Trump cuts Central American aid

By Jonathan Lemire, Normand Merchant and Collin Long

THE NEW YORK TIMES
Palm Beach, Fla. — Taking one drastic action against illegal immigration and threatening another, President Donald Trump moved on U.S. to three Central American nations whose citizens are fleeing north and declared he is likely to close America’s southern border next week unless Mexico halts the flow of migrants.

Though Trump has previously threatened to close the border and has not followed through, his administration moved to cut direct aid to El Salvador, Guatemala and Honduras. The State Department said in a statement that it will work with Congress to suspend 2017 and 2018 payments to the trio of nations, which have been home to some of the migrant caravans that have marched through Mexico to the U.S. border.

“The president emphasized ‘I am not kidding around’ about closing the border, even though such a severe move could hit the economies of both countries,” the statement said. “It could mean all trade. It could mean all immigration. It could mean all food. And it could mean all manufacturing. And it could mean all jobs. It could mean all of it.”

Amplified by conservative media, Trump has made those caravans the symbol of what he says are the dangers of illegal immigration, making them a central theme of his midterm campaigning last fall. Now with the special counsel’s Russia probe seemingly behind him, Trump has previewed his warnings of their presence.

Trump has been promising for more than two years to build a long, impenetrable wall along the border to stop illegal immigration, though Congress has been reluctant to provide the money he needs. In the meantime, he has repeatedly threatened to close the border, but this time, with a new group of migrants heading north, he gave a definitive timetable and suggested a visit to the border within the next two weeks.

A substantial closure could have an especially heavy impact on cross-border communities from San Diego to south Texas, as well as super-markets that sell Mexican produce, factories that rely on imported parts, and other businesses across the U.S. The U.S. and Mexico trade about $5.7 billion in goods daily, according to the U.S. Chamber of Commerce, which said closing the border would be “an unmitigated economic disaster” that would threaten 5 million American jobs.

Trump tweeted Friday morning, “If Mexico doesn’t immediately stop ALL illegal immigration coming into the United States through their Southern Border, I will be CLOSING the Border, or large sections of the Border, next week.”

He said several times that it would “be so easy” for Mexican authorities to stop immigrants passing through their country and try to enter the U.S. illegally, “but they just take our money and talk.”

Sen. Bob Menendez, D-N.J., ranking member of the Senate Foreign Relations Committee, spoke out Saturday against cutting off aid to Central America and Honduras.

About this series

Since 2014, 24 public webs and about 208 private wells have been shut down by contamination from perfluorooctanoic acid, or PFOA, and perfluorooctane sulfonate, or PFOS. Joint Base McGuire-Dix-Lakehurst is investigating the extent of contamination there, while a trio of current and former military bases in Montgomery County, Pennsylvania, are thought to be the source of the tainted wells.

Reporters Kyle Bagenstose and Jenny Wagner have been investigating and writing extensively on the topic, telling the stories of local people who believe they’ve been sickened by the chemicals, speaking with health experts on the potential toxicity of the chemicals, and uncovering the actions taken by local states and federal agencies as they address the contamination.

For complete coverage of this issue, visit buckscountycouriertimes.com/unwellwater.
By Kyle Bagenstose and Jenny Wagner
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The U.S. Department of Defense has quietly begun battling environmental regulators in several states, after the agencies attempted to force the military to clean toxic firefighting chemicals from polluted streams, marshes and aquifers.

The efforts mark the opening acts of what could turn into a nationwide war on legal liabilities, which the Pentagon estimates could reach into billions of dollars as it investigates the presence of the chemicals at hundreds of bases across all 50 states.

The chemicals, per- and polyfluoroalkyl substances, or PFAS, have burst onto the national radar in recent years. Originally produced by companies 3M and DuPont, PFAS are used in everything from Teflon pans to food packaging to water-resistant clothing. Scientists have linked some PFAS chemicals to health effects, including ulcerative colitis, thyroid disease, reproductive issues and some cancers.

Few producers or users of PFAS face potential liabilities as great as the U.S. military, which already has spent more than $200 million over the past half-decade to start investigations of chemical family members perfluorooctane sulfonate, or PFOS, and perfluorooctanoic acid, or PFOA, at more than 400 military bases across the country.

Both chemicals, particularly PFOS, are ingredients in firefighting foams widely used by the military during training and emergencies since the 1970s.

There are thousands of PFAS chemicals, but PFOS and PFOA are believed to be among the most harmful, and are the only two for which the U.S. Environmental Protection Agency has set an advisory limit for drinking water.

To date, the military has focused on filtering drinking water containing PFAS above the EPA’s advised limit of 70 parts per billion, after finding the chemicals in excess of that limit in more than 500 private and public drinking water supplies around 51 bases. But impacted communities worry that continued environmental contamination is impacting wildlife, property values, municipal taxes and even human health.

“There’s been very little focus to date on cleanup standards or cleanup guidelines,” said Rob Bilott, an Ohio attorney who has litigated PFAS issues for decades. “Once you’ve stopped the ongoing exposure to people... do you do with what’s left? And that’s a much, much bigger issue.”

Because the EPA has yet to set any formal PFAS regulations, an increasing number of state environmental agencies are taking matters into their own hands, creating their own standards to compel polluters to begin cleaning up the chemicals within their borders.

In Pennsylvania, where some of the nation’s highest PFAS levels have been discovered in Bucks and Montgomery county waters, regulators recently announced they would create a state drinking water standard, and lawmakers are mulling legislative solutions. New Jersey is further ahead, with regulators preparing to implement the lowest PFOS and PFOA drinking water standards in the country.

