

US health and science advocates gear up for battle over EPA

The Trump administration's proposed budget makes large cuts to the US Environmental Protection Agency. Susan Jaffe, *The Lancet's* Washington correspondent, reports.

As Oklahoma Attorney General, Scott Pruitt represented his state in more than a dozen lawsuits challenging the US Environmental Protection Agency's (EPA) efforts to limit air and water pollution. Several cases sought to block President Barack Obama's Clean Power Plan aimed at reducing the greenhouse gas emissions from coal plants linked to climate change.

The conservative columnist George Will has called Pruitt "one

of the Obama administration's most tenacious tormentors". And the Manhattan Institute, a conservative think tank, praised

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Pruitt as "one of America's most courageous opponents of federal overreach". Pruitt provided both quotes in a biography attached to his congressional testimony last spring criticising the Clean Power Plan.

Less than a year later, Pruitt and his opponents have switched sides. President Donald Trump appointed Pruitt to lead the EPA and now those opponents accuse the Trump administration of federal overreach by seeking to undermine key environmental laws.

The administration has already taken steps to begin rolling back some environmental rules issued by the EPA under President Barack Obama (panel). And last week, Trump unveiled his proposed federal budget, which reduces federal non-defence spending by US\$54 billion, including a 31% (\$2.6 billion) cut in EPA funding—more than any other domestic agency. If Congress approves the Trump spending plan, some 50 EPA programmes would also be eliminated, including the office of environmental justice. One of its founders, Mustafa Ali, resigned in protest 2 weeks ago after 24 years with the agency.

"Literally and figuratively, this budget is a scorched earth budget", said Gina McCarthy, Obama's EPA administrator, in a conference call with reporters last week. The cuts include 3200 EPA staff positions, which means

one of five people will have to leave the agency next year, she said. "We're talking about a 45% reduction in state funds and a targeted reduction in our scientists, which means 42% of our Office of Research and Development scientists will have to find other employment."

In its introduction to the EPA budget, the Trump administration explains that the changes reflect "a focus on core legal requirements, the important role of the states in implementing the nation's environmental laws, and the President's priority to ease the burden of unnecessary Federal regulations that impose significant costs for workers and consumers without justifiable environmental benefits".

"The Trump administration at large, including Pruitt with the EPA, is not governing from the standpoint that climate change is a prominent issue that needs addressing", said Paul Knappenberger, assistant director of the Center for the Study of Science at the Cato Institute.

Attention to climate change should not be optional, said Paul Billings, senior vice president of advocacy at the American Lung Association. The Clean Air Act gives the EPA the responsibility to protect the public health and environment by limiting air pollutants including carbon dioxide. "All inhaled air pollutants have direct respiratory health impacts for the lung because it is the mechanism by which the pollution is absorbed."

Such dramatic budget cuts will not only harm EPA's climate change programmes, said Carol Browner, who headed the agency under President Bill Clinton and later served as Obama's director of the White House Office of Energy and Climate

Panel: First steps in reversing Obama's environmental rules

Hours after he was sworn in, President Trump ordered federal agencies to withdraw or delay any new regulations so that the new administration could decide whether to issue them. A subsequent order requires federal agencies to eliminate two regulations for each new one issued and without increasing government spending in the process. The president also declared a hiring freeze to reduce the federal workforce.

Other recent actions have targeted specific environmental decisions of the Obama administration, including:

- A presidential executive order directed the Environmental Protection Agency (EPA) and US Army of Corp of Engineers to review and then modify or repeal a 2015 rule issued under the Clean Water Act that defines those water bodies subject to wetlands protection regulations. "It is in the national interest to ensure that the Nation's navigable waters are kept free from pollution", Trump's order said, "while at the same time promoting economic growth, minimizing regulatory uncertainty, and showing due regard for the roles of the Congress and the States under the Constitution."
- The Trump administration cancelled an EPA request sent to more than 15 000 operators of oil and gas facilities for information about sources of methane emissions to "reduce burdens on businesses while we take a closer look at the need for additional information from this industry", Pruitt said in a statement.
- The administration will re-examine the rule that would increase fuel economy for cars and trucks. As part of the 2012 greenhouse gas emission limits, the rule would have required the EPA to decide by April 1, 2018, whether to continue to demand higher fuel efficiency for these vehicles by 2025. "These standards are costly for automakers and the American people", Pruitt said in a statement.

