

The Trump Environmental Record

Real-life Impacts on Public Health and the Environment

April 22, 2020

Over almost four years, the Trump administration has proposed to reverse or has rolled back critical rules and regulations that have protected public health and the environment for decades. These actions are not simply bureaucratic. They have real-life implications for people's health and the health of the natural world.

EPN has created a snapshot of some of the most significant actions taken by the Environmental Protection Agency (EPA) over the past few years and their expected negative effects on people's health and environmental conditions.

Air Quality & Climate Change

Clean Power Plan and Affordable Clean Energy (ACE) Rule

The Obama Clean Power Plan, repealed in 2018, limited harmful emissions from power plants. It was replaced in 2019 by the ACE rule, which weakens air quality protections under the Clean Air Act and increases exposure to fine particles and ozone in the air.

The replacement of the Clean Power Plan with ACE will cause more people, especially in front-line communities, to have heart attacks; suffer from asthma, bronchitis and other respiratory illnesses; visit a hospital; and miss days of work and school. The new rule could cause the following increases in fine particles (PM 2.5) and ground-level ozone in the air by 2025:

PM 2.5

280-640 premature adult deaths
32-290 non-fatal heart attacks among adults
32-130 hospital admissions for cardiac problems
73-700 cases of acute bronchitis
1,000-10,000 cases of upper respiratory symptoms
1,500-6,400 case of lower respiratory symptoms
24,000-33,000 lost work days

Ozone

11-41 premature adult deaths
4,400-28,000 school absence days

PM 2.5 and Ozone

27-170 respiratory hospital admissions
44-440 emergency room visits for asthma
15,000-56,000 cases of exacerbated asthma
150,000-260,000 minor restricted-activity days

Mercury and Air Toxic Standards (MATS) for Power Plants

In April 2020, EPA withdrew the findings by previous administrations that regulating emissions of mercury and other hazardous air pollutants was "appropriate and necessary." The decision was based on a cost-benefit analysis that erroneously argued the costs vastly exceeded the benefits of the regulation. EPA is already implementing a new, more restrictive approach to considering benefits by refusing to consider the co-benefits of reducing pollutants that are not the target of the regulation.

Power plants are the largest source of mercury emissions in the U.S, and this action puts the MATS rule in jeopardy. Mercury is a potent neurotoxin that damages the brains of the developing fetus and also increases the likelihood of fatal and non-fatal heart attacks in adults. The rule also reduces a side benefit, the decrease of other pollutants in the air, which saves hundreds of

lives annually and prevents thousands of asthma attacks, heart attacks and emergency room visits each year. This new approach greatly underestimates the benefits of reducing the discharge of mercury and other toxics into the air, making it impossible for the public to appreciate the true costs and benefits of this regulation.

Oil and Natural Gas Sector: Emissions Standards for New, Reconstructed and Modified Sources Review (Methane Rule)

The August 2019 proposed rollback of methane regulations finalized in 2016 rescinds emissions limits for methane during oil and gas production and processing. It also proposes to entirely remove methane transmission and storage from regulation, and requests comments on alternative interpretations of EPA's legal authority to regulate pollutants under the Clean Air Act.

Methane, a major component of natural gas, is a powerful greenhouse gas that contributes to climate change. Approximately 1/3 of methane emissions from human activities come from oil production and the production, transmission and storage of natural gas. In addition, volatile organic compound emissions from oil and gas facilities can increase ground-level ozone levels and have a significant effect on people's health, increasing the frequency and seriousness of asthma attacks, contributing to respiratory problems and heart disease, and even causing adverse symptoms in otherwise healthy people. The rule will increase greenhouse gas emissions equal to the carbon pollution from one million cars.

