



REWRITING THE RULES

SPECIAL EDITION

The Bush Administration's First-Term Environmental Record

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NATURAL RESOURCES DEFENSE COUNCIL
January 2005

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The Natural Resources Defense Council is a national nonprofit environmental organization with more than 1 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment. NRDC has offices in New York City, Washington, D.C., Los Angeles, and San Francisco. Visit us at www.nrdc.org.

ACKNOWLEDGMENTS

The authors would like to thank the following NRDC experts for their review:

Ann Bordetsky, Sharon Buccino, Hal Candee, Drew Caputo, Sarah Chasis, Chuck Clusen, Aaron Colangelo, Jon Devine, Robert Elias, Geoffrey Fettus, Karen Garrison, David Goldstein, Eric Goldstein, Linda Greer, Jeff Fiedler, David Hawkins, Antonia Herzog, Shannon Heyck-Williams, Mark Izeman, Rich Kassel, Dan Lashof, Niel Lawrence, Deron Lovaas, Amy Mall, Julie Masters, David McIntosh, Barry Nelson, Robert Norris, Annie Notthoff, Lisa Novins, Erik Olson, Chris Paine, Joel Reynolds, Daniel Rosenberg, Jennifer Sass, Jacob Scherr, Brad Sewell, Melanie Shepherdson, Gina Solomon, Lisa Speer, Nancy Stoner, David Tuft, Johanna Wald, John Walke, Karen Wayland, Faith Weiss, Andrew Wetzler, and Louisa Willcox.

The authors would also like to thank the following staff and interns for their research and production assistance: Sarah Bright, Sylvia Chi, Josh Edge, John Grant, Christine Hoekenga, Brent Reidy, Sarah Schoenbach, and Ian Wilker.

NRDC President: John Adams

NRDC Executive Director: Frances Beinecke

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Production: Bonnie Greenfield

Cover Design: Jenkins & Page

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After four years in office, the George W. Bush administration has compiled an environmental record that is taking our nation in a new and dangerous direction. Last year alone, Bush administration agencies made more than 150 actions that weakened our environmental laws. Over the course of the first term, this administration led the most thorough and destructive campaign against America's environmental safeguards in the past 40 years.

Even more troubling than the vastness of the onslaught is the fundamental nature of the policy changes. These changes do not merely call for updating regulations. They represent radical alterations to our core environmental laws.

For example, the administration has attempted to undermine the Clean Air Act by weakening the new source review program that pushes old polluting power plants and industrial facilities to clean up. It has tried to narrow the scope of the Clean Water Act by stripping environmental protections from thousands of wetlands and streams. It is moving to hobble the Endangered Species Act by eliminating uniquely effective programs that protect habitat critical for threatened species. And it is reversing the single most important forest protection measure ever—the rule that protects 58 million acres of pristine, roadless, national forest lands.

Beyond its focus on dismantling landmark environmental achievements, the administration is turning a blind eye to today's pressing environmental challenges. Scientists from around the world call for urgent action to reduce global warming pollution, but the United States now stands alone in opposing even the

most basic effort to move forward cooperatively. While nearly every state warns about the threat of mercury poisoning from the consumption of locally caught fish, the administration promotes its misleadingly titled "Clear Skies" scheme that would dramatically weaken mercury pollution control requirements in the existing clean air law.

Not surprisingly, after four years, the Bush administration's relentless anti-environmental agenda has translated into real damage on the ground. A recent Knight Ridder analysis of government data shows that Americans now face a dirtier environment, while polluters largely get a free pass. Since the Bush administration began, health warnings to avoid eating locally caught fish have doubled and completed cleanup of toxic wastes at Superfund sites have fallen by 52 percent; yet civil citations issued to polluters have dropped by 57 percent and criminal prosecutions of polluters have fallen 17 percent.

Meanwhile, the administration is making every effort to keep the public in the dark about the policies that contribute to these degraded environmental conditions. It has taken unprecedented steps to cut citizens out of the decision-making process for a number of critical public health and land management policies.

For instance, just days before this past Christmas holiday, the administration gutted its public comment process for federal forest management plans. It also routinely shares working drafts of public health standards with polluters and chemical manufacturers, and takes their suggestions, but gives the public only 60 days to comment on the final version.

"[O]ver the last four years, the Bush administration has compiled a deliberately anti-environmental, anti-conservation record that will result in lasting damage to public health and to America's natural heritage."

"No Endorsement for the White House,"
Republicans for Environmental Protection
(REP America) newsletter, Fall 2004
(Volume 8, Number 2)

DATA SHOW ENVIRONMENTAL DETERIORATION

There is ample data affirming that the Bush administration's destructive policies have had a significant negative effect on our nation's environment. The facts are clear. The figures above and below, largely drawn from the administration's own data, show that environmental protection is declining precipitously.

► **Toxic Releases Are Up** After years of consistent decline, the most recent annual inventory of industrial

100

Approximate number of high-level officials in the Bush administration who help regulate industries they once represented as lobbyists, lawyers, or company advocates, according to a *Denver Post* analysis

6,000

Number of scientists, including 48 Nobel laureates, 62 National Medal of Science recipients, and 135 members of the National Academy of Sciences, who warn that the Bush administration's overtly anti-science bias undercuts scientific integrity

75%

Decline in lawsuits filed against companies violating federal environmental laws in the first three years of the Bush administration as compared to the last three years of the Clinton administration—from 152 down to 36

57%

Decline in civil citations issued to polluters since 2001 (with civil penalties assessed against polluters in 2004 at the lowest since 1990)

17%

Decline in criminal prosecutions against polluters since 2001

toxic releases shows an increase of 5 percent in the release of toxic substances into our air, water, and land. Data released in June 2004 document toxic releases from industrial facilities of nearly 4.8 billion pounds.

► **Environmental Enforcement Is Down** EPA data documents a 75 percent decline in the number of federal lawsuits filed against companies violating national environmental laws in the first three years of the Bush administration as compared to the last three years of the Clinton administration. Civil citations for polluters are down 57 percent since 2001 and criminal prosecutions have fallen 17 percent.

► **Pollution-Related Beach Closings Are Up** The EPA reports a 36 percent increase in annual beach closings due to unsafe water quality since 2001. Sewage contamination is an important and growing part of the problem.

► **Mercury Contamination Warnings Are Up** A total of 2,348 fish consumption advisories for mercury contamination were issued in 45 states in 2003. Every year more than 600,000 newborns may have been exposed

to levels of mercury exceeding EPA health standards while still in the womb.

► **Hazardous Waste Cleanups Are Down** The pace of completed cleanups of Superfund hazardous waste sites, which increased dramatically in the later years of the Clinton era, has declined 52 percent since 2001, according to the EPA's own estimates. The Bush administration has refused to seek renewal of the Superfund cleanup tax on polluting industries, allowing the fund effectively to go bankrupt. The EPA reported 34 unfunded Superfund cleanups in 19 states in 2004.

► **Perchlorate Contamination Is Widespread** Perchlorate, a toxic rocket fuel additive, is leaching out from military dumps and contaminating the drinking water of more than 20 million Americans. More than 90 percent of lettuce and milk sampled nationwide showed levels of perchlorate that may be unsafe for children. Despite recommendations from scientific experts at the EPA to severely reduce perchlorate contamination, the Bush administration has refused to take action.

► **Dirtier Air, Longer** In September 2004, EPA's inspector general concluded that the agency was not making

sufficient progress in reducing the pollutants that cause ozone smog in the nation's population centers. According to EPA data, 159 million Americans (55 percent of our population) now live in areas with hazardous smog levels and 100 million people live in areas that violate the EPA's new pollution standards for harmful soot.

► **Less Oversight of Refineries** There has been a 52 percent decrease in EPA clean air inspections at refineries since 2001 and a 68 percent reduction in the number of notices of violations issued to refineries over the same period.

Until recently, our environmental laws and the infrastructure for their enforcement were a model for the world and a tremendous success in improving our quality of life and protecting our health. But today, with its foundations under assault from within, our system for environmental protection is becoming less effective and less credible with each passing day. As evidenced by the statistics above, our environment, our quality of life, and our health are suffering as a result.

SOME OF 2004'S WORST ENVIRONMENTAL ACTIONS

It is a considerable understatement to observe that 2004 was not a good year for the environment. Below is a quick review of some of the year's most troubling Bush administration actions.

► **Letting Industry Draft a Mercury Proposal** In January 2004, the EPA unveiled proposals to regulate mercury emissions from power plants that were criticized as far weaker than current Clean Air Act law. In September 2004, internal agency documents were made public confirming that the EPA's proposal copied passages from a memo written by lawyers representing the utility industry.

► **Trying to Legalize Sewage Dumping in Our Waterways** According to EPA data, sewage releases onto our lands and into our waters occur thousands of times annually

in the United States, and typically contain bacteria, viruses, fecal matter, and a host of other dangerous wastes. In December 2004, the EPA was poised to finalize a policy that would allow the routine release of inadequately treated sewage into waterways as long as it is diluted with treated sewage, a process the agency has euphemistically labeled "blending."

► **Managing National Forests for Forestry Companies**

In December 2004, after President Bush proclaimed that his environmental policies have "improved habitat on public and private lands," the U.S. Forest Service formally nullified basic wildlife protections dating back to the Reagan administration. Under the new rule, the Forest Service will be able to eradicate many fish and wildlife populations that inhabit national forests.

► **Allowing Drinking Water Contamination to Remain Unregulated**

In April 2004, the EPA formally decided to ignore the recommendations of the National Academy of Sciences (NAS) regarding the regulation of additional substances not currently listed under the law. The EPA postponed consideration of the NAS recommendations until a new list of contaminants is issued in 2007 or later. Among the pervasive drinking water contaminants that the EPA has declined to regulate is the rocket fuel component perchlorate, which contaminates over 20 million Americans' drinking water. Over the past four years, the agency also has missed a series of Congressional deadlines for controlling new drinking water contaminants and strengthening current standards, and failed to conduct a pivotal review of the extent of waterborne diseases mandated by Congress in the 1996 Safe Drinking Water Act amendments.

► **Ceding Public Lands to Energy Companies** The natural treasures threatened with oil and gas drilling and related activities as a result of decisions by the Bureau of Land Management over the past year include: Otero Mesa, a unique grassland in southern New Mexico; Nine Mile Canyon, in eastern Utah's West Tavaputs Plateau; the Western Arctic Reserve in

northern Alaska; the Jack Morrow Hills in southwest Wyoming; and Valle Vidal, an alpine sanctuary for Rocky Mountain wildlife located near the Philmont Boy Scout Ranch in northern New Mexico.

THE COMING BATTLES

The effort of Bush environmental agencies to undermine environmental enforcement and weaken key programs seems certain to continue through the coming year. But indications are that this will be only a part of the battle. As the Bush administration evaluates where it stands at the midpoint, there is every indication that in its second term it will seek a more lasting legacy of change in the way our environment is treated.

In his first term, President Bush was largely unsuccessful in Congress with his ambitious proposals for overhauling the nation's environmental laws. With the notable exception of damaging forest legislation, which was enacted under the guise of fighting fires, other major legislative proposals fell by the wayside, including those concerning energy, air policy, and endangered species. As a result, the president increasingly turned to administrative actions. Some of these actions were withdrawn after public outcries; others were overturned in the courts as illegal under environmental laws.

