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Long-awaited EPA Study Shows How Fracking Contaminates Drinking Water

by Amanda Frank

A U.S. Environmental Protection Agency (EPA) [study](#) that was five years in the making was released yesterday. Its un-news: fracking can contaminate drinking water sources. The report acknowledges what scientists, environmental groups, and communities living near drilling sites have been arguing for years. However, EPA's questionable statement that the problem is not "widespread" seems unmerited given the limitations of the methodology and the data, and it downplays the critical findings of the report.

For years, the oil and gas industry has denied that fracking pollutes drinking water.

The oil and gas industry has spent an enormous amount of money trying to convince the American public that fracking is safe and to [discredit claims](#) that it can contaminate drinking water. For years, there were few scientific studies on fracking's impacts, allowing industry to push back against health and safety concerns over the drilling practice.

And, although the oil and gas industry asserts that fracking is safe, it has been largely uncooperative with researchers. EPA's study was supposed to be released in 2012 but was delayed in part because of [industry's refusal](#) to provide locations and data essential to the study. These hurdles, combined with a lack of baseline water testing and limited access to information on the [chemicals used in fracking](#), limited EPA's ability to study fracking's impacts on drinking water.

EPA's study highlighted instances where fracking has or potentially could contaminate surface and groundwater sources.

The agency reviewed scientific studies and data sources looking at water contamination during five stages of fracking:

- **Water acquisition** is the withdrawal of surface and/or groundwater to use as fracking fluids. Significant water withdrawals may cause local wells or streams to run dry. EPA didn't find an instance where this happened due to fracking alone but admits it remains a risk, given the enormous amounts of local water consumed by fracking and ongoing drought in regions where fracking is common.
- **Chemical mixing** includes mixing base fluids (usually water) with chemical additives to form a fracking fluid. This is often done at the well pad, where human error and equipment failure can lead to spills. Comprehensive data on spills is limited, but EPA was able to calculate spill rates in two states. They found one spill per 100 wells in Colorado, and up to 12.2 spills per 100 wells in Pennsylvania. Average spills involve roughly 420 gallons of chemicals. Additionally, the fluids reached (i.e., contaminated) surface water in nine percent of spills that EPA examined. Chemicals can also saturate the soil and leach into groundwater sources, a process that can take several years and require long-term monitoring to detect.
- **Well injection** includes injecting fracking fluids several thousand feet beneath the surface – through the water table – to unlock oil and gas from rock formations. Poor well casing can leach contaminants into underground drinking water sources. Even when well casings are intact, unique geological formations can cause chemicals to travel into drinking water. EPA cited several cases where drinking water has been contaminated through well injection, including in states like Ohio and Colorado.
- **Produced water** is the set of fluids that return to the surface during injection. This can be freshwater or loaded with salt, and it may contain everything from chemical additives to cancer-causing substances like benzene and cadmium. EPA looked at 225 spills in 11 states involving produced water, eight percent of which resulted in contamination of ground or surface water. The average amount spilled was 990 gallons. The largest spill ever occurred in North Dakota and involved 2.9 million gallons of salty water that leaked into nearby creeks.
- **Wastewater disposal** involves disposing of produced waters. This waste may be stored temporarily in an open pit on site, injected underground, or sent to a public water treatment facility. When water used in fracking is sent to public water facilities, it can contaminate water supplied if the facilities can't handle large volumes of toxic water.

Despite documenting millions of gallons of toxic spills across the U.S., EPA concluded that, compared to the enormous number of fracking wells, water contamination is not a “widespread” issue.

But given the significant gap in available data on fracking wells – largely due to industry secrecy – EPA doesn't really know how widespread the problem is.

The agency acknowledges limitations in the study. No reliable data on the total number and location of fracking wells exists. Well operators usually do not conduct water tests before or after drilling. And loopholes in chemical disclosure laws allow companies to hide information on the chemicals they use in fracking. Incredibly, EPA did not include underground wastewater injection in its study, a common form of wastewater disposal that has been shown to [pollute groundwater](#).

EPA’s finding that fracking has contaminated drinking water in many instances demonstrates the need for stronger standards and safeguards, better data collection (including, pre- and post-drilling water tests in order to establish reliable baselines), and ongoing oversight.

