Message

From: Hassell, Emily [hassell.emily@epa.gov]
Sent: 5/25/2018 6:00:41 PM
To: AO OPA OMR CLIPS [AO_OPA_OMR_CLIPS@epa.gov]
Subject: News Clips - 25 May 2018

(Full stories, highlights, and details are listed further down in the email, and can be jumped to by clicking on any of the links below.)

Pebble Mine Financing

Washington Post - Major investor in Pebble Mine pulls out, putting controversial Alaska project in jeopardy

The Hill - Controversial Alaska mining project loses potential investor

Politico - Pebble Mine financing deal falls through

PFAS Summit

The Hill - EPA grapples with potential health threat in drinking water

Politico - EPA's next steps on toxic chemicals draw scrutiny

Washington Examiner - Rep. Dan Kildee asks inspector general to probe EPA for limiting access to chemical summit

Administrator Pruitt Coverage

CBS News - EPA: Pruitt spent $3.5 million on security during first year in office

The Hill - House Dems request information from EPA on Pruitt's legal fund

Huffington Post - Scott Pruitt Twice Introduced Anti-Abortion Bills Giving Men 'Property Rights' Over Fetuses

General

Daily Caller - It's Time The EPA Stops Taking Advantage Of Taxpayer Dollars For Regulatory Science (*Op-Ed)

Reuters - Pressured by industry, U.S. EPA slows formaldehyde study release: documents

Bloomberg - California Air-Quality Official Takes a Swipe at Trump

AP - Judge wants state, US EPA to take lead on Lake Erie algae

The Hill - Why EPA's drop in pollution cases is so scary (*Op-Ed)

AP - Environmentalists take aim at power plant's discharge permit

Washington Examiner - Chemical safety board faults Texas chemical plant that exploded during Hurricane Harvey

+++

Washington Post
https://www.washingtonpost.com/news/energy-environment/wp/2018/05/25/major-investor-in-pebble-mine-pulls-out-putting-controversial-alaska-project-in-jeopardy/?utm_term=.5ebcf623e20d
Major investor in Pebble Mine pulls out, putting controversial Alaska project in jeopardy
By Juliet Eilperin and Steven Mufson, 5/25/18, 1:17 PM

The major financial investor in the Pebble Mine project has pulled out, Northern Dynasty Minerals Ltd. announced Friday, dealing a serious blow to the firm's plan to build a controversial gold and copper mine near Alaska's Bristol Bay.

The stock price of Northern Dynasty plummeted 28 percent by midday Friday after it announced that First Quantum Minerals Ltd. had withdrawn from an agreement the two companies forged in mid-December. Under that partnership, First Quantum had provided $37.5 million upfront and pledged $150 million over the next three years to fund the permitting process, in exchange for a 50 percent share in the project.

Environmental groups, which had lobbied First Quantum for months to withdraw from the deal, said constructing the massive mine would imperil a watershed that is home to the world's largest sockeye salmon fishery.

Joel Reynolds, Western director of the advocacy group Natural Resources Defense Council, said Friday that First Quantum executives "deserve to be congratulated for listening to the people of Bristol Bay." Reynolds, who met with the company's chief executive this month, noted that it is the fourth major firm to abandon the project since 2011.

"There is a consistent pattern of major investors walking away from this project once they understand the overwhelming opposition and unavoidable environmental and economic risk," Reynolds said. His group and others had argued that the combination of local residents' concern and the scientific findings should deter First Quantum from consummating its deal with Northern Dynasty. "Our pitch fundamentally is, this is a bad investment for your shareholders."

Northern Dynasty, which has no investments aside from the Pebble Mine project, received a boost with President Trump's election and the confirmation of Environmental Protection Agency Administrator Scott Pruitt. The price of its stock more than tripled between the election in late 2016 and February 2017.

The company, which said in a release Friday that it had "terminated" the First Quantum option agreement "in accordance with its terms," did not respond to a call seeking further comment.

The Pebble Mine project has been fraught for years. In 2014, the EPA invoked a provision under the Clean Water Act that barred Northern Dynasty from applying for federal permits on the grounds that scientific studies indicated the mining operation could cause "significant and irreversible harm" to the area's fish habitat. Pruitt proposed reversing that decision last year, but after he consulted with tribal governments as well as Alaskan officials and the EPA received a million public comments — most of them negative — the administrator announced in January that he would revoke the agency's earlier determination.

Northern Dynasty began the permit process application with the U.S. Army Corps of Engineers in late December, after receiving a cash infusion from First Quantum. The Corps is taking comment on its scoping plan until the end of June, though environmentalists are seeking to extend the public comment period because the firm hopes to expand the proposed mine's footprint and operation.

But without First Quantum, the Canadian company must seek another partner or be forced to drop the Pebble project.

"We believe that the company would be unable to fund the Pebble permitting process beyond 2018 without additional sources of capital," Craig Hutchison, an analyst with TD Securities, said in a note to investors. "Therefore, we believe the company will have to re-engage with potential strategic partners to help fund Pebble. Given there is a limited number of potential parties to engage with, we view the timing of a potential new partnership agreement as highly uncertain."

Hutchison issued a hold advisory to investors. Three analysts from other investment firms have urged clients to buy Northern Dynasty stock this year. The biggest shareholder is Stirling Global Value Fund, which has an 8 percent stake in the company. But short sellers — who bet on a company's stock falling in value — had a relatively large position equal to 7.7 percent of Northern Dynasty's outstanding shares.

"More work remains to put an end to this project," Carter Roberts, chief executive of WWF-U.S., said in a statement. "But after 14 years of efforts to develop the Pebble Mine, we hope this will mark the beginning of the end."

The Hill
http://thehill.com/policy/energy-environment/389383-alaska-mining-project-loses-potential-investor
Controversial Alaska mining project loses potential investor
By Timothy Cama, 5/25/18, 12:28 PM

The controversial Pebble Mine project in southwest Alaska won't get an investment from a company that had been negotiating toward a potential 50 percent stake.

Northern Dynasty Minerals, a Canadian mining company that currently owns the Pebble project, said Friday that it was unable to negotiate a deal with First Quantum Minerals.

The development could put the proposed massive gold and copper mine in peril. Northern Dynasty had for years been searching for a new investor after Rio Tinto and Anglo American exited the project.

The mine has faced significant opposition from environmentalists and some Alaskans. They fear that waste from the project would pollute and harm streams that flow into Bristol Bay, which hosts the largest salmon fishery in the world, among other ecologically important features.

Northern Dynasty did not provide any details in its Friday statement about why the talks broke down. The companies announced in December that they had an agreement to work toward a deal.

Under the Obama administration, the Environmental Protection Agency (EPA) proposed to block Pebble, saying it would be too harmful to the streams.

The Trump administration's EPA last year said it would withdraw that proposal. But it later reversed course, endorsed the Obama administration's findings and kept the proposal in place.

