The Trump White House has royally screwed up, again. Hoping to mute the impact of the latest National Climate Assessment by releasing it on Black Friday afternoon, it instead hit like a bombshell. The report outlines how adverse effects from climate change are already occurring and will get much worse, bringing devastating wildfires, extreme weather, water insecurity, agricultural declines and infectious disease outbreaks, among other adverse effects.

Stung by this spectacularly counterproductive attempt to bury the climate assessment, the Trump White House has directed its Cabinet to trash the report and prevent similar reports from issuing. PEER obtained and posted the White House talking points calling for steps to correct the “accuracy of our modeling and projections” and “for a more transparent and data-driven process that includes fuller information on the range of potential scenarios and outcomes” in the next Climate Assessment.

Yet, the National Assessment was compiled by some 300 scientists from academia, industry, and career government scientists at 13 federal agencies, including NASA, NOAA, USDA, the National Science Foundation, and the Smithsonian. The draft was available for public comment and reviewed by the National Academies of Science. Notably while he headed EPA, Scott Pruitt was unable to produce any evidence supporting his alternative climate science views even after PEER won a court order directing its production.

PEER is expanding our effort to expose and push back against this anti-climate science campaign and to provide free legal assistance to the scientists who authored the assessment (see sidebar).
Oversight Is a Means, Not an End

It is said that elections have consequences. The blue wave that swept the House of Representatives in November presents just such a major opportunity. To be consequential, Democrats must wield legislative power as a two-sided sword both to counter ill-considered executive initiatives and to advance policies defining what they are for.

There is talk of a new era of oversight, but effective oversight is more than gotcha moments. Notorious characters like Scott Pruitt and Ryan Zinke were forced out by scandals unearthed outside the halls of Congress. Moreover, their departures are not changing the course of their agencies. We need changes in policies and enforcement, not personnel.

Despite the roadblock posed by a McConnell-led Senate, a blue House can accomplish a lot. The current standoff over the partial government shutdown is just the first test of the new power distribution, with many more to come.

One new dynamic already in the offing are “green” riders. Under GOP control, we endured years of anti-environmental riders; now we expect to see the opposite, such as —

- Preserving the Clean Water Act and Obama’s Clean Water Rule as part of any infrastructure package;
- Making climate change a key component of disaster relief; and
- Rebuilding the depleted corps of anti-pollution investigators and prosecutors before approving more money for Border Patrol (now the largest federal police force).

By denying funds, the House can also put a stop to public health and eco-rollbacks. With half his term over, time is starting to run out on Trump, with each month of delay shrinking the window for his initiatives to be finalized.

These issues are central to PEER. The employees inside these agencies can draw oversight roadmaps for new House chairs. This laser-guided intel is a necessary but not a sufficient condition for change. The rest requires the political will to act.

Looking ahead, a major task we face is rebuilding these hollowed-out agencies in the next decade, not by merely rolling back the clock but by makeovers that produce health and safety safeguards that are much more effective than before.

We expect a very busy and even more consequential 2019.

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 may have helped avert an existential threat to the planet. This time the source was not Donald Trump but something possibly even worse – Silicon Valley greed.

Telecom companies are planning to launch “mega-constellations” of thousands of satellites to provide global internet broadband service starting in 2019. The approximately 1,500 satellites currently orbiting the planet will soon be increased nearly ten-fold.

Each of the satellites needs onboard propulsion to maintain altitude and adjust orbits. A well-funded Silicon Valley start-up is marketing elemental mercury as a thruster propellant. Due to its high density, liquid mercury is an excellent propellant, and cheap.

Here’s the problem: The mercury will be vaporized into a gas, ionized, and accelerated out of the thruster. Those mercury atoms will then drift down through the stratosphere to the earth’s surface, mostly onto the oceans.

This is a cosmically bad idea. We teamed up with Bloomberg (ironically) to publicize the mercury marketing plans and the telecoms seem to be stampeding away from the idea like it was, well, molten mercury.