EPA’s study found that 8.6 million Americans rely on drinking water sources that are within one mile of a fracking well. These communities need to have their drinking water protected.

Can a Proposed EPA Rule Save the Bees?

by Katie Vann

For the past ten years, honeybees have been dying off at astonishing rates, drawing the attention of environmentalists and even the federal government. Bees are critical to a healthy environment because they transfer pollen between plants. This cross-pollination helps one-third of the plants our food system depends on to produce fruit and seeds.

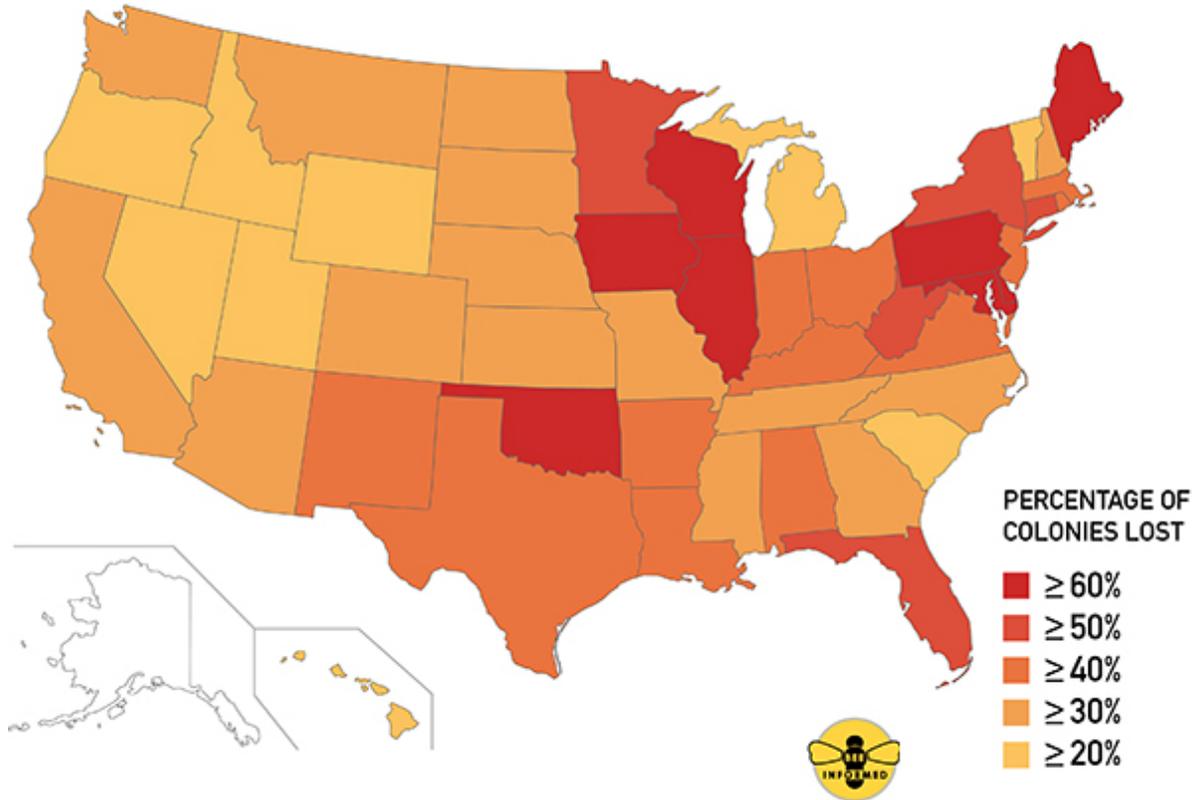
A survey released this month by the Bee Informed Partnership highlights the urgency of this issue. The research looked at bee populations across the country over a 12-month period ending April 2015.

Forty-two percent of U.S. honeybee colonies died in just one year.

This is the second-highest annual loss since the partnership began tracking summer bee populations in 2010.

And here is what’s really raising eyebrows: the greatest loss came in the summer months, a time when bees should be thriving. In 2013, beekeepers lost 19.8 percent of their colonies in the summer. That figure jumped to 27.4 percent in 2014.