Now with expanded majorities to work with in the House and Senate, it appears that the Bush administration and its industry allies will more aggressively pursue permanent weakening changes by rewriting the statutes in Congress and packing the courts with extremists unreceptive to our environmental laws.

The most contentious early Congressional battles on the environment will likely include:

► **Energy Legislation** There is good reason to expect a reprise of the energy fights of the past two Congresses. The White House and its allies will push to further relax the environmental safeguards applying to energy development on public lands and to grant huge subsidies to the oil, gas, coal, and nuclear industries. Environmental forces will promote provisions to enhance energy efficiency, expand the use renewable energy,

and reduce America's reliance on oil. The stakes are especially high because a bad energy bill might underwrite dramatic increases in fossil fuel use for years to come, making it far more difficult to enhance our reliance on cleaner energy and address the global warming problem.

► **Arctic National Wildlife Refuge** Advocates of drilling in the Arctic National Wildlife Refuge are fully aware that they do not have the votes to make drilling legal through, for example, authorizing Arctic drilling in energy legislation. Instead drilling proponents are expected to turn to budget legislation where special rules apply, allowing them to shortcut the legislative process by bypassing filibusters. This means there will likely be a two-stage battle, with an initial engagement around the Congressional budget resolution in the spring or summer of 2005, and a possible second battle in the context of the so-called budget reconciliation legislation, which may move forward in the summer or fall of 2005. The Arctic refuge is critically important to protect both for its own irreplaceable natural value, and because opening the refuge to drilling would pave the way for an assault on other public wildlands in refuges, forests, and parks throughout America.

► **Clean Air** The most contentious and high-profile environmental battle of the coming Congress may well surround the Bush administration's effort to fundamentally rewrite and weaken the Clean Air Act. The leading edge of this initiative will be the administration's proposal to weaken the law's new source review

"One thing that's troubled me about this administration is the process involving appointments. The undersecretary for forest policy came from the lobbying group for the timber industry—that's just unconscionable."

Russell E. Train, EPA administrator under Presidents Nixon and Ford (Bill Novak, "EPA's chief under Nixon rips Bush on environment," *Madison Capital Times*, September 24, 2004)

program and relax requirements for control of mercury pollution from power plants, currently promoted under the label “Clear Skies.” Once the Clean Air Act is in play, industry forces will almost certainly advocate a range of additional weakening changes to reduce their obligations under the law. Environmentalists will of course promote strengthening amendments to remedy some of the most glaring regulatory excesses of the Bush administration’s EPA, and to better address important new problems like global warming. Unlike past Bush administration environmental battles, which often occurred below the public radar, the effort to weaken the Clean Air Act will involve public hearings, open debates, and public voting, and is likely to prompt substantial media scrutiny.

► **Endangered Species** One of the earliest environmental battles in the coming Congress may involve efforts to weaken the nation’s premier wildlife protection law, the Endangered Species Act (ESA). Opponents of the law are promoting a broad range of unfortunate changes, including proposals that would make it harder to add new species to the list of endangered and threatened wildlife, eliminate protection for critical habitat, and weaken the legal tools environmental advocates have relied on to ensure protection for imperiled wildlife. Legislation seems likely to move first in the House of Representatives, since last year two anti-ESA bills were voted out of the House Resources Committee, which is chaired by California Republican Richard Pombo.

► **Environmental Exemptions for the Defense Department** Having recently secured exemptions from the Marine Mammal Protection Act and key provisions of the ESA, the Department of Defense (DOD) is now prepared to up the ante by seeking blanket exemptions from key health protection laws, including the Clean Air Act, the Safe Drinking Water Act, the Resource Conservation and Recovery Act, and the Superfund statute. Each of these laws already has a special provision allowing the DOD to escape any requirement

that might hinder national security, although the DOD has never made an effort to utilize these provisions. This is an important battle because military facilities around the country routinely handle a variety of dangerous substances, including munitions and radioactive materials, which have the potential to cause a host of serious environmental problems and threaten the health of both civilian and military personnel. This battle appears likely to occur in the context of legislation authorizing funding for the military.

Beyond these policy battles, a new arena for major environmental engagement may emerge in the Senate’s consideration of judicial nominees. With the administration stretching credulity in its efforts to redefine environmental laws to require less and less protection, the courts have proven a vital last refuge for preserving the integrity of our landmark statutes. In key recent cases, federal courts have, for example, sustained environmental objections to Bush policies concerning clean air, energy efficiency, clean water; snowmobile access to Yellowstone National Park; the disposal of high-level nuclear waste; policies surrounding energy development in public wildlands; and the Navy’s deployment of a new form of sonar that threatens marine mammals.

Given this pattern of disregard for environmental laws by government agencies, the continued independence and integrity of the judiciary is crucially important. If nominees to influential courts, including the U.S. Court of Appeals for the D.C. Circuit, have records suggesting a hostility to environmental statutes, environmental forces are likely to invest heavily to make environmental and public health issues a key part of the Senate confirmation battles.

With permanent changes to our environmental protections hanging in the balance, the stakes will be higher than ever in the coming year. Only through an alert media and an informed and mobilized citizenry, can environmental forces hope to hold the line in these important engagements.

DRILLING AWAY OUR PUBLIC LANDS

Using its power to rewrite regulations, the Bush administration has made energy development the dominant use of America's public lands, placing it before recreation, preservation, and wildlife habitat. Considering America has just three percent of the world's known oil reserves and could not possibly drill its way out of its energy problems, the policy amounts to little more than a giveaway of public resources to the administration's energy industry friends.

This corporate approach to public lands emerged from behind closed doors with the Cheney Energy Task Force. In 2001, President Bush formed the task force to develop a national energy policy, but rather than solicit input from a variety of American interests, the task force met almost solely with representatives of the utility, oil, gas, and coal industries. The task force turned these companies' wish lists into a national energy plan calling for the wholesale auction of public lands. When citizen groups demanded to know who influenced the energy plan, the White House refused to come clean about how it was doing the public's business. It took several lawsuits to force the administration to release a portion of the task force documents, but when they were made public the materials revealed that Cheney's task force put industry recommendations—often word for word—directly into the energy plan.

Following the blueprint developed by the task force, the administration has used a variety of regulatory tools to make energy development the top priority for public lands. First and foremost, it has directed agencies like the Bureau of Land

Management to abandon the Congressional mandate of "multiple use" for public lands, which for almost 30 years has required that energy development be balanced with other values such as recreation and environmental protection. Instead, the administration has sent instructions to BLM employees in the field directing them to make drilling permits their main focus. By using informal, internal agency directives, the administration has in effect moved the rules of land management outside the reaches of public comment and accountability.

The Bush administration has also taken liberties with its authority to implement statutes. For instance, the Bush Interior Department adopted a legal interpretation of the wilderness provisions of the Federal Land Policy and Management Act of 1976 that is radically different than the interpretation taken by all previous administrations since its enactment. In the past, public lands being considered for formal wilderness status were protected while Congress made its decision. Under the Bush administration, millions of acres of qualified lands have

"We can protect any landscape that no one wants for anything else. If it's not wanted by the oil and gas industry or the ORV [off-road vehicle] industry, we can protect it."

Tom Gnojek, Bureau of Land Management worker in Price, Utah ("Once Gone, Gone Forever" editorial, *Los Angeles Times*, October 27, 2004)

6,130

Number of drilling permit approvals by the BLM in fiscal year 2004, following over 3,000 in each of the preceding four fiscal years.

15,000

Approximate number of drilling permits approved by the Bush administration since 2001

229 million

Acres of federal lands (in 12 western states) leased for oil and gas drilling

148,000

Acres of federal lands now open for energy development in Colorado and Utah that were congressionally sponsored for inclusion in the National Wilderness Preservation System

98%

Utah's wilderness-quality land that the BLM has proposed opening to oil and gas drilling

530,000

Acres that President Bush has designated as wilderness, compared with Clinton (9.5 million), Reagan (10.6 million) and Carter (66.3 million)

93%

Wild horse habitat now leased to energy companies

\$1 billion

Amount U.S. taxpayers could pay for energy post-development cleanup since bonds posted by oil and gas companies to drill on federal lands fall short of projected restoration costs

been stripped of protection and opened for energy business. Once developed, they will be ineligible for wilderness status.

The administration tried to codify its public land giveaways by writing them into the energy bill of 2004. Handcrafted by industry lobbyists and backed by the White House, the bill would have legislated oil and gas development as the top priority for federal public lands and exempted polluters from core provisions of clean air and water laws. The 1,100-page bill was released just 48 hours before the vote—a clear attempt to avoid public scrutiny—but it generated enough outcry that the Senate blocked it. No doubt, the administration will push the bill once again, for although more than 90 percent of public lands in the West are already open for oil and gas leasing and development, the oil companies, who seem to be

calling the shots, want to put drill rigs on as much of the remaining fraction as possible.

2004 Bush Record on Energy

Below is NRDC's account of what this administration has done and is doing on energy issues. For more details on these activities, visit www.nrdc.org/bushrecord.

January 21: Interior Secretary Gale Norton announces her agency's intention to "streamline" the natural gas drilling permit process—increasing the number of approvals from 1,000 to 3,000—on public lands in Wyoming's Powder River Basin.

January 22: Interior Secretary Norton signs off on a plan to open nearly 9 million acres of Alaska's North Slope to oil and gas development.

January 24: EPA opens the Gulf of Mexico to new oil and gas leasing, lifting an eight-month ban on new energy exploration in the region. EPA, responding to heavy political pressure from drilling proponents, concludes that there is no link between oil and gas exploration in the gulf and an 8,500-square-mile, low-oxygen "dead zone" at the mouth of the Mississippi River.

February 9: BLM announces plans to lease 45,000 acres of land in Colorado and Utah—bordering Dinosaur National Monument—for oil and gas drilling. Energy development in the 210,000-acre monument—which includes Dinosaur Quarry, the home of nearly 2,000 dinosaur bones—would result in noise pollution and mar the pristine landscape surrounding the monument. (Following heavy protest from conservation groups, BLM opts to suspend the auction a month later.)

February 11: Forest Service management plan contains surprise provisions that allow drilling and mining in over 90 percent of Alabama's national forests. None of the oil, gas, and mineral development language underwent any analysis or public review, as required by the National Environmental Policy Act.

February 18: Bush administration announces its plan to open 140,000 acres of the Los Padres National Forest in California to energy exploration.

February 27: National Park Service approves BMP Petroleum's request to drill a natural gas well off Padre Island National Seashore in Texas. At 69 miles long and encompassing 130,000 acres, Padre offers the world's longest stretch of undeveloped barrier island—making it a popular tourist destination as well as home to 11 endangered species.

March 1: BLM, for the second year in a row, grants Questar Corporation a special exemption to drill in the

Rocky Mountains in the heart of prime winter habitat for migrating wildlife.

March 1: Over the protests of conservation groups and more than 100 members of Congress, the Bush administration proceeds with plans to auction oil and gas leases on ecologically sensitive floodplains and wildlife habitat in Utah and Wyoming.

