Deconstruction of the Administrative State: Health, Environment, and National Security Risk -- by Sabrina Hardenbergh

The new federal GOP administration is adamantly repealing regulations intended to prevent corporations from damaging citizens’ health, safety, and financial stability, dismantling government agencies for private or state oversight of their services, and dismissing those not perceiving of this as “Great.” Donald Trump, in his recent Address to the Joint Session of Congress, stated that our nation would build a Mexican border Wall, stop cartels and lawlessness, and vet our immigrants. Yet, the Oval Office holds to a different standard of law and vetting for itself, advisers, and Cabinet with respect to tax disclosure and conflicts of interest, including global fossil fuel industry operations, creating cause for investigating Russia’s influence in this mix. Trump promises clean water and air; however, numerous environmentally problematic Orders, Memos, Congressional bills and Cabinet appointments defy such claims.

With March construction bids and a pending April start date, heavy equipment could soon carve straight down the Rio Grande River through our iconic Big Bend National Park and cultural sites, block vast scenic vistas and wildlife corridors, waste $15-40 billion of taxpayer dollars on Trump’s Wall Order, while little averting cartels or needed immigrant workers who will just go over, under, or around. Anyone who has camped and hiked the Chisos Basin, South Rim, and Rio Grande canyons should realize issues with the Wall versus existing means of border patrol. US Fish and Wildlife estimates the Wall will impact 111 endangered species along the southern California, Arizona, New Mexico and Texas borders, including jaguars, grey wolves, manatees, sea turtles and bald eagles. In Texas, with the longest segment of US-Mexican border along the Rio Grande River, none of the 38 Texas Congressman support the Wall (25 are Republican). Yet, their appeals don’t matter, given Trump’s expedited Order, and Joint Address to Congress. SIGN a petition!

Trump’s initial Orders and Memos expedite the continuation of Dakota Access Pipeline and Keystone XL pipeline, so DAPL is allowed to finish drilling under Lake Oahe without an EIS. Trump’s directives dismiss legal opinions re treaties, environmental justice and the EIS process, including a public comment period, from the end of the Obama administration after thousands of appeals to the former President, Dept. of Justice, Army Corps of Engineers, United Nations, and other decision-makers. Native Americans and other water protectors were forced to vacate protest camps; even the original Sacred Stone Camp, including its Native (Continued on Page 2).
American property owner LaDonna Allard, were forced to leave. Court cases against DAPL continue. Trump says these projects will use US made steel pipe, yet realize that Russian owned TMK pipeline factories are manufacturing some of this pipe near many of US oil and gas fields. TransCanada’s Keystone XL pipe is already purchased from Russian, Indian and Italian factories in the US. The state of North Dakota expects $110 million in taxes from the pipeline operations. Trump previously invested in Energy Transfer Partners, a company building DAPL. Obama vetoed the Keystone XL in 2015 when Native Americans’ and other citizens’ extensive protest indicated many treaty, environmental, health and other damages inherent in the project.

The GOP majority Congress used the 1996 Congressional Review Act, wherein the House and Senate nullify recently finalized federal regulation by a simple majority vote, with Presidential approval. Trump signed off on multiple bills at once with his Statement of Administrative Policy. HJR 38 nullifies the “Stream Protection Rule” submitted by the Department of the Interior’s Office of Surface Mining Reclamation and Enforcement. Trump touts a return of coal jobs, despite mechanization and markets causing actual declines instead of the Rule. HJR 36 repeals the Bureau of Land Management’s methane waste rule that limited venting, flaring and leaking of methane into the atmosphere, a contributor to climate change and a waste of fuel. HJR 41 nullifies the Securities and Exchange Commission’s Rule relating to “Disclosure of Payments by Resource Extraction Issuers”. Fossil fuel companies are no longer required to disclose how much they pay governments in taxes and fees (in essence, bribes), wherein we further understand states’ blind eye to environmental justice. Another Statement of Administration on HJR 44 nullifies the BLM Planning Rule 2.0 that prioritized regional and national considerations over state and local interests in public land use planning. CRA specifies that once a Rule is repealed, federal agencies can’t ever issue a new Rule that’s “substantially the same form,” and CRA votes are immune to filibuster so little formal discussion before voting occurs.

