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OUR VIEW

Trump sends WOTUS back for review

President Donald Trump is working to make good on a campaign promise to dump the “waters of the United States rule.”

Earlier this month Trump signed an executive order calling for the Environmental Protection Agency and the Corps of Engineers to review the final rule, and to revise and rescind the rule as necessary.

Good. The rule was overly broad, and expanded the already considerable reach of those agencies.

EPA and the Corps worked on the rule for a couple of years in the hopes of reconciling two separate Supreme Court decisions in cases involving the Clean Water Act. The object was to better define what constitutes “waters of the United States,” which the act gives the federal government authority to regulate.

The language of the rule would extend regulation to isolated bodies of water that have a “significant nexus” with navigable waters of the United States.

While the rule makes clear reference to exempted established farming practices, the bureaucracy has flouted these exemptions in the past by imposing narrow and unconventional interpretations of what is allowed.

Despite the government’s protest to the contrary, farm and ranch groups worried the feds would use the opportunity to expand their authority over “waters,” and therefore adjacent lands, not previously subject to regulation under the Clean Water Act. Such a designation could have profound and expensive consequences for landowners.

Twenty-eight states asked the Obama administration to delay implementing the rule when it came out in 2015, arguing the agencies had failed to follow proper procedure in formulating the rule. Thirteen states promptly sued in 2015 when the final order was released.

Even the Corps had its doubts, writing a scathing email to EPA officials prior to the release of the final draft. Unhappy with the way EPA wrote the document, the Corps determined the rule would not withstand a court challenge.

And it was right. North Dakota U.S. District Judge Ralph Erickson granted a preliminary injunction delaying the rule’s implementation.

Erickson said the states were likely to succeed on the merits because the agencies had adopted an “exceptionally expansive” regulatory scheme, allowing the EPA to regulate “waters that do not bear any effect on the ‘chemical, physical and biological integrity’ of any navigable-in-fact water.”

The litigation is ongoing, and the rule remains under nationwide stay.

Getting rid of the rule as written is a good first step in reducing the reach of the administrative state. But that’s not enough, because it will leave unresolved the ambiguity created by the disparate Supreme Court rulings. Farmers, ranchers and regulators need clear, unambiguous guidance on the true extent and limit of the government’s authority.

On that point the next rule must be quite clear.

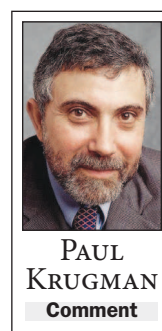
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OTHER VIEWS

Facts are enemies of the people

The U.S. economy added 10.3 million jobs during President Barack Obama’s second term, or 214,000 a month. This brought the official unemployment rate below 5 percent, and a number of indicators suggested that by late last year we were fairly close to full employment. But Donald Trump insisted that the good news on jobs was “phony,” that America was actually suffering from mass unemployment.



Then came the first employment report of the Trump administration, which at 235,000 jobs added looked very much like a continuation of the previous trend. And the administration claimed credit: Job numbers, Trump’s press secretary declared, “may have been phony in the past, but it’s very real now.”

Reporters laughed — and should be ashamed of themselves for doing so. For it really wasn’t a joke. The United States is now governed by a president and party that fundamentally don’t accept the idea that there are objective facts. Instead, they want everyone to accept that reality is whatever they say it is.

So we’re just supposed to believe the president if he says, falsely, that his inauguration crowd was the biggest ever; if he claims, ludicrously, that millions of votes were cast illegally for his opponent; if he insists, with no evidence, that his predecessor tapped his phones.

And it’s not just about serving one man’s vanity. If you want to see how this attitude can hurt millions of people, consider the state of play on health care reform.

Obamacare has led to a sharp decline in the number of Americans without health insurance. You can argue that the decline should have been even sharper, that there may be troubles ahead, or that we should have done better. But the reality of the law’s achievement shouldn’t be in question, and you should worry about the consequences of Trumpcare, which would drastically weaken key provisions.

Republicans, however, are in denial about recent gains. The president of the Heritage Foundation dismisses the positive effects of the Affordable Care Act as “fake news.” In Louisville over the weekend, Vice President Mike Pence declared that “Obamacare has failed the people of Kentucky” — this in a state where the percentage of people without insurance fell from 16.6 to 7 percent when the law went into effect.

