

# **ENVIRONMENTAL ASSAULT**

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## **TRUMP ADMINISTRATION IMPERILS PUBLIC HEALTH AND THE ENVIRONMENT**

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**OCTOBER 2020**



**HOUSE COMMITTEE ON  
ENERGY & COMMERCE**

CHAIRMAN FRANK PALLONE, JR.

**STAFF REPORT**

# ENVIRONMENTAL ASSAULT: Trump Administration Imperils Public Health and the Environment

Over the past four years, the Trump Administration has taken steps to roll back nearly 100 critical protections,<sup>1</sup> threatening the health of our communities, families, and natural environment. By ignoring the dangers of climate change, weakening protections against air and water pollution, and attacking science, the Trump Administration has repeatedly jeopardized the public health of our nation. All Americans suffer when exposed to dirty air and unsafe drinking water, but these environmental protections are particularly important for those most vulnerable to health hazards, including communities of color, low-income communities, children, and seniors.

Equally harmful as its rollbacks are the Trump Administration's institutional attacks on the ability of the Environmental Protection Agency (EPA) to carry out its mission to protect human health and the environment. Through repeated attempts to slash EPA's budget and weaken key agency functions that support independent science and enforcement against polluters, the Trump Administration has consistently tried to stop EPA from doing its job.

During this unprecedented period when our nation is battling the coronavirus disease of 2019 (COVID-19) pandemic, it is more important than ever that EPA protects human health and the environment.

The Committee on Energy and Commerce has closely reviewed the Trump EPA's actions. This staff report details the impacts of key EPA rollbacks and attacks on communities across the country. In sum, the report finds that the Trump Administration has failed in its mission to protect human health and the environment by:

- Ignoring the dangers of climate change and **putting American communities at risk by rolling back protections against greenhouse gas pollution**;
- **Sidelining science at EPA** through repeated and systematic actions fundamentally impairing its ability to fulfill its mission to protect human health and the environment;
- **Disproportionately harming communities most overburdened by pollution**, including low-income communities, communities of color, and tribal and indigenous communities;
- **Weakening critical air toxics pollution protections** that save lives and prevent cancer, heart attacks, and severe asthma episodes; and
- **Exacerbating water pollution** by relaxing key water quality standards and failing to enact protections that ensure safe drinking water.

# IGNORING CLIMATE CHANGE

*The Trump Administration has ignored the dangers of climate change, putting American communities at risk and sidetracking EPA's mission to protect human health and the environment.*

American communities are already grappling with the harmful impacts of climate change, including deadly wildfires, increasingly disastrous hurricanes and heat waves, increased flooding, and rising sea levels.<sup>2</sup> According to the most recent *National Climate Assessment*, "Climate change creates new risks and exacerbates existing vulnerabilities in communities across the United States, presenting growing challenges to human health and safety, quality of life, and the rate of economic growth."<sup>3</sup>

*"Our communities bear the burden of climate change and the wildfires, hurricanes, heat waves, droughts and sea level rise it spawns. . . . America's workers are often on the frontlines of these impacts—not only feeling the effects of droughts or extreme weather in their own communities, but responding to these crises."*

Michael Williams, BlueGreen Alliance, [testifying](#) at a February 2019 hearing on the environmental and economic impacts of climate change.

Yet, despite the devastation left behind from these extreme natural disasters and the dire warnings from scientists on the growing dangers of unchecked climate change, the Trump Administration has spent the last four years attempting to dismantle critical climate change initiatives, including by:

- **Repealing the Clean Power Plan**, which set limits on harmful carbon pollution from power plants, and replacing it with a dirty power scam that puts no meaningful limits on carbon pollution, and could lead to more pollution in many parts of the country.<sup>4</sup> Without strong climate protections, harmful pollution from coal power plants can affect the human lungs and heart, increasing risks to vulnerable populations such as the elderly and children.<sup>5</sup>
- **Dismantling popular vehicle fuel efficiency and pollution standards**, which were the federal government's biggest effort to combat climate change. According to EPA's own analysis, these clean car standards reduced premature deaths and other adverse health impacts caused by air pollution and saved consumers millions of dollars at the pump.<sup>6</sup> EPA also attempted to block states from taking action to fill the leadership void.<sup>7</sup>

**“[A]ctions to roll back these standards are based on flawed analysis and will cost consumers money and slow down auto sales while, at best, doing nothing to improve safety.”**

David Friedman, Vice President, Consumer Reports, [testifying](#) at a June 2019 hearing on the rollback of fuel economy and clean car standards.