Pebble has been aggressively lobbying the federal government to get the project's permits approved.

Opponents of the project cheered the news of the financing falling through.

"The Pebble Mine is a risky venture that would devastate the world's largest sockeye salmon fishery. It also endangers thousands of local jobs, wildlife, and more than a dozen Alaska native tribes," Carter Roberts, president of the World Wildlife Fund, said in a statement.

"In addition to the environmental concerns, the Pebble Mine also poses risks to any company's reputation, and by extension its returns. Given these many concerns, it's no surprise that the financing deal fell apart."

Politico
https://subscriber.politicopro.com/energy/whiteboard/2018/05/pebble-mine-financing-deal-falls-through-1305488
Pebble Mine financing deal falls through
By Alex Guillen, 5/25/18, 12:32 PM

A financing deal for the proposed Pebble Mine has fallen through, the mine's developer announced today, adding to questions about whether the controversial Alaska project will ever come to fruition.

Northern Dynasty Minerals, the Vancouver company that is the sole owner of the Pebble Limited Partnership, had struck a tentative deal with First Quantum Minerals to provide $150 million in financing over four years of the project's permitting phase in exchange for half the mine's stake. But NDN announced today that the companies have failed to reach a final agreement and were ending talks.

The mine holds significant metal deposits, including gold, copper and molybdenum.

Pebble Mine is currently going through the permitting process before the U.S. Army Corps of Engineers. But questions have been raised about whether the mine ultimately will secure a permit following EPA Administrator Scott Pruitt's surprise announcement earlier this year that he believes mining in that area would pose a risk to the region's natural resources, including the Bristol Bay salmon fishery.

NDN did not say whether it has enough funds to finish the permitting process on its own.

The Hill
http://thehill.com/policy/energy-environment/389297-epa-grapples-with-potential-health-threat-in-drinking-water
EPA grapples with potential health threat in drinking water
By Timothy Cama, 5/25/18, 6:00 AM

Environmental Protection Agency (EPA) chief Scott Pruitt is starting to grapple with a class of chemicals used in manufacturing that has been found in drinking water in recent years.

Pruitt convened a summit this week with state officials, industry representatives, environmental advocates and others to discuss the presence of per- and polyfluoroalkyl substances (PFAS) in the water supply. He labeled the issue a "national priority" and promised certain steps toward potentially regulating the chemicals' presence in water.

Among other steps, Pruitt said EPA would formally consider whether to set national limits on the drinking water concentration of two of the thousands of chemicals in the family: perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).

The chemical industry even endorsed the actions, though cautioned that the EPA has to use "sound science" as it moves forward.

But some in Congress, along with environmental and public health advocates, are skeptical that Pruitt will take strong action on PFAS. They point to the Trump administration's deregulatory bent and an email uncovered last week in which a White House aide said an as-yet-unreleased federal study on the chemicals could be a "public relations nightmare."

“At this point, it really just seems like a public show, with no action to really to back it up,” said David Andrews, a senior scientist at the Environmental Working Group.

Pruitt’s actions on PFAS were also overshadowed by an uproar over EPA barring journalists from much of the summit and allegations that a security guard shoved a reporter out of the building when she tried to cover it.

The man-made chemicals have been used to make products like Teflon, Scotchgard and firefighting products. Companies have been using them for decades.

But only recently have the health risks from PFAS garnered attention. The risks are under scrutiny in part due to the Flint, Mich., water crisis, which spurred a nationwide focus on water contamination that has uncovered water issues at military bases and manufacturing facilities in New York, New Hampshire, Michigan, North Carolina, among other places.

Consumption of at least some of the compounds has been linked to cancer, thyroid disease, immune system problems and other ailments.

Pruitt organized the PFAS summit earlier this year in response to growing calls from lawmakers and states for EPA to take actions like increasing research and exploring regulation.

“This is a national priority that we need to focus on as a country,” Pruitt said at the event. “There are concerns across the country about these chemicals because of their persistence, their durability, getting into the environment and impacting communities in an adverse way.”

Pruitt made four pledges on behalf of EPA. He said the agency would evaluate whether to set maximum PFOS levels for drinking water, develop recommendations for cleaning the chemicals out of groundwater, consider whether to designate some of them as “hazardous substances” for environmental cleanup purposes and do research on toxicity levels for some of the compounds.

The American Chemistry Council, which represents chemical companies, endorsed Pruitt’s approach.

“I think we were overall pretty encouraged. It’s fairly consistent with the sort of things that we’re looking for in terms of next steps we want EPA to take in this area,” said Jessica Bowman, the group’s director for fluor-chemistry.

The industry wants to ensure, however, that newer PFAS compounds are not swept up in EPA’s action. It argues that legacy chemicals like PFAS and PFAO — neither of which is produced domestically anymore — are the main issue, and newer chemicals are more advanced and less harmful.

“We want to make sure that EPA does take into consideration that there is a significant variation in the substances that all fall within this class of chemistry, and they don’t all require risk-based regulation,” Bowman said, adding that she believes Pruitt will endorse that view.

But environmental advocates and many lawmakers distrust Pruitt to handle the issue. They say he is unlikely to order the right scientific studies or go far enough to limit acceptable chemical levels in water.

“I’m very concerned about Pruitt’s leadership on this issue,” said Rep. Brendan Boyle (D-Pa.).

Boyle said he’s particularly worried about the revelation last week that an unknown White House aide predicted a “public relations disaster” from a federal health study about the substances. The email was uncovered by a Freedom of Information Act request filed by the Union of Concerned Scientists and first reported by Politico.

Numerous lawmakers are demanding that the Health and Human Services Department’s Agency for Toxic Substances and Disease Registry release the research referenced in the email.

Patrick Breysse, that agency's head, said at the EPA summit that he and his staff were "working aggressively" to get the study out.

Sen. Shelley Moore Capito (R-W.Va.) has also put pressure on the EPA over PFAS.

Asked if she's pleased with how EPA is handling the issue, she said, "I'm not totally pleased, no, but I want to find out what kind of levels are acceptable and remediate the problems."

As for whether she has confidence in Pruitt's handling, she said, "I think time will tell, honestly."

It has proven difficult for the EPA to designate a new chemical for filtering under the Safe Drinking Water Act. Since the act was updated in 1996, only one new chemical has been designated for potential regulation, and the EPA still hasn't moved to regulate it.

But the bigger issue, in environmentalists view, is Pruitt's desire to avoid regulation and cater to industry.

"Reading the tea leaves, it's pretty clear that they are following the chemical industry's lead on this," said Erik Olson, director of the health program at the Natural Resources Defense Council.

"We feel that we certainly can't trust EPA to set a health-protective standard for these chemicals."

Pruitt controversial science "transparency" proposal would also make it difficult for the EPA to publish a strong regulation, green advocates say.

