

Trump rolls back EPA oversight in Midwest, favoring polluters

11/18/2019 By BRETT CHASE Better Government Association

EPA inspections and staff levels plunge in the Chicago regional office as regulations are abandoned and policy favors job creation over clean air and water. The Midwest is among the areas hit hardest by the cutbacks, with inspections down 60 percent since Trump took office.

SAUGET— Mamie Cosey and those living near this tiny, industrial village on the banks of the Mississippi River spent years wondering what poisons spewed from the three billowing stacks of a waste incinerator plant they all smell from their front porches. Just two days before President Barack Obama left office, his Environmental Protection Agency ordered the stacks continuously monitored for arsenic, lead, mercury and other harmful metals that the 78-year-old Cosey blames for the health problems of her three great-grandchildren. It was a victory that took local environmental groups more than a decade to secure.

But the French owner of the Veolia North America plant, which argues the daily monitoring is too restrictive and unreliable, knew Obama's EPA didn't have the last word. Donald Trump's EPA did. Just two months into the Trump presidency, the plant manager and the company's highly paid lobbyist — a former Illinois congressman — traveled to Washington to meet directly with the new president's embattled pick as EPA head, Scott Pruitt.

A few days later, an email shows, a company lawyer informed federal EPA staff in Chicago that Pruitt himself was personally stepping into the process. "Administrator Pruitt is currently reviewing the next steps in Veolia's permitting process," Veolia lawyer Joseph Kellmeyer wrote to EPA staff in Chicago on March 31, 2017. "I am certain that all parties involved do not wish to proceed in a manner inconsistent with Administrator Pruitt's desires."

Ultimately, the Trump EPA issued a "final revised" permit in June this year that eliminated the previously mandated monitoring guidelines for the plant, leaving Cosey and her neighbors in the mostly poor, black East St. Louis-area community furious and frustrated. "I can't hardly breathe," said Cosey, who cares for three great-grandchildren who she said suffers from asthma, sinus infections and headaches. "For the government to not require them to have a monitor up is ludicrous."

That ruling in Sauget is just one in a string of decisions by the Trump administration to reduce staff and relax or reverse regulation and policies throughout the Midwest, according to a Better Government Association investigation. "This administration has been relentlessly attacking the employees who protect human health and the environment since January 2017," said Nicole Cantello, president of American Federation of Government Employees Local 704 in Chicago, which represents EPA employees. "Science and fact no longer rule here."

Since Trump took office, there are about 150 fewer scientists, technicians and other employees in the Chicago-based EPA offices of Region 5 — which serves Illinois, Minnesota, Wisconsin, Indiana, Michigan and Ohio, according to EPA figures provided by the union. The 945 employees that records show are employed in Region 5 this year falls well short of the 995 positions authorized by Congress, according to figures provided by the union and EPA.

Even more striking are statistics that show Chicago's Region 5 has been hit hard in a nationwide slashing of inspections for air, water and land pollution. Inspections under Trump out of the Chicago office have plummeted by more than 60 percent, while inspections throughout the rest of the nation dropped by 30 percent. The same nationwide trend holds true for enforcement actions, designed to urge polluters to change their behaviors through fines, cleanups and mitigation agreements. That trend is little surprise given Trump's repeated campaign promises to work the levers of the executive branch to free up business and industry from what he says are overburdensome directives from the federal government. The impact of Trump's policies on environmental enforcement has been well [documented nationwide](#).

But the on-the-ground impact in the Midwest is just beginning to be felt by residents in towns such as East St. Louis and Cahokia, which are directly affected by the air in Sauget, pronounced saw-ZHAY. And the decisions — and how they came about — have prompted many career EPA officials to question edicts they say contradict agency science. Among

some of the most notable complaints revolved around a copper and nickel mine in Minnesota allowed to discharge wastewater that some staffers warned threatened the health of nearby waterways that flow into the St. Louis River and Lake Superior, and the controversial Foxconn manufacturing plant in southeastern Wisconsin, which benefits from relaxed air pollution enforcement.