The plan got as far as it did because of a regulatory blind spot. While Trump wants a Space Force, there is no Space Agency, leaving piecemeal oversight. The FAA, for example, only reviews orbital paths. The FCC, on the other hand, issues permits for the satellites but allows operators to self-certify that their technology will have no significant impact on human health or the environment, a practice contrary to federal law and treaty obligations.

A global treaty, The Minamata Convention, obligates its 128 signatories to take steps to reduce mercury releases. The U.S. was the first signatory. However, large-scale orbital discharge of mercury would reverse planetary progress in reducing mercury emissions.

Imagine a Mega-Constellation of Them. The number of satellites in orbit is about to explode.

We have filed a complaint with the FCC taking it to task for limiting its focus to satellite payload and bandwidth and are pressing to close this gaping regulatory gap.

Mercury-Fueled Thruster. Liquid mercury is cheaper than other propellants, no wonder why.

Why Is Space Weather a Secret?

For the past year, PEER has been in court seeking to obtain the current version of our Strategic National Risk Assessment, the analytic tool to guide decisionmaking on civil defense, disaster recovery, infrastructure investment, and related matters. That unclassified assessment is a purely quantitative, capability-based approach to any natural or human-caused catastrophe – from tsunamis to terror attacks.

The Federal Emergency Management Agency (FEMA) finally produced a version, but it is so heavily censored as to be worthless. In addition, its redactions are wildly inconsistent – releasing information about hurricanes but not space weather; biological attack risks are disclosed but human pandemic risks are excised. Incredibly, these redactions include the definition of “risk assessment” itself, along with references to our “National Preparedness System.” The basis for these redactions is that they are “pre-decisional” without identifying what the decision might be.

FEMA’s own National Preparedness Goal declares the role of the Strategic National Risk Assessment thusly: “All levels of government and the whole community should assess and present risk in a similar manner to provide a common understanding of the threats and hazards confronting our Nation.” However, under the Trump administration a common understanding of facts, no matter how basic, is becoming increasingly elusive.

"Forewarned is forearmed" is not just a timeworn adage; it is the premise of our national preparedness posture. To that end, PEER will continue to push for release of the entire Strategic National Risk Assessment and for it to be in the hands of emergency managers, infrastructure operators, public health planners, and other stakeholders, as well as the public.
**Scientific Integrity**

**Quelling Alternative Facts**

As more Trump initiatives are challenged in court, the administrative record supporting those decisions is increasingly at issue. To reduce their legal vulnerability, federal agencies are purging administrative records to remove evidence that does not support a decision or reveals internal dissent or controversy.

Federal law requires agencies to compile and share “the whole record” to explain the basis for actions. Yet the statute does not define the term. Not only are there varying court opinions, but agencies have taken different positions on what should be included, according to a new PEER legal analysis.

NOAA, for example, says the administrative record “consists of all documents and materials directly or indirectly considered by agency decision-makers and includes evidence contrary to the agency's position.” By contrast, EPA maintains that “policy advice, recommendations, or opinions of EPA or other federal government staff generated as part of the internal deliberative process for formulating the EPA decision are not generally part of the administrative record.”

Under President Trump, agencies are excluding even more. In confidential September 2018 guidance, the Fish & Wildlife Service advised “an AR [administrative record] associated with litigation on an agency decision should not include deliberative documents [because] including them in the administrative record would inhibit agency decision-making.”

“It is oxymoronic that an administrative record to enable courts to gauge the quality of decision-making should exclude all deliberative material,” stated PEER Executive Director Jeff Ruch, arguing the scope of an administrative record should not vary from agency to agency or administration to administration. “Current restrictions are designed to omit inconvenient facts from consideration, leaving only an unobstructed view of the official talking points.”

PEER has drafted legislation that would statutorily clarify what is meant by the whole record. It would prevent agencies from excising scientific information, expert opinions, and important intra- and interagency communications from the record.

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**Publish and Perish in Federal Service**

Despite repeated congressional and presidential proclamations on the importance of federal scientists being able to publish in peer-reviewed publications, there are no clear, overarching, or enforceable rules to that effect. A PEER analysis of policies in effect at 18 agencies reveals that most actually limit or prohibit publication –

- Several agencies explicitly require approval before a scientist may submit any research for publication.
- Some limit this review to work-related publications;
- Some agencies, such as the EPA and Interior, have no publication policy at all, leaving scientists uncertain about what they may do; and
- Other agencies have conflicting rules, while still others prohibit certain publications altogether.

