Like the proverbial plumber with leaky pipes in his home, the Occupational Safety & Health Administration’s (OSHA) own inspectors who work to ensure healthful workplaces for others risk their own health from substances they encounter during inspections.

Nearly a decade ago, PEER charged that OSHA had refused to alert inspectors who may have been exposed to beryllium without wearing protective equipment. Our agitation finally forced OSHA to offer blood testing, but it was offered only to active inspectors, excluding retirees and state inspectors. Those tests showed a significant number of inspectors developed blood abnormalities linked to beryllium, an extremely toxic metal that carries a high risk of disease following even very low exposure.

Now, in the course of Freedom of Act litigation for more detailed air sampling data, OSHA informs us that approximately three years ago it began a pilot project in one region to monitor inspectors’ exposures relative to use of personal protective equipment. The agency is expanding that pilot project to all regions.

This is good news, but the project should be expanded to include state inspectors and made retrospective so that retirees can be aware of the risks facing them from past exposures. We also urge OSHA to drop the pilot status so that all inspectors are routinely monitored for chemical exposures while doing their jobs.
Time to Step Out and Push

Furloughs, hiring freezes and funding cutbacks are just some of the obstacles confronting federal workers. Intractable gridlock in Congress signals that it will only get worse, as we stumble through a series of fiscal cliffs, debt limits and threatened government shutdowns. It is like working in a corporation plagued by a vicious boardroom war, with factions seeking to out-rival regardless of the cost to the shared enterprise.

This partisan trench warfare is compounded by an overly cautious Obama administration which has made futile and uneven progress on an array of environmental and public health challenges. In some areas, the Obama-ites have even withdrawn or stalled their own initiatives. In many other areas, they have simply left Bush-era policies in place.

At the same time, the federal workforce is grasping, with more than half of the civil service currently eligible to retire—a proportion that will approach two-thirds of all feds by the end of Obama’s second term. This means that a large phalanx of specialists will spend their final years of public service frustrated by professional dysfunction.

Some of these folks are “getting out of Dodge” by retiring early. But others are taking the opposite tack by becoming activists—putting pressure on their own agencies to revive moribund plans and moldering reforms. Many of these late blooming activists realize that because they can walk away at any time, they have little to lose by stepping outside their traditional niche and pushing their agencies forward.

PEER is an ideal vehicle for this type of internal activism. For example, we love to stage “retirement parties” so that your farewell message to your agency will not simply gather dust as a “memo to file.” A cranky expert on the verge of retirement is a truly dangerous individual—viewed as both authoritarian and disinterested—given a big enough stage.

For those remaining, it is amazing what a single knowledgeable insider can accomplish by gaining access to “outside” stationery. Forcing an agency to publicly confront its darkest secrets and hidden agendas can be quite clarifying—as well as good, clean fun. It is for this reason that the most potent weapon wielded at PEER is a postage stamp to carry insiders’ missives deeply into the belly of the beast.

These agencies are already under outside pressure, usually political pressure to do as little as possible so as not to rock a sinking boat. These bureaus and the public they are supposed to serve would benefit from counter-pressure to prop the boat forward. So, come on and grab an oar.

— Jeff Ruch

Mission Statement

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

PEER Review

Royal Dutch Shell PLC had obtained federal permits to begin oil and gas exploration in the Beaufort and Chukchi Seas beginning in July 2013, but a series of mishaps caused the multinational to declare a “pause” for 2013 and aim for the 2014 drilling season.

Indeed, Shell’s accidents underline the very reasons why the permits should not have been issued and should not be extended into development phases. Through an ongoing lawsuit, PEER has obtained the first 1,060 of several thousand regulatory documents highlighting the unmitigated vulnerabilities inherent in Shell’s plans, especially as they relate to spill prevention, response and recovery.