2014-2015 HONEY BEE COLONY LOSS BY STATE



Researchers are looking at the pesticides farmers spray on crops as a probable cause of the die-offs. Many point to neonicotinoids, a class of insecticides that kills insects by paralyzing the central nervous system. Germany and other countries in the European Union have already taken action to ban or restrict the use of certain types of neonicotinoids, citing massive bee die-offs as the impetus.

Even low exposure to neonicotinoids can have indirect impacts on bee health, including interfering with bees' ability to [find their way back to the hive](#). A [2012 Harvard School of Public Health study](#) stated there is "convincing evidence" of the link between a specific neonicotinoid and Colony Collapse Disorder where bees unexpectedly abandon their hives.

Last week, the U.S. Environmental Protection Agency took bold, decisive action to help bees.

A proposed federal [rule](#) released last Thursday would set limitations on the use of almost all insecticides during times when bees are pollinating certain crops.

Jim Jones, EPA's assistant administrator for chemical safety and pollution prevention, described how it would work in a recent [Associated Press](#) article. He explained that when bees are pollinating almonds in the early spring, the ban on insecticides would apply to those trees. When bees are pollinating apple trees in April and May, the ban would then apply to those trees, and so on.

This action follows the establishment of a Pollinator Health Task Force that President Obama created last year to look at what is causing bee populations to decline.

Currently, all pesticides are supposed to be registered with EPA before entering the market – but there’s a gaping loophole.

EPA gathers data and scientific studies to determine whether to approve a pesticide. Under federal law the pesticide must not have “unreasonable, adverse effects on human health and the environment” when used according to instructions.

But there’s a loophole in this process, which helps explain how clothianidin, a neonicotinoid that is widely banned in Europe, was registered for use in the U.S. in 2003. The loophole allows the EPA to register pesticides with what’s called a “conditional registration.”

This loophole is meant to be used sparingly, in special instances that meet certain requirements. Clothianidin’s approval was conditioned on a promise from its manufacturer, Bayer CropScience, that the company would conduct a field study on the pesticide’s effects on bees by 2004. The study was submitted three years late, and it was deemed invalid by EPA because of its flaws. Even so, clothianidin still remains in use.

A [2013 Natural Resources Defense Council report](#) asserts EPA has inappropriately used this loophole to approve 65 percent of the 16,000 pesticides they reviewed.

“The EPA has casually approved more than 10,000 pesticides for use in consumer products and in agriculture through this loophole. They’ve done so without transparency or public comment, and, in some cases, without toxicity tests to determine safety guidelines for public use,” wrote Jennifer Sass, NRDC senior health scientist and co-author of the report.

Given the growing concern over bee deaths, the EPA has agreed to review the health and environmental impacts of neonicotinoids. They expect the reviews to be complete by 2018.

To Better Protect Workers, We Need More Wage Inspectors and Stronger Enforcement

by Jessica Schieder

Cities across the country have voted to increase the [minimum wage](#), ensure workers can take paid [sick days](#), and offer workers [paid parental leave](#). But without wage and hour enforcement, employers will continue to steal employees’ wages, eroding progress toward a living wage and a better quality of life.

[Wage theft](#) happens when workers are not paid the wages they have earned. It can take multiple forms, including: employers refusing to pay workers legally required overtime wages; requiring employees to work “off the clock” and outside their shifts; misclassifying employees as contractors or managers to exempt them from worker protections; stealing tips; denying meal breaks; illegally deducting money from employees’ pay; and even deducting money for taxes and then not forwarding those funds to the Internal Revenue Service (IRS) or state tax authorities.

The national scope of the wage theft problem is unclear, but regional studies show that working people are losing significant income to employers who cheat employees out of their earnings.

We don't know the full scale of wage theft nationally because of sparse data. But regional studies and surveys show that wage theft is widespread across low-wage industries. A 2008 study of low-wage workers in New York, Chicago, and Los Angeles found that [more than two-thirds of workers](#) had experienced a pay-related workplace violation in the previous work week alone. The average worker lost [\\$51](#) a week, which added up to [\\$2,634](#) annually. This represents [15 percent](#) of what their incomes would have been if existing wage laws were enforced and they were paid what they had earned.