By contrast, only a handful of agencies, such as the National Science Foundation, explicitly allow staff specialists to seek publication without prior official review.

“There is no rational reason why a scientist from the Marine Mammal Commission should be able to publish while a marine scientist from NOAA may not,” argued PEER Science Policy Director Kyla Bennett, a scientist and lawyer formerly with EPA.

The uncertainties are compounded by the lack of legal protection for scientists whose publications cause official displeasure. Currently, a federal scientist who chooses to publish on any subject of controversy takes a big career risk if that work does not support or has implications at odds with agency positions. Thus, for many federal scientists the professional reality is “publish and perish.”

PEER is calling on the new Congress to adopt legislation it has drafted establishing a clear open publication rule in all civilian agencies, enforced in a manner comparable to the Whistleblower Protection Act.
Federal Employee Disengagement Deepens

This article is being written during the third week of the third Trump government shutdown. The present impasse is weighing on the lives of hundreds of thousands of affected employees and their families.

It is only the latest move that devalues federal service. Trump had already produced a welter of orders to reduce retirement benefits, restrict bargaining rights, and make it easier to fire and harder to restore workers, among other actions. To make matters worse, Trump also issued an order barring any pay increase for civilian workers during 2019—assuming they get paid at all.

To top it off, Trump has declared that “most of the people not getting paid are Democrats”—implying that he does not care what happens to them.

Not surprisingly, federal employees are growing more alienated and discouraged. In the latest Federal Employee Viewpoint Survey, reported engagement levels dropped at almost 60 percent of federal agencies. No one would call the current era a golden age for federal public service.

With many Trump appointees at odds with the very mission of the agencies they head, increasingly, conscientious public servants are forced to go outside the confines of their paralyzed agencies to do much good. That is where PEER comes in, to help these public servants better serve the public—and live to tell the tale.

What Do Federal Workers Think of Trump?

We don’t know but can only guess. The annual Federal Employee Viewpoint Survey no longer asks them. PEER was told that the White House had the survey revised but the Office of Personnel Management has yet to answer our months-old request for an official explanation of the change. We are now in court demanding the smoking gun documents.

Zinke and the Horse He Rode in On

After less than two years as Interior Secretary, Ryan Zinke has resigned at White House request. Reportedly, the growing scandals surrounding Zinke prompted the White House to cut him loose before political hemorrhaging could begin in the new session of Congress.

Since it appears that his Deputy Secretary, former energy lawyer-lobbyist David Bernhardt, had actually been running the department behind the scenes, few expect major changes, especially in the drive to maximize fossil fuel production on federal lands (aka “Energy Dominance”).

One area that may be affected is Zinke’s September 2018 directive to roll back all Interior fish and wildlife protections that are stricter than state game rules (See PEEReview Fall 2018) This major philosophical shift may be relegated to limbo until new Interior leadership is put in place. However, given that most top Interior slots remain vacant, several without even a nominee, don’t hold your breath.

Parting Gift

On Friday, December 28th, despite the shutdown, the Interior Department issued proposed regulations making it harder and slower to get public records under the Freedom of Information Act. Ironically, it was documents obtained under FOIA that fueled the controversies that got Zinke cashiered. This is more striking in that Zinke and his deputy Bernhardt tended to work in secret and tried to avoid creating paper trails whenever possible.

From our vantage point as a robust FOIA user, the proposal’s vague wording and arbitrary limits promise to be counterproductive and only generate more FOIA litigation, not less.

If Interior truly wanted to reduce the number of FOIA requests, appeals, and suits, it should try something novel—transparency. The only records categorically beyond the reach of FOIA are those already in the public domain.
Environmental Protection Agency

America’s Lungs – Death by a Thousand Cuts

Ozone at ground level damages the airways and aggravates cardiovascular impairments and lung diseases such as emphysema, chronic bronchitis, and asthma. It factors into premature death from respiratory ailments.