We intend to use these documents to stoke administrative and legal challenges to counter Shell’s 2014 agenda. The federal control agency charged with overseeing drilling in federal waters, such as the Arctic Outer Continental Shelf (OCS), is a 22-year-old new entity called the Bureau of Safety and Environmental Enforcement (BSEE), called “Besse”, within the Interior Department. Insiders inform us that BSEE should not be concurring operational approvals because the agency has no coherent approach for handling a number of key contingencies for limiting oil spills, ranging from sea ice to blow-out prevention.

Shell has already invested $4.2 billion in opening the Arctic OCS and will continue to spend copiously to regain momentum. The biggest challenge for Shell, however, is Mother Nature in the form of the harsh polar conditions, such as subsurface ice-scour which can decapitate drilling platforms from the seabed. A small foretaste of these daunting conditions contributed to several of Shell’s expensive failures. We are dissecting each one of these incidents from the official records and challenge Shell and BSEE to prove how they have been precluded.

Polar Bear-Gate Reopens and Shuts

PEER has been involved in some strange cases, but the three-year investigation into a journal article about scientists spoofing drowned polar bears following a storm takes the cake. The probe by Interior’s Office of Inspector General (IG) into created a storm, especially after PEER posted the eye-opening interview transcripts showing how clueless and ham-handed the IG criminal investigators were in grilling the scientist authors.

The IG issued its investigative report late on a Friday in September, but the agency employing the scientists, the Bureau of Ocean Energy Management (BOEM), found nothing actionable in the report about polar bear research. In December, the IG took the very unusual step of re-opening the investigation—not because of new information, but because it wanted BOEM to commence a new scientific misconduct investigation.

In January, the BOEM Scientific Integrity Officer rebuffed this overt: “Upon completion of my review, I have no findings of violations of the DOI[Department of Interior] Policy on Scientific and Scholarly Integrity that would merit a further review of this case... I consider this matter closed.”

After this second turn-down, the case re-closed on February 28th. That the IG tried to resurrect this fiasco by invoking scientific integrity is beyond ironic since the IG –

• Refused to submit its research-related charges to review by scientists as provided in Interior’s scientific integrity policies;

• Contends the IG is statutorily exempt from these scientific integrity policies; and

• Repeatedly demonstrated a profound lack of understanding of basic scientific principles and practices throughout the investigation.

In the meantime, PEER discovered that the IG had unsuccessfully asked the Justice Department four times to open a criminal prosecution against the lead author. The four charges resemble a legal version of “everything but the kitchen sink” and included –

• A dangerous and clumsy attempt to criminalize the academic peer review process by seeking prosecution of supposed “false official statements” in ex-changes with editors and reviewers preparing the final draft of the 2006 observational note by the journal Polar Ecology; and

• Twice, at the beginning of the investigation and the end, the IG filed complaints for supposedly unauthorized emails sent to other researchers back in 2007-8. The second time, the IG argued the emails amounted to theft of government property. If every unauthorized email is theft of government property in the IG’s eyes, then the jails will soon be full of hapless public servants who thought their government was supposed to be transparent.

This debacle was unquestionably a big black eye for the IG which compounded its embarrassment by violating the proverbial “rule of holes”—when you are in one, stop digging. This case serves as Exhibit A in our quest to ensure that this kind of scientific witch hunt should never happen again.

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PEEReview

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PEERReview layout • Michelle Yu

The Multi-National That Could Not Shoot Straight. On New Year’s Eve, Shell lost its quarter-billion dollar drilling support vessel, the Kulluk, adrift in high seas before it ran aground on a remote, unpopulated island and was precluded...
Don’t Show Me the Water State

Since 2010, Missouri state park water systems have incurred health-based violations for total coliform bacteria and even for E. coli without enforcement action or remediation. PEER is asking the U.S. Environmental Protection Agency (EPA) to review Safe Drinking Water Act compliance inside Missouri parks, which are overseen by the state Department of Natural Resources (DNR). The DNR has the dual role of administering the Missouri Department of Natural Resources (DNR). The complaint was filed jointly with Pa-

Wyoming Road Kill Bill

In America, highways exact a heavy toll on wildlife. Although exact numbers are hard to come by, it is estimated that one million vertebrates fall victim to mo-

