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America and the World—The Effects of the Trump Presidency

Donald Trump and the Public Relations of the Environment

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In September 2020, the U.S. Department of Interior issued a press release on the proposal to move the Red-cockaded Woodpecker from the list of endangered species to the list of threatened species. Efforts to protect the woodpeckers' habitat, primarily on easily controlled military bases, have been underway for more than 30 years, so there was nothing remarkable about the proposal or press release, except for the campaign ad at the end.¹ Rather than just summarize the proposal and the Endangered Species Act, the release heaped praise on the Trump Administration, reporting that in its first 3.5 years it had delisted more species than the three previous administrations had in their first terms. The release also emphasized that in proposing the down-listing, the Fish and Wildlife Service's "guidepost for the multi-year, public process was President Donald Trump's overarching effort to reduce regulatory burden without sacrificing protections for the environment and wildlife."²

Along these lines, Secretary of Interior David Bernhardt wrote a piece entitled "Trump's environmental record is unprecedented" for the *Albuquerque Journal* the next month, perhaps hoping to win over moderate voters in a swing state. Bernhardt listed three accomplishments: signing legislation about public lands, delisting endangered species, and prioritizing "a healthy and clean environment." On the first point, he argued that Trump got done what the previous five administrations had failed to do, meaning specifically the Great American Outdoors Act, which pumped billions of dollars into the decaying infrastructure of U.S. national parks and other public lands. On the second, he emphasized that the delisting success might surprise people who hear only "the propaganda that is lobbed by environmental extremists." He did not, however, address the reality that the listing and delisting process is long and complex or whether delisting is inherently a good thing. Finally, he argued that part of the reason that the U.S. is cleaner is that the country has had "the largest absolute decline of energy-related carbon dioxide emissions of any country in the world," which raises the question of whether Trump actually saw carbon dioxide as a threat in any shape and whether U.S. policy was responsible for said decline.³

No sentient observer can be surprised that executive branch officials felt obligated to put Trump at the heart of everything they proposed or reported. Most Cabinet members felt the need to praise him effusively rather than risk his wrath for being disloyal.⁴ It is a safe bet that he could not tell a Red-cockaded Woodpecker from Woody Woodpecker—which is probably true for every president since Theodore Roosevelt—but one can surmise that previous directors of the Fish and Wildlife Service would not have felt compelled to act like the president did have that skill. Two long-serving friends in the Forest Service, who for obvious reasons would prefer not to be identified, told me that putting the spotlight on the president in such announcements was unique to this administration. In short, the press release and editorial summarized the two major things President Trump did when it came to the environment—claim that his policies were good

¹ On the relationship of the military to the woodpecker, see Katherine Keirns, "A Wildlife Insurgency: The Endangered Species Act, Citizen-initiated Lawsuits, and the Department of Defense at the End of the Cold War," in Edwin Martini, ed., *Proving Grounds: Militarized Landscapes, Weapons Testing, and the Environmental Impact of U.S. Bases* (Seattle: University of Washington Press, 2015), 239-64.

² <https://www.fws.gov/southeast/news/2020/09/trump-administration-proposes-downlisting-of-red-cockaded-woodpecker-under-endangered-species-act/>.

³ Found at <https://www.doi.gov/pressreleases/icymi-trumps-environmental-record-unprecedented>.

⁴ "Praise for the chief," *Washington Post*, 13 June 2017, https://www.washingtonpost.com/politics/praise-for-the-chief--trumps-cabinet-tells-him-its-an-honor-privilege-blessing-to-serve/2017/06/12/ddd3919e-4fa4-11e7-91cb-9611861a988f_story.htm.

for the environment--despite the opinions of a wide spectrum of scientists and environmentalists--and put himself at the middle of every decision.

This pairing of traits was evident in a Trump campaign appearance in Florida, also in September 2020. After signing a moratorium on oil drilling off the Florida coast, Trump explained that he took action while Democrats were all talk—of course he then said that Democrats' environmental policies were “just an excuse to advance a socialist platform,” opening the possibility that maybe it was not just talk after all. But more important was Trump's off-the-cuff remarks about why he signed the Great American Outdoors Act. He admitted that he did not want to support it until his advisors told him that signing it would make him “the No. 1 environmental president since Teddy Roosevelt.” He mused, more accurately than he might have intended, “Who would have thought Trump is the great environmentalist?”⁵ He did not note that Roosevelt knew how to pronounce the name of Yosemite National Park, which he awkwardly rendered to rhyme with anthracite. But in any case, it was fascinating that he publicly admitted that he was not an environmentalist but that environmentalism had some political appeal.