A February 28th Executive Order reverses the Waters of the United States Rule, requesting the EPA and Army Corps rewrite it to restore state’s rights and “economic growth.” An Executive Order reversing the Clean Power Plan and Obama’s coal mining on public land moratorium is expected in early March. Delays and rewriting rules effectively means no regulation.

Several new Cabinet heads are oil and gas industry men. Scott Pruitt was confirmed as EPA Administrator by the Republican majority, ahead of reviewing his work-related emails concerning many industry lawsuits against the EPA. The proposed EPA budget decreases by 25% next year, lays off 20% of staff, and downsizes or eliminates numerous programs. New Secretary of State Rex Tillerson was the recent Exxon CEO, a company known for obfuscating the climate change factors of its industry, as well as its Russian Arctic drilling and Canadian tar sands interests, and collaborations with Gazprom for prospective drilling in the South China Sea. Secretary of the Interior Ryan Rinke, a recent Montana Senator and former Navy Seal with a questionable misuse of government funds record, questions climate change and has voted against conservation measures including the Antiquities Act, wolf protection, and public review of hardrock mining on public lands. Rinke voted for the Keystone XL pipeline. Rinke has resisted privatization of public lands so far, yet portrays himself as Pinchot multiple use oriented. Secretary of Energy and former Texas Governor Rick Perry served on the boards of Sonoco Logistics Partners and Energy Transfer Partners, involved with building Dakota Access Pipeline. Perry, a former college cheerleader and mediocre animal science major, wanted to eliminate the Energy Department during his Presidential campaign, oblivious that he soon was to experience a major learning curve about the agency’s management of our nuclear stockpile and its R&D. (Continued on Page 8)
SPRING 2017 PROGRAMS  NOTE:  Start time at 7 PM!

**Location:** REAR entrance, through green door in alley, of the Carbondale Township Meeting Room at 217 East Main, across from Rock Hill Baptist Church (at Monroe and Marion Streets). The front door is locked! FREE and open to the public. Refreshments and socializing before and after meeting.

**Thursday, March 9 at 7 pm:**
**Speakers:** Kathleen Logan Smith, Food Works Director, with film on local food by Mike Covell, Emeritus Cinema & Photography Professor
**Presentation Title:** Local Food in Southern Illinois
**Dinner at 5 pm:** Newell House, 201 E. Main, Carbondale, IL, 618-549-6400

**Thursday, April 13 at 7 pm:**
**Speaker:** F. Agustin Jimenez, SIU Associate Professor of Zoology
**Presentation Title:** Northward Expansion of the Armadillo & Its Parasites
**Dinner at 5 pm:** TBA

**Thursday, May 11 at 7 pm:**
**Speaker:** Sarah Lewison, SIU Associate Professor, Dept. of Radio TV & Digital Media, and Faylin Jihan, Local Organic Farmer and Community Gardener
**Presentation Title:** Resilience through Community Food Corridors: Washington Street Garden and the Understory Center for Subsistence Research
**Dinner at 5 pm:** TBA

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**Future Energy Jobs Bill Passed – A Great Victory – and a Challenge!!**

After two years of lobbying and negotiating by Illinois Chapter Sierra Club and allies, the Future Energy Jobs Bill (SB 2814) was signed into law by Gov. Rauner on December 7, 2016. This new law will slash carbon emissions from electric power generators in half by 2030. The law will be implemented starting in June. This new law fixes the Renewable Portfolio Standard (RPS) that requires electricity providers to increase the amount of renewable energy they use by 2% per year, which means creation of at least 4.3 Gigawatts of solar and wind power by 2030. It also creates a stable budget of more than $200 million annually for the purchase of Renewable Energy Credits (RECs) to be administered by the Illinois Power Agency (IPA).

The law also creates a new “Solar for All” program that will invest up to $400 million in new solar projects in economically disadvantaged communities, and train those most in need of good jobs in the clean energy technologies. In all, this bill will invest more than $750 million in programs for low-income communities. The legislation establishes the state’s first Community Solar program, which enables those not able to build solar on their roof to subscribe to a shared project in their community. Subscribers will receive bill credits valued at their energy supply rate. This could be implemented in your neighborhood!

