



THE EPA UNDER SIEGE

Trump's Assault in History and Testimony



Environmental Data
& Governance Initiative

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The Environmental Data & Governance Initiative (EDGI) is an organization comprised of academics and non-profit employees that promotes open and accessible government data and information along with evidence-based policy making.

The EPA Under Siege is the first part of a multipart series on the early days of the Trump administration. In this series, EDGI authors systematically investigate historical precedents for Trump's attack on the EPA, consequences for toxic regulation and environmental justice, the influence of the fossil fuel industry on the new administration, changes to the public presentation of climate change, and the new administration's hostility to scientific research and evidence. For the rest of the series see: <https://100days.envirodatagov.org>.



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I. EXECUTIVE SUMMARY

The Trump administration currently poses the greatest threat to the U.S. Environmental Protection Agency (EPA) in its entire 47-year history. Twice before, presidential administrations in North America have targeted their own environmental agencies with comparable aggression, in the early Reagan administration (1981-1983) and under Canadian Prime Minister Stephen Harper (2006-2015). Trump's assault is on track to surpass these. Successful challenges to these earlier attacks provide pointers for those hoping to uphold the EPA's mission of protecting human and environmental health today, Republicans and Democrats alike. Our analysis draws upon deep digs into historical literature and archives as well as sixty interviews with current and former EPA and some OSHA employees.

Key points:

- In its early decades, the EPA enjoyed bipartisan support, growing under both Republican and Democratic presidents.
- The greatest exception was the first Reagan administration (1981-1983).
 - Trump's attack has mirrored Reagan's in its reliance on appointing administrators with corporate ties who decry government "overreach", including his first EPA Administrator Anne Gorsuch; an executive order undermining stringent environmental protections, by requiring cost-benefit analysis of new rules by the Office of Management and Budget (OMB); reorganization to break up the EPA Office of Enforcement; and proposals for deep budget and staff cuts.
 - Impacts: During Reagan's first two years, Anne Gorsuch along with OMB director David Stockman succeeded in reducing the EPA budget by 21% and staff by 26%. Enforcement actions also dropped dramatically: civil cases referred from the regions to headquarters, for instance, fell by 79%.
 - The early-Reagan assault on the EPA ended after only two years, because of: revelations of conflict of interest, lying under oath, obstruction of justice, and more, via Congressional investigations and subpoenas, investigative reporting, and leaks; resistance from former

and current employees, working through a “Save EPA” group and a new employee union, along with environmental and community groups; and political pressure from mounting public disapproval.

- Reversal: By late 1983 Gorsuch and 21 other political appointees had resigned and the Reagan administration was seeking to restore the agency’s leadership, resources, and mission.
- Canadian Prime Minister Stephen Harper’s administration (2006-2015) also anticipated Trump in targeting science as well as the environment. Harper did so in an era of solidifying consensus among scientists about human contributions to climate change, when the need to shift energy usage away from fossil fuels was becoming ever more apparent.
 - Harper’s attacks on environmental regulation came coupled with others on Canadian science and scientists: the Harper administration reversed Canada’s approach to climate change, and undermined environmental initiatives in general. It also significantly cut funding for federal laboratories and research programs, monitored and in some cases prohibited federal scientists from speaking publicly, deleted content from federal environmental websites, and closed federal environmental libraries.
 - Successful challenges to the Harper Administration took longer to materialize. From 2011, Canadian residents protested and formed organizations. Both science and the environment then emerged as key issues in the 2015 campaign season, which ushered in current Prime Minister Justin Trudeau.
- The Trump administration’s overt challenges to the agency are compounding the effects of a quieter, longer-term erosion of support. The EPA has been shrinking in budget and staff size since the Clinton administration. Its peak staff size came in 1999, and its FY 2016 budget of \$8.1 billion represents 9% fewer real dollars than the Agency received in 2006. Congressional Republicans have already been targeting the EPA’s Science Advisory Board.
- In its first few months, the Trump administration has subjected the EPA to provocations and pressures surpassing those of Reagan’s early months:
 - Appointments like that of Scott Pruitt, who combines hostility to EPA “overreach” with greater experience than Gorsuch.

- Speeches and publicity that ignore or contest the agency's basic mission and that pledge overt allegiance to regulated industries.
 - Multiple executive orders asking the agency not just to favor fossil fuels but to rescind two existing rules for every new one (with assessments based only on compliance costs and not on calculated benefits); reevaluate the rest of agency rules for "burdensomeness"; and reorganize with a view to downsizing.
 - Proposals for steep budget and staff cuts beyond what even Anne Gorsuch first ventured, especially targeting climate, international collaborations, environmental justice, and enforcement programs; scientific research; and grants to states for implementation and enforcement.
 - Marginalization, monitoring, and suspicion of career employees. Morale has plummeted, and many describe a deep anxiety about their own careers and the future of environmental protection and the EPA.
- Our historical analysis singles out key determinants of the EPA's future:
 - Reviving a bipartisan coalition to support the agency in Congress offers the first, best hope for thwarting this administration's destructive plans.
 - Since hearings in the Republican-led House and Senate are unlikely without demonstrated malfeasance or scandal, current and former EPA employees, Congressmen and their staffs, investigative journalists and media, environmental groups and other professionals and activists need to:
 - Keep a public spotlight on the environmental and science-related actions of the Trump administration and their consequences.
 - Better illuminate the long-standing importance and historically bipartisan support of this agency in protecting the health and wellbeing of people and the environment.
 - Environmental, climate, and community groups need to mobilize effectively to support the EPA's environmental protections, science, and integrity, via media, protests, courtrooms, and the ballot box.

II. INTRODUCTION

The election of Donald Trump this past November has launched federal environmental policy into a fraught new era. The guiding rhetoric of the Trump team during the campaign and over its first few months in office has often been sweepingly hostile to environmental regulation. Presidential advisor Steve Bannon talked of the “deconstruction of the administrative state,” and the leader of the environmental transition team, Myron Ebell, publicly speculated that the EPA could be cut by two-thirds.¹ In decisions and actions as well, from executive orders to appointments to budgeting and reorganization proposals to their rejection of the Paris climate accord, the unfolding approach to our environmental state under Trump has broken dramatically not just with Obama’s policies but with those of many earlier administrations. Both Republican and Democratic presidents of the last half-century have helped build up or support our environmental agencies and laws, albeit via differing measure and means. With Trump, this bipartisan legacy, already increasingly under siege in recent years, confronts its severest challenge yet.

The Trump Administration’s effort to curb environmental regulation, while a striking departure from decades of presidential practice in the U.S., resembles two other aggressive attempts to shrink the federal environmental state: the early Reagan Administration (1981-1983) and the Harper Administration in Canada (2006-2015). While neither matches it perfectly—historical parallels should never be mistaken for crystal balls—they nevertheless offer instructive comparisons. In this chapter, we review and analyze these earlier examples, and use them as touchstones for evaluating Trump’s first months in office. We also consider what these previous instances may suggest about the road ahead under Trump.

¹ “Bannon vows a daily fight for ‘deconstruction of the administrative state’” *Washington Post* (February 23, 2017); accessed 5/7/2017 at:

https://www.washingtonpost.com/politics/top-wh-strategist-vows-a-daily-fight-for-deconstruction-of-the-administrative-state/2017/02/23/03f6b8da-f9ea-11e6-bf01-d47f8cf9b643_story.html?utm_term=.eb256891ce47; “Trump transition leader’s goal is two-thirds cut in EPA employees,” *Washington Post* (January 30, 2017), accessed 5/7/2017 at:

https://www.washingtonpost.com/news/powerpost/wp/2017/01/30/trump-transition-leaders-goal-is-two-thirds-cut-in-epa-employees/?utm_term=.37ec366bb219.

Our analysis focuses primarily on impacts at the Environmental Protection Agency (EPA). The EPA is the largest federal agency charged with environmental regulation, with a FY 2016 budget of \$8.1 billion and a 2016 workforce of 15,376 employees. By contrast, in FY 2016, the Nuclear Regulatory Commission (NRC) received just over \$1 billion with 3,800 employees, and the Occupational Safety and Health Administration (OSHA) received only \$553 million with a workforce of just over 2,100. The Department of Interior, less a regulator than our custodian of federal lands, does have a current-appropriations budget that is significantly bigger, of \$13.2 billion. The EPA nevertheless remains among the largest federal agencies devoted primarily to regulation, although its shrinking workforce during the Obama administration made it slightly smaller than the Food and Drug Administration.²

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Our analysis is informed by 60 interviews with current and former EPA and OSHA employees, conducted by eight EDGI researchers across the country.³ These interviews are part of a larger, ongoing EDGI study of the effects of changing political administrations on the EPA and OSHA (see [IX. Appendix: Interview Compendium](#)).

Facing budget cuts and reorganization that could cripple enforcement activities, rulemaking, scientific activities, and data and informational access, EPA officials we've interviewed testify to plunging morale inside the agency as well as

² Table S–11, “Funding Levels for Appropriated (“Discretionary”) Programs by Agency,” in Office of Management and Budget, *Budget of the United States Fiscal Year 2017* (Washington: GPO, 2016), 161; also the sections on various agencies in the *Appendix* to this volume, accessed 5/10/2017 at <https://obamawhitehouse.archives.gov/sites/default/files/omb/budget/fy2017/assets/appendix.pdf>.

³ Teams based in Washington, D.C. (Sellers, Stony Brook University; Amoss; Kulik); Santa Cruz and San Francisco (Dillon, University of California—Santa Cruz); Denver (Harrison, University of Colorado-Boulder); Boston (Brown, Northeastern University); New York/New Jersey (Sullivan, WJ Patterson University); Chicago (Johns, Northwestern University).

considerable anxiety about its future. Even as the new agency Administrator Scott Pruitt promotes a “back to basics” agenda, longstanding career employees significantly doubt his and other political appointees’ commitments to the EPA’s fundamental tasks of protecting public health and the environment, and voice profound concerns about the new leadership’s approaches to environmental problems, especially climate change and industrial pollution.

For all the bipartisan support or acceptance that the agency has enjoyed through earlier decades, pushback on the agency’s mission is also not new. As we will see, long-term employees remember a host of earlier challenges to funding and staffing as well as periodic political interference. Even as all these have intensified in recent years, most interviewees characterize the Trump effect at the EPA thus far as fundamentally different from that of any earlier incoming administration. One long-time employee described the Trump transition as [“an order of magnitude different,”](#) especially in its “overt hostility.” [“We’ve never experienced a transition like this,”](#) another told us.

Comparison with the early-Reagan and Harper administrations helps evaluate and contextualize the uniqueness of the threat posed by the Trump administration to environmental oversight and protection in the United States. Our research has led us to concur with our interviewees about the remarkably confrontational and extreme character of this presidential transition. At the same time, we have come to appreciate how it also builds upon these earlier offensives. In addition, examining past assaults on the federal environmental state whose outcomes we now know illuminates what it takes to effectively defend environmental agencies and laws. We find important lessons there for those concerned about today’s attacks, whether they are activists, scientists, lawyers, journalists, politicians, or part of a broader public.

[*One long-time employee described the Trump transition as “an order of magnitude different,” especially in its “overt hostility.”*]

III. PRECEDENT #1: THE EARLY-REAGAN ATTACK ON THE ENVIRONMENTAL STATE

When Ronald Reagan was elected president in 1980, the EPA was only ten years old. The major new laws it was charged with enforcing were of similar vintage, namely the Clean Air Acts (1967 and 1970), the Clean Water Act (1972), the Federal Insecticide and Rodenticide Act (1972), the Safe Drinking Water Act (1974), and the Toxic Substances Control and the Resource Conservation and Recovery Acts (1976). Recognizing the many failures at the state level, these laws made the federal government the ultimate arbiter of pollution control. They passed with broad, bipartisan support.⁴ It was a Republican president, Richard Nixon, who in 1970 created the EPA to enforce this new legislation by bringing together pieces of five different agencies already in the executive branch.⁵ A Democratic president, Jimmy Carter, then bolstered the agency and signed additional laws for it to enforce, including the 1980 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, or Superfund). Unlike Nixon and Carter, however, Ronald Reagan asserted that the country's pollution problem was under control. Influenced by his "pro-development friends in business and industry," during his campaign he railed instead against "overreach" by government agencies—EPA, OSHA, the Department of Interior, and others.⁶

The first part of Reagan's presidency stands out in the memories of our interviewees as the closest historical precedent to the current Trump administration's attack on the EPA. That recollection, while less accurate for the EPA's first 100 days under Reagan, does indeed characterize the entire period of 1981 to 1983, the first two years of his presidency. While Reagan pitched his early efforts to shrink the agency as a departure from Democrat Jimmy Carter, he was

⁴ Richard NL Andrews, *Managing the Environment, Managing Ourselves; A History of American Environmental Policy* (New Haven: Yale University Press, 2006), Kindle Edition, page 229.

⁵ Air pollution and waste management from the Department of Health, Education, and Welfare; water quality from the Department of the Interior; radiation protection from the Atomic Energy Commission, and so on; Richard NL Andrews, "The EPA at 40: an historical perspective." *Duke Envtl. L. & Pol'y F.* 21 (2010): 223. Nixon signed an executive reorganization plan that created the EPA and NOAA on the same day. See: <https://archive.epa.gov/epa/aboutepa/reorganization-plan-no-3-1970.html>.

⁶ Jeffrey K. Stine, "Natural Resources and Environmental Policy," in W. Elliot Brownlee and Hugh Davis Graham (eds.), *The Reagan Presidency: Pragmatic Conservatism and Its Legacies* (Lawrence: University Press of Kansas, 2003), 235

also breaking with Republican predecessors. Richard Nixon had actually doubled the agency's workforce after creating it, and Gerald Ford had overseen a 49% increase in its budget.⁷

From the Reagan administration's earliest days, OMB director David Stockman set his sights on the EPA as part of the administration's anti-environmental agenda, though Anne Gorsuch⁸ was not confirmed as EPA Administrator until May, 1981. But the rhetoric and activities of James Watt, Reagan's new head of the Department of the Interior and the only cabinet-level environmental official at this time, drew the most early censure from the environmental community. From his confirmation hearings in January, after which he received the most negative votes of any Reagan cabinet appointee, Watt kept up his outspoken crusade against what he saw as "environmental extremists." Moving quickly against established policies on public lands, he placed a moratorium on new federal acquisitions and sought to lease designated wilderness areas for oil and gas drilling and mining.⁹ By the end of Reagan's first hundred days in office, the Reagan appointee at OSHA, Thorne Auchter, had also moved quickly to relax Carter-era rules for workplace lead and cotton dust and, in standard-setting more generally, to weigh business costs ever more heavily in decisions about workers' health.

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This new approach at OSHA reflected Reagan's aim of dramatically overhauling environmental and health regulations, and quickly, by administrative fiat.¹⁰ First, within two days of his inauguration, Reagan created a Presidential Task Force on Regulatory Relief, headed by Vice-President George Bush, to solicit industry complaints about environmental rules. In March, for example, the Task Force

⁷ "EPA's Budget and Spending," *Environmental Protection Agency website*, accessed 6/3/2017 at <https://www.epa.gov/planandbudget/budget>.

⁸ From 1983, Gorsuch Buford.

⁹ Bill Prochnau, "The Watt Controversy: 'Crusade' at Interior Apparently Causing Political Problems for the President in the West," *Washington Post* (June 30, 1981), A1, 8; Sandra Evans Heeley, "OSHA under Siege; Reagan Sides with Business," *Washington Post* (April 12, 1981), G1, 4.

¹⁰ Stine, esp. 233; Andrews, *Managing*, 257-60.

sought “relief” from an EPA regulation to phase lead out of gasoline. Second, Reagan sought to assert his administration’s agenda early on with executive orders though, unlike Trump, only one of these had a strong impact on environmental agencies like the EPA. That was E.O. 12291, signed on February 19, 1981, which required a cost-benefit analysis overseen by the White House’s Office of Management and Budget (OMB), for every “major rule” proposed by a federal agency. The Carter presidency had begun cost-benefit analyses for new rules, but this new executive order gave unparalleled control over environmental rulemaking to the OMB, an office whose lack of transparency made it especially open to business influence.

OMB’s head David Stockman also gained considerable say over the budgets of agencies like the EPA, all the more so while the EPA was only run by an acting administrator.¹¹ Prior to Gorsuch’s nomination, the agency’s acting administrator largely followed OMB recommendations in reducing the Carter administration’s EPA budget for FY 1981 by around one billion dollars, almost all of it (97%) from a cut in grants for municipal sewage treatment (with a promise of later legislation to revamp this program).¹² This first round of budget cutting made it through Congress with most of the agency’s operating budget as well as the nascent Superfund (a trust fund for cleaning up hazardous waste sites) intact, thanks to its selective targeting as well as the protests of environmental groups and some Democrats in Congress.¹³

New internal directives came more slowly to Reagan’s EPA than the changes we are currently seeing under Trump, in large part because of the four month lapse between Reagan’s inauguration and the confirmation of the agency’s administrator, Anne Gorsuch. Gorsuch, a 38-year-old telephone company lawyer, had honed her own deregulatory vision for government (though, unlike Pruitt, not so much for this particular agency) during two terms as a Colorado legislator. During this time, she staked her political career more on issues like property tax cuts and criminal sentencing, but also worked with fellow Coloradan James Watt to oppose the Clean

¹¹ Jonathan Lash; Katherine Gilman; and David Sheridan, *Season of Spoils: The Story of the Reagan Administration’s Attack on the Environment* (New York: Pantheon, 1984), 22-29; Peter Behr, “OMB Now a Regulator In Historic Power Shift,” *Washington Post* (May 4, 1981), A1, 8.

¹² Testimony of Walter Barber, Acting Administrator, EPA, in Subcommittee on HUD-Independent Agencies, Committee on Appropriations, House of Representatives, *Department of Housing and Urban Development-Independent Agencies Appropriations for 1982; Part 5, Environmental Protection Agency, April 1, 1981* (Washington: GPO, 1981), esp. 2-4.

¹³ Joanne Omang, “Walkout Halts Environmental Budget Session,” *Washington Post* (March 13, 1981), A2.

Air Act, weaken water quality rules, and block legislation on hazardous waste.¹⁴ She reportedly won the EPA appointment not just because of her work as advisor to Reagan's campaign, but because of her favorable response to a question from David Stockman about the feasibility of shrinking the EPA by half.¹⁵ Yet she spent most of the administration's first months unconfirmed, working out of an office near Watt's own in the Interior Department rather than in the agency she'd been nominated to head. The *Washington Post* dubbed her performance at her confirmation hearing as "non-confrontational" (similar to that of Scott Pruitt), and she easily won approval by the Senate.¹⁶ On May 20, 1981, her term began.

As EPA Administrator, Gorsuch sought to align the agency with Reagan's deregulatory and "New Federalism" agendas.¹⁷ The goals became shrinking the size of the agency, rolling back environmental rules, and redistributing many regulatory responsibilities to the states—much like what Scott Pruitt has promised. Then as now, a distortion was involved in this talk of "returning" authority to the states. Under most environmental laws, the states still did the vast bulk of the regulating; the EPA's job was to oversee their monitoring, enforcement, and other programs, and to help fund and advise their work. As with Pruitt, Gorsuch's appointment, and the chiding attitude she brought with her, initiated what would become a rapid plunge in the morale of agency employees.

[*Gorsuch's first far-reaching organizational move, announced six weeks after she took office, was to break up the EPA's Office of Enforcement.*]

Gorsuch's inaugural speech precipitated the darkening mood. In it, she struck a tone quite different from her Congressional testimony. More than one staffer vividly recalls its provocative thrust: "We're going to do more with less and we're going to do it with fewer of you." It seemed "[a shot across the bow](#), met with

¹⁴ Lash, et al, *Season of Spoils*, 7-10; Carl Hilliard, "Dedication Sends Two Colorado Legislators in Different Directions," *Colorado Springs Gazette Telegraph* (June 25, 1980), 9BB; "Freshman Solons Get High Marks," *Greeley Tribune* (June 3, 1977), 10.

¹⁵ Lash, et al, *Season of Spoils*, 11.

¹⁶ Joanne Omaug, "Nominee for EPA Voices a Credo of 'Non-Confrontation,'" *Washington Post* (May 2, 1981), A9.

¹⁷ James P. Lester, "New Federalism and Environmental Policy," *Publius* 16, no. 1 (1986): 149-65.

silence. There was no feigned applause to it....[already] there wasn't a lot of optimism...but she definitely went out of her way to send us a message."