Mangling the name of one of the nation's most revered national parks reflected Trump's almost complete lack of thought about nature. Three factors defined Trump's life before his run for the presidency: growing up in New York City, developing real estate, and being a reality TV star. Of the three, probably only real estate development caused him to stop and consider environmental amenities. Real estate developers are often at war with environmental regulators over such things as zoning, water rights, and protection of endangered species, and nowhere more so than with Trump's beloved golf courses, which by definition require land and water—and often plenty of pesticides and fertilizers. Thanks to golf, Trump may have spent more time than most of his predecessors outside, but it does not appear that he picked up any environmental appreciation when he kicked his golf balls out of the rough. And he certainly did not visit Yosemite or any other national park the way Roosevelt had.

The investment of money into National Parks stood as a key point for Trump's supporters, even though it was overwhelmed by other impulses when it came to public lands. I received a phone call from a Trump supporter about a month before the election soliciting my vote. When I asked him about Trump's environmental record, he immediately responded with the parks funding. But in 2020, the public learned that almost all of Alaska's Tongass National Forest was going to be thrown open to lumbering, that the same state's Arctic National Wildlife Refuge had a new set of oil exploration licenses, and that New England's Northeast Canyons and Seamounts Marine National Monument had been opened for fishing. As it turned out, almost immediately after the inauguration of President Joe Biden, his administration began the process of reversing those decisions.⁶

As my conversation with the Trump supporter continued, he swung around to the more typical Trump campaign talking points that one of Trump's great virtues was cutting regulations. Of course, many of those regulations were environmental in nature. From the start of his administration, Trump emphasized that environmental regulations were holding back the U.S. economy. His first Administrator of the Environmental Protection Agency was Scott Pruitt, the former attorney general of the state of Oklahoma who had made a name for himself by suing the Environmental Protection Agency (EPA) to stop federal attempts to combat climate change. The first Trump budget for the EPA featured cuts of about 20% for personnel and money, matching his campaign promises to chop the EPA into little pieces. Pruitt found himself constantly under pressure for his attempts to roll back regulations while also facing a number of ethics complaints. Despite President Trump tweeting his support for Pruitt on a regular basis, the administrator resigned in 2018, to be replaced by Andrew Wheeler, his deputy and fellow protector of the coal industry. Perhaps because of his earlier work with the EPA and his record as an Eagle Scout, Wheeler managed to get the EPA out of the headlines while continuing most of the same policies. Like many members of the Trump Administration, he took the position that humans may be contributing to climate change, but how much is not clear and in any case it is not an existential threat to society.⁷

One specific example will suffice to show the Trump Administration's approach to environmental regulation. In 1918, President Woodrow Wilson signed the Migratory Bird Treaty Act (MBTA), which expressly criminalized “taking” of wild migratory birds. The law stirred some Constitutional controversy because it was an extension of federal power at the states' expense. In 1920, the Supreme Court

⁵ “Trump Extends Drilling Ban, Calls Self ‘Environmentalist,’” *Boston Globe*, 9 September 2020.

⁶ “Biden May Restore Marine Monument Protection,” *Boston Globe*, 22 January 2021.

⁷ “Get to Know Andrew Wheeler,” NPR, 6 July 2018, <https://www.npr.org/2018/07/06/626525274/get-to-know-andrew-wheeler-ex-coal-lobbyist-with-inside-track-to-lead-epa>.