In the Chicago area, Illinois' two senators have demanded an investigation into whether politics played a part in curtailing EPA tests for cancer-causing gases at three suburban Chicago plants. "Political interferences are pervasive," Cantello said.

Cathy Stepp, appointed under Trump to head Region 5, declined numerous requests for interviews for this report. A spokeswoman for her office said the EPA has become more dependent on "state assists" and a reinvigorated self-audit program. As recently as September, Stepp **boasted** in a public appearance that nearly 50 environmental regulations had been rescinded on Trump's watch, which she said saved taxpayers \$3.7 billion. Those regulations included clean air and water protections, rules on hazardous waste and pesticides, as well as landfill requirements.

"Enforcement is an important tool to achieve compliance, but it is not the only tool," EPA spokeswoman Rachel Bassler said in a written statement to the BGA. "We are developing measures to track both informal actions and state assists that result in a return to compliance."

'You Are Hurting My Children'

Even though environmental groups fought for more than a decade to win stiffer controls at the Veolia plant, it wasn't until Trump's EPA began to change course that angry residents organized to begin protesting. The Obama EPA issued the plant a final permit on January 18, 2017 — two days before Trump was inaugurated — requiring the installation of monitors at all three stacks to continuously record emissions of mercury, lead, arsenic and other materials for a one-year period. Previously, the plant would measure its emissions once every five years.

Veolia immediately began the appeal process, records show. On March 27, 2017, the plant manager and company lobbyist — former Downstate Democratic U.S. Rep. Jerry Costello — met with Pruitt, a longtime foe of the EPA and at the time Trump's controversial pick to run the agency. Veolia had fought the new monitoring requirements, under consideration by the EPA since at least 2013, records show. The company argued the EPA restrictions required the purchase of \$250,000 monitors that remain largely untested and are manufactured by only one Oregon company. Veolia's plant manager, Doug Harris, said in a recent interview the company was being unfairly treated because such stringent monitoring wasn't being required at any other hazardous waste incinerators throughout the country.

Records reviewed by the BGA show the agency noted Veolia's history of pollution violations dating back to at least 2006. The Obama EPA cited the urgency of improved monitoring in the East St. Louis area because it was an "overburdened" community that bears "environmental harms and risk as a result of cumulative impacts or greater vulnerability to environmental hazards." Harris downplayed the role his meeting with Pruitt had in rescinding the Obama-era requirements. "For all I know, the Obama administration would've met with us," he said. **Costello**, whose records show was paid \$450,000 by Veolia to work on the company's permit issues between 2015 and 2018, declined to comment.

Last year, Cosey and other angry East St. Louis residents were enlisted by a coalition of area churches to help battle the company's appeal to the Trump EPA. "You are hurting my children and my community," she said, sitting in the living room of her East St. Louis home. "It really was just an insult." Cosey and her neighbors — motivated by sick children, the stench coming up from drains and the thick vapor spewing from three 100-foot stacks — have never trusted the infrequent reports coming from the plant, which burns industrial sludge and other hazardous materials.

Environmental concerns have surrounded Sauget for decades. At a size of about five square miles, Sauget resembles more an industrial park than a community. "It sets in your throat and in the hairs in your nose," said the Rev. Norma Patterson, president of United Congregations of Metro East, a coalition of 27 area churches.

When it was first incorporated in 1926, Sauget was named Monsanto, developed as a company town to provide a lighter regulatory environment for the chemical maker. From 1929 to 1977, Monsanto produced more than 500,000 tons of the now-banned polychlorinated biphenyls, or PCBs, at one plant in Sauget. PCB contamination contributed to two nearby toxic waste sites designated for cleanup by the EPA's Superfund program. The village, population 159, is still home to several chemical plants, a massive regional sewage treatment plant and a pair of strip clubs.

