water contamination allowed to continue:** The Trump EPA has reversed a decision to regulate perchlorate, a toxic chemical used in rocket fuel, munitions, and other applications that has contaminated drinking water in at least 26 states, often near military installations. EPA was under court order to set a safe drinking water standard for perchlorate by June 2020. The Trump EPA has instead delisted perchlorate as a drinking water contaminant that warrants regulation. Perchlorate has been linked to potential brain damage in fetuses and newborns and thyroid problems in adults.

For more information: <https://www.nytimes.com/2020/05/14/climate/trump-drinking-water-perchlorate.html?referringSource=articleShare>; <https://www.washingtonpost.com/climate-environment/2020/05/14/epa-decides-against-limits-drinking-water-pollutant-linked-health-effects/>

EPA action: <https://www.epa.gov/sdwa/perchlorate-drinking-water>

**State authority curtailed:** The Trump EPA has significantly narrowed states' authority under the Clean Water Act to deny or condition water quality certifications for projects like power plants and pipelines. If a state declines to certify a project, federal agencies cannot issue permits for it. The Trump EPA rule bars states from considering a range of potential impacts of a project in deciding whether to certify it, and tightens the deadline for state decision-making.

For more information: <https://www.washingtonpost.com/climate-environment/2020/06/01/epa-limits-states-tribes-ability-protest-pipelines-other-energy-projects/>

EPA action: [Final rule](#)

## **LAND POLLUTION AND TOXIC CHEMICAL THREATS**

Pollution affects land as well as air and water. Land disposal of solid and hazardous wastes, application of pesticides, and commercial use of chemicals can pose serious hazards to people, animals, and plants. Most of Trump EPA's rollback actions concerning land relate to toxic chemicals, which are used to make countless products, including pesticides. Toxic substances also are found in waste generated by industries, businesses, and municipalities. When exposure is high enough, toxic chemicals can kill or sicken people, plants and animals. Depending on the chemical, human health effects may include cancer, birth defects, damage to various organs, and neurological and endocrine disorders.

Recognition of the harmful effects of pesticides on people, birds, and ecosystems grew after Rachel Carson's 1962 book "Silent Spring." Increasing awareness of risks posed by asbestos used in construction, chemicals added to food, and hazardous wastes dumped in places like Love Canal led Congress in the 1970s and 1980s to pass laws to protect Americans from dangerous chemicals, pesticides, and hazardous wastes.

The Trump EPA has rolled back or opposed tighter controls on chemicals, pesticides, and dangerous wastes, even when the need for safeguards has been supported by strong evidence. As the list below demonstrates, the Trump EPA has chosen to save industry money over saving American lives and health.

**Dangerous pesticide allowed to remain on the market:** The Trump EPA denied a request to ban **chlorpyrifos**, a highly toxic and widely used pesticide for food and feed crops, despite scientific evidence, including studies by EPA's own scientists, that the pesticide harms the brains of children.

Hawaii, California, Maryland, and the European Union have all taken steps to ban or phase out chlorpyrifos, and its largest manufacturer has announced that it would end production.

For more information: <https://eelp.law.harvard.edu/2017/10/chlorpyrifos-pesticide-use/>

EPA action: <https://www.epa.gov/ingredients-used-pesticide-products/chlorpyrifos>

**Proposed ban of toxic chemical shelved:** The Trump EPA has abandoned a proposed ban on certain uses of **trichloroethylene, or TCE**, for degreasing and dry cleaning. TCE is highly toxic. It is a known human carcinogen and causes numerous serious health problems, including fetal heart defects. It readily evaporates into the air and has been found in groundwater in multiple locations. The Trump EPA has issued a new draft risk assessment that grossly underestimates the dangers of TCE by ignoring much of the TCE that is released to the environment and excluding the most damaging health risks, thus undermining the rationale for a ban.

For more information: <https://www.revealnews.org/article/epa-scientists-found-a-toxic-chemical-damages-fetal-hearts-the-trump-white-house-rewrote-their-assessment/>

EPA action: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-trichloroethylene-tce#action>; <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluation-trichloroethylene-tce-0>

**Closure of dangerous coal ash impoundments delayed:** The Trump EPA has weakened several 2015 requirements for coal ash management and has extended the deadline for certain power plants to close their unlined coal waste impoundments. Pending coal ash proposals would, among other things, further extend impoundment closure deadlines to give coal-fired plants more time to develop alternatives and, in the case of some coal-fired plants planning to shut down by a date certain, even longer deadlines. One proposal would allow unlined coal waste impoundments that meet certain conditions to continue operating. Coal ash impoundments are laced with heavy metals, including mercury, arsenic, cadmium, chromium, and other toxic pollutants that pollute land and water, including drinking water, when they leak.

For more information: <https://eelp.law.harvard.edu/2020/01/the-coal-ash-rule-trilogy-spanning-obama-trump-and-the-d-c-circuit/>; <https://www.waste360.com/legislation-regulation/epa-proposes-roll-back-2015-coal-ash-regulations>

EPA action: <https://www.federalregister.gov/documents/2019/12/02/2019-24927/hazardous-waste-management-system-disposal-of-coal-combustion-residuals-from-electric>; <https://eelp.law.harvard.edu/2017/12/coal-ash-rule/>

**Toxic chemical risk assessments narrowed:** The Trump EPA announced it would no longer consider all types of risk in reviewing the safety of chemicals under the Toxic Substances Control Act as amended in 2016. EPA said it would exclude risks from indirect exposure such as through air or water contamination and risks presented by “legacy” uses for which a chemical is no longer manufactured (e.g., asbestos in existing buildings). A federal appeals court has already struck down much of EPA’s intended narrowing of risk assessments.