Proposal to Retain the National Ambient Air Quality Standard (NAAQS) for Particulate Matter

In April 2020, EPA proposed not to strengthen the NAAQS for fine particles (PM 2.5) set in 2012. The proposal is a rejection of strong recommendations to strengthen the standard made by EPA staff and former members of the Particulate Review Panel, an independent group of scientists that previously advised EPA. In October 2018, EPA Administrator Wheeler disbanded that panel, which was essential to accurately assessing the latest science on NAAQS. The PM 2.5 review was left to the Clean Air Scientific Advisory Committee, a smaller group that lacks the expertise needed to review the standards.

Particulate matter is a pollutant mixture that shortens the lives of thousands of susceptible people prematurely in the U.S. every year, and sickens many more. EPA staff and former scientific advisors to EPA recommended that EPA strengthen the standard based on a number of new studies that find associations between fine particles and mortality at levels below the existing standards. EPA's own risk assessment suggests that this decision might result in thousands of premature deaths of individuals sensitive to air pollution.

Protection of Stratospheric Ozone: Significant New Alternatives Policy Program (Hydrofluorocarbons - HFCs)

The rollback, finalized in February 2020, relieves businesses of the requirement to conduct leak inspections, repair leaks, and keep records for refrigeration and air conditioning equipment containing HFCs or other "climate super-pollutants" that replaced earlier refrigerants that damage the ozone layer.

HFCs are the most commonly used refrigerants and have global warming potentials roughly 500 to 3,000 times higher than CO2 pound for pound. Without proper monitoring and maintenance, up to 25% or more per year of refrigerant mass is lost during routine equipment operations. The rule change is an arbitrary reversal of long-standing EPA policy without scientific basis, creating industry confusion and increased liabilities and costs for tens of thousands of businesses, including supermarkets, hotels and shopping malls. According to the agency's own analysis, the rule will increase greenhouse gas emissions equivalent to 2.9 million metric tons of CO2 per year.

Safer Affordable Fuel Efficient (SAFE) Vehicles Rule

Under the cover of coronavirus, on March 31, 2020, EPA and the National Highway Traffic Safety Administration rolled back successful clean car regulations and fuel economy standards that have reduced greenhouse gas (GHG) emissions, improved air quality and increased fuel economy. The previous standards would have required automakers to slowly increase average real-world fuel economy for new vehicles from 28 miles per gallon (mpg) in 2020 to about 36 mpg by 2025. The new rule reduces the necessary improvement by about two-thirds, to less than 31 mpg in 2025.

This significant rollback will worsen climate change, increase air pollution and decrease fuel economy for new cars and light trucks. It is expected to increase greenhouse gas emissions by about 1.5 billion metric tons through 2040, contributing to global warming and the wildfires, extreme weather and environmental devastation caused by a warming planet. By 2050, the rule will translate into 18,500 premature deaths largely due to higher levels of small particles in the air, and \$190 billion in health-related costs. It will cost \$244 billion more to buy 144 billion more gallons of gasoline, and thousands of auto industry jobs will be lost.

Budget Cuts

President Trump's EPA Budgets for Fiscal Years 2018, 2019 and 2020

Each year since 2017, the Trump administration has proposed unprecedented cuts in funding for EPA programs and the money it provides the states for grants and loans.

President Trump's budget requests have zeroed out or greatly reduced all EPA programs and most grants to states, as well as reduced loans for states to build, expand or upgrade drinking water and wastewater treatment plants. Working as partners with states, EPA sets national standards to ensure clean air, water and land while the states implement those standards by issuing permits, carrying out inspections, and enforcing laws and regulations. States depend on EPA funding for at least 25% of their environmental budgets. Congress has repeatedly ignored the administration's budget proposals, but the proposals send a strong message about the value of protecting public health and the environment.

Chemical Hazards

Chlorpyrifos—Decision on Agricultural Use

In July 2019, EPA made a final decision not to ban the toxic pesticide chlorpyrifos for agricultural use. Chlorpyrifos is used to spray staple crops such as corn, wheat, apples and citrus. EPA was under a court-ordered deadline to make a decision.