In choosing Gorsuch as well as other political appointees for the agency, the Reagan administration made its selections largely on the basis of ideology or loyalty rather than environmental or governmental experience. Here as elsewhere, the new administration deliberately shunned those with any expertise in the regulatory activities they would oversee, to inhibit sympathy for—or curiosity about—their employees' work. A great many came from the private industries that they were now charged with regulating. As one career EPA employee from the time remembered, most of the political appointees "[were business executives...not a single environmentalist](#)" among them. Rita Lavelle, confirmed to run the Superfund program, had been a public relations lawyer for Aerojet General and for chemical companies with their own significant pollution problems. Dr. John Todhunter, put in charge of Pesticides and Toxic Substances, was one of the few appointees with a scientific background, although he also had close ties to the American Council on Science and Health, an industry-sponsored group. Robert M. Perry, a former attorney for Exxon, served as EPA General Counsel. These corporate ties later led to charges of conflicting interests, as when both Perry and Lavelle participated in decisions about toxic waste dumped by their former employers. Other appointees harbored little trust of or respect for career staff.¹⁸ The deputy to the agency's Enforcement Counsel, a lawyer whose claim to fame was as a strength coach for the Denver Broncos, gave out American flag lapel pins to staff he had hired or considered "his people," "so they could tell each other apart from everybody else."¹⁹ One staffer offered an especially scathing summary of Reagan's appointees: "not one of them had any substance...they had no managerial experience, no regulatory experience, little Washington experience, and no knowledge of the statutes they were supposed to carry out."²⁰ Another staffer, interviewed for our study, derided this "[cast of characters](#) as without "[much qualifying experience](#)"; and they [definitely didn't seem to be interested in....EPA's role as an enforcer of environmental laws.](#)"

Gorsuch's first far-reaching organizational move, announced six weeks after she took office, was to break up the EPA's Office of Enforcement. Splitting up its policy and technical staff and lawyers, she farmed them out among the six "program

¹⁸ Lash, et al, *Season of Spoils*, 42-43; Andrews, *Managing*, 259.

¹⁹ Lash, et al, *Season of Spoils*, 51 ("his people"); "so they could tell each other apart" is from one of our interviewees.

²⁰ Lash, et al, *Season of Spoils*, 41 ("they had no...")

offices" devoted to particular sets of laws and programs.²¹ This reorganization came to be known among employees as "Black Friday," after the "Black Tuesday" triggering event for the Great Depression. Its effects still reverberate in the memories of long-time employees. One remembers how a boss working on a particular regulation was "suddenly" transferred to an entirely different department. ["It was very clear," this employee felt, "that the effort was to take some particularly strong environmental players and neutralize them."](#) Destabilizing offices across the agency, the reorganization changed the work atmosphere "hugely." ["When you have that kind of a reorganization...clearly...with the intent of removing the strongest environmental performers—everyone feels vulnerable."](#) By the time news broke via congressional hearings that agency higher-ups were keeping "hit lists" of career staff, not just individual employees but entire offices already felt like targets.²²

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Very few media outlets covered Gorsuch's reorganizational effort, especially its consequences. Also going underreported was Gorsuch lieutenant John Hernandez's placement of industry-aligned scientists on the EPA's recently created Science Advisory Board—paralleling a recent move by Pruitt. However, two leaked proposals generated flurries of coverage: an effort to re-write the Clean Air Act and weaken pollution standards in favor of industry, and a plan for drastically reducing the agency's fiscal year 1982 budget.

Over her first months, Gorsuch commandeered a push to revise the Clean Air Act (begun under Carter) and sought to incorporate much more input from regulated industries and their lobbyists. Agency staff suddenly found themselves nearly shut out of the drafting process. As former acting administrator Walter Barber saw it,

²¹ Joanne Omang, "EPA Enforcement Split Up In Agency Reorganization," *Washington Post* (June 13, 1981), A3; Joel Mintz, *Enforcement at the EPA: High stakes and hard choices* (University of Texas Press, 2012), especially 43-48.

²² Lash, et al, *Season of Spoils*, 36-40.

"the whole tenor of the Administration...was 'industry has a better answer for environmental problems'...Whose views were being heeded in drafts that appeared on the Clean Air Act, etc.? It was pretty clear." But then "the industry guys...got carried away with themselves...and...were just asking for everything imaginable." When the draft was leaked to Democratic Congressman Henry Waxman of the House subcommittee overseeing the act, in June 1981, the new agency leadership faced a first crisis over its anti-environmental trajectory. With the House under Democratic control—unlike today, when Republicans control both the House and Senate—Waxman's seniority conferred him the chairmanship of this committee, which also gave him control over its hearings. So when he began calling the proposal "a blueprint for the destruction of our clean air laws," the initiative stalled.

²³

Evolving plans for the EPA's budget also elicited attention from the media and Congress. Seeking favor with OMB, Gorsuch proposed a budget cut for her own agency of around 28% for the coming year. Much of the reduction was to come from a 30% shrinkage of the agency's workforce and a 40% cut in funds for research. OMB, it turned out, wanted a cut that was even more severe, nearly twice what Gorsuch had proposed.²⁴ Word of these cuts leaked out in late September of 1981, sparking further criticism and inquiry.

Ultimately, early-Reagan budget cutting accomplished a 21% cut in the EPA's budget from FY 1980 to 1983 (from \$4.66 billion to \$3.68 billion in then-current dollars), amounting to a 35.5% drop, with inflation taken into account. In slashing the EPA's budget, the Reagan Administration decreased agency funding for research and development to 51% of what it had been just two years before. Under Gorsuch, the EPA staff also declined by 26%. Enforcement of environmental protections also dropped dramatically during Gorsuch's first year. For example, in the realm of civil enforcement—actions which the agency could undertake without going to court or charging a company with a crime—new cases sent to Agency headquarters by EPA regional offices fell by 79% (compared with the previous year), and EPA civil referrals to the Justice Department decreased by 69%.²⁵

²³ Lash, et al. *Season of Spoils*, 31-32, including Barber and Waxman quotes.

²⁴ Lash, et al, *Season of Spoils*, 54-56.

²⁵ *Ibid.*

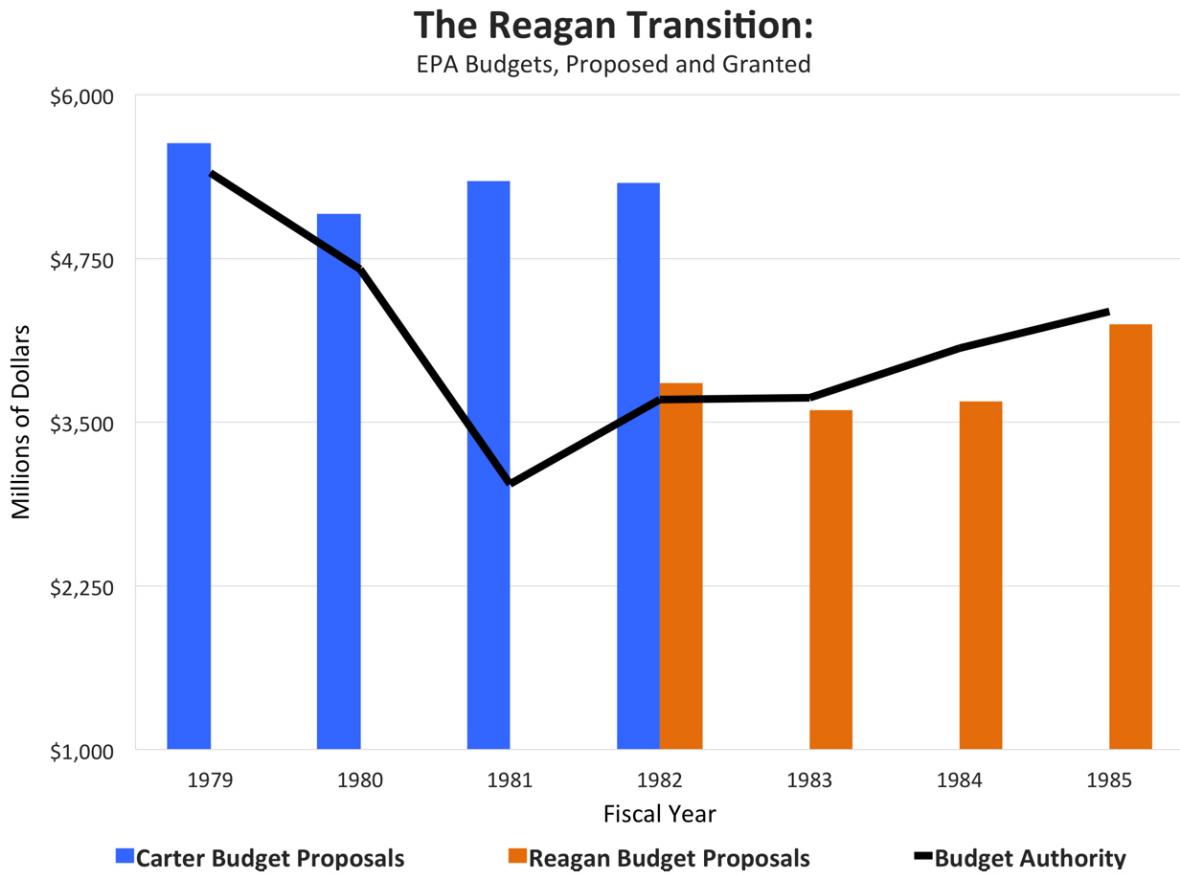


Figure 1: The Reagan Transition: The biggest budget actually cut came with passage of the FY 1981 budget in Reagan's first year, but the Administration's budget proposals remained nearly as low until FY 1984. Sources: EPA, *Justifications of Appropriation Estimates for Committee on Appropriations* for fiscal years 1979-85, <https://www.epa.gov/nscep>.

As reductions got underway in the agency's budget, staff, and enforcement actions, Gorsuch and her agency came under increasing scrutiny by the media, Congress, and environmental and other citizen groups. As we explore in the following section, revelations about misconduct at the agency multiplied, culminating in Congress holding Gorsuch in contempt. By March of 1983, she was forced to resign. Some 21 other political appointees at the EPA were also driven out.²⁶ Gorsuch was replaced by William Ruckelshaus, the agency's very first Administrator and a rock-ribbed Republican, but also well-respected as an environmental advocate by Republicans

²⁶ Szasz, Andrew. "The Process and Significance of Political Scandals: A Comparison of Watergate and the "Sewerage" Episode at the Environmental Protection Agency." *Social Problems* 33, no. 3 (1986): 202-217.

and Democrats alike. Ruckelshaus set out quite explicitly to restore morale and resources to the beleaguered agency.

How could a deregulatory impetus with so much top-down support collapse within a span of two years, and the EPA so quickly undergo a reversal? The answers suggest a lot about what could initiate a similar turnaround at Trump's EPA.

IV. WHAT ENDED THE GORSUCH ERA

Anne Gorsuch and 21 other appointees were removed from the EPA in 1983. In our interviews, EPA employees seeking to explain the fall of the Gorsuch regime point especially to congressional actions. Congressional staff, committees, and representatives certainly played key roles in holding Gorsuch and other appointees accountable. A House in the hands of the Democratic Party, joined by a moderate Republican Senate with several pro-environment party members, proved ready and willing to investigate the many suggestions of scandal and impropriety in Reagan's environmental agencies. For example, in February 1982, a Department of Justice investigation focused on what Gorsuch had told the refiner Thriftway Company, then in violation of rules for lead in gasoline. Her agency would not prosecute them, she said, as these regulations themselves would soon be overturned, even though they had not yet been revoked.²⁷ Such stories joined with others of corruption in the Superfund program—what became known as "Sewergate"—to bring Gorsuch's tenure at the EPA to a scandal-infested end. Congress also pushed back against EPA budget slashing and proposals for radically revising the Clean Air Act and other foundational environmental laws.

Although Democrats controlled the House of Representatives throughout this time, Congressional investigations would not have been possible without the determined and sustained mobilizations of many others: current and former EPA staff, journalists, and beyond the Washington beltway, a host of environmental and other citizen groups.²⁸ Congressional investigations themselves were often initiated and sustained by leaks engineered from inside the agency, by EPA employees, just one facet of an "oppositional staff culture" that emerged in response to Gorsuch's antagonisms.²⁹ One interviewee remembers fellow employees were "[leaking like crazy, sending all kinds of stuff out.](#)" "[We had quite a network of people,](#)" recalls another, those who "[had been with the agency since the beginning and were really amazed... at what was happening](#)" to it. Surreptitiously banding together, they dubbed themselves "the underground," and would share information and strategies over beers down the street from the EPA's then-headquarters at the Waterside Mall. In these same years, some EPA staff also began organizing

²⁷ Lash, Season of Spoils, p. 67

²⁸ Ibid.

²⁹ Ibid.

themselves as a union, what became Local 2050 of the National Federation of Federal Employees. The union formed to promote job security as well as the agency's scientific integrity, at a time when both had fallen under assault. Local 2050 has since acted to support agency rules based on sound science for asbestos, workplace air quality, and other public protections.³⁰

[Drayton realized that although James Watt was, at the time, the primary target for environmental groups, "this is the really radical thing that is happening."]

In late September 1981, worried agency staff sought to publicize impending FY 1982 budget cuts. They found a perfect outlet in Bill Drayton, who, in addition to serving as EPA Assistant Administrator, had also worked as head of planning and budget under Carter. Knowing exactly how to interpret the newly drafted budget document, Drayton realized that although James Watt was, at the time, the primary target for environmental groups, "this is the really radical thing that is happening." He convinced the *New York Times* environmental reporter Philip Shabecoff to publish the story. A front-page headline on September 29, 1981, warned that "Funds and Staff for Protecting the Environment May Be Halved."³¹ Media and environmental groups began picking up the story about the EPA's self-administered implosion. National polls registered a widespread surge of concern for environmental policies. At hearings surrounding the administration's proposed revision of the Clean Air Act, pollster Louis Harris reported that "people...somehow...have an impression" that this popular protective legislation is now "threatened." "We see a growing constituency aroused by this," he reported.³² Public opinion polls also registered swelling support for better control of toxic wastes, all the more so after resurgent dioxin contamination at Times Beach, Missouri, in late 1982.³³

³⁰ "Organized Labor at EPA Headquarters: A History," accessed 5/24/2017 at <https://epauunionhistory.org>; Murphy, Michelle, *Sick Building Syndrome and the Problem of Uncertainty: Environmental Politics, Technoscience, and Women Workers* (Duke University Press, 2006), chapter 5.

³¹ Philip Shabecoff, "Funds and Staff for Protecting the Environment May Be Halved," *New York Times* (September 29, 1981), A1, 20.

³² Lash, et al, Season of Spoils, 29 (Harris quote).1111

³³ Szasz, "Significance of Political Scandals"

Among the congressional staffers receiving leaked documents from Drayton were those for John Dingell, a Michigan Democrat who headed the Committee on Energy and Commerce. In the fall of 1982, Dingell and Congressman Elliott Levitas, who chaired a House Public Works subcommittee, began investigating the EPA's Superfund program. According to sociologist Andrew Szasz, "[a]rmed with leaked information, the committees charged that the EPA was not implementing the law and was striking sweetheart deals with polluting firms."³⁴ At first, the EPA sought to stymie the Congressional investigation by refusing to hand over documents. Dingell and Levitas responded with subpoenas, which were also refused. In December 1982, Gorsuch was charged in contempt of Congress. Fifty-five House Republicans joined the Democratic majority in voting for this resolution on Gorsuch. The investigations into the EPA's Superfund programs were aided by nearly six hundred former EPA employees who formed a group calling itself "Save EPA," led by Drayton.

A year and half later, half a dozen Congressional committees, wielding the power of their subpoenas, were looking into malfeasance at the EPA, particularly within the Superfund program. "Save EPA" helped fuel the investigations by stirring publicity and channeling leaked documents from current employees into the right hands.³⁵ Exposed documents revealed major misconduct within Gorsuch's EPA, including misuse of the \$1.6 billion fund for Superfund cleanup. The Federal Bureau of Investigation and even the White House joined Congress in investigating "charges of mismanagement, politicization, favoritism to business and corruption" at Gorsuch's EPA.³⁶

To spread word about all these investigations, the media's attention and prioritizing were vital. A sustained engagement of print as well as television journalists, even of cartoonists like Gary Trudeau, adeptly nourished by environmentalists and other agency critics, helped stir bandwagon effects not only inside Washington but beyond, sparking worry in many more communities and businesses, and activism in many more groups and citizens. Across the country, people showed renewed interest in environmental groups: "membership...increased dramatically, as did financial contributions to them..."³⁷ As Ruckelshaus himself has recently recalled,

³⁴ Szasz, "Significance of Political Scandals," 207

³⁵ Joanne Omang, "Ex-Official Leads Crusade to 'Save EPA,'" *Washington Post* (January 19, 1982), A17; David Bornstein, *How to Change the World: Social Entrepreneurs and the Power of New Ideas* (New York: Oxford University Press, 2004), esp. 56-58.

³⁶ Philip Shabecoff, "Environmental Agency: Deep and Persisting Woes," *New York Times* (March 6, 1983), 1, 38 (quote); Richard Lazarus, "The Neglected Question of Congressional Oversight of EPA: 'Quis Custodiet Ipsos Custodes,' *Law and Contemporary Problems* 54(Autumn 1991):205-239; Mintz, *Enforcement at the EPA*.

³⁷ Andrews, *Managing*, 260.

big business counted itself among the most concerned. Preferring stable regulatory conditions over radically loosened ones, fretting over the potential for backlash, it began pressuring the Reagan administration to change course.³⁸

Gorsuch resigned March 9, 1983, after being told that the FBI's investigation would prevent the Justice Department from defending her before Congress. During this tumultuous period, more than a dozen top EPA aides resigned or were fired. Rita Lavelle, director of the Superfund program, ended up in jail after she perjured herself in front of Congress about corruption in her agency division. Even as Reagan himself continued to publicly voice his support, his administration's frontal attack on the EPA had come to a relatively quick and abrupt end.

[*Gorsuch's first far-reaching organizational move, announced six weeks after she took office, was to break up the EPA's Office of Enforcement.*]

More quietly, some roadblocks to the early Reagan agenda were also arising in the courts, increasingly prodded by environmental groups' beefed up legal teams, which set about challenging Reagan appointees as well as the broader deregulatory agenda. While no others besides Lavelle were actually convicted, lawsuits over lagging enforcement helped keep Reagan environmental policy in the public eye. A series of judicial challenges also began to check the administration's efforts to loosen rules authorized under the Clean Air and Clean Water Acts, such as requirements for tall smokestacks and for pre-treating industrial wastes. Among the more far-reaching consequences of these lawsuits was the Supreme Court decision in *Chevron vs. Natural Resources Defense Council* (1984) granting judicial deference to the EPA and other regulatory agencies' interpretation of statutes they implemented. Later on, this doctrine would help bolster the agency's decision to take up the regulation of greenhouse gases under the Clean Air Act.³⁹

³⁸ William Ruckelshaus, "A Lesson Trump and the EPA Should Heed," *New York Times* (March 7, 2017), accessed 6/3/2017 at

<https://www.nytimes.com/2017/03/07/opinion/a-lesson-trump-and-the-epa-should-heed.html>.

³⁹ Richard Schwartz and David Hackett, "Citizen Suits Against Private Industry Under the Clean Water Act." *Natural Resources Lawyer* vol. 17, no. 3 (1984), pp. 327-72; Shep Melnick, *Regulation and the Courts: The Case of the Clean Air Act* (Washington: Brooking Institute, 1983); Review of Melnick, *Regulation and the Courts* by Donald Elliott, *Journal of Economic Literature*, Vol. 32I (June 1985), 654-55;

While some staff, environmentalists, and others questioned the extent of the Ruckelshaus restoration⁴⁰, many of our interviewees now laud the way he was able to revive the agency's integrity. Memories of Ruckelshaus' return to the agency to replace Gorsuch resound with gratitude and with "savior" analogies. "We watched the Gorsuch crew of people sort of self-destruct and collapse and all leave, [and] there was a huge feeling of relief in the agency...." "The savior returns is one way to put it when Bill Ruckelshaus [got] reappointed...literally it was like night turning into day." And again: it seemed "less like a transition and more like a salvation.... There [was] just a really wonderful feeling when Bill Ruckelshaus was announced as the incoming administrator." Overall, those witnessing his return remember a resuscitation of how the agency had functioned before Gorsuch, and interviewees hired from 1984 onward remember little sense of any lingering crisis or threat. From then on, as in times before 1980, they felt they had a head administrator who was thoroughly committed to the agency's mission.