For more information: <https://www.nytimes.com/2018/06/07/us/politics/epa-toxic-chemicals.html>;  
<https://cen.acs.org/policy/chemical-regulation/Court-issues-mixed-ruling-US/97/web/2019/11>

EPA action: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca>

**Pesticide applicator safeguards delayed:** The Trump EPA for more than a year delayed implementing a rule strengthening standards for certification and training of pesticide applicators. A federal judge ruled the delay illegal and declared the rule still in effect. The stronger standards are designed to reduce risks to the individuals applying these pesticides in their daily jobs, and to help protect families, communities, and the environment from pesticide exposure.

For more information: <https://www.courthousenews.com/federal-judge-orders-epa-to-remove-delay-of-new-pesticide-regulations/>

EPA action: <https://www.epa.gov/pesticide-worker-safety/how-epa-protects-workers-pesticide-risk>

**Pesticide buffer zones being reduced:** The Trump EPA has proposed to reduce the size of buffer zones intended to protect people from exposure to pesticides during application on farms, potentially increasing the risk of pesticides being sprayed on or drifting onto workers, neighbors, and passersby.

For more information: <https://www.agriculture.com/news/business/epa-proposal-would-shrink-buffer-zones-around-farm-pesticides>

EPA action: <https://www.epa.gov/pesticide-worker-safety/worker-protection-standard-application-exclusion-zone-proposedupdates>

## RELAXING ENFORCEMENT OF POLLUTION CONTROLS

At the same time the Trump EPA has worked to remove environmental protections, it has relaxed enforcement of those still on the books. EPA inspections of facilities and enforcement actions against those found in violations are vitally important to detecting and deterring illegal pollution, and to holding violators accountable. A February 2019 report by the Environmental Integrity Project (EIP) shows that the Trump EPA has continued a decade-plus pattern of reducing inspections and enforcement actions, reaching new lows on Trump's watch. More recently with the spread of the coronavirus, EPA issued an enforcement policy that effectively allows polluting facilities to violate reporting, testing, and even many control requirements as a result of the pandemic, even though many of the controls help protect Americans from illnesses that make them more susceptible to the virus.

**Enforcement slowing down:** The EIP report documents that in 2018 –

- The number of inspections or evaluations to determine compliance was less than 60% of the annual average since 2001.
- The number of criminal cases opened was about 1/3 of the levels reported between 2008 and 2013.
- The numbers of criminal cases opened and defendants charged were the lowest in nearly two decades.
- The dollar amount of civil penalty money recovered was the lowest since at least 1994.
- The number of civil judicial environmental enforcement cases referred to the Department of Justice, and the number of concluded cases, dropped by more than half from the 2008 levels.

The report also summarizes 10 cases in which EPA investigators found serious violations or pollution incidents involving the release of large quantities of pollutants, including carcinogens and deadly toxins such as lead. Others involve the release of bacteria or toxic metals from wastewater treatment plants at slaughterhouses or refineries. These problems had been identified anywhere from 17 months to more than four years earlier, but EPA had yet to take enforcement action or require the responsible parties to pay the appropriate penalties.

EIP study: <https://environmentalintegrity.org/wp-content/uploads/2019/02/EIP-Enforcement-Report.pdf>

**Pandemic leading to more pollution:** In the face of the coronavirus pandemic, EPA announced that it will exercise “enforcement discretion” when facilities fail to meet requirements for testing, reporting, and control of air and other pollution because of the pandemic. Under the policy, EPA will not impose fines and other penalties for noncompliance. Toxic air pollutants and other pollution contribute to or exacerbate lung and heart disease, which are among the underlying illnesses that make people more vulnerable to the coronavirus. In the midst of the pandemic, pollution controls are more, not less, important to safeguarding Americans. While some enforcement flexibility may be in order, the Trump EPA is giving facilities substantial leeway to decide whether and which air and other pollution controls to forego, instead of ensuring that public health is protected. EPA has announced that the policy will remain in place until midnight August 31.

For more information: <https://www.scientificamerican.com/article/epa-to-ease-pollution-enforcement-which-could-exacerbate-lung-illnesses/>

EPA action: <https://www.epa.gov/sites/production/files/2020-03/documents/oecameooncovid19implications.pdf>

## **CRIPPLING EPA’S CAPACITY TO PROTECT HEALTH AND ENVIRONMENT**

In addition to weakening or repealing specific health and environmental protections, the Trump EPA is making institutional and procedural changes that weaken EPA’s ability to adequately protect Americans now and in the future. As briefly explained below, the changes cripple EPA’s ability to consider the best science, do the best economic analysis, and meaningfully involve the public. Three years of workforce cuts have also taken a toll on EPA’s ability to develop and implement policies that protect the health and well-being of all Americans.

### **UNDERMINING SCIENCE**

EPA is a science-based agency. To do the job that Congress has assigned, EPA must consider the best available science in deciding whether and how to protect Americans from pollution. But the Trump administration wants to restrict EPA’s use of high quality, highly relevant scientific studies if the studies draw on medical data protected by privacy laws. It has also changed the make-up and role of expert science advisory committees that EPA convenes to help it grapple with complex, often cutting-edge scientific issues. Trump’s changes damage the very heart of EPA’s work on behalf of the American people.

**Downgrading the relevance of key scientific studies:** The Trump EPA proposed to restrict use of scientific studies in developing rules and other policies unless the raw data underlying the studies are available for public review. Public health studies often use human subjects and hold personal health information private. Under past administrations of both parties, EPA has given great weight to peer-reviewed studies based on human subjects whose personal information is held private, since the science community's longstanding practice of peer review ensures the integrity of study results. In response to near universal outcry from the science community, the Trump EPA has revised its proposal to allow use of these studies but to give preference to studies that do not hold personal information private. The net effect of the revised proposal is to give less weight to studies that are often the most relevant and important because they rely on human data. The revised proposal also extends the restrictions to more EPA actions, including providing public health information.