Right to Ride Manatees

This fall, a bystander photographed a woman perched atop a manatee and sent the shot to the local sheriff who arrested the woman. The case got national attention but also drew the ire of the local Tea Party. A Tea Party spokesman interviewed on the radio maintained with all seriousness: “Riding the manatee stands for liberty and freedom and doing what we want to do without harming anyone else. Today we can’t ride a manatee; tomorrow you’re a complete fool, it’s not worth the damage to your vehicle” one sup-

No Good Deed Goes Unpunished

Houston is the seat of Harris County, Texas, home to the world’s biggest petrochemical complex and the nation’s second busiest port. The county has the pollution to go with it, including a dozen Superfund sites. For nearly 50 years, Harris County’s Pollution Control Department has been successfully suing big corporations like Exxon-Mobil, Waste Management and International Paper. More than a quarter of the state’s 2012 cases for civil fines and injunctions were brought by that department’s three-lawyer unit. Their success has not gone unnoticed. A Tea Party-backed legislator has introduced bills 1) to cut the state Attorney General’s power to settle any civil lawsuit filed by a local government without the consent of the plaintiff; and 2) prohibiting local agencies from hir-

Environmental Protection Agency

Superfund-Eligible Sites Hide in Shadows

The Comprehensive Environmental Response, Compensation, and Liabi-

That Reeking Feeling

Vapor intrusion is a major public health problem in New Jersey, the na-

PEER Review Winter ’11’. We fear that leaving the manatee to the mercy of local officials may ultimately result in the Tea Party staging manatee rodeos.

Groundwater, surface water, soil and air. Sites scoring above 28.5 points on the HRS scale qualify for Superfund NPL listing. Documents surrendered by EPA reveal 188 sites with scores ranging from 30 to 70 on the scale. Scores reflect:

• Off-site pollution of residential and municipal drinking water;
• Seepage of toxic vapors into nearby residential buildings; and
• Contamination of adjacent wet-

The New Jersey Department of Environmental Protection (DEP) provid-

Busted. This woman was charged with sea cow molesta-

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Wiring Our National Parks

The National Park Service has embraced an industry-sponsored initiative which would change the way many visitors experience national parks. Plans to significantly expand cellular and internet “connectivity” inside parks advanced without public notice until they were exposed by PEER.

The National Park Hospitality Association (NPHA), which represents concessionaires who operate lodges, stores and other commercial outlets inside national parks, is leading the effort to dramatically hike visitor access to cell and internet signals inside parks – signals from the concessionaires, that is. NPHA laments that “in many of America’s national parks, prized smartphones are little more than cameras because cell and data service, even at visitor centers and lodges and other developed sites, is poor – or worse.”

According to documents obtained by PEER, the organization has the ear of Park Service leadership, which is working with NPHA to –

- Provide internet access “at all major, developed visitor areas in the national park system” and “basic cell phone service at all major visitor areas in national park units, as well as along most roads and at major sites such as trailheads.”
- “Deliver timely, park-focused information within national parks through smart phones, tablets and computers…to deliver interpretation and other important information to park visitors;” and
- In order be “financially sustainable,” NPHA wants “the opportunity to develop and operate these systems” in which they charge fees for services beyond free “landing pages.” NPHA also wants to control visitor information in lieu of park brochures “and even facilitate fee collection through electronic devices.”

“This is a disturbing stealth scheme to wire our national park system,” stated PEER Executive Director Jeff Ruch, noting the utter absence of any analysis of impacts or public input. “Experiencing the natural wonders of our national parks should not require a smartphone. This would be a giant step toward ‘Disney-fying’ parks, replacing rangers with talking corporate icons as your guides. Solitude values will go by the board, as lodges, tents and trailheads become just another place to fiddle with electronic devices.”

Deputy Director Peggy O’Dell had invited NPHA to nominate the first five parks to be wired, with the final “winners” selected sometime in January. After the PEER expose, however, the plan to wire as many as ten parks on a “pilot basis” appears to have moved from the fast track to a back burner. By going to NPHA’s Hot Cave website, you can sign an online petition against these plans.