March 4: BLM proposes oil and gas drilling in Otero Mesa, a unique grassland in southern New Mexico. Energy development there would benefit, above all, Yates Petroleum, a local company owned by George Yates—whose family, friends, and employees contributed hundreds of thousands of dollars to President Bush and the Republican Party.

March 19: BLM approves seismic exploration for natural gas along the southern edge of Nine Mile Canyon in eastern Utah's West Tavaputs Plateau. Nine Mile Canyon is rife with natural and historic treasures ranging from fossils to American Indian rock art and cliff dwellings.

April 6: A court-appointed investigator resigns from his job of examining the federal government's management of sums owed to Native Americans, claiming that the Interior Department blocked his work in order to enrich energy companies at the expense of the tribes and their lands.

May 5: Energy Department says it will consider allowing oil and gas drilling in federally owned, environmentally sensitive mountain and coastal areas where energy development is currently off-limits.

June 9: BLM proposes opening 387,000 acres in the northeastern corner of the Western Arctic Reserve (formerly known as the National Petroleum Reserve—Alaska) to energy development. The area in question, which provides critical habitat for migratory geese, caribou, and other wildlife, has been closed to oil and gas drilling since 1998.

June 16: In an effort to enlist the energy industry to help fight lawsuits over oil and gas drilling on public lands, a top Bush official at the Justice Department pleads with executives at the Independent Petroleum Association of America to get their companies to intervene in as many cases as possible.

June 25: In the largest lease sale ever, BLM auctions off a record 203,077 acres of public lands in Utah for oil and gas exploration.

July 13: BLM releases a final plan for the Jack Morrow Hills, in southwest Wyoming, that calls for opening nearly half the 622,000-acre area to oil and gas drilling. Nestled in the heart of the vast Red Desert, Jack Morrow Hills is home to the nation's largest desert elk herd and the largest active sand dune system on the continent.

August 9: Interior Department intervenes on behalf of a Houston-based energy corporation that wants to drill for natural gas in New Mexico's Valle Vidal, an alpine sanctuary for Rocky Mountain wildlife located near the Philmont Boy Scout Ranch.

September 8: BLM gets set to auction a record amount of federal lands in Utah—some 480,000 acres—for leasing to oil and gas companies, including 20,000 acres that the agency previously identified as wilderness quality, possibly worthy of permanent protection.

September 30: BLM proposes camouflaging oil and gas wells as a way to “decrease” their environmental impact—a cosmetic solution that will do nothing to protect pristine areas from pollution or wildlife habitat damage caused by drilling.

October 22: An EPA whistleblower reveals that his agency failed to conduct sufficient tests to determine

whether hydraulic fracturing—a controversial drilling technique, pioneered by Halliburton and used in coalbed methane production—contaminates drinking water. EPA officials refuse to comment on whether the agency will follow up on the whistleblower's charges. But they do suggest that the agency only intends to assess the impacts of coalbed methane development on a project-by-project basis rather than formulating regulations under the Clean Water Act or the Safe Drinking Water Act.

October 27: A study finds that BLM grossly overstated the potential amount of natural gas underneath Colorado's Roan Plateau. Whereas BLM estimated the plateau has untapped gas reserves (totaling 15.4 trillion cubic feet of gas) that could power the country for nine months, an analysis of government data by the Wilderness Society concludes that the actual amount of natural gas under the plateau (400 billion cubic feet)—3,000 percent less than BLM's estimate—would provide only 6 days worth of natural gas.

November 9: BLM auctions off nearly 31,000 acres of western Colorado to oil and gas companies, including public lands that had been previously proposed for inclusion in the National Wilderness Preservation System. Since the Bush administration abandoned federal wilderness protections in 2003, more than 164,000 acres of wilderness quality lands is now available for energy development.

December 10: BLM auctions off drilling rights to oil and gas companies on 34 parcels of federal lands in Utah. Encompassing roughly 45,000 acres, the lands include roadless tracts in Uinta National Forest and areas within view of Hovenweep National Park.

HIDING AIR POLLUTERS BEHIND A SMOKE SCREEN

The Bush administration has built a dismal record on clean air issues. It has undermined enforcement of the Clean Air Act, proposed dangerously weak standards for smog, soot, and mercury, and allowed polluters to violate existing air rules. Many of these policies echo the recommendations of Vice President Cheney's Energy Task Force. While formulating these recommendations, government officials and energy industry representatives held a series of closed-door meetings.

One of the most significant industry handouts came in 2003 when the administration gutted the new source review program, which is a cornerstone of the Clean Air Act. This program requires power plants, oil refineries, and factories to install modern pollution controls when they make facility changes that increase pollution. The administration drastically rewrote the rule with its industry friends, introducing a series of accounting gimmicks and loopholes that allow 20,000 facilities to escape controls and release more pollution.

The administration is seeking to make its new source review and other rollbacks permanent by writing them into its so called "Clear Skies" legislation for power plants. This title is intended to hide the fact that the bill will actually make our air more polluted than current law would allow. Enforcing the Clean Air Act would require power plants to cut smog, soot, and mercury pollution by 90 percent by around 2010. Clear Skies only asks power plants to reduce their pollution by about 70 percent, and it gives them until after 2020 to do it.

At the same time, the administration is proposing new rules that would delay emission reductions, it is failing to adequately enforce existing standards. A recent study by the Star-Telegram and Knight Ridder shows that state and federal enforcement of air pollution regulations for the nation's 145 oil refineries has decreased dramatically since Bush took office. The study also faults the EPA for not employing enough air inspectors and for relying solely on industry-reported data. Moreover, the study concludes that state enforcement has been hamstrung because the federal government weakened rules and negotiated lowered standards with refiners.

The one bright light in the administration's air record is its nonroad diesel rule covering engines used in farming, construction, mining, and industry. In 2004, the EPA finalized the new rule, which will slash sulfur levels in nonroad diesel fuel from today's 3,400 parts per million (ppm) to 15 ppm. When fully implemented, the rule will prevent more than 12,000

"It became clear to me during my tenure at EPA that the goal of [New Source Review] reform was to prevent any enforcement cases from going forward . . . that doesn't pass the laugh test."

John Peter Suarez, former EPA assistant administrator for environment and compliance assurance, who resigned early in 2004 (Jim Motavalli, "Michael Leavitt: EPA's Messenger," *The Environmental Magazine*, September/October 2004)

159 million

People in U.S. (55%) who live in areas with hazardous smog levels, according to EPA data

1,100

Coal-fired power, responsible for almost 25% of the nation's nitrogen oxide pollution and 70% of sulfur dioxide pollution

24,000

Deaths each year attributed to power plant pollution

30

Utility companies own the dirtiest U.S. power plants

\$6.6 million

Political contributions from those companies to President Bush and the Republican Party over the last 5 years

200,000

Tons of air pollutants reduced annually from refineries in 24 states, according to EPA's original claims

40,000

Tons of refinery pollution actually reduced each year, according to EPA data

52%

Decrease in EPA clean air inspections at refineries since 2001

68%

Decrease in EPA notices of violations issued to polluting refineries since 2001

31%

Decrease in EPA enforcement actions taken against polluting refineries since 2001

premature deaths per year and avert tens of thousands of asthma-related emergency room visits for children each year.

2004 Bush Record on Air

Below is NRDC's account of what this administration has done and is doing on air issues. For more details on these activities, visit www.nrdc.org/bushrecord.

January 9: In an apparent contradiction, EPA Administrator Mike Leavitt publicly vows to pursue legal cases against dirty power plants, while also stating his agency's commitment to relaxing the Clean Air Act's

new source review rules for the nation's most polluting coal-fired power plants.

January 22: EPA issues a new rule that limits how often federal and state regulators can require industrial plants to monitor pollution from hundreds of smokestacks.

January 30: EPA unveils a set of proposals to regulate mercury emissions from power plants that, in addition to being weaker than existing Clean Air Act requirements, mirrors recommendations written by the utility industry.

February 9: Bruce Buckheit, the recently retired head of air enforcement at EPA, testifies during a Senate

hearing that the Bush administration's changes to the Clean Air Act's new source review program have frozen the agency's pending investigations against polluting power plants and undermined ongoing settlement negotiations with industry violators.

February 13: Rather than taking measures to actually reduce air pollution, EPA changes the *method* used to estimate air pollution over Theodore Roosevelt National Park in North Dakota—where the air currently violates Clean Air Act standards.

February 26: A New Jersey environmental official identifies wording—both verbatim and paraphrased—from a utility industry memo in the Bush administration's plan to tackle mercury pollution from power plants.

March 1: Several of the candidates considered by EPA to serve on the Clean Air Science Advisory Committee, the panel charged with reviewing ozone data and pollution standards, are tied to industry groups that have a stake in the new standards.

March 3: Bush administration begins seeking exemptions for the U.S. agriculture industry from restrictions on the use of methyl bromide, a pesticide that is also linked to cancer and neurological damage.

March 16: EPA modeling shows that the Bush administration's cap-and-trade mercury plan will not meet the promised 70 percent reductions by 2018.

March 30: Several EPA employees criticize the Bush administration's mercury reduction proposal as too lax on power plants. They cite evidence showing heavy influence over the plan by utility lobbyists.

April 7: Hundreds of pages of internal government documents reveal that White House staffers downplayed the effects of mercury pollution while working with EPA officials to write regulations for power plants.

April 29: Experts in each of EPA's 10 regions publicly voice concerns over the Bush administration's new

policy of allowing a state to choose the year to use as a baseline for air pollution control. The agency critics warn that the change will threaten air quality over national parks and wilderness areas.

May 16: Internal EPA documents reveal that meat industry lobbyists crafted the agency's proposal to let large corporate-owned livestock operations (factory farms) escape prosecution for air pollution violations for two years by paying a nominal fee.

May 21: Based largely on input from the timber and chemical industries, EPA weakens the "safe" level of exposure to formaldehyde, an additive to plywood and a known carcinogen, by a factor of approximately 10,000. The weaker rule could exempt as many as 147 of the 223 facilities nationwide from pollution control requirements—saving the plywood industry an estimated \$66 million per year.

May 27: Bush administration considers removing environmental requirements for special blends of gasoline that are currently required in some metropolitan areas to reduce summertime air pollution problems. The administration also considers speeding up or "streamlining" the permitting process for new or expanded U.S. oil refineries.

June 1: A federal court rules that EPA failed to sufficiently explain why its proposed snowmobile standards—set to go into effect in 2005—allow the use of dirtier engines in the future despite the existence of cleaner-running engines.

June 25: EPA's inspector general criticizes the agency for poor enforcement against oil refineries that had agreed in court to decrease their toxic emissions.

June 25: Bush administration rejects a request by members of its own Clean Air Act advisory panel to perform additional, comprehensive studies of EPA's plan to address mercury emissions from electric power plants.

July 7: A week after soliciting additional public comment on its controversial proposed changes to the Clean Air Act's new source review rules, senior EPA official Jeffrey Holmstead acknowledges that the agency has no plans to change course, regardless of public input.