The proposal, among other changes, would require that any scientific findings the EPA uses for regulating be based on data that is available to the public and reproducible.

Epidemiological studies, like those examining the effects of contaminants, often rely on personal data that researchers agree to keep private, and they can't be reproduced since they only happen once.

That would make it difficult for the EPA to use some of the most consequential studies on PFAS, advocates say.

"You throw out all evidence that these chemicals are already impacting human health," Andrews said, pointing to research from the major PFOA spill in West Virginia in 2014 as an example.

"The implications could be enormous in terms of ignoring the significant amounts of scientific data that these chemicals are already impacting health."

Politico
https://subscriber.politicopro.com/energy/article/2018/05/epas-next-steps-on-toxic-chemicals-draw-scrutiny-571874
EPA's next steps on toxic chemicals draw scrutiny
By Annie Snider, 5/25/18, 5:02 AM

EPA is poised to take a handful of initial steps to address toxic water contamination after its summit this week, but few experts are optimistic that those actions will be enough — if they are even taken at all.

Opening this week's meeting on nonstick PFAS chemicals that taint the drinking water of at least 16 million Americans, Administrator Scott Pruitt announced four "concrete steps" that the agency will take to address the contaminants, including determining whether to regulate two of the best-known chemicals in drinking water.

"We will take the next step under the Safe Drinking Water Act process to evaluate the need for a Maximum Contaminant Level for PFOA and PFOS," Pruitt said. "It's something that has been talked about for a number of years. The process needs to begin."

That evaluation will decide whether a contaminant warrants a legal limit, a process called a regulatory determination, which is based not just on the dangers that a chemical poses, but the scale of the problem and the cost to clean it up.

And Pruitt said the agency will take the first steps to propose designating those two chemicals as hazardous substances under the Superfund law, which would help states and local water utilities force the companies responsible for contamination pay for its cleanup.

Pruitt also said EPA is "currently developing" groundwater cleanup recommendations, which experts say could help fill the gap while the Superfund process plays out. That could be especially important in places like Dayton, Ohio, where drinking water wells are in the path of a groundwater plume of PFOA and PFOS that originated at the nearby Wright-Patterson Air Force Base. So far, the military has been reluctant to begin remediation without a clear cleanup standard.

Lastly, EPA will establish toxicity values for two other PFAS chemicals, information that states could use to set their own limits.

None of those four actions is controversial — in fact, they're in line with the actions the states collectively asked EPA to take.

But participants of this week's summit at EPA headquarters noted Pruitt's speech leaned heavily on phrases like taking "steps" to "evaluate" issues, leaving some people unclear on exactly what would happen next.

Asked to clarify if Pruitt was committed to making a formal decision about regulating the contaminants, an agency spokesman said, "EPA remains committed to evaluating PFOA and PFOS under the regulatory determination process. As noted by the Administrator, we are taking steps to accelerate the determination process before the existing statutory deadline."

Environmentalists, for their part, were skeptical.

"It was pretty clear to me that EPA has not actually decided to do anything specific that will be meaningful at this point," said Erik Olson, who heads the Natural Resources Defense Council's health program.

Olson described Pruitt's plan as "a little bit of kabuki theater" meant to signal that the agency is going to take action, which could prompt states that are considering setting their own standards to put any efforts on hold. Those state pollution standards are often at far lower levels than EPA's 70 parts per trillion health advisory level for PFOA and PFOS.

"Either they're going to adopt something very weak that the chemical industry would be happy with, or they'll continue making noise like they're going forward to try and cool off any state effort for doing these standards," Olson predicted of Pruitt's EPA.

Even if the agency does move forward swiftly with regulating PFOA and PFOS under the Safe Drinking Water Act, experts say it's most likely to take five years before such a limit could go into effect. Amendments made to the Safe Drinking Water Act in 1996 require EPA to conduct a number of analyses on the costs and benefits before it can promulgate a new rule. No new contaminants have been regulated under the law since then.

Alan Roberson, who heads the Association of State Drinking Water Administrators, estimated that the fastest the agency could possibly finalize a new drinking water regulation would be December of 2021.

"I think that would be blinding speed," he said.

Moreover, PFOA and PFOS are just two of roughly 35,000 chemicals in the PFAS class, many of which are still in active use.

State representatives speaking at the conference Tuesday repeatedly voiced the need for more information about these chemicals, since they lack the ability to even detect many of them, let alone treat contaminated sites.

Brandon Kernen, with the New Hampshire Department of Environmental Services Drinking Water and Groundwater Bureau, said the newer chemicals have a shorter half-life, but that doesn't necessarily mean they're less harmful for humans.

"There's a lot more questions than answers, and we can't say they're safer," he said, and he called on businesses to submit more confidential data to EPA.

Increasingly, states, water managers and public health advocates are arguing that EPA and other federal agencies need to prevent PFAS chemicals from reaching water supplies in the first place. And some groups are urging EPA to use its authorities under the 2016 toxic chemicals law to restrict the use of these chemicals, and to curb or prohibit discharges into waterways under the Clean Water Act.

There's also increasing concern about the Food and Drug Administration's approvals to allow PFAS chemicals in food packaging — a use that chemical companies predicted could lead to hundreds of pounds of the chemicals being dumped into waterways daily, according to documents obtained under the Freedom of Information Act by the Environmental Defense Fund.

But restricting the chemicals' uses in those ways would be controversial. While the industry has supported some regulatory steps to deal with "legacy" chemicals like PFOA and PFOS that have been phased out in the U.S., it has argued that the newer chemicals it has replaced them with don't pose the same environmental concerns.

Many state officials argue that PFAS chemicals should be dealt with as a class, since developing analytical methods and setting limits for each individual one could suck up a huge amount of resources. But the chemical industry's lead lobbying group has specifically fought that approach.

"PFAS chemicals make up a family of chemistry encompassing a broad range of chemicals and products with widely varying physical and chemical properties, health and environmental profiles, uses and benefits," Jessica Bowman, senior director of global fluoro-chemistry for the American Chemistry Council said at the summit on Tuesday.

"Federal and state regulators must recognize these distinctions and the science that is available relative to the broad range of PFAS chemicals as they consider further actions," she said.

But states say the problem is already stretching them to capacity.

Heidi Grether, director of Michigan's Department of Environmental Quality, told the summit Tuesday at least five of her state's agencies are involved with PFAS issues, ranging from environmental contamination to effects on animals and crops.

"As you all know, we have a lot more questions than we have answers and that is an important part of this," Grether said.

Washington Examiner

https://www.washingtonexaminer.com/policy/energy/rep-dan-kildee-asks-inspector-general-to-probe-epa-for-limiting-access-to-chemical-summit

Rep. Dan Kildee asks inspector general to probe EPA for limiting access to chemical summit

By Josh Siegel, 5/24/18, 3:33 PM

Rep. Dan Kildee, who represents Flint, Mich., the site of the 2014 lead water crisis, asked the Environmental Protection Agency's inspector general on Thursday to conduct an investigation into the agency's decision to limit public access to a summit this week on dangerous chemicals that have contaminated water supplies.