Wilderness Legacy Lost

Millions of acres of wild lands throughout the national park system remain legally unprotected, according to a new PEER analysis. All told, long-stalled wilderness proposals would increase park wilderness by more than half, putting at least an additional 26 million acres – an area the size of Tennessee – under wilderness protection.

The National Park Service (NPS) administers more wilderness than any other federal agency. Yet, Congress has failed to designate wilderness recommended by past Presidents in many of the nation’s flagship parks from Big Bend to Glacier. Park wild lands are too often “protected” only by NPS policies – policies which may be waived by officials of this or future administrations.

Even when Congress has set deadlines for wilderness recommenda-
tions, the NPS has failed to meet them. The agency has also shirked basic administrative duties to prepare legal descriptions and boundary maps for Congress, or convert areas legally eligible to allow off-road vehicles and planning to broadly extend cell and Wi-Fi coverage.

“The National Park Service is a wilderness-managing agency, but for a variety of reasons, it has ignored fundamental wilderness review responsibilities imposed both by law and policy,” stated PEER Board Chair Frank Buono, a former career NPS manager who compiled the analy-
sis. “Wilderness is the surest way to preserve park resources unpimai-
pered for future generations.”

Racial Profiling

Mickey Fearn was named National Park Service Deputy Director for Communications and Community Assistance with a mandate for outreach “to groups currently underrepresented in parks.” Fearn states “Preserving wild places is a white concept, going back to Rome” adding “African American people feel safe in cities and less safe in nature.” This because “I can only say it as clearly as I can say it: every picture you see of a lynching is in some kind of rural area. For Native Americans and Hispanics, their situations are different. But for black people, I think in the back of their minds, it’s ‘I don’t feel safe in those places.’”

Powered by that kind of analysis, the Park Service’s minority outreach strategy can’t miss.
Dercy, the pattern of political manipulation of science during the Bush era, in early 2009, President Obama pledged policies to assure integrity in decision-making. More than a dozen agencies responded with rules outlawing "scientific misconduct" but in the succeeding months not a single instance of misconduct has been publicly identified.

This absence of findings is not because of the absence of scientific manipulation. To the contrary, political alteration and suppression of science continue unabated. Rather, it is because agencies have found that they can wield these new policies to deflect attacks on their own leadership. Consider three examples:

**BP Spill.** During the height of the biggest environmental disaster in the nation’s history, the National Oceanic & Atmospheric Administration (NOAA) presented dramatic underestimate for the 2010 BP Gulf oil spill – less than half the true flow. These low-b Mellors hampered attempts to cap the runaway well and slowed clean-up efforts.

NOAA refused to investigate the scientific misconduct complaint filed by PEER, not because it was inaccurate but because two of the three-person review panel decided that a series of inadvertent "cut and paste" errors accounted for the deletion of the correct flow rates from key reports. The out-voted dissenting member, the only practicing scientist, found that the official explanation was "difficult to believe" and there appeared to be a deliberate attempt to "hamper the communication of higher flow rates estimates."

Fortunately, the spill rate is the key issue determining how many billion dollars BP must pay in civil damages – and the higher, correct estimates are being used.

**Mexican Wolf.** PEER filed a complaint detailing how critical scientific findings on recovery for the struggling Mexican wolf in the Southwest were altered, compromising prospects for its revival. Rather than bringing in outside reviewers, Interior asked the leadership of U.S. Fish & Wildlife Service (FWS) to review itself. It was tasked to a career official who issued a five-page "reply letter" dismissing all the complaint specifications. Again, there was no dispute as to the facts, instead he used the novel grounds that no final decision has been made, thus a violation of the integrity policy is not possible. However, he reasoned "it is not reckless for the [Southwest] Regional Director to request [scientific changes], since the Regional Director is ultimately responsible for the recovery of the Mexican wolf!" Under these standards, FWS can always shield itself no matter how blatantly it misbehaves.