- **Rolling back common-sense methane requirements** for the oil and gas industry to monitor and repair leaks—pollution control standards that even oil and gas industry leaders supported.<sup>8</sup> Methane is a potent greenhouse gas, far more damaging to our climate than carbon dioxide.<sup>9</sup> By weakening these requirements, the Trump Administration is ignoring a well-documented problem and worsening the climate crisis.
- **Withdrawing the United States from the landmark Paris Climate Accord**—an agreement between nearly 200 nations to embark on a transition to a low-carbon economy.<sup>10</sup> This withdrawal is an abdication of U.S. leadership, undermines our global credibility, and puts Americans’ health and economic future at great risk.

These actions are expected to significantly impact future pollution levels. According to recent analysis, rolling back federal and state vehicle rules would result in over a gigaton of additional greenhouse gas emissions by 2035.<sup>11</sup> Cumulatively, the Trump EPA’s major climate rollbacks could add 1.8 gigatons of carbon dioxide equivalent to the earth’s atmosphere by 2035, an impact equal to almost one-third of 2019 U.S. emissions.<sup>12</sup> Additionally, if significant action is not taken to curb greenhouse gas pollution, experts predict billions of dollars in losses across the United States economy by the end of this century.<sup>13</sup>

## COMMITTEE RESPONSE TO TRUMP CLIMATE ROLLBACKS

The Committee is conducting ongoing oversight of the Trump EPA’s rollback of climate protections in the 116<sup>th</sup> Congress. This work has included [requesting detailed information from EPA](#) regarding the public health and environmental impacts of its climate rollbacks. The Committee is also responding to the Trump climate rollbacks by [holding a series of hearings on how to best combat climate change](#). These hearings have included discussions of the [CLEAN Future Act](#), which would put the U.S. on a path to 100 percent net zero greenhouse gas emissions by 2050. The Committee also [considered legislation to keep the U.S. in the Paris Climate Agreement](#) after President Trump’s announcement to withdraw.

## SIDELINING SCIENCE

*The Trump EPA has repeatedly and systematically dismissed independent science, undermining its public health and environmental mission and letting politics, not science, drive policy.*

Independent science is fundamental to EPA's effectiveness and credibility. EPA itself has recognized that science is the "backbone of agency decision-making,"<sup>14</sup> but its actions tell a different story. Specifically, the Trump Administration has attacked EPA's scientific foundation by:

- **Restricting use of scientific research showing harmful health impacts of pollution.** A proposed rulemaking<sup>15</sup> would tie EPA's own hands by limiting its ability to use landmark, gold-standard pollution studies where the underlying raw data could not be made publicly available, such as confidential medical records.<sup>16</sup> If finalized, this rule would make it more difficult to justify and enact robust human health protections.<sup>17</sup>
- **Attacking the scientific basis for stronger health-based air pollution standards.** The Trump EPA has undermined the process for evaluating whether current air pollution standards for ozone and fine particles are sufficient to ensure our air is safe to breathe. The Administration has done this by accelerating the review timeline,<sup>18</sup> replacing qualified advisory committee members with members paid by polluters,<sup>19</sup> and disbanding an independent panel that had long provided key scientific expertise.<sup>20</sup> Following this questionable process, EPA proposed to retain the current standards for fine particle pollution, contrary to the recommendations of its own staff and overwhelming scientific evidence in favor of more stringent standards.<sup>21</sup>
- **Using fuzzy math to rig EPA's analysis to favor polluters instead of public health.** The Trump EPA has proposed changes to cost-benefit analyses for air regulations that could distort the impacts by excluding key health studies, overestimating costs, and underestimating benefits of clean air protections.<sup>22</sup> Particularly in light of emerging research connecting air pollution to death rates from COVID-19,<sup>23</sup> this proposal undermines EPA's public health protections at a time when they are needed most.