ruled in favor of the law in *Missouri v. Holland*.⁸ In the late twentieth century, the federal government slowly expanded how it understood taking, from hunting to nest raiding, in response to new threats, such as attractive nuisances like sludge ponds and groundwater contamination that caused incidental takings of protected species.⁹ But in 2018 the Trump Administration proposed rolling back enforcement of the law so that it was closer to the 1918 understanding. Corporations that caused bird deaths through actions that were not specifically designed to kill birds, such as the Deepwater Horizon oil drilling rig explosion from 2010, would not be held liable under the MBTA. U.S. officials argued that other laws already covered such situations, but there is little evidence that they used these other laws to pursue prosecution of corporations that caused avian carnage. While a court threw out the new interpretation of the MBTA in 2019, the administration came back with a new rules interpretation late in 2020 that would have hamstrung efforts to return to the expanded interpretation of the last 50 years. Trump's administration took these steps even though a bi-partisan collection of former wildlife officials urged him not to gut the MBTA.¹⁰ Not surprisingly, the Biden Administration suspended those rules within 50 days of taking office.¹¹

The attempt to undercut the MBTA, though, was just one step to reduce environmental regulations. From the first days of the administration, Trump spoke broadly of the problems of too much regulation, arguing that many environmental rules were drags on the economy and the source of uncertainty for local governments as well as businesses large and small. The *New York Times* tallied more than 100 regulation rollbacks over Trump's term focusing especially on the EPA and air pollution standards.¹² Several changes were rushed through at the last minute using a rarely-used exception to the law that allows agencies like the EPA to implement a rule if waiting would be "contrary to the public interest."¹³ Not surprisingly, given both Trump's loathing of his predecessor, Barack Obama, and his fundamentally different view of the value of environmental amenities, a number of the rollbacks focused on changes made by the Obama Administration. While many of the regulatory rollbacks were specific responses to pressure from one industry, such as determining that something called copper filter cake would not be listed as hazardous waste, the cumulative effect was to erode the executive branch's ability to defend the environment from business. It is not surprising, then, that most of the agencies that deal with the environment lost significant numbers of employees, especially scientists, over Trump's term.¹⁴

Perhaps the most important regulatory change was the August 2020 decision to loosen restrictions placed on the federal government by the 1970 National Environmental Policy Act (NEPA). For 50 years, NEPA has been known as the "environmental full disclosure act" because it required agencies to file environmental impact statements (EIS).¹⁵ Environmentalists have often used it and the Endangered Species Act as a means of slowing down a range of projects, tying them up in court cases for years. Their challenges have often focused on the seriousness of the EIS process. The August 2020 order followed a more limited executive order in June that specifically exempted energy and infrastructure projects from portions of NEPA, and another order in 2017 overturning regulations to account for climate change and sea level rise in infrastructure projects. Trump's new rules specifically set limits of no more than two years for those

⁸ Kurpatrick Dorsey, *The Dawn of Conservation Diplomacy: U.S.-Canadian Wildlife Protection Diplomacy in the Progressive Era* (Seattle: University of Washington Press, 1998), 230-36.

⁹ On the evolution of the MBTA and how the executive branch has defined "taking," see Jessica Scott and Andrea Folds, "From Friend to Foe: The Complex and Evolving Relationship of the Federal Government and the Migratory Birds it is Bound to Protect," *Environmental Law* 49(1) (2019) 187-227.

¹⁰ "Trump to Birds: Drop Dead," *Audubon*, 5 January 2021, <https://www.audubon.org/news/trump-birds-drop-dead>.

¹¹ "Trump Policy that Weakened Wild Bird Protection is Revoked, 9 March 2021, <https://www.bostonglobe.com/2021/03/09/business/trump-policy-that-weakened-wild-bird-protections-is-revoked/>.

¹² "The Trump Administration rolled back more than 100 Environmental Rules: Here's the Full List," 20 January 2021. <https://www.nytimes.com/interactive/2020/climate/trump-environment-rollbacks-list.html>.

¹³ "Trump's EPA Skips Waiting Period for Rules," *Boston Globe*, 14 January 2021.

¹⁴ "Ranks of Government Scientists Declined during Trump Presidency," *Boston Globe*, 31 January 2021.

¹⁵ The term comes from a 1970 case *Environmental Defense Fund, Inc. v Corps of Engineers of the U.S. Army*, found at <https://elr.info/sites/default/files/litigation/1.20130.htm>.

environmental reviews and in some cases simply eliminated the need for such reviews. It is too soon to say whether these changes will remain in place under the Biden Administration.