Change Policy. Local communities will lack resources to clean up industrial pollution and will be unable to build the infrastructure to mitigate flooding and other “extreme weather events”, said Browner, who joined the press call with McCarthy and Ali.

And a reduced budget could make violations of environmental laws easier. “This budget will take the environmental cop off the beat”, Browner said.

Not so fast

The president’s proposed budget is only a starting point, said Ed Lorenzen, a senior adviser at the Committee for a Responsible Budget. The White House will propose more budget details in May and then several congressional committees will review it and most likely, with enough support, make some modifications. The final budget is supposed to take effect at the beginning of the next fiscal year, Oct 1, 2017, but that seems unlikely. Lorenzen said the last time Congress met that deadline was 23 years ago.

The process is already running late because, among other reasons, Congress is still trying to finish last year’s budget. A short-term budget agreement last year expires at the end of April. As part of another short-term budget plan for May through to September, Trump has already indicated he wants to include increased military spending and money to begin work on a controversial wall on the Mexican border. If Congress and the president can’t agree on that 5 month budget, the government would most likely shut down.

“I hear all the time from folks who want to eliminate the EPA entirely, as well as from those for whom no increase in EPA funding would ever be enough”, said Representative John Shimkus, an Illinois Republican who is chairman of the House Energy and Commerce Committee’s environment subcommittee which oversees the EPA. “I will support

EPA funding that is sufficient for the agency to carry out only those activities that have been authorised by Congress.” He said that work includes cleaning up toxic waste sites, upgrading ageing rural drinking water systems, and implementing legislation he co-authored to improve the testing and regulation of chemicals.

“Congress has the final say on the budget, but make no mistake, we’re in for a real fight”, said Jeremy Symons, associate vice president of climate political affairs at the Environmental Defense Fund. It is one of the national organisations that filed legal papers in support of the Clean Power Plan and against Pruitt’s lawsuit, which is expected to be decided by the US Supreme Court.

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“What we’re seeing here is a broad attack, not just on the science of climate change, but also the fundamental protections of public health... so I think there’s going to be an enormous public backlash when people recognise the scale and scope of what President Trump’s trying to do”, said Symons.

What many in the science and medical research communities perceive as a “war on science” has prompted dozens of academic, scientific societies and advocacy groups to organise a March for Science next month in Washington, DC, and other US cities. The Trump budget might very well inspire greater attendance.

“If enacted, the Trump administration’s proposed budget would cripple the science and technology enterprise through short-sighted cuts to discovery science programmes and critical mission agencies”, said



Rush Holt, chief executive officer of the American Association for the Advancement of Science, which includes nearly 250 affiliated societies and academies of science, and is supporting the march in April.

But whether the shift in the EPA’s direction is driven by budget cuts, administrative decisions, or a combination of both, any changes must follow legal procedures, said E Gail Suchman, environmental special counsel at law firm Stroock & Stroock & Lavan LLP, who has worked for the EPA and two-state environmental agencies. To revise or eliminate a regulation issued under, for example, the Clean Air Act, the public must have an opportunity to review and comment on the proposed change. It may be modified and then finalised but that is not the end—the final rule might be challenged in court, she said. Most federal environmental laws have “citizen suit” provisions that allow individuals, organisations, states, or local governments to sue the EPA or sue a polluting company if the agency won’t step in to stop it.

“It’s not easy to dismantle a whole statutory and regulatory regime that has taken 47 years to establish”, she said, referring to the EPA’s 1970 creation. The Trump Administration might soon find out how difficult it could be to try.

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