For more information: [Comments of Environmental Protection Network](#); [Comments of Save EPA](#); [Statement by AAAS](#); [UCS report](#)—see p.30

EPA actions: <https://www.epa.gov/osa/strengthening-transparency-regulatory-science>

**Reducing the independent expertise of science advisory panels:** The Trump EPA has barred scientists currently receiving an EPA grant from serving on EPA's 22 federal advisory panels. This unprecedented policy effectively excludes many academic scientists with world-class, cutting-edge expertise -- even though industry-funded or affiliated scientists may serve. The American Academy for the Advancement of Science has [denounced](#) the policy.

For more information: <https://eelp.law.harvard.edu/2018/02/removing-scientists-from-advisory-panels/>;  
<https://blog.ucsusa.org/michael-halpern/the-epa-science-advisory-board-is-being-compromised-heres-why-that-matters>

EPA action: [https://www.epa.gov/sites/production/files/2017-10/documents/final\\_draft\\_fac\\_memo-10.30.2017.pdf](https://www.epa.gov/sites/production/files/2017-10/documents/final_draft_fac_memo-10.30.2017.pdf)

### **Jeopardizing the role of science in setting health-based air quality standards:**

The Trump EPA has undermined the quality, quantity, and credibility of the scientific advice that it is required to obtain when it sets and reviews clean air standards. Under the Clean Air Act, EPA convenes a committee of external scientists to provide advice, and EPA under Republican and Democratic administrations has largely followed the committee's advice for decades. The Trump EPA has jeopardized the role of the Clean Air Science Advisory Committee in multiple ways:

- It adopted a policy that excludes many academic scientists (see entry above).
- It replaced all seven scientists who served on the committee, losing the benefit of their expertise and continuity. It also left the panel for the first time without epidemiology expertise, a discipline central to the health studies used in setting air quality standards. The current chairman is a business consulting firm risk analyst who has expressed skepticism about the well-established evidence linking fine particle pollution with serious health effects and death.
- It disbanded two large panels of experts who previously assisted the CASAC in its science reviews on ozone and particle pollution. After the CASAC asked EPA to restore the help, EPA appointed a single, smaller "pool of subject matter experts" who can only be consulted through the committee chairman.

These moves have caused great concern among involved scientists. Twenty scientists who had been dismissed from the particle pollution panel voluntarily formed an unofficial independent panel,

reviewed the EPA’s draft document on particle pollution standards, and provided a 183-page report to the full committee as public commenters.

For more information: <https://cen.acs.org/environment/pollution/US-EPAs-science-advisers-split/97/i44>

EPA action: [EPA press release on CASAC appointments](#); <https://eelp.law.harvard.edu/2018/10/subverting-the-process-of-setting-health-based-air-quality-standards-part-2/>

**Manifesting the jeopardy to science’s role in setting health-based standards:** The Trump EPA has proposed no change in the health-based air quality standard for fine particle pollution despite advice from EPA staff and the unofficial panel of independent scientists (described above) that current science shows that a tighter standard is needed to protect public health.

- The Trump administration’s change-out of scientific experts and process changes played a role: The current CASAC split on the question of whether the current standard is protective enough.
- The agency’s announcement comes only a week after the Harvard School of Public Health released a study linking covid-19 deaths to particle pollution. The Clean Air Act requires that health-based standards be “requisite to protect public health with an adequate margin of safety,” including the health of sensitive groups of people.

For more information: [Harvard study linking covid19 and air pollution](#); [Washington Post story on EPA decision](#)

EPA action: [Proposed rule](#)

**Downgrading EPA’s Office of the Science Advisor:** The EPA Science Advisor no longer reports directly to EPA’s top official (the Administrator) and instead operates under the Office of Research and Development. According to a report by the Union of Concerned Scientists, this reorganization adds bureaucratic layers between top EPA leaders and the science advisor, reduces his access to the Administrator, and reduces the advisor’s authority and stature to influence other parts of the EPA. This could be particularly problematic during times of crisis, and also means that the science advisor may not be present in critical interagency discussions of scientific matters, UCS says.

For more information: [UCS report—see p.6](#)

EPA action: <https://www.epa.gov/aboutepa/organization-chart-office-research-and-development-ord>

## **SKEWING ECONOMIC AND OTHER ANALYSES**

In making most decisions about potential protections, EPA considers not only the relevant science but also the potential economic and other consequences of those protections. US environmental laws generally call on or allow EPA to consider economic and other factors. In addition, an Executive Order requires EPA and other agencies to conduct cost-benefit analyses for actions considered economically significant. In virtually all cases, the protections EPA has put in place provide public benefits that are worth far more than the costs to facilities of reducing their pollution.

The Trump administration is changing how EPA considers economic and other factors in ways that tip the scales in favor of doing less to protect Americans. It wants to ignore some of the benefits of proposed protections and at the same time make cost-benefit analysis more central to EPA decisions about protections. For the government as a whole, the Trump administration wants to scale back the extent to which federal decisions consider environmental consequences and involve the public. The

bottom line of Trump’s changes is that polluters and developers save money at the expense of public health and safety.

**Hiding the full value of protections and making costs paramount:** The Trump EPA is exploring the possibility of fundamental changes in the way the agency conducts and considers economic analysis that could make it harder for EPA to protect public health and the environment:

- In a rulemaking notice, EPA asked for public comment on industry arguments that EPA should no longer consider the full value of public benefits that a potential protection would provide and should only consider the benefits from reducing the targeted pollutant. Many existing protections have additional “co-benefits” because actions taken to reduce the targeted pollutant often reduce others as well. For example, power plants were expected to use strategies to comply with the Clean Power Plan for reducing climate pollution that would have also yielded large co-benefits by reducing ground-level air pollution.