July 18: An independent study finds that state and federal enforcement of air pollution regulations for the nation's 145 oil refineries has declined significantly since Bush took office. The study also faults EPA for not employing enough air inspectors and for relying solely on industry-reported data. Moreover, state enforcement has been hamstrung because the federal government weakened rules and negotiated lowered standards with refiners, according to the report.

August 19: Park Service unveils a new plan to allow up to 720 snowmobiles each day into Yellowstone National Park and 140 per day into Grand Teton National Park. Environmentalists contend—and government experts agree—that the vehicles cause harmful air and noise pollution and damage wildlife habitat.

September 22: Internal agency documents confirm earlier charges that EPA's proposal for regulating mercury pollution from power plants contains passages—almost word for word—from a memo written by lawyers representing the utility industry.

October 1: A report by EPA's inspector general finds that top political officials at the agency relaxed air pollution rules in 2002, benefiting utility industry defendants in ongoing Clean Air Act enforcement suits brought by the government.

November 18: EPA heeds industry's request to remove 53 chemicals from its list of regulated, smog-forming volatile organic compounds.

December 12: An investigation debunks EPA's claim that one of its highly touted programs has slashed air pollutants by 200,000 tons per year at 48 refineries in 24 states. In fact, an analysis of oil company data submitted to EPA shows the petroleum refinery initiative, to date, has annually reduced emissions of nitrogen oxides, sulfur dioxides, and particulate matter by no more than one-fifth of the amount claimed by EPA officials.

STALLING ON GLOBAL WARMING

The Bush administration's approach to global warming can be characterized by irresponsible inaction and studied ignorance in the face of overwhelming scientific consensus. Despite the fact that solutions are readily available to address global warming, the administration has refused to limit heat-trapping carbon dioxide pollution, significantly raise fuel economy requirements, or hold companies accountable for improving their energy efficiency.

When confronted with its lack of global warming action, administration officials point to their Climate Leaders program, which asks companies to voluntarily develop ways to reduce their emissions by 10 percent or more over the next 10 years. Two years in, the program has just 50 corporate members out of thousands of companies that pollute. Only 14 of the "volunteers" have actually set goals for emissions reductions, while the nation's worst polluters have shunned the program completely.

Besides the Climate Leaders program, the only other global warming directive to come from the Bush White House is a call for more research, even as the administration has consistently turned a blind eye to an overwhelming accumulation of scientific data. For the majority of Bush's first term, the administration actively suppressed the growing body of research confirming that the global climate is heating up as a result of human actions. Now the scientific consensus is so strong that the administration can no longer silence the findings. Instead, it ignores them. When the Department of Commerce, the Department of Energy, and the president's science advisor compiled a report on the state of global warming research, the administration allowed it to be submitted to Congress, but it promptly denied that the findings called

for a change in policy. Similarly, the administration allowed the Arctic Climate Impact Assessment to be released, but it made certain the policy recommendations did not demand specific solutions.

By ignoring the science and by rejecting mandatory caps on global warming emissions, the administration has fallen out of sync with the international community and many states. In November, Russia ratified the

"On the topic of global climate change, communication with the public has become seriously hampered during the past few years for employees of government agencies such as NASA, NOAA and EPA. I know that such interference with and misuse of the scientific process is occurring now to a degree unprecedented in my scientific lifetime. I speak from a position of having tried hard to work with and advise the current administration on matters relating to climate change. I find a willingness to listen only to those portions of scientific results that fit predetermined inflexible positions. This, I believe, is a recipe for environmental disasters."

Dr. James Hansen. "Dangerous Anthropogenic Interference: A Discussion of Humanity's Faustian Climate Bargain and the Payments Coming Due." Presentation given at the Distinguished Public Lecture Series at the Department of Physics and Astronomy, University of Iowa, on October 26, 2004.

300

Scientists who concluded in a study that the Arctic is warming at nearly twice the average rate due to global warming

11

States that have filed federal lawsuits against EPA for rejecting a petition seeking that the agency regulate greenhouse gas emissions from new cars and trucks

Kyoto Treaty, something the administration claimed would never happen after President Bush walked away from the agreement in 2001. In the fall of 2003, the Senate came just seven votes shy of passing the McCain-Lieberman Climate Stewardship Act, which called for limits on heat-trapping pollution. On the coasts, states from Delaware to Maine and California to Washington have launched carbon-cap initiatives, and California has become the first state to limit global warming pollution from cars.

2004 Bush Record on Global Warming

Below is NRDC's account of what this administration has done and is doing on global warming issues. For more details on these activities, visit www.nrdc.org/bushrecord.

January 1: General Accounting Office reports that President Bush's global warming plan, with its emphasis on "voluntary reductions" rather than mandatory pollution controls, would reduce overall greenhouse emissions by just two percentage points more than what the nation would achieve without any action at all.

January 13: A federal appeals court overturns the Bush administration's decision to lower energy efficiency standards for new air conditioners. The White House had attempted to invalidate the SEER 13 rule—requiring a 30 percent increase in efficiency for residential air conditioners by 2006—and substitute it with a weaker (20 percent) standard.

February 22: A Pentagon report on the impacts of global warming over the next 20 years describes a worst-case "doomsday scenario," in which abrupt climate change could spur large-scale droughts, famine brought on by food shortages, reduce energy supplies, and cause riots around the globe that could culminate in nuclear warfare.

May 10: Speaking at a global warming conference in Brussels, the Bush administration's chief climate negotiator complains that the administration's policy is not wrong, merely "misunderstood."

June 2: EPA reluctantly agrees to include information on climate change in its annual "State of the Environment" report, but only after public outcry over the omission of the topic from the previous year's report.

June 3: An internal Bush administration budget analysis reveals that the president's fiscal year 2005 budget will virtually eliminate funding for the National Oceanic and Atmospheric Administration's research on abrupt climate change and its effects on human health.

October 12: Jeffrey Holmstead, EPA's assistant administrator for air and radiation, tells mining and power industry officials that greenhouse gas emissions are likely to be regulated in the future, though not necessarily in the next four years.

October 27: Dr. James E. Hansen, a climate expert and director of the NASA Goddard Institute for Space Studies, publicly accuses the Bush administration of stifling scientific evidence in an effort to keep the public uninformed about the dangers of global warming.

Hansen says the administration's methods range from altering news releases on global warming and revising government reports to dismissing concerns raised by climate scientists and rejecting scientific results because they did not fit predetermined policy positions.

November 8: Senior Bush administration officials say the president is unlikely to institute mandatory caps or regulations on global warming gas emissions in spite of the conclusions of two major new studies that global warming is drastically affecting conditions in the United States.

December 16: In violation of both the Montreal Protocol and the Clean Air Act, outgoing EPA head Michael Leavitt signs off on new regulations exempting U.S. farmers from an international ban on the continued use of methyl bromide, a cancer-causing pesticide.

December 18: Two weeks of negotiations at a United Nations conference in Argentina ended with the American delegation blocking efforts to begin substantive discussions on global warming action. Instead, all the conference produced was a weak pledge to start limited, informal talks on ways to slow down global warming.

UNDERMINING THE CLEAN WATER ACT

The Clean Water Act has done a tremendous job of making America's waters safer, but it is a job only half done. Although 55 percent of America's lakes are now safe for swimming and fishing, that means 45 percent remain unsafe. Despite the work still ahead, the Bush administration wants to retire the law early, and allow polluters to dump sewage, chemicals, and debris into the nation's waters.

The administration is not officially repealing the Clean Water Act—that would generate too much protest. Instead, it is weakening or removing the regulations that give the law teeth and determine how the law is enforced in the field. For instance, the Clean Water Act rules require sewer operators to fully treat sewage before discharging it into the nation's waters except in an emergency. But in November 2004, the EPA released a proposal to allow operators to routinely dump inadequately treated sewage into our waterways any time it rains.

The Clean Water Act also prohibits the discharge of pollutants, such as mining waste, without a permit into the nation's waters, but in May 2002 the administration finalized a rule that eliminated a 25-year-old regulation prohibiting the Army Corps of Engineers from allowing industrial wastes to bury and destroy U.S. waters. The decision was driven by the desire to legalize the streamlined permitting process allowing coal companies to bury Appalachian streams under waste from mountaintop removal mining. This payback to the mining industry was so important to the administration that unlike most rules, which the White House Office of Management and Budget (OMB) evaluates for 90 days according to a federal executive

order, this regulation was cleared by the OMB in less than 48 hours, without even doing the environmental impact analysis required by the National Environmental Policy Act had been completed.

But the administration doesn't just rewrite the rules. It also relies on insider channels to eviscerate the Clean Water Act outside of the public view. In particular, it uses memos and guidances to its employees in the field to weaken standards. Unlike official rule-makings, these informal documents do not require public notification or comment, and are difficult to challenge in court. For example, when the Bush administration wanted to open wetlands and streams for development, it announced its plans to do a rule-making, and at the same time, it issued a formal guidance document, which stripped environmental protections from thousands of wetlands and streams. The rulemaking generated so much public opposition that the administration had to withdraw it. The guidance, however, remains in place. It instructs agency employees to withhold protection from tens

"I don't see how I can support an administration which retreats from existing controls of mercury emissions in order to curry favor with industry while putting the lives of women and children at risk."

Francis Mathews, letter to Republican for Environmental Protection (REP America) newsletter, Summer 2004 (Volume 8, Number 1)

274

Utilities across the country—serving 11.5 million people—that have recorded unsafe levels of lead in water since 2000, according to EPA data

36%

Increase in annual beach closings since 2001 due to unsafe water quality

20 million

EPA estimate of acres of wetlands at risk of losing Clean Water Act protection due to a directive issued by the Bush administration in 2003

50,000

Abandoned mines in the United States

20%

Abandoned mines that are severely polluting nearby rivers, streams, and groundwater (including 16,000 miles of western headwater streams)

of millions of acres of wetlands and streams unless they first get permission from national headquarters. Since the guidance was issued, the administration has not only abandoned Clean Water Act protection for streams and wetlands, but also lakes, rivers, and entire watersheds. With this guidance, the administration is moving to sweep away 30 years of protections for some of our nation's most important waters without consulting the American people.

2004 Bush Record on Water

Below is NRDC's account of what this administration has done and is doing on water issues. For more details on these activities, visit www.nrdc.org/bushrecord.

January 7: Bush administration proposes lifting the buffer zone restrictions on coal mining near streams, ending an existing ban on mining activity within 100 feet of a stream unless a company can prove that it will not affect water quality or quantity.

February 4: A former EPA microbiologist testifies before Congress that the agency knowingly used

unreliable data when denying a petition to stop the use of sewage sludge as farm fertilizer. State agencies consider such sludge "highly toxic and corrosive"—hazardous enough to sicken livestock and endanger the public.

February 23: EPA grants Washington, D.C. officials a seven-month deadline extension to replace dangerous lead pipes despite the city's warning to residents that pregnant women and young children should immediately stop drinking unfiltered tap water and have their blood tested for lead poisoning.

February 24: Mine Safety and Health Administration demotes the agency's top mine safety official after 26 years of service for accusing the Bush administration of protecting Massey Energy from being held fully responsible for a 300 million gallon coal slurry spill in Kentucky and West Virginia. (The company received just a \$5,500 fine.)