**BLM Grazing Exclusion from Landscapes.** PEER revealed that the Bureau of Land Management (BLM) has ordered scientists in the biggest study in agency history not to look at livestock impacts when determining change agents affecting Western lands. BLM’s Scientific Integrity Officer concluded that while the “no livestock” was factual it had been done since the decision to exclude grazing was due to the “lack of sufficient existing data” about livestock impacts.

This conclusion, of course, ignored meeting minutes in which BLM managers say study of grazing impacts would concern “stakeholders” and the Washington Office due to “fear of litigation.” The lack of data excuses does not hold water because the attempts to exclude grazing began at the study’s earliest stages, before data availability was even examined. Moreover, other factors being studied, such as invasive species, have bigger data gaps. Finally, BLM managers hid the existence of a major livestock database which was never given to researchers.

While the system is far from perfect, the PEER complaints have ventilated scientific abuses in a manner that has protected sources. We will keep filing complaints.

### Throttle Down in the Stanislaus

In a legal victory for PEER and allied groups, a federal judge ruled that the U.S. Forest Service failed to protect wildlife from off-road vehicles (ORVs) in the Sierra Nevada’s Stanislaus National Forest. U.S. District Court Judge Kimberly Mueller found that the Forest’s Travel Management Plan violated federal law because it did not minimize damage to the environment caused by ORVs. The suit stopped Forest Service approval of 137 miles of previously unauthorized off-road routes and blocked a significant expansion of motorized trails that often damage streams and habitat.

"Off-highway vehicle users have already illegally created more than one hundred miles of unapproved motorcycle and all-terrain-vehicle routes in the forest," said California PEER Director Kim Schomburg. "The Stanislaus management plan would have rewarded those destructive activities that cut across streams and slice through winter deer range and other key wildlife areas. This plan needs a new look."

### NO SEQUESTRER FOR JET-SKIS

Due to the sequester, the National Park Service (NPS) plans to leave 900 permanent position vacancies unfilled and cut 1,000 seasonal employees. The former who handle spiking visitation in spring and summer. Park Service officials have said $400,000 for a study justifying broader personal watercraft (jet-ski) use and another $100,000 for a commercially-sponsored bicycle race.

In the case of jet-skis, NPS seeks to undo a July 2010 federal district court decision striking down special use regulations allowing jet-skis at Gulf Islands National Seashore in Florida and Pictured Rocks National Lakeshore in Michigan. The court cited adverse impacts on sea grasses, wildlife, visitor safety and pollution. NPS also announced that it would spend $100,000 for “listening sessions” to rethink its earlier refusal for a commercially-sponsored bicycle race in the Colorado National Monument.

"With the sequester extended through the fiscal year, we are amazed that the Park Service is exercising so little oversight of non-essential and frankly dubious "planning" efforts," stated PEER Executive Director Jeff Ruch. "By redirecting these monies, the agency could hire a good number of seasonal rangers who will be otherwise absent from parks this summer."

In February 2012, Reclamation terminated its own Scientific Integrity Officer, Dr. Paul Hoelter, after he raised questions about the accuracy of summaries of analyses on expected effects of removing four dams from the Klamath. A whistleblower complaint has been resolved through a mediation in which he was also represented by PEER.

**Fishy Business on the Klamath**

Fisheries biologists working in one of the most contentious areas of the country were told to pack their bags but were not told why. The U.S. Bureau of Reclamation announced plans to outsource their duties to the Klamath Basin in northern California and southern Oregon. In an unusual move, former Phillips, Reclamation’s Klamath Basin Area Manager, outlined his intention to reassign the seven fisheries scientists in the Fisheries Resources Branch, stating:

“Many perceive Reclamation’s efforts as inherently biased… There’s a concern that… in some cases we are simply carrying out studies to contradict the science of other agencies.”

Phillips had complained that the Branch’s scientific work caused him “problems” with stakeholders. Yet when pressed for specifics, he contended “this data is not regularly maintained” and refused to elaborate. In a later meeting, however, Phillips cited the life-cycle model for threatened coho salmon by the Fisheries Resources Branch as work he would not allow to be published or used, again due to unarticulated concerns.