And as for the likely impacts of Trumpcare — well, they literally don’t want to know.

When Congress is considering major legislation, it normally waits for the Congressional Budget Office to “score” the proposal — to estimate its effects on revenues, outlays and other key targets. The budget

office isn’t always right, but it has a very good track record compared with other forecasters; even more important, it has always been scrupulous about avoiding partisanship, and therefore acts as an important check on politically motivated wishful thinking.

But Republicans rammed Trumpcare through key committees, literally in the dead of night, without waiting for the CBO score — and they have been pre-emptively denouncing the budget office, which is likely to find that the bill would cause millions to lose health coverage. (Editor’s note: The CBO review estimates 24 million people will lose health insurance if the bill is passed as-is).

The truth is that while the office got some things wrong about health reform, on the whole it did pretty well at projecting the effects of a major new bill — and far better than the people now attacking it, who predicted disasters that never happened. And whatever criticisms one may have of its forthcoming score, it will surely be better than the ludicrous claim of Tom Price, the secretary of health and human services, that “nobody will be worse off financially” as a result of a plan that drastically cuts subsidies and raises premiums for millions of Americans.

But this isn’t really about whose analyses of health policy are most likely to get it right. It’s about Trump and company attacking the legitimacy of anyone who might question their assertions.

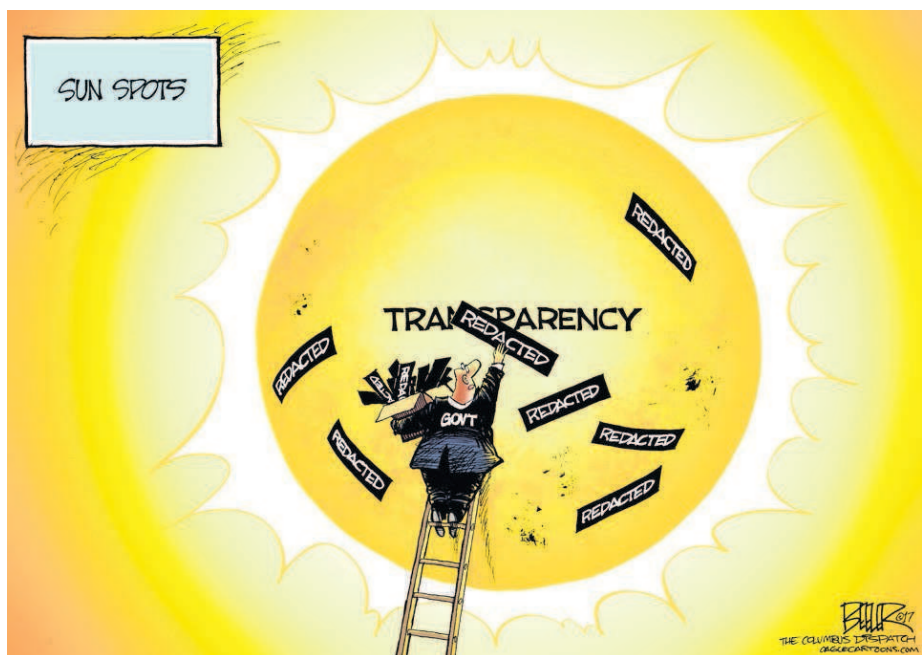
The CBO, in other words, is in the same position as the news media, which Trump has declared “enemies of the people” — not, whatever he may say, because they get things wrong, but because they dare to challenge him on anything.

“Enemy of the people” is, of course, a phrase historically associated with Stalin and other tyrants. This is no accident. Trump isn’t a dictator — not yet, anyway — but he clearly has totalitarian instincts.

And much, perhaps most, of his party is happy to go along, accepting even the most bizarre conspiracy theories. For example, a huge majority of Republicans believe Trump’s basically insane charges about being wiretapped by Obama.

So don’t make the mistake of dismissing the assault on the Congressional Budget Office as some kind of technical dispute. It’s part of a much bigger struggle, in which what’s really at stake is whether ignorance is strength, whether the man in the White House is the sole arbiter of truth.