## EXPOSING EPA'S ATTACK ON SCIENCE

The Committee held a hearing in June 2019 with testimony from four former EPA Administrators who all expressed alarm regarding the Trump EPA's actions undermining independent science. The Committee also demanded answers from EPA on the disbanding of independent advisory panels and replacing independent experts with ad-hoc consultants.

## FORMER ADMINISTRATORS TESTIFY ON TRUMP EPA'S SCIENCE FAILURES



**"The current administration has been on a steady march to reduce if not eliminate the role of science in developing and implementing environmental policy."**

Hon. Christine Todd Whitman, Former EPA Administrator under President George W. Bush, 2001-2003.

**"[Science] is a vital jewel of our system....It is a characteristic of the EPA historically. It is at risk."**

Hon. William Reilly, Former EPA Administrator under President George H.W. Bush, 1989-1993.



**"I do not dispute any administration coming in with different policies. But the challenge I think we are facing is they are really changing the rules of the road ... and not using sound science."**

Hon. Gina McCarthy, EPA Administrator under President Barack Obama, 2013-2017.

**"I'm very concerned ... about whether they in fact are tapping into the kind of external scientific expertise that we always used that's critical to the decision making in the agency."**

Hon. Lee Thomas, Former EPA Administrator under President Ronald Reagan, 1985-1989.



# ENVIRONMENTAL INJUSTICE

*The Trump EPA's dismantling of environmental and public health protections has disproportionately harmed our nation's communities most overburdened by pollution.*

The Trump EPA's actions have been particularly harmful to environmental justice communities, which lack equal access to a safe and healthy environment. These communities, including communities of color, low-income communities, Native American communities, and fence-line communities, have historically borne a disproportionate share of pollution and health risk.<sup>24</sup> There is now direct scientific evidence showing communities living with more air pollution experience higher rates of COVID-19 deaths.<sup>25</sup> Furthermore, according to the 2018 *National Climate Assessment*, these communities are more at risk to be harmed by climate change, which "threatens to exacerbate existing social and economic inequalities that result in higher exposure and sensitivity to extreme weather and climate-related events."<sup>26</sup> When the Trump Administration rolls back key environmental protections, it hurts these communities the most.

*"The rolling back of environmental rules and regulations has us gasping for air due to the cumulative public health impacts from the burning of fossil fuels in our communities. Covid-19 continues to devastate black, brown and indigenous communities both in infections and deaths. When we say, 'I Can't Breathe' we literally can't breathe."*

Mustafa Santiago Ali, National Wildlife Federation, [testifying](#) at a June 2020 hearing on the disproportionate impact of pollution on communities.

The Trump EPA has failed front-line communities in a number of troubling ways, including by:

- **Giving a pass to polluters by maintaining the worst environmental enforcement record in decades.** The Trump EPA has failed to enforce the laws that protect our environment and communities from the worst polluters. The number of inspections conducted by EPA in 2018 was the lowest since those records began in 1994,<sup>27</sup> and the number of civil cases initiated in 2018 was the lowest since 1982.<sup>28</sup> EPA also used the COVID-19 pandemic as an excuse to give companies license to violate environmental protections for several critical months earlier this year, just at the time when they were most needed.<sup>29</sup>

**“This general unwillingness to enforce the law has essentially given industry a pass to poison.”**

Dr. Bakeyah Nelson, Executive Director, Air Alliance Houston, testifying at a February 2019 hearing on EPA’s Enforcement Record.

