

THE E.P.A. ISSUES

For the Indivisible Research Group

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U.S. ADULT BELIEFS VERSUS SCIENTIFIC CONSENSUS ABOUT CLIMATE CHANGE

According to a Pew Research Center pole (pewinternet.org/2016/10/04/the-politics-of-climate), a survey of 1,534 U.S. adults' attitudes about climate science and climate change (May 10-June 6, 2016) often correlated most closely with political ideology.

<u>Conservative Repubs</u>	<u>Mod/lib Repubs</u>	<u>Mod/conserv Dems</u>	<u>Lib Dems</u>	<u>US Adults</u>
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Climate scientists should have major role in policy decisions:

48%	69%	76%	80%	67%
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Almost all climate scientists agree that human behavior is mostly responsible for climate change:

16%	13%	29%	55%	27%
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Climate scientists can be trusted a lot to give full and accurate info on causes of climate change:

15%	32%	45%	70%	39%
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Earth is warming mostly because of human activity:

15%	34%	63%	79%	48%
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The Intergovernmental Panel on Climate Change's (IPCC) Fifth Assessment Report (11/2/14) was written by over 800 scientists from 80 countries assessing over 30,000 scientific papers concluded:

1. Human influence on the climate system is clear.
2. The more we disrupt our climate the more we risk severe, pervasive, and irreversible impacts;
3. We have the means to limit climate change and build a more prosperous, sustainable future (un.org/climate-change/blog/2015/03/ipcc-launches-complete-synthesis-report).

A research institution that supports the view that human activity may not cause climate change, and that is influential with the Trump administration, is the Institute for Energy Research which is allegedly partially funded by the Koch brothers who have worked for years to undermine climate-change policies (factcheck.org/Koch-brothers-and-climate-change).

In spite of the varying beliefs about climate change and climate science among Americans, and opposing views by a small minority of research institutes, *there is strong scientific consensus that humans do impact climate change.*

TRUMP AND THE ENVIRONMENT

During the campaign, Trump promised to pull out of the Paris Accords on climate change. Currently there is a debate on-going in the administration with Bannon arguing for him to fulfill that promise and Ivanka Trump, Rex Tillerson and other foreign policy advisers arguing against (NYT 3/3/17:A12). On March 3, the *Times* reported that Trump wanted to make a decision on this issue, but as of yet a decision has not been made public. Mr. Tillerson said, "It's important that the U.S. maintains its seat at the table about how to address the threat of climate change which does require a global response" (NYT 3/3/17:A12).

Trump has yet to nominate people for approximately twelve key jobs at the E.P.A. that require senate

confirmation (NYT 3/13/17:A12).

The most significant cuts in President Trump's budget of 3/16/17 would be at the E.P.A., cutting \$2.6 billion from the agency's budget and eliminating 3,200 positions (NYT 3/16/17:A1)

SCOTT PRUITT, HEAD OF EPA

Graduated from Georgetown College in Kentucky 1990 with a BA in political science and communications. He received a law degree from the University of Tulsa in 1993, after which he set up a private law practice with specialties in constitutional law, labor law, insurance law and contracts. He then went into politics in Oklahoma (Ballotpedia). As attorney general of Oklahoma (2011-2017), "he sought to use legal tools to fight environmental regulations on the oil and gas companies that are a major part of the state's economy. A 2014 investigation by the New York Times found that energy lobbyists had drafted letters for Mr. Pruitt to send, on state stationery, to the E.P.A., the Interior Department, the Office of Management and Budget and even Mr. Obama, outlining the economic hardship caused by the environmental rules" (NYT 3/10/17:A22).

There is nothing in Mr. Pruitt's background that suggests expertise in climate science in support of his statement on CNBC's "Squawk Box" that "I would not agree that [human activity] is a primary contributor to the global warming that we see" (NYT 3/10/17:A1). This belief contradicts statements on the E.P.A. Website and research produced by the E.P.A.:

"Recent climate changes, however, cannot be explained by natural causes alone. Research indicates that natural causes do not explain most observed warming, especially warming since the mid-20th century. Rather, it is extremely likely that human activities have been the dominant cause of that warming" (E.P.A. Website, "causes of climate change," viewed 3/18/17; see <https://www.epa.gov/climatechange>).