So, what is EPA doing?

PEER caught the agency issuing guidance significantly increasing the allowable amount of ozone transport from an upwind state to a non-attaining downwind state. This hinders downwind states in invoking "good neighbor" protections under the Clean Air Act’s national ambient air quality standards.

In an August 2018 memo, Peter Tsirigotis, Director of EPA’s Office of Air Quality Planning and Standards, raised the amount of “upwind contribution” from 0.70 ppb (parts-per-billion) to 1 ppb, a more than 40% increase.

Thus, with a flick of the pen, this guidance condemns thousands of unlucky downwinders to early deaths every year because downwind states have to accept more ozone from their upwind neighbors. This information, however, gives affected states potent new ammunition in their legal challenges against the lack of EPA good neighbor enforcement.

Adding insult to injury, industry-backed scientists who deny the adverse health effects of ozone now occupy key slots at EPA (see page 7 story). Meanwhile in a move of stunning hypocrisy, acting EPA Administrator Andrew Wheeler issued an all-employee email stressing “the importance of elevating human health and environmental risks.” Presumably, this request excludes risks created by Wheeler.

What Is Air?

In 2015, EPA tightened the overall National Ambient Air Quality Standards for ozone. Since Trump’s inauguration, EPA has been chipping away at ozone protections, such as a behind-the-scenes move to allow industry to exceed current ambient air standards over rivers, mountains, and other remote areas.

Since there is no statutory definition of ambient air, the modeling and exposure methodologies are up to EPA. As Scott Pruitt went out the door, he gave industry increased “flexibility” by changing the definition of ambient air to exclude some public lands such as industry-controlled corridors and remote hard-to-reach terrains. Of course, he did so without public announcement and employees brought it to light through PEER.

Besides protecting public health, ambient air standards are a key component of the Clean Air Act mandate that EPA prevent any significant deterioration in the air quality in places such as national parks, wilderness areas, monuments, seashores, and other areas of special national or natural value.

Changing where the ambient air quality standards apply allows industry to pollute more and makes it that much harder to get a lungful of fresh air. PEER is working to reverse this sleazy stealth rollback.

Not Fake News

We had partnered with CNN in breaking this story, working for two weeks to verify the story with EPA officials. Unable to kill the story despite strenuous efforts, EPA then attacked CNN in a nasty press release, claiming the story contained “Seven Falsehoods.”

Other than the questionable use of tax dollars to attack the press, the EPA release was notable for two reasons: 1) It was a non-denial denial, as most of what EPA claimed to “correct” was accurately reported by CNN; and 2) Under Pruitt, the EPA press office often attacked reporters. But these “war-room” tactics largely ceased when Pruitt was ousted (and PEER was happy to play a role in that).

However, one Pruitt holdover, John Konkus, decided to remain as deputy associate administrator for public affairs. This EPA release was a Konkus tantrum that only incentivized us to break more stories guaranteed to give him fits.
Trump’s Clean Water Apocalypse

More than half of all U.S. waterbodies will lose federal protection under a new Trump proposal, according a compilation posted by PEER. By eliminating protections against polluting, draining, or filling thousands of streams and wetlands, Trump’s plan would jeopardize water security in much of the country.

As with Obamacare, Trump wants to repeal and replace the Obama Clean Water Rule. While his repeal proposal is still pending, the replacement that was just unveiled is based upon a 2005 opinion by the late Supreme Court Justice Antonin Scalia. It limits Clean Water Act coverage to “relatively permanent, standing or continuously flowing bodies of water” — that is, streams, rivers, and lakes. Wetlands could potentially be protected, but only when they have a “continuous surface connection” to other “waters of the United States.”

It is difficult to overstate just how bad an idea this is:

• As much as 60% of U.S. waters and wetlands, and up to 90% in the arid West, would no longer be protected. This will greatly exacerbate already growing water shortages;

• Drinking water sources for most of the country would be at risk. For example, EPA determined that the 2015 Obama rule, which expanded Clean Water Act coverage by less than 5%, affects the drinking water sources for 117 million people—one out of three Americans. This latest Trump plan threatens far more source waters; and

• The potential filling or draining of millions of acres of wetlands would greatly weaken U.S. flood control, strip urban hurricane buffers, and decimate fish and wildlife habitat.

