

Trump signs order cutting environmental regulation of infrastructure projects

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US President Donald Trump issued an executive order on Tuesday designed to cut down the environmental review process required for infrastructure projects. The order, titled “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure,” represents yet another measure which will slash regulations in favor of corporate profits.

The order’s claim that “environmental protections will be maintained” is a fraud. Taken in the context of the recent crackdown on protests over the building of the controversial Dakota Access Pipeline on tribal lands in North Dakota, the new measure is a thinly-disguised boondoggle for massive deregulation and tax cuts.

This latest executive order underscores the true nature of Trump’s so-called infrastructure plan, in which the allocation of \$1 trillion in federal funds will go not to rebuilding the country’s crumbling roads, railways and bridges, but to the banks and major corporations whose high-profile energy development projects such as oil and gas pipelines will receive heavy federal subsidies while being fast-tracked through the already lax process of environmental review.

The order also calls for the formation of a “Federal Permitting Improvement Steering Council” (FPISC) whose role is unclear. The thrust of the order points to an undermining of long-standing federal agencies, in keeping with Trump’s overall push to fill key administration positions with various businessmen and financiers. Both the council and steering committee will undoubtedly serve as a wedge to fast-track large-scale developments by major energy corporations while further eradicating the few remaining environmental regulations in place.

A fact sheet issued on Thursday to supplement Trump’s order decried “regulatory red tape” that

ensures that infrastructure projects are “held up for years at significant cost to [the US] economy.” It announced a two-year window to process environmental documents for “major” infrastructure projects. The order specifies that final decision making will be handed to the Council on Environmental Quality (CEQ), giving it the power to “mediate disagreements between federal agencies.”

One particularly controversial component within the order is the removal of a provision implemented under the Obama administration to protect roads and buildings from climate change-related flooding. The measure, known as the Federal Flood Risk Management Standard, had required strict building standards for all federal projects to reduce the risk from rising sea levels. Public structures such as subsidized housing and water treatment plants were to be built at least two feet above the 100-year flood standard. Structures of vital importance, such as hospitals, were required to be built three feet above the line.

The elimination of the flood prevention provision comes in the wake of the latest flooding disaster in New Orleans, Louisiana on August 5, dubbed by city workers and residents as a “mini-Katrina.” The disaster was the second of its kind in under a month, characterized by a 100-year flooding event exacerbated by the failure of 16 of the city’s 121 pumps.

New Orleans Democratic Mayor “Mitch” Landrieu has seized the opportunity to privatize the city-run Sewerage and Water Board (SWB). Just one year before, Baton Rouge, Louisiana’s capital located just one hour to the north of New Orleans, was hit with a 1,000-year flooding event with catastrophic consequences.

The Army Corps of Engineers released a report following the catastrophe of Hurricane Sandy in 2012,

showing that 31,000 miles of the North Atlantic coastline were at risk from rising sea level-related flooding. This accounts for almost 2 million homes worth a combined \$882 billion, according to an analysis by Zillow utilizing data from the National Oceanic and Atmospheric Administration (NOAA).

The White House seeks to enforce the new order under threat of economic strangulation. Agencies are instructed to streamline their own environmental review processes and “hold their officials accountable.” The Office of Management and Budget (OMB) will develop a two-year government-wide “modernization goal” aimed at slashing federal agencies and deregulating the environmental review process as a whole. In addition, the OMB will create a “performance accountability system” to track the activities of the agencies under its purview. Agencies that refuse to comply with the order, or exhibit “poor performance,” will be subject to severe budget cuts and could even be fined.

Though the long-term effects of the executive order are not yet clear, there are potentially a massive number of jobs and programs on the chopping block included under the National Environmental Policy Act (NEPA).

The NEPA review process typically consists of multiple components, such as wetland delineation and protection, endangered species protection, and protection of areas of historic or prehistoric significance. The latter part is known as “cultural resources management” (CRM), which ensures that archaeological sites are properly identified, investigated and protected ahead of development projects. There are currently 1,300 CRM firms in the United States that employ more than 10,000 professionals, such as archaeologists, architects, architectural historians, and historians.

A report given by the American Cultural Resources Association (ACRA) in late 2016 following Trump’s election warned of the need “to be ready for proposals to weaken” existing CRM regulations in the environmental review process. The report quoted Trump’s election transition team’s pledge “to identify and eliminate unnecessary regulations that kill jobs and bloat government.” The report also notes the Republican party platform’s aim to “modernize the permitting process under [NEPA] so it can no longer invite frivolous lawsuits, thwart sorely needed projects,

kill jobs, and strangle growth.”

Trump stated with confidence that the plan is likely to garner support from the Democratic Party. “[I]nfrastructure is something that I think we’ll have bipartisan support on,” he said. “I actually think Democrats will go along with the infrastructure.” Given the record of the Democrats, his assessment is fundamentally correct.

Trump’s latest executive order is part of a process of “streamlining” federal permitting and environmental review that began under Bush and continued under Obama. Each successive administration has drawn the process closer and closer to mere rubber stamping, with the increasing possibility of its dissolution altogether.

In 2001, Bush issued Executive Order 13212 titled “Actions To Expedite Energy-Related Projects.” The order called for a “Task Force” to monitor the pace of Federal agencies to “accelerate the completion of energy-related projects.” Obama continued the process by issuing Executive Order 13604, “Improving Performance of Federal Permitting and Review of Infrastructure Projects,” which formed an interagency steering committee which created an online “Federal Infrastructure Permitting Dashboard” designed to cut the time and cost behind environmental reviews.



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