EPA also sought comment on the extent to which it could use cost-benefit analysis as the basis for decisions about protections under all of its statutes. Virtually no statute calls for decisions to be governed by cost-benefit analysis, which is widely recognized as inexact and which raises important equity issues, such as how costs to polluters should be weighed against the health and welfare of people whose communities are being polluted. Statutes instead call for costs to polluters to be considered, if at all, as one of several relevant factors.

For more information: [Comments of Save EPA and Environmental Protection Network](#)  
EPA action: [Advance notice](#); [Wheeler memorandum](#)

- The Trump EPA subsequently proposed a rule governing cost-benefit analyses for evaluating future rules issued under the Clean Air Act. Although many of the procedures are already standard practice under an existing executive order and federal guidelines, the proposal contains controversial provisions on presentation of information that could invite future decision-makers to consider downplaying co-benefits – the positive side-benefits of a rule – in making regulatory decisions. Prior to the Trump administration, the government under Republican and Democratic administrations considered all identified benefits and costs in evaluating the economic merits of a rule.
- EPA is already employing – and gaming – cost-benefit analysis to jeopardize standards limiting mercury and other air toxic emissions from power plants. In reversing EPA’s previous finding that power plants’ toxic pollution should be controlled, the Trump EPA did not count the co-benefits -- nor most of the direct benefits – of reducing that pollution, making it appear that the costs of control exceed the benefits to the public.

For more information: [Comments of Save EPA](#); <https://www.environmentalprotectionnetwork.org/mats-comments/>  
EPA actions: [Trump EPA final finding and 2016 EPA final finding](#)

### **Limiting environmental considerations and public participation in federal decisions:**

The Council on Environmental Quality, a White House agency, has significantly weakened the National Environmental Policy Act (NEPA), a bedrock conservation law requiring agencies to prepare

environmental impact analyses for major federal actions like permitting new highways or pipelines. Draft analyses identify potential environmental impacts and alternatives for minimizing impacts. They are available to the public for comment and are used by federal officials to inform their decisions. Draft analyses have provided an important avenue for communities, including minority and low-income communities, to identify and raise concerns about how they may be harmed by a project. The Trump CEQ rule allows more actions to escape environmental review and narrows agency reviews in ways that will effectively avoid consideration of climate change in many instances. It also sets tight presumptive time and page limits on agency reviews and, by extension, tight deadlines on public participation.

For more information: [Comments of Save EPA](https://www.environmentalprotectionnetwork.org/nepa-guidance-for-ghg-emissions/); <https://www.environmentalprotectionnetwork.org/nepa-guidance-for-ghg-emissions/>; <https://www.environmentallawandpolicy.com/2020/07/ceq-final-rule-overhauls-nepa-regulations/>; CEQ action: <https://www.federalregister.gov/documents/2020/07/16/2020-15179/updates-to-the-regulations-implementing-the-procedural-provisions-of-the-national-environmental>

**Using (or misusing) emergency authority to avoid environmental safeguards:** Pointing to the economic effects of the COVID-19 pandemic, President Trump issued an executive order calling on federal agencies to use all available emergency authorities to speed up action on infrastructure and other large projects. Several environmental statutes, including NEPA (see above), the Endangered Species Act, and the Clean Water Act, allow environmental reviews and other safeguards to be shortened or avoided when an emergency warrants. Trump's use of emergency authority to address economic issues created by the pandemic opens up a gaping loophole in environmental protection requirements.

For more information: <https://www.washingtonpost.com/climate-environment/2020/06/04/trump-sign-order-waive-environmental-reviews-key-projects/>

Executive Order: Executive Order on Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities, June 4, 2020.

## **CUTTING OUT THE PUBLIC IN FAVOR OF INDUSTRY**

As noted above, the Trump administration has cut back on opportunities for the public to participate in environmental reviews and decision-making under the National Environmental Policy Act. The Trump EPA has taken similar steps to effectively limit public participation even as it has given polluters additional and enhanced opportunities to participate.

**Appeals board access and neutrality under attack:** The Trump EPA has proposed sweeping changes to the operations of the agency's Environmental Appeals Board, which hears appeals of agency permitting decisions. Created in 1992 to ensure broad input, impartiality, and rigor in permit appeals, the Board has been an important forum for individuals and communities, including minority and low-income communities, to challenge agency decisions to permit the construction or expansion of large industrial facilities located near them. The Trump EPA proposal would drastically and unfairly curtail the public's ability to bring appeals and the Board's ability to ensure fair and effective resolution of disputes by –

- Giving industry permit holders (power plants, waste disposal companies, etc.) the ability to bar citizens from having their appeal of an EPA permit decision heard by the Board;

- Barring friend-of-the-court briefs, further limiting public participation in EAB appeals;
- Adding procedural hurdles that could lengthen the appeal process and make it more difficult and expensive for communities or individuals affected by a permit to bring an appeal;
- Limiting the issues that the Board could consider, making it more likely that permit appeals would have to go to federal court, also a lengthy and expensive process;
- Giving political appointees effective control over important aspects of Board decisions; and
- Limiting the term of Board members.