The decades of problems made the recent EPA reversal all the more disheartening. "It's a total disregard for the folks living around there," said Dale Wojtkowski, whose environmental group American Bottom Conservancy has been battling the incinerator since 2004. "It made me angry," he said. "Especially since a lot of people put a lot of effort into it, and it affects a lot of people in an environmental justice community, lower-income people, and it seems to me they're treated very unfairly."

Veolia won its appeal in June, when the EPA issued a new and revised permit removing the stricter requirements for monitoring. The company instead agreed to install additional internal controls aimed at limiting only mercury emissions. Residents say it's impossible to know how effective those controls will be without monitors.

"For them to turn around something so different months after they issued a final permit is pretty dramatic," said Elizabeth Hubertz, a lawyer with the environmental law clinic at Washington University in St. Louis. Hubertz is appealing the new permit on behalf of the American Bottom Conservancy.

EPA Staff Complaints Pervasive

In Minnesota last year, state environmental officials approved a permit for a copper mine — owned by PolyMet Mining — near the St. Louis River, a tributary of Lake Superior. The permit hit a snag six months later after an EPA email was leaked suggesting the permit was issued under unusual circumstances that favored the mine. The email said that water contamination concerns raised by the Chicago EPA staff overseeing the permit process were kept secret from the public at the request of Minnesota state officials.

The controversy prompted lawsuits from environmental groups challenging the permit and a federal investigation into the EPA's oversight of the process. In August, the Minnesota Court of Appeals ordered the case back to district court for "hearing and determination of alleged procedural irregularities related to the grant of the permit." The EPA's inspector general opened an investigation in June. A PolyMet spokesman said the company believes the permit addresses EPA concerns and it hopes it will eventually be allowed to start mining.

In Wisconsin last year, the Taiwanese company Foxconn got a break from environmental regulators in its efforts to build a massive flat-screen electronics plant near Racine. That break came after areas of Wisconsin, Illinois and Indiana were given passing grades by the EPA on air quality against the advice of its own scientific staff, emails show.

"There is no credible evidence to support this," one scientist, Jennifer Liljegren, wrote in April 2018 referencing a plan to declare southeast Wisconsin air in compliance with the federal Clean Air Act. Liljegren's email and others were obtained by environmental groups suing to reverse the decisions. The review of Wisconsin's air was vital to the then-proposed plant. By declaring the air clean, the EPA gave Foxconn a pass on buying air filters required in polluted areas. Environmental groups have sued to reverse the decision. Trump touted in a 2018 speech at the Foxconn site that the plant symbolizes a manufacturing comeback under his presidency.

In suburban Chicago, in a January letter to the EPA's inspector general, both U.S. senators from Illinois, Dick Durbin and Tammy Duckworth, called for an investigation into whether Region 5 EPA Administrator Stepp ordered a halt to air inspections related to the cancer-causing chemical ethylene oxide at three different plants. In their letter — prompted by complaints from another unnamed Chicago EPA staffer — the senators alleged "politically motivated interference overriding recommendations of career staff."

Both Duckworth and Durbin have criticized the EPA's oversight at Sterigenics International plant in the DuPage County village of Willowbrook, the Medline Industries plant in Waukegan and the Vantage Specialty Chemical facility in Gurnee. Sterigenics has since closed its facility after an order from the state, and said it won't reopen. The two plants in Lake County continue to operate.

An 'Urgent' Need To Act

"That's where we are right now," Duckworth told the BGA in a recent interview. "To continue to put pressure on them but also to get an outside independent third party to take a look at what's happening."

Durbin said he fears staff cuts and regulatory favors for big business are threatening public health. "If you remove the personnel that have a professional responsibility when it comes to inspections and enforcements, fewer are going to be done," he said. "Some people who are vulnerable are going to find their health and safety compromised."

In Illinois, Attorney General Kwame Raoul said he is challenging more than 40 of the Trump administration's environmental and energy policies. "The need to act now is urgent, and in the absence of real leadership at the federal level," Raoul said in a statement to the BGA.

John Kim, director of the Illinois EPA appointed by Gov. J.B. Pritzker, agreed and said current policies "are weakening protections that have been effective and in place for years."