That is not to say that the Gorsuch/Watt era left no wounds on the EPA or on other environmental agencies. As historian Richard Andrews summarizes, "Reagan's deregulatory initiative caused deep and lasting damage to the EPA, and to the evolution of U.S. environment policy more generally."⁴¹ And even with Ruckelshaus and his EPA-trained successor Lee Thomas at the helm, the agency could not persuade the Reagan White House to act more forcefully against acid rain or non-point-source water pollution (from farms or lawns rather than outfall pipes).⁴² Nevertheless, during the second Reagan administration, and under Republican president George H.W. Bush, the EPA's budget was partially restored. By 1990, personnel levels had increased as well, to a plateau sustained for nearly two decades.

Chevron, U.S.A., Inc. v. Natural Resources Defense Council, Inc., 104 S.Ct. 2778, 1984. Ironically, though this decision itself went against the environmental group bringing the case, it would later underwrite expansive agendas for this as well as well as other regulatory agencies.

⁴⁰ Szasz, "Process and Significance"; Marjorie Sun, "Report Calls for Revamping of EPA Research," *Science* Vol. 241, No. 4873 (Sep. 23, 1988), p. 1596.

⁴¹ Andrews, *Managing*, 259.

⁴² Stine, "Natural Resources," 243-44; Andrews, *Managing*, esp. 237.

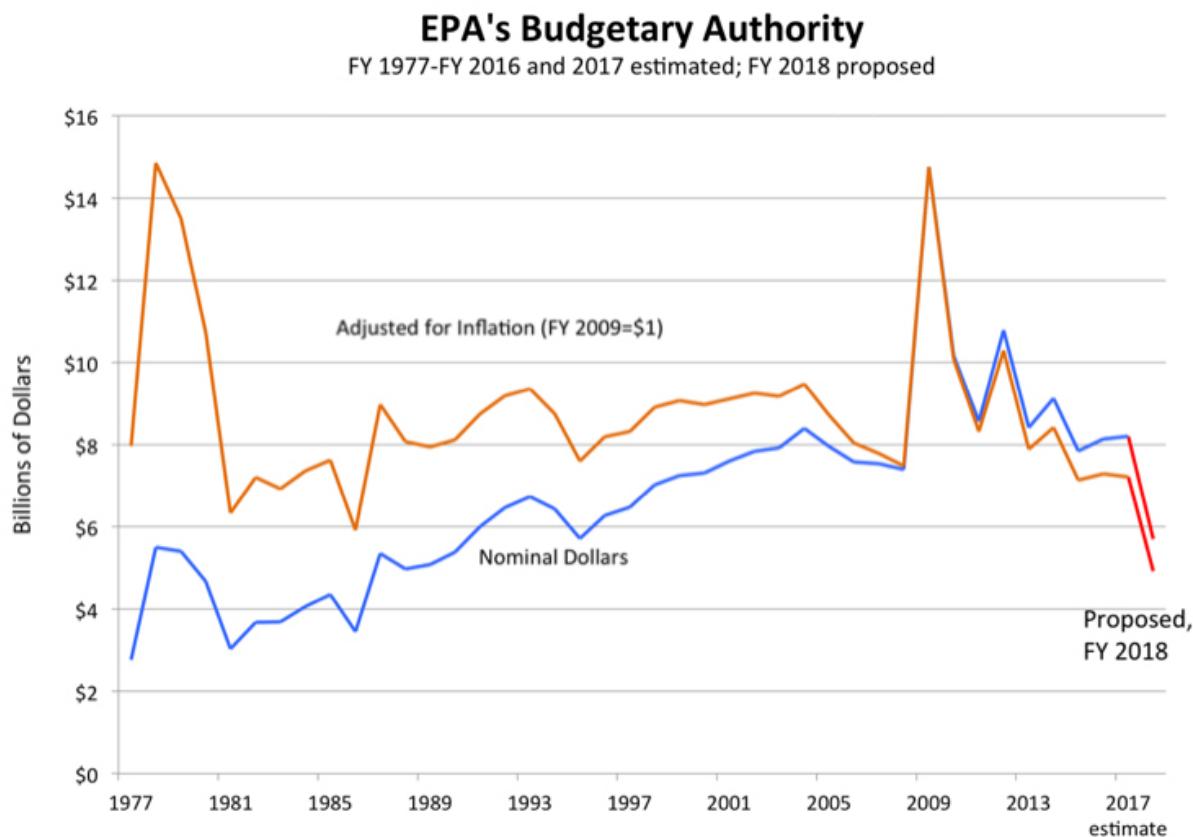


Figure 2: Historical Trends in the EPA's Budget. Sources: Office of Management and Budget (OMB), *Budget of the United States Government Fiscal Year 2017, Historical Tables*, Table 5.6—Budget Authority by Agency, 1976-2022, and Table 10.1—Gross Domestic Product and Deflators Used in the Historical Tables—1940-2022, accessed 5/24/2017 at <http://www.whitehouse.gov/omb/budget/Historical>.

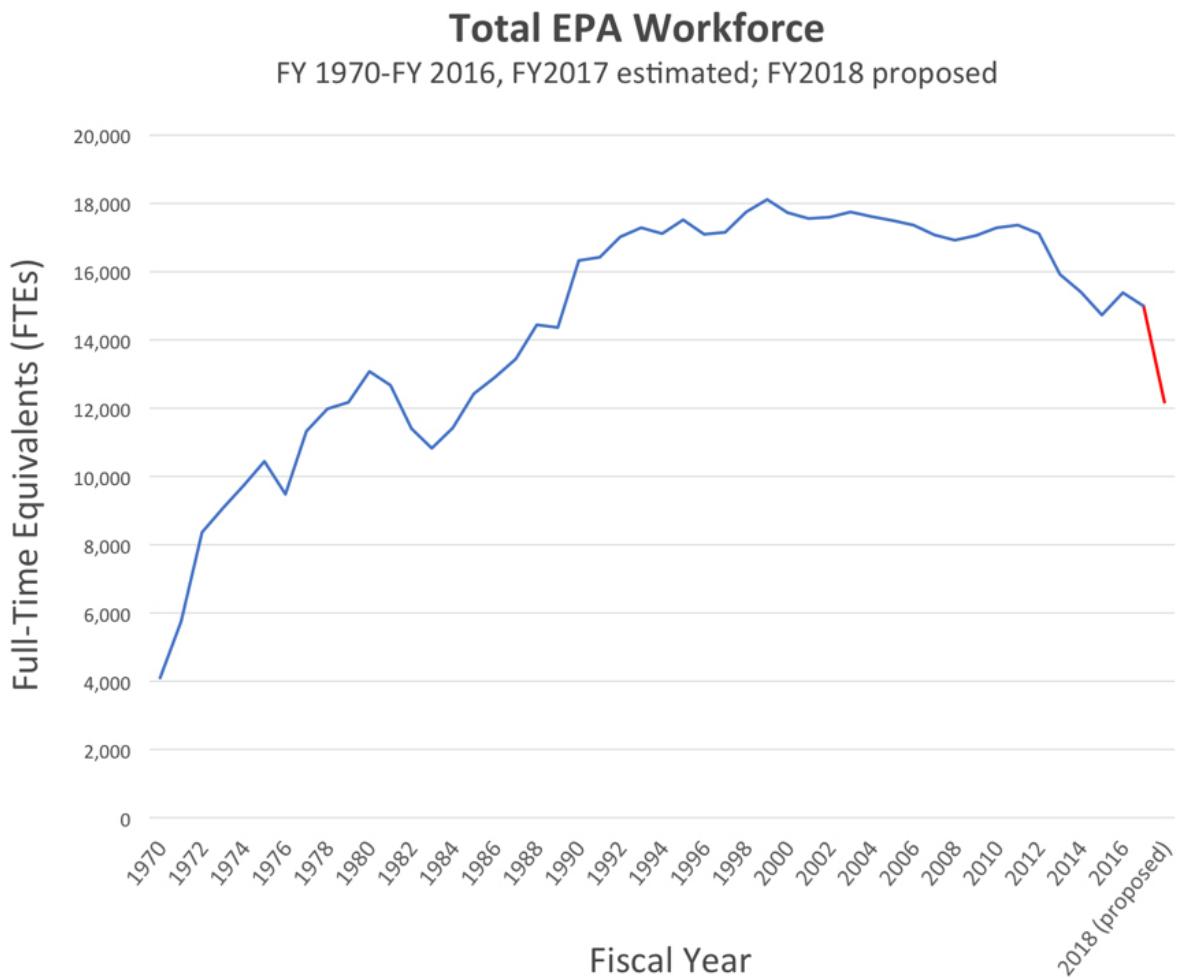


Figure 3: Historical Trends in the EPA's Workforce. After an early reduction under Reagan during the 1980s, the number of this agency's employees rose then plateaued. The red line indicates the cut proposed by the Trump administration in the coming fiscal year 2018. Source: EPA, "EPA's Budget and Spending," accessed 5/15/2017 at <https://www.epa.gov/planandbudget/budget>.

Emblematic of this restoration, in 1989 George H.W. Bush appointed William Reilly, an urban planner who had presided over the Conservation Foundation then the World Wildlife Fund and was also his personal friend, as the “first professional environmentalist” to head the agency. To swear Reilly in, the president himself paid a visit to agency headquarters. Speaking before some five hundred EPA employees, Bush expressed his hope that it was “plain...to everyone in this room and around

the country that among my first items on my personal agenda is the protection of America's environment." His audience "applauded heartily."⁴³

This 1984 restoration also revived many EPA employees' sense that support for their work spanned the two political parties. The early Reagan assault notwithstanding, interviewees remembered the 1980's as a period in which "environmental protection hadn't really become a partisan thing." As time went on, and Republican and Democratic administrations alike continued to support most or all of the agency's work, the early Reagan assault came to look temporary and anomalous—a momentary lapse in a longer pattern of bipartisan support for the EPA and its mission.

⁴³ "Bush Visits EPA Offices," *Washington Post* (February 9, 1989), A17.

V. PRECEDENT #2: THE HARPER ADMINISTRATION IN CANADA

Canadian Prime Minister Stephen Harper's 2006-2015 administration provides another instructive historical precedent to help understand what may be possible under Trump and Pruitt. Over the course of his administration, Harper undermined the government's environmental initiatives, reversing Canada's approach to climate change in particular. He and his appointees cancelled climate initiatives introduced by the previous government, withdrew from the Kyoto Accord, and maintained strong support for expanding production of the Alberta oil sands. Harper also took on federal support for science much more systematically than did Reagan. His administration cut funding for federal laboratories and research programs, muzzled federal environmental scientists, and deleted content from federal environmental websites.⁴⁴ In this section we examine Harper's effects on Canadian science and environmental agencies, as well as the ways Canadian residents mobilized in response.

Harper began his tenure as prime minister in 2006 with a parliamentary minority, and thus initially had much less power than the current Trump administration, given that the Republican Party today controls both houses of Congress. Still, in 2006 Harper had already begun to target Canadian climate policies, for example, by canceling Canada's One Tonne Challenge, which was intended to reduce greenhouse gas emissions.⁴⁵ Harper also introduced rules to limit federal scientists' communication with the media, and in 2008, closed the office of the National Science Advisor.⁴⁶ After an election in 2011 in which the Harper government won a

⁴⁴ For good overviews of Harper's effects on Canadian science and environmental policy, see Turner, Chris. *The War on Science: Muzzled Scientists and Wilful Blindness in Stephen Harper's Canada*. Greystone Books Ltd, 2014.; Professional Institute of the Public Service of Canada, "Vanishing Science: The Disappearance of Canadian Public Interest Science," (2014) accessed 5/15/2017 at <http://www.pipsc.ca/portal/page/portal/website/issues/science/vanishingscience>; Professional institute of the Public Service of Canada, "The Big Chill: Silencing Public Interest Science," (2013) accessed 5/15/2017 at <http://www.pipsc.ca/portal/page/portal/website/issues/science/pdfs/bigchill.en.pdf>.

⁴⁵ Selin, Henrik, and Stacy D. VanDeveer (eds). *Changing Climates in North American Politics: Institutions, Policymaking, and Multilevel Governance*. MIT Press, 2009.

⁴⁶ "Scientists lament closing of key advisory office," CBC News (January 25, 2008) accessed 5/15/2017 at <http://www.cbc.ca/news/technology/scientists-lament-closing-of-key-advisory-office-1.756700>.

majority in parliament, its disruptive influences on science as well as environmental regulation grew more pronounced.

Between 2008 and 2013, federal budget cuts to Canadian laboratories and research programs totaled \$596 million, which included the elimination of 2,131 full-time science positions.⁴⁷ The most significant cuts were to regulatory science—that is, to research and monitoring supporting environmental and health policies and regulations. Environment Canada (the equivalent of the US EPA) was a particular target. By 2013 it had lost 17.5% of its science funding. The Department of Fisheries and Oceans (DFO), and several other federal agencies also faced severe budget cuts. Funding cuts to DFO included the termination of its oil spill response and countermeasures team, with the loss of experts on ocean contaminants in marine mammals and marine oil pollution.⁴⁸

[One of the most striking effects of the Harper administration was the loss of environmental knowledge and data.]

Cutbacks to regulatory science resulted in the closure of and/or withdrawal of funding for numerous research facilities, including some with distinguished records in policy-relevant science. This included the Experimental Lakes Area (ELA), which had demonstrated the consequences of eutrophication, acid rain, climate change, and other anthropogenic impacts since 1970.⁴⁹ The ELA was only saved through the intervention of a private organization and by the Ontario provincial government.⁵⁰ Harper also sought to decrease the federal role in public health agencies and research, which resulted in the closure of the National Aboriginal Health Organization and the elimination of health programming at the Native Women's Association of Canada, among other consequences.⁵¹ A range of Canadian science

⁴⁷ Professional Institute of the Public Service of Canada, “Vanishing Science”

⁴⁸ *Ibid.*

⁴⁹ Environmental Lakes Area website, accessed 5/15/2017 at <https://www.iisd.org/ela/>.

⁵⁰ Professional Institute of the Public Service of Canada, “Vanishing Science”; Carol Linnet, “Harper’s Attack on Science: No Science, No Evidence, No Truth, No Democracy,” *Academic Matters: OCUFA’s Journal of Higher Education* (May 2013) accessed 5/15/2017 at <http://www.academictimatters.ca/2013/05/harpers-attack-on-science-no-science-no-evidence-no-truth-no-democracy/>.

⁵¹ Brooke Jeffrey. *Dismantling Canada: Stephen Harper’s New Conservative Agenda*. McGill-Queen’s Press-MQUP, 2015; “Health Canada should not have closed National Aboriginal Health Association, *The Globe and Mail* (April 9, 2012) accessed 5/15/2017 at

advisory bodies were also abolished. In addition to the National Science Advisor, the National Round Table for the Environment and Economy (a federal advisory panel on sustainable development), the Hazardous Materials Information Review Commission, and the Canadian Foundation for Climate and Atmospheric Sciences were cut.⁵²

Aiming to reduce the federal role in science—notably in environmental monitoring and most basic science research—the Harper administration also began micromanaging media interactions among federal scientists who were retained. Bureaucrats who often had no scientific expertise were thereby empowered to oversee the public roles of federal investigators. This policing began in 2007, when Harper introduced new rules to control interviews between Canadian scientists and journalists. These measures likely had a big impact on what became an 80% reduction in media coverage of climate change by 2010.⁵³ Scientists participating in the 2012 International Polar Year Conference in Montreal were accompanied by “media relations contacts,” who monitored their interactions with the press.⁵⁴ By then, federal environmental scientists were not simply monitored, but were usually forbidden to speak to the media or in public contexts, and could only share their reports, written answers, and findings after a lengthy and complex process of approval. According to a 2013 survey, 90% of government scientists felt they could no longer speak freely to the media about their work. Scientists were also restricted from traveling to conferences or meeting with outside colleagues.⁵⁵ Similarly, since assuming office Trump has also sought to control the speech of environmental agency employees. For example, he barred employees at the EPA and USDA from giving social media updates and from discussing agency research with the public. As *Scientific American* recently observed, “the curb echoes what happened in Canada six years ago.”⁵⁶ In general, the work environment under Harper affected

<http://www.theglobeandmail.com/opinion/editorials/health-canada-should-not-have-closed-national-aboriginal-health-organization/article4098965/>.

⁵² Professional Institute of the Public Service of Canada, “Vanishing Science”

⁵³ Mike De Sousa, “Climate-change scientists feel “muzzled” by Ottawa: Documents,” *Montreal Gazette*, March 15, 2010,

<http://www.montrealgazette.com/news/Climate+change+scientists+feel+muzzled+Ottawa+Documents/2684065/story.html>.

⁵⁴ “Federal Scientists Closely Monitored During Polar Conference,” *CBC News*, April 24, 2012, <http://www.cbc.ca/news/technology/federal-scientists-closely-monitored-during-polar-conference-1.1248559>.

⁵⁵ Professional Institute of the Public Service of Canada, “The Big Chill”

⁵⁶ Dina Fine Maron, “Trump Administration Restricts News from Federal Scientists at USDA, EPA,” *Scientific American*, January 24, 2017,

<https://www.scientificamerican.com/article/trump-administration-restricts-news-from-federal-scientists-at-usda-epa/>; for another comparison between Harper and the Trump administration, see Sarah Zhang,

scientists' public roles and their ability to collaborate with colleagues in other agencies or with university scientists, inhibiting the free exchange of ideas that is important to scientific progress.⁵⁷

One of the most striking effects of the Harper administration was the loss of environmental knowledge and data. Content was deleted from government websites, and most of the libraries of the Department of Fisheries and Oceans were closed, with materials physically destroyed.⁵⁸ After winning the parliamentary majority in 2011, Harper also redefined the long-form government census as voluntary, rather than mandatory, which decreased the quality of social and economic data collected by the state.⁵⁹ The U.S. has stronger open access laws—a result of initiatives under the Obama administration—but our neighboring state's attack on data governance and data collection should offer a cautionary tale for those concerned about evidence-based policy in general.

[*According to a 2013 survey, 90% of government scientists felt they could no longer speak freely to the media about their work.*]

Perhaps the most dramatic, sweeping event in Harper's long attack on Canadian environmental policy and science was Omnibus Budget Bill C-38, passed in June 2012. Totaling 452 pages, the bill affected a tremendous range of government programs, including employment insurance, immigration, national parks, and

"Looking Back at Canada's Political Fight Over Science," *The Atlantic*, January 26, 2017, <https://www.theatlantic.com/science/archive/2017/01/canada-war-on-science/514322/>.

⁵⁷ For example, see Joshua Rapp Learn, "Canadian Scientists Explain Exactly How Their Government Silenced Science," Smithsonian.com, January 30, 2017, <http://www.smithsonianmag.com/science-nature/canadian-scientists-open-about-how-their-government-silenced-science-180961942/#IIfCXD0VoTchRDM4.99>; Leslie Evans Ogden, "Nine Years of Censorship," *Nature*, May 3, 2016, <http://www.nature.com/news/nine-years-of-censorship-1.19842>.

⁵⁸ Gloria Galloway, "Purge of Canada's fisheries libraries a 'historic loss,' scientists say," *The Globe and the Mail*, January 7, 2014, <http://www.theglobeandmail.com/news/politics/purge-of-canadas-fisheries-libraries-a-historic-loss-scientists-say/article16237051/>.

⁵⁹ Stephen Marche, "The Closing of the Canadian Mind," *The New York Times*, (August 14, 2015) accessed 5/15/2017 at https://www.nytimes.com/2015/08/16/opinion/sunday/the-closing-of-the-canadian-mind.html?_r=1; Jeffrey, *Dismantling Canada*;

fisheries. It also significantly altered Canadian environmental laws.⁶⁰ Bill C-38 rewrote the entire *Canadian Environmental Assessment Act*, amended the *Canadian Environmental Protection Act* to make it easier to dispose of waste at sea and to construct pipelines across navigable waters, repealed the *Kyoto Protocol Implementation Act* (which also dropped requirements for reporting greenhouse gas emissions), weakened habitat protections under the Fisheries Act, abolished the National Roundtable on Economy and Environment, and had numerous other effects on environmental governance.

Canadian civil society responded to the undermining of scientific research and environmental policy through protests, public campaigns, and by forming organizations. In 2012, for example, thousands of Canadians concerned about evidence-based policy and governance gathered in “Death of Evidence” rallies.⁶¹ Subsequently, the organizers of this campaign formed the group Evidence for Democracy, which continues to advocate for federal support of robust environmental science. Another organization, Our Right To Know, also formed in 2013, in response to Harper’s administration. Our Right To Know advocates for “the free conduct, communication, publication and archiving of research.” Our Right to Know formed the Right2Know Network, comprised of thirty organizations, which affirms the value of science in the public interest.⁶² Additionally, the union representing federal scientists created public campaigns around the issue of scientific integrity. Importantly, science emerged as a major campaign issue during the 2015 election campaign, with Liberal candidates pledging to reverse many of Harper’s policies and bring climate change back onto the national agenda. UK’s *The Guardian* newspaper even suggested “science helped swing the Canadian election.”⁶³

⁶⁰ Jeffrey, *Dismantling Canada; “Vanishing Science;”* Brenda Heelan Powell, “An Overview of Bill C- 38: The Budget Bill that Transformed Canada’s Federal Environmental Laws,” accessed 5/15/2017 at http://elc.ab.ca/Content_Files/Files/Bill38AnalysisArticlefinal.pdf; David Suzuki Foundation, “Bill C-38: What you need to know” accessed 5/15/2017 at <https://politicsofevidence.files.wordpress.com/2015/01/c-38-factsheet.pdf>.