- **Reducing EPA staff and proposing extreme budget cuts.** Nearly 1,600 workers reportedly departed EPA during the first 18 months of the Trump Administration, bringing its staffing levels to its lowest point in over three decades.<sup>30</sup> Yet the Trump Administration’s fiscal year 2021 budget request called for an additional 11 percent reduction in EPA staffing over last year.<sup>31</sup> While the Trump Administration placed more of the enforcement burden on state governments,<sup>32</sup> the vast majority of states have lost funding for environmental staffing over the past decade.<sup>33</sup>
- **Limiting review of environmental justice impacts.** For decades, EPA’s Environmental Appeals Board operated as an impartial tribunal that allowed poor and disadvantaged communities to appeal permitting and enforcement decisions without the need for expensive litigation.<sup>34</sup> In 2020, the Trump EPA issued a final rule eliminating the board’s ability to review important policy considerations, including environmental justice considerations.<sup>35</sup> EPA’s decision to limit environmental justice reviews is compounded by the Administration’s recent rule **gutting protections in the landmark National Environmental Policy Act (NEPA)**. That rule greatly restricts community input on projects that often impact environmental justice communities.<sup>36</sup>
- **Suspending environmental justice trainings.** In response to a White House directive calling on agencies to end “un-American propaganda training sessions,” including those that reference “critical race theory” or “white privilege,”<sup>37</sup> EPA suspended an environmental justice speaker series intended to address structural racism,<sup>38</sup> raising further concerns that the Trump EPA is failing to ensure all people have the same degree of protection from health and environmental hazards.

## INVESTIGATING THE WORST ENFORCEMENT RECORD IN DECADES

In an effort to hold the Trump Administration accountable for its failure to enforce protections against illegal pollution, the Committee held a hearing with testimony from the Administration and enforcement experts, and sent a request for documents and information on EPA’s lack of enforcement. Most recently, the Committee sent oversight letters in 2020 requesting information on EPA’s policy relaxing enforcement during the COVID-19 pandemic.

# TOXIC AIR IN OUR COMMUNITIES

*The Trump EPA has dismantled protections against air toxics, weakening critical public health protections that have saved lives, prevented brain damage, cancer, and heart attacks, and helped alleviate asthma.*

The *State of the Air* report for 2020 warned that nearly half of Americans live in communities with unhealthy levels of air pollution.<sup>39</sup> Unless stronger air quality standards are implemented, climate change will worsen air pollution levels, resulting in increased adverse health effects and premature death, particularly among older adults and children.<sup>40</sup>

Public health risks associated with air pollution are particularly acute during the COVID-19 pandemic. Evidence suggests that pollution-related illness, including chronic lung conditions and cardiovascular disease, are correlated with increased risk of dying from the virus.<sup>41</sup> There are devastatingly high rates of infection and death in communities of color and other vulnerable communities.<sup>42</sup>

Despite these dangers, the Trump Administration has continued to jeopardize the health and safety of our communities and environment by rolling back clean air protections, protecting the bottom line of polluters at the expense of human health. Examples include:

- **Threatening existing protections against mercury and other air toxics**, which have significantly reduced hazardous air pollution from coal-fired power plants.<sup>43</sup> The Trump Administration’s dangerous mercury reversal undermines current standards that protect children from neurological damage that could last a lifetime.<sup>44</sup> This move is even opposed by the power industry since it has already made substantial investments.<sup>45</sup>

*“ Without strong protections in place, America’s children will disproportionately bear the burden of disease caused by pollutants emitted by power plants. Moreover, protecting America’s children against air pollution benefits the economy of our country and enhances the present and future security of the United States of America. ”*

Dr. Philip Landrigan, Director, Boston College Global Public Health Program, [testifying](#) at a May 2019 hearing on EPA’s mercury reversal.

**WHAT’S AT STAKE IF MERCURY PROTECTIONS DISAPPEAR**

Health Effect	Number Avoided Per Year Due to Current Mercury Protections
Premature Deaths	4,200-11,000
Chronic bronchitis cases	2,800
Heart attacks	4,700
Asthma attacks	130,000
Hospital and emergency room visits	5,700
Restricted activity days	3,200,000

[source: [EPA Website](#)]

**“This action must be called out for what it is: A direct threat to our children’s health. As parents, we find this unconscionable.”**

Heather McTeer Toney, Moms Clean Air Task Force, testifying at a 2019 hearing on EPA’s mercury reversal.