For more information: <https://eelp.law.harvard.edu/2019/12/updates-to-the-environmental-appeals-board-procedures/>;

<https://www.carper.senator.gov/public/index.cfm/2020/7/carper-epa-s-legally-flawed-environmental-permitting-rule-would-silence-the-american-people-and-have-devastating-consequences-for-environmental-justice-communities>

EPA action: <https://www.federalregister.gov/documents/2019/12/03/2019-24940/modernizing-the-administrative-exhaustion-requirement-for-permitting-decisions-and-streamlining>

**Settlement policy favors industry at public's expense:** The Trump EPA announced a policy for settling lawsuits against the agency that gives industry an unprecedented role in settlement negotiations and makes it more difficult for citizens to sue EPA in the first place. Many environmental statutes give citizens the right to sue EPA when the agency fails to fulfill a “mandatory duty” like issuing a rule for reducing pollution that the statute requires EPA to issue. Under the Trump EPA policy, agency attorneys are required to seek the involvement and even the “concurrence” of industry representatives in settling “mandatory duty” and other cases. Members of the public are not afforded a corresponding role. The policy also seeks to prevent attorney fees from being awarded to parties who sue EPA and win, making it more difficult for citizens to bring meritorious cases.

EPA action: <https://www.epa.gov/ogc/ogc-responsibilities-implement-october-2017-directive-promoting-transparency-and-public>

More information: <https://www.eenews.net/stories/1060066359>

## SHRINKING EPA

Candidate Trump promised to dismantle EPA. Every year as president, Trump has proposed draconian EPA budget cuts ranging from 25 percent to 31 percent. While Congress has so far largely rejected those cuts, the Trump administration has nonetheless succeeded in significantly shrinking the agency's workforce.

During Trump's first 18 months in office, EPA lost on net more than 1,200 employees, or 8 percent of its workforce. Buyouts, attrition, and a government-wide 3-month hiring freeze [left EPA's workforce below its 1988 level](#). In those 18 months, nearly 1,600 workers left the EPA, while fewer than 400 were hired. Records showed that at least 260 scientists, 185 “environmental protection specialists,” and 106 engineers left the agency, raising concerns about brain drain. Those who resigned or retired included some of the agency's most experienced personnel, as well as young environmental experts who traditionally would have replaced them, according to a [Washington Post report](#).

# INSTALLING INDUSTRY INSIDERS AT THE TOP

Trump has stocked EPA with industry lobbyists, lawyers, and other representatives who have been on the vanguard of rolling back EPA programs that regulate their former clients. Several have already been forced out after ethical problems were exposed. Key Senate-confirmed positions have been left unfilled. Meanwhile, Trump has appointed industry insiders to deputy positions wielding much of the power of the unfilled top positions. The Trump administration's response to the coronavirus shows what happens when federal agencies' missions are not respected and their capacity to identify and respond to crises is compromised. The Trump takeover of EPA is reaping similar results as EPA loosens controls on polluters and fails to address the climate crisis.

**Appointing industry insiders – until some are forced out:** According to an Environmental Integrity Project report, Trump in his first two years in office filled nearly half of the political positions at EPA with appointees with strong ties to industries regulated by EPA. About a third of the appointees, including the current EPA administrator, previously worked as lobbyists or lawyers for fossil fuel companies, chemical manufacturers, or other industry clients. The following is partial list of industry insiders picked by Trump to run EPA.

For more information: <https://environmentalintegrity.org/trump-watch-epa/whos-running-trumps-epa/>

## Administrators with fossil fuel connections:

- **Scott Pruitt:** Appointed Trump's first EPA Administrator, Pruitt was Attorney General of Oklahoma where he spearheaded lawsuits against EPA rules regulating pollution from fossil fuel and other industries. After 18 months as EPA Administrator, **Pruitt resigned in the midst of 13 federal investigations** into allegations of legal and ethical violations, including spending abuses, first-class travel, and use of EPA staff for personal tasks. At EPA, Pruitt began many of the regulatory rollback listed in this report. Since leaving EPA, Pruitt has registered as a lobbyist in Indiana on energy and natural resources, including coal.

For more information: <https://www.nytimes.com/2018/07/05/climate/scott-pruitt-epa-trump.html?> ;  
<https://www.indystar.com/story/news/environment/2019/04/18/scott-pruitt-now-lobbyist-indiana-legislature/3511759002/>

- **Andrew Wheeler:** Appointed Trump's second EPA Administrator, Wheeler was a lawyer and lobbyist with a firm that represented several polluting industries, including coal company Murray Energy. Murray's CEO handed the Trump administration a roadmap for rolling back regulations on the coal industry that the administration has largely followed. For 14 years before joining the law firm, Wheeler worked for Senator James Inhofe (R-OK), an outspoken climate change skeptic. At EPA, Wheeler has directed virtually all the rollbacks of climate, air, water, and other protections, including the actions started by Pruitt.

For more information: <https://environmentalintegrity.org/trump-watch-epa/whos-running-trumps-epa/> ;  
<https://www.cnn.com/2018/12/03/politics/epa-wheeler-climate-protections/index.html>