⁶¹ Turner, *War on Science*, Alice Bell, “Why Canada’s scientists need our support,” *The Guardian*, (January 11, 2012) accessed 5/15/2017 at <https://www.theguardian.com/commentisfree/2012/jul/11/canada-scientists-strike-protests>.

⁶² Evidence for Democracy, “About,” at <https://evidencefordemocracy.ca>; Our Right to Know, “About” at <https://ourrighttoknow.ca>; Right2Know Network, “The Right2Know Network,” at <https://ourrighttoknow.ca/campaigns/right-to-know-network/>; all accessed 5/15/2017.

⁶³ Michael Halpern, “How science helped swing the Canadian national election,” *The Guardian*, October 21, 2015, accessed 5/15/2017 at <https://www.theguardian.com/science/political-science/2015/oct/21/how-science-helped-to-swing-the-canadian-election>, also see Christa Marshall, “Canada Election Could Shift Climate Policy,” *Scientific American*, (October 19, 2015) accessed 5/15/2017 at <https://www.scientificamerican.com/article/canada-election-could-shift-climate-policy/>.

In November 2015, the Harper government was replaced by the Liberal government of Justin Trudeau. Since then, the Trudeau administration has moved toward restoring environmental and science initiatives and evidence-based policymaking more generally. For example, it restored the mandatory long-form census, and federal scientists are now permitted to speak openly to the media about their research, and to communicate freely with colleagues elsewhere. In December 2016, the Professional Institute of the Public Service of Canada (the largest union representing federal government employees) negotiated a new collective agreement for federal scientists that enshrines their right to speak publicly and publish their findings without government interference. This was quite clearly a direct response to the Harper administration's relationship with science.⁶⁴

[Bureaucrats who often had no scientific expertise were thereby empowered to oversee the public roles of federal investigators.]

The Trudeau government has also increased funding for ocean and aquatic sciences, restoring initiatives such as the Experimental Lakes Area, and to some extent rebuilding scientific support for federal regulatory activity. However, possibilities for restoration are also limited by the loss of data and a great deal of accumulated expertise from long-standing research groups, which were disbanded under Harper. While Trudeau reinstated many environmental science positions, he has only restored their numbers in Environment Canada to levels seen in Harper's final year. That year (2014-2015) there were 6,461 full-time equivalent employees (or FTEs) at the agency; during Trudeau's first year in office (2015-16) there were 6,322 FTEs; the most recent count, for 2016-17, is 6,469 FTEs.⁶⁵ Trudeau's government also initially supported new pipelines and expansion of production at

⁶⁴ Kathleen Harris, "Mandatory long-form census restored by new Liberal government, *CBC News*, November 5, 2015, <http://www.cbc.ca/news/politics/canada-liberal-census-data-1.3305271>; Robin Levinson King, "Muzzled Canadian scientists now free to speak with media," *The Toronto Star*, (November 6, 2015) accessed 5/15/2017 at <https://www.thestar.com/news/canada/2015/11/06/muzzles-removed-for-federal-scientists-at-department-of-fisheries-and-oceans.html>; Kathryn May, "Federal scientist win right to be unmuzzled in tentative PIPSC contract," *Ottawa Citizen* (December 12, 2016), accessed 5/15/2017 at <http://ottawacitizen.com/news/politics/federal-scientists-unmuzzled-in-tentative-pipsc-contract>.

⁶⁵ Environment and Climate Change Canada, "Spending and Human Resources," in *2017-2018 Departmental Plan* (2017), accessed 5/15/2017 at <http://www.ec.gc.ca/default.asp?lang=En&n=A3B6C81F-1&offset=7&toc=show>.

the Alberta oil sands, but has most recently stated publicly that the oil sands industry needs to be phased out to transition Canada to a low carbon economy.⁶⁶

Numerous news articles have compared the current threat to U.S. scientists and environmental policy to the Canadian experience under Harper. Our northern neighbors are still struggling to re-establish their former laboratories and research programs, but the damage to Canadian science and the environment, and the lost time and experience in transitioning to alternative energy sources and adopting strategies to address climate change are immeasurable. They ought to give our own politicians and public a deep, sobering pause. Fortunately, the Canadian experience also offers models of successful resistance. Despite the long time frame of Harper's administration, Canadian scientists and residents marched, protested, and formed nonprofits to challenge Harper's influence right up until the end—that is, they remained engaged and refused to accept Harper's policies as the "new normal." Moreover, that science and the environment played such a prominent role in the 2015 Canadian elections is clear evidence of their value to the Canadian public, and suggests that these issues could become similar flashpoints in the U.S. context too—even for the U.S. midterm elections of 2018.

⁶⁶ Ian Austen, "Justin Trudeau Approves Oil Pipeline Expansion in Canada," *The New York Times*, November 6, 2016, <https://www.nytimes.com/2016/11/29/world/canada/canada-trudeau-kinder-morgan-pipeline.html>; Shawn McCarthy and Kelly Cryderman, "Trudeau's oil sands 'phase out' comment sparks anger in Alberta," *The Globe and Mail*, January 13, 2017, <http://www.theglobeandmail.com/news/alberta/trudeaus-oil-sands-phase-out-comments-spark-anger-in-alberta/article33622908/>.

VI. JUST BEFORE TRUMP: AN AGENCY ALREADY IN DECLINE?

Prior to 2017, many employees perceived the EPA as an agency already weakened by a string of blows stretching back years and even decades. Periodic budget and staffing cuts have reversed its growth, even as it has gained many new responsibilities. Especially from the late 1980s, new laws added to its mission; since then, policy imperatives to address environmental justice and regulate pollutants from mercury to greenhouse gases, enabled and in many cases forced by court decisions, keep expanding its obligations.⁶⁷ Over this same while, since 1994 and particularly after the midterm election of 2010, a hyper-partisan political climate has impeded the prospects for new laws as ambitious as the Superfund or the Clean Air or Water Acts. As one of our interviewees notes, [“the partisanship has meant that no one thinks they can pass an environmental statute.”](#) Congress has also become increasingly aggressive toward the agency’s inner workings, targeting existing regulations, the process of rulemaking, and the science on which it relies.

In the minds of our interviewees, these long-accruing difficulties at the EPA are by no means attributable only to Republicans or to Republican-led administrations. As we have seen, EPA employees testify to considerable sympathy and support for the agency’s mission from several Republican presidents. Some interviewees see the Agency’s politicization as getting underway during the Clinton Administration, exacerbated in 1994 by Newt Gingrich’s “Contract with America” and the resulting Republican takeover of Congress. [“Even under Reagan,” commented one, “and extending through the first President Bush...—even under the Republicans—there were administrators who were respected as environmentalists and you had a Democratic Congress most of the time protecting the EPA. The real switch came in 1994....”](#) Another long-time employee reflected: [“when the House went Republican...I think it emboldened the industry to try to interfere with the enforcement process more than ever before.”](#) A major setback, the 1995 failure to renew the Superfund tax on chemical and petroleum industries, deprived the

⁶⁷ Among the more recent laws: in the late 1980s, “deadline and hammer” amendments to Clean Drinking Water and other laws; Clean Air Act Amendments of 1990; Safe Drinking Water Act Amendments (1996); the Food Quality amendments to the Federal Insecticide, Fungicide and Rodenticide Act/Federal Food Drug and Cosmetics Act (1996); Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (1999); Beaches Environmental Assessment and Coastal Health (BEACH) Act (2000); and the Toxic Substances Control Act Amendments (2016).

agency of its chief income source outside of Congressional appropriations. It slowed down the listing of new Superfund sites as well as cleanups already underway. Then a 1996 Congressional Review Act (CRA), agreed to by both Gingrich and Clinton, enabled Congress to overrule any regulation that an executive agency approved. Though used only once up until last year, CRA bills have enjoyed great vogue in today's Republican-led Congress, successfully overturning some fourteen EPA- and other agency-approved rules.⁶⁸

[*...a hyper-partisan political climate has impeded the prospects for new laws as ambitious as the Superfund or the Clean Air or Water Acts.*]

Over the decade and a half prior to the Obama administration, a newer anti-environmental strain of conservatism has gained in institutional underpinnings and influence. Older think tanks like the Heritage Foundation, began in the 1970's, have been joined by others like the Competitive Enterprise Institute, with energy industry funding. The latter have taken aim especially at the gathering international consensus among scientists about human impacts on climate change. Internal struggles over climate and other environmental policy split Republicans in the administration of George W. Bush. While Bush appointed the moderate former New Jersey governor Christine Whitman to head his EPA, and she pushed for regulating greenhouse gases, she often lost out to powerful allies of the energy industry such as Vice President Dick Cheney, and eventually resigned. This second Bush administration set further precedents for what we are now seeing under Trump, withdrawing from an international climate treaty signed in Kyoto (despite a campaign promise to the contrary) and often twisting science to serve its own disinclination to regulate polluters. Attacked by Democrats for its preferences for market mechanisms and voluntary programs, it nevertheless finalized new rules to bring down levels of aerial pollutants and "took several positive steps toward cleaning up sites of past environmental contamination."⁶⁹

⁶⁸ Ari Natter, "Republican Window to Roll Back Obama's Rules Closes at 14-1," *Bloomberg Politics* (May 11, 2017) accessed 5/24/2017 at <https://www.bloomberg.com/politics/articles/2017-05-11/republican-window-to-roll-back-obama-s-rules-closes-with-record>.

⁶⁹ Aaron McCright and Riley Dunlap, "Defeating Kyoto: The Conservative Movement's Impact on U.S. Climate Change Policy," *Social Problems*, Vol. 50, No. 3 (August 2003), pp. 348-373; Union of Concerned

More recently, the EPA has found itself increasingly faced with what one interviewee characterizes as a "[starvation diet](#)." Funds did rise somewhat from the mid-1990s, dipped during George W. Bush's second term, then received a substantial boost from the 2009 Recovery Act, but this last proved temporary. Since then, with inflation taken into account, funding has fluctuated at or below 2006 levels. From 2011's sequestration through the continued budget cutting of most recent years, the budget has fallen to \$8.1 billion in FY 2016, reducing the Agency's spending power to 9% less than it was receiving a decade ago. That level is slated to decrease slightly through FY 2017 courtesy of the Continuing Resolution of late April this year.⁷⁰ Along with these funding challenges, the EPA has also experienced a decline in staffing. The EPA's workforce reached its historic peak of 18,100 in 1999.⁷¹ Employee numbers then plateaued through George W. Bush's administration into the first years of Barack Obama, but have since slid to 15,376 employees (or more precisely, Full-Time Equivalents (FTE)).

Current and recently-retired EPA interviewees frequently cited a dearth of agency resources, even under Obama, as a major reason for the Agency's weakened state. The EPA's "starvation" diet has inhibited its ability not only to develop new initiatives and programs but to follow through on existing duties like monitoring and enforcement. As one interviewee states, ["EPA doesn't have the resources to implement all the acts....we've gotten more efficient but resources haven't risen in a long time. So you have to decide where your priorities are."](#) Funding constraints also contribute to an inability to keep scientific expertise in-house, with further detrimental effects. More recently, points out one regional employee, his office has been forced to contract out an increasing amount of research as science positions that support the Agency's mission (e.g. hydrogeologists, chemists, statisticians, and toxicologists) have been lost.

In addition to criticizing budget and staffing levels, interviewees chronicle detrimental changes in management and atmosphere at the EPA as the political divides became more pronounced. One interviewee laments, ["I don't remember](#)

Scientists, *Scientific Integrity in Policy-Making: An Investigation of the Bush Administration's Misuse of Science* (Washington: UCS, 2004) accessed 6/2/17 at <http://www.ucsusa.org/our-work/center-science-and-democracy/promoting-scientific-integrity/reports-scientific-integrity.html#.WTHX-xPyu8U>; Andrews, *Managing*, 372-82, 379 (quote).

⁷⁰ Ronald White, "Congress Slashes EPA Budget Again Despite Strong Public Support for Strengthening Health Protections," Center for Effective Government website (12/12/2014), accessed 5/2/2017 <http://www.foreffectivegov.org/blog/congress-slashes-epa-budget-again-despite-strong-public-support-strengthening-health-protection>.

⁷¹ EPA, "EPA's Budget and Spending," accessed 5/12/2017 at <https://www.epa.gov/planandbudget/budget>

EPA in the old days being afraid to do something because it would rankle Congress generally, the Republicans generally, a member of Congress specifically, and I know that's a part of decisions today." Another commented, "when we started in the middle/late-Seventies and even into the Eighties, there was just broader support for what the agency did, so the political challenges so to speak were not around. [The questions were] 'How do we do it?' 'How do we fix it?' 'Is it a federal role?' 'Is it a state role?' 'What does that requirement actually look like?' 'But no one questioned the premise of what EPA was doing." Multiple EPA interviewees saw this increasing polarization as encroaching on the agency's activities not just at headquarters but at the regional and local levels. As one argues, "that basic level of questioning around the science and around the competence, if you will, of the everyday staff...it's different." This employee laments the change: "I would like to see a little less having to run every single thing through a "big P" political levels." Over the past few years, another feels, agency decision-making and work has become overly shaped by political appointees and "friends" of political appointees, who "tend to not have the scientific backgrounds that are required for very sophisticated decision-making."

[The EPA's "starvation" diet has inhibited its ability not only to develop new initiatives and programs but to follow through on existing duties like monitoring and enforcement.]

It is important to acknowledge that despite these challenges, many employees see the Obama years as ones of agency progress on important fronts. In particular, interviewees cite the EPA's response to climate change during the Obama administration, as well as initiatives in environmental justice and local community outreach.

Our interviewees report that the growing number of Congressional Republicans willing to treat the agency as a political football has resulted in new forms of political pressure. For most of the EPA's history, those nominated to direct its program offices (its Assistant Administrators (AAs) for the water, air, and other programs) were confirmed by the Senate as a matter of course. After 2010, however, that changed. During the later Obama Administration, only two of the AAs had received confirmation by the Republican-led Senate. So those directing all the

other offices were only considered “acting.” [I really think one of the difficulties for \[my office\] during the Obama administration was not having confirmed leadership,](#) one interviewee told us. Office staff “felt like second-class citizens, that they just didn’t have leaders who had any kind of backing from Congress.”

Congressional committees have also made liberal use of information requests to hamper the agency’s work. For instance, one committee [sent a FOIA request that they wanted every email, whatever, having to do with the Waters of the US rule. Can you imagine? ...\[And\] you...had to search... It's meant to tie you up... and...it really...just ties you up in knots... And it also affects morale because the staff feel like their every word is under scrutiny and then they get paranoid about putting things down, writing things....I really saw it have a negative affect.](#)

The agency’s Science Advisory Board (SAB) has emerged as a favorite congressional target. Founded during the Carter Administration, historically it has served to ensure interactions between agency officials and the broader scientific community. Normally, its advisory committees of outside scientists produce reports on scientific questions at the request of the EPA administrator, after which members may be called upon to testify before Congress. An interviewee, however, describes how congressional questioning can now happen at an earlier stage, before this supposedly independent board has completed its review. The earlier scrutiny began with the 2013 SAB panel evaluating studies of the effects of hydraulic fracturing. The panel chair [received a letter from Congress” before even concluding its report, “saying we want you ...to respond to these science questions....A lot of them were oddly phrased and...implicit\[ly\]...critical of the agency science...So \[SAB\] got caught between the House and the Administration.” And SAB chairs were then “forbidden ... to even acknowledge the receipt of these letters...So the Congress people were banging on \[SAB’s\] door... It was paralyzing...”.](#)

Despite a lengthy tradition of bipartisan support for the EPA, its troubles have been mounting over the past two decades. While some of our interviewees also fault recent Democratic administrations, much of the impetus for these increasing attacks comes from the growing share of congressional Republicans inhospitable to the agency and blithely dismissive of its work. The Trump administration’s plans will only accelerate, perhaps to the breaking point, an assault on this environmental agency that was already well underway by January 20, 2017 .

VII. THE TRUMP TRANSITION COMPARED

Environmentally speaking, the early days of the Trump administration clearly resemble the first Reagan administration, particularly if the months following the confirmation of Gorsuch are included. In terms of anti-regulatory zeal, political appointments, budget cuts, and agency reorganization, the new administration has replayed many of the same tactics used by Reagan and Gorsuch. But the Trump administration enjoys structural advantages over the early Reagan administration that more closely resemble those of the Harper administration from 2011, after it acquired a legislative majority. Harper and his allies then, like the Trump coalition now, set their sights both on environmental agencies and on federal science with an explicitness that Gorsuch and Reagan never mustered. Faced with an international consensus on climate change and the need to transition away from fossil fuels, Trump, like Harper before him, is seeking to dismantle both environmental agencies and federal support for science. Given the current lack of congressional checks and an anti-environmental White House, our interviewees see the new administration as posing the single greatest challenge ever faced by the EPA in its entire half-century of existence.

EPA employees interviewed thus far have characterized Trump's effect on the EPA as fundamentally different from the effects of any previous U.S. president, even Reagan. The ["order of magnitude"](#) difference seen by one of our interviewees in February came from what he had seen first of all, of Trump himself. ["Do we have a president who really believes in democracy? We have not had to deal with that before."](#) And while Reagan, too, had had little positive to say about the EPA in his first winning Presidential campaign, he never went so far as to speak as Trump did, of breaking the agency into "little bits."

While Trump's anti-regulatory fervor clearly echoes that of Reagan, he also departs from his early 1980's counterpart in the depth of his animosity toward science, the evidentiary foundation for the vast majority of agency actions. The most obvious target of Trump's animosity is climate science, turned into an ideological flashpoint by decades of work, funded by the fossil fuel industry, to "manufacture doubt"

about climate change.⁷² Trump's talk about climate change as a "Chinese hoax," coupled with his appointment of climate change denier Scott Pruitt, exemplify how skepticism about climate science has become a central litmus tests for the American right. In an administration that has lauded "alternative facts," creeping denialism threatens to undermine any scientific authority and to encourage a cavalier disregard for disciplines vital to the EPA's work, from toxicology to meteorology. Hence the speculation of one veteran staffer that "we're not going to be doing environmental education. I just don't think we're going to be doing much science anymore. This is so different from what we've been doing."

[...our interviewees see the new administration as posing the single greatest challenge ever faced by the EPA in its entire half-century of existence.]

That Trump would tap Pruitt as EPA Administrator confirmed employees' sense of a hostility without parallel, also their foreboding about the agency's future. In retrospect, Gorsuch's early animus against environmental law looks mild, her preparations for curtailing the agency amateurish. After all, "here is a guy who doesn't believe in climate change...and...sued the agency 14 times." Compared to Gorsuch, a 38-year-old with only four years in her state legislature, Pruitt, at 49 years old, served twice as many legislative terms in Oklahoma and then seven years as that state's attorney general. Moreover, much of his time and energy in that office were devoted to undermining federal as well as state environmental oversight, thereby ingratiating himself with the state's oil and gas and other industrialists.⁷³ "You can say what you want about Reagan," noted another staffer, "but this Trump and his minions, they're just a totally different animal."

⁷² Naomi Oreskes and Eric Conway, *Merchants of Doubt: How a Handful of Scientists Obscured the Truth on Issues from Tobacco Smoke to Global Warming* (New York: Bloomsbury, 2010); David Michaels, *Doubt is Their Product: How Industry's Assault on Science Threatens Your Health* (New York: Oxford, 2008).

⁷³ Eric Lipton and Coral Davenport, "Scott Pruitt, Trump's E.P.A. Pick, Backed Industry Donors Over Regulators," *New York Times* (January 14, 2017) accessed 6/2/2017 at https://www.nytimes.com/2017/01/14/us/scott-pruitt-trump-epa-pick.html?_r=0; Chris Moody, Brady Dennis and Stephen Munson, "Trump names Scott Pruitt, Oklahoma attorney general suing EPA on climate change, to head the EPA," *Washington Post* (December 8, 2016) accessed 6/2/2017 at https://www.washingtonpost.com/news/energy-environment/wp/2016/12/07/trump-names-scott-pruitt-oklahoma-attorney-general-suing-epa-on-climate-change-to-head-the-epa/?utm_term=.46cccd77aadb3.