Because the number of low-wage workers [swelled](#) in the wake of the Great Recession, the [National Employment Law Project](#) (NELP) says wage theft has probably grown.

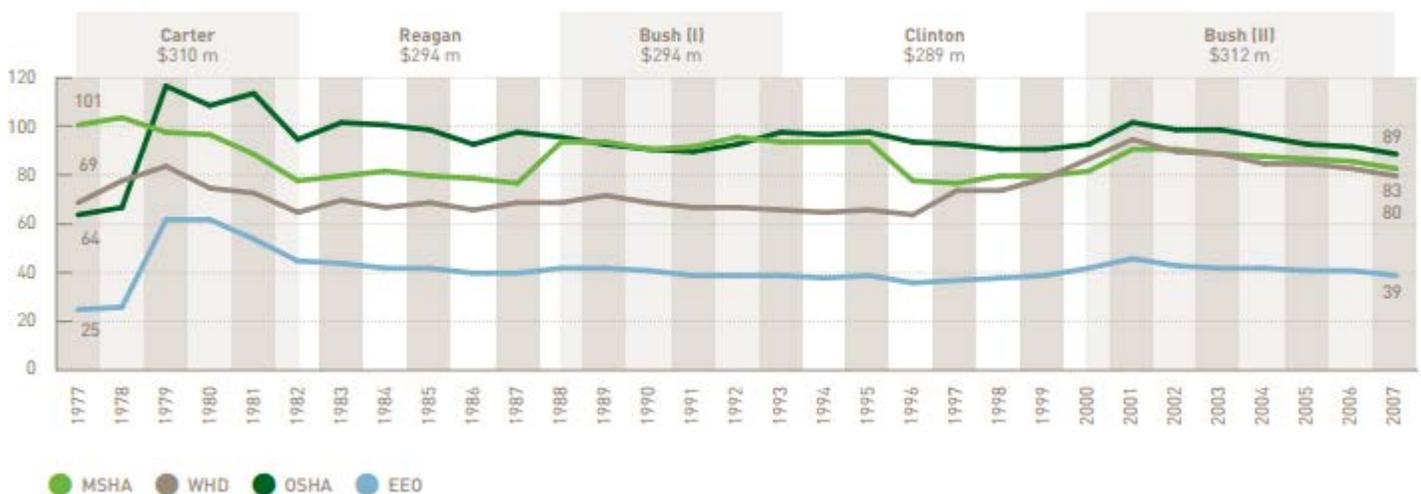
The number of federal and state staff tasked with enforcing basic wage standards has not kept pace with the growth in workplaces and workers.

Part of the reason may be that the number of wage and hour inspectors has not kept pace with the workforce over the past several decades; as result, many workplaces go years without inspections. Wage theft violators range from mom-and-pop shops to some of the nation's largest retailers, including [Staples and Walmart](#).

The chart below from the [Department of Labor](#) shows how investment in labor enforcement has stagnated.

DOL Enforcement Spending by Program and Presidential Administration, 1977-2007

[Constant millions of dollars]