## **Other top appointees with industry connections:**

- **Bill Wehrum:** Appointed by Trump to lead EPA's clean air program, which is also responsible for regulating climate pollution, Wehrum was a lawyer and lobbyist for a number of companies that EPA regulates, including some of the largest coal, oil, petrochemical, and utility companies in the US. At EPA he oversaw the rollback of clean air and climate safeguards. In 2019, **Wehrum resigned under an ethical cloud**, with congressional investigators looking into charges that he made policy changes at EPA that benefited his former clients in the utility sector.  
More information: <https://www.npr.org/2019/06/26/736290295/top-clean-air-official-plans-to-step-down-form-epa-post-amid-ethics-probe>
- **David Ross:** Appointed by Trump to lead EPA's clean water program, Ross headed the environment unit of Wisconsin's Justice Department where he litigated against EPA's Clean Water Rule (as did Pruitt). Before that, Ross worked for a law firm where he represented farm and construction trade associations challenging EPA's Chesapeake Bay cleanup program and stormwater permitting program. He also worked for Wyoming's Attorney General's environment division where he helped craft that state's challenge to the Clean Water Rule. At EPA he has overseen the rollback of the Clean Water Rule.  
More information: <https://www.eenews.net/stories/1060058019>
- **Peter Wright:** Appointed by Trump to lead EPA's Superfund and waste programs, Wright was a top lawyer for the Dow Chemical Company where he defended dioxins, which can cause cancer, and fought to minimize Dow's responsibility for cleaning up toxic waste sites. Even before his appointment, he worked at EPA as a "special counsel" and led a task force that is making changes to speed up Superfund site clean-ups. Wright is recused from working on 300 Superfund sites, presumably because of conflicts of interest.  
More information: <https://news.bloomberglaw.com/environment-and-energy/senate-confirms-ex-corporate-lawyer-to-head-epas-waste-programs>
- **Susan Bodine:** Appointed by Trump to head EPA's enforcement office, Bodine was a partner at a firm that represented the forest and paper product industry. Before that, she served in the George W. Bush EPA as head of the waste and emergency response program.  
For more information: <https://environmentalintegrity.org/trump-watch-epa/whos-running-trumps-epa/>
- **Samantha Dravis:** Appointed by Trump to head EPA's policy office, Dravis worked for the Republican Attorneys General Association (when Pruitt was chair) and before that as counsel to Freedom Partners Chamber of Commerce, funded partially by the Koch brothers of Koch Industries, a major petroleum refiner and chemical company. Dravis abruptly **resigned in April 2018 amid growing scandals** at EPA.  
For more information: <https://abcnews.go.com/Politics/top-pruitt-aide-resigns-amid-growing-scandal-epa/story?id=54254467>
- **Ryan Jackson:** Appointed by Trump to be EPA's chief of staff under Scott Pruitt, Jackson, like Wheeler, worked for Senator Inhofe for more than a decade and at times represented farming interests. He **left EPA in February 2020 after being investigated for document destruction** in

connection to claims that he had helped polluters get relief from EPA enforcement cases. He now works for the National Mining Association.

For more information: <https://www.eenews.net/stories/1060050608> ;  
<https://www.eenews.net/stories/1062228707>

- **Mandy Gunasekara:** Appointed by Trump to be EPA Chief of Staff after Ryan Jackson left that post, Gunasekara headed an advocacy group that she called a “pro-Trump nonprofit” arguing on behalf of Trump’s support for fossil fuels and other energy policies. Before that, she was at Trump’s EPA as an influential deputy overseeing the clean air program, which is also responsible for regulating climate pollution. At EPA, she has pushed to exit the Paris climate agreement and roll back climate and other rules. Like Wheeler and Trump’s first EPA chief of staff, Ryan Jackson, Gunasekara worked in the past for Senator James Inhofe. She was also a senior director of the National Association of Chemical Distributors.

More information: <https://www.washingtonpost.com/climate-environment/2020/02/14/she-pushed-trump-exit-paris-climate-agreement-rollback-environmental-rules-shes-returning-epa-chief-staff/>

**Leaving important positions unfilled – but with industry insiders in charge:** Trump has been slower than all of his predecessors in filling top government posts requiring Senate confirmation, even though his party has controlled the Senate the entire time he has been President. As of January 2019, two years after Trump took office, only 57% of EPA’s Senate-confirmed positions had been filled. For the often-lengthy period before top EPA positions were filled, Trump filled deputy positions from industry’s ranks to guide the agency’s programs. Deputies do not require Senate confirmation and so do not receive the scrutiny that comes with the confirmation process. Here are partial lists of (1) top EPA positions that are not filled and (2) “deputies” who have wielded power while top positions wait to be filled.

More information: [https://www.washingtonpost.com/national/health-science/its-way-too-many-as-vacancies-pile-up-in-trump-administration-senators-grow-concerned/2019/02/03/c570eb94-24b2-11e9-ad53-824486280311\\_story.html](https://www.washingtonpost.com/national/health-science/its-way-too-many-as-vacancies-pile-up-in-trump-administration-senators-grow-concerned/2019/02/03/c570eb94-24b2-11e9-ad53-824486280311_story.html)

**Top positions not filled:** This list includes positions essential to achieving EPA’s mission, preserving its science capacity, and maintaining its integrity.

- **Deputy Administrator:** Since Andrew Wheeler left the deputy administrator position to become administrator in 2018, the deputy slot has remained open. Doug Benevento, currently an EPA regional administrator and formerly a utility company director and natural gas lobbyist, has been nominated for the position.
- **Assistant Administrator for Air and Radiation:** Since Bill Wehrum left this position in June 2019, the post has remained vacant. No one has been nominated to replace him. However, Mandy Gunasekara served as the air office’s deputy before, during, and after Wehrum’s tenure before she left to form her own pro-Trump advocacy group and later became EPA’s chief of staff (see list of deputies below).
- **Assistant Administrator for Research and Development:** This position, which leads the scientific research arm of EPA, has remained vacant for Trump’s term to date.

- **Assistant Administrator for Office of Mission Support:** This position, which leads the EPA office responsible for essential support functions, including human resources management, diversity, contracts, grants and infrastructure, has remained vacant for Trump's term to date.
- **Chief Financial Officer:** This position, which formulates and manages EPA's annual budget and coordinates EPA's strategic planning, is vacant after Holly Greaves stepped down in September 2019 after just over a year in the job.

**Political deputies left in charge:** This list includes only industry insiders given deputy or similar positions. For a more complete list of appointees with industry ties working at EPA, see <https://environmentalintegrity.org/trump-watch-epa/whos-running-trumps-epa/>.