"Unfortunately, the EPA's actions to block journalists and elected officials fit a disturbing pattern by the Trump administration when it comes to transparency in government. The actions by the Trump administration and Administrator [Scott] Pruitt give me great concern about the lack of accountability and transparency in our government," the Michigan Democrat wrote in a letter to EPA Inspector General Arthur Elkins obtained by the Washington Examiner.

Kildee said his staff was not allowed to attend the second day of the day-and-a-half summit at EPA headquarters Wednesday.

"I am deeply troubled by Administrator Pruitt and EPA's attempt to block access to a taxpayer-funded meeting, either for journalists or members of Congress," Kildee said. "Simply put, the public has a right to know what is happening inside their government."

The EPA closed Wednesday's session of the chemical summit to media and the public, saying the event was at capacity and was not subject to federal rules on public access.

"Both state and federal officials had the expectation that the second day of the summit would be a government-to-government discussion between federal and state co-regulators who are working together to address this important issue," said Peter Grevatt, the EPA's director of groundwater and drinking water.

The agency initially allowed only select reporters and the public to attend the first hour of Tuesday's opening session of the summit, where Pruitt delivered an opening address. But after an outcry, the agency opened the afternoon session to everyone.

Kildee's staff was invited to Tuesday's session, but did not attend it, the EPA said.

The Federal Advisory Committee Act says "any committee, board, commission, council, conference, panel, task force, or other similar group" used by an agency "in the interest of obtaining advice or recommendations" for the federal government must be open to the public.

The day-and-a-half summit, attended by state, local, tribal, industry, and nonprofit officials, focused on the challenge of removing toxic chemicals known as per- and poly-fluorinated substances, or PFAS, from water supplies. The chemicals have been linked with thyroid defects, problems in pregnancy, and certain cancers.

PFAS have been used since the 1940s in Teflon, nonstick pans, electronics, water-repellent clothes, and firefighting foam.

The meeting was held after emails produced by a Freedom of Information request showed that the EPA helped delay the release of a study that found PFAS in water are harmful to human health at lower levels than the agency previously deemed safe.

The study, conducted by the Centers for Disease Control and Prevention, said the EPA's benchmark for PFAS, at 70 parts per trillion, is six times higher than what it should be. It also said exposure to PFAS in drinking levels at just 12 parts per trillion can be dangerous.

Pruitt this week said he has no authority to release the study, saying that power rests with the Health and Human Services Department, which prepared the study.

The EPA's inspector general is already probing Pruitt for his frequent first-class travel, heavy use of the agency's security detail, and other ethics and spending issues.

CBS News
https://www.cbsnews.com/news/epa-pruitt-spent-3-5-million-on-security-during-first-year-in-office/
EPA: Pruitt spent $3.5 million on security during first year in office
By Arden Farhi and Jacqueline Alemany, 5/25/18, 12:05 PM

Taxpayers spent about $3.5 million on security for Environmental Protection Agency Administrator Scott Pruitt during his first year in office, according to records released by the agency Friday. That total includes $2.7 million on salary and overtime and more than $750,000 in travel costs.

Compared with his predecessors, Pruitt's security costs are significantly higher.

Between 2009 and 2016, spending ranged from $1.6 million to $2 million annually for the two previous administrators' security. Patrick Sullivan, the EPA's Assistant Inspector General for Investigations, claimed that Pruitt faced significant more threats than the previous administrator, Gina McCarthy.

The AP previously reported that the EPA spent nearly $3 million dollars in taxpayer money on an around-the-clock, 20-member security detail that was also significantly larger than his predecessors' detail.

"Administrator Pruitt has faced an unprecedented amount of death threats against him and to provide transparency EPA will post the costs of his security detail and pro-actively release these numbers on a quarterly basis. Americans should all agree that members of the president's cabinet should be kept safe from violent threats," EPA spokesman Jahan Wilcox said.

CBS News reported in April that Pruitt received tweets threatening to "put a bullet between your eyes" and another wishing him "a very painful and horrible death through poisoning."

Pruitt's daughter also received a menacing message on Facebook, the document obtained by CBS News revealed.

The administrator has also drawn criticism for flying first class during his first year in office, an expense that contributed to the substantial overall figure.

During an interview in February with CBS News White House correspondent Major Garrett, Pruitt said that he would start flying coach, depending on the nature of various security threats.

"There's a change coming, because look the security threat matters," Pruitt said. "What I've told them going forward is this: There is a change occurring, you're going to accommodate the security threats as they exist, you're going to accommodate those in all ways, alternate ways, up to and including flying coach, and that is what's going to happen on my very next flight. So those things are happening right away."

Pruitt's expenditures have remained the subject of intense scrutiny. Yet the embattled cabinet secretary has remained in Mr. Trump's good graces despite being the target of at least 10 investigations into various potential ethical violations.

The EPA's Office of Inspector General could not comment on the total number of EPA OIG audits, but it has made at least five investigations publicly known and has received seven additional requests to investigate various other issues that have been folded "into ongoing audits and/or will start the review once resources become available."

Investigations into Pruitt's travel, protective service detail, emails, and "authority to fill administratively determined positions" pay are ongoing, according to Kentia Elbaum, a spokesperson for the EPA inspector general.

The Hill
http://thehill.com/homenews/house/389264-house-dems-request-information-from-epa-on-pruitts-legal-defense-fund
House Dems request information from EPA on Pruitt's legal fund
By John Bowden, 5/24/18, 3:36 PM

House Democrats on Thursday sent letters to Environmental Protection Agency (EPA) Administrator Scott Pruitt and the agency's Office of Inspector General (OIG) requesting information on a legal defense fund set up by Pruitt to defend himself in the midst of multiple scandals.

Rep. Don Beyer (D-Va.), the ranking member on the House Judiciary Committee, and a group of five other Democratic lawmakers are investigating "potential ethical problems" created by Pruitt's legal fund, which the EPA chief disclosed during a Senate hearing last week.

Other lawmakers on the letters included Reps. Ted Lieu (D-Calif.), Jerrold Nadler (D-N.Y.), Jamie Raskin (D-Md.) and Gerry Connolly (D-Va.).

"We have serious misgivings, however, about the potential ethical problems raised by such a fund, given your abysmal track record in such matters. We urge you to take all possible steps to mitigate any potential for conflicts of interest," the lawmakers wrote.

Specifically, the Democrats warned Pruitt against accepting anonymous donations to the fund, which they said would conflict with recent guidelines set by the Office of Government Ethics. Any donation above $390 to the fund must already be publicly disclosed, according to federal regulations.

“We are also concerned about the possibility of anonymous donations to your legal defense fund, as such donations could easily bypass prohibitions on donations from lobbyists and special interests with business before the EPA," they wrote.