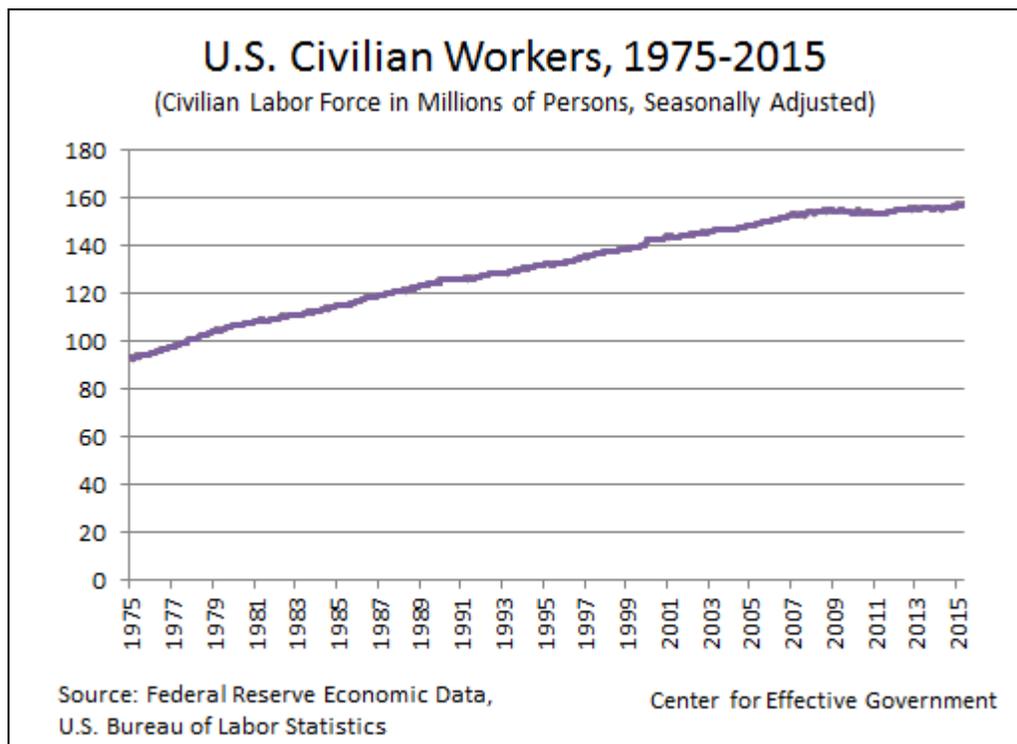
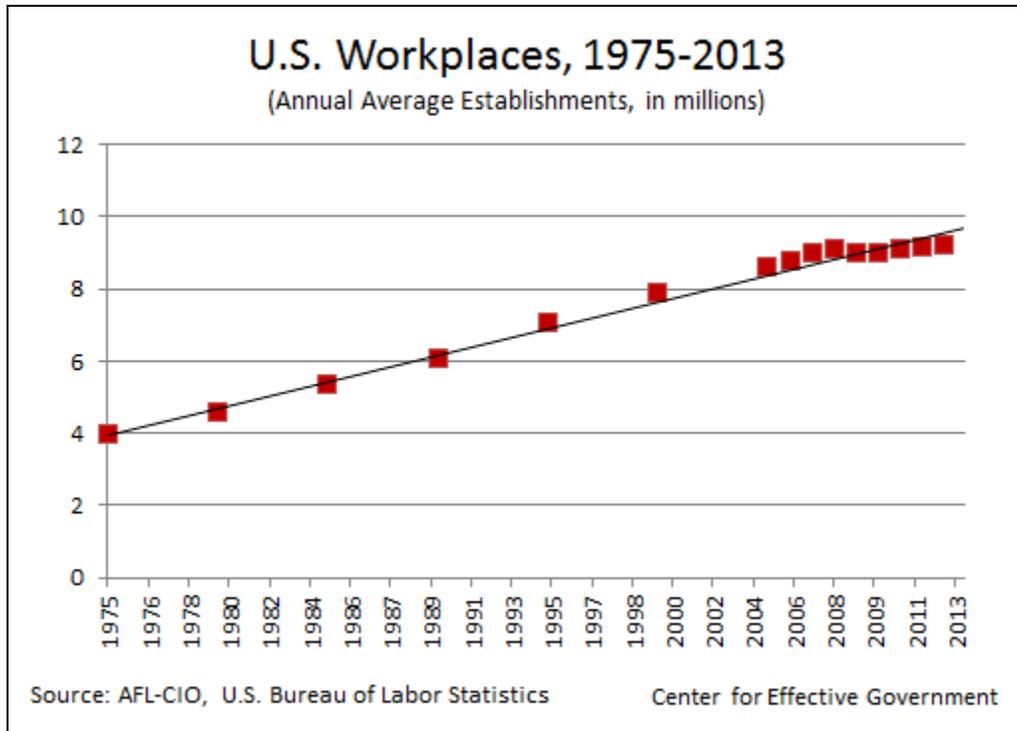


Source: Budget of the U.S. Government, Various Years [Constant 1982-84 dollars].