EPA's refusal to ban the remaining food uses of the pesticide chlorpyrifos means that fetuses and young children will continue to be exposed to unacceptable levels of a substance suspected of causing potentially irreversible cognitive, behavioral and motor neurological deficits beginning early in life. According to the Pesticide Action Network, higher doses have been linked to paralysis and death, while pregnant women have shown to be more sensitive to its toxicity. Chlorpyrifos is also linked to endocrine disruption, lung and prostate cancer, and neurodevelopmental effects.

Draft Chemical Risk Evaluations under the Toxic Substances Control Act (TSCA)

In November 2018, EPA announced that it was seeking public comment on the draft risk evaluation for the colorant Pigment Violet 29 (PV29), the first of 10 draft risk evaluations to be conducted under the amended TSCA. EPA has since issued draft risk evaluations for HBDC, 1,4 Dioxane, methylene chloride, trichloroethylene (TCE), 1-Bromopropane, N-Methylpyrrolidone, carbon tetrachloride and asbestos, with the last of the group, perchloroethylene, soon to come. EPN found various inadequacies in the draft risk

evaluations, most of which downplayed the potential harms these chemicals pose to workers, consumers and others during their use.

Draft risk evaluations for HBCD, 1,4 Dioxane and methylene chloride, for example, found that these substances did not pose an unreasonable risk for workers based on the assumption that workers will wear personal protective equipment even when it is not required, provided or used. In addition, the inadequacies go beyond the workplace and reach the most vulnerable among us. The risk evaluation of TCE, a dangerous chemical that has been shown to cause fetal heart defects and fetal death, ignored the effects on fetal hearts even though they occurred at lower levels of exposure than the immune system effects that were used in the assessment. This was despite EPA acknowledging a study linking TCE to fetal risks. EPA also failed to properly incorporate legacy uses and disposal in defining its conditions of use for asbestos and carbon tetrachloride, among others. Throughout each risk evaluation, the consequences to the environment were not fully captured or were downplayed, potentially putting both marine species and wildlife at risk.

Draft Scope Documents for High-Priority Chemicals Undergoing Risk Evaluation

In April 2020, the EPA released the draft scoping documents for 13 of the remaining 20 chemicals to undergo risk evaluation under TSCA, and also released the scoping documents for the final seven chemicals. A 45-day comment period was provided for each batch of chemicals.

The scoping documents act as the precursor to the risk evaluations, defining hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations that EPA plans to consider for each chemical. EPA's insufficient and overlapping comment periods will put the veracity of the risk evaluations in question as the scientific community and general public will be unable to fully analyze and critique the documents provided. If the scope is wrongly defined, the risk evaluation will be incomplete or contain substantial errors.

Guidance on the Application of Systematic Review in TSCA Risk Evaluations

EPA is using a flawed systematic review process to select the studies it is using to evaluate the chemical risks of the first 10 chemicals for which risk evaluations are being conducted under the amended TSCA. Unfortunately, the same flawed approach is now being applied in the development of risk evaluations for the next 20 high-priority chemicals.

The systemic review process has never been externally peer reviewed and does not follow accepted scientific practices. Its use could result in eliminating important evidence of public health and environmental impacts from consideration, or giving these impacts only limited weight.

Procedures for Chemical Risk Evaluation Under TSCA

The rule, finalized in 2017, weakened the 2016 proposed rule requiring consideration of all conditions of use when evaluating whether a chemical poses an unreasonable risk and requires restrictions of its use.

The rule narrowed the scope of worker risk evaluations by excluding consideration of legacy uses of chemicals and already regulated ways workers are exposed.

Risk Management Program Amendments (Chemical Safety Rule)

The amended rule finalized the November 2019 repeal of many safety requirements for chemical, agro-chemical and petroleum plants designed to protect workers, emergency responders and people living in communities adjacent to these facilities.

The rule increases the potential for a rise in the number and severity of chemical accidents at over 12,500 facilities that handle large amounts of dangerous chemicals.