- **Failing to protect communities from harmful emissions of ethylene oxide**, a toxic chemical that increases risks of cancers such as breast cancer, non-Hodgkins lymphoma, and leukemia, with children more susceptible to harm.<sup>46</sup> In June 2020, EPA finalized a new rule allowing hazardous air emissions from petrochemical facilities that pose double the health risk to local communities compared to EPA’s benchmark for acceptable risk of cancer.<sup>47</sup>
- **Undermining protections against toxic air pollution by withdrawing the longstanding “Once In, Always In” policy**, which ensured certain industrial facilities continued to meet critical pollution standards. This helped protect communities against hazardous air pollutants (HAPs) known to cause cancer, respiratory conditions, and harm children’s development.<sup>48</sup> In October 2020, EPA finalized its termination of the policy, creating a loophole allowing certain sources to massively increase emissions of HAPs.<sup>49</sup>

## EXAMINING THE TRUMP EPA’S MERCURY REVERSAL

At a May 2019 oversight hearing, the Committee examined the Trump Administration’s action threatening the current standards. Expert witnesses addressed the real harms mercury can cause to the brain, heart, and other essential body systems, particularly for babies and children.<sup>51</sup> In sum, EPA’s reversal benefits only the very dirtiest power plants at the expense of everyone else — but most especially pregnant women, infants, and communities of color.

# THREATENING AMERICA'S WATER SUPPLY

*This Administration has relaxed key water quality standards and failed to enact protective standards for drinking water, exacerbating health inequalities.*

Access to clean water is a fundamental right and a responsibility of the federal government. Yet, far too many live near polluted lakes and streams or use public water systems that exceed contaminant limits under health standards. Drinking water systems chronically cited for violations were 40 percent more likely to be found in communities with greater percentages of residents of color, according to a recent report analyzing years of EPA data.<sup>51</sup>

*“For communities already facing severe burdens due to racism, social conditions, and/or environmental and health hazards, the inability to turn on a tap and receive clean, safe water is particularly devastating—and unjust.”*

Mae Wu, Senior Director, Health and Food, Natural Resources Defense Council, [testifying](#) at a February 2020 hearing on EPA's proposed revisions to the Lead and Copper Rule.

Recent drinking water crises in Flint, Michigan, and Newark, New Jersey, underscore the need for increased oversight and leadership from EPA. But time and time again, the Trump Administration has given the industries polluting our waters a pass while risking people's health and well-being. EPA's actions include:

- **Weakening restrictions on toxic coal ash pollution from power plants.** Coal-fired power plants are the largest source of toxic pollution such as mercury, lead, and arsenic into our waterways and can cause potentially deadly health problems, including birth defects and cancer.<sup>52</sup> A history of coal ash spills has left a legacy of pollution in communities across the country, including Kingston, Tennessee, and Eden, North Carolina.<sup>53</sup> To prop up the failing coal industry, the Trump Administration eased pollution limits and extended compliance deadlines for a 2015 coal ash rule,<sup>54</sup> which could add an estimated hundreds of thousands of pounds of toxic pollutants to water sources annually.<sup>55</sup>
- **Proposing inadequate revisions to the lead and copper rule.** The science is clear: for our children, there is *no safe level* of lead exposure, and adults face lead-related risks of high blood pressure, heart disease, kidney disease, reduced fertility, and cancer.<sup>56</sup> The Trump Administration's proposal<sup>57</sup> to revise the nation's Lead and Copper Rule falls well short of protecting public health, including by slowing the pace of lead line replacements.<sup>58</sup>

**“The proposed revisions to the Lead and Copper Rule are minimalistic and insufficient . . . [a] missed opportunity to protect the public’s health and to rebuild trust in our nation’s drinking water.”**