If a wetland or waterbody is not protected under the Clean Water Act, it could be filled, drained, or discharged into without any federal permit. Large-scale developments, such as highways, pipelines, and mega-construction projects, will be able to avoid the permit process, as many states do not protect these waters.

As the 21st century unfolds, water scarcity is an ever-growing concern that this proposal would make exponentially worse. Complicating matters further, climate change will result in previously permanently flowing rivers running dry during droughts, thus rendering them non-jurisdictional.

In short, Trump’s plan is not only a developer’s dream but an environmental nightmare. It is also a grave threat to America’s water security. This battle to safeguard more than half of all U.S. waterbodies is PEER’s top priority.

Not Just Climate Deniers

Trump’s EPA is populated not just with industry-affiliated officials who doubt the human role in inducing climate change. Officials who dispute long-established science on the adverse effects of particulate matter, ozone, formaldehyde fumes, and even asbestos, now occupy key positions inside the agency.

Take Tony Cox, for example. He worked for the tobacco industry in leading its challenges to the risks of second-hand smoke. He has also, on behalf of the American Petroleum Institute, questioned the benefits of reducing particulate pollution. Cox is now the chair of EPA’s newly purged Clean Air Scientific Advisory Committee. And, for good measure, he sits on its Science Advisory Board.

He is joined by Stanley Young, the leading skeptic on the need for EPA regulations to reduce air pollutants, arguing there is no link between particulate matter and ozone pollution and premature death.

The net result is that industry now has a heavier thumb on the scales of EPA scientific, regulatory, and enforcement decisionmaking than ever before. This means that concerned, dedicated EPA professional staff increasingly need outside help to do their jobs.
There is increasing evidence that the bees, moths, butterflies, and other species responsible for pollinating three-quarters of the world’s food crops are vanishing at a startling speed.

While factors such as habitat loss and climate change are drivers of this loss, the growing use of toxic and poorly regulated pesticides has rightly attracted the concern of many scientists working in federal agencies – the very agencies charged with regulating the chemical industry and ensuring the safety of our food supply. Yet in practice, these agencies seem all-too-willing to act in the best interests of those industries they are supposed to regulate, a tendency that is on the rise under this administration.

PEER is working to expose and counter the pervasive influence of pesticide corporations on regulatory science within federal agencies such as the USDA and EPA, as well as within land-grant universities. Government and public university scientists have informed PEER that the pesticide industry, led by Monsanto (now Bayer) in league with the industry association, CropLife, is furiously fighting back against the mounting science and against the scientists – especially those inside USDA – whose research conclusions threaten corporate interests.

For targeted scientists, this internal agency blowback can be intense. Inside USDA, scientists have reported to PEER that they are marked for retaliation as a result of this research. Scientists uncovering the dangers of pesticides have been ordered to retract studies, water down findings, remove their name from authorship, and endure indefinite delays in approval for publication by managers focused instead on serving “stakeholders.”

These scientists also can find themselves subjected to disruptive investigations, disapprovals of routine requests, and disciplinary actions over petty matters. Without outside assistance, these biologists and other research scientists have little ability to challenge restraints on their publications. PEER is working to provide legal aid directly to these embattled researchers.

Led by PEER Senior Counsel Peter Jenkins who has worked for many years in this field, we are also working on a broader level to strengthen policies against politically-motivated alteration and suppression of research [see page 4 articles], especially affecting scientific work that documents the long-term ecological, as well as economic, implications of industrialized agricultural practices. In our view, the stakes could not be higher.

She Came from Monsanto

The Trump administration has nominated Aurelia Skipwith, who started her career at the agrochemical giant Monsanto, to lead the U.S. Fish & Wildlife Service, which oversees endangered species and wildlife refuges.

Skipwith had no background in conservation before she joined the Trump administration less than two years ago as a political appointee.

We are trying to find out if she had a hand in the recent move by the Fish & Wildlife Service to rescind the ban on using bee-killing pesticides and the genetically modified crops inside national wildlife refuges. This ban flowed from several years of PEER-led litigation.