Sierra Club opposes nuclear power and we do not consider nuclear power “clean energy.” We defeated Exelon’s and Rauner’s proposal to subsidize six nuclear plants and also won to make renewable energy and energy efficiency the cornerstones of the compromise legislation. We also managed to totally defeat Dynegy’s efforts to subsidize coal burning plants in Illinois. Approximately 70% of the funds from this new law will go to clean energy, providing tens of thousands new jobs and dwarfing any aid for nuclear power.

Shawnee Group Sierra Club is working locally to materialize the promise of these advances by educating and promoting solar and efficiency, such as through group solar buys and community solar projects. Contact Barb at babitaji@aol.com or 618-529-4824 if you want to help.

For the Illinois Chapter Executive Director’s blog, go to sierraclubillinois.wordpress.com and scroll down to “Illinois Acts on Climate.” For comments from our allies, go to: <ilenviro.org/2016-veto-session-review> and follow the links. The ELPC link has a fact sheet on the renewed Renewable Portfolio Standard (RPS).
SPRING 2017 SIERRA CLUB OUTINGS

Cache River Full Moon Evening Canoe Outing, Sunday, March 12, 2017
We will meet by the Murdale sign in the Murdale Shopping Center in Carbondale before 7:30 pm, then ride together to Cache River. Or, you can meet us at White Crane Canoes at Cache River before 8:30 pm. We will canoe through beautiful Cache River by the light of the full moon. Canoes will be provided. The cost will be $20. You must call Steve Eberhart at 618-967-8690 before March 5 to sign up.

CWMA Backpacking Program at Giant City State Park, Saturday-Sunday, March 25-26, 2017
Join Kevin Rohling with the Cooperative Weed Management Area, for a naturalist-led journey through space and time. We’ll see portions of the park not often visited, with periodic natural history descriptions and an invasive species survey along the way. Advanced registration is required and will be limited to 12 participants. Beginner-advanced level backpackers in good physical condition are invited to participate. Open to adults and teenagers (13+) with guardian supervision. Mandatory pre-trip meeting at 10am, March 11th at Giant City State Park Visitor Center. Contact Kevin Rohling at rtrcwma@gmail.com for questions or to register for the hike.

Sharp Rock Falls Hike, Sunday, March 26, 2017
Meet at the Murphysboro Ranger station on Walnut St. before 10 am, then drive together to Sharp Rock Falls. We will walk through a scenic canyon and see the waterfall. Wear appropriate hiking shoes and bring water. You must call Steve Eberhart at 618-967-8690 by March 19 to attend this hike.

Piney Creek Ravine Hike, Sunday, April 2, 2017
Meet at the Murphysboro Forestry station on Walnut St before 10 am. We will hike to the Piney Creek Ravine and see ancient Indian petroglyphs and rocky bluffs. Bring water, a hiking staff and wear appropriate shoes. You must contact Bob Mulcahy, the hiking leader, at 618-942-6342 in order to attend the hike.

Tunnel Hill Bike Ride, Sunday, April 23, 2017
Meet at the Rangers station on the tunnel hill bike trail in Vienna on Route 146. We will ride the trail to the tunnel about 9.3 miles (uphill) and 9.3 miles back (downhill). You will need to bring your own bike, and a helmet is required. Also bring water and wear appropriate clothing. You must contact Bob Mulcahy, the outing leader, at 618-942-6342 in order to attend the bike ride.

Bell Smith Springs Hike, Sunday, May 7, 2017
Join us for a hike at a site I've often described as my favorite place on Earth. Bell Smith Springs entices the naturalist, geologist, and swimming-hole enthusiast alike. There are so many neat features here, it's impossible to see them all in one day. We'll plan to do the Sentry Bluff Trail, which is 2.7 miles in length, and is moderate to difficult in terrain. It traverses the namesake bluff, but also dips down along Bay Creek and passes under the natural arch. Meet at Murdale Shopping Center by 9am, or meet by 9:30 at Marion Rural King parking lot (near Plaza Tire Center) to carpool to the site. Wear sturdy shoes, bring water and a snack. RSVP to the outing leader, Kevin Rohling, 618-694-8150

