



Will there be a peaceful transition at EPA?

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For the last several days, the nation has watched anxiously as President Trump has made good on his threat to [reject](#) a peaceful transition if voters rejected him. Even if these attempts to thwart the public will are resolved as amicably as possible, the damage done to this aspect of our democracy will be long-lasting.

But as voters clearly recognized, the devastation of the Trump years runs deeper, and the Biden-Harris administration must now face the weighty challenge of repairing the severe [damage](#) done to a wide range of democratic norms and institutions.

High on the list of priorities will be [restoring](#) the Environmental Protection Agency's (EPA) ability to do what its name asserts — protect the environment. The Trump administration's hobbling of the agency was so severe that it might take several years before it is fully capable of ensuring all Americans can breathe healthy air and drink clean water, holding scofflaw polluters accountable and responding to the existential threat of climate change.

When the Biden-Harris EPA transition team switches on the lights at headquarters next January, it will find an agency both gutted and booby-trapped, the target of a ruthless "scorched earth" campaign of self-sabotage pursued by Trump political appointees.

The Trump EPA followed a three-prong strategy for self-sabotage. First, it depleted the agency's career staff and barred independent experts from key advisory committees. Circumventing the civil service laws that [protect](#) workers against arbitrary firings, Trump officials sought to force them out by, among other things, [installing](#) political leaders hostile to the agency's mission, [interfering](#) with agency scientific experts and [attacking](#) their ability to collectively organize through unions. This tactic has had particular bite given the graying demographics among agency staff, and the EPA saw its workforce [shrink](#) during the first 18 months of the Trump administration despite modest budget increases. Incalculable institutional knowledge and expertise has been [lost](#) in the process.

The Trump EPA has likewise successfully [purged](#) key advisory committees of the experts it should have been relying on for policy advice, stocking

the panels instead with [corporate-friendly state regulators](#) and [industry sycophants](#) who lack real technical skill and training. With guaranteed terms that extend through the first year or two of the Biden-Harris administration, many of these individuals will have numerous opportunities to [obstruct](#) the EPA's public-minded agenda.

The second prong has been to create new procedural requirements aimed at delaying new rules or biasing agency decision-making against effective safeguards. The most notorious example is the Trump EPA's "censored science" rule, which would [bar](#) the agency from considering many of the kinds of research that have [long](#) provided the scientific basis for stronger safeguards. By making willful ignorance official agency policy, this rule will [result](#) in weaker protections, and perhaps even none at all.

The Trump EPA has similarly devised rules that would [distort](#) the economic analyses it performs so they are skewed against stronger protections and that would make it harder to [issue](#) new guidance documents that facilitate effective implementation of the agency's policies.

The third prong was not merely to roll back existing safeguards, but to do so using claustrophobia-inducing readings of the EPA's statutory authorities. Trump's EPA frequently argued that it [lacked](#) authority to adopt protective regulations despite clear statutory language and plenty of history to the contrary. The plain goal: limiting the agency's ability to implement robust safeguards in the future.

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For example, the Clean Power Plan of the Obama administration [included](#) carbon pollution reduction mechanisms "beyond the fenceline" of covered power plants, including off-site renewable fuel sources and emissions-trading programs. In rolling back this rule, the Trump EPA couldn't dispute these cost-effective strategies on policy grounds. Instead, it [relied](#) on an indefensibly narrow reading of its own authority limiting it to comparatively expensive and ineffective "inside the fenceline" measures. That was a baseless legal argument that industry [resorted](#) to making, as well, in search of a court ruling that would severely restrict the EPA's authority under the Clean Air Act.

The Biden-Harris EPA can succeed in advancing a robust public health and environmental protection agenda, but it must have a sabotage triage plan ready to go on day one. It can start right now by conducting a full agency audit and devising regulatory and legislative strategies not just to undo the damage, but to restore and refresh environmental protections. Most importantly, it must recognize that rebuilding the EPA will be an ongoing project. It must be prepared to sail the ship even as it is still patching the holes.

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