That comes as little consolation to Mamie Cosey, whose three great-grandchildren are still breathing air she does not trust. Twice in the past two years, she said, her 15-year-old great-granddaughter was rushed to the hospital suffering from what Cosey feared were seizures. "It's not safe here," she said. "They can't go out and play. We wake up at night and it smells like someone is cooking. ... My children say, Granny please shut the door. Kids should not have to live like that."

"We just learned to live with it. We shouldn't have to do that in America," Cosey said. "The EPA is supposed to protect the community and the people."

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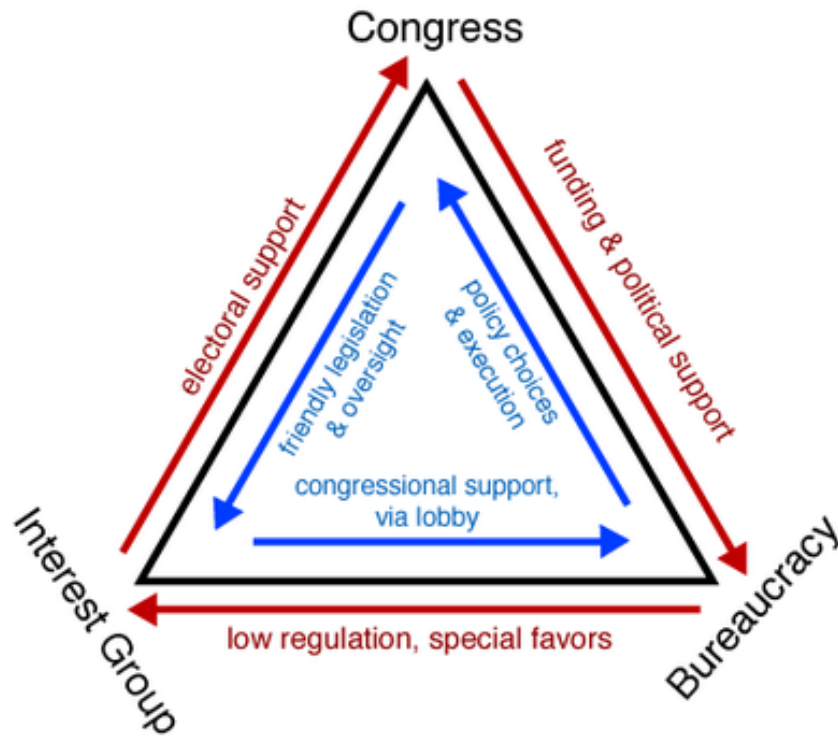
NAME: _____

- Read the article.
- Identify the actions each of the following has taken to address the issue.
- How they have practiced “control” of the bureaucracy.

THE BUREAUCRATIC AGENCY

ENVIRONMENTAL PROTECTION AGENCY ...
(RULE-MAKING, DISCRETIONARY DECISION-MAKING, SIZE, ETC.)

PRESIDENT	INTEREST GROUPS - ISSUE NETWORKS	THE PEOPLE - CITIZENS	CONGRESS



The President Has the Authority to	The Congress Has the Authority to	The Judiciary Has the Authority to
Appoint and remove agency heads and other top bureaucrats.	Pass legislation that alters the bureaucracy's activities.	Rule on whether bureaucrats have acted within the law and require policy changes to comply with the law.
Reorganize the bureaucracy (with congressional approval).	Abolish existing programs and agencies.	Force agencies to respect the rights of individuals through hearings and other proceedings.
Make changes in an agency's annual budget proposals.	Refuse to appropriate funds for certain programs.	Rule on the constitutionality of all challenged rules and regulations.
Ignore legislative initiatives originating within the bureaucracy.	Investigate agency activities and compel bureaucrats to testify about them.	--
Initiate or adjust policies that would, if enacted by Congress, alter the bureaucracy's activities.	Influence presidential appointments of agency heads and other top bureaucratic officials.	--
Issue executive orders.	Write legislation to limit bureaucratic discretion.	--