Finally, the issue of climate change stands as symbol for Trump's overall opposition to modern environmentalist thinking. From long before he declared his campaign for the presidency, Trump had tweeted various things about how climate change was effectively a hoax. Once he became president he followed through on that thinking. Most important from a symbolic standpoint, he pulled the United States out of the Paris climate agreement, which of course had been signed by President Obama. At times in his term, Trump seemed to accept that climate change was real, but usually with a caveat that either it was not caused by human activity or that it would take trillions of dollars to address it, which simply was not worth the cost. He endorsed two key policy decisions that overturned efforts to reduce greenhouse gas emissions: gutting Obama's Clean Power Plan and undermining California's ability to set higher standards for auto emissions.¹⁶

While Trump's specific policies may not have made much of a dent in the effort to reduce greenhouse gas emissions, in part because states took their own steps and in part because of the COVID-19 economic slowdown, his rhetoric reinforced climate skepticism among the public. Most dramatically, when visiting California during the disastrous 2020 fire season, he promised that the state was going to cool down soon. When questioned about that conclusion, he asserted that scientists really did not know much about climate change.¹⁷ He relished a public fight with Greta Thunberg, the teenaged Swedish climate activist, telling her in December 2019 that she had anger management issues and ought to "chill." And he even cast doubt on the US Government's own Climate assessment in 2018.¹⁸

As historians Jay Morton Turner and Andrew Isenberg have argued, since the time of the Reagan Administration, Republican politicians have generally become less concerned about environmental protection as their Democratic counterparts have become more focused on that issue. But since 1980, the Republican Party has occasionally tacked back toward the center in recognition that the electorate does not support a loosening of environmental restrictions; appointments of people like William Ruckelshaus, William Reilly, and Christie Todd Whitman to run the EPA have been acknowledgements that moderation is politically wise. Likewise, Republicans tended to moderate their language about the environment, even as their policies hardened.¹⁹ Trump's rhetoric at times hinted at a desire to be seen as more of a centrist on the environment, but his policies never caught up, nor did he appoint anyone to key positions— in the EPA, or the departments of the Interior or Agriculture—who would assuage centrists that he was moderating his approach. If anything, his command of the Republican Party made it easier for the party to decide that it simply had no use for environmental protection as a serious issue. While many Democrats have endorsed a set of proposals known as the Green New Deal, Republican pundits have generally denounced it as nascent socialism, the worst insult a Republican can use in the twenty-first century, even blaming massive power outages in Texas in February 2020 to the pernicious effects of a proposal that Congress had not even debated yet.²⁰

On environmental policy, as in so many policy areas, the uncertainty hanging over the nation over the next four years will be whether the Trump term was an aberration or the beginning of a political shift that, with a less divisive standard bearer, will dominate US politics for many years to come.

¹⁶ "Trump's EPA just Replaced Obama's Signature Climate Policy with a Much Weaker Rule," 19 June 2019, <https://www.vox.com/2019/6/19/18684054/climate-change-clean-power-plan-repeal-affordable-emissions>; "Biden Reverses Trump's Lax Fuel Emission Standards," 20 January 2021, <https://www.courthousenews.com/biden-reverses-trumps-lax-fuel-emissions-standards/>.

¹⁷ "Trump on Climate Change: I Don't Think Science Knows," *Washington Post*, 14 September 2020, https://www.washingtonpost.com/video/politics/trump-on-climate-change-i-dont-think-science-knows/2020/09/14/1b4d7fb5-17ae-41fe-8fda-84ed263d4a7c_video.html.

¹⁸ "What Does Trump Actually Believe on Climate Change?" 23 January 2020, <https://www.bbc.com/news/world-us-canada-51213003>; "Trump again Mocks Teen Climate Activist Greta Thunberg," 12 December 2019, <https://www.cnn.com/2019/12/12/politics/trump-greta-thunberg-time-person-of-the-year/index.html>.

¹⁹ James Morton Turner and Andrew Isenberg, *The Republican Reversal: Conservatives and the Environment from Nixon to Trump*, (Cambridge: Harvard University Press, 2018), 5-8, 196-8. The best single source on presidential environmental policy is Otis Graham, Jr. *Presidents and the American Environment* (Lawrence: University Press of Kansas, 2015)

²⁰ "Winter Storm, 2021," *Texas Tribune*, 17 February 2021, <https://www.texastribune.org/2021/02/17/abbott-republicans-green-energy/>.

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