

Updated Summary of E.P.A./Administration Activities and Nominations Affecting Climate and Health

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On October 9, with **Mitch McConnell** at his side, **Scott Pruitt** declared to a group of coal miners in Hazard, KY that “the war against coal is over.” Pruitt, head of the E.P.A., stated that he will move to repeal Obama's Clean Power Plan, arguing that the E.P.A. overstepped its legal authority in seeking to force utilities to reduce carbon emissions outside their actual facilities to meet Federal emissions targets. The *Washington Post* reviewed Pruitt's 43-page draft of the proposal, “October 2017 Tiering List,” to rescind the Clean Power Plan. The document does not explain how the E.P.A. will justify to the courts the decision to eliminate the regulation legally required by the Clean Air Act of 1970 and upheld by the Supreme Court. *The agency said that it will seek public input on how to best cut emissions from natural gas and coal-fired plants.*¹

A report by the U.S. Government Accountability Office publicly released on October 24, 2017 found that “climate-related impacts, such as coastal property damage, have already cost the federal government billions of dollars, and these costs will likely rise in the future.”² “For example, for 2020 through 2039, one study estimated between \$4 billion and \$6 billion in annual coastal property damages from sea level rise and more frequent and intense storms. Also, under this study, the Southeast likely faces greater effects than other regions because of coastal property damage” (Ibid). “Over the last decade, extreme weather and fire events have cost the federal government over \$350 billion, according to the Office of Management and Budget. These costs will likely rise as the climate changes, according to the U.S. Global Change Research Program. In February 2013, GAO included *Limiting the Federal Government's Fiscal Exposure by Better Managing Climate Change Risks* on its High-Risk List” (Ibid). “GAO recommends that the appropriate entities within the Executive Office of the President (EOP), including the Office of Science and Technology Policy, use information on potential economic effects to help identify significant climate risks and craft appropriate federal responses. EOP entities and the Environmental Protection Agency did not provide official comments on the report” (Ibid).

In keeping with the Trump administration's practice of appointing people hostile to regulations intended to protect the environment, **Andrew R. Wheeler** was nominated for deputy administrator of the E.P.A., and **Kathleen Hartnett White** has been asked to lead the White House Council on Environmental Quality. Wheeler was a lobbyist for Murray Energy, “owned by Robert E. Murray, an Appalachian coal mining magnate and major backer of President Trump.” Like Pruitt, Murray Energy has filed lawsuits against the E.P.A. White was “a former Texas environmental regulator who has described belief in global warming as 'a kind of paganism'.” In a Senate hearing on their nominations, Ms. White is quoted as saying “It's likely that Co2 has some influence on the climate,” but added that carbon dioxide did not have the characteristics of a pollutant that directly affects human health, “It's a plant nutrient” she said. In earlier articles on climate change, White stated that carbon dioxide is “the gas of life,” and described renewable energy as parasitic. *A decision on their confirmation may not take place until the end of the year.*³

According to the Partnership for Public Service, a nonpartisan and nonprofit organization that tracks

¹Juliet Eilperin and Brady Dennis, *Engery Newsletter*, *Washington Post*, Oct. 9, 2017. See also, Lisa Friedman and Brad Plumer, “E.P.A. Announces Bid to Roll Back Emissions Policy” *New York Times* Oct. 10, 2017:A1, A19.

²Gao.Gov/products/GAO-17-720, An official summary of the the report.

³Lisa Friedman, “Environment Nominees Draw Democrats' Fire” *New York Times* Nov. 9, 2017:A13

federal nominations, 28 key positions at the E.P.A., the Energy Department, and the Interior Department that require Senate confirmation still lack nominees (Ibid). At the E.P.A., in addition to Pruitt, only **William L. Wehrum** has received Senate confirmation as an Assistant Director, head of Air and Radiation. Wehrum was confirmed largely along pro-Republican partisan lines by a 49-47 Yea-Nay vote (with **McConnell** voting yea).⁴ After serving as Acting Director of the Air and Radiation office of the E.P.A. under Bush, in 2006 Bush nominated him for the permanent position. The then Chairwoman of the Environment and Public Works Committee, **Barbara Boxer** (D-California), pledged to block the nomination and so it was withdrawn. Boxer called the Wehrum nomination “extremely troubling” because of a record that “demonstrates a pattern of discounting health impacts, ignoring scientific findings, and substituting industry positions for the clear intentions of Congress.”⁵ Wehrum worked at the law firm Hunton & Williams. His clients have included American Petroleum Institute, American Fuel & Petrochemical Manufacturers, the American Chemistry Council, and the National Association of Manufacturers, all of which waged litigation battles against Obama’s E.P.A (Ibid).