Between 1997 and 2007, the number of DOL inspectors fell by [20 percent](#) – from 942 to 732. The Obama administration announced in 2009 it would hire [250 additional inspectors](#). This is the most recent federal data available, and it is now years old. We've contacted the Department of Labor's media office and human resources department, in addition filing a FOIA request to determine the current number of federal wage and hour inspectors. Unfortunately, the department was only able to estimate that there approximately

1,000 wage and hour division investigators on the job today. A more precise number was unavailable due to high turnover.

These roughly 1,000 wage and hour inspectors serve the approximately 9.2 million business establishments in the United States. The number of workplaces and workers has continued to grow even as wage and hour enforcement has stagnated.



A 2010 survey of states to which 43 states and the District of Columbia responded identified another [659 state investigators](#) focused on wage and hour enforcement, although many of these investigators only spent part of their time on wage and hour issues. A majority of states ([at least 27](#)) have [fewer than 10 inspectors](#). Florida, for example, does not have [any staff](#) enforcing the states' minimum wage. In some states, inspectors were responsible only for enforcing state labor laws and not trained to enforce federal regulations.

While wage and hour inspectors are able to visit workplaces without notice and without evidence of wrongdoing, because of very high inspector-to-workplace ratio, [most inspections](#) are initiated by complaints from workers. However, [fear of retaliation](#) by an employer often prevents workers from reporting health and safety concerns, abuse, or wage theft.

Another obstacle for workers experiencing wage theft is the unwillingness of some employers to provide pay stubs. Pay stubs make tracking wages and documenting violations significantly easier. Low-wage workers paid [non-hourly and in cash](#) are significantly more likely to be cheated out of the legal minimum wage for their work, according to NELP, which has lawyers across the country who help handle complaints.

Many workers are unsure of their rights. The best protection for workers against wage theft is a union. Unions have formal mechanisms to push employers and relationships with local enforcement agencies. For workers without unions, reporting multiple complaints to a community group or workers' center is another way of getting a response from public officials.

Without more staff to inspect and enforce labor standards, some unscrupulous employers will continue to steal earnings from workers. Workers need unions, workers' centers, and other associations to help them stand up for their rights and hold bad employers accountable.

Addressing the scale of wage theft across the United States will require an “all-hands-on-deck” approach to challenge the current business culture. The Department of Labor is seeking ways to expand rights education and better target enforcement – more online reporting may help. Some state labor bureaus are doing the same. [Unions and community groups](#) are exploring ways that they can take on a larger and more formal role in enforcing labor laws, working directly with local labor offices.

Without action, wage theft will continue to eat away at workers' paychecks and violate a basic American value: an honest day's work deserves an honest day's pay.

Resources:

- To file a report with the Wage and Hour Division, [click here](#) or call [1-866-4-US-WAGE](#) (1-866-487-9243).
- To find out if you are owed wages using DOL's Workers Owed Wages tool, [click here](#).
- To download the DOL Timesheet App to better track wages, [click here](#).
- To download the iDOL App to find violators in your neighborhood, [click here](#).

This Small Infrastructure Investment Can Increase Bicycle Ridership by 75 Percent in Just One Year

by Jessica Schieder

While all eyes are on our national infrastructure funding plan (or lack thereof), something remarkable is happening across the country. Local governments are building innovative transportation systems to respond to 21st century problems. One new trend that stands out is an increase in protected bicycle lanes.

Cities are looking to biking as a way to ease the pressure on commuter traffic and mass transportation systems. And they are seeing other benefits, as well. Bike lanes can increase property values, create better access to Main Street businesses, improve community health, and be built for only a [fraction of the cost](#) of new roads and bridges.

Small investments in safer, protected routes for bikers significantly increase ridership.