WATER QUALITY AND THE EPA

On February 15, 2017, HJ Res. 38 "Should the E.P.A.'s Stream Protection Rule be repealed" was signed by President Trump after passing in the House (228 yea, 194 nay) and the Senate (54 yea, 45 nay) on February 1 and 2 (countable.us). Every Kentucky Republican in the House and Senate voted in favor of repealing this EPA's stream protection rule. ***Barr (KY-6); Rogers (KY-5); Massie (KY-4); Guthrie (KY-2) and Comer (KY-1)*** with ***Barr, Rogers, Guthrie and Comer co-Sponsoring*** this legislation in the House. Both ***Rand Paul and Mitch McConnell*** voted in favor of this legislation in the Senate (see <https://www.congress.gov/bill/115th-congress/house-joint-resolution/38/actions?q=%7B%22search%22%3A%5B%22H.J.+Res.+38%22%5D%7D&r=1>)

On 2/28/17, Trump issued an Executive Order directing the EPA and Army Corps of Engineers to review and then rescind or revise the 2015 Clean Water Rule: Definition of the Waters of the United States (WOTUS; reported CNBS 2/28/17; <https://www.whitehouse.gov/the-press-office/2017/02/28/presidential-executive-order-restoring-rule-law-federalism-and-economic>).

Obama's 2015 Rule extends the 1972 Clean Water Act, and was meant to protect smaller streams and rivers and wetlands that flow into large bodies of water from pollution. The text of the Rule makes this very clear and that it does not apply to bodies of water not so connected. The rule extends to 60% of U.S. bodies of water (WOTUS website). Yet, Congressman Barr, in criticizing WOTUS stated

specifically in his letter to the Chair of the House Committee overseeing the EPA that: “...*the flawed WOTUS Rule by the EPA and USACE will have disastrous effects on agriculture, small business and municipalities across the country. The rule is drafted so vaguely that it encompasses nearly all water sources with any hydrologic connection to downstream navigable waters, including ditches, pipes, farmland ponds, groundwater, as well as other waters traditionally regulated by the state.*” (http://dougamborn.house.gov/uploadedfiles/ew-ie_defund_wotus.pdf)

WOTUS was opposed by oil and gas developers, farmers, pesticide and fertilizer makers, and golf course owners, who claimed that the Rule infringed on property owner’s rights, and that the Rule was bad for the economy. In Pruitt's statement (below), he is also claimed that the Rule infringes of states' rights.

In 2015, the American Farm Bureau Federation lead a lawsuit against the WOTUS Rule arguing that it put a burden on farmers to get a permit for using fertilizers near ditches and streams. The case has been in court ever since *and the Rule has never actually been implemented*. Trump Executive Order 13778 signed Feb. 28, 2017 (https://en.wikisource.org/wiki/Executive_Order_13778) puts the WOTUS Rule on hold. Even as Oklahoma Attorney General, Scott Pruitt sued the EPA over WOTUS according to CNBS (2/28/17; and http://dougamborn.house.gov/uploadedfiles/ew-ie_defund_wotus.pdf)

Pruitt stated immediately after the executive order was signed:

“The EPA intends to immediately implement the Executive Order (13778) and submit a notice to the office of the Federal Register announcing our intent to review the 2015 Rule, and to propose a new Rule that will rescind or revise that rule. The President's action today preserves a federal role in protecting water, but it also restores the states' important role in the regulation of water.”

Pruitt's states' rights argument ignores that streams and rivers form networks across multiple state lines. His position leaves unclear what role the Federal Government will play when one state ignores the needs of another regarding the same water flowing through multiple states.

In the past when federal oversight has been weak, states have competed for industrial/economic development by taking short cuts on environmental protection. The E.P.A. has stepped in when states fell short of standards, ignored public health or environmental issues when regulating businesses.

AIR QUALITY AND THE EPA

On 2009, the E.P.A. released a legal opinion known as an endangerment finding concluding that because of its contribution to global warming, carbon dioxide in large amounts met the Clean Air Act's definition of a pollutant that harms human health. Under the Clean Air Act, all such pollutants must be regulated by the E.P.A. A federal court upheld the finding and the Supreme Court declined to hear a challenge to it. Thus, the E.P.A. remains legally obligated to regulate carbon dioxide, and to roll back regulations that do so would be illegal (NYT 3/10/17:A22; Jody Freeman, NYT 3/8/17:A23).

