

EPA backs off enforcing pollution rules as virus strains work

27 March 2020, by Jennifer A. Dlouhy



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The Trump administration will temporarily relax civil enforcement of various environmental regulations, a move it says is necessary given worker shortages and travel restrictions related to the coronavirus pandemic.

In a memo issued Thursday, the Environmental Protection Agency said it wouldn't go after companies that fail to satisfy many "routine monitoring and reporting obligations" because of the coronavirus, as long as they documented why they couldn't fulfill the mandates, worked to resolve the issues and sought to minimize the effects.

"We expect facilities to comply with their obligations under the law," EPA Administrator Andrew Wheeler told reporters on a conference call. "But where the impacts of COVID-19 make that impracticable," the EPA will apply "enforcement discretion."

The move drew an immediate rebuke from [environmental activists](#) who said the decision gives companies carte blanche to pollute the air even as a lethal respiratory virus spreads worldwide.

"It is not clear why refineries, chemical plants and other facilities that continue to operate and keep their employees on the [production line](#) will no longer have the staff or time they need to comply with environmental laws," wrote a coalition of activists led by Eric Schaeffer of the Environmental Integrity Project.

Nevertheless, [oil companies](#), chemical manufacturers and refiners have argued they need flexibility while struggling to get contractors and suppliers to sites, especially in areas under stay-at-home orders. Although [oil refineries](#) and some other facilities are exempt from lockdown requirements, those waivers are not consistently being applied to third-party suppliers and contractors.

Worker shortages and supply chain disruptions are complicating air monitoring at oil wells, the collection of samples from industrial facilities, and even routine paperwork, the American Petroleum Institute said in a letter to the EPA this week.

Wheeler said the EPA's move isn't a blank check and that the agency will still go after bad actors.

"The EPA is still on the beat and we will still enforce environmental laws, particularly any instances where there are criminal violations or if there is acute risk or imminent threats," Wheeler said.

"We want to make sure the American public is protected, but at the same time, we do not want to penalize good actors who are unable to act because of the circumstances surrounding this pandemic."

The agency hasn't said whether it will yield to requests from refiners to delay a requirement to shift to cleaner-burning, summer-grade gasoline. Refiners are worried about their ability to offload stockpiles of winter-grade gasoline before the June 1 deadline, as coronavirus-spurred travel

restrictions keep many cars off the roads.

Wheeler said he hoped to have an announcement on fuels as soon as Friday, and that other matters are being handled on a case-by-case basis. For instance, the EPA is set to separately detail its plans for companies cleaning up contaminated Superfund sites.

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