A significant share of EPA employees have responded to Pruitt's nomination in historically unprecedented ways. Nearly 800 former agency officials signed a letter opposing him, and those in the Chicago Regional office actively campaigned against his confirmation.⁷⁴ Into February, by contrast, some of our interviewees struck a more hopeful tone. Despite all the campaign talk, little by that point had changed within the agency itself. But by April, the intentions of the incoming administration had become more unmistakable, and the anxieties expressed in our interviews more pointed. When one who had been through the Gorsuch years compared notes with his "compatriots" from then, he found that "[without exception, they all thought, as I did, that this \[new administration\] could be worse...](#)"

Pruitt's inaugural address, delivered on February 21, 2017, set the tone for the Trump administration's approach to the agency. It ignored the EPA's own history and long-standing charge of protecting human health and the environment. Instead, Pruitt talked mainly about books molded by conservative political theory, never once alluding to pollution, health, science, scientists, or ecology—much less to climate change. [To help explicate and decode the messages sent by the new Administrator, EDGI created an annotated commentary alongside the transcript of Pruitt's speech. It is available at:

<https://envirodatagov.org/scott-pruitts-first-address-epa-annotated-edgi/>.]

More so than Gorsuch's introductory address, Pruitt's was carefully stage-managed to squelch any appearance of dissent. At first, the invitation went out to a broad range of agency staff, who were asked to RSVP for a limited number of seats. After an anti-Pruitt demonstration by EPA employees in Chicago, however, event planners turned more skittish, eventually restricting attendance to about thirty staff, along with "[some other kinds of invitees and some press people.](#)"

Interviewees characterized this select few career people as "[only those certain not to cause a disruption during the speech](#)"; most of them were senior staff in "acting" leadership positions. That no questions were allowed was also "unprecedented" according to one interviewee. As agency employees watched it on closed circuit television, one of them later related that "[many of us were seething.](#)" "[It clearly was a rewrite of something he had said from Oklahoma,](#)" guessed one; "[it really wasn't](#)

⁷⁴ Timothy Gardner, "Nearly 800 Former EPA Employees Oppose Pruitt's Nomination," *Reuters* (February 16, 2017), accessed 5/14/2017 at <http://www.reuters.com/article/usa-epa-pruitt-idUSL1N1G11GK>; Coral Davenport, "EPA Employees Try to Block Pruitt in Show of Defiance," *New York Times* (February 16, 2017), accessed 5/14/2017 at <https://www.nytimes.com/2017/02/16/us/politics/scott-pruitt-environmental-protection-agency.html>.

customized at all to EPA or talking really about the issues.” Another watcher began “wondering when he would mention human health. Apparently never!”

Trump’s early flurry of executive orders took a Reagan move—a single EO authorizing OMB review of all new regulations, signed at the start of his presidency—and multiplied it, targeting the EPA both indirectly and directly in ways Reagan never had. A January 30 executive order (13771) commanded any agency proposing a new regulation to “identify at least two existing regulations to be repealed.”⁷⁵ Then on February 24 another sweeping executive order, EO 13777, required the EPA and all other agencies to set up task forces to review all existing regulations for ways of making them “less burdensome.”⁷⁶ By mid-March came still another order (13781) demanding reorganization plans from agencies across the entire executive branch, with a view to “eliminat[ing] unnecessary agencies..., components of agencies, and agency programs.” These three commands have set in motion a host of new committees, deliberations, and plan-making across the agency, whose resulting proposals are to be vetted by the White House’s ever more powerful and inscrutable OMB.

[*When one who had been through the Gorsuch years compared notes with his “compatriots” from then, he found that “without exception, they all thought, as I did, that this [new administration] could be worse...”*]

Meanwhile, the Trump Commerce Department solicited nominations from industry of which regulations most bothered them, and the EPA’s surged to the top of the

⁷⁵ “Presidential Executive Order on Reducing Regulation and Controlling Regulatory Costs,” January 30, 2017, accessed 5/2/2017 at <https://www.whitehouse.gov/the-press-office/2017/01/30/presidential-executive-order-reducing-regulation-and-controlling>.

⁷⁶ “Presidential Executive Order on Enforcing the Regulatory Reform Agenda,” February 24, 2017, accessed 5/2/2017 at <https://www.whitehouse.gov/the-press-office/2017/02/24/presidential-executive-order-enforcing-regulatory-reform-agenda>.

list.⁷⁷ That has helped to justify another string of executive orders that is directed at the work of this agency in particular: on expediting environmental reviews and approvals of infrastructure projects, on the “waters of the U.S.” decision about the proper scope of wetlands law, and on the regulation of fossil fuel extraction and use. This last order 13783 calls for the revocation or review of all manner of existing orders, memos, reports, and rules deemed to “unnecessarily encumber energy production,” from the Obama White House to the Departments of Interior and Energy as well as the EPA.

On March 28, 2017, Trump visited EPA headquarters to sign this last EO, with not just Pruitt but Vice President Pence and the new Secretaries of Energy (Perry) and Interior (Zinke) all in tow. It was another unparalleled moment for the agency. From George H.W. Bush to Al Gore, presidents and vice presidents usually went to the EPA to stoke the spirits of career staff.⁷⁸ But this time, few if any working at the agency were even let in.

According to interviewees, event planners sent out a mass mailer to the staff “like 15 minutes beforehand” to announce “VIP guests” were coming. What followed, as one interviewee summarized, was that “they sent all the people home who worked on the first floor, [and] they did massive security in the east building. They shut down all these elevator banks for the entire day. I mean it was quite the sweep. They had people with guns standing out there on 15th Street....” A group of coal miners were brought up onto the stage as special guests. Standing by, they were heaped with praise by the parade of speakers. Pence declared the “war on coal” to be “over.” Trump dubbed the Clean Power Plan a “crushing attack on American industry”; “perhaps no regulation threatens our miners, energy companies and economy more.” The audience consisted largely of friendly politicians and “representatives from several energy industries.”⁷⁹ Restricted from attending the event, EPA staff watched over closed-circuit TV.

⁷⁷ Judith Eilperin, “EPA Emerges as Major Target after Trump Solicits Policy Advice from Industry,” *Washington Post* (April 16, 2017), accessed 5/2/2017 at https://www.washingtonpost.com/politics/epa-emerges-as-major-target-after-trump-solicits-policy-advice-from-industry/2017/04/16/87a8a55a-205d-11e7-ad74-3a742a6e93a7_story.html?utm_term=.e1e89fe4fa1e.

⁷⁸ White House, “President Trump Signs an Energy Independence Executive Order,” (March 28, 2017), accessed 5/4/2017 at <https://www.whitehouse.gov/featured-videos/video/2017/03/28/president-trump-signs-energy-independence-executive-order>.

⁷⁹ Dennis Brady and Juliet Eilperin, “Trump Signs Order at the EPA to Dismantle Environmental Protections,” Washington Post (March 28, 2017). https://www.washingtonpost.com/national/health-science/trump-signs-order-at-the-epa-to-dismantle-environmental-protections/2017/03/28/3ec30240-13e2-11e7-ada0-1489b735b3a3_story.html?utm_term=.449dab0eca0d.

As the *Washington Post* reported, the visit “was met with frustration, resignation, and varying levels of angst” among agency employees.⁸⁰ It was “beyond painful,” one of our interviewees felt, “one of the most awful disingenuous things that Trump ever did.” “All the speeches up there—growing America, growing energy, jobs...it was about basically dismantling the whole climate change program. [Yet] the word climate change was never used through any of it.” “And to say ‘we’re so honored and privileged that the president is here to abolish our programs?’” One veteran official who had also survived the early years of Reagan found it as “in-your-face, insulting [a] thing as I’ve experienced in my time here.”

[*Another watcher began “wondering when he would mention human health. Apparently never!”*]

The on-stage miners, our interviewees felt, were also being manipulated to advance the administration’s agenda. As one stated, to “bring in these poor coal miners who stood on the stage...in new clothes that obviously were not clothes they wore.... khaki pants and blue shirts.” There was simply no way an executive order could bring their coal mining jobs back, one interviewee declared. As for the administrators who had paraded them across the stage: “I don’t know how they put their head on the pillow at night.”

If events such as this one set the tone for the agency’s new course, less heralded work by White House-appointed teams laid further groundwork. A transition team appointed some months prior to the election drew almost entirely from conservative think tanks. It was headed by outspoken climate denialist Myron Ebell of the Competitive Enterprise Institute (financed in part by the coal industry) and Amy Cooke of the libertarian Independence Institute (funders have included the oil and gas industry).⁸¹ Like Trump himself, this team appeared committed to dismantling the agency—Ebell later publicly floated an opinion it should be cut by

⁸⁰ Brady and Eilperin, “Trump Signs Order at the EPA.”

⁸¹ The Center for Media and Democracy Source Watch, “Independence Institute,” accessed 5/15/2017 at http://www.sourcewatch.org/index.php/Independence_Institute; also see Joey Bunch, “Colorado’s free market Independence Institute finding its place,” *The Denver Post*, August 10, 2013, accessed 5/15/2017 at <http://www.denverpost.com/2013/08/10/colorados-free-market-independence-institute-finding-its-place/>.

two-thirds⁸²—but made few visits and inquired little into how the agency actually worked.

The transition team's successor, which the new administration, invoking war metaphors, dubbed a “landing” or “beachhead” team, began to have more contacts with career staff. Our interviewees found that [“most of them have spent their careers...not even on the industry side of \[environmental issues; and are\] much more ideological.”](#) Their ranks included Don Benton, who helped run Trump’s campaign and previously served in the Washington state senate, where he consistently opposed environmental protections; and Doug Erickson, another Washington state senator who actively opposed a state-level tax on carbon pollution, and was friendly with climate denialists.⁸³ This team seemed interested in the agency’s work: [“the career staff...were asked to explain even the most minute rules.”](#) But the very name chosen for them—the landing or beachhead team—troubled some. [“Are they saying that they are storming a hostile beach against the odds, and that they’re going to have a decisive, tide-turning victory?”](#) “What they think their mission is?,” many employees wondered, a question that aggravated the widespread [“concern and anxiety.”](#)

[*As for the administrators who had paraded them across the stage: “I don’t know how they put their head on the pillow at night.”*]

As for the agency’s political appointees, almost no one we spoke with has had contact with Pruitt himself, or even seen him around the office. They have been uniformly unimpressed by his public persona as agency head. Watching him tout trips around the country, they perceive him as only seeking out those considered core constituencies, such as Western governors, farmers, and coal miners (now festooning his twitter feed as well as the walls of headquarters on his “Back to

⁸² Joe Davidson, “Trump Transition Leader’s Goal is Two-thirds Cut in EPA Employees,” *Washington Post* (January 30, 2017) accessed 5/24/2017 at https://www.washingtonpost.com/news/powerpost/wp/2017/01/30/trump-transition-leaders-goal-is-two-thirds-cut-in-epa-employees/?utm_term=.24efe7c9a33e.

⁸³ Coral Davenport, “E.P.A. Head Stacks Agency With Climate Change Skeptics,” *New York Times* (March 7, 2017) accessed 5/15/2017 at <https://www.nytimes.com/2017/03/07/us/politics/scott-pruitt-environmental-protection-agency.html>.

Basics" posters). So far as interviewees know, he has never met with any environmental groups.

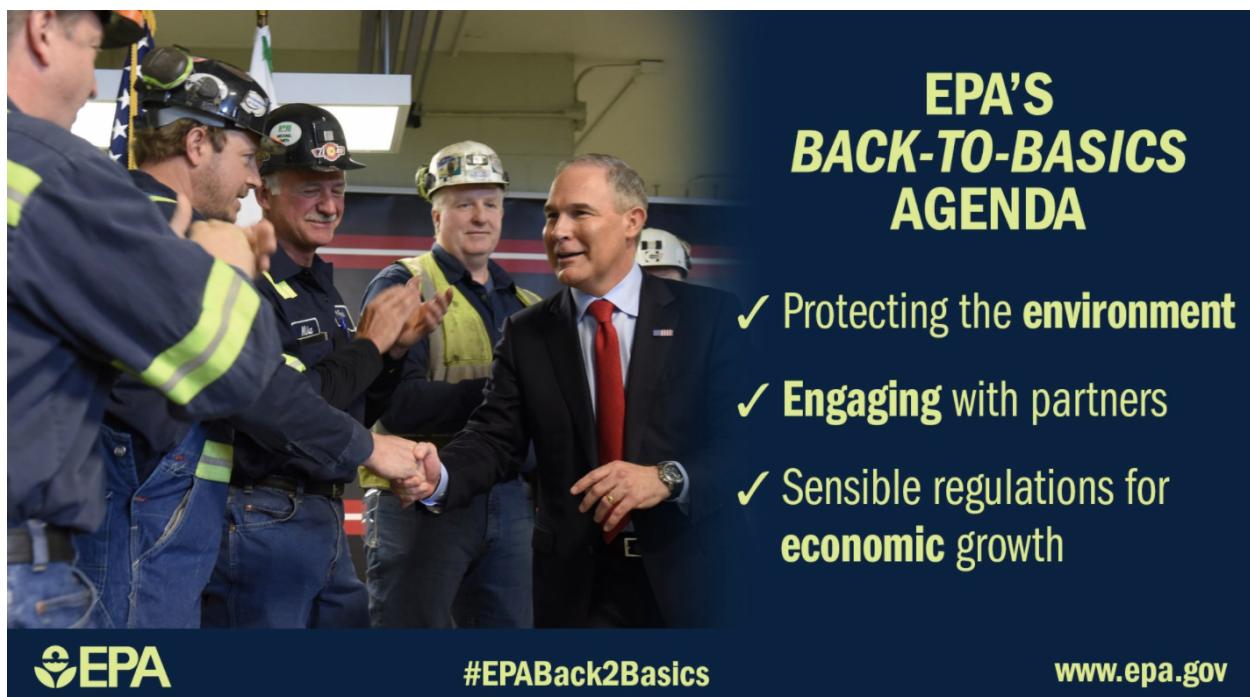


Figure 5: Pruitt's Vision for the EPA. As advertised around the agency's offices and on his Twitter feed, this poster celebrating "partners", including coal miners, and "sensible regulations" looks to many in his own agency like more of a reprimand. From [@EPAScottPruitt](#) (April 17, 2017) accessed 5/14/2017 at <https://twitter.com/EPAScottPruitt/status/853956297317908481>.

Internally, his dealings with agency staff have often radiated mistrust. ["Apparently he doesn't want a blunt discussion which is why he got rid of the White House guy \[David Schnare, on the beachhead team\]...He doesn't go well for challenge..."](#) Word has circulated that in meetings with him, ["you can't take pen or paper into the room to take notes,"](#) apparently so there is no paper trail to leak. Pruitt is also obsessed with his own security. Whereas his predecessor Gina McCarthy only had a security detail during the daytime, Pruitt has set up 24/7 protection for himself, reassigning gun-toting members of the environmental crimes unit to handle the job. He has also written a line item for a 10-person security team into the FY 2018 budget. Moreover, his office treats politically benign emblems of environmental friendliness with suspicion, squelching plans for an agency Earth Day picnic, for instance, reportedly because it might look too much like a protest. Such actions have only

reinforced doubts among EPA employees that he cares or even knows much about what they do.

The rest of the early “politicals,” or political appointees, were still small in number by early May and mostly confined to the administrator’s office. Some have struck career staff as amiable, others decidedly not. “One woman they brought in to head an office had a staff meeting and told everyone, ‘if you’re going to go after the queen you’d better be a very good shot.’ That is a very arrogant thing to say.” One interviewee paints a picture of them as not so different from earlier Trump “teams”: “It looks like everybody they have brought in had something to do with the Trump election process...It’s not like you’ve got this high level of professionals.” Lacking in experience with environmental policy and science or government more generally, such newcomers still have much to learn about the EPA’s mandates and legacy. Their actions have raised questions about their willingness to learn.

For many inside as well as outside the agency, the loudest alarm bell sounded thus far about the newcomers’ intentions has been the revelation of Trump’s proposed 2018 EPA budget.⁸⁴ Leaked to the *Washington Post*, appearing March 31—like the September 1981 leak of Gorsuch’s budget, only a few months after a new administrator took office—a memo outlined cuts for the EPA that surpassed the 24% proposed for FY 1982 by Reagan (though not approaching the nearly 50% his OMB had wanted).⁸⁵ Trump proposed a budget reduction for the agency of 31%, the biggest cut of any major federal agency.

Environmental science would be especially hard hit. The Office of Research and Development would lose 48% of its funding, despite its historic role as a major research arm.⁸⁶ The Science Advisory Board budget would be cut by 84%; with severely reduced capabilities to review EPA research programs and provide scientific advice to the agency. Research considered “unnecessary,” especially when connected to targeted regulations, would simply be ended. Fifty-six programs were slated to be cut entirely, including those for climate change, pesticide safety, environmental justice, environmental education, indoor radon, radiation, and many

⁸⁴ Juliet Eilperin, Chris Mooney and Steven Mufson, “New EPA Documents Reveal Even Deeper Proposed Cuts to Staff and Programs.” *Washington Post* (March 31, 2017), accessed 5/5/2017 at <https://www.washingtonpost.com/news/energy-environment/wp/2017/03/31/new-epa-documents-reveal-even-deeper-proposed-cuts-to-staff-and-programs/>.

⁸⁵ Joanne Omang, “President Overrules the OMB; Restores Most of EPA Funds,” *New York Times* (December 19, 1981), A1, 8.

⁸⁶ Office of the President, Office of Management and Budget, *America First: A Budget Blueprint to Make America Great Again* (2017), 41, 42, accessed 5/15/2017 at <https://assets.documentcloud.org/documents/3518196/2018-Blueprint.pdf>.

regional programs such as the Great Lakes program. The proposal also called for decreasing the Superfund budget 30% from 2016, and State and Tribal Assistance Grants (STAG)—which help states and tribes manage water issues and run their own environmental programs—by 13.7%. The Environmental Protection Network (EPN), an experienced group of ex-EPA staffers, estimates the actual cuts to programs for clean air, water, land, and climate protection would be 43%.⁸⁷

Environmental Protection Agency – Trump Proposed FY 2018 Budget Cuts by Office	
Office Name	Decrease in Thousands of Dollars
Office of Water	-772,871
Office of Air and Radiation	-312,765
Office of Land and Emergency Management	-306,856
Office of Research & Development	-167,584
Office of Environmental Information	-52,157
Office of Enforcement and Compliance Assurance	-49,986
Office of Administration & Resource Management	-41,695
Office of Chemical Safety and Pollution Prevention	-32,309
Office of International and Tribal Affairs	-24,466
Office of the Administrator	-18,945
Office of Chief Financial Officer	-6,341
Office of Inspector General	-510
Office of General Counsel	565
Total Request Cuts by Office	-1,785,920

⁸⁷ Environmental Protection Network, “Analysis of Trump Administration Proposals for FY2018 Budget for the Environmental Protection Agency,” March 22, 2017, accessed 5/5/2017 at http://www.4cleanair.org/sites/default/files/Documents/EPA_Budget_Analysis_EPN_3-22-2017.pdf.

Environmental Protection Agency – Trump Proposed FY 2018 Budget Cuts by Appropriation	
Appropriation	Decrease in Thousands of Dollars
Enforcement Programs & Management	-680,228
State & Tribal Assistance Grants	-573,694
Superfund	-267,302
Science & Technology	-234,624
Leaking Underground Storage Tanks	-41,961
Buildings & Facilities	-2,764
eManifest	-2,621
Inland Oil Spill	-663
Inspector General	-263
Federal Insecticide, Fungicide, and Rodenticide Act	0
Water, Infrastructure Finance and Innovation	18,200
Total by Appropriation	-1,785,920

Charts 1 and 2: Trump FY 2018 Proposed Cuts within the EPA. Source: "EPA's Spending Cut Plan," *Washington Post* (March 31, 2017), accessed 5/15/2017 at https://www.washingtonpost.com/apps/g/page/politics/epas-spending-cut-plan/2188/?tid=a_inl.

Long-time EPA staff people were understandably upset over the depth of cuts. What irked some still more was the apparent thoughtlessness at work. Perhaps a winnowing effort might find a bit more welcome, one suggested, if tied to a genuine rethinking and reorganizing of the agency's core functions. But this budget seemed more of a paper and pen exercise, drawn up in an office of some ideologically insular think tank. One staffer noted a "personal opinion" that "[it's all from the Heritage Foundation's report, almost verbatim..](#)they just literally went through the list and said well this is climate change, boom this goes. EJ [environmental justice] we couldn't care less about that, this goes."