"We strongly urge against any such delay in transparency, as lax disclosure would worsen already-severe mistrust of your leadership by Congress and the public.”

Pruitt told a Senate committee last week that he is not personally involved with soliciting donations for the fund, which he says is handled by his attorneys.

“I don’t accept donations. I don’t solicit donations. That’s done by attorneys and others,” he said.

The EPA chief, whom President Trump has defended as scandals mount, is currently the subject of 12 separate investigations from the Government Accountability Office (GAO) and the EPA inspector general's office, according to Politico.

The investigations surround a number of Pruitt's dealings, including his $50-a-night condo deal from the wife of an energy lobbyist and his construction of a $43,000 soundproof booth that was found to be in violation of congressional laws.

Huffington Post
https://www.huffingtonpost.com/entry/scott-pruitt-abortion_us_5b06ce55e4b05f0fc845a4aa
Scott Pruitt Twice Introduced Anti-Abortion Bills Giving Men 'Property Rights' Over Fetuses
By Alexander C. Kaufman, 5/24/18, 4:57 PM

In 1999, Scott Pruitt, then an Oklahoma state senator, introduced a bill to grant men "property rights" over unborn fetuses, requiring women to obtain the would-be father's permission before aborting a pregnancy.

Pruitt, now the embattled administrator of the Environmental Protection Agency, submitted the legislation again in 2005.

The bill, which did not pass either time, faded from Pruitt's political legacy. But the legislation merits new examination as the EPA chief faces down an avalanche of corruption accusations. As HuffPost previously reported, Pruitt's support from right-wing evangelical Christians, a group that largely opposes abortion, has helped him keep his job amid calls from droves of Democrats and a handful of Republicans to fire the administrator.

And while his current role atop the EPA does not give him any official control over abortion policy, he has appeared alongside President Donald Trump in meetings with evangelical leaders, and his draconian history on the issue is of a piece with the administration. In one of Trump's first acts after taking office, he reinstated and expanded the Reagan-era "global gag rule," withholding federal funding from charities and aid organizations that counsel women on family planning options that include abortion. Last week, the White House proposed a new "domestic gag rule" that would strip Planned Parenthood of funding.

"It's not surprising that another member of Trump's inner circle is hostile to women," said Dawn Huckelbridge, a senior director at the progressive super PAC American Bridge, which opposes Pruitt and supports abortion rights. "But framing a fetus as a man's property is a new low."

American Bridge resurfaced the legislation and shared it with HuffPost. The EPA did not respond to a request for comment.

Pruitt has spent his 15 months at the EPA pushing to keep government out of the private sector. He's sought to radically deregulate the fossil fuel and chemical industries, clear the way for companies to produce more asthma-triggering pollution, allow deadly chemicals to remain on the market, and revise restrictions on teenage workers handling dangerous pesticides.

By contrast, the bill from his time as a state legislator stated that "it is the responsibility of the state to ensure that no person shall be deprived of life, liberty, or property, without due process of law," referring to a "fetus" as "property" that has been "jointly created by both father and mother."

The legislation would have barred doctors from performing abortions without signed statements of permission from the father, or evidence that the man could not be located "after diligent effort." If the pregnancy resulted from rape, the woman would be required to show "such assault has been reported to a law enforcement agency having the requisite jurisdiction."

Doctors who performed the procedure without that documentation would have risked losing their medical licenses, been "civilly liable to the father of the aborted child for any damages caused thereby," and had to pay punitive fines of $5,000.

In a statement to The Associated Press in 1999, Pruitt said a pregnant woman who were to obtain an abortion without meeting the bill's criteria would face legal consequences. "She'll be held accountable for it," Pruitt said.

Pruitt also sought to restrict abortion in other ways. In 2001, when the Legislature was considering a bill to require that pregnant minors show parental permission before obtaining an abortion, he introduced an amendment to define a "fetus" as "any individual human organism from fertilization until birth."

The timing of the bills came nearly a decade after the Supreme Court issued its landmark decision in Planned Parenthood v. Casey, in which it ruled that provisions requiring a woman to obtain her husband's permission for an abortion were unconstitutional.

"He doesn't agree with the court's not viewing women as property and also doesn't believe in the intellectual concept that women should have agency over their own reproductive choices," said Leslie McGorman, deputy director at the advocacy group NARAL Pro-Choice America. "Frankly there's not a whole lot more to tell except that he is the guy who his record indicates he is."

"He carries that lack of concern for the greater good throughout all of the things he's done in his career," she added, referring to his rollback of environmental safeguards.

Until 2017, Pruitt served on the board of trustees at the Southern Baptist Theological Seminary in Louisville, Kentucky, an institution that has said "a wife is to submit herself graciously" to her husband. Around the time he first introduced the abortion bill, in 1999, Pruitt served on the board of the MEND Medical Clinic and Pregnancy Resource Center. Its current executive director, Forrest Cowan, has said unwed mothers have been "failed" by a "boyfriend, who values his own selfish gratification over responsibility, and her father, who should have had her back."

Pruitt's crusade against abortion rights continued after he left the state Senate to become Oklahoma's attorney general. When a district court found a law requiring women to undergo an ultrasound before an abortion to be unconstitutional, Pruitt appealed the decision to the Oklahoma Supreme Court. After losing there, he unsuccessfully petitioned the U.S. Supreme Court to take the case.

In 2012, The Tulsa World excoriated Pruitt in an editorial for wasting "more taxpayer money … on this misguided effort to control doctor-patient interaction and the practice of medicine — but only when women are concerned."

Daily Caller
http://dailycaller.com/2018/05/24/epa-taxpayer-dollars-regulatory-science/
It's Time The EPA Stops Taking Advantage Of Taxpayer Dollars For Regulatory Science (*Op-Ed)
By E. Calvin Beisner, 5/24/18, 4:50 PM

For decades, the Environmental Protection Agency (EPA) has been getting away with creating regulations that lack sound scientific basis, costing Americans hundreds of billions of dollars without solid evidence that such costs are justified.

There are two ways this is done.

First, the EPA simply disregards scientific results and regulates to satisfy a political pressure group. That was largely the case when in 1972, contrary to the EPA's own scientific findings, but under heavy pressure from environmentalists, it

banned the use of DDT, the most effective, least expensive, safe pesticide by which to control or eradicate disease-carrying insects like mosquitos and lice.

The U.S. had already largely eliminated malaria by widespread spraying of DDT from the 1940s into the 1960s, so the ban didn't have immediate, large-scale negative consequences here. But it has made it more difficult to combat the recent spread of other insect-borne diseases like West Nile Virus, Zika, Lyme, spotted fever, and even malaria is making a comeback.