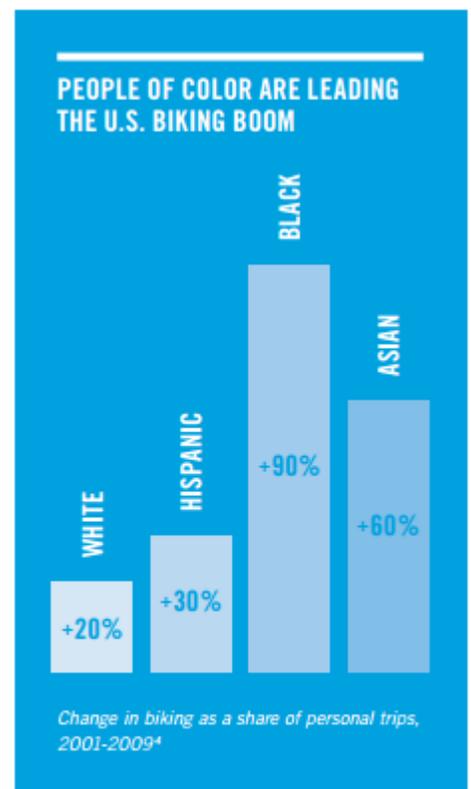
Protected bike lanes are exclusive lanes for bicyclists that are separated from vehicle traffic, often by curbs or vertical plastic guard poles. Bikers in a protected lane are [50 percent](#) less likely to be injured than bike-riders on a road without a protected lane. According to the Green Lane Project, protected lanes increase bike traffic by an average of [75 percent](#) the first year the lane is available.

Washington, D.C. is one example of a city where small investments in infrastructure to support bikers have had a positive impact. Commuters to and from Washington face some of the worst traffic congestion in the nation, even though the metro area's mass transit system moves about [1.2 million people](#) every weekday by train and bus. Crowding on trains and buses is expected to increase by [42 percent](#) over the next 25 years, so an investment that keeps people out of cars and off mass transit is very attractive. Washington's first two protected bike lanes have more than tripled peak-hour bike traffic on those streets over four years, according to the District Department of Transportation. Along Pennsylvania Avenue, peak-hour bike traffic is up from 52 to 174 riders between 6th and 7th Streets. Along the 15th Street corridor, peak-hour bike traffic is up from 32 to 282 riders between T and Swann Streets.

The upward trend in biking provides hope that the pressure on buses, trains, and highways can be stemmed as improvements to roads and mass transit are ongoing.

Minorities are biking much more today than a decade ago.

Although whites still use bikes for commuting at much higher rates than minorities, according to [an analysis](#) of Federal Highway Administration data by PeopleforBikes and the Alliance for Biking and Walking, between 2001 and 2009, the share of personal trips made with bikes increased most rapidly for blacks.



Source: PeopleforBikes, Alliance for Biking and Walking

New riders disproportionately care about the [availability of protected bike lines](#). Biking deaths have historically been higher among blacks and Hispanics than whites, according to [fatal injury reports](#) from the Centers for Disease Control and Prevention. This is possibly because the quality of infrastructure available in predominantly black and Hispanic neighborhoods may provide less protection for riders.

Where plans to improve biking infrastructure have been proposed, some leaders in minority and low-income communities have expressed concern that safe bike lanes will change the cultural makeup of their communities. For example, in the neighborhoods bordering [Martin Luther King Drive in Chicago](#), church-goers in the historically black area were angry that parking used during church events would be taken away to implement the city's bike plan. Residents negotiated a compromise with the city to move the neighborhood's protected bike lane one street over.

Community involvement in the planning of bike lanes up front can minimize these concerns and ensure the positive benefits of biking and neighborhood improvements are widely shared.

Such benefits include: increased safety for commuters already biking, savings for families who take advantage of new bikeways, and improved access to jobs by better connecting communities to employment opportunities.

The federal government is also embracing the benefits of protected lanes.

Just last month, the [Federal Highway Administration](#) released a guide to constructing protected bike lanes. The report acknowledges, "Separated bike lanes can contribute to increased bicycling volumes ... in part by appealing to [less confident riders](#), and this could eventually result in a more diverse ridership across age, gender, and ability." The guide also emphasizes the importance of community outreach and feedback on design proposals. This guidance could be helpful in getting more protected bike lanes in future infrastructure improvements.

The public's excitement for even smaller-scale community improvements – like protected bike lanes – shows that Americans are ready to take advantage of new, innovative solutions to improving America's infrastructure for the 21st century economy.