Piasa Palisades Group Outings Chair:
Carol Klinger, 618-288-5506, ciklinger@yahoo.com
http://www.sierraclub.org/illinois/piasa-palisades

Eastern Missouri Group Outings Chair:
Doug Melville, 636-288-1055
douglas.k.melville@gmail.com
http://sierraclub.org/missouri/eastern-missouri

Future Outings TBA:
Updates listed on our or Illinois Chapter websites:
http://www.sierraclub.org/illinois/shawnee
http://illinois.sierraclub.org/calendar
Other short notice outings and events may be announced on our Facebook page:
https://www.facebook.com/SierraClubShawnee

Volunteers Needed to Help Protect Shawnee National Forest
Protecting Shawnee National Forest involves frequent communication with the Forest Service, research on issues, and educating others about those issues. We especially need help in keeping oil and gas wells out of the forest - including fracking wells. Please contact Barb at babitaji@aol.com if you are interested in helping in any way.

Call for articles and photographs for Shawnee Trails! The next issue will be published in May. Please send your Word, PDF or JPG files to sabrina@midwest.net by May 8th.
Monarchs Need You: Plant a garden with milkweed, aster, columbine, bluebells & goldenrod

*Patty Weyhrich and Kathy Belletire*

Monarch butterflies are counting on you! Monarchs need milkweed as their primary food source when they emerge as caterpillars, and they need nectar flowers when they are butterflies. Consider planting in pots outside your door or on the deck if you don't have a big garden. To honor the Milkweed plant, Sierra Club is asking that it be included as second Illinois State flower. By the way, do you know the Illinois state flower?!

Monarchs are hungry from their long flight from Mexico and need a place to rest! The following tips are things you can do to help Monarchs and other pollinators as well (a Bee and Bee?):

**Spring-Early Summer.** Include early blooming plants such as **Columbine, Butterfly Milkweed** and **Virginia Bluebells** to maintain diversity in your landscape. To protect overwintering insects avoid raking and mowing until April and May. For a list of native plants for your area, based on Dr. Doug Talamy's research, visit [http://www.nwf.org/nativeplantfinder](http://www.nwf.org/nativeplantfinder)

**Summer-Fall.** Plant mid-and late blooming plants such as **goldenrod, aster, strawberries, joe-pye weed, and violets. Tall Blazing Star**, blooms August through September and many varieties of **Coneflower**, blooms June through October-- are good because they are readily available in plant stores and home centers and easy to grow. Leave reserved areas of leaf litter, downed wood, and uncut grasses as potential overwintering sites. Avoid pesticides, but if you must, use when pollinators are least active (evening) or when plants are not flowering, such as late fall.

**Winter.** Late fall and winter are the best time for mowing. Raise mower deck to highest level to avoid disturbing hibernating insects. Leave sections of uncut grasses. Small, controlled burns are OK, but burn less than 1/3 land annually to leave refuge for animals. Plant milkweed seeds after a hard freeze.


- Join the Monarch Team Facebook Group: [https://www.facebook.com/groups/1092981190814004/](https://www.facebook.com/groups/1092981190814004/)
  View website calendar information for plant sales and monarch/pollinator related events (and send info to be added). [https://illinois.sierraclub.org/content/illinois-sierra-club-monarch-team-calendar](https://illinois.sierraclub.org/content/illinois-sierra-club-monarch-team-calendar)

- The Chapter’s Monarch page lists new resources: [https://illinois.sierraclub.org/priorities/monarchbutterflies](https://illinois.sierraclub.org/priorities/monarchbutterflies)
  [MonarchWatch.org](http://MonarchWatch.org) is a good website for materials

1. *Answer: violet*
Victory!! A Stake in the Heart of the Zombie New Madrid Levee Project

As one of its last actions, the Obama Administration issued a decision that makes it almost impossible for the Army Corps of Engineers to proceed with building the New Madrid Levee.

Sierra Club has worked for years with the National Wildlife Federation, Prairie Rivers Network, citizens of Cairo and other organizations to kill the proposal to build a dam that would block the south end of the New Madrid Floodway, cutting off the last connection of the Mississippi River to its backwaters in the state of Missouri. The project would have devastated the fish population in the middle Mississippi and removed an important resource for migrating birds, frogs, turtles and other aquatic animals.