Drinking Water Quality

EPA's Per- and Polyfluoroalkyl Substances (PFAS) Action Plan

EPA's February 2019 plan to prevent toxic PFAS chemicals from continuing to contaminate drinking water fails to address the urgency of this national problem. The agency has not yet taken the first step to develop water quality criteria, wastewater permit limits, or hazardous waste designations for these chemicals. The agency released a groundwater cleanup guidance that fails to set an emergency removal level, and is refusing to develop drinking water health advisories for PFAS chemicals, leaving it up to the states to do so.

PFAS are substances found in non-stick pans, food packaging, waterproof jackets, and other products used to repel water, grease and stains. Mounting research finds links to kidney and testicular cancer and endocrine disruption in people. EPA's delay in addressing PFAS contamination will result in communities throughout the country being exposed to toxic PFAS chemicals in their drinking water for years unless states are able, on their own, to find the sources of contamination, treat the drinking water to remove these contaminants, prevent further contamination through regulation, and clean up existing contamination.

National Primary Drinking Water Regulations: Lead and Copper Rule Revisions

In November 2019, EPA proposed a new rule that failed to lower the action level for lead in drinking water that triggers corrosion control and lead line replacement. It also reduces the required rate for lead line replacement from 7% per year to 3% per year.

Lead can damage the central nervous system, cause learning disabilities, behavioral problems, and lower IQs in children, and create reproductive problems and other serious health effects in adults. Because the 1991 action level was not lowered, the rule will, at best, result in the same number of lead lines receiving corrosion control under the existing rule unless water systems agree to initiate such controls when lead concentrations are below the action level. The proposed rule could even decrease the number of lead lines receiving such controls because it allows systems serving over 50,000 people to receive waivers from optimizing corrosion control when lead concentrations are below the action level. The rule could also slow down lead line replacement since the proposal allows 33 years instead of 15 years for systems to replace lead lines. The ultimate result is the potential for an increased number of vulnerable pregnant women, infants and children to be exposed to lead in their drinking water.

National Primary Drinking Water Regulations for Perchlorate

Perchlorate is a drinking water contaminant mainly associated with the manufacture, maintenance, use and disposal of ammunition and rocket fuel. It is highly soluble in water and moves quickly from soil to groundwater. Despite the lack of adequate data to determine the safe level of perchlorate in drinking water, in May 2019, EPA proposed a standard with such a high concentration that the agency requested public comments on not regulating it.

This rule, if finalized, will fail to protect people from the health effects of perchlorate in drinking water. Perchlorate disrupts the normal function of the thyroid in both children and adults and causes development problems in fetuses.

Enforcement

In March 2020, EPA issued a policy on enforcement and the response to COVID-19. The policy applies to all environmental compliance obligations for all companies nationwide for the indefinite future. It says that

if compliance with environmental rules—specifically including monitoring and reporting—is not “reasonably practicable,” companies should document their determinations and provide that information to EPA or a state “upon request.” In such cases, EPA will not pursue enforcement for violations.

Monitoring is how we know what pollution is occurring. Reporting is how the government and the public know about pollution violations. Announcing that EPA does not expect companies to meet monitoring and reporting obligations for the foreseeable future means that neither the companies nor the public will know how bad the pollution problems are. The Trump EPA has already had a steep decline in enforcement; this non-enforcement policy takes that even further by leaving it up to companies to determine if they will comply. We know that people most exposed to pollution are the most vulnerable to COVID-19; this policy puts those vulnerable communities at greater risk.

Land Contamination

Superfund Cleanups (2017-present)

Instead of increasing cleanups at Superfund sites, EPA has focused on the paperwork exercise of deleting previously cleaned up sites from the Superfund National Priorities List (NPL) of contaminated sites. The Trump administration has the worst record of any previous administration regarding funding of new cleanup projects and completing cleanups at sites.