In concert with the steep proposed budget cuts to almost every critical part of the EPA's organization, the Trump OMB also called for cutting 25% of the staff. Overall, it aimed to reduce the agency head count by 3,200 FTEs. This outpaces the actual personnel cuts over multiple years during the Reagan Administration, in which FTEs declined 17% from 1980 to 1983.

When Congress recently passed a deal to continue funding the government, EPA staff breathed a collective sigh of relief. Surprisingly, a coalition of Democrats and moderate Republicans had tempered the EPA's cuts to a 1% reduction, far less than the 10% many anticipated.⁸⁸ This cross-party coming together of EPA supporters in Congress was able to stave off an early budget-cutting push like that with which the Reagan administration began. Provided it can be repeated, this same alliance, keeping alive the long legacy of pro-environmental bipartisanship, now poses the single biggest challenge to Trump's anti-environmental agenda, starting with its FY 2018 budget proposal.

Our interviewees are not especially hopeful that this coalition can be sustained and the skin-and-bones budgeting and other anti-environmental plans of Trump and his allies be stopped. After all, in the Republican Party that controls today's Congress, bills have abounded to stop EPA rules, "reform" its use of science, even to abolish it entirely. Republican moderates as well as conservatives willing to speak favorably about this agency and its mission have become much fewer and further between. One staff member speculates that the Trump administration may have conceded the FY 2017 budgetary fight in order to concentrate on the later one, which it considers the more decisive battle. And several note this recent legislative reprieve also did nothing to halt other initiatives underway inside the agency itself.

Not garnering nearly as much media attention, but immediately alarming agency staff, were the ongoing responses to Trump's executive orders. Some offices began lengthy reevaluations of Obama-era rules for greenhouse gases, mercury, and fracking. The more sweeping EO's, 13771 and 13777, have forced an agency-wide scramble. Committees have been formed to deliberate what two rules may be terminated to allow for required new ones, whether impelled by court orders or a

⁸⁸ Ari Natter and Jennifer Dloughy, "EPA, Clean Energy Spared Trump's Ax in \$1.1 Trillion Budget Deal," *Bloomberg* (May 1, 2017), accessed 5/14/2017 at <https://www.bloomberg.com/news/articles/2017-05-01/epa-clean-energy-spared-trump-s-ax-in-1-1-trillion-budget-deal>.

new law (such as the Toxic Substances Reform Act of 2016). Public hearings have invited new commentaries on which rules should be kept, waived, or lifted.

Most worrisome for many agency employees has been the push to reorganize, authorized by the “blank check” (as one interviewee put it) of EO 13781. Across the agency, every office has to devise its own reorganization plan that will meet OMB goals for it, as set out in an April 12 memo. Interviewees differ on just what these goals are—whether to meet or only move toward the workforce size set out in the OMB FY 2018 budget proposal. But clearly the requested plans must involve, as the memo puts it, “near-term staff reductions.”⁸⁹ And the plans are reportedly set to have impacts by September, even before Congress had settled upon the budget for FY 2018.

[Trump proposed a budget reduction for the agency of 31%, the biggest cut of any major federal agency.]

With these reorganization plans, to be sent to OMB by the end of May and finalized by June, the devil lies in the details. For one thing, to maximize the savings from departures, planners must meet their staff reduction goals by the end of September, when the next fiscal year begins. The prevailing hope seems to be that enough staff can be persuaded to leave on their own, either through Voluntary Early Retirement Authority (VERA) for staff over 50 and with at least twenty years of experience, or if not, through a buyout of \$25,000 under the Voluntary Separation Incentive Payments (VSIP) program. This hope doesn’t seem very realistic. The bill recently passed to keep the EPA and other agencies open through September includes no money for the VSIP buyouts. Nor is the track record of early retirement programs at the EPA very encouraging. According to one interviewee, only about 5% of those offered typically take advantage of them. Buyouts and attrition might whittle the EPA workforce down by 1000, given current conditions at the agency, but certainly not by the 3200 that OMB wants.

Following this logic, some of our respondents have concluded that to meet the White House’s staff reduction goals, [significant numbers of employees will have to](#)

⁸⁹ Memo sent April 27, 2017, in possession of EDGI.

be fired. In their view the agency is headed toward something much talked about during the Gorsuch years but which never occurred on the threatened scale: the dreaded “reduction in force,” or RIF. If the Republican Congress does approve a FY 2018 budget for the EPA that even approaches what Trump has proposed, RIFs seem a likely next step.

Reorganization remains in the planning stages, unfolding through carefully guarded negotiations between upper-level staff and the administrator’s office, with everyone else left in the dark. Career staff have been forced to take responsibility for formulating these plans. This is not unusual for a transition; putting in a new set of over twenty Assistant Administrators (AAs) to replace acting ones from the career ranks often takes many months. What is unusual is this administration’s aggressive designs on agency structure and resources, as well as the length of time over which the acting AAs will probably remain in charge.

As of the end of April 2017, none of Trump’s AAs for the EPA had even been nominated; by late May only one had.⁹⁰ This historically slow pace of political appointments has worried even transition team leader Myron Ebell, who fears the administration may be wasting its “opportunity” to curb the agency.⁹¹ Our interviewees blame it on how unappealing these positions must seem: “What person wants to give up their business job, come to EPA with absolutely no core experience in the area you’re running—air, water, whatever—dismantle an agency or try to run a program with no money and no staff...?” The Trump administration, however, has also been slow on political appointments to departments it favors.⁹²

⁹⁰ Kevin Bogardus, “EPA: Trump Team: Big Ambitions but a Thin Lineup,” *E&E News* (April 28, 2017), accessed 5/14/2017 at <https://www.eenews.net/greenwire/stories/1060053753/search?keyword=Epa+political+appointees>; Sharon Lerner, “Donald Trump’s Pick for EPA Enforcement Office Was a Lobbyist for Superfund Polluters,” *The Intercept* (May 24, 2017), accessed 5/26/2017 at <https://theintercept.com/2017/05/24/donald-trumps-pick-for-epa-enforcement-office-was-a-lobbyist-for-superfund-polluters/>.

⁹¹ Arianna Skibell, “EPA: Pruitt’s ‘Political Ambition’ Could Imperil Overhaul—Ebell,” *E&E News* (May 22, 2017), accessed 5/26/2017 at <https://www.eenews.net/greenwire/stories/1060054910/search?keyword=ebell>; On average since 1980, Deputy Administrators have been nominated an average of 104 days after inauguration: Association of Air Pollution Control Agencies, “Timing of U.S. EPA Nominations & Appointments in Past Presidential Transitions” (January, 2017), accessed 5/26/2017 at http://www.csg.org/aapca_site/documents/AAPCA-TimingofEPANominationsandAppointmentsinPastPresidentialTransitions-1-6-17.pdf.

⁹² Corey Robin, “Think Trump is an Authoritarian? Look at His Actions, Not His Words,” *The Guardian* (May 2, 2017), accessed 5/14/2017 at <https://www.theguardian.com/commentisfree/2017/may/02/donald-trump-authoritarian-look-actions-not-words>.

Whatever the reason, today's acting AAs will mostly remain in charge until late in the fall, to implement any RIFs and other OMB-directed plans executing Trump's early orders.

The dearth of political appointees has stirred widespread guessing games about what the leadership wants, and whether, intentionally or not, it has turned Pruitt's efforts to control his employees into a recipe for "near paralysis." The bottlenecks began with the agency's long-standing commitments to public outreach. Though an early ban on outside communications quickly proved unworkable and was loosened, a "clamp down" continued. Employees got the message: "[Don't do anything that's gonna get media coverage or attention. Don't do anything without making sure...that we know about it.](#)" Even informational webinars such as "[here's what happening with harmful algal blooms](#)" had to "go through the administrator's office." As Pruitt's office has also sent word of wanting to approve much else—for instance, "[regulatory enforcement efforts, permits, agreements, etc., no matter how routine](#)"—the backlog there worsened.

[*Among several with whom we've spoken, the shock and uncertainty expressed early on has given way to a more emotionally tinged resolve.*]

Caught in the crosshairs of initiatives aimed at their work and job security yet also paralyzed by this paucity of direction, EPA employees feel like they have entered "[a very different world.](#)" Morale has nosedived, with one interviewee describing it as "the lowest since I started [at the agency]". In many corners, staff walk around "openly dismissing and mocking the environmental policies of the administration." In others, especially those nearer the Administrator's office, "[everybody's afraid so no one pushes back, nobody says anything.](#)" Caught in-between are the acting AAs from the "old regime," charged with planning and probably also carrying out the new directives. They "[are under tremendous stress, and their hearts are broken, and you can kind of see the torture on their faces, like how do we do this?](#)"

These circumstances have confronted EPA employees with wrenching choices. Some have decided to leave; many more are now thinking about it. While most departures have happened quietly, at least two former staff have found media

megaphones for their grievances. Facing the dismantlement of the Environmental Justice Office he headed, Mustafa Ali drew significant coverage when he resigned in protest. He “just couldn’t sign off on” what he saw as “a concerted effort to roll back the positive steps that many, many people have worked on through all the previous administrations.”⁹³ Twenty-five year EPA veteran Mike Cox, leaving his post as climate change advisor in the Seattle region, fired off a lengthy point-by-point criticism of the Pruitt regime that caught the eye of a *Washington Post* reporter.⁹⁴ He accused the new Administrator of “hav[ing] no intention of engaging with EPA staff and working together to accomplish what Congress and the American people have entrusted us to do.”⁹⁵

The vast majority of EPA employees, however, have stayed on—even more so than at the start of the second Bush administration, one interviewee told us early on. Many feel they have little choice. Whether mid-career professionals facing mortgages and college tuition payments or late career but not yet senior enough for full retirement benefits, they do not think they can risk another job search. At the same time, dissent does not come easily to many there. This white-collar workplace does not especially prize boat-rocking or outspokenness; its ethic is more that of the professional civil servant, quietly and competently laboring on the public’s behalf. Not surprisingly, our interviewees reported significant self-policing. Early website changes most likely owed more to anticipation of what Pruitt might want than any formal directive. Inspectors may well already be refraining from monitoring and enforcement of rules being targeted for reconsideration, like that for controlling methane emissions. Other staff are gritting their teeth and working with the newcomers or else keeping their heads down, to sustain as much as they can of their own sense of the agency’s mission.

As the sheer extent of the Trump assault on the agency and its mission has become clear, however, our interviews suggest a new combativeness has settled in among many who remain. Among several with whom we’ve spoken, the shock and uncertainty expressed early on has given way to a more emotionally tinged resolve. Among other manifestations, in a workforce still strongly inclined to identify with

⁹³ Dennis Brady, “EPA Environmental Justice Leader Resigns, Amid White House Plans to Dismantle Program,” *Washington Post* (March 9, 2017), accessed 5/6/2017 at https://www.washingtonpost.com/news/energy-environment/wp/2017/03/09/epas-environmental-justice-leader-steps-down-amid-white-house-plans-to-dismantle-program/?utm_term=.a2d1331c92f3.

⁹⁴ Joe Davidson, “EPA Staffer Leaves with a Bang, Blasting Agency Policies under Trump,” *Washington Post* (April 7, 2017), accessed 5/6/2017 at https://www.washingtonpost.com/news/powerpost/wp/2017/04/07/epa-staffer-leaves-with-a-bang-blasting-agency-policies-under-trump/?utm_term=.bee1c34398ed.

⁹⁵ Letter of Mike Cox to Scott Pruitt, March 31, 2017, in EDGI’s possession.

upper-level management, unions may be gaining traction as vehicles for dissent. Pruitt's staff, well aware of this potential, have reportedly sought to forestall it by seeking to shut down the EPA's Region 5 office in Chicago, whose union helped lead an early campaign against Pruitt's appointment. But such threats have not deterred other union groups from stepping beyond traditional concerns with wages, benefits, and individual grievances into other kinds of protests. Region 9 chapters have criticized the "chilling effect" of an internal ethics "on the First Amendment rights of EPA employees," and Washington-based locals have held rallies against the proposed cuts and joined marches on behalf of science and climate justice.⁹⁶

[*"I think there's a general consensus among the career people," one tells us, "that at bottom they're basically trying to destroy the place."*]

In the congressional battle over the FY 2018 budget, the Trump/Pruitt administration will enjoy considerable advantages over its Reagan/Gorsuch counterparts. Not only do Republicans now control both houses of Congress, an anti-environmental animus now prevails across most of the party. With Republicans heading all House and Senate committees, only the worst impropriety or scandal seems likely to spur congressional hearings like the spate that dogged the Reagan-era EPA to bring down the Gorsuch regime. And yet the Trump administration has thus far not shown much adeptness at bridging the yawning divide in its own party. Hard-line conservative Republicans remain dead-set against the agency, but a few moderate Republicans have joined with Democrats at least a couple times to support the agency, and to fend off at least one effort to revoke a key rule on methane emissions on leased federal land. If this alliance can be strengthened and sustained, the handful of Republican moderates may come to wield a pro-environmental counterweight disproportionate to their small numbers. The extent to which they do so will determine the fate of the Trump administration's budget for the EPA in FY 2018 and subsequent years, and the future of the agency itself.

From their front row seats, many agency veterans now think they see a gathering

⁹⁶ Kevin Bogardus, "EPA: Seeing 'Chilling Effect,' Unions Push Back on Ethics Memo," E&E News (May 9, 2017), accessed 5/26/2017 at <https://www.eenews.net/greenwire/2017/05/09/stories/1060054278>; "Chapter 280 Rallies in Support of EPA," *NTEU Bulletin* 74(2)(April 2017), 4.

profile of the Trump administration's long game: to abolish the EPA. "I think there's a general consensus among the career people," one tells us, "that at bottom they're basically trying to destroy the place." Another, working in a different office, elaborates: "I think this is just phase one.... I think there's a much bigger master plan [discernible] if you read into what came out of restructuring...we're going to be structured out. I think they're either going to break us up again and send us back to the ...programs we came from, or combine us with Energy or strip even further programs from us so that there's just a real exceedingly small base that's doing this work. I think the plan is to get rid of EPA."

VIII. CAN THE EPA SURVIVE?

Can the EPA, the chief steward of America's environmental state, survive? Under the current challenges, not just its viability but its very existence seem to be at stake. Our two parallel episodes from recent history offer insights into how this threat can most effectively be mitigated.

In the short run, for Congress to turn back the proposed FY 2018 budget cuts and other anti-environmental and anti-science bills now brewing, Democrats need to figure out ways of enticing pro-environment Republicans into steadier alliance. In today's hyper-partisan era, when politicians often find it far easier to play to base constituencies, compromise may seem a tall and nearly impossible order. But it bears remembering that not so long ago—indeed, through most of the EPA's half-century of existence—bipartisan backing for its mandates and work came far more easily. As for Republicans, some of their leading lights created, built, and led this agency. And former Republican administrators, now deeply worried about the radical anti-environmentalism of Trump and Pruitt, have started speaking out in defense of the agency and its mission.⁹⁷ Today's Republican politicians should embrace their older, more genuinely *conservative* legacy, of environmental care.

Current EPA employees also have critical roles to play. Working from within, many of them have resolved to do their utmost to sustain what is most vital to current environmental programs, and to ensure the agency continues to fulfill its many missions and upholds the nation's environmental laws. Given all the circumstances now aligned against them, it is unlikely they can sustain the important work they do without outside help. Our historical comparisons underscore how much they need support and supporters, more so now than ever before.

As with the early Reagan years, notice of destructive or corrupt goings-on needs to be conveyed out from the EPA's own corridors and offices into the light of day. Committees in Congress may well show little interest in hearings until after the

⁹⁷ Ruckelshaus, "A Lesson"; William Ruckelshaus, Lee Thomas and William Reilly, "Three Republican EPA Administrators: Trump Is Putting Us on a Dangerous Path," *Washington Post* (May 26, 2017), accessed 6/3/2017 at https://www.washingtonpost.com/opinions/three-republican-epa-administrators-trump-is-putting-us-on-a-dangerous-path/2017/05/26/10060ad2-424b-11e7-9869-bac8b446820a_story.html?utm_term=.49dec371ef7f.

2018 midterm elections, when the Democrats could win back the House. But the rise of the internet has greatly improved the ease with which documents can be leaked, and word spread. With an increasing number of media outlets, stories have many more avenues by which they can break. We hope our own interviewing and website monitoring at EDGI will also provide continuing channels and insights. Journalists, environmentalists, affected communities, and everyone else with a story to tell about the coming cuts and their fallout need to resist the distracting bait of this administration’s twitter-fueled smokescreens, and to get busy. They need to keep eyes out especially for the collusion and corruption that so often follow when regulators become too intent on “partnering” with the regulated. After all, it was revelations of “sweetheart deals” with polluters, political appointees profiting from conflicts of interest, and lax enforcement of toxic waste laws that undermined Gorsuch’s reign at the EPA.

[...Americans may all need a crash course in all the EPA has done for them over the past half-century.]

And especially if a Republican-controlled Congress cannot be persuaded to extend an ear, efforts to slow down or halt this multifront assault on environmental agencies, science, and laws must turn to the courts. In truth, despite ongoing accusations about “overreach,” most recent rulemakings have been spurred less by machinations within the EPA itself than by court orders and deadlines. As the Trump administration makes its moves—revoking or rewriting rules, likely relaxing enforcement—our judicial system can serve as a final protective bulwark. For that to happen, environmental, science and citizen advocates need to be getting their legal teams ready.

As illuminated by the more recent example of the Harper administration in Canada, today’s defense of environmental agencies and laws also requires ever more explicit public support of the science and scientists on which they rely. Even before Trump, the Harper administration pioneered a conservatism exploiting vulnerabilities that Canada’s environmental and scientific institutions had shared. Now that our country’s counterparts are facing a similar challenge, those defending the EPA and other environmental institutions would do well to craft coalitions akin to those that finally defeated Harper, to find common cause with those who uphold the value and vitality of science itself.

And not just them. The mobilizations need to be broader, bringing scientists, environmental groups, and allied professionals together with many others, including those from communities most vulnerable to the toxic, climate-related, and other environmental threats of our own day.

Just what would America be like without the EPA? So that this country doesn't have to learn again, the hard way, Americans may all need a crash course in all the EPA has done for them over the past half-century. That so many daily lives now seem so little troubled by environmental worries reflects the long-building and continuing accomplishments of this agency, its employees, and its work. Without it, or with the EPA reduced to a fragment of its former self, this nation's environmental troubles are bound to worsen. For this agency to remain robust enough truly to protect Americans' environment and health, these lessons need much wider disseminating.

The current assault on the EPA raises another intriguing possibility, of a civic response that also exceeds the bounds of its historical parallels. The cause is certainly compelling: defending an agency that supports the science and enforces the laws on which our own environments and health depend—not to mention those of our children.

Will tomorrow's regulators, scientists, and citizens remember today's assault on the EPA as temporary and passing? Or will they see it as the start of a harsh new era of hands-off government, exacerbating the mounting environmental vulnerabilities that so many Americans face? The answer lies not just with the EPA, the new administration, Congress, or the courts, but with all of us.

IX. APPENDIX: INTERVIEW COMPENDIUM

To offer a richer sense of our interviewees' testimony, we have compiled a set of longer excerpts. These come from 26 of the 60 confidential interviews we have conducted, mostly with EPA employees but with a few from OSHA.

While most of those interviewed no longer work for these agencies, some still do. Initial interviews lasted between one and two hours; we have also conducted shorter follow-up interviews of between 20 minutes and an hour with those still working in the agencies. The vast majority of our interlocutors are mid-to-late career or retired. They include policy analysts and scientists and lawyers, in roughly equal measure. Around a third have worked most of their careers in regional offices; two-thirds at the agencies' Washington, D.C., headquarters. While the great majority are career employees, we have also interviewed a handful of former political appointees.

Given the sensitive nature of our discussions, we've taken great precautions here and elsewhere to protect the confidentiality of our interviewees. To de-identify who said what in this compendium, we've removed the codes for particular interviews, and grouped the quotes only by theme and not by speaker. To further protect our interviewees' identity, we've refrained from offering any particulars about their jobs, offices, or careers, or specific policies or controversies in which they became involved. We've only identified the speakers according to agency in which they worked: unless explicitly identified as OSHA employees, they worked for the EPA. Unless otherwise noted, quotes refer to periods when interviewees were employed at the agency about which they speak.

Note: *Italicized* phrases are used in main report; clicking on [*links within quotes looking like this*](#) leads to where a quote is discussed in the report.