These industrial agricultural practices diminish biodiversity, especially wild pollinators, in preserves that are supposed to be operated for wildlife. This reversal does, however, have one beneficiary that lobbied for it – Monsanto.

Buzz Kill. Wild pollinators are most at risk from habitat loss and insecticide drift due to lax government standards.

Thank You!

This quarter, we’d like to express our gratitude for the exceptional generosity of members Paul Angermeyer, Capt. Ed Davidson, Susan DuBois, Alan Greenberg, Peter Joseph, Alan Kabat, Mimi Karlsson (retired EPA-Atlantic Ecology Division), John MacClarence, Sally Mackler, Jeffrey Marmorstein, Ellen McLaughlin, and Charles Meyerson.

We would also like to extend our sincere thanks to the Anderson-Rogers, Virginia Wellington Cabot, Cornell Douglas, Glaser Family, NewLand, Park, Seattle, Tortuga, and Winky Foundations, and to the Tennessee Scenic Rivers Association.
Military’s Spreading PFAS Stain

Per- and polyfluoroalkyl substances (PFAS) are emerging contaminants of concern that have been found in many areas of the country, especially in waterbodies and groundwater. Many former and active military bases are highly contaminated, primarily from prior use of firefighting foams containing PFAS.

PFAS have dual hydrophilic and hydrophobic properties, causing them to spread unusually quickly and far in the environment. While more is being learned, studies indicate that PFAS affect growth, learning, and child behavior, interfere with the body’s natural hormones, increase cholesterol levels, affect the immune system, and increase the risk of cancer.

However, there is no national limit for PFAS contamination and the Department of Defense cleanup responsibilities remain nebulous – as do their duties for public disclosure.

PEER has been fielding reports from federal, state, and local government employees about many communities whose drinking water has been compromised, yet have not been informed, let alone been provided with alternate drinking water sources. We are preparing to go to court to force military commands to disgorge key documents and will ask House committees to conduct investigative hearings where responsible officials will have to provide answers under oath.

Plot Thickens at Hunters Point...

Hunters Point Naval Shipyard is both one of the longest, most expensive Superfund cleanup sites and San Francisco’s biggest planned redevelopment since the 1906 earthquake. It is also incredibly screwed up.

Since PEER revealed the extent to which soil sampling and building surveys were falsified to mask radiological contamination {See PEERreview, Summer 2018}, the problems at this 30-year-old Superfund site continue to unspool, including –

- The Justice Department joined a false claims suit charging the Navy’s environmental consultant, Tetra Tech, with years of eco-fraud;
- Speaker Nancy Pelosi, who represents the shipyard, has sparked an Inspector General investigation; and
- Major banks have announced they will extend no further credit for Hunters Point development, where more than 300 luxury homes have already been built on what may be contaminated soil—which has never really been tested.

There is a lot more to come, including important revelations about the role of the Navy, which has botched the cleanup; EPA, which has exercised little oversight; and the City of San Francisco, whose leadership has deep financial ties to the main developer. PEER hopes to use Hunters Point as a lever to improve Superfund remediation, especially on military sites, and as a primer for how to properly assess and redress radiological contamination.

...And Reaches Treasure Island

The same post-World War II nuclear work that infected Hunters Point Shipyard also stains Treasure Island in the middle of San Francisco Bay. The Navy also used the same disgraced consultant, Tetra Tech, on the site and employed the same strategy of minimizing contamination.

Like Hunters Point, Treasure Island is on the cusp of much-anticipated redevelopment but questions about the site’s true condition have not been asked, let alone answered. Guided by insiders PEER is launching a multi-pronged transparency campaign to force the Navy to come clean about its cleanup – or lack thereof.
Rake America Great Again

Finland President Sauli Niinistö

During the height of California’s fall wildfires, President Trump made the bizarre (even for him) suggestion that the Golden State should rake its forests because that is what the Finnish president said they do to prevent large conflagrations. But no one has ever heard of a Finnish forest raking program. The Finnish president explained that Trump had misunderstood their conversation because what he described to Trump was ecological management, saying “We take care of our forests.” Trump’s misconstrual perhaps reflects the lack of a shared reference point, since Finland is a heavily forested nation straddling the Arctic Circle while the only “ecology” Trump knows is a putting green.