But in several cases where states already acted, the military is resisting—or even taking the issue to court. Erik Olson, a senior director at the Natural Resources Defense Council, noted the efforts appear to double back on promises made by Maureen Sullivan, a deputy assistant secretary for the environment at the Department of Defense, during a 2018 congressional hearing. Sullivan testified that state standards would be “rolled in” to the military’s cleanup considerations at bases. Yet that does not appear to be happening.

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UNWELL WATER
See TOXIC A16

The $2 Billion Battle

States are trying to make the military clean up toxic chemicals.

Now the Department of Defense is fighting back.

See TOMIC A16
The Air Force sent a letter calling the notice of violation “inappropriate,” saying it would take no action, and has not waived sovereign immunity.

In January, the Air Force submitted a letter to New Mexico saying it could not comply.

“Legal constraints limit the Air Force’s authority and ability to investigate and mitigate PFAS compounds under the New Mexico Water Quality Act,” the Air Force wrote.

A week later, the Air Force filed a suit seeking relief in the U.S. District Court of New Mexico, calling the state standard “arbitrary, capricious, an abuse of discretion, and not supported by substantial evidence.”

On March 5, New Mexico filed its own suit in the same court against the Air Force and federal government, seeking a declaration that the Air Force had violated its law, would not comply, and would be held liable for applicable fines and penalties.

There is similar contention in Michigan, where environmental regulators say the Air Force is violating state standards in the former Wurtsmith Air Force Base, as PFAS seep into nearby waterways and marshes.

To combat the issue, Michigan created a 120-ppt PFAS standard for groundwater where it enters surface water, and a 70-ppt standard for drinking water.

Citing the regulations in early 2018, Michigan’s Department of Environmental Quality issued a notice of violation to the Air Force for failing to install a water treatment system. After some resistance, the Air Force agreed to construct the system.

But a second violation issued in October created further resistance. Again citing the water standards, the Michigan department told the Air Force to increase treatment of groundwater, expand the monitoring system, conduct monthly samplings, and stop pumping PFAS-laden water into a pit.

To combat the Air Force issued a letter stating it would not comply for various reasons, including that it had not waived sovereign immunity and that the chemicals do not appear on a list of hazardous substances under the federal Superfund law.

“Not only are we fighting back,” Annie Lettsch, a veteran and retired environmental engineer with WWP, said in a statement, “but we’re also disputing full liability for PFAS contamination. (Newburgh is seeking reimbursement and more robust investigations and clean-up.)

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“The slow response by the Air Force to the Wurtsmith contamination is having an increasingly negative impact on our people, wildlife, health and environment,” Deanna Spaniola said.

Although Michigan seeks to work cooperatively with the Air Force, slow responses to PFAS contamination is not acceptable,” New York has had similar issues.

In 2018, the state Department of Environmental Conservation added several PFAS compounds, including PFOS/PFOA, to its list of state superfund sites.

It then spent about $50 million to provide clean drinking water to the city of Newburgh, located near the base.

The conservation department submitted a claim to the Department of Defense for reimbursement, but said it had not received a response as of late February. The state also filed a claim under the federal Tort Claims Act, a precursor to potential civil action, against the federal government and the Air Force, which had authority and ability to remove the PFAS from the site.

“Try telling people on the East Side of Manhattan they have to drink toxic water that goes through a filter that might not catch everything,” Kraut said. “I don’t think that’s going to fly.”

Issues are also coming to a head in Colorado, where the Department of Public Health and the Environment last year added PFOS and PFOA to a state listing of hazardous substances.

The state also created a 70-ppt groundwater standard for the aquifer underlying Peterson Air Force Base near Colorado Springs.

In a letter, the Air Force warned regulators that the state standard “may not qualify as a cleanup standard” because it does not apply across the whole state, and said its legal immunity is only waived “when state authorities are acting in a non-discriminatory manner.”

The state regulator has not issued any violations or orders under the statute, but asked that it be changed to include the Air Force to comply when it does.

Anthony Spaniola, a Michigan attorney who has tracked state and local PFAS issues, said he thinks states that are expecting automatic compliance with their laws are in for a surprise.

“They’re responding in a very surprising manner,” Spaniola said. “Those states better get their head out of the sand.”

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WASHINGTON

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But the plan received a lukewarm reception from environmental groups, which said it lacked hard commitments or deadlines.

In the northeastern U.S., Pennsylvania is the latest state to say it will set its own standard, with spokespeople declining to comment “until the EPA Finalizes it.”

Several attorneys said barring PFAS as a hazardous substance under Superfund, the nation’s primary law governing areas of major chemical contamination, would help bring the federal law and the law in Pennsylvania in line. Wheeler “has issued a Superfund designation for the whole site,” a former EPA lawyer, said federal regulations “can’t take DOD to court and so doesn’t have a statutory right to defend it.”

Other attorneys said states can generally use Superfund or other federal laws to force cleanup by polluters, including through the legal threat of liability for cleanup under the federal Clean Water Act and the overlying powers, he said.

“Since the feds are not doing anything, the states have to step in and do it,” Bergère added that many states have already taken steps to force cleanup by polluters, including by suing the military and the Department of Defense in the driver’s seat and forcing the cleanup of PFAS around the country, where the military has spent years and billions of dollars on research to better detect, understand and filter the chemicals.

“Failure to address PFAS at a national level will really put public health at risk,” said Linda Daniels, director of the Pennsylvania Department of Environmental Protection’s Bureau of Safe Drinking Water, at a public meeting last week. “EPA must take a leadership role.”

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