March 8: Interior Department accepts the Newmont Mining Company's bid for cleanup costs associated with their mining project in Battle Mountain, Nevada, even though the bid is \$32 million below the amount EPA estimates is needed to prevent massive groundwater pollution in the area.

March 11: EPA buries an inspector general report in an obscure area of its website because the report concludes that senior agency officials repeatedly made misleading statements about purported improvements in U.S. drinking water quality.

March 16: Despite overwhelming opposition from Michigan citizens and state officials, EPA approves a controversial plan by a company to store toxic waste in two underground wells in Romulus, exposing groundwater to dangerous contamination.

March 18: An internal agency memo reveals that Forest Service Chief Dale Bosworth favors eliminating reviews of his agency's actions by other federal agencies for compliance with clean water, endangered species, and historical preservation laws.

March 30: An analysis of EPA data reveals that nearly two-thirds of all major water treatment facilities in the United States have exceeded Clean Water Act permit limits at least once between January 1, 2002 and June 30, 2003. However, data shows that EPA enforcement actions have dwindled by more than half over the first three years of the Bush administration.

March 31: EPA issues a new standard for controlling storm water that ignores pollution created by runoff from paved surfaces, such as parking lots, highways, and rooftops—the largest source of coastal water pollution in the nation.

March 31: A federal judge rules that Newmont Mining Company can proceed with two BLM-approved mining projects near Carlin, Nevada, despite Clean Water Act violations. The mining operations could produce enough sulfuric acid to pollute groundwater for up to 10,000 years, according to critics.

April 9: Although the National Academy of Sciences recommends that EPA ratify a list of 51 drinking water contaminants it developed in 1998 in compliance with the Safe Drinking Water Act, the agency postpones

action until it revises the list of contaminants (not likely to happen until 2009).

April 30: Pentagon misses a deadline for submitting its report to Congress on the public health dangers posed by perchlorate contamination in drinking water.

May 28: Army Corps of Engineers relaxes water quality and stream protections for mountaintop removal mining without consulting EPA, resulting in a policy that allows natural streams to be destroyed and replaced with ditches or sewers.

July 9: A federal court orders the Corps of Engineers to stop using streamlined general permits to allow coal companies in West Virginia to bury or fill mountain streams with mining waste.

August 11: EPA extends the compliance deadline—by 18 months—for a rule that requires industrial facilities to develop plans for preventing, controlling, and cleaning up oil spills into waterways.

September 2: Bush administration, to the delight of the coal industry, decides to appeal a federal court ruling requiring the Corps of Engineers to strictly regulate mountaintop removal mining under the Clean Water Act.

October 27: Bush administration proposes a rule change that usurps the right of individual states, tribes, and citizen groups to appeal to the federal government over how dams should be licensed and operated. Besides saving the hydropower industry millions of dollars, the proposal would grant dam owners the exclusive right to appeal Interior Department decisions regarding dam operations on America's rivers.

November 4: Almost a year past the deadline, the Army Corps of Engineers finally releases “new and improved” regulations for saving the Florida Everglades. Critics say the rules lack teeth, fail to set clear goals, and won't prevent water from being diverted for development and agriculture.

November 10: A former BLM project manager accuses the agency of wrongfully terminating him because he refused orders to downplay dangers posed at a Nevada copper mine by extremely high levels of uranium—over 200 times the federal safe drinking water standard.

December 9: EPA proposes new voluntary guidelines that rely on industry to secure drinking water and wastewater treatment plants against terrorist attack. In fact, the agency even financed industry's effort to write the guidelines and will finalize the standards in 2006 only after collecting additional feedback from industry.

LEAVING THE PUBLIC OUT OF PUBLIC HEALTH POLICY

During the Clinton administration, health officials called for greater transparency in the way government regulated toxic chemicals and pollution. They invited everyone who might be affected by a new regulation to come to the table, from citizens and community groups, to environmental organizations and industry representatives. Now, four years into the Bush administration, the only people left at the table are the industry representatives. The call for transparency has been tossed out the window in favor of secret deals and closed-door meetings.

The administration has maintained a veneer of public participation in matters of public health. Citizens are allowed to respond to health regulations during the 30-day or 60-day comment periods at the very end of the regulation's development. Meanwhile, industry representatives are involved from the beginning, often selecting the questions that will be explored in the research, funding the science, hammering out the substance of the pollution controls, and reviewing draft regulations. By the time the public gets to comment on a new regulation, the industry has given it a thorough whitewash.

For instance, in November 2004, the EPA announced that it would reclassify Captan—a chemical used in agricultural and household pesticides—from a probable carcinogen to a “not likely” carcinogen. This announcement came after Captan manufacturers declared the EPA's original studies to be inadequate, paid a science-for-hire firm to generate new studies, and got the new research endorsed by an industry-funded peer review panel stacked with industry officials. The EPA rubber stamped these findings and gave the public 60 days to

comment. After the manufacturers had prepared the evidence, the public could hardly give it a fair trial.

Captan is just one example of how the administration has virtually outsourced the process of writing regulations to the polluting industries themselves. Entire passages of the administration's dangerously weak proposal to regulate mercury pollution from power plants came from industry documents. Pesticide manufacturers held 50 private meetings with EPA officials while the agency was considering releasing drinking water standards for the hormone-disrupting pesticide atrazine. Meanwhile, the EPA held just two meetings with environmental groups—and only after the groups insisted on it. The industry's investment paid off when the EPA refused to issue a new standard.

When the administration is not allowing polluters to write public health regulations, it simply fails to

“The Bush administration has from time to time found it convenient to distort science to serve political ends. The result is a purposeful confusion of scientific protocols in which ‘sound science’ becomes whatever the administration says it is. In the short run, this is a tactic to override basic environmental protections in favor of industry. In the long run, it undermines the authority of science itself.”

“Junking Science” editorial, *New York Times*, September 14, 2004

90% and 97%

Lettuce and milk samples nationwide contaminated by perchlorate, a chemical ingredient of rocket fuel that the Bush administration has yet to regulate

20%

Women of childbearing age with mercury levels exceeding EPA health standards according to a recent hair study

45

States that have issued warnings not to consume mercury-tainted fish (Wyoming and Alaska do not monitor mercury contamination in waterways)

3,089

Total fish advisories issued in 2003 (up from 2,800 in 2002)

350,000

Toxic waste sites requiring Superfund cleanup—costing \$253 billion—over the next 30 years, according to EPA estimates

52%

Decline in Superfund cleanups since 2001

34

Unfunded Superfund cleanups in 19 states in 2004, according to EPA

act. Indeed, when President Bush took office, Congress had charged the EPA with writing dozens of drinking water standards, but the administration has issued none. For example, in the Safe Drinking Water Act Amendment of 1996, Congress mandated that the EPA conduct a study on waterborne diseases, but the agency has not completed this important study. Congress established deadlines for the EPA to release a variety of new drinking water standards, but the EPA has missed them all. Where no deadline exists, the administration simply takes no action. For instance, although EPA acknowledges that 20 million people drink perchlorate in their water at unsafe levels, the administration has not moved to write a perchlorate standard. Instead, editors recently allowed a consultant paid by a perchlorate industry group to remove damning information about perchlorate's harmful neurological effects from an article published in a government scientific journal.

By ignoring Congressional mandates and by excluding citizens from the regulatory process, the Bush

administration has turned government efforts to safeguard public health into secret maneuvers to protect corporate wealth. These actions place the public health at risk.

2004 Bush Record on Public Health

Below is NRDC's account of what this administration has done and is doing on public health issues. For more details on these activities, visit www.nrdc.org/bushrecord.

February 4: A former EPA microbiologist testifies before Congress that the agency knowingly used unreliable data when denying a petition to stop the use of sewage sludge as farm fertilizer. State agencies consider such sludge "highly toxic and corrosive"—hazardous enough to sicken livestock and endanger the public.

February 9: An EPA scientist estimates that mercury exposure poses a danger to twice as many newborns—630,000 per year—in the United States as previously thought.

February 23: EPA grants Washington, D.C. officials a seven-month deadline extension to replace dangerous lead pipes despite the city's warning to residents that pregnant women and young children should immediately stop drinking unfiltered tap water and have their blood tested for lead poisoning.

March 3: Bush administration begins seeking exemptions for the U.S. agriculture industry from restrictions on the use of methyl bromide, a pesticide that is also linked to cancer and neurological damage.

March 19: Food and Drug Administration issues tuna fish consumption warnings that do not reflect an FDA advisory group's view that children and pregnant women should completely eliminate albacore tuna from their diets due to mercury contamination. The move prompts a toxicologist on the advisory panel to resign.

April 1: Bush administration, in cooperation with the U.S. chemical industry, succeeds in a behind-closed-doors effort to weaken a plan by the European Union to require American chemical manufacturers to test their products and disclose any public health effects before selling them in Europe.

April 6: Internal EPA documents show that the agency, in concert with the pesticide industry, blocked attempts to strengthen two regulatory initiatives designed to protect children and wildlife from ingesting rat poison.

April 11: President Bush's proposed 2005 budget slashes federal funding to prevent lead poisoning by \$35 million—a 20 percent funding reduction that could leave some 40,000 homes contaminated with lead next year.

April 23: EPA relies on an industry study to allow zinc-based fertilizers made from recycled industrial

waste to contain more toxic residue—including dioxin and heavy metals—than those made with virgin materials. The agency allowed the fertilizers in question to contain four times as much lead and five times as much mercury as fertilizers created from raw materials.

April 30: Pentagon misses a deadline for submitting its report to Congress on the public health dangers posed by perchlorate contamination in drinking water.

June 25: Bush administration rejects a request by its own Clean Air Act advisory panel to perform additional, comprehensive studies of EPA's plan to address mercury emissions from electric power plants.

June 30: General Accounting Report finds that the Pentagon has failed to develop a comprehensive plan for sampling and cleaning up hazardous chemicals at over 10,000 sites across the nation.

August 15: Bush administration turns down a petition by health advocates to strengthen health standards for beryllium, a metal which has been found to cause cancer and lung disease.

August 31: Despite widespread concerns expressed by government scientists, the Bush administration decides to relax safety standards for selenium, an element that can be poisonous as it builds up in the food chain.

November 26: Bush administration wins a year-long exemption from an international ban on an ozone-depleting pesticide used widely in the United States, which has been linked to prostate cancer and neurological damage.

December 1: A top Pentagon official acknowledges that the Department of Defense will renew its push for Congress to approve exemptions for the military from federal hazardous waste prevention and cleanup laws.

December 2: White House Office of Management and Budget begins pushing EPA and other federal agencies

to weigh the cost to industry before implementing environmental, health, and safety regulations.

December 9: EPA proposes new voluntary guidelines that rely on industry operators to secure drinking water and wastewater treatment plants against terrorist attack. In fact, the agency even financed their effort to write the guidelines and will finalize the standards in 2006 only after collecting additional feedback from the operators.

December 14: Documents reveal that the Defense Department intends to replace its 1996 directive outlining the military's concrete responsibilities with only vague guidance about preventing pollution and complying with federal and international laws.