EPA Acting Administrator Andrew Wheeler

At a Washington Post forum, a reporter asked Wheeler to “name three policies the Trump administration is championing that are decreasing air and water pollution.” In response, Wheeler referenced a proposed EPA rule to cut NOx emissions from heavy-duty diesel trucks and then got stuck, admitting “I’m not sure I’m going to be able to give three off the top of my head.” Like other Trump appointees, Wheeler is accustomed to an easier time with the press at his regular appearances on Fox News, where the questions are screened in advance to weed out tough ones.

U.S. District Court Judge Scott Skavdahl

Like many states with big farm lobbies, Wyoming has passed an “ag-gag” or data trespass law that prohibits anyone from taking photos or collecting research on private lands without permission. These laws attempt to prevent exposés about inhumane, unsanitary, or unsafe conditions on ranches as well as sampling for agricultural air and water pollution. Skavdahl, the chief federal judge for Wyoming, ruled the latest version is also unconstitutional, writing “There is simply no plausible reason for the specific curtailment of speech in the statutes beyond a clear attempt to punish individuals for engaging in protected speech that at least some find unpleasant.” In other words, pure cow manure sometimes migrates from barnyards to the state house.

Joint Chiefs of Staff Chair General Joseph Dunford, Jr.

Outgoing Joint Chiefs Chair Dunford has been clear in stating that climate change is a global source of conflict and “is very much something we take into account in our planning as we anticipate when, where, and how we may be engaged in the future.” Dunford’s view tracks those of outgoing Defense Secretary James Mattis. Nonetheless, a strange duality persists where the Pentagon recognizes climate change and by law Defense Authorization Acts declare “climate change is a direct threat to the national security of the United States,” yet the Commander-in-Chief says it is a hoax and that “a lot of people like myself – we have very high levels of intelligence – but we’re not necessarily such believers.” Maybe Einstein was wrong when he said “The measure of intelligence is the ability to change.”

Agriculture Secretary Sonny Perdue

USDA just watered down the nutrition standards for school lunches, reversing key parts of the Healthy, Hunger-Free Kids Act advocated by First Lady Michelle Obama. Requirements for whole grains, reduced sodium, and nonfat flavored milks were relaxed despite USDA finding widespread compliance among school districts. On flavored milks, USDA claimed the rationale was to increase milk consumption but had no specific evidence for that claim, but Secretary Perdue did offer that “I wouldn’t be as big as I am today without chocolate milk.” True that.

Florida State Geologist Thomas Greenhalgh

When Florida’s Department of Environmental Protection unveiled its new protection rules for springs, they were challenged as inadequate by a DEP employee. A geologist who is an expert on recharge and groundwater movement, Greenhalgh contends the rules are premised on inaccurate estimates of how much nutrient pollution will be reduced by farmers voluntarily following best management practices. Much of Florida depends on these freshwater springs for their drinking water. Greenhalgh has worked for DEP since 1988 and for its Geological Survey since 2001. He had been reprimanded in 2014 for what the agency deemed his undue candor. However, this is the first time anyone can remember a DEP employee filing a request for an administrative hearing on one of the department’s own proposals. Greenhalgh gives new meaning to public service.
Alaska’s Weighty Wildlife Wish List

Its incoming governor wants the U.S. Department of Interior to drop an array of its policies protecting wildlife, habitat, and wilderness in the State of Alaska, according to correspondence obtained by PEER. The wide-ranging demands include statutory amendments and suspension of regulations and policies governing national park lands, wildlife refuges, as well as protections for federally listed threatened and endangered species.

In a January letter, Alaska’s acting commissioner of Fish and Game, Doug Vincent-Lang conveyed a 41-page laundry list of concessions Governor Mike Dunleavy seeks. Vincent-Lang is treasurer of Safari Club International Alaska Chapter and a director of the Outdoor Heritage Foundation of Alaska, a pro-hunting group.