Precedent 1: The Early-Reagan Attack on the Environmental State

[Reagan Transition at EPA](#)

[Resistance at Reagan's EPA](#)

[Reagan Transition at OSHA](#)

[Resistance at Reagan's OSHA](#)

What Ended the Gorsuch Era

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[Overall on the Transition, EPA, Undetermined Date](#)

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[Reorganizations and Other Challenges that May Lie Ahead—OSHA](#)

[Reorganizations and Other Challenges that May Lie Ahead—EPA](#)

Reagan Transition at EPA

“ Anne Gorsuch and her people had a lot of Schedule Cs [staff working for political appointees] and one of them in particular was appointed to find out who in the bureaucracy was not with the president. So, he went down to the list, down.. the official files of all the employee files in the personnel office, and put together a list of people who had ever...showed any evidence of working for an environmental organization, of having worked for a Democratic organization, of having any leanings towards Democratic kinds of things. Any sort of thing that might indicate that they were not with the president. They kept a list. And Schedule A, which is attorneys; they also do not have lifetime tenure. They still don't. Attorneys can be dismissed at will. And during this reorganization process, they were stripped out. They were not invited to continue on and had to go find another job.”

“ I was in...a small staff office, answering to the assistant administrator for enforcement. Handled all the training, handling a lot of the penalty kinds of issues, a lot of the broad policy stuff the Enforcement Office did. When Anne came in, Anne Gorsuch, one of the first things she did was to demolish the Enforcement Office....What they did was they stripped all the attorneys out and moved them to the various program offices, and then basically disaggregated the Office of Enforcement.”

“ ...all I remember is that *when you have that kind of a reorganization everyone—and it's a reorganization, [that] clearly at that time [seemed] with the intent of removing the strongest environmental performers—[that] everyone seems vulnerable.*”

“ What that did was two things—first, it stopped all enforcement. The enforcement cases just—there were no attorneys to work on them; everybody's confused, everybody's confused, didn't know what they were doing. Second thing it did is it left me alone basically as a career guy non-attorney working for political people in the middle of the Gorsuch time, when the Democrats had control of both houses of Congress. We're doing all kinds of inquisitions and stuff for Anne. ”

“ ...at the time it was very clear that the effort was to take some particularly strong environmental players and neutralize them. ”

“ ...there was some support during that time – even though there was some negative in Washington – 14 of the 19 political appointees *were business executives* that Gorsuch brought on of all the appointees under her for like heading up air and water and everything – her immediate staff – *not a single environmentalist among* any of the 19. ”

“ ...morale? It was awful, it was really bad. Everybody knew. ”

“ So there's very weird *cast of characters, none of whom had much qualifying experience and who definitely didn't seem to be interested in trying to advance EPA's role as an enforcer of environmental laws.* ”

“ She [Anne Gorsuch] was a pretty extremely—she was a very very unpleasant person and she would get extremely angry. ”

“

[On Gorsuch's first speech to the agency:] *We're going to do more with less and we're going to do it with fewer of you.' She basically just – there was just a shot across the bow, met with silence. There was no feigned applause to it* or – and it was just like, wow, that was something. I think we had, through her – the news about her background and her confirmation hearings and things like that, there wasn't a lot of optimism I don't think that it was going to be great, but *she definitely went out of her way to send us a message.* Message sent, message received.

”

Resistance at Reagan's EPA

“

EPA was leaking like crazy. Again, a Democratic congress, a Democratic senate. John Dingell was in charge of a really important committee up there in the House, with subpoena power. People were *leaking like crazy, sending all kinds of stuff out...*

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“

We had quite a network of people [who] had been with the agency since the beginning and were really amazed... at what was happening [to it]. Surreptitiously banding together, they dubbed themselves].. "the underground" [and would share information and strategies over beers down the street from EPA's then-headquarters at the Waterside Mall].

”

Reagan Transition at OSHA

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So I was assigned to work on cotton dust, and this man, who is now deceased ...was telling me what conclusions I should come up with when I

reviewed the science. I asked him, "Well, how are you coming up with this?" He actually pulled out this piece of paper that the industry had written. So he was looking at what the textile industry had written as their wish list and was basically using that as his guidance to me. Well, I wasn't going to go for that and I didn't.

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It [was] very distressing to be—go from working for somebody who had a real passion for occupational health...for public health to somebody who was so terrified that he was willing to—he was actively trying to figure out what the industry wanted. And he also was pretty incompetent.

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“

...if the new administration didn't want to regulate anything, then something that was a carcinogen at one time wasn't later like formaldehyde for example. All of a sudden, the agency had a policy that where in 1980 it was carcinogenic, in '81 it wasn't... the Deputy Assistant Secretary for OSHA, Mark Gowan, who I think was detailed over from the CIA as I recall, he had a meeting with John Byington who was legal counsel for the Formaldehyde Institute and at that meeting, these two attorneys decided that formaldehyde wasn't carcinogenic, so that became OSHA's policy so it doesn't make any difference what the scientists had to say in the agency or anyplace else.

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“

I got this two-week notice I was being removed from the Civil Service for writing on agency letterhead that IARC needed to re-evaluate the data on formaldehyde, which they did in six months and concluded there was sufficient evidence. They've never done that before that and they never have done it after that. Six months later do a new monograph, hasn't happened except for formaldehyde. So I was being removed from the Civil Service for writing to IARC because Thorne Auchter who was the head of OSHA at the time said 'Well, it was their policy that formaldehyde was not carcinogenic.'

So I, of course, fought that.

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“

...it was a very disheartening, depressing time.

”

Resistance at Reagan's OSHA

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...we resisted in a variety of ways. We did file a free-speech grievance through the union AFGE. What happened was that when Thorne Auchter had his first all employee meeting, he said that we weren't to talk about OSHA outside of OSHA. A group of us thought this was a restriction on our protected free speech so we—we were afraid of retaliation so we—excuse me—met with the national union, an attorney there.

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“

She [the attorney] prepared a grievance with the national union, an attorney there. She prepared a grievance for free speech and so I think that we prevailed too. It was pretty exciting. It didn't get a whole lot of publicity at the time, but we did do that. That was one thing.

The other was filing the grievance about contracting out our work and I was the person appointed by the union to investigate it which is great because I was the person experiencing this problem.

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Restoration of Mid-1980s at the EPA

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The savior returns' is one way to put it when Bill Ruckelshaus gets reappointed as the administrator and he makes a grand tour of the regions; *literally it was like night turning into day* and for him to make a grand tour of the region, it had to be a morale-related issue.

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“

I mean, that was *less like a transition and more like a salvation...we watched the Gorsuch crew of people sort of self-destruct and collapse and all leave, there was a huge feeling of relief in the agency.* The general—one of—couple of former employees of the general counsel's office sent several cases of champagne to the general counsel's office when Bob Perry got the boot, and I remember being at that party for several hours. *There's just a really wonderful feeling when Bill Ruckelshaus was announced as the incoming administrator.*

”

1994 and Gingrich

“

You know, I think what really changed was during Clinton, but it was the revolution in Congress *when the House went Republican* and Newt Gingrich and his people sort of became prevalent in everything. I think *it emboldened the industry to try to interfere with the enforcement process more than ever before.*

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“

Yes, so beginning in '83 *even under Reagan and extending through the first President Bush who had Bill Reilly—even under the Republicans—there were administrators who were respected as environmentalists and you had a*

Democratic Congress most of the time protecting the EPA. The real switch came in 1994 when you had a very hostile Republican House.

”

Obama Administration's Troubles with Republican Congress after 2010

“ These are my observations after 26 years but we have these wonderful environmental statutes that go back to the Seventies, 1980 for Superfund. They were created to address a different set of environmental contamination, a different set of environmental problems, and in many ways, they've been pretty effective despite the controversies...The kind of slow but steady starvation of the agency has meant, and also the partisanship in Congress has meant that no one who cares about the environment wants any of the statutes to be reauthorized because you're going to lose all the strong enforcement that has allowed them to be successful, and so increasingly you're trying to use tools that were created to address Love Canal or address the burning of Lake Erie to try and adapt them to the climate change to alternative energy to all of the problems that face us today. And it's a horrible fit...So that's one of the big structural issues that the partisanship has meant that no one thinks they can pass an environmental statute.

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“ EPA doesn't have the resources to implement all the acts...we've gotten more efficient but resources haven't risen in a long time. So you have to decide where your priorities are.

”

“ I don't remember EPA in the old days being afraid to do something because it would rattle Congress generally, the Republicans generally, a member of

Congress specifically, and I know that's a part of decisions today. ” ”

“ ” The appointees tend to not have the scientific backgrounds that are required for very sophisticated decision making. ” ”

“ ” When we started in the middle/late-Seventies and even into the Eighties, there was just broader support for what the agency did, so the political challenges so to speak were not around. [the questions were] 'How do we do it?' 'How do we fix it?' 'Is it a federal role?' 'Is it a state role?' 'What does that requirement actually look like?' 'But no one questioned the premise of what EPA was doing.'

“ ” Due diligence was done, at least in my view, but that basic level of questioning around the science and around the competence, if you will, of the everyday staff that do those things, it's different. ” ”

“ ” I would like to see a little less having to run every single thing through a 'big P' political levels. ” ”

“ ” ...normally...EPA is run by a bunch of Senate-confirmed AAs [Assistant Administrators]. There were only two AAs who were Senate-confirmed; the rest were never confirmed. I mean it was just—it was unbelievable. Okay, the person who was—the president nominated her to be like the head of our international office. The Senate wouldn't confirm her. I mean it's just—they just decided they weren't gonna confirm anybody at EPA...the new people

who were nominated could not get confirmed by the Senate, which was a really bad situation at EPA for morale....then in turn when we would put out things Congress would say, 'Well these people weren't confirmed,' [laughs] ...yet they're making the decisions...from what I understand from people at EPA, that has never happened like that before, ever.

”

“

I really think one of the difficulties for [my office] during the Obama administration was not having confirmed leadership... And the staff told me that. They said that they felt like second-class citizens, that they just didn't have leaders who had any kind of backing from Congress.

”

“

...the staff 'were' so busy answering FOIA requests from Congress [laughs]- not from citizens who really want to know something but from Congressmen, and just everything they do being under this scrutiny that it affects people's morale, it affects their work habits, it affects what they write down. You're always thinking, okay, is this gonna show up in a newspaper or can we have this discussion? So I mean it shouldn't be that way...*Congress sent a FOIA request that they wanted every email, whatever, having to do with the Waters of the US rule. Can you imagine?* Every—you know, had to search... *It's meant to tie you up and, of course, you have to answer them and, you know, we do have computer systems and everything but it really... It just ties you up in knots.... And it also affects morale because the staff feel like their every word is under scrutiny and then they get paranoid about putting things down or writing things.* It's—I really saw it have a negative affect.

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“

[EPA]'s been on a *starvation diet* or at least a pretty severe diet, resource diet for long time. So this sounds self-serving, but I think you got to sit down and decide, do you really want to do this or not, and if you're going to do it or not,

you've got to provide the resources. I think it's under resourced. So that's something else I would say is I think it—unfortunately you're competing with Medicare, Social Security, and things that we can't say no to.

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“

...never before the Obama administration was there any direct explicit request from Congress to the SAB to provide advice...And so what happened was...When the SAB was considering the agency's science related to hydraulic fracturing, the chair of the SAB and the chair of the hydraulic fracturing panel received a letter from Congress saying we want you—you can see the letter—we want you to respond to these science questions.

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But a lot of them were oddly phrased and very—with implicit assumptions that were critical of the agency science embedded in them...So [SAB] got caught between the house and the administration. [SAB was] forbidden... from even allowing...chairs,...outside chairs, to even acknowledge the receipt of these letters. So the congress people were banging on [SAB's] door...It was paralyzing.

”

“

2013 [was the year of this change]....Before, the Science Advisory Board...had gone to Congress and congressional committees, but it was more in a sort of a standard format of hearings and that kind of thing...fracking...was really a trigger.

”

[For this letter itself, Rep. Chris Stewart, Chair of Environment Subcommittee, to Dr. David Dzombach and Dr. David Allen, May 2, 2013, see (accessed 5/11/2017):

[https://yosemite.epa.gov/sab%5CSABPRODUCT.NSF/D13E4834B644368F85257B60006740FC/\\$File/05-02-2013+Chairman+Stewart+to+Dr++Dzombach+and+Dr++Allen.pdf](https://yosemite.epa.gov/sab%5CSABPRODUCT.NSF/D13E4834B644368F85257B60006740FC/$File/05-02-2013+Chairman+Stewart+to+Dr++Dzombach+and+Dr++Allen.pdf)

“ And so the House Science Space and Technology committee, they originated legislation to change the enabling legislation [for those] sitting on the SAB to make it more of a representative FACA [Federal Advisory Committee]...So you'd have different representatives of industry and states...right now there's no sectoral stipulation. It's just a science committee. ”

Reagan vs. Trump

“ The stuff that happened in the early '80s eventually came out because John Dingell and Henry Waxman and others really started digging into it and they were calling hearings, they issued subpoenas, they really got big document dumps on things, and eventually the story started to come out and things unraveled and the system corrected itself and that isn't there now. There is nobody going to call a hearing about anything that happens now. ”

“ ...you can say what you want about Reagan, but this Trump and his minions, they're just a totally different animal. ”

“ (February) so if...Bush 1 to Clinton seemed relatively seamless then Clinton to Bush 2 was more marked. Bush 2 to Obama was sort of like that and then this is like another order of magnitude different. [also quoted here] ”

“ (February) this is unlike any transition I've been through...on so many different levels...Like do we have a president who really believes in democracy? We have not had to deal with that before. Then on another level down, he said nothing to say about EPA other than bad. So you are starting off with a lot

of—there's a lot of overt hostility which we've never had before. Obviously, by comparison the Bush 2 years were sweetness and light. So that, just having this situation is unprecedented in my experience. I guess is—because I wasn't around for the early Reagan years I'm at those were pretty bad too and I don't know, but—and Reagan—but Reagan was still like it within the realm of—he believed in government and he understood that we had a Constitution. I'm not sure that Trump does.

”

“(February) Well, actually not that much as happened yet. It may not—it's—because when I talked, I've talked to a number of people and that's generally the reaction I get.

”

Transition Team

“ The transition team at EPA hardly talked to anybody.

”

“ They didn't seem to do much. It took them a long time to figure out who they were and then they didn't seem to do much when they were there. It was kind of amateurish.

”

“ These guys, I think were just there as mainly think tank types. I think they—so they've worked sort of at this level, but they don't really know the agency that well. They probably didn't know what it was that they needed to do.

”

Beachhead Team

“

...the head of the beachhead team...[is]... much more of an outsider—they are not people who most of them have spent their careers even on the industry side of this. I think they're much more ideological... there's a foundation guy and there was a state senator from the state of Washington and there's a Republican guy from the Hill, but they are—they're much more people coming in who don't know the EPA world in like a lot of detail, but they probably think it's a bad thing, but they don't know that much about it.

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“

The team, the landing team or beachhead team or whatever they heck they're calling them, they had all kinds of teams coming over and the staff, the career staff. were asked to explain even the most minute rules. So for instance, those criteria I was talking about, which are totally science-based, they were questioned about those; well what's this criteria for cadmium that you want to release and what's this and what's this?

”

“

I've heard [that] some members of the transition that my senior managers have talked to [seem] just fine to work with. No problems, seem pretty level-headed, pretty smart. [But] there's a few that are just crazy, just in terms of their human interactions with people.

”

“

[OSHA] They're calling themselves the Beachhead team. I'm thinking, 'Are we [the career staff] the Germans on the beach?' Are they saying that they are storming a hostile beach against the odds, and that they're going to have a decisive, tide-turning victory? Why are they using winner/loser language?

How are we supposed feel about that? „ „

“

[OSHA] The first thing that I remember hearing about the new administration was that they sent a single person to DOL who showed up with a notepad from his hotel room. We all laughed. Then I said, "Well, maybe that's good. Maybe that means we're not a target."....Then I heard the first group came over. Supposedly they sent over 12 or 13 people who were all "babies"—all under 30. Some of them knew broadly what Labor does, but were definitely not subject matter experts." „ „

“

The transition team and the Administrator's team create a massive amount of concern for EPA staff. Their professional backgrounds and obvious disapproval of EPA's traditional mission is frightening. Staff has gone through a period of shock and is, hopefully, re-focusing their efforts on protecting human health and the environment. „ „

Early Political Appointments

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...there are some politicals that have shown up, not a great many... they're few and far between. They attempt to be friendly and smiley. They haven't done very much, and more importantly there's not many people there. The ones who are there are pretty much Hill staffers, may or may not—...They may or may not have a particular level of experience in what they're being asked to do....They're traditionally either on the very old side or on the very young side... „ „

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“One woman they brought in to head an office had a staff meeting and told everyone, ‘If you’re going to go after the queen you’d better be a very good shot.’ That is a very arrogant thing to say...It looks like everybody they have brought in had something to do with the Trump election process. Some of them have been unemployed for chunks of time. It’s not like you’ve got this high level of professionals.”

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“

We were surprised and dismayed when it was announced that the new EPA Chief of Staff, and several other staff, had worked for Senator Inhofe... one of the harshest critics of EPA and the most vocal climate change denier in Congress. This sends an unmistakable and disturbing message to EPA staff that [Pruitt has] no intention of engaging with EPA staff and working together to accomplish what Congress and the American people have entrusted us to do.

”

Relations between Early “Politicals” and Career Employees

“

...they give you this kind of opening speech like we want to work with you type thing. But just the tone in which they present it, it's very clear they're starting out with there's you and us. There's never this feeling that we're a team, we're excited to be here. You know, there's always a comment we acknowledge your experience, we acknowledge your commitment, and we want to work with you, but it's always that what do you mean you want to work with us? You do work with us, we work for you now. I mean that whole concept that we are actually working for the same thing is not there. It's not evident in the conversations that are happening.

”

“ ...when you keep sending a message out that says something to the effect the budget process is just starting, it will go through many iterations. Please don't be alarmed and please just stay focused on the important work you do. That is like the last thing someone wants to hear because it's also like this is top secret budget stuff so I'm sending you a note, I'm telling you nothing except there's some top secret thing that we're not going to tell you, and we don't really want you to be overwhelmed by what you read in the press even though it's true, and when we get around to telling you we'll tell you but in the interim slug along like a snail and pretend like nothing's happening. There have been like three different messages like this, which I think is ”
disgraceful, absolutely disgraceful...”

“ They've done some other things we think, well, they're really not afraid of pissing people off...”

Early Proposals and Initiatives

“ [early March] I mean, there's kind of a clamp down on outside communications, which is a process thing that makes things a little more difficult. But I guess maybe we need to wait a little more time because even though we have an administrator we don't have assistant administrators yet. And I don't want to pre-judge that whoever we get is not going to do a good job because I've been surprised before. So it's hard to know exactly how that's going to turn out. I think day-to-day, other than budgets being real tight and the communication flow, most of this stuff is kind of business as usual for now. But then again, I'm not in the climate change area.”

“ “....the first thing the administration did, they put a freeze on the grants and then they realized, oops, those are the grants that fund states. So they quickly—they put those back. [Laughs]... I think now they might all be back, but I'm not sure that all of them are but the states one because the states complained. ” ”

“ “[March, OSHA] What I heard was that they basically said two things. One, this is not business as usual. That was the phrase, "This is not business as usual." Two, no surprises, we don't want any surprises. [Don't do anything that's gonna get media coverage or attention.](#) [Don't do anything without making sure](#)—anything significant without making sure *that we know about it*. In the beginning they were like, "We want to know about any external meetings you're having.” ”

“ ...one of the things that they knocked off immediately was some the stuff we were trying to do on methane emissions at gas wells primarily [using FLIR, or infrared, cameras that show leaks]. ” ”

“ ...well the webinars have to get approved because EPA does a lot of webinars for information... for the first month I don't think they were allowed to do any of them. Now they're—they can do them if they're approved by the administrator's office... The administrator's office never got involved in webinars under Obama, ever. I mean this is like, you know, here's [what's happening with harmful algal blooms](#), that's the webinar or, you know, how to protect your drinking water sources... informational. All communications have *to go through the administrator's office*, even the most basic ones. ” ”

“ We've hit a period of near paralysis. The Administrator and his immediate have sent the message that they want to approve regulatory enforcement efforts, permits, agreement etc., no matter how routine. A significant amount of time is spent briefing issues with little resolution and without opportunities to. Interact with the new decision makers. ”

“ I think some of these things they are proposing, they are not only outrageous but they are not achievable in the timeframes that are being designated. When this started Trump was very clear that people would leave through attrition. Well that's clearly not the case when they're mandating that all these people be off the roles by the end of September. ”

Scott Pruitt

“ I did watch parts of his confirmation hearing and this is sort of an interesting—one thing he talked about a lot was adhering to the rule of law. Now I think, and you can do a lot of things to undo what EPA does and still be adhering to the rule of law and he was actually using it against the Democrats because the Republicans feel like the Democrats...overreached in some of the things they've done. ”

“ Here is a guy who doesn't believe in climate change. Well, that's one thing. And you've sued the agency 14 times, ok. But he's still one person versus 15000 people. Right? And not a whole lot of other bodies around to support him from what I can see so he can dictate and try to affect change all he wants, but these people –let me tell you they're gonna go underground. ”

“ ...just looking at the stories that are about how Pruitt has sued the agency so many times and other things that he's done when he was in Oklahoma in the AG's office, I don't have a lot of optimism that it's going to be a—he's going to have a conversion anytime. I think he's got a very specific agenda and is going to try to get it implemented as far as he can.”