December 16: In violation of both the Montreal Protocol and the Clean Air Act, outgoing EPA head Michael Leavitt signs off on new regulations exempting U.S. farmers from an international ban on the continued use of methyl bromide, a cancer-causing pesticide.

December 17: Science used by federal agencies to support regulations must undergo additional layers of costly and time-consuming review with non-governmental reviewers, by order of the Bush administration. The controversial new "peer review" guidelines, issued by the White House Office of Management and Budget, provide industry with yet another opportunity to delay or derail regulations.

SLASHING FOREST, PARK, AND OTHER PUBLIC LAND PROTECTIONS

The people of the United States own hundreds of million acres of national forests and parks, but the Bush administration views these wildlands as commercial assets, rather than elements of our natural heritage. The administration's apparent goal is to give corporations easy access to public lands. To do so, it has drastically limited the ability of citizens to comment on or challenge its forestry policies.

The administration has excluded citizens from forestry decisions by using its so-called Healthy Forests policy to rewrite the rules. Under the new policy, the Forest Service need no longer share draft environmental assessments with the public, nor will it publish comment deadlines in local newspapers. The administration has also expanded the use of categorical exclusions for timber sales—an approach that allows the Forest Service to dispense unilaterally with the normal public environmental review process, making it even harder for non-insiders to get information or give input.

On December 22, 2004, the administration went even further in its efforts to short circuit public participation. Just days before the Christmas holiday, it announced sweeping new regulations that eliminate some of the nation's most effective wildlife protections. The new rules also drop the requirement that federal officials conduct science-based environmental reviews—including public comment—before adopting overall management plans for national forests. These new rules will drastically limit the American public's ability to effectively participate in decisions about how its 155 national forests are managed.

While the administration is aggressive about defending its decisions from public scrutiny, it is extremely

passive about protecting rules it does not like, such as the regulation that protects wild roadless areas of national forests, commonly known as the roadless rule. The roadless rule protects nearly 60 million acres of national forest wildland from virtually all logging and road-building. The administration has refused to defend this landmark safeguard in court, hoping that judges would, in the words of an email message leaked from the Bush administration, "take the rule down." In July 2004 the administration decided not to rely on the courts and announced its plan to eliminate the road-

"The whole concept of national parks . . . is that these are areas of such transcendent national values that they belong to the heritage of all Americans. By definition, their fate must not be left to local self-interest. The Bush administration . . . seems determined to overthrow this governing rule and make local interests the deciding factor in the management of these national treasures. Once we adopt such a radical policy, our national parks, national forests and national wildlife refuges will face a future that is increasingly at risk."

Russell E. Train, former EPA administrator under Presidents Nixon and Ford, in a letter to Republican for Environmental Protection (REP America) newsletter, Fall 2004 (Volume 8, Number 2)

96 million

Acres of national forests where livestock grazing is allowed

58.5 million

Acres of pristine national forests that could be opened to logging, mining, drilling and other development now that the Bush administration has rescinded the roadless rule

350

Watersheds contained in forests formerly protected by the roadless rule

220

Endangered species whose habitat is located in roadless forests

2009

Year through which National Park Service maintenance projects will be underfunded, despite Bush administration's repeated promise to eliminate the system-wide maintenance backlog

33

Coal-fired power plants proposed to be built near national parks and wilderness areas over the past four years

\$875

Sale price per acre for 155 acres of federal land near Crested Butte, Colorado—purchased by Phelps Dodge mining company

\$100,000

Sale price per one-tenth of an acre of adjacent private land near Crested Butte

2%

Jobs in Rocky Mountain region that are dependent on extractive industries

12.5%

Jobs in Rocky Mountain region that are dependent on outdoor recreation

less rule completely. When finalized, this move will allow currently illegal development on millions of acres in pristine forests across the country.

The administration is similarly passive about protecting our national parks. It has failed to block oil and gas drilling right next to Dinosaur National Monument in Colorado and Utah. It has refused to prevent power plants from being built immediately outside North Dakota's Theodore Roosevelt National Park, despite Park Service concerns that the plants will endanger visibility and air quality. In Yellowstone, the administration has allowed commercial interests and motorized vehicles to take precedence over other uses of the park. Though the Park Service has concluded three times that

snowmobiles will impair the park, the Department of Interior has overridden those findings each time.

2004 Bush Record on Forests

Below is NRDC's account of what this administration has done and is doing on forest issues. For more details on these activities, visit www.nrdc.org/bushrecord.

January 9: U.S. Forest Service issues its first rule under the recently enacted Healthy Forests Restoration Act,

limiting the ability of citizens to appeal logging projects on 20 million acres of federal lands.

January 22: Forest Service releases a new management plan that calls for tripling logging levels in the 11 national forests in California’s Sierra Nevada range—opening up more than 3 million acres of forest to logging of large, old-growth trees.

January 23: Bush administration rescinds a wildlife protection rule, lifting the requirement that timber companies in the Pacific Northwest must “survey and manage” for some 300 rare and little-known plant and animal species before logging in national forests.

January 23: Forest Service unveils new forest management plans that boost logging levels across 3.2 million acres of national forests in five states along the Southern Appalachian range.

February 11: Forest Service management plan contains surprise provisions that allow drilling and mining in over 90 percent of Alabama’s national forests. Little of the oil, gas, and mineral development language underwent any analysis or public review, as required by the National Environmental Policy Act.

March 10: Forest Service acknowledges reports that it paid a San Francisco public relations firm \$90,000 to help the agency promote a management plan that calls for a threefold increase in logging for national forests in the Sierra Nevada range.

March 18: An internal agency memo reveals that Forest Service Chief Dale Bosworth favors eliminating reviews of his agency’s actions by other federal agencies for compliance with endangered species, clean water, and historical preservation laws.

March 23: Forest Service makes two major changes to the Northwest Forest Plan, facilitating increased old-growth logging on 24 million acres of federal forest lands in Oregon, Washington and northern California.

April 9: Invoking a new rule under President Bush’s “Healthy Forests” policy, Forest Service declares an “economic emergency” to expedite salvage logging in Oregon’s Malheur National Forest—allowing the agency to circumvent the public review process normally required prior to salvage logging.

May 6: Bush administration downsizes Forest Service’s Content Analysis Team—the unit responsible for reviewing public comments—from 65 staffers to just 18.

June 1: Bush administration, in response to a timber industry lawsuit, delays a decision on whether or not to maintain Endangered Species Act safeguards for the threatened marbled murrelet, a seabird which nests in Northwest old-growth forests.

July 12: Bush administration decides to eliminate the landmark “roadless rule” that protects 58.5 million acres of wild national forests from logging, road building, and other development.

September 29: Four days after President Bush proclaims that his environmental policies have “improved habitat on public and private lands,” Forest Service repudiates a rule (dating back to the Reagan administration) that protects fish and wildlife populations when the agency plans and conducts timber sales.

November 18: Bush administration rejects appeals by citizens and California’s attorney general of its new forest management plan for California’s Sierra Nevada that, under the guise of wildfire prevention, will involve cutting down 115,000 acres of old-growth trees in 11 national forests. Logging would triple under the plan, something that critics point out will actually increase the risk of forest fires since large, old-growth trees—which are fire resistant—will be cut down.

November 26: Internal documents obtained by an environmental group reveal that EPA censored the warnings of its staff about a Bush administration plan to allow increased roadbuilding in pristine national forest areas. The information reveals that the EPA

deleted comments about a host of environmental problems, ranging from impaired public drinking water to the spread of invasive plants, from comments it submitted to the Forest Service.

December 10: Agriculture Undersecretary Mark Rey, a former timber lobbyist, informs attendees at an annual timber industry conference that upcoming forest policy changes are aimed at doubling logging on federal lands.

December 10: BLM auctions off drilling rights to oil and gas companies on 34 parcels of federal lands in Utah. Encompassing roughly 45,000 acres, the lands include roadless tracts in Uinta National Forest and areas within view of Hovenweep National Park.

December 22: Forest Service rewrites its National Forest Management Act rules to promote opening up the nation's 190 million acres of federal forestlands—including old-growth wildlife habitat and roadless areas—to industry for logging, drilling, and development. The revised rules drop the requirement for a public environmental review process for forest management plans and eviscerate safeguards for endangered fish and animals that date back to the Reagan era.

2004 Bush Record on Parks

Below is NRDC's account of what this administration has done and is doing on parks issues. For more details on these activities, visit www.nrdc.org/bushrecord.

January 17: Under the guise of reducing the threat of wildfires, Forest Service issues new management plan for the Giant Sequoia National Monument in California, which calls for increased commercial logging.

February 9: BLM announces plans to lease 45,000 acres of land in Colorado and Utah—bordering Dinosaur

National Monument—for oil and gas drilling. Energy development in the 210,000-acre monument—which includes Dinosaur Quarry, the home of nearly 2,000 dinosaur bones—would result in noise pollution and mar the pristine landscape surrounding the monument. (Following heavy protest from conservation groups, BLM opts to suspend the auction a month later.)

February 13: Rather than taking measures to actually reduce air pollution, EPA changes the *method* used to estimate air pollution over Theodore Roosevelt National Park in North Dakota—where the air currently violates Clean Air Act standards.

February 27: National Park Service approves BMP Petroleum's request to drill a natural gas well off Padre Island National Seashore in Texas. At 69 miles long and encompassing 130,000 acres, Padre offers the world's longest stretch of undeveloped barrier island—making it a popular tourist destination as well as home to 11 endangered species.

March 4: Park Service captures some 300 bison outside Yellowstone National Park, and slaughters half of them. The Yellowstone buffalo represent the last free-roaming buffalo herd not exterminated by the late 1800s.

March 16: A leaked government memo reveals that the Bush administration directed park superintendents to keep silent about the Park Service's budget troubles and avoid any cutbacks that might "cause a public or political controversy . . . end up in the media or result in congressional inquiries." The agency's budget has decreased by 20 percent over the past 25 years.

April 21: A Park Service study shows that snowmobiles in parks reach noise levels 25 percent higher than that which health experts consider the maximum level of loudness the human ear can safely withstand. In response, park employees are advised to don hearing protection to guard against damage from noisy snowmobiles during the winter months.

April 29: Experts in each of EPA's 10 regions publicly voice concerns over the Bush administration's new policy of allowing a state to choose the year to use as a baseline for air pollution control. The agency critics warn that the change will threaten air quality over national parks and wilderness areas.

May 28: A lack of funding by the Bush administration causes cutbacks in visitor services and staffing at a dozen major national parks, according to a report by the Coalition of National Park Service Retirees.

June 1: Bush administration declines to establish a new national park along California's central coast even though a four-year study by the Park Service concluded that Fort Hunter Liggett in Monterey County is worthy of park status.

August 19: Park Service unveils a new plan to allow up to 720 snowmobiles each day into Yellowstone National Park and 140 per day into Grand Teton National Park. Environmentalists contend—and government experts agree—that the vehicles cause harmful air and noise pollution and damage wildlife habitat.

September 12: Forest Service proposes designating a "primary conservation area" near Yellowstone and Grand Teton national parks for grizzly bears—the first step in removing the bears from the Endangered Species Act.