Vincent-Lang’s letter claims that federal policies in the nearly 200-million acres of Interior lands in Alaska are “causing conflict” by making it “increasingly difficult for the public to hunt and trap” and that they are a “moving target” creating the need for a “whack-a-mole exercise.” To remedy that, he asks for what amounts to a wholesale suspension of federal decision-making and deferral to state game policies.

“Alaska Fish and Game appears to have become a province of the Safari Club International,” remarked PEER Executive Director Jeff Ruch, pointing out that while located in Alaska these federal lands are supposed to be managed for interests beyond only Alaska hunters and trappers. “Alaska is telling the federal government, give us your money but stay the hell out of our state.”

A central premise of Vincent-Lang’s pitch is that there is no inherent conflict between wildlife viewing, on one hand, and hunting and trapping, on the other. The most recent state analysis found that wildlife tourism had more than twice the economic value to Alaska as hunting. Hunting and trapping outside Denali National Park and preserve, for example, has greatly reduced visitor success in viewing wolves in the wild – one of Alaska’s biggest tourism draws.

“Unfortunately, wildlife conservation in Alaska is hurling back to the Dark Ages,” stated Rick Steiner, a retired University of Alaska professor and PEER board member. “If I were a wolf or a bear in Alaska right now, I would be headed for the Canadian border, ASAP.”

Shriveling Chemical Safety

President Trump unsuccessfully proposed eliminating the Chemical Safety Board, but he needn’t have bothered because the CSB appears to be self-abolishing. The agency has cut its investigators and investigations drastically and has shrunk the scope of reports to avoid addressing root causes of industrial accidents.

Behind boasts of improved staff morale is an unraveling cover-up of deepening staff discontent. One side-effect of plummeting morale is the departure of investigators. Today there are only about 9 left, versus 20 investigators in 2015. In a manifesto written by investigators, they cite a “weak commitment to CSB safety mission” as evidenced by new limits on “investigation depth,” the elimination of “root cause investigations” and that “management wants to eliminate review of draft reports by experts, the company, union, and other stakeholders.”

PEER is engaged in legal action to restore competent leadership by returning Dr. Daniel Horowitz as the CSB Managing Director after he was suspended in June 2015. We just hope the patient survives the cure.
objections, a symposium Dr. Luber was slated to host featuring Al Gore. He was then directed to stop using the phrase “climate change” and forbidden from responding to any further media or congressional inquiries. Since then, he has been the target of a wide-ranging reprisal campaign.

In March 2018, CDC revoked his badge, phone, and credentials, placing him on a BOLO (be on the lookout) list as a security risk, barring him from entering the facility except under armed guard and with prior approval, and only to retrieve materials. Every time he goes to his office, Dr. Luber and his car are searched in front of his colleagues.

“CDC is deliberately humiliating and degrading a prominent researcher because of the subject matter of his work,” stated PEER Staff Counsel Kevin Bell, noting that Dr. Luber’s Climate and Health Program has also been collapsed into a larger community health program, with no mention of climate change in its title. “To please new political masters, CDC has exiled climate science to an organizational penal colony.”

The pressure on Dr. Luber continues to mount. In a letter dated October 22, 2018, CDC Environmental Health Center Director Patrick Breysse (the same official who ordered Dr. Luber to stop using the term “climate change”) proposed his removal based upon an alleged failure to obtain permission to author a 2015 book, give lectures at Emory University, and a kitchen sink list of more than 30 other charges. Dr. Luber provided a detailed refutation of all these charges concerning which he was never previously interviewed. In his prior 16 years at CDC, Dr. Luber has had a spotless record.

In December, after a reporter prompted by PEER made inquiries, Breysse abruptly rescinded the removal and indicated in an email to Dr. Luber: “I will rescind the ‘proposal for removal’ memo and provide you with a new notice of disciplinary or adverse action in the future.”

While we are pleased with the withdrawal of the proposed removal, Dr. Luber is still facing restrictions on his ability to work freely in his field. PEER is pursuing action to secure the recovery of his program, the restoration of his job duties, and his ability to communicate about the health aspects of climate change to the public.

Luber
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