Summary of the Decision Document: The Council on Environmental Quality, U.S. Fish and Wildlife Service and Corps of Engineers signed an agreement on January 19, 2017 which states:

1. The Corps will not proceed with the New Madrid Floodway portion of the project unless the project impacts can be fully mitigated.
2. The out of kind, artificially manipulated mitigation that the Corps has proposed to date will not fully mitigate the impacts.
3. Full mitigation would require: (a) advance restoration of access to a comparable area of floodplain in the vicinity of the project to allow unrestricted fish access to a comparable area of floodplain (i.e., removing a levee somewhere else to create another natural floodplain connection); (b) maintaining a natural hydrologic connection to Big Oak Tree State Park, which is located in the New Madrid Floodway; and (c) allowing natural flooding to at least the 10 year floodplain in the New Madrid Floodway.
4. If the Corps moves forward with the St. Johns Bayou portion of the project, the Corps will work with other federal and state agencies to “produce a project design that is focused on providing improved flood protection of East Prairie and other communities.”

The decision document also highlights: the Corps’ inability to come up with an environmentally acceptable version of this project despite decades of trying; the extensive record supporting the findings in the decision document; the significant community opposition to the project; and the dramatic increase in the project’s costs (from $165 million in 2013 to $349 million today).

The decision also underscores the importance of natural floodplain connections and the inability to mitigate for the loss of such connections through engineered solutions (i.e., culverts, artificial water level manipulation, and out-of-kind mitigation).

Of course, the National Wildlife Federation, Sierra Club and others plan to stay alert to any effort to revive this zombie, but feel free to lift a glass to salute the hardworking staff and volunteers that made this victory possible.

Solar Eclipse Weekend in the Shawnee Nat'l Forest

Fri., Aug. 18, 2017, 3 pm - Tue., Aug. 22, 2017, 4 pm
Organized By: River Prairie Group/Shawnee Group
Location: Touch of Nature Environmental Center Giant City Rd, Carbondale IL
RSVP ASAP to Event Organizer: Edward Max, hortusmax@gmail.com, (630) 209-3005
Cost: $625.00/person, lodging/meals included
Level: Easy to Moderate

The Illinois Chapter Sierra Club’s Frack Fight Team is steered by Terri Treacy (terri.treacy@sierraclub.org).
To receive periodic updates and communications from local and national Sierra Club, become a member of Illinois Chapter’s Frack Fight Team:
http://action.sierraclub.org/site/Survey?ACTION_REQUIRED=URI_ACTION_USER_REQUESTS&SURVEY_ID=138181

FYI, to receive more timely alerts from the Illinois Chapter of the Sierra Club, sign up online at their state website:
https://secure.sierraclub.org/site/SPageNavigator/Chapter/il_newsletter_signup.html?sessionid=84420F4C49A5A8CD264E1E3C3F131E25.app205a
Clean Water Victory for Illinois Rivers

Summary of article by Illinois Chapter Sierra Club’s stream scientist Cindy Skrukrud

In January, after nearly six years and two lawsuits, Illinois Chapter Sierra Club and partners achieved a milestone agreement with the Metropolitan Water Reclamation District of Greater Chicago (MWRD) to address nutrient pollution impacts in Chicago’s rivers and downstream waters.

Too many nutrients in our waterways, especially phosphorus from wastewater discharges and combined sewer overflows, fuel the overgrowth of aquatic plants and algae that in turn deprive the water of needed oxygen. MWRD agreed to cut phosphorus discharges from its three large Chicago wastewater treatment plants to 0.5 mg/L by 2030. MWRD will study means to reduce its phosphorus discharges to even lower levels achieved elsewhere in the nation.

In addition, if it is found that phosphorus is causing serious problems in the lower DesPlaines and Illinois rivers, a watershed committee will be formed to address those problems. These actions will also reduce the nutrients that flow down the Mississippi River and contribute to the “Dead Zone” in the Gulf of Mexico.

For further information, see the Sierra Club press release on this agreement which settles two Clean Water Act legal cases we brought with our environmental partners to address MWRD’s phosphorus pollution. For more details on the history of the legal cases and the elements of this historic agreement, read NRDC’s blog.

