

Federal environmental policies during pandemic raise concerns in Northwest

■ Groups contend Trump administration scaling back protections during coronavirus pandemic

By Cassandra Profita
Oregon Public Broadcasting

State agencies and advocates have been alarmed by federal environmental policy rollbacks that continue unabated by the global coronavirus pandemic.

Amid COVID-19, the Trump administration has finalized rules that scale back the regulations for fuel efficiency in cars and trucks, air pollution coming from power plants and water pollution in streams and wetlands.

Meanwhile, federal agencies announced they would suspend enforcement of some environmental regulations for industries that can't comply during the pandemic.

In the Northwest, federal officials have also moved forward with controversial decisions on liquefied natural gas development, dam removal, timber sales and Hanford cleanup plans. While agencies note these decision-making processes started long before the pandemic, critics argue they should be postponed because it's too hard for people to follow and challenge them in the midst of a national crisis.

Washington Ecology Director Laura Watson recently denounced the White House for its "relentless attack on the environment" as the Trump administration finalized its Navigable Waters Protection Rule, which lifts water pollution restrictions for many streams and wetlands.

"This is another tragic abdication of federal responsibility to protect the environment," Watson said in a statement, noting that the decision makes it more difficult for states to protect waterways and runs the risk of state and local taxpayers having to pay to clean up toxic spills.

Oregon Department of Environmental Quality Director Richard Whitman said the state is planning to challenge the administration's "ill-advised" decision to reduce standards for how fuel efficient cars and trucks need to be in the recent Safer Affordable Fuel Efficient Vehicles rule.



Ted Warren / AP file photo

Elliott Moffett, a member of the Nez Perce tribe, holds a sign that reads Free the Snake as he takes part in a February rally in Olympia, Washington, that was organized by a coalition of environmental and tribal groups to promote the breaching of dams on the Snake River. The Trump administration has rejected dam removal.

"In my mind, this is really about propping up our petroleum industry, which is hurting now with the pandemic," Whitman said.

"But doing something just to prop up the oil industry in the middle of the pandemic, I will say, grates on us."

Whitman said the SAFE rule will allow new vehicles to be 20% less efficient and will allow higher emissions than without the rule, setting the state back even further in its goals to address climate change by reducing greenhouse gas emissions from transportation.

It's also just a bad time to be changing federal policies, he said. "We're all going through a really significant change in how our daily lives work, in terms of our families, in terms of our communities, in terms of the state," Whitman said. "We've got small businesses that are hanging on by their thumbnails here. So, having major changes in federal policy at this time, when the public really isn't able to engage in the way that perhaps they normally could, does seem a little bit tone deaf to us."

Oregon and Washington environmental regulators said the decision to relax federal environmental enforcement during the pandemic puts more of the onus on them to make sure industrial facilities

are operating properly at a time when their own agency budgets are collapsing because of sharply and suddenly plummeting revenues.

Leaders from both Oregon DEQ and Washington Ecology expressed dismay over a recent federal decision to weaken the fish consumption standards that determine water pollution limits in Washington state.

Sharlett Mena, special assistant to the director of the Washington Department of Ecology, has counted more than 95 federal environmental rollbacks since 2017, and some of the biggest have been finalized this spring, during the pandemic.

The recent decision to change the state's fish consumption standard, the basis for key water pollution limits, was a huge blow, Mena said.

"They're very, very big rules," she said. "All of these rules have gone forth with our very vocal objection and they were finalized now, when we're flat-footed and we're worried about our communities. We're worried about recovery."

Challenging the changes

Environmental advocates said a litany of new rules that were already controversial are now more difficult to challenge, due to the pandemic.

Brett VandenHeuvel, ex-

ecutive director of Columbia Riverkeeper, said he has been watching federal agencies move forward on major projects in the Northwest that his group would normally rally its members to fight in public hearings. But those hearings just aren't possible while stay-at-home orders are in place.

"It's frustrating that some of these really controversial projects are moving forward right now at a time when people just can't engage," VandenHeuvel said. "Columbia Riverkeeper and many other groups routinely have hundreds and sometimes thousands of our members at public hearings providing really insightful comments and input. By losing that, we're going to end up with worse decisions and less protection for the environment."

Federal agencies have moved forward with decision-making on a pipeline for the controversial methanol plant proposed in Kalama, Washington; approval of the Jordan Cove liquefied natural gas project in Coos Bay; budget cuts and cleanup plan changes for the Hanford Nuclear Site near Washington's Tri-Cities; and the environmental analysis on removing the Snake River dams to help threatened and endangered salmon and steelhead in the Columbia River Basin.

In March, federal agencies canceled the in-person hearings that had been scheduled on the Snake River dam removal analysis, which rejects removing the dams to save salmon, and replaced those hearings with teleconferences. Thirteen members of the Northwest congressional delegation responded with a letter to the chair of the Council on Environmental Quality asking for an extension of the comment period and arguing the intensely debated topic could not get the attention it deserves during a global pandemic.

"The current crisis cannot plausibly provide for an environment conducive to robust public comment," they wrote. "Public feedback should be

solicited in an accessible manner and, crucially, in-person, so that the citizens who stand to be affected most directly can make their voices heard to the officials charged with making these decisions."

The request was not granted, and the comment period is now closed.

Polluting projects

Meanwhile, VandenHeuvel said he's worried the federal agency in charge of enforcing protective environmental laws is allowing more pollution to be released from industrial operations such as oil refineries, pulp and paper mills and mining sites across the region.

"They're essentially the police force for pollution," VandenHeuvel said. "We're seeing simultaneously that they can't do their jobs to enforce environmental laws, but they can push forward dirty pollution-causing projects that the Trump administration's cronies in the oil industry want to see move forward."