Close to his time of leaving office Obama negotiated with auto makers and instituted CAFE—Corporate [fleet] Average Fuel Standards of 54.5 mpg by 2025. In an CNBC interview (3/9/17) Pruitt said that he soon intends to address a roll back of these standards that the Trump administration feels are too costly to automakers, especially now, say automakers, that fuel prices are down and consumers are more often purchasing larger vehicles (lowering average fleet mileage).

Jody Freeman (NYT 3/8/17, A23), Obama's counselor for energy and climate change in 2009-10, argues that “from 2022-25 alone, [Obama' CAFE standards] are projected to reduce American oil consumption by 1.2 billion barrels, cut half a billion metric tons of carbon pollution and save consumers millions of dollars in fuel costs, according to the Environmental Protection Agency. The net benefits to society are estimated at \$100 billion.”

Freedman states, the standards provided badly needed uniformity within the auto industry. Prior standards were being set by various agencies (National Highway Traffic Safety Administration, E.P.A. [since 2007], California and 13 other states and Washington D.C.) and resulting in different market regulations. With Obama's CAFE standards, those differences came together in a uniform set of regulations. Freeman, who negotiated the agreement on standards with automakers remarks further “In exchange for this clarity [that Obama's CAFE standards provided], the auto companies signed formal commitment letters agreeing not to challenge the standards.”

“Unraveling the agreement now will undo this alliance [with Canada on standards], plunging the companies back into regulatory chaos, and with all its uncertainty, acrimony and cost.” (*Ibid*)

“As it has turned out, the industry is now thriving, with record sales. And it has easily exceeded the fuel efficiency standards every year since 2012. There is no reason to think that it cannot continue to do so.” (*Ibid*).

TRUST AND ITS IMPORTANCE FOR PUBLIC CONFIDENCE IN EPA

In an OP-ED piece in the NYT 3/7/17 by William D. Ruckelshaus who was the E.P.A.'s first administrator, from 1970-73, states that the agency made good headway curbing the country's worst pollution problems despite resistance from industries and their lobbyists.

Ruckelshaus returned to this post at the request of Reagan, in the spring of 1983, 28 months into Reagan's first term. During this period, the E.P.A had fallen into chaos with Gorsuch, its head, being cited for contempt of Congress, its budge reduced almost 25%, staffing slashed., internal conflicts, resignations of key officials, alleged collusion of key officials with companies, documents destroyed. One political appointee, Rita Lavelle was facing accusations of lying to Congress for which she would later be convicted. And voters were taking notice. Ruckelshaus states:

“President Reagan discovered that government backsliding on protecting American's health and the environment would not be tolerated by an awakened, angry and energized public.”

What Ruckelshaus learned upon re-entering this arena at the time was that chemical industry executives who met with him were not concerned with over regulation, but with the declining trust of consumers in their companies:

“The public, they told me, was spooked about the turmoil at the E.P.A. Americans didn't believe anything was being done to protect their health and the environment. They didn't believe the E.P.A. and they didn't believe the chemical industry. These executives had concluded that they needed a confident, fair, and independent E.P.A. They knew that an environmental agency trusted by the public to do its job gave their businesses a public license to operate.”

A good analogy would be failed trust in the Food and Drug Administration--people would become more distrustful of the products they consumed.

In an actual recent case, Monsanto's flagship product Roundup has come under scrutiny as possibly being linked to cancer in a federal court case in San Francisco. Court documents suggest that “Monsanto had ghost written research that was later attributed to academics and indicated that a senior official at the Environmental Protection Agency had worked to quash a review of Roundup's main ingredient, glyphosate, that was to have been conducted by the United States Department of Health and Human Services. Documents also revealed that there was some disagreement within the E.P.A. over its own safety assessment” (NYT 3/15/17:B1). A strong E.P.A. and transparency within the agency is important for consumers' relations with corporations and their products.

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- (4) New York Times, 3/3/17, page A12
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