Mona Hanna-Attisha, MD, MPH, FAAP, testifying at a February 2020 hearing on EPA’s proposed revisions to the Lead and Copper Rule. Dr. Hanna-Attisha’s research showing children with elevated lead levels in Flint, Michigan, helped expose the City’s drinking water emergency.<sup>59</sup>

- **Failing to protect the water supply from “forever” PFAS chemicals.** Perfluorinated compounds, commonly referred to as PFAS or “forever” chemicals, cause cancers, suppressed immune response, and reproductive problems.<sup>60</sup> To date, EPA has not set enforceable drinking water standards for any PFAS chemical despite millions of Americans receiving water in excess of EPA’s health advisory levels of concern.<sup>61</sup> EPA also missed its own deadline to complete procedural steps to regulate certain PFAS in drinking water,<sup>62</sup> and has failed to use available authority to set an interim drinking water standard to protect public health.<sup>63</sup>
- **Abandoning an effort to set drinking water standard for perchlorate, a chemical linked to brain damage in babies,** even though EPA estimated that up to 620,000 people could be drinking water with a concerning amount of the chemical.<sup>64</sup>

## EXAMINING TRUMP EPA’S DRINKING WATER FAILURES

At a February 2020 hearing, the Committee examined the Trump Administration’s inadequate response to the widespread and pressing public health crisis of lead contamination in drinking water. Experts testified that the Trump EPA’s proposal to revise the Lead and Copper Rule fails to require the aggressive replacement of service lines needed to reduce lead exposure and creates confusion among state and local entities implementing the rule.<sup>65</sup>

The Committee also held hearings in May 2019 and September 2018 to address the risks of PFAS contamination and exposure. The Committee additionally sent a letter to EPA in January 2019 concerning potential interference from political appointees and chemical industry stakeholders in the development of a PFAS risk assessment.

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<sup>1</sup> *The Trump Administration is Reversing Nearly 100 Environmental Rules. Here's The Full List.*, New York Times (updated Oct. 15, 2020) ([www.nytimes.com/interactive/2020/climate/trump-environment-rollback.html](http://www.nytimes.com/interactive/2020/climate/trump-environment-rollback.html)).

<sup>2</sup> U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts Risks, and Adaptation in the United States*, at 29, 38–39, and 74 (2018).

<sup>3</sup> *Id.* at 25.

<sup>4</sup> Environmental Protection Agency, *Repeal of the Clean Power Plan; Emission Guidelines for Greenhouse Gas Emissions From Existing Electric Utility Generating Units; Revisions to Emission Guidelines Implementing Regulations*, 84 Fed. Reg. 32520 (July 8, 2019) (final rule); *Trump's EPA Just Replaced Obama's Signature Climate Policy With a Much Weaker Rule*, Vox (June 19, 2019).

<sup>5</sup> Environmental Protection Agency, *Health and Environmental Effects of Particulate Matter (PM)* ([www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm](http://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm)) (accessed Oct. 20, 2020).

<sup>6</sup> Environmental Protection Agency, *Regulatory Impact Analysis: Final Rulemaking for 2017-2025 Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards*, at v-vi, 6-79 (Aug. 2012) (EPA-420-R-12-016).

<sup>7</sup> Environmental Protection Agency and National Highway Traffic Safety Administration, *The Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program*, 84 Fed. Reg. 51310 (Sept. 27, 2019) (withdrawal of waiver, final rule); *Trump Administration Bars California from Requiring Cleaner Cars*, Reuters (Sept. 19, 2020).

<sup>8</sup> Environmental Protection Agency, *Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review*, 85 Fed. Reg. 57018 (Sept. 14, 2020) (final rule); Environmental Protection Agency, *Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration*, 85 Fed. Reg. 57398 (Sept. 15, 2020) (final rule); *Trump's Methane Rollback that Big Oil Doesn't Want*, National Public Radio (Aug. 13, 2020).

<sup>9</sup> Environmental Protection Agency, *Overview of Greenhouse Gases, Methane Emissions* ([www.epa.gov/ghgemissions/overview-greenhouse-gases#methane](http://www.epa.gov/ghgemissions/overview-greenhouse-gases#methane)) (accessed Oct. 20, 2020).

