

January 23, 2017

Dear Senator:

I write to you today to urge you to oppose the nomination of Scott Pruitt to head the U.S. Environmental Protection Agency (EPA). The EPA is responsible for protecting our country's environment, including ensuring clean air, clean water, and a healthy climate. Scott Pruitt's career as Oklahoma Attorney General has been defined by his active opposition to the EPA's core mission, and he ought not to be entrusted with the responsibility of leading the EPA.

I need not recount the numerous ways Scott Pruitt is a dangerous nominee to lead the EPA, as these have been laid out in detail by the array of environmental, public health, and other groups opposing his nomination. I would like to focus here on the serious potential conflict of interest inherent in a Pruitt administration as well as a few other specific issues that arose in the course of his confirmation hearing.

Mr. Pruitt has repeatedly demonstrated that he is beholden to fossil fuel interests, accepting huge sums of money from them while working hand in hand with them to block the EPA's efforts to protect public health. Attorneys general represent two clients: the government and the people. In his hearing, however, Mr. Pruitt stated that as Oklahoma Attorney General he represented industry in his dealings with EPA. In response to questioning, Mr. Pruitt was unable to provide a specific example of an environmental case in which he represented the interests of the people.

Another very troubling issue that arose during Mr. Pruitt's hearing was his refusal, should he become Administrator, to recuse himself from cases that he brought or participated in against the EPA. He agreed to recuse himself only if required to do so by the EPA's Ethics Officer. It is my understanding that, under existing rules, recusal is required only for one year from Mr. Pruitt's resignation as Oklahoma's Attorney General, and this requirement may be waived by the Ethics Officer or even, possibly, by the State of Oklahoma. Thus, it appears likely that Mr. Pruitt would have the opportunity as Administrator to make decisions pertinent to the resolution of these cases. A more egregious potential conflict of interest is difficult to imagine.

CLPP's mission is to fight climate change, and on this issue Mr. Pruitt's views are simