



Trump's Chemical Romance

Toxic Chemical Conflicts Contaminate the Trump Administration – And Threaten Rollback of EPA Chemical Disaster Protections

Aug. 16, 2018 – President Donald Trump has staffed his administration with servants of the chemical and petrochemical industries. Now a new Environmental Protection Agency (EPA) rulemaking threatens to prioritize the profits of chemical corporations and allied industries over efforts to protect the public from potential chemical disasters.

The RMP Coalition, an alliance of corporate advocacy groups that includes the American Chemistry Council (ACC), the American Forest & Paper Association (AF&PA), the American Fuel & Petrochemical Manufacturers (AFPM), the American Petroleum Institute (API), the National Association of Manufacturers (NAM), the U.S. Chamber of Commerce, and the Utility Air Regulatory Group (UARG), asked Scott Pruitt's EPA for the rule change.

The RMP Coalition conflicts contaminate Trump's executive branch. Public Citizen identified a total of 146 high-ranking Trump administration officials with ties to the RMP Coalition and the industry sectors its corporate coalition members represent. The actual total is undoubtedly higher.

KEY FINDINGS, BY THE NUMBERS:

7: Number of corporate coalition groups involved in the RMP Coalition, which is pushing to delay and weaken the EPA's Chemical Disaster Rule

15: Number of Trump EPA appointees with conflicting ties to the RMP Coalition and the industry sectors its corporate coalition members represent.

13: Number of Trump appointees in the White House with conflicting ties to the RMP Coalition and the industry sectors its corporate coalition members represent.

47: Number of Trump appointees with conflicting ties to the American Petroleum Institute and/or its member corporations.

57: Number of Trump appointees with conflicting ties to the American Chemistry Council and/or its member corporations.

92: Number of Trump appointees with conflicting ties to chemical and petrochemical corporations and groups with ties to the industry.

102: Number of Trump appointees with conflicting ties to the RMP Coalition, an RMP Coalition member group, or a corporation belonging to these groups.

146: Total number of Trump administration appointees with conflicting ties to the RMP Coalition and the industry sectors its corporate coalition members represent.

This report relies on ProPublica's Trump Town database¹ to identify previous compensation sources of Trump administration appointees. Public Citizen categorized those compensation sources – direct employers and clients of the appointees' firms – by identifying members of RMP Coalition member groups and the sectors (chemical, paper, fossil fuels, etc.) those compensation sources represent. Public Citizen's appointee list excludes appointees who have left the administration, but includes appointees are awaiting Senate confirmation.

This list relies heavily on voluntary corporate membership disclosures by the ACC,² AF&PA,³ AFPM⁴ and API.⁵ UARG does not disclose its membership (and does not even have a website through which it might provide such disclosures), but reporting in 2015 by SNL Energy revealed a list of member corporations, largely electric utilities with an interest in coal-fired power plants.⁶ NAM and the U.S. Chamber of Commerce do not disclose their corporate memberships. As a result, this review includes only individuals who reported receiving compensation directly from either organization or who provided legal or consulting services through their employer firms.

The RMP Coalition and the Chemical Disaster Rule

The "RMP" in coalition's name refers to the EPA's Risk Management Program, which regulates stockpiles of dangerous chemicals.

In 2013, President Barack Obama signed an executive order⁷ instructing the EPA to strengthen oversight over the more than 12,000 hazardous chemical stockpiles in the U.S.⁸ after the tragic explosion of a fertilizer storage facility in West, Texas that killed 15 people and leveled surrounding homes and buildings.⁹

When the EPA finally released the Chemical Disaster Rule in 2016 (formally the Risk Management Program Rule),¹⁰ public safety advocates such as Greenpeace criticized it for giving the affected industries too much autonomy to regulate themselves.¹¹

¹ <https://projects.propublica.org/trump-town/>

² <https://www.americanchemistry.com/Membership/MemberCompanies/>

³ <http://www.afandpa.org/about/membership-directory>

⁴ <https://www.afpm.org/membership-directory/>

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<https://www.api.org/en/globalitems/globalheaderpages/membership/~~/link.aspx?id=E631A868B9FC400D87D80922F3336D89&z=z>

⁶ <https://www.energyandpolicy.org/clean-power-plan-utility-air-regulatory-group/>

⁷ <https://www.epa.gov/rmp/executive-order-improving-chemical-facility-safety-and-security>

⁸ <https://earthjustice.org/features/toxic-catastrophes-texas-national-chemical-disaster-rule>

⁹ <https://www.nbcnews.com/news/us-news/deadly-west-texas-fertilizer-plant-explosion-was-criminal-act-feds-n572231>

¹⁰ <https://www.epa.gov/rmp/final-amendments-risk-management-program-rmp-rule>

¹¹ <https://www.publicintegrity.org/2016/12/22/20571/epa-issues-controversial-rule-designed-improve-safety-chemical-facilities>

Less than two weeks after disgraced EPA administrator Scott Pruitt was sworn in, his office received a petition from the RMP Coalition. The petition¹² asked the new administrator to delay and weaken the rule even further.¹³

Two months later, Pruitt's EPA announced the rule's implementation would be delayed until 2019 and proposed a new version of the rule. The new version gives in to industry's demands – in Pruitt's words, it “proposes to reduce unnecessary regulatory burdens,”¹⁴ in order to save the industry as a whole an estimated \$88 million per year¹⁵ – that is, about 0.1 percent of chemical giant DowDupont's 2017 profits.¹⁶ A single chemical disaster can cost upwards of \$200 million.¹⁷

Specifically, the Pruitt EPA's weakened version of the rule:¹⁸

- Rescinds the requirement that facilities that experience a catastrophic chemical release or a near miss must conduct a root cause analysis, which would ensure that the industry learns essential safety lessons from disasters and near-disasters.
- Guts Safer Technology and Alternatives Analyses, which is intended to minimize the quantities of hazardous substances facilities use and encourage substitutions of less harmful substances when possible, as well as encourage additional safety measures.
- Eliminates the requirement that corporations that stockpile hazardous chemicals make information about their facilities available to the public, essentially prioritizing corporate secrecy over public safety. Without commonsense disclosures, first responders and community members won't even know what kinds of hazards they could be exposed to.

In an Associated Press report, former Obama EPA assistant administrator Mathy Stanislaus characterized the rule as a “modest first step” and said if it had been in place, it would have greatly reduced the risk to first responders after following the Arkema plant explosion in Houston, Texas, in the aftermath of Hurricane Harvey.¹⁹

¹² https://www.epa.gov/sites/production/files/2017-03/documents/rpm_coalition_-_cover_letter_and_petition_for_reconsideration_and_stay_508_3-13-17.pdf

¹³ <https://www.gpo.gov/fdsys/pkg/FR-2017-01-13/pdf/2016-31426.pdf>

¹⁴ <https://www.epa.gov/newsreleases/epa-administrator-pruitt-signs-proposed-risk-management-program-reconsideration-rule>

¹⁵ <https://www.epa.gov/newsreleases/epa-administrator-pruitt-signs-proposed-risk-management-program-reconsideration-rule>

¹⁶ <https://www.businesswire.com/news/home/20180201005534/en/DowDuPont-Reports-Fourth-Quarter-Full-Year-2017>

¹⁷ https://www.rand.org/content/dam/rand/pubs/research_reports/RR1400/RR1421/RAND_RR1421.pdf

¹⁸ <https://www.regulations.gov/document?D=EPA-HQ-OEM-2015-0725-0985>

¹⁹ <https://www.apnews.com/a388836864624989b804d04160b6486e/EPA-delayed-chemical-safety-rule-after-industry-complaints>

RMP Coalition Conflicts at the EPA

The most significant conflicts of interest with respect to the EPA’s Chemical Disaster Rule are with Trump EPA appointees who previously served the affected industries and now play a role in developing policy. At the top of the list is Nancy Beck, who for five years was an executive at the American Chemistry Council before joining Trump’s EPA as the Deputy Assistant Administrator for Chemical Safety and Pollution Prevention. Beck has been a longtime critic of EPA chemical safety regulation and has dismissed potential crises her agency seeks to prevent as “phantom risks.”²⁰ Andrew Wheeler, the agency’s acting administrator, lists International Paper Company, a member of the American Forest and Paper Association (AF&PA), among his lobbying clients and recused himself from work directly involving the business.²¹ However, Wheeler recently participated in a high-profile business event with Mark Sutton, International Paper Company’s CEO, and recently met with AF&PA’s board of directors.²²

Senior lawyers in Trump’s EPA also have had close ties to the industry. Matthew Leopold, the agency’s general counsel, listed BASF, a German chemical giant, among his past clients. Erik Baptist, the agency’s senior deputy general counsel, listed the American Petroleum Institute (API) among his past clients. Marcella Burke, EPA deputy general counsel, also has served the industry, with API member Noble Energy Company LLC as well as oil and gas corporations BEUSA Energy, Diamondback Energy, Sanchez Energy and Sandridge Energy among her past clients.

Table 1: Trump EPA appointees with conflicting ties to the RMP Coalition and related industry sectors.

STAFFER	AGENCY	TITLE	CONFLICTS
Amanda Gunasekara	EPA	Senior Policy Advisor to the Administrator on Air and Radiation	Former senior director for federal affairs of National Association of Chemical Distributors
Andrew Wheeler	EPA	Acting Administrator	Former lobbying clients include International Paper Company, an AF&PA member, and fossil fuel corporations Murray Energy and Xcel Energy.
Christian Palich	EPA	Deputy Associate Administrator for Congressional Relations	Former president of the Ohio Coal Association, a state-wide trade association.
David Fotouhi	EPA	Deputy General Counsel	Provided legal services to International Paper Company, an AF&PA member; General Electric, an API member; and Maxus Energy Corporation, a corporation with fossil fuel interests. Received income between \$1,001-\$15,000 from Dow Chemical Company and Halliburton.

²⁰ <https://www.nytimes.com/2017/10/21/us/trump-epa-chemicals-regulations.html>

²¹ <http://apps.washingtonpost.com/g/documents/national/epa-acting-administrator-andrew-wheelers-recusal-letter/3134/>

²² <https://www.eenews.net/stories/1060091287>

David Harlow	EPA	Senior Counsel to the Assistant Administrator for Air and Radiation	Provided legal services to UARG, an RMP Coalition member; Chevron, a member of ACC, AFPM and API, and LG&E and KU Energy, corporations with fossil fuel interests.
Douglas Benevento	EPA	Regional Administrator	Formerly employed by Xcel Energy, a utility corporation with fossil fuel interests.
Elizabeth Bowman	EPA	Deputy Associate Administrator for Public Affairs	Former communications director for American Chemistry Council, an RMP Coalition member.
Erik Baptist	EPA	Senior Deputy General Counsel	Provided legal services to American Petroleum Institute, an RMP Coalition member.
Jeffrey Sands	EPA	Senior Agricultural Advisor	Former lobbyist for Syngenta Corp., a pesticide manufacturer.
Marcella Burke	EPA	Deputy General Counsel	Provided legal services to Noble Energy Company LLC, an API member, and oil and gas corporations BEUSA Energy, Diamondback Energy, Sanchez Energy and Sandridge Energy.
Matthew Z. Leopold	EPA	General Counsel	Provided legal services to BASF Corporation, an ACC and AFPM member.
Nancy Beck	EPA	Deputy Assistant Administrator for Chemical Safety and Pollution Prevention	Former senior director for regulatory science policy at American Chemistry Council, an RMP Coalition member.
Patrick Traylor	EPA	Deputy Assistant Administrator for Enforcement and Compliance Assurance	Provided legal services to American Petroleum Institute, an RMP Coalition member; to Transocean Offshore Deepwater Drilling, an API member; to Koch Minerals, an AFPM member; and to utility companies with fossil fuel interests NRG Energy and Southern California Edison Co.
Peter Wright	EPA	Assistant administrator for the Office of Land and Emergency Management	Former senior lawyer for Dow Chemical Company, an ACC and AFPM member, for 19 years. ²³
Troy Lyons	EPA	Associate Administrator for Congressional and Intergovernmental Relations	Former lobbyist for BP, an ACC, AFPM and API member, and Hess Corporation, an API member.
William L. Wehrum	EPA	Assistant Administrator for Air and Radiation	Provided legal services to RMP Coalition members AF&PA, AFPM, API and UARG; to Koch Industries, an AFPM member; to Salt River Project Agricultural Improvement and Power district, which has been a UARG member; and to Spectra Energy Corp., a natural gas company.

Source: Public Citizen review of ProPublica's Trump Town database.²⁴

RMP Coalition conflicts in the White House and Throughout the Trump Administration

Political appointees who have conflicts with RMP Coalition members and related industry sectors are widely distributed throughout the Trump administration. The appointees are

²³ <https://www.epa.gov/newsreleases/peter-wright-nominated-lead-epas-office-land-and-emergency-management> ; <https://www.linkedin.com/in/peter-wright-2aba0b9/>

²⁴ <https://projects.propublica.org/trump-town/>

most concentrated at the Department of Energy (17), EPA (16), the White House (13), and the Treasury (13).

Table 2: Distribution of appointees with RMP Coalition and related industry sectors' conflicts throughout the Trump Administration.

Agency	RMP Coalition Conflicted Appointees
Agriculture	2
Commerce	5
Defense	6
Education	4
Energy	17
Environmental Protection Agency	16
Federal Energy Regulatory Commission	1
Federal Mine Safety and Health Review Commission	1
Federal Trade Commission	1
General Services Administration	2
Health and Human Services	8
Homeland Security	2
Housing and Urban Development	5
Interior	4
Justice	10
Labor	7
National Labor Relations Board	1
Nuclear Regulatory Commission	1
Occupational Safety and Health Review Commission	2
Office of National Drug Control Policy	1
Office of the Director of National Intelligence	1
Office of the Vice President	3
Personnel Management	1
State	5
Transportation	8
Treasury	13
U.S. Trade Representative	5
Veterans Affairs	1
White House	13

Source: Public Citizen review of ProPublica's Trump Town database.²⁵

Among the appointees with RMP Coalition conflicts, the most prevalent, with 57 throughout the administration, are those who either were compensated by the American Chemistry

²⁵ <https://projects.propublica.org/trump-town/>

Council or its member corporations. Among the staffers with affiliations to related industry sectors, the most prevalent were those with ties to groups funded by the billionaire brothers Charles and David Koch, the owners of Koch Industries, a privately held corporation with interests in the chemical, petrochemical and paper industries. The review counted 19 Trump administration appointees who previously received compensation from these groups.

The purpose of documenting the distribution of RMP Coalition conflicts throughout the Trump administration is not to suggest that appointees previously compensated by the industry and who now work in unrelated agencies are actively influencing the rule. The purpose is to demonstrate the degree which servants of these corporate interests have infiltrated the Trump administration, and to reveal the potential power of these corporate interests across a broad swath of federal government activity. How that power will manifest will vary from agency to agency. The shared interest in prioritizing corporate interests' deregulatory demands over public safety, however, has revealed patterns with similarities to the Trump EPA's gutting of the Chemical Disaster Rule across the administration.

Table 3: Trump White House appointees with conflicting ties to the RMP Coalition and the industry sectors its corporate coalition members represent.

STAFFER	AGENCY	TITLE	CONFLICTS
Andrew Bremberg	White House	Assistant to the President and Director of the Domestic Policy Council	Former policy consultant for Freedom Partners Chamber of Commerce Inc., a Koch-backed group.
Andrew Olmem	White House	Acting Deputy Director for Domestic Policy, National Economic Council	Received compensation from General Electric Company, an API member.
Ann Donaldson	White House	Special Counsel to the President and Chief of Staff to the White House Counsel	Provided legal services to Freedom Partners Chamber of Commerce, a Koch-backed group.
Brittany Baldwin	White House	Special Assistant to the President and Speechwriter	Former deputy director of writing for Freedom Partners Chamber of Commerce, a Koch-backed group.
Donald F. McGahn	White House	General Counsel	Provided legal services to Koch-backed groups Americans for Prosperity and Freedom Partners Chamber of Commerce.
John Eisenberg	White House	Deputy Assistant to the President, NSC Legal Advisor, and Deputy Counsel to the President for National Security Affairs, National Security Council	Provided legal services to BP, a member of ACC, AFPM and API; Honeywell International, a member of ACC, AFPM and API; and Syngenta, a pesticide manufacturer.

Justin Clark	White House	Deputy Assistant to the President and Director of Intergovernmental Affairs	Provided legal services to Total Petrochemicals & Refining USA, Inc., an AFPM and API member.
Kellyanne Conway	White House	Counselor to the President	Provided consulting services to Americans for Prosperity, a Koch-backed group, and Indiana Energy Association, a coal/utilities industry group.
Kerrie Carr	White House	Confidential Assistant, Office of Management and Budget	Received compensation from Alabama Power Company, a subsidiary of Southern Co., which has been a UARG member.
Kirk R. Marshall	White House	Director of Organizational Structure and Human Capital, White House	Received compensation from Deloitte Consulting, an ACC member.
Michael Jordan Karem	White House	Special Assistant and Deputy Director of Advance	Former chief of staff for Pinnacle West, which has been a UARG member.
Nicholas T. Matich	White House	Deputy General Counsel, Office of Management and Budget	Former attorney for Syngenta Corp., a pesticide corporation.
Rosario Anthony Palmieri	White House	Senior Counselor to the Administrator, Office of Management and Budget	Was policy vice president for National Association of Manufacturers, an RMP Coalition member.

Source: Public Citizen review of ProPublica's Trump Town database.²⁶

For the full list of the 146 conflicted appointees, [go to the Public Citizen spreadsheet available here.](#)

²⁶ <https://projects.propublica.org/trump-town/>