“ [Pruitt has] had several speeches and interviews over the past several weeks where [he] continue[s] to demonize EPA, and by association EPA career staff.”

“ ...he's not been there much. He has been talking still to his core constituencies, the governors, the local and local counties—particularly western states. He went to the Governor's Conference, he only talked to governors from western states. He did speak at ECOS [the Environmental Council of the States] recently.”

“ I don't believe he's met with any environmental groups to date, so he's still kind of sticking with his core business, government groups. He was supposed to be doing an Earth Day event in Dallas at a baseball game, throwing out a baseball which was being sponsored by Scott's Turf Builder fertilizers and when they finally realized that, he's not doing that event.”

“ I have heard third or fourth hand that when meeting with him [Pruitt], you can't take pen or paper into the room to take notes. [This person also notes that in Pruitt's eyes] We are the enemy.”

“ There's a premium on, I would say secrecy. Meaning senior managers that are going into meetings with Pruitt.... aren't [allowed to compile] written materials. They're asked not to take notes, not to take a computer in and type notes... Everything is just verbal. If it's just verbal, then there's no record that you can get a FOIA to see what happened. ”

“ I haven't met him, but from what I've read and heard from the get go, he seems to be very untrusting. He may have a good reason for concern, I don't know. He's requiring 24/7 protection. That's a first... We have criminal agents, 1811's, that's a job series, who carry guns and they investigate and prosecute environmental crimes. They work in the Office of Enforcement and compliance assurance. We have a separate criminal enforcement unit and they're the ones who are providing the 24/7 protection. This duty will detract from their ability to pursue violations of environmental laws and regulations. ”

“ Pruitt is requesting in the 2018 budget that he have a security team, 24/7, made up of 10 people because he feels his life is I guess at risk because there's such internal hatred at EPA. This is scary and unfounded. ”

“ [Pruitt's] remarks that EPA has not been paying attention to process or rule-making are not consistent with the experiences of many EPA staff, me included. I can provide you with dozens of examples, in Region 10 alone, where we have participated in extensive public engagement with states, Tribes, communities, and industry. These types of statements indicate to us that [Pruitt and his] staff do not understand the fundamental work we do at EPA. ”

Pruitt's First Speech to the Agency

- “ In terms of his first speech, *it clearly was a rewrite of something he had said from Oklahoma. It really wasn't customized at all to EPA* or talking really about the issues, it clearly was a political speech. The fact that there really weren't employees in the room, that he took no questions, is unprecedented.”
- “ When he got confirmed, an email went out to all the staff saying there's going to be a thing in the green room, which is over on the third floor, it's a really nice old, mahogany room and everything else, big place, marble floors, beautiful room; that if you want to attend, you RSVPed to this email and then we'll let you know on the morning of whether or not you've been selected.”
- “ So virtually everybody who got that email RSVPed to it and wanted to go. Nobody got invited. Nobody....They made it available on the internal TV system and they had the camera set up behind a group of people so you could see the back of the top of their heads and then the podium. One of the people who was there told me that the back part of the room were *some other kinds of invitees and some press people* and up in the front was maybe 30 people who were all very senior employees who are ... all the people who are currently acting as his administrators and deputy assistant—they're career people who are in these acting positions until the administration nominates somebody and they get confirmed to come in as the political appointee. So it's like 30 people... They knew that these were people that nobody would ask any questions, nobody would try to embarrass them. They all have the script. So they stood up and applauded and he came on and he spoke for a little bit and then that was the end of it.”

“

I can say that many of us were seething after watching his speech. Well, watching it 'live' from the EPA TV. Junior staff were not permitted to attend in person. All staff were provided with the opportunity to rsvp to attend but apparently the rsvp list was reviewed with a fine toothed comb so only those certain to not cause a disruption during the speech, would be there. I assume that means old people with suits (which is what we saw on the EPA tv while watching the speech). Yes, I too was wondering when he would mention human health. Apparently never!

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“

[why this employee did not watch it:] It's predictable what he was going to say anyway. It wasn't, to me, going to be anything new. More just the fact that they like to talk about the fact that they're simplifying, and following the law, but it's...doublespeak. It's hard to stomach that when you know what he really means behind it, and you have a mission that you're supposed to be upholding in the agency. [And you know that what he's going to say is] not consistent with that mission.

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Trump's Visit to the EPA

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[Pruitt] was there with the Trump people and that was I think one of the most awful disingenuous things that Trump ever did—come to EPA. And bring in these poor coal miners who stood on the stage for I don't know—in new clothes that obviously were not clothes that they wore. They had like these khaki pants and blue shirts. We kept looking up there and saying who are these guys? That's another event where staff wasn't there...."They sent all the people home who worked on the first floor, they did massive security in the east building. They shut down all these elevator banks for the entire day. I mean it was quite the sweep. They had people with guns standing out there on 15th Street.

”

“ That was just, that was beyond painful because the mass mailer that they sent out like 15 minutes beforehand, we're having VIP guests and this is happening at two o'clock and all this.... But the mass mailer said it was about a new energy program, growing America, growing jobs with energy. All the speeches up there—growing America, growing energy, jobs—not one person said anything. It was about basically dismantling the whole climate change program. The word climate change was never used through any of it. It was all about climate change. It had nothing to do with energy. It was all about climate change. And I just thought how, you couldn't find any more neutral location, you had to come here? I mean I just thought talk about throwing salt in people, and we're so honored and privileged that the president is here to abolish our programs? I mean I don't know how they put their head on the pillow at night. ”

“ Nobody was invited to the thing when Trump came over which was as in your face, insulting thing as I've experienced in my time here when he came over to sign the executive orders on the climate thing... there was no career staff. In fact, one of the people who had gone to the other thing that Pruitt had done was afraid he was going to get invited to it and he was relieved that he didn't have the dilemma of deciding whether not he was going or not because he didn't want to go, but he knew that if he was invited to it he might have to. So I don't know who was there, but there was no—there were no EPA people there, but he was compelled to come over here and kind of do that. ”

“ The email headline that greeted EPA staff on Tuesday March 28th was “Our Big Day Today”. The question many of us had was who is “our” referring too? Was it the many EPA career staff that worked for years developing the work that was rescinded or revoked? Was it the EPA career staff that should be

jubilant the President came to EPA to poke a finger in our eye (or as many people indicated to give us the finger)? Was it the fossil fuel industry that will benefit most from the President's action? Or was it the coal miners present at the event who are being given false hope their jobs are coming back?

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“

We were frankly insulted that the President would come to EPA to announce that he is overturning the work to battle the most urgent environmental problem of our generation—climate change. It was beyond comprehension that an Administration could be so arrogant and callous.

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The President is right that we need to help the coal miners who have been displaced and help retrain them for the future. The President is, however, wrong that coal jobs will be coming back after the repeal of the climate change actions. To state otherwise is false and misleading. It is amazing that an Administration that touts itself as business savvy has not done its homework on the market forces at play with coal.

”

FY 2018 Budget Proposal

“

...in terms of the proposed 2018 budget, *in my personal opinion, it's all from the Heritage Foundation's report, almost verbatim...they just literally went through the list and said well this is climate change, boom this goes. EJ we could care less about that, this goes.*

”

“

We were told that [Pruitt] tried to advocate for a smaller reduction in the EPA budget, yet in the end, the budget passed back to OMB had even deeper

cuts. The clear message to EPA staff was either [Pruitt] supported the additional cuts or [Pruitt has] little to no influence with the Administration. ”

On the Congressional Rejection of Deep Budget Cuts for FY 2017 in Late April

“

It was...a nice surprise we were able to keep the funding levels pretty close... The question is, is the same thing going to happen [for fiscal year] '18, where stuff gets restored, or is he [Trump] really serious about the cuts? I would guess he is.... I'm expecting the next three years to be pretty bad budget-wise.

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“

What we appear to be getting in this continuing resolution... presumably is not as bad as people were anticipating it would be, but the shoe is till to drop on the more detailed 2018 budget which is going up sometime in the second half of May. And so if we're going to have to take those FTE cuts that were in the skinny budget, that's nearly 20 percent of the workforce. That's going to be really disruptive and probably just kind of demolish some of the intellectual capital that's taken a long time to build. [[Referenced here](#)]

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“

It appears to me that there was at least, on some people's part, a decision to separate out [the FY] 2017 and 2018 [budgets] and have the big argument over 2018.

Interviewer: So that's really going to be the deciding debate: the decision on 2018 budget?

Interviewee: Yeah. You know, [and also] whether or not there's... another bite at the apple that they've got planned for the 2019 budget. [[Referenced here](#)]

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Problem of Not Having Appointed AA's

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...that's the other issue. We can't find any AA's. *What person wants to give up their business job, come to EPA with absolutely no core experience in the area you're running—air, water, air, whatever—dismantle an agency or try to run a program with no money and no staff.* and you're going to put that on your resume? He won't even put forth any press releases announcing any program, any accomplishment, or anything. He just killed our pesticide ruling.

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I mean I don't have a political boss so I'm just kind of doing what I've always been doing. I think some of the people who are acting as AAs from the old regime are *under tremendous stress, and their hearts are broken, and you can kind of see the torture on their face, like how do we do this?* I really think they don't want employees to be hurt—and frightened but I think they're being hurt and frightened by lack of information.

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He's got no team here other than this small team some so I'm sure he's dealing with all sorts of stuff. They are requiring all sorts of stuff to go all the way up to them that would normally have been signed off on at much lower levels.

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Overall on the Transition, EPA, Undetermined Date

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The nature of the conversation is so very, very different than it was around any of the previous transitions and any of the ins and outs. While I notice

changes in my work I was not personally so anxious about it that I would wake up in the morning thinking about it—like the first thing on my mind. ”

Overall on the Transition, EPA, Early February, 2017

“ Having now grounded it with some other people, because I thought maybe I'm just trying to be Pollyanna here, because I know at the time I thought the stuff that was getting out, gag order and these things were sort of overstated. I actually think by talking to the people, I think that's generally how people feel is let's just—let's not declare a disaster yet. ”

“ EPA, well, it's going to be a test, maybe more than other agencies, I've never worked in another agency, but there is a pretty strong sense of mission at the broad level, protecting the health of the environment. And a pretty strong sense of professionalism and I think that culture is pretty solid and I think that's a plus for the agency. I guess it would be interesting to see if those stand up to the pressures to do otherwise. ”

Overall on the Transition, EPA, February or March, 2017

“ Even more with this transition to Mr. Pruitt—you know, some of the things that I start to notice is the self-policing that people do. Sometimes that's just as dangerous if not more dangerous where people in the region will start to anticipate how things are gonna go and so they'll take a certain directive and they'll make it even more stringent. Just to be safe—just to make sure. I find that is already happening here in my region and the people I work with....It's already starting to feel like it's a very different world. ”

“ [on how EPAers will react]: And they may fill out a chart and they may not go out and do lectures on climate change and they may not update the website, but if you think for one minute they’re gonna stop their passion, stop being an environmentalist, retire because they can afford it or because of their conscience, or go away—you’re wrong. That’s not who EPA is. ”

“ [Pruitt is probably aware of] the current low morale of EPA career staff. I have worked under six Administrations with political appointees leading EPA from both parties. This is the first time I remember staff openly dismissing and mocking the environmental policies of an Administration and by extension [Pruitt], the individual selected to implement the policies. The message we are hearing is that this Administration is working to dismantle EPA and its staff as quickly as possible. ”

“ I, and many staff, firmly believe the policies this Administration is advancing are contrary to what the majority of the American people, who pay our salaries, want EPA to accomplish, which are to ensure the air their children breath is safe; the land they live, play, and hunt on to be free of toxic chemicals; and the water they drink, the lakes they swim in, and the rivers they fish in to be clean. ”

“ In the Regions, we work very closely with our states and Tribes. When [Pruitt] talk[s] about “cooperative Federalism” it implies that this is some new concept and that we are not currently working with our states and Tribes. This is contrary to my experience and that of many others in the Region. It leaves the impression that [Pruitt] do[es] not understand how closely we work with our states and Tribes now. Also, we have not heard [Pruitt] talk

specifically about working with tribes and fulfilling our tribal treaty obligations. Working with Tribes is a high priority for us and one we take very seriously.

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Overall on the Transition, EPA, April, 2017

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We still have laws that we operate under. We still have civil service regulations that dictate how you treat your employees, and unions, and the rule of law, and you just can't kind of come in and have a total disregard for everything and say well it's a new day.

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In terms of the science, *it does not look like we are going to be doing environmental education. I don't think we're going to be doing much science anymore.* This is so different from what we've been doing to promote careers and science and engineering and technology. Trump is concerned about trade equality, Making America Great Again. How can we possibly be on top and competitive with Japan and these other countries if we don't excel in science, engineering and technology?

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Then you've got this whole idea under the regulatory rule that you are going to get rid of two regs for every one you write and you go wow, and then you hear what they're talking about with staffing and disinvesting in research and development. My understanding of the budget is that none of the state grant programs are going to really be touched and those represent like 50%, a fairly high percent and then at least for non-Superfund when you look at 20-24% reduction in total budget without that percent being touched, you kind of go, wow, what is that?

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We've heard that regional offices may be considered duplicative to state environmental programs and should be eliminated or reduced. It's concerning because Regional offices provide front line enforcement work and frequently do work states can't do for lack of resources or won't do for lack of stomach—local industrial and commercial can wield disproportionate influence at a state or local level.

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What I see in my peers is concern and anxiety; we've never experienced a transition like this.

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So I guess the moral of the story is it just gets juicier and juicier. More and more dysfunctional, and there's never, ever, ever been a transition like it ever.... You couldn't make it up. I mean every day, every single day there's one more surreal thing, and everybody is afraid. Everybody's afraid so no one pushes back, nobody says anything. They kind of hem and haw, well have you thought about this, but there's never this—apparently *he doesn't want a blunt discussion which is why he [Pruitt] got rid of the White House guy* because he was challenging him. He doesn't go well for challenge so everybody's kind of tip toeing around.

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Overall on the Transition, EPA, Late April/May, 2017

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People are nervous, especially those that haven't been in the agency long, as well as just job-wise, just because there's going to be a big budget cut that they would be the first to go. So some of the junior folks, they're not sure what to expect.

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What I do worry about is so the concept that rather than suing a company for a violation, you start to just engage in a dialogue, like "What can you do about it?" Maybe not going the litigation route. That's what we're hearing that they want the enforcement office to do.

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I think the sense from the new administration is we shouldn't be going on fishing expeditions asking for all these records from companies because we want to build a case [against them].

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[Anticipating deep budget cuts:] We're doing stuff to try to prepare for it. Training staff to do stuff contractors are doing, ramping down, trying to keep money in the bank to keep us going operationally. Kind of not really developing much new stuff, but making sure we can keep going with what we have.

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...in some ways it's going very slowly. The interaction with the offices—at least the offices that I'm familiar with, is going slowly. [There has been] limited direct contact with the administrator. And I guess there is some contact via email and maybe participating in some meetings via the staffers that he's brought on who tend to—some of them tend to be pretty junior, it looks like and not all that experienced. Certainly not experienced, in the level of issues that EPA deals with on a day-to-day basis. And so it's career managers who are having to make decisions and figure out how to read the tea leaves. At times guesswork on their part as to what it is that the new people want them to do.

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“ [Chlorpyrifos]...the administrator said we're going back to using good, scientific measures, sound science or whatever he said. Lots of scientific studies supported the prior administration's decision to ban chlorpyrifos. I asked somebody from the pesticides office whether or not they had been consulted about that and whether or not they had had any discussions with them about any kind of different scientific evidence that would have led to a change in the decision. And they just said “nope.” *[Laughs]* ”

“ *I think there's a general consensus among the career people that at bottom they're basically trying to destroy the place.* It's just in terms of the all the stuff on rules, organizationally, budget. Trying to take such a big number out that you basically wind up wiping out a lot of your intellectual capital that's been built up and don't give it the opportunity to pass it along to the next generation. ”

Overall on the Transition, OSHA, March, 2017

“ (former employee) Well, I'm currently disappointed there is an alt-OSHA Twitter account yet. That's kind of a bad sign right there that nobody has the courage, feels safe enough to set up this Twitter account and tell people what's happening at OSHA. We are seeing this for the Department of Interior, Department of Labor, the Park Service, and EPA and so forth, but we haven't seen it for OSHA. This is worrisome that people are too scared to tell us what's happening. ”

Reorganizations and Other Challenges that May Lie Ahead—OSHA

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(former employee) And this whole—this whole announcement of for every one regulations you put out, you have to revoke two, regulations can be revoked too. Well, if you have a huge stack of obsolete regulations, that's no big deal, but OSHA exhausted its obsolete regulations a long time ago. People already went through the effort to ... get rid of things that didn't really make sense and they bragged about it. This was during the Reagan era. So the point is, you don't have this—if you have a great big pile of obsolete regulations, then you can draw upon them, but I don't think they have them in this case. So I don't think that OSHA can really vacate, vacate two regulations for every one that it passed. So this is a very bad time, this idea that all regulations are bad. I think it's got to be very rough there.

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Reorganizations and Other Challenges that May Lie Ahead—EPA

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President Trump signed an executive order a couple weeks ago on reorganizations and it hasn't got a lot of attention. It's worth reading. It's a blank check. The heads of all departments are, within 180 days, supposed to submit plans for how they would reorganize their departments. It doesn't really give much guidance on what that would be. So I think you can probably be pretty creative with that. Then they submit their plan within 180 days to the director of the Office of Management and Budget and they have up to 180 days to make any modifications or sign off on it or whatever and then you are going. Coupling blank check reorganization authority with massive budget cuts...

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“ So there could be a lot of organizational changes there, especially when you start thinking, okay, what percentage of all those resources are being sucked up by kind of maintaining the structure that we have. Well, collapse a lot of that and it would be a much smaller and probably much more passive operation than what you've got now. To get those numbers down, they're probably going to have to try to get rid of a lot of the institutional knowledge too, the old-timers. ”

“ To accomplish [a 20% workforce reduction] you'd have to use some amount of buyouts to try to incentivize people who can retire to leave, give them an early out option, if they're far enough into it that they might be willing to retire. And if they don't get enough people that way then they would likely have to look at reductions in force or something like that. Certainly attrition is something that they can do, and they can cut of temporary employees. There's some things they can do easier than others. But it's over 3,000 people, agency-wide. So that's a lot. And their desire is to have, at least what they've said, is to have those people out the door by September 30. And it's not clear to me whether or not they really need congressional approval to get started on that. Because Congress won't sign off on the budget until probably October or November at the earliest because those things always drag on. [\[Referenced here\]](#) ”

“ And to the extent that you get into RIF-ing people [Reduction in Force, the official euphemism for firing people], then you're going to lose the young employees because they have the least seniority and they're going to wind up losing by the rules of that process. So I think you try to buy the old people out *[Laughs]* and then if you don't get enough of them you have to chop off the young ones. That is destroying the future of the agency. ”

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...it's very hard to do things like this until your political people are in place, and they don't have those people. They don't have the high level staff to really start implementing anything other than delaying stuff.

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I know the retirement course that EPA offers are all filled. There's tons of them being offered now. *[laughter]*

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I think people will want to know okay, well what, if anything, are we going to be enforcing for rules that are being reconsidered? I mean if we've got something here and they've already noticed—said—that we're going to revert back to the earlier standard or whatever, then people are probably not going to go out and target a whole bunch of facilities subject to the regulations and start taking actions on them because it's hard to enforce to a standard that's not going to be there anymore. So that's just not something somebody is going to do, I don't think.

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...I had a number of conversations and email exchanges with people that I went through from my old ... *compatriots*, went through the Gorsuch time with. *Without exception, they all thought, as I did, that this could be worse* than that for a number of reasons.

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So the challenge for us is tremendous, which leads me to, you heard it here first—I really do think they will shut EPA down. *I think there's a much bigger master plan which if you read into what came out of restructuring, the*

restructure is we're going to be structured out. I think they're either going to break us up again and send us back to the five programs we came from, or combine us with Energy or strip even further programs from us so that there's just a real exceedingly small base that's doing this work. I think the plan is to get rid of EPA, and I think that doesn't even cross people's minds. I think this is just phase one.

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