Deleting sites from the Superfund list requires documentation that previously completed cleanups, which can take a decade or more, are meeting cleanup goals, and that required land use restrictions are in place. Moving Superfund sites off the list is an accomplishment that can largely be attributed to past administrations that initiated and oversaw the cleanups. The lack of focus on active cleanups has resulted in a reduction in the number of sites at which the construction phase of cleanups, such as treatment of contaminated groundwater or removal of contaminated soil, has been completed. This has also caused an increase in the number of cleanups lacking funding compared to previous years.

Scientific Integrity

Directive “Strengthening and Improving Membership on EPA Federal Advisory Committees”

Since, October 2017, EPA has disbanded a number of key science advisory committees, barred scientists who received EPA grants from serving on them, reduced the size of its Clean Air Science Advisory Committee, and disbanded expert panels on two major air pollutants, PM 2.5 and ozone, among other actions.

The directive deprives the agency of unbiased expertise by prohibiting scientists receiving EPA grants from serving on advisory committees, while allowing scientists funded by industries subject to EPA regulation or state/local government scientists with EPA grants to serve. Some current advisory committees now lack members with the appropriate expertise to make recommendations on significant regulatory issues.

Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process—Advanced Notice of Proposed Rulemaking

In June 2018, EPA proposed but has not promulgated a rule changing the way the agency considers the costs and benefits of regulations; it is already implementing a new, more restrictive approach to considering benefits by refusing to consider the co-benefits of reducing pollutants that are not the target of the regulation.

EPA has not demonstrated any reason for changes in the way EPA considers costs and benefits; the proposal lacks a clear statement of the problem it would address beyond vague references to past industry comments and complaints, and appears to be a fishing expedition for grounds to roll back regulations by hiding their true value, even though the benefits of these measures, in the aggregate, far exceed their costs. Counting co-benefits is called for under EPA's current economic analysis guidelines and is also the consensus view of the economics profession. EPA has no legal authority to make cost-benefit analysis the uniform and overriding basis for decisions under all the environmental statutes it administers.

Strengthening Transparency in Regulatory Science

The proposed rule, which was issued in April 2018, prohibits EPA from using scientific studies that protect the private medical information of participants or are not reproducible from consideration in rulemaking. A supplementary proposal was issued in March 2020 that extends the restrictions on scientific studies used for regulations to the studies used for any purpose.

The rule could prevent the critical use and consideration of most public health studies and studies of toxic exposures that could not be reproduced, which would seriously limit the data on which decisions about public health protections are made.

Water Quality

Clean Water Rule

In April 2020, the Trump administration officially replaced the 2015 Clean Water Rule with a new definition of what waters and wetlands are considered “Waters of the United States” and are, therefore, protected under the federal Clean Water Act.

The Trump replacement rule removes protections from a significant portion of the country's streams and wetlands, which will impair drinking water, affect fisheries, and reduce flood control for communities throughout the United States. State and local governments will have to spend more money to treat their drinking water and flood-proof their rivers, but they will not be able to replace streams and wetlands which, once filled or drained, will be lost forever.

Disposal of Coal Combustion Residuals from Electric Utilities Rule

The Coal Combustion Residuals rule, finalized in 2018, weakened the 2015 requirements for monitoring and closing the holding ponds used to store toxic coal ash formed from burning coal in power plants.

The final rule weakens previous controls on more than 1,000 coal ash disposal sites at coal-fired power plants. Despite the fact that 91% of these power plants have disposal sites leaking toxics into underlying groundwater, the new rule extends the deadline for closing leaking sites; it allows states to suspend groundwater monitoring and set their own standards for what is considered a safe level of toxics in groundwater.

Steam Electric Power Generating Effluent Guidelines

The 2015 rule, suspended in 2018, for the first time required that coal-fired power plants treat toxics in the wastewater they discharge. A replacement rule was proposed in November 2019, which would require much less treatment.

Suspension of the rule has resulted in the discharge of over 1 billion pounds of pollutants, including toxic mercury, arsenic, lead and selenium, every year into nearby rivers. The drinking water and fisheries of 2.7 million people along 4,000 miles of rivers are at risk of contamination.