- **Nancy Beck:** Appointed top deputy of EPA's chemical safety office, Beck previously worked at the American Chemistry Council (ACC), where she pushed to weaken rules on chemicals. She was the top official at the chemical office for nearly two years as Trump's first pick to lead the office, a toxicologist with close ties to the chemical industry, was forced to withdraw his nomination after objections were raised by senators from both parties. At EPA, Beck pushed to narrow the scope of risk evaluations for toxic chemicals such as PFOA, which has been linked to birth defects, and scaled back proposed bans on other hazardous chemicals including asbestos and a deadly chemical found in paint thinners. She was also accused of steering new toxics rules to align with ACC recommendations. Beck left EPA for a White House job in 2019, and she is currently Trump's nominee to lead the Consumer Product Safety Commission.

More information: <https://www.nytimes.com/2020/03/03/climate/consumer-product-safety-commission-nancy-beck.html?> ; <https://chemicalwatch.com/80132/us-epa-names-nancy-becks-replacement-at-chemicals-office>

- **David Fischer:** Appointed top deputy of EPA's chemical safety office after Nancy Beck left that position (see above), Fischer, like Beck, previously held senior positions at the American Chemical Council.

More information: <https://chemicalwatch.com/80132/us-epa-names-nancy-becks-replacement-at-chemicals-office>

- **Steven Cook:** Appointed top deputy in EPA's land and emergency management office and later chair of EPA's Superfund task force, Cook formerly worked as senior corporate counsel at one of the world's largest plastics, chemicals, and refining companies. EPA records show the company as being potentially responsible for at least 3 dozen Superfund sites. Cook was the top official in EPA's land office for over a year, as Trump's pick for the top position, Peter Wright (see listing above), ran into confirmation trouble.

More information: <https://www.cbsnews.com/news/steven-d-cook-ex-chemical-industry-lawyer-to-lead-superfund-task-force-at-epa/>

- **Albert Kelly:** Tapped by Scott Pruitt to run EPA's Superfund program, Kelly was a former Oklahoma banker who received a lifetime ban from the finance industry following a banking violation. His bank provided loans to Pruitt. He had no background in Superfund clean-ups. Kelly resigned from EPA in 2018 amidst scrutiny of his role at the agency and Pruitt's ethical issues.

More information: <https://www.nytimes.com/2018/05/01/climate/epa-kelly-perrotta-resignations.html>

- **David Dunlap:** Appointed deputy head of science policy, Dunlap was formerly a chemical engineer for Koch Industries, a major petroleum refiner and chemical company. Since Trump has not nominated *anyone* to lead EPA's Office of Research and Development, Dunlap continues to be the top-ranking political official in that office. Under Dunlap's watch, EPA eliminated ORD's center for environmental assessment and buried the center's nearly complete health review of formaldehyde, which is produced by Koch Industries.

More information: <https://www.eenews.net/stories/1061788049>

- **Dennis Lee Forsgren:** Appointed deputy of EPA's water office, Forsgren was a lawyer for a lobbying and consulting firm that represents electric utilities, oil and gas companies, mining firms and others. Before that he worked for Senator Don Young (R-Alaska). At EPA, Forsgren has overseen the reversal of the agency's decision on protecting Alaska's Bristol Bay from Pebble Mine, a huge proposed open-pit copper and gold mine.

More information: <https://www.eenews.net/stories/1060083099>

- **Mandy Gunasekara:** Before being named EPA Chief of Staff, Gunasekara served for the first two years of Trump's term as the top deputy of EPA's air office. See listing above for information about her ties to industry and her de-regulatory record at EPA.

- **Patrick Traylor:** Appointed deputy of EPA's enforcement office, Traylor previously worked as an attorney representing coal and natural gas companies, Koch Industry companies, the American Petroleum Institute, US Steel, and utilities behind the Atlantic Coast and Keystone XL pipelines. He represented clients in Clean Air Act enforcement cases. At EPA, he supervised Clean Air Act enforcement cases and developed enforcement policy. He left EPA in 2019 to join a law firm's environmental litigation practice.

More information: <https://www.ecowatch.com/pruitt-patric-traylor-2440855827.html> ;

<https://www.law.com/nationallawjournal/2019/10/15/vinson-elkins-hires-former-epa-lawyer-with-clean-air-act-expertise/>

## ADDITIONAL RESOURCES

Several organizations have been keeping track of the Trump administration actions that reduce health and environmental protection. The resources below provide additional information on actions noted in this report, as well as on other actions beyond the scope of this report that have occurred at the Department of Energy, Department of Interior, and other agencies.

New York Times compilation of environmental rollbacks:

<https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks.html>

Regulatory Rollbacks Tracker -- Harvard Environmental and Energy Law Program:

<https://environment.law.harvard.edu/policy-initiative/regulatory-rollback-tracker/>

EPA Mission Tracker -- Harvard Environmental and Energy Law Program:

<https://eelp.law.harvard.edu/epa-mission-tracker/>

Climate Deregulation Tracker -- Sabin Center for Climate Change Law at Columbia Law School:  
<https://climate.law.columbia.edu/climate-deregulation-tracker>

Climate Blog -- Sabin Center for Climate Change Law at Columbia Law School:  
<http://blogs.law.columbia.edu/climatechange/>

The Washington Post compilation of Trump rollbacks:  
<https://www.washingtonpost.com/graphics/politics/trump-rolling-back-obama-rules/>

Trump Watch: EPA – Environmental Integrity Project  
<https://environmentalintegrity.org/trump-watch-epa/>

Union of Concerned Scientists report: “The State of Science in the Trump Era: Damage Done, Lessons Learned, and a Path to Progress,” January 2019:  
<https://www.ucsusa.org/about/news/ucs-report-tallies-attacks-science>

Save EPA web site:  
<http://saveepaalums.info> -- see “Fighting Rule Rollbacks” menu

Environmental Protection Network:  
<https://www.environmentalprotectionnetwork.org/our-work/>

National Geographic environmental policy tracker:  
<https://www.nationalgeographic.com/news/2017/03/how-trump-is-changing-science-environment/>

## ENDNOTES

<sup>i</sup> Coral Davenport, [“EPA Faces Bigger Tasks, Smaller Budgets and Louder Critics,”](#) The New York Times, March 18, 2016.