Factory Farms and Their Impacts to Nearby Illinois Communities Must be Addressed by Legislation

There is reason to amend the Illinois Livestock Management Facilities Act (LMFA), a controversial pro-agribusiness law criticized as leaving the floodgates open for irresponsible factory farm development in Illinois since the late 1990s. In response to a petition by the Illinois Citizens for Clean Air & Water, the U.S. Environmental Protection Agency targeted Illinois as having an inadequate system for regulating pollution. The state has thousands of confinement operations, and while they have been identified as one of the leading causes of water pollution in the state, the Illinois EPA does not have an accurate inventory to appropriately regulate them. The Chicago Tribune found that hog confinements are a primary cause of fish kills in Illinois, vastly outnumbering fish kills by any other regulated industry.

On average, livestock produce three times as much waste as humans. A single factory farm confining thousands of animals generates as much waste as a small city. The health and effects of the endless output of animal waste on surrounding properties, populations and communities can be dangerous and debilitating. Far too many neighbors are forced to live with polluted water, nauseating odors, and lower property values.

The LMFA was designed with all decision-making authority for the siting of new factory farms with the Illinois Department of Agriculture (IDOA) - a state agency that has a mission to promote the industry. State records show that IDOA has never denied a construction permit for a factory farm and has issued about 900 swine confinement permits over the nearly two decades (Chicago Tribune) despite opposition from many neighbors and communities. Furthermore, through an expansion loophole factory farms can often more than double their size every two years without being subject to setbacks from homes and towns, as well as other important permitting protections required of new facilities.

County boards need the authority to refuse new factory farm proposals if they are not appropriate for the areas in which they located. Neighboring residents need the right to challenge poor or illegal permitting decisions made by IDOA. Currently such local authority and challenges are not allowed under Illinois law. Other neighboring states have measures that grant counties various levels of binding authority over siting, plus meaningful public participation requirements for citizens and the ability to seek judicial review of agency permitting decisions.

Current Illinois law gives the IDOA and corporations all the power, while local communities have no rights. Across the state rural communities face public health threats, declining property values, damage to businesses and the loss of use and enjoyment of surrounding land because of factory farms. Illinois laws must change to give a voice back to local communities and property owners so they can determine their own futures and protect their local ecology, homes, land, livelihoods, health, and wellbeing. "Good food doesn't have to come at the expense of our air, water, welfare of farm animals or a rural quality of life. Together we can make a viable food system by promoting agricultural practices that respect the animals, the environment, surrounding communities and provide farmers with a honorable living," says Danielle Diamond of the Socially Responsible Agricultural Project (www.sraproject.org) and Illinois Citizens for Clean Air & Water (www.iccaw.org). Contact your state representatives and senators about these problems.
Because of public outcry, including by conservative hunters and fishermen, Utah Rep. Jason Chaffetz withdrew his HR 621 proposing to sell 3.3 million acres of public lands for economic development. Opposing the Bears Ears National Monument designation, Chaffetz and other GOP have sponsored more bills to undermine the Antiquities Act and take public land for potash mining, tar sands, oil and gas drilling, off road vehicle use, and other uses less oriented to preservation. Chaffetz, chair of the Oversight and Government Reform committee, won’t initiate a Russia investigation, where Koch brothers and fossil fuel industry influence could be reviewed. **SIGN a petition!**

HR 861 will terminate the EPA by December 31, 2018. HJR 46 allows drilling in National Parks; **SIGN a petition**, HR 717 amends the Endangered Species Act to require review of the economic cost of adding a species to the list of endangered species or threatened species. Time limits for acting on a petition for an endangered species are removed. Scientific data on threats to species are set aside in favor of the short-term economic impact on private interests, undermining the purpose of the Act.

### Illinois Legislative Contacts: **CALL YOUR LEGISLATORS TODAY!**

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<td>Reis</td>
<td>618-392-0108, 217-782-2087</td>
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<td>217-782-0244, <a href="http://www2.illinois.gov/Pages/ContacttheGovernor.aspx">http://www2.illinois.gov/Pages/ContacttheGovernor.aspx</a></td>
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