The greater impact of the DDT ban has been in developing countries. The EPA persuaded other federal agencies to withhold foreign aid from countries that used DDT. Most developing countries complied. The result has been hundreds of millions of cases of malaria every year and tens of millions of malaria-caused deaths over the last 45 years.

Second, the EPA built new regulations on "secret science" — studies whose authors refuse to grant other scientists access to the data, computer code and methodology behind them. Such studies are not subject to replication by other scientists. Yet, replication is the acid test of scientific research.

"Secret science" has been especially common as the basis for pollution regulation dependent on dose-response relationships and for regulation related to anthropogenic global warming (AGW).

Last month, EPA administrator Scott Pruitt requested public comment on a new rule titled "Strengthening Transparency in Regulatory Science" (STRS) designed to solve that problem.

STRS provides that "when promulgating significant regulatory actions, the Agency shall ensure that dose-response data and models underlying pivotal regulatory science are publicly available in a manner sufficient for independent validation." It codifies what was intended in the Secret Science Reform Act of 2015 and the Honest and Open New EPA Science Treatment Act of 2017 (HONEST Act), both of which passed the House but never came up for vote in the Senate.

The Cornwall Alliance for the Stewardship of Creation — a network of scientists, economists, and religious leaders dedicated to environmental stewardship and economic development for the poor — has issued and is gathering signatures to an open letter supporting the STRS that calls the proposed rule "badly needed to assure American taxpayers that the EPA is truly acting in their best interests."

Opponents of STRS raise three common — and, at first sight, credible — objections.

The first is that peer review ensures the quality of studies published in refereed journals, but there is actually no empirical evidence that peer review works well. Drummond Rennie, deputy editor of "The Journal of the American Medical Association" and intellectual father of the International Congresses of Peer Review, held quadrennially starting in 1989, has said, "If peer review was a drug, it would never be allowed on the market." In fact, as John P.A. Ioannidis demonstrated in a celebrated article in "PLOS/ Medicine," "Most scientific research findings are false."

The second common objection is that the rule would prevent the EPA from using studies that involve confidential information, such as personal health data or corporate proprietary information. In an open letter to EPA administrator Scott Pruitt, the Leftist, political-activist Union of Concerned Scientists (UCS) argued, "There are multiple valid reasons why requiring the release of all data does not improve scientific integrity and could actually compromise research, including intellectual property, proprietary and privacy concerns."

Yet Section 30.5 of the rule expressly states: "Where the Agency is making data or models publicly available, it shall do so in a fashion that is consistent with law, protects privacy, confidentiality, confidential business information, and is sensitive to national and homeland security." Section 30.9 allows the administrator to make exceptions when compliance isn't feasible.

A third common objection, also expressed in the UCS letter, is that "many public health studies cannot be replicated, as doing so would require intentionally and unethically exposing people and the environment to harmful contaminants or

recreating one-time events (such as the Deepwater Horizon oil spill)." But what needs to be replicable in studies of such events are not the events themselves but the procedures used to collect and analyze data and make inferences from them.

Consider, for example, a study that used tree-rings as proxy temperature measurements and purported to find that neither the Medieval Warm Period nor the Little Ice Age had occurred but that a rapid and historically unprecedented warming had begun in the late 19th century. The study became iconic for claims of dangerous AGW driven by human emissions of carbon dioxide.

No one needed a time machine to return to the 11th–20th centuries and regrow trees to recognize that the authors had committed confirmation fallacy by excluding certain data and misusing a statistical procedure, resulting in false results. All anyone needed was access to the raw data and the computer code used to analyze it.

Yet, the lead author's long refusal to allow access to raw data and computer code delayed discovery of these errors for years, during which the Intergovernmental Panel on Climate Change, the public, and governments all over the world were led to believe its claims and formulate expensive policies based partly on those findings.

The UCS letter asserted that concerns about transparency and certainty raised by supporters of the rule "are phony issues that weaponize 'transparency' to facilitate political interference in science-based decision making, rather than genuinely address either." But the irreproducibility crisis is real, not phony. Furthermore, enhanced transparency works against politicization, not for it. This objection is so patently invalid as to suggest that those who offer it are themselves weaponizing confidentiality to facilitate their own political interference in science-based decision making.

STRS will improve, not harm, the EPA's mission to protect Americans from real environmental risks. It will also reduce the risks caused by unjustified but costly regulations. It should be adopted.

Calvin Beisner, Ph.D., is Founder and National Spokesman of The Cornwall Alliance for the Stewardship of Creation.

Reuters
https://www.reuters.com/article/us-usa-epa-formaldehyde/pressured-by-industry-u-s-epa-slows-formaldehyde-study-release-documents-idUSKCN1IP3EX
Pressured by industry, U.S. EPA slows formaldehyde study release: documents
By Valerie Volcovici, 5/24/18, 3:33 PM, Updated 9:00 PM

WASHINGTON (Reuters) - The U.S. Environmental Protection Agency, under pressure from the chemical industry, has delayed release of a study detailing cancer risks from formaldehyde, according to internal communications seen by Reuters, potentially keeping important health information from the public.

Top EPA officials have declined to review the study or be briefed by its experts on the findings, the internal communications showed.

The EPA already lists formaldehyde, used in building materials like plywood and foam insulation, as a probable carcinogen. The new report is expected for the first time to detail its links to leukemia.

The report, an update of the EPA's existing human health assessment of the widely used chemical, was completed by scientists from the agency's Integrated Risk Information System (IRIS) late last year and must go through a months-long internal review process before it can be issued to the public for comment.

The delay could further heighten scrutiny of EPA, already fending off complaints that it and the White House considered blocking a study on water contamination by PFOA and PFOS, chemicals used in Teflon and firefighting. Politico reported on May 14 that a Trump administration aide had warned release of that study would cause a "public relations nightmare."

The Union of Concerned Scientists, a nonprofit science advocacy group, said delaying the report fits a broader pattern of the agency's political leadership interfering with public health research.

"By sweeping scientific assessments under the rug, EPA fails to fulfill its mission of protecting public health. The public has the right to know about public health threats," said Yogin Kothari, UCS Washington director.

The EPA told Congress in early February it expected to start the agency review process for the formaldehyde assessment "shortly," according to the EPA staff communications.

But in follow-up communications between agency employees in late April, one career staffer wrote that EPA Chief of Staff Ryan Jackson, Assistant Administrator for the Office of Air and Radiation Bill Wehrum, and Wehrum's deputy Clint Woods had not given their permission to initiate the review and had refused offers from EPA scientists to brief them on it.

"No office in the EPA is interested in formaldehyde," the staffer wrote.

The 60-to-90-day agency review and a subsequent inter-agency review of a similar duration must happen before the study can be issued for public comment.

Prior to the communications, the chemistry industry's main lobby group, the American Chemistry Council (ACC), had been pressuring the EPA to avoid drawing links between formaldehyde and leukemia in its assessment.