November 15: Records reveal the Park Service may have quietly changed a rule, letting oil companies skip requirements when directional drilling occurs under national parks. A Sierra Club lawsuit further alleges that the agency has allowed directional drilling with-

out impact analyses and with reduced environmental studies since 2001.

December 10: BLM auctions drilling rights to oil and gas companies on 45,000 acres of federal lands in Utah, including roadless tracts in Uinta National Forest and areas within view of Hovenweep National Park.

2004 Bush Record on Grazing

Below is NRDC's account of what this administration has done and is doing on grazing. For more details on these activities, visit www.nrdc.org/bushrecord.

January 2: BLM proposes giving ranchers greater grazing access to 160 million acres of public lands while limiting public participation and the government's ability to intervene and prevent environmental damage. Agency officials acknowledge that the new rancher-friendly plan—affecting some 18,000 permits—could have "short-term negative impacts."

February 10: U.S. Forest Service, citing a permitting backlog, announces plans to "streamline" grazing approvals under the National Environmental Policy Act—reducing environmental review and limiting public input in grazing approvals.

August 3: A federal judge rules that cattle grazing and off-road recreation permits issued by the Interior Department in desert tortoise habitat violate the Endangered Species Act.

TAKING AIM AT WILDLIFE PROTECTIONS

In the Bush administration's wildlife agencies, the foxes are guarding the hen house. Many of the people administrating wildlife statutes come from the very mining, developing, timber, and grazing industries they are charged with regulating. Under their watch, the protection of new species under the Endangered Species Act has virtually ground to a halt. While President Clinton protected an average of 65 new imperiled species a year and President George H.W. Bush protected 59 species a year, the Bush administration has added an average of only 9.5 species a year to the endangered list. These numbers reflect the administration's disregard for the Congressional mandate to protect threatened wildlife. Indeed, top Interior Department officials have stated that the government should be relieved of the "burdens" of the Endangered Species Act.

As part of its effort to render the 30-year-old Endangered Species Act toothless, the administration has attempted to thwart one of the most important tools for implementing the law: the ability to designate and protect "critical wildlife habitat," lands deemed by scientists to be essential for the recovery of endangered and threatened species. The administration has actively avoided setting aside critical habitat, even when ordered by the courts to do so. It has also failed to contest lawsuits filed by real estate developers seeking to overturn critical habitat designation, instead offering them sweetheart settlements in which the government has voluntarily withdrawn protected habitat. The administration even went so far as to direct Fish and Wildlife Service field offices not to set aside critical habitat if other conservation steps are already in place, even if such steps are inadequate. As a result, the Bush

administration is designating less than half of the habitat identified as critical by its own scientists. In 2003 alone, the size of final critical habitat designations were 69 percent smaller than what Fish and Wildlife Service professionals had originally proposed.

The administration has also made a practice of twisting scientific facts and ignoring its own data on wildlife protection. In 2004, officials at the U.S. Fish and Wildlife Service's Vero Beach office tried to fire Andrew Eller, Jr., a scientist who publicly stated that his agency used faulty science to improperly approve eight development projects in critical habitat for the endangered Florida panther. Michael Kelly, a federal biologist with the National Oceanic and Atmospheric Administration, claims that his superiors knowingly violated the Endangered Species Act by pressuring him to alter the scientific findings of a review he conducted of Klamath River water levels. He refused, but the Bureau of Land Management insisted on imposing water levels that were scientifically unjustifiable, resulting in the death of 33,000 federally protected salmon.

"The Endangered Species Act does not mandate recovery, it mandates a recovery plan. That's different from recovery."

Brian Gorman, NOAA Fisheries, defending his agency's interpretation of the ESA as keeping imperiled wildlife from declining any faster than they already are—as opposed to allowing for the recovery of threatened and endangered species ("Dams will stand, salmon be damned," *High Country News*, October 2004)

15,589

Threatened and endangered species on the latest World Conservation Union "Red List"

31

Wildlife species the Bush administration has added to the Endangered Species Act list (compared to 253 listed by Reagan, 228 by Bush I, and 521 by Clinton)

\$120 million

Budget needed to protect all wildlife eligible for the ESA list

\$12 million

Bush administration budget for ESA listings

36%

Federally protected wildlife species with designated "critical habitat"

42

Million acres of "critical habitat" cut between 2001 and 2003 (from the 83 million acres proposed for threatened and endangered species)

When the Bush administration cannot circumvent wildlife laws, it simply grants blanket exemptions from them. In 2003, the political appointees at the Pentagon persuaded Congress to exempt the Department of Defense from fundamental environmental laws, including the critical habitat provisions of the Endangered Species Act, which safeguards wildlife and habitat on the 25 million acres controlled by the military, and the Marine Mammal Protection Act, which protects whales, dolphins, and other ocean mammals from ear-splitting military sonar and underwater explosives. The DOD was allowed to hold itself above the nation's laws, despite the fact that there was no evidence that the wildlife laws adversely affected military preparedness.

2004 Bush Record on Wildlife

Below is NRDC's account of what this administration has done and is doing on wildlife issues. For more details on these activities, visit www.nrdc.org/bushrecord.

January 26: James Connaughton, head of the White House Council on Environmental Quality, announces a \$10 million increase in federal funding to restore Northwest salmon populations—\$110 million less than environmentalists and Native American groups say is needed to save endangered salmon.

January 23: Bush administration rescinds a wildlife protection rule, lifting the requirement that timber companies in the Pacific Northwest must "survey and manage" for some 300 rare and little-known plant and animal species before logging in national forests.

January 27: EPA admits that it routinely violates the Endangered Species Act provision requiring it to consult with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service before approving pesticides that could harm imperiled plants, fish, and wildlife.

February 15: In an effort to restrict prairie dog migration from federal to private lands, the U.S. Forest Service decides to allow the animals to be poisoned on national forests and grasslands—despite the agency's previous contention that the black-tailed

prairie dog be listed as threatened under the Endangered Species Act.

February 18: U.S. Navy announces plans to start a large-scale dredging project in Key West Harbor—an area known to be habitat for endangered turtles.

February 25: President Bush's fiscal year 2005 budget proposal slashes funding for endangered species recovery by almost \$10 million—its lowest level since the president took office.

February 26: Army Corps of Engineers issues its long-awaited draft management plan for the Missouri River, which ignores a Fish and Wildlife Service recommendation to return the river to its natural flow to ensure the survival of the endangered pallid sturgeon.

March 1: BLM, for the second year in a row, grants Questar Corporation a special exemption to drill in the Rocky Mountains in the heart of prime winter habitat for migrating wildlife.

March 1: Over the protests of conservation groups and more than 100 members of Congress, the Bush administration proceeds with plans to auction oil and gas leases on ecologically sensitive floodplains and wildlife habitat in Utah and Wyoming.

March 3: Bush administration announces plans to relax Endangered Species Act protections to make it easier to kill wolves. While current law allows federal officials to move wolves if they are causing an “unacceptable impact” on big game herds, the new rule would let states move or kill wolves if wildlife populations are not meeting their population goals—even if the decline is not caused by wolves.

March 9: Over the opposition of more than 350 wildlife scientists and advocates, the Fish and Wildlife Service proposes easing federal restrictions so that the pet industry, trophy hunters, and non-accredited zoos in the United States can import threatened and endangered species—or what is left of them after being killed.

March 18: An internal agency memo reveals that Forest Service Chief Dale Bosworth favors eliminating reviews of his agency's actions by other federal agencies for compliance with endangered species, clean water, and historical preservation laws.

March 24: A federal court rules that BLM violated the Endangered Species Act when it did not consult federal wildlife agencies over irrigation diversions from Idaho's Snake River. The water diversions in question caused upper tributaries to go dry, ruining habitat and killing fish.

March 25: Forest Service claims that its new management plan for the Lolo, Kootenai, and Idaho Pan-handle national forests in Montana will safeguard grizzly bears despite the fact that it would leave more than 3,000 miles of road in grizzly habitat open.

April 2: Fish and Wildlife Service, shortly after calling the Corps of Engineers' new operating plan for the Missouri River a violation of the Endangered Species Act, reverses course by signing off on the Corps' plan to keep the river deep enough for barge shipping in the summer rather than restoring a natural flow regime that would benefit imperiled wildlife.

April 8: Fish and Wildlife Service, after missing repeated deadlines, finally acknowledges that the Pacific fisher—a rare relative of weasels, otters, and minks—is at risk of extinction and warrants federal protection. However, the agency says it lacks the money to adequately protect the species and will instead only make the fisher a “candidate” for listing as threatened or endangered under the Endangered Species Act.

April 8: Interior Department rejects a petition challenging an Alaskan hunting program in which planes are used to chase down and shoot wolves.

April 15: Fish and Wildlife Service rejects challenges to its decision to keep the trumpeter swan of Yellowstone National Park off the endangered species list. In 2003 the agency denied Endangered Species Act

protection to the struggling swan flock in Yellowstone, citing a study—that was neither published nor reviewed by swan experts—which contradicts years of swan research.

April 20: Fish and Wildlife Service accepts a petition to revoke the Stephen’s kangaroo rat’s protected status under the Endangered Species Act. The kangaroo rat, which has been on the ESA list since 1988, occupies some of the best land for ranching and development in California.

April 28: Bush administration decides that hatchery-bred fish should be counted when deciding whether stream-bred wild salmon are entitled to protection under the Endangered Species Act. To the delight of developers, farmers, and timber and power companies, Bush officials admit the new policy will be used to decide whether to remove 15 species of salmon from the ESA list.

April 28: Bush administration, calling the federal process for ensuring the recovery of imperiled wildlife “broken,” proposes new restrictions on designating “critical habitat” under the Endangered Species Act.

May 3: A 17-year employee of the Fish and Wildlife Service files a complaint asserting that the agency knowingly used flawed science to support the conclusion that the dwindling Florida panther population—protected under the Endangered Species Act since 1976—is not in jeopardy.

May 21: A federal biologist with the National Oceanic and Atmospheric Administration resigns, accusing the Bush administration of politicizing scientific decision-making and misleading the public about the 2002 Klamath River fish kill.

June 1: Bush administration, in response to a timber industry lawsuit, delays a decision on whether or not to maintain Endangered Species Act safeguards for the threatened marbled murrelet, a seabird which nests in Northwest old-growth forests.

June 2: Fish and Wildlife Service proposes a rule to shield military bases from compliance with the Migratory Bird Treaty Act and to allow the Department of Defense to make its own determination of whether its actions cause harm to wildlife. This is part of a larger campaign to exempt the military from all federal environmental protections.

June 9: BLM proposes opening 387,000 acres in the northeastern corner of the National Petroleum Reserve—Alaska (also known as the Western Arctic Reserve) to energy development. The area in question, which provides critical habitat for migratory geese, caribou, and other wildlife, has been closed to oil and gas drilling since 1998.

June 18: Bush administration fails to confer with government agencies about the effects of fire retardant chemicals on federally protected fish. When combined with sunlight and water, sodium ferrocyanide—a chemical dumped from air tankers to combat wildfires—breaks down into hydrogen cyanide, which is lethal to fish.

