White House suspends environmental protection, citing coronavirus

Enlarge / A man and a woman, properly socially distanced from the rest of Los Angeles, take in a view of the city on a low air quality day in November, 2019.

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2020 has a new motto: “Cancelled due to the coronavirus.” Businesses, schools, sports, travel, film, and TV production, conferences, meetings, and basically any and all business as usual has been suspended in the US as individuals and institutions try to slow the spread of COVID-19. We have, at least, had outdoor space to go to—staying at least six feet away from others as we do—when we need a break from the four walls of our homes. But those spaces, along with the air we breathe and the water we drink, may get a whole lot less pleasant going forward, as the Trump administration is adding environmental protection regulations to the temporary cancellation list.

The Environmental Protection Agency is launching a “temporary enforcement discretion policy” due to the pandemic, it said late yesterday. The move comes as trade groups representing the oil and gas industry have been asking the White House and the EPA for compliance waivers.

Under the new policy, the agency will mostly not be

investigating civil non-compliance with environmental regulations, although it "does not provide leniency for intentional criminal violations" of the law. EPA Administrator Andrew Wheeler said in a written statement that the policy is designed to provide discretion "under the current, extraordinary conditions, while ensuring facility operations continue to protect human health and the environment."

Retroactive to March 13, penalties, including fines, will not apply to entities that fail to perform compliance monitoring, integrity testing, lab analysis, training, and relevant reporting if those entities say that COVID-19 is the reason they didn't do it, the policy (PDF) says.

The EPA would still like it, however, if everyone would just keep on doing the right thing in the complete absence of investigation and enforcement. If staffing, supply, or other issues related to COVID-19 result specifically in the emission of air or water pollutants or affect wastewater or waste treatment systems, the facility having the problem is instructed to let the EPA and local (state or tribe) government know about it. If the EPA feels like the threat to human health from the pollution, runoff, or waste is "imminent," the EPA will reach out to state governments to make a plan for minimizing or preventing the problem.

The agency is trying to prioritize the public water supply, the policy says, as safe drinking and hand-washing water is critical for public health. "The EPA expects operators of such systems to continue normal operations and maintenance as well as required sampling," the policy reads.

Although the EPA says the change is temporary, the policy does not have a deadline, time limit, or ineffective date. Instead, the agency will post a public notice at least seven days ahead of terminating the policy, whenever that may be.

Environmental groups and former EPA officials expressed shock

at the breadth of the suspension. “This is essentially a nationwide waiver of environmental rules,” Cynthia Giles, former head of the EPA’s enforcement division, told The New York Times. “It is so far beyond any reasonable response I am just stunned.”

An EPA spokesperson, however, said it was no such thing, saying, “For situations outside of routine monitoring and reporting, the agency has reserved its authorities and will take the pandemic into account on a case-by-case basis.”

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