In a written statement, an EPA spokesperson said the agency is still enforcing environmental laws while allowing some violations of pollution monitoring and reporting requirements because of the pandemic.

"Given the fact that millions of facilities are regulated by the Environmental Protection Agency, under EPA's temporary policy a facility does not have to wait for EPA approval to implement worker protections that could impact compliance with routine monitoring and reporting requirements," an agency spokesperson said in a written response to OPB. "The temporary policy clearly states that the burden is on the regulated entity to demonstrate that its non-compliance was caused by the COVID-19 public health emergency."

The EPA said companies are still required to report any violations of their permits, or of regulations and laws, and to notify authorities of

operational failures that could increase pollution and pose imminent threats.

"Where noncompliance has these impacts, enforcement discretion, if any, will be determined on a case-by-case basis, depending on the circumstances," the EPA said. "The policy has no leniency for those who exhibit an intentional disregard for the law or for accidental releases of oil, hazardous substances, hazardous chemicals, hazardous waste or other pollutants."

U.S. Forest Service media officer Stephen Baker said his agency remains operational during the pandemic and is keeping national forests open to logging, grazing and other economic activities to support local and rural economies. The agency has 400 open contracts for work in Oregon's national forests and 30-35 active timber sales.

"We continue to support timber; forest products, grazing, infrastructure projects and other sustainment and economic uses of our forestlands where these activities can be carried out safely for our employees, contractors, permittees and the public," he said.

George Sexton, conservation director with Klamath-Siskiyou Wildlands Center, said he's concerned about logging projects, like the Blown Fortune timber sale on Bureau of Land Management land, that aim to remove old-growth timber while federal offices and public lands that serve as recreation sites are largely closed.

"I fear that converting these older forest types into dense young timber plantations will increase fire hazard moving forward," he said. "I'm also concerned that while BLM hydrologists, biologists and recreation planners are being told to stay home, that the timber staff remains on the job."

BLM public affairs officer Sarah Bennett said her agency is continuing timber sales and agency staff are monitoring that work while maintaining safe social distance.

Train avoids hitting man sitting on tracks

By Chris Collins
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A Union Pacific train crew used emergency braking Sunday afternoon to avoid hitting a man who was seen sitting on the train tracks in the area of B and 14th streets as the train approached.

Police Chief Ray Duman said Brandon Douglas Culbertson, 32, of Baker

City, who apparently was attempting to complete suicide by train, was cited on charges of first-degree criminal trespassing and second-degree disorderly conduct.

A "police officer hold" was placed on Culbertson, who was taken to Saint Alphonsus Medical Center in Baker City, and a crisis mental health team was

called, Duman said.

Police originally were called to the railroad tracks at 2:47 p.m. and cleared the scene 20 minutes later, Duman said.

A Union Pacific conductor was the first to spot Culbertson, Duman said. Union Pacific employees called 9-1-1 to alert authorities of the incident as they stopped the train.

TRACING

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Staten said contact tracing protocol from the Oregon Health Authority (OHA) calls for tracers to identify people who have been in "close contact" with a person who tested positive for coronavirus. "Close contact" is defined as being near the person for at least 15 minutes, Staten said.

She said people interviewed by contact tracers could include family and friends of the person who tested positive.

She declined to say approx-

imately how many people the Baker County team has identified, or expects to interview, in connection with the county's single confirmed case, again citing privacy laws.

Staten said the "close contact" definition would not include, for instance, situations in which the person shopped at a store — unless the person had a conversation with an employee or patron that lasted more than 15 minutes.

Oregon Gov. Kate Brown's guidelines for allowing counties to begin reopening parts of their economies requires

counties to have at least 15 contact tracers per 100,000 residents.

Baker County, with 14 contact tracers for a population of about 16,800, easily exceeds that threshold.

Staten said the county also complies with another of the governor's requirements — the ability to test up to 30 people per 10,000 population per week.

That ratio means Baker County has to be able to test up to 49 people per week, and Staten said that Saint Alphonsus Medical Center and St. Luke's Eastern Oregon Medical Associates can

combine to meet that testing capacity.

The requirement is for the capacity to test, not the actual number of people tested, Staten said.

As of Monday, 101 Baker County residents have been tested for the virus, according to the OHA.

Bennett said Baker County's reopening plan, originally submitted April 24 and revised last week based on the governor's guidelines, has been sent from the governor's office to the OHA for review.

The county hopes to have approval to start reopening on Friday.

ARREST

Continued from Page 1A

Witnesses said Neilson's pickup struck a plastic garbage can in the parking lot and then turned westbound onto Campbell Street. He reportedly turned onto the westbound freeway ramp and then backed off the ramp and back to the motel.

Duman said officer Lance Woodward determined that Neilson was not under the influence of alcohol or drugs when he cited him on the reckless driving charge.

Duman said only those suspects charged with Measure 11 crimes — physical crimes including murder and rape and that carry mandatory minimum prison terms — are being taken to the Baker County Jail due to coronavirus precautions.

The second incident took place at about 1 a.m. Monday. Duman said Neilson attempted to run over

Woodward while the officer was driving his Baker City Police patrol car in uniform.

Duman said Woodward had been observing Neilson's movements overnight because of the earlier incident. At one point, Neilson began backing his pickup truck toward the patrol car while Woodward was inside. The officer believed that Neilson was attempting to strike the patrol car, Duman said.

A second police officer arrived to arrest Neilson. He was handcuffed and taken to Saint Alphonsus Medical Center on a "police officer hold," and mental health crisis workers were called, Duman said.

Neilson also was charged with recklessly endangering another person and attempting to assault a public safety officer during the Monday morning incident.

Duman said the information will be forwarded to the District Attorney's office for consideration of additional charges.

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