PEER has filed a complaint under agency scientific integrity policies on behalf of the targetted biologists citing improper intimidation and suppression. The complaint seeks withdrawal of the closure plan, adoption of a collaborative forum for disputes and discipline for Phillips and other complicit managers.

“Our fear is that professionalism has become hazardous to our careers inside Reclamation,” said Keith Schultz, one of the seven scientists. “We hope this complaint will make a difference in allowing other scientists to come forward and be truthful about science.”

Reclamation has a poor track record for tolerating diversity of scientific opinion.
The Commerce Inspector General Todd Zinser and his top deputies are under investigation by the Office of Special Counsel for imposing gag orders on their investigators under threat of negative appraisals and blackballing agents with future employers if they did not sign. Zinser’s office claimed the “non-disclosure agreements” were only designed to bar “disparaging” remarks, which a spokesman defined as “telling a falsehood, and lies with reckless regard” but leaving a murky trail which may explain why the Commerce IG has plunged to the bottom in this year’s “Best Places to Work” survey.

Bill Proenza, (ex) National Weather Service Southern Region Director

Four days after he was quoted in the Washington Post criticizing a move to shut down weather radar on sunny days to save money, Proenza was given a notice of termination, escorted from his office and placed on 30-day’s terminal leave. Agency officials claimed there was no connection with the Post article but instead cited unauthorized transfers of funds in a scandal last year that caused the Weather Service Director to resign. Proenza, with a history of being outspoken about mismanagement, wasn’t buying it: “Nothing goes out that’s negative for NOAA (the Weather Service’s parent agency).” He doubted the year-old fiscal mess was the reason “to all of a sudden jump on me out of the blue sky” rather than his whistleblowing on no weather monitoring when the sky is blue.

Alaska State Senator Bert Stedman

After fur traders wiped out sea otters from Alaskan waters, they were reintroduced in the 1960s and their numbers have grown to around 25,000, getting on the nerves of local shellfisheries. Said one: “If a crab stock gets low, they shut us off. Yet when a sea otter comes in and absolutely decimates an area, they don’t do anything about it. We just say ‘Oh, they are warm and fuzzy and cute.’ I mean crabs have rights. Clams have rights. Where do sea otters come out being so holy?” Seeking to protect the right of mollusks and crabs, Stedman said: “The problem is that while bounties on marine mammals may be illegal, shameless political pandering remains legal and is flourishing.

Iowa State Senator Monty Pearce

Chair of the Natural Resources Committee, Pearce (R-New Plymouth) led the opposition to confirming Joan Hurlfrock for a seat on the Idaho Fish & Game Commission. Hurlfrock, a former police officer with a forensic science degree, ultimately blocked over her lack of hunting experience (she is an angler). Pearce explained: “Just trust us. There’s a fear of some environmentalism involved here. The sportsmen are worried.” Hurlfrock would have been the second woman to ever serve on the Commission.

Howard Glaser, New York State Operations Director

Last summer, Mike Fayette, a career transportation engineer, gave an interview to the Adirondack Daily Enterprise about post-Irene bridge and road repair. But Fayette was not authorized to speak with the press and six days after the innocuous piece ran he was summoned to a “disciplinary interrogation” in Albany. Rather than contest the matter Fayette retired. After the paper ran an article about, Glaser, a top aide to Gov. Andrew Cuomo, went public with Fayette’s disciplinary history, portraying him as a troubled employee, stating: “Some in the press were breathless to fit this incident into a favored narrative about Cuomo administration control of information. But the facts turn out to be inconvenient to that tired story line.” Well, we have a new story line now.

Minnesota Governor Mark Dayton

Triclosan is a powerful anti-microbial that turns into an environmental toxin when released. The chemical, found in an array of products, also contributes to growing anti-biotic immunity in the rise of untreatable “super bugs.” A new study showed triclosan building up in the sediment of Minnesota lakes and rivers. Gov. Dayton (D) issued an order banning its purchase by state and local government and school districts. The state Pollution Control Agency found that non-toxic cleaners were just as effective and cost the same. The triclosan ban is part of a broader sustainability initiative by Dayton to leverage public procurement for eco-benefit.