Three other individuals have been nominated for top E.P.A. posts: **Michael Dourson** for Assistant Administrator for Toxic Substances; **Andrew Wheeler**, Deputy Administrator; **David Ross**, Office of Water; *but have yet to be confirmed*.⁶ All have records of working for the industries they would be in charge of regulating.⁷ For example, “Dourson’s consulting company, Toxicology Excellence for Risk Assessment, or TERA, was paid by Dow Chemical, CropLife America, the American Chemistry Council, the American Petroleum Institute, Koch Industries, and other companies and industry groups to study dozens of chemicals. The evaluations TERA produced consistently failed to recognize threats that were clear to scientists and regulators not on the companies’ payrolls.”⁸ Dourson has strong opposition from Democrats and health organizations. Tom Udall (D-N.M.) stated “Dr. Dourson has made a career of creating junk science for industry.” Senator Richard Blumenthal (D-Conn) stated “We need someone who’s going to be a watchdog, not a lapdog for the special-interest chemical industry and other producers of contaminants and substances that can literally kill people, or stunt the growth of children or make people sick.”⁹ They are referring to reports that Dourson’s research contradicts general scientific consensus and the findings of E.P.A. scientists. For example, his analysis recommended a safe level for 1,4-dioxane (in paint and shampoo) 1000 times higher than the E.P.A.’s recommended level.¹⁰

In a similar vein, according to a Sierra Club report, **David Ross**, nominated for the top spot at the Office of Water, has sued the EPA many times related to its clean water safeguards in his work representing fossil fuel states like Wyoming, including challenging the Clean Water Rule and the Chesapeake Bay cleanup program (he lost the latter lawsuit, which the court called “long on swagger, but short on specificity”). According to E&E News, he “has represented states and industry in lawsuits against the agency -- some of which were filed by then-Oklahoma Attorney General and now EPA Administrator Scott Pruitt.”¹¹

⁴Congress.gov, William L. Wehrum confirmation

⁵Timothy Cama, “Trump Riles Dems with Pick for Powerful E.P.A. Job, The Hill, Sept. 10, 2017.

⁶Epw.Senate.gov, Oct. 4 2017, US Senate Committee on Environment and Public Works.

⁷Mary Anne Hitt, “Meet the Four Horsemen of the EPA-pocalypse,” Sierra Club-Compas, Sept. 19, 2017.

⁸Sharen Lerner, “Trump’s Pick for E.P.A. Safety Chief Argued that Kids Are Less Sensitive to Toxins” *The Intercept*, Oct. 3, 2017.

⁹Suzu Khimm, “Democrats: Trump E.P.A. Nominee Michael Dourson is Toxic Chemical Swamp Creature,” NBC News-Politics, Oct. 3, 2017.

¹⁰Editor, “Mr. Trump’s Conflicted Regulators,” New York Times, Oct. 10, 2017:A26.

¹¹Mary Anne Hitt, “Meet the Four Horsemen of the EPA-pocalypse,” Sierra Club-Compas, Sept. 19, 2017.

For nominations not yet confirmed, and in response to the E.P.A.'s request for public response to overturning Obama's Clean Power Plan, concerned citizens should review the issues and write to the E.P.A., and their senators expressing their views.

The E.P.A. will spend \$24,570 to construct a sound proof booth for E.P.A. Director Scott Pruitt to conduct private conversations within the agency. “The booth, also known as a Sensitive Compartmented Information Facility (SCIF), will be a customized model for Pruitt to conduct meetings, calls, and other lines of communication undisturbed, according to the [Washington] Post.”¹² “The contract comes as Pruitt has weathered criticism for being secretive, eschewing emails and written communications, prohibiting employees from bringing phones to meetings and the like.”¹³ Pruitt's need for secrecy may be explained by the nature of his contacts and agenda. As reported in the *New York Times*, “Since taking office in February, Mr. Trump’s E.P.A. chief has held back-to-back meetings, briefing sessions and speaking engagements almost daily with top corporate executives and lobbyists from all the major economic sectors that he regulates — and almost no meetings with environmental groups or consumer or public health advocates, according to a 320-page accounting of his daily schedule from February through May, the most detailed look yet at what Mr. Pruitt has been up to since he took over the agency.”¹⁴

The Trump Administration sent **George D. Banks**, special advisor to the President on international energy issues to lead a forum at the Bonn Germany United Nations conference on climate change on Monday November 11. The American panel of top energy executives argued for clean coal technologies and nuclear power and the need for fossil fuels to produce energy in developing countries. The session was disrupted for ten minutes by chanting protestors who then walked out leaving the room half empty. “Throughout the remainder of the meeting audience members shouted down and mocked White House officials who attempted to explain away President Trump's stated view that global warming is a hoax.”¹⁵ Other Americans unofficially taking part in the United Nations conference, such as **Michael R. Bloomberg**, are there to express continuing American support for the Paris Accord among a number of U.S. mayors and governors. Bloomberg was quoted as saying “Promoting coal at a climate summit is like promoting tobacco at a cancer summit” (Ibid). On Monday, the same day as the American session, the Global Climate Project released scientific findings that after a two year plateau, carbon emissions were again on the rise in 2017, in part due to a resurgence of coal use in China.¹⁶

While Trump has pledged to withdraw from the Paris Climate Agreement, the United States can not legally do so until 2020 by the terms of the agreement.

¹²Miranda Green, CNN Politics, Sept. 26, 2017

¹³Timothy Cama, “E.P.A. Spending almost 25,00 for Sound Proof Booth,” thehill.com/policy/energy Sept. 9, 2017.

¹⁴Eric Lipton and Lisa Friedman, “E.P.A. Chief's Calendar: A Stream of Industry Meetings and Trips Home,” *New York Times*, Oct. 3, 2017,

¹⁵Lisa Friedman and Brad Plumer, “Jeers at Panel as U.S. Backs Fossil Fuel Use,” *New York Times*, Nov. 14, 2017:A1, A11.

¹⁶Brad Plumer, “Carbon Emissions, Once Flat, Are On the Rise,” *New York Times*, Nov. 14, 2017:A11.