<sup>ii</sup> Executive Order on Regulatory Relief to Support Economic Recovery, May 19, 2020.

<sup>iii</sup> Executive Order on Accelerating the Nation’s Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities, June 4, 2020.

<sup>iv</sup> Exposure to air pollution and COVID-19 mortality in the United States. Xiao Wu, Rachel C. Nethery, Benjamin M. Sabath, Danielle Braun, Francesca Dominici. medRxiv 2020.04.05.20054502; <https://projects.iq.harvard.edu/covid-pm/home>. For more information: E. Gould and V. Wilson, Black workers face two of the most lethal preexisting conditions for coronavirus—racism and economic inequality, Economic Policy Institute, 2020. <https://www.epi.org/publication/black-workers-covid/>

<sup>v</sup> Susan A. Perlin, David Wong & Ken Sexton (2001) Residential Proximity to Industrial Sources of Air Pollution: Interrelationships among Race, Poverty, and Age, *Journal of the Air & Waste Management Association*, 51:3, 406-421. <https://doi.org/10.1080/10473289.2001.10464271>. Center for Effective Government, *Living in the Shadow of Danger: Poverty, Race and Unequal Chemical Facility Hazards*, January 2016. <https://www.foreffectivegov.org/shadow-of-danger/>. Toxic Wastes and Race at Twenty 1987—2007, United Church of Christ, March 2007. <https://www.nrdc.org/sites/default/files/toxic-wastes-and-race-at-twenty-1987-2007.pdf>. EPA, EJ Screening report for the Clean Power Plan, July 2015. <https://archive.epa.gov/epa/cleanpowerplan/ej-screening-report-clean-power-plan.html> (showing that 52 percent of people who live within three miles of a power plant identify as minority, versus 36 percent of the U.S. population).

<sup>vi</sup> Michael Gochfeld and Joanna Burger, *American Journal of Public Health*, December 2011 [101(Suppl 1): S53–S63]. [10.2105/AJPH.2011.300121](https://doi.org/10.2105/AJPH.2011.300121)

<sup>vii</sup> World Health Organization, COP24 Special Report, Health and Climate Change, December, 2018. <https://www.who.int/globalchange/publications/COP24-report-health-climate-change/en/>

<sup>viii</sup> Bruce Bekkar, MD<sup>1</sup>; Susan Pacheco, MD<sup>2</sup>; Rupa Basu, PhD<sup>3,4</sup>; et al, Association of Air Pollution and Heat Exposure With Preterm Birth, Low Birth Weight, and Stillbirth in the US A Systematic Review, June, 2020. [https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2767260?utm\\_source=For\\_The\\_Media&utm\\_medium=referral&utm\\_campaign=ftm\\_links&utm\\_term=061820](https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2767260?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=061820)

<sup>ix</sup> Citing three studies:

- Michelle L. Bell and Keita Ebisu, Environmental Inequality in Exposures to Airborne Particulate Matter Components in the United States, *Environmental Health Perspectives*, Vol. 120 No. 12, December 1, 2012. <https://ehp.niehs.nih.gov/doi/10.1289/ehp.1205201>
- Ihab Mikati, Adam F. Benson, Thomas J. Luben, Jason D. Sacks, and Jennifer Richmond-Bryant, Disparities in Distribution of Particulate Matter Emission Sources by Race and Poverty Status, *American Journal of Public Health*, American Public Health Association, April 2018 (published online March 7, 2018). <https://ajph.aphapublications.org/doi/abs/10.2105/AJPH.2017.304297?journalCode=ajph&>
- See also Tessum, CW, et.al., Inequity In Consumption of Goods and Services Adds to Racial–Ethnic Disparities in Air Pollution Exposure, *Proceeding of the Natural Academy of Sciences (PNAS)* March 26, 2019 [116 (13) 6001-6006]; first published March 11, 2019. <https://doi.org/10.1073/pnas.1818859116>

<sup>x</sup> Exposure to air pollution and COVID-19 mortality in the United States. Xiao Wu, Rachel C. Nethery, Benjamin M. Sabath, Danielle Braun, Francesca Dominici. medRxiv 2020.04.05.20054502;

<https://projects.iq.harvard.edu/covid-pm/home>. For more information: E. Gould and V. Wilson, Black workers face two of the most lethal preexisting conditions for coronavirus—racism and economic inequality, Economic Policy Institute, 2020. <https://www.epi.org/publication/black-workers-covid/>

<sup>xi</sup> See <https://www.carper.senator.gov/public/index.cfm/2020/7/carper-epa-s-legally-flawed-environmental-permitting-rule-would-silence-the-american-people-and-have-devastating-consequences-for-environmental-justice-communities>

<sup>xii</sup> See, for example, the federal court decision striking down the Trump EPA’s weakening of the rule to protect communities from the waste that results from burning coal, which can poison nearby rivers, streams, and groundwater. *Util. Solid Waste Activities Grp. v. EPA*, 901 F.3<sup>rd</sup> 414 (D.C. Cir. 2018).

<sup>xiii</sup> See, for example, National Research Council (2011), *America’s Climate Choices: Report in Brief*, Committee on America’s Climate Choices, Board on Atmospheric Sciences and Climate, Division on Earth and Life Studies, The National Academies Press, Washington, D.C., p. 2.