<sup>10</sup> *U.S. Emission Reductions Slowed After Trump Pulled Out Of Paris Accord*, National Public Radio (Sept. 29, 2020).

<sup>11</sup> Rhodium Group, *The Undoing of US Climate Policy: The Emissions Impact of Trump-Era Rollbacks* (Sept. 17, 2020) ([www.rhg.com/research/the-rollback-of-us-climate-policy/](http://www.rhg.com/research/the-rollback-of-us-climate-policy/)).

<sup>12</sup> *Id.*

<sup>13</sup> U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts Risks, and Adaptation in the United States*, at 25–26 (2018).

<sup>14</sup> Environmental Protection Agency, *Science Advisory Programs, Basic Information about Scientific Integrity* ([www.epa.gov/osa/basic-information-about-scientific-integrity](http://www.epa.gov/osa/basic-information-about-scientific-integrity)) (accessed Oct. 20, 2020).

<sup>15</sup> Environmental Protection Agency, *Strengthening Transparency in Regulatory Science*, 85 Fed. Reg. 15396 (Mar. 18, 2020) (supplemental notice of proposed rulemaking).

<sup>16</sup> *E.P.A. Updates Plan to Limit Science Used in Environmental Rules*, New York Times (Mar. 4, 2020); Laura Bloomer, *More Legal Questions in EPA's Supplemental Regulatory Science Proposal*, Harvard Environmental & Energy Law Program (Apr. 27, 2020) (<http://eelp.law.harvard.edu/2020/04/more-legal-questions-in-epas-supplemental-regulatory-science-proposal/>).

<sup>17</sup> *E.P.A. Updates Plan to Limit Science Used in Environmental Rules*, New York Times (Mar. 4, 2020).

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- <sup>18</sup> Memorandum from Administrator E. Scott Pruitt, Environmental Protection Agency, to Assistant Administrators, Environmental Protection Agency, Back-to-Basics Process for Reviewing National Ambient Air Quality Standards (May 9, 2018).
- <sup>19</sup> *EPA Unveils New Industry-Friendlier Science Advisory Boards*, E&E News (Nov. 3, 2017).
- <sup>20</sup> *EPA Scraps Pair of Air Pollution Science Panels*, Washington Post (Oct. 13, 2018); *E.P.A. to Disband a Key Scientific Review Panel on Air Pollution*, New York Times (Oct. 11, 2018).
- <sup>21</sup> Environmental Protection Agency, *Policy Assessment for the Review of the National Ambient Air Quality Standards for Particulate Matter*, at 3-106 (Jan. 2020) (EPA-452/R-20-002) (expressing EPA staff recommendations); *Trump EPA Declines to Tighten Soot Pollution Standards*, Reuters (Apr. 14, 2020); Letter from Independent Particulate Matter Review Panel (formerly EPA CASAC Particulate Matter Review Panel) to Administrator Andrew Wheeler, Environmental Protection Agency (Oct. 22, 2019).
- <sup>22</sup> *A Regulatory Rush by Federal Agencies to Secure Trump's Legacy*, New York Times (Oct. 16, 2020); *Experts Fear New EPA Burdens, Litigation Risk from Cost-Benefit Rule*, Inside EPA (June 9, 2020).
- <sup>23</sup> Michael Petroni et al., *Hazardous Air Pollutant Exposure as a Contributing Factor to COVID-19 Mortality in the United States*, Environmental Research Letters (Sept. 11, 2020); Xiao Wu et al., *Exposure to Air Pollution and COVID-19 Mortality in the United States: A National Cross-Sectional Study*, MedRxiv (Apr. 27, 2020) (preprint); *New Research Links Air Pollution to Higher Coronavirus Death Rates*, New York Times (Apr. 17, 2020).
- <sup>24</sup> Environmental Protection Agency, *Office of Environmental Justice in Action* (Sept. 2017) ([www.epa.gov/sites/production/files/2017-09/documents/epa\\_office\\_of\\_environmental\\_justice\\_factsheet.pdf](http://www.epa.gov/sites/production/files/2017-09/documents/epa_office_of_environmental_justice_factsheet.pdf)).
- <sup>25</sup> Michael Petroni et al., *Hazardous Air Pollutant Exposure as a Contributing Factor to COVID-19 Mortality in the United States*, Environmental Research Letters (Sept. 11, 2020); Xiao Wu et al., *Exposure to Air Pollution and COVID-19 Mortality in the United States: A National Cross-Sectional Study*, MedRxiv (Apr. 27, 2020) (preprint); *New Research Links Air Pollution to Higher Coronavirus Death Rates*, New York Times (Apr. 17, 2020).
- <sup>26</sup> U.S. Global Change Research Program, *Fourth National Climate Assessment, Volume II: Impacts Risks, and Adaptation in the United States*, at 36 (2018).
- <sup>27</sup> *Has the EPA Lost its Teeth? House to Investigate Dwindling Enforcement*, Christian Science Monitor (Feb. 20, 2019).
- <sup>28</sup> *Id.*
- <sup>29</sup> Memorandum from Susan Bodine, Assistant Administrator for Enforcement and Compliance Assurance, Environmental Protection Agency, to All Governmental and Private Sector Partners, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program (Mar. 26, 2020) (withdrawn Aug. 31, 2020); Letter from Rep. Frank Pallone, Jr., Chairman, House Committee on Energy and Commerce, et al., to Administrator Andrew Wheeler, Environmental Protection Agency (Apr. 21, 2020).
- <sup>30</sup> *With a Shrinking EPA, Trump Delivers on His Promise to Cut Government*, Washington Post (Sept. 8, 2018).
- <sup>31</sup> Congressional Research Service, *U.S. Environmental Protection Agency FY2021 Appropriations*, at 2 (June 8, 2020) (IF11563).
- <sup>32</sup> *Trump's EPA Shifts More Environmental Enforcement to States*, Associated Press (May 20, 2019).
- <sup>33</sup> Environmental Integrity Project, *The Thin Green Line: Cuts in State Pollution Control Agencies Threaten Public Health*, at 4 (Dec. 2019).