Justice Shouldn't Be Blind to the Importance of Financial Disclosure

by Scott Klinger

It's Time for the Supreme Court to Establish New Transparency Precedents

Our nation's court system depends on trust and impartiality. Judges are supposed to recuse themselves from cases in which they have a conflict of interest. But because of outdated disclosure standards in our nation's court system, the public too often lacks the information necessary to make sure that potential conflicts are appropriately dealt with. As a result, confidence in our court system is less than it could or should be.

High-ranking federal officials are all bound by some common disclosure standards enacted by the Ethics in Government Act of 1978. These standards include:

- Disclosure of outside income over \$200, spousal income over \$1,000, and gifts worth more than \$350
- Assets over \$1,000 and liabilities over \$10,000
- Positions held with non-governmental organizations
- Details and expenses pertaining to reimbursements for travel over \$350

In addition, members of Congress and some congressional staff, along with high-ranking leaders within the executive branch, are also bound by the STOCK Act, which requires disclosure of stock market transactions within 45 days. They are also required to disclose information about their home mortgages so that the public can see they have not been offered special deals or preferential rates.

The U.S. Supreme Court and many other judges within the federal court system are not bound by the STOCK Act, and they do not have to disclose information about their mortgages. But three other differences are of greater concern.

First, unlike Congress and the executive branch, each of which have independent arms to oversee and monitor the financial disclosure process, the Supreme Court polices itself on financial disclosure.

Second, both Congress and the executive branch make financial disclosure forms available electronically (Congress online, and the executive branch in response to a webform request), generally within a few days of when they are filed. The Supreme Court, however, remains stuck in the 20th century, requiring inquirers to fill out a form requesting the information and then waiting for it to be processed. Once the request is filled, the person must make an appointment to physically pick up the information at the Court in Washington D.C. and bring a check to pay for the 20-cent-a-page printing costs.

In addition, the Court often takes more than a month after the justices file their disclosure documents in May to make them publicly available. This means that when the most important decisions are announced in June, journalists and others do not have information available to report on any possible conflicts faced by the justices involved in the decision.

Lastly, while Congress and the executive branch maintain disclosure forms indefinitely, the Court retains disclosure forms for just six years, forcing outside groups to maintain and conserve these vital public records. This practice is especially troubling since the average tenure of a Supreme Court justice far exceeds the six-year period.

The courts face complex challenges to their impartiality. Better disclosure would give the public more faith in the judicial branch.

Federal justices are barred from hearing cases in which they have a direct financial interest. This includes cases where they own stock in one of the parties in the case.

Unlike Congress and the executive branch, the Supreme Court is not directly lobbied. But outside interests, including corporate interests, do actively weigh in on cases before the Court. They do so through *amicus curie* ("friend of the court") briefs. There are no rules requiring justices to step aside if they own a stake in one of the amicus filers, but perhaps such rules should be discussed.

According to [Fix the Court](#), an advocacy group calling for reform of the Court's financial disclosure standards: "the three justices that own shares of common stock – Chief Justice Roberts and Associate Justices Stephen Breyer and Samuel Alito – side with the *amici* whose shares they own nearly 70 percent of the time."

A study by the Center for Public Integrity (CPI) found similarly troubling news at the appeals court level. Sixteen federal judges ruled in 26 cases in which they had financial interests in one of the parties involved in the case, [according to CPI](#). The judges involved sent apologies to the parties noting their error in not recusing themselves and offering the parties the opportunity to have their cases reheard by independent, non-conflicted judges. Five of the cases were reheard; none of the decisions were reversed. But there should be a process for verifying that judges are only hearing cases in which they have no direct financial stake.

[Fix the Court](#) is calling for several reforms to bring the Supreme Court up to the same standards followed by other high federal officials.

- The STOCK Act should be amended to include Supreme Court justices and other federal judges.
- Supreme Court justices should be required to place their financial investments in a blind trust.
- Financial statements of federal court judges, including Supreme Court justices, should be posted online within days after the documents are filed.
- The Supreme Court should form an independent body to administer a code of ethics and disclosure practices consistent with those already in place in the other two branches of government.

All courts in the United States look to the Supreme Court to set the standards and precedents that guide their work. It is time for our nation's highest court to set the highest standards in ethics and disclosure. Proactive disclosure and following the best practices of other branches of government will assure that lower courts have a standard worthy of following.



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