EPA's deputy assistant administrator of the Office of Chemical Safety and Pollution Prevention, Nancy Beck, previously served as director of regulatory science policy at the ACC. Beck is not named in the communication.

SCIENTIFICALLY INDEFENSIBLE

The lobby group met with EPA political staff, including Deputy Assistant Administrator for the EPA's Office of Research and Development Richard Yamada, on January 24 to make a presentation on the subject, ACC Formaldehyde Panel spokeswoman Sarah Scruggs told Reuters.

She provided Reuters a link to the presentation, titled "Formaldehyde IRIS Assessment."

"Any draft assessment that attempts to associate formaldehyde exposure with leukemia is scientifically indefensible," Scruggs said, adding that the ACC questions the "scientific rigor and methodologies" used by IRIS.

EPA spokeswoman Molly Block declined to comment on the delays or the ACC's possible role.

"We continue to discuss the assessment with our agency program partners and have no further updates to provide at this time," she said in an email.

Reuters was able to review the staff communications on condition that the identities of the people involved remained anonymous, given sensitivity of the issue.

EPA's last attempt to update its assessment of formaldehyde in 2010 had been criticized by the National Academy of Sciences (NAS) for failing to draw "clear links" between formaldehyde and leukemia. The new attempt was meant to resolve that.

The NAS supported the prior EPA assessment's finding that formaldehyde can, in certain cases, cause cancer in the nose and throat.

Democratic senators Ed Markey, Sheldon Whitehouse and Tom Carper last week wrote to EPA chief Scott Pruitt to ask about delays to the report and request communications between the EPA and ACC related to the formaldehyde assessment, saying they were concerned the agency was bowing to industry pressure.

Bloomberg
https://www.bloomberg.com/news/articles/2018-05-24/california-air-boss-evokes-canceled-kim-summit-in-swipe-at-trump
California Air-Quality Official Takes a Swipe at Trump
By John Lippert, 5/24/18, 6:38 PM

California's top air-quality official disputed the Trump administration's description of a meeting about the future of fuel economy standards, suggesting it was actually a dud.

"Sounds like a great meeting based on the WH press release. Too bad it's not the one we attended," Mary Nichols, the chair of the state's Air Resources Board, tweeted Thursday, attaching an image of a statement released by the U.S. Transportation Department and Environmental Protection Agency.

"To quote the President on cancelling his planned summit with Kim Jong-un, 'If and when (@USDOT & @EPA) choose to engage in constructive dialogue and actions, I am ready,'" Nichols wrote.

The Transportation Department and EPA had described Wednesday's meeting with Nichols as productive and said they were moving ahead with a joint proposal to amend federal auto-efficiency rules. Automakers have stressed a strong desire for California and federal regulators to continue coordinating fuel-mileage and emissions standards as part of a national program that would set consistent requirements for companies nationwide.

California Governor Jerry Brown said in an interview Wednesday that the state won't give in to demands that its auto-emission standards be watered down and is prepared to litigate the matter until Trump is out of office.

AP
https://apnews.com/ab701c21fbc647228a70234c38d21add/Judge-wants-state,-US-EPA-to-take-lead-on-Lake-Erie-algae
Judge wants state, US EPA to take lead on Lake Erie algae
5/25/18

TOLEDO, Ohio (AP) — A federal judge overseeing a lawsuit in Ohio says he wants state and federal regulators to take serious steps to find and implement solutions to Lake Erie's persistent algae problem instead of leaving the issue to the courts.

U.S. District Judge James Carr met earlier this week with lawyers from the U.S. Environmental Protection Agency and an environmental group to discuss what should happen next.

Carr said last month that state and federal agencies have mishandled the issue over whether the lake should be designated as impaired.

The Blade reports Carr said it's time for tougher rules to clean up the lake and to prevent the formation of sometimes toxic algae blooms that plague the lake's western basin each year.

The Hill
http://thehill.com/opinion/energy-environment/389271-why-epas-drop-in-pollution-cases-is-so-scary
Why EPA's drop in pollution cases is so scary (*Op-Ed)
By Michael Mikulka, 5/24/18, 4:30 PM

Law enforcement by the U.S. Environmental Protection Agency fell significantly in 2017. It'll be worse in 2018. EPA is failing to conduct wide-ranging investigations to protect human health.

EPA initiated 20 percent fewer civil cases and 30 percent fewer criminal enforcement cases during fiscal 2017. The number of defendants charged, and inspections conducted have all hit the lowest point in a decade. That is not accidental. Pruitt seems to be putting up roadblocks to investigations. Under Trump, enforcers must navigate through a gauntlet of obstacles to bring an enforcement action across the finish line.

EPA is thwarting its own workforce's efforts to determine compliance with environmental law by restricting the use of the most powerful investigative tools provided to EPA by Congress. Authorities that allow for investigations under the Clean Air Act, the Clean Water Act and the Resource Conservation and Recovery Act May compel polluters to test whether they are in compliance with those laws. But Pruitt has taken away much of this "testing" power from local EPA officials, who are insulated from political pressure, and given it to appointees loyal to Trump.

Use of these investigative tools has slowed to a standstill. In last years of the Obama administration, EPA's Great Lakes Office sent requests for environmental testing to approximately 43 facilities per year. After political appointees took over the approval of environmental testing, only four requests were made by the Chicago office in eight months. In December 2017, the New York Times reported EPA similar decline at the Denver EPA office.

The enforcement slowdown has been compounded by the departure of 900 EPA employees since Trump's election. EPA has blocked the hiring of enforcers to replace the staff who specialize in bringing environmental cases.

Without investigators, EPA cannot discover a violation of the law. Pruitt is refusing to use funds appropriated by Congress to hire new investigators. Enforcement is being starved of personnel.

Investigation and analysis of environmental data is crucial to the protection of public health. EPA tried to block the release of a report detailing the dangers of PFOA poisoning.

Polytetrafluoroethylene, or PFOA, and associated compounds PFOS and PFAS, used for decades in the production of textiles, paper, metal-plating and semiconductors are linked to cancer, thyroid disease and weakened childhood immunity.

PFAS chemicals now contaminate the drinking water systems serving 16 million Americans in 33 states. EPA has dragged its feet on regulating PFAS chemicals, despite convincing evidence that they are hazardous at very low doses. EPA failed to set a PFAS legal limit in 2017. Instead, it proposed an ineffectual non-enforceable lifetime health advisory level.

As reported in Politico, the Agency for Toxic Substances and Disease Registry (ATSDR), prepared to publish a draft recommendation for "very, very low" minimal risk levels for the chemicals, ranging as low as 12 ppt, EPA political appointees quashed the action. If EPA thwarts the release of information about what is harming us, how will we ever stop the harm?

The bulk of EPA enforcement is conducted in 10 regional offices. Historically, those offices were allowed a measure of autonomy in pursuing local cases, only requiring consulting with EPA's DC office on nationally significant cases.