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<sup>34</sup> Environmental Protection Agency, *The EPA's Environmental Appeals Board at Twenty-Five: An Overview of the Board's Procedures, Guiding Principles, and Record of Adjudicating Cases*, at 1 and 6 (July 1, 2017); *Critics Fear EPA Appeals Shakeup Sidelines Environmental Justice*, Bloomberg Law (July 24, 2020).

<sup>35</sup> Environmental Protection Agency, *Streamlining Procedures for Permit Appeals*, 85 Fed. Reg. 51650, at 51652 (Aug. 21, 2020) (final rule); *Critics Fear EPA Appeals Shakeup Sidelines Environmental Justice*, Bloomberg Law (July 24, 2020).

<sup>36</sup> Council on Environmental Quality, *Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act*, 85 Fed. Reg. 43304 (July 16, 2020) (final rule); *Trump Weakens Major Conservation Law to Speed Construction Permits*, New York Times (Aug. 4, 2020) (reporting on how new rule could impact environmental justice communities by discounting cumulative impacts of projects); *A Man, His Bulldozed Neighborhood – and NEPA*, Greenwire (Mar. 12, 2020) (reporting on proposed rule and potential environmental justice implications).

<sup>37</sup> Memorandum from Russell T. Vought, Director, Office of Management and Budget, to the Heads of Executive Departments and Agencies, Training in Federal Government (Sept. 4, 2020); *White House Directs Federal Agencies to Cancel Race-Related Training Sessions it Calls "Un-American Propaganda"*, Washington Post (Sept. 5, 2020). See also Exec. Order. No. 13950, 85 Fed. Reg. 60683 (Sept. 28, 2020) (expanding on Office of Management and Budget memorandum in an Executive Order).

<sup>38</sup> *EPA Postpones Speaker Series on Racism After White House Order*, Politico (Sept. 15, 2020).

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