Montana State Representative Roy Hollandsworth

Hollandsworth (R-Brady), who chairs the education appropriations panel, wants to make sure state universities are “on board with natural resources” development. He loudly complained about a “Power Shift” conference on climate change held at the University of Montana in 2012. University officials got his message and wore coal industry lapel pins when they appeared before him this year.

Federal “safe to play” endorsements for artificial turf are based on flawed and limited science and should be withdrawn, according to legal challenges filed by PEER. A growing body of evidence about chemical exposure and other dangers from synthetic turf has been ignored by federal agencies which have posted safety assurances for parents, athletes and schools.

PEER issued legal retraction demands to the Consumer Product Safety Commission (CPSC) and the Environmental Protection Agency (EPA). Each agency did a very small study on lead exposure which failed to take into account realistic risks for children and athletes, including –

• CPSC looked only at ingestion of lead, not inhalation or absorption through the skin. EPA looked at inhalation on a handful of fields when there was no activity to stir up lead particles;
• Both examined only newer fields despite the fact that the fields release more lead as they age; and

• Each examined only lead, ignoring a cauldron of other dangerous chemicals in the shredded tires underlying the fields, including arsenic, benzene, cadmium, chromium, cobalt and mercury.

In fact, the CPSC review found lead levels in artificial sports fields above its accepted limits for children’s products, yet the agencies rebuffed a PEER call to reclassify playgrounds and elementary school fields as children’s products. CPSC ruled that since the same products were also marketed for adult use it would not impose safety-guard checks for children. Significantly, there is no safe level of lead exposure for children.

This quarter, our special thanks go out to the McKnight Foundation, Marsala Foundation, Resources Legacy Fund, Firedoll Foundation, Dudley Foundation and Patagonia Atlanta. We also want to acknowledge Peter Sills, Jerry Toporek and Purple Lady Fund/Barbara Meislin for their particular generosity.

Thank you!
Confronting this chemical tide is an outmatched opponent – the U.S. Occupational Safety & Health Administration (OSHA), responsible for the well-being of 130 million American workers. During the Bush years, OSHA became moribund, with enforcement hamstrung and new regulation virtually halted. Contrary to expectation, under Obama OSHA has not significantly changed course and in some ways has made matters worse:

- OSHA has issued no new health standards since 1998, save for one ordered by a court. Despite this huge backlog, the Obama administration has added extra review processes to further delay long-overdue regulations in the pipeline.
- Save for a handful of substances, the vast majority of Permissible Exposure Limits have not been updated since 1968 and are woefully inadequate. Yet, updating even the most basic standards, such as a long-delayed new silica rule, has been blocked by the Obama White House; and
- The Obama administration’s emphasis on the total number of inspections completed has the perverse effect of discouraging toxic-substance sampling, which can take several days to complete, while an inspector can perform several construction safety inspections in a single day. Partly as a result, today OSHA is collecting far fewer air samples than during the Reagan years.

What progress has occurred at OSHA has been primarily on the safety side – which occupies most of the agency’s time and resources. So, while on-the-job exposures cause the premature deaths of at least ten times more workers than all workplace accidents combined, less than 5% of OSHA’s budget goes to workplace disease prevention.

PEER has obtained the comprehensive database for occupational exposure encompassing the entire history of OSHA. We are working in partnership with the New York Times, which is using the data in a series of in-depth profiles through 2013. This groundbreaking series on occupational illness will focus on a number of issues such as higher worker deaths today from traditional killers, such as asbestos, than in generations past, the rise of workplace exposures in high-tech industries thought to be “clean” and illnesses and deaths spawned in growing service industries, such as health care.

We are hopeful this national coverage will help jumpstart efforts to put the “H” back in OSHA. For too long, stringent environmental protection has halted at the factory door.