Now, EPA's Office of Enforcement and Compliance Assurance (OECA) headed by Susan Bodine, a longtime former lawyer for industry, has disrupted the initiation of local enforcement actions by personally reviewing case materials before they are submitted to DOJ.

Political appointees weigh in over whether EPA refers a case to the Department of Justice, or whether EPA files a case through DOJ in federal court. Political appointees dictate the terms EPA may use to settle enforcement cases, even in routine situations. At each turn, politics, not the facts, seem to tilt the scale towards polluters.

Further, EPA has now allowed states an unprecedented say over whether to bring an action against a violator in their state. Data showing a violation is often turned over to a state environmental agency, where the fines and compliance terms demanded are notoriously less stringent, or lawbreakers may not be penalized at all. When enforcement is ineffective, widespread disregard of compliance ensues, leading to immeasurably more pollution.

We can't afford any more threats to the health of Americans. We must allow EPA to fulfill its intended mission, stop environmental polluters and provide all citizens with breathable air, drinkable water and safe land.

Michael Mikulka is president of American Federation of Government Employee Local 704, representing EPA Region 5 workers protecting Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin.

AP
https://apnews.com/2d085fe69af243e398a143505e4c0fd7/Environmentalists-take-aim-at-power-plant's-discharge-permit
Environmentalists take aim at power plant's discharge permit
By Susan Montoya Bryan, 5/24/18

ALBUQUERQUE, N.M. (AP) — Environmental groups are accusing U.S. regulators of violating clean water rules by repeatedly delaying action on a discharge permit for a coal-fired power plant that provides electricity for customers in three western states.

The Sierra Club and others contend in papers filed Wednesday in federal court that without a new permit, the communities surrounding the Four Corners Power Plant in northwestern New Mexico remain exposed to heavy metals and other pollutants that are released into drainages that eventually lead to the San Juan River.

They are seeking to force the U.S. Environmental Protection Agency to take action on a permit renewal application that was initially filed in 2006.

They called the delays unreasonable, saying that in the 12 years the agency has failed to take final action there have been technological advances that could have further reduced degradation of the area's water quality.

"The water pollution permit for the Four Corners coal plant is based on facts and technology from last century," Gloria Smith, an attorney with the Sierra Club, said in a statement. "In 2018, it is unconscionable for the EPA not to protect public health and the environment from the coal pollution that now flows into the San Juan River."

An agency spokeswoman did not immediately return a message seeking comment.

Arizona Public Service Co., the utility that runs the plant, said the permit has been extended administratively by the agency over the years and that it is meeting water quality regulations.

Federal regulators have done numerous inspections and no violations have been found, utility spokeswoman Suzanne Trevino said Thursday.

Located on tribal land, the Four Corners plant produces electricity for customers in Arizona, New Mexico and Texas. It's one of three coal-fired generating stations in the region that have scaled back operations as utilities shift toward natural gas and renewable sources because of regulations and economic forces.

Critics have long complained that the Four Corners plant and the nearby San Juan Generating Station emit more pollution than any other source in North America and that the pollution degrades air and water resources throughout the San Juan Basin.

The two remaining units at Four Corners burn about 19,000 tons of coal a day, according to the complaint.

Water discharge permits are supposed to be renewed every five years as part of a process that includes public comment and a chance for people to appeal once a final permit is issued.

The environmentalists say that hasn't happened in the case of the Four Corners permit. They argue that the result has been unnecessary delays in the monitoring and management of pollution seeping from the plant's coal ash disposal areas as well as a delay in the collection and dissemination of information about the effects of pollution on endangered fish in the San Juan River.

The other environmental groups include: The Center for Biological Diversity, the San Juan Citizens Alliance, Amigos Bravos and Dine CARE.

Washington Examiner
https://www.washingtonexaminer.com/policy/energy/chemical-safety-board-faults-texas-chemical-plant-that-exploded-during-hurricane-harvey
Chemical safety board faults Texas chemical plant that exploded during Hurricane Harvey
By Josh Siegel, 5/24/18, 4:45 PM

The U.S. Chemical Safety Board said Thursday that the Arkema chemical plant in Crosby, Texas was poorly prepared to defend itself from explosions at the facility that resulted from Hurricane Harvey flooding last August.

The safety board released its final report of the Aug. 31 chemical plant explosion, warning that chemical facilities must better prepare for the "greater likelihood" of extreme weather events as hurricane season approaches.

"Our investigation found that there is a significant lack of guidance in planning for flooding or other severe weather events," said Vanessa Allen Sutherland, chairwoman of the Chemical Safety Board. "Based on other government reports, we know that there is a greater likelihood of more severe weather across the country. As we prepare for this year's hurricane season, it is critical that industry better understand the safety hazards posed by extreme weather events."

Arkema is a multinational company based in France.

The Arkema chemical plant manufactures and distributes organic peroxides used to produce consumer goods such as surface countertops and polystyrene cups and plates.

In the days leading up to the fire at Arkema, the board said heavy rain caused equipment to flood and fail. As a result, chemicals stored at the plant decomposed and burned, releasing fumes and smoke into the air.

Containers of organic peroxides, which are combustible if not kept refrigerated, burst into flames at the Arkema facility after power outages caused by Hurricane Harvey shut off cooling systems that kept the chemicals stable.

Workers at the Arkema facility moved the organic peroxides from low temperature warehouses to refrigerated trailers. Three of those trailers, however, were flooded and failed, the board said.

With no refrigeration, there was nothing to stop the chemicals from heating up and catching fire.

All of Arkema's employees evacuated the facility, and more than 200 residents living nearby left the area and could not return home for a week. Twenty-one people received medical attention from exposure to the fumes and smoke.

A group of first responders sued Arkema after the fire, claiming they suffered "serious bodily injuries" from exposure to the toxic chemicals. The plaintiffs were manning the perimeter of a 1.5-mile evacuation zone imposed two days before the explosions, and the lawsuit alleged that after the blasts happened, no one from Arkema told the first responders.

The Chemical Safety Board is an independent federal agency that investigates chemical accidents. The agency's board members are appointed by the president and confirmed by the Senate.

In its final report, the safety board called for improved chemical industry guidance to help facilities better prepare for extreme weather events, such as flooding, so that similar incidents can be avoided.

The board said facilities should perform an analysis to determine susceptibility to potential extreme natural events.

To guard against flooding events, facilities should install independent layers of protection for equipment.

The Environmental Protection Agency in September opened an inquiry into whether the Arkema chemical plant followed federal safety rules to protect against hazards, following explosions at the facility from Hurricane Harvey.

EPA Administrator Scott Pruitt authorized a request for information to Arkema under Section 114 of the Clean Air Act about whether the company complied with a risk management plan filed with the federal government.

Depending on the information obtained by the EPA, the agency can issue administrative, civil or criminal action against Arkema. The status of that inquiry is unclear.