Paul Krugman joined *The New York Times* in 1999 as a columnist on the *Op-Ed* Page and continues as professor of Economics and International Affairs at Princeton University.



YOUR VIEWS

Hermiston school buildings in need of replacement

As an alumnus of Hermiston High School and father to current HHS students, I urge you to vote yes for the upcoming bond for the Hermiston School District.

I was a fourth grade Highland Hills Husky when it opened in 1980. For many of us, 1980 seems not all that long ago. But, if you are a building that houses hundreds of students day after day for that many years you are worn out. HHES has now educated my children, as well. When visiting them at school I would find myself comparing the structure to when it was new and to other schools. The building has areas chipping away, the heating and cooling system seems non-existent and obviously inefficient, restrooms are irreparable from use, access for students with physical challenges is difficult, and so on.

Now as a parent, when I look at that building I see is a lot of open space and so many doors! In today’s environment, we unfortunately look at safety of our children from a much more severe perspective. The old design of Rocky Heights and Highland Hills is not conducive to secure campuses. In a recent safety audit performed by the Hermiston Police Department, Highland Hills and Rocky Heights fell well short of meeting current safety standards, due in large part to their lack of life-safety alert systems and outdated design. Having a controlled access to the school buildings where students and visitors use centralized entrance/exit is essential to that safety.

Driving around town one notices the number of modulars at our schools. Though

the school district planned for significant growth when building new buildings, the district’s growth has exceeded those numbers and that space. I am concerned that children walk to different buildings to get to class at a young age or that a high school student must walk into the main building from modulars to use the restroom.

I encourage you to attend the informational meetings, ask to visit the buildings, or investigate the district website to learn about the challenges of the district and how voting “yes” will help Hermiston students.

Please vote YES for the Hermiston School District Bond presented on the May ballot.

Jason Middleton, school board member
Hermiston

Creative bookkeeping

Steve Chrisman has done one heck of a job on turning the fortunes of the airport around, and with that came an additional assignment to do the same at the Convention Center. After eight months at the helm, mission accomplished, the city manager wants to return him full-time back at the airport and hire a full-time manager for the Convention Center. If this decision was based on those figures published in the *East Oregonian*, it leaves a lot of questions.

Having worked in a “statistical analysis” section in the Air Force and had my own business, I learned a long time ago that you can manipulate numbers to support a position either right or wrong. In the case of the Convention Center, there is not a direct correlation between revenues created

and profits. A projection of \$200,000 in revenue is impressive, but not if you exceed that by \$300,000 in expenses.

I sat through council meeting after meeting when streets were the hot topic and the standard answer from the council was always, “We just don’t have the money, we need more revenue sources.” Now evidently we have more revenue, yet the council has added a utility “tax” and significant increases for to water and sewer rates still programed for the future.

If anything, since this remarkable turnaround has been achieved with a part-time manager, do you really think we now need a full-time manager, or is this newfound prosperity just too much to comprehend? I guess Neil Brown has the inside track when he says that the Convention Center is not here to turn a profit, it’s to fill the hotels and restaurants, which creates those highly sought-after dishwashing and housekeeping jobs. My hope would be that the Convention Center would at least break even so we could turn our attention to the Vert before it implodes.

Rick Rohde
Pendleton

Obamacare revision a tax cut for the wealthy

I don’t normally write letters to the editor about specific legislation, but it’s important for people of Congressman Greg Walden’s district to know that the proposed revision of the ACA (Obamacare) will significantly reduce coverage, particularly for poorer people in Eastern Oregon. Worse yet, from my perspective, it will

give a huge tax break to the wealthiest 1 percent of the nation’s citizens. According to the Joint Committee on Taxation analysis, the proposed bill would deliver roughly \$157 billion over the coming decade to those with incomes of \$1 million or more, according to a congressional analysis. And folks making \$200,000 to \$999,999 a year would also get sizable tax cuts. Between the two groups we would see taxes cut by \$274 billion dollars.

To put that into perspective, the entire state budget for Oregon in 2015 was \$33 billion.

That Greg Walden supports such inequality is disturbing to say the least. I hope Rep. Walden starts to think about the less fortunate people in Oregon rather than giving tax breaks to most of Donald Trump’s billionaire cabinet members.

George Wuerthner
Bend

LETTERS POLICY

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