June 21: A federal judge in Oregon orders the Bush administration to explain why it has yet to provide federal protection for three wildlife species in Idaho, New Mexico, and Lake Tahoe. Although the Fish and Wildlife Service designated the southern Idaho ground squirrel, the New Mexico sand dune lizard and the Tahoe yellow cress as “candidates” for listing under the Endangered Species Act, they have yet to receive federal protection because the agency has yet to formally list them as threatened or endangered.

June 24: A National Wildlife Federation study indicates that the Bush administration is protecting only about one of every two acres of proposed habitat for threatened and endangered species. Federal biologists recommended the creation of almost 83 million acres of critical habitat between 2001 and 2003, yet the administration reduced the acreage by 42 million acres.

July 13: BLM releases a final plan for the Jack Morrow Hills, in southwest Wyoming, that calls for opening

nearly half the 622,000-acre area to oil and gas drilling. Nestled in the heart of the vast Red Desert, Jack Morrow Hills is home to the nation's largest desert elk herd and the largest active sand dune system on the continent.

July 14: Interior Department recommends removing the grey wolf from federal protection throughout most of the country, despite the wolf's listing as threatened under the Endangered Species Act in most of the lower 48 states.

July 26: Fish and Wildlife Service announces that the tiger salamander will no longer be considered a federally protected endangered species. Consequently, California cattle ranchers and farmers are no longer required to apply for permits under the Endangered Species Act for activities that may harm these salamanders.

July 29: Fish and Wildlife Service decides to drastically reduce the endangered Topeka shiner's critical habitat designation for streams in Missouri, Kansas and South Dakota—a decision applauded by developers and agriculture interests.

July 29: A federal judge orders Fish and Wildlife Service to reconsider its decision not to designate critical habitat for an endangered beach mouse, which is found only in Florida's panhandle.

August 3: A federal judge rules that cattle grazing and off-road recreation permits issued by the Interior Department in desert tortoise habitat violate the Endangered Species Act.

August 4: Fish and Wildlife Service reduces the acreage designated as critical habitat for an imperiled desert plant—the milk-vetch—by more than half of its original proposal.

August 6: A federal court rules that the standard used by the Fish and Wildlife Service to determine whether a project will harm critical habitat for federally protected species violates the Endangered Species Act.

August 13: Fish and Wildlife Service drops the black-tailed prairie dog as a candidate for protection under the Endangered Species Act.

August 19: Park Service unveils a new plan to allow up to 720 snowmobiles each day into Yellowstone National Park and 140 per day into Grand Teton National Park. Environmentalists contend—and government experts agree—that the vehicles damage wildlife habitat, as well as cause harmful air and noise pollution.

August 31: Bush administration rules out removing dams on the Columbia and Snake rivers to save endangered wild salmon—despite the fact that government officials once described dam removal as the most scientifically sound method for saving salmon.

September 1: Interior Department directs federal biologists in the Portland regional office to modify a report to say that there are no genetic, physical, behavioral, or ecological differences between the murrelet population in the Northwest and other populations in Alaska and Canada—thereby paving the way for the bird to be delisted from the Endangered Species Act. Without federal protections, logging restrictions could be lifted in murrelet habitat in Northwest forests.

September 12: Forest Service proposes designating a “primary conservation area” near Yellowstone and Grand Teton national parks for grizzly bears—the first step in removing the bears from the Endangered Species Act.

September 29: Four days after President Bush proclaims that his environmental policies have “improved habitat on public and private lands,” Forest Service issues a rule that would nullify wildlife protections (dating back to the Reagan administration) that require the agency to manage forests while ensuring viable populations of fish and wildlife.

October 2: A newspaper investigation reveals that top officials at the National Oceanic and Atmospheric

Administration and the Bureau of Reclamation ordered federal biologists to rewrite a report that had found harmful effects on endangered salmon from a state-federal plan to divert millions of gallons of water from rivers in northern California to the southern part of the state.

October 22: Contrary to the government's own studies, the National Marine Fisheries Service rules that a plan to increase water transfers from northern California to southern California will not further jeopardize five species of threatened and endangered fish in the region. The ruling also will allow more water to be funneled through the delicate Sacramento-San Joaquin Delta on its way to thirstier regions.

November 5: Fish and Wildlife Service fires a biologist who publicly accused the agency of using faulty science in approving development in endangered Florida panther habitat. On the same day, the agency delays the adoption of a two-year plan to protect Florida panthers from encroaching development.

November 9: Fish and Wildlife Service decides against listing the prairie dog for protection under the Endangered Species Act, despite the loss of 92 percent of the creature's historic habitat.

November 30: Bush administration proposes cutting "critical habitat" protections for threatened and endangered salmon and steelhead in the Pacific Northwest by more than 80 percent—or nearly 125,000 miles of rivers and streams. The new plan was drafted with the help of Mark Rutzick, who spent years suing the government over salmon protections on behalf of the timber industry prior to being tapped to serve in the administration.

November 30: In a reversal of a 2000 policy decision, the Bush administration decides against removing federal dams on the Columbia and Snake rivers to protect 11 endangered species of salmon and steel-

head, even as a last resort. In a letter to President Bush, 250 scientists blast the administration's salmon plan as "scientifically indefensible."

December 18: Court records reveal that the farm lobby held sway with a top Bush administration official on two high-profile environmental issues in California. After a series of email messages and telephone calls, it appears that Deputy Assistant Interior Secretary Julie MacDonald tried to scuttle scientific recommendations that favored protecting endangered fish and wildlife habitat.

December 19: Government documents reveal that Bush administration officials overrode federal scientists last fall when they decided that diverting more water to southern California farmers would not harm endangered fish in northern California rivers. The documents show that officials altered scientific reports to downplay the extinction risks for those species posed by the massive water diversion.

December 22: Fish and Wildlife Service rejects a petition from 11 conservation groups to consider federal protection for four species of lampreys that live in rivers on the West Coast. Although the eel-like fish is threatened by dams and artificial barriers that block spawning runs, irrigation projects that deplete river water, and logging and development that damages habitat, the agency suggested a need for more research on the lamprey's condition and conservation needs.

December 22: Forest Service rewrites the National Forest Management Act to open up the nation's 190 million acres of federal forestlands—including old-growth wildlife habitat and roadless areas—to industry for logging, drilling, and development. The revised rules eliminate the environmental review process for forest management plans and eviscerate safeguards for endangered fish and animals that date back to the Reagan era.

INCREASING NUCLEAR INSECURITY

The collapse of the Soviet Union created an historic opportunity for the United States to reduce the role of nuclear weapons in our national security policy. Instead of realizing this promise, however, the Bush administration's nuclear weapons policies have missed opportunities and in many instances turned back the clock. These policies ignore hard science and accepted principles of nuclear nonproliferation. In the end, the administration's handling of nuclear matters both at home and abroad has left our nation more vulnerable, not more secure.

In December 2001, for example, the administration released its Nuclear Posture Review, the defining document of its nuclear weapons policy and plans. The review reveals that not since the resurgence of the Cold War in Ronald Reagan's first term has there been such an emphasis on nuclear weapons in U.S. defense strategy. Indeed, the review increases the number of situations in which nuclear weapons might be employed and calls for building a new generation of warheads. It also puts in place a planning and command structure that would make it faster and easier to plan and actually launch nuclear attacks. The administration claims that this newly reinvigorated nuclear posture will strengthen national security, but it is already clear that it is causing competitors such as Russia and China to respond with improved weapon programs of their own.

The administration has developed a pattern of disregarding evidence that does not support its political goals. In the case of a national missile defense system, the administration has ignored the growing body of science—some conducted by the Pentagon's own experts—that the system is beset with substantial technical problems. The defense system currently being fielded has not been adequately tested, according to

the Pentagon's own director of test and evaluation. Several reports have raised fundamental questions about the technical capabilities of the administration's various missile defense programs. For example, a study group of the American Physical Society examined boost-phase missile defense and concluded that it is not feasible against the potential threats of North Korea or Iran. Even in the face of these reports, the White House continues to promote the fiction of an effective defense against ballistic missiles. But the harsh reality is that after 50 years of research, at a price exceeding \$100 billion, the technical challenges have not been overcome, and the hope of an effective defense against ballistic missiles remains elusive.

In June 2004, the Bush administration announced plans to significantly reduce the nuclear weapons stockpile by almost half over the next eight years. While this is a welcome and positive step, there is reason to suspect that it is no more than a bait and switch. With one hand, the Department of Energy offered to send old weapons to the scrap heap, but with the other, it asked Congress for money to build a new generation of nuclear weapons, including the controversial bunker buster—a weapon critics fear will make it easier to use nuclear warheads in wartime. Fortunately, Congress denied the request for funding, but the DOE will likely return with a similar request in 2005.

At the same time the administration is advancing its plans for new nuclear warheads, it is eviscerating the laws and regulations that decrease radioactive contamination at key sites here at home. The DOE has been cutting corners on cleanup of more than 100 million gallons of high-level radioactive waste generated at U.S. nuclear weapons facilities. Native American tribes and environmental groups sued the government,

12

Times more funding spent on nuclear weapons research and production by the Bush administration than on nonproliferation efforts to retrieve, secure and dispose of nuclear weapons materials worldwide

\$6.5 billion

Spent by the Energy Department on nuclear weapons in 2004

\$3.4 billion

Spent by the Energy Department on nuclear activities 10 years ago

\$30 billion

Spending estimates for U.S. nuclear weapons over the next four years

34 million

Gallons of high-level radioactive waste stored in 51 corroding tanks next to the Savannah River (most of which the Energy Department intends to abandon rather than clean up and remove)

and in June 2003, a federal judge ruled that the DOE violated the law by classifying high-level nuclear waste as “incidental,” a grossly inaccurate classification that allowed the department to abandon the waste in corroding tanks. Before the ink was dry on the opinion, the agency challenged the decision in appeals court and asked Congress to overturn the ruling with legislation and even provided its friends in Congress with the text of the legislative change. After a contentious fight, Congress used the Defense Bill to pass a law that could allow the DOE’s South Carolina and Idaho sites to abandon millions of gallons of highly radioactive waste in corroding tanks near important water supplies.

With its actions at home and abroad, the Bush administration’s policies have decreased U.S. security rather than enhanced it.

2004 Bush Record on Nuclear Weapons

Below is NRDC’s account of what this administration has done and is doing on nuclear weapons

issues. For more details on these activities, visit www.nrdc.org/bushrecord.

January 29: Bush administration decides to waive worker safety standards at dozens of federal nuclear weapons plants and research labs—if contracting companies disapprove of the regulations.

February 26: Energy Department threatens to withhold \$350 million dollars of federal nuclear waste cleanup funds if elected officials from the affected states refuse to approve the agency’s proposal to reclassify “high level” radioactive waste as “incidental”—thereby allowing the agency to abandon the waste at federal facilities rather than clean it up.

March 3: An audit by the Energy Department’s inspector general reveals that the agency’s records of worker injuries resulting from nuclear cleanup are inaccurate or downplay the dangerous nature of the work.

July 9: A federal court finds that the EPA illegally issued inadequate environmental and public health standards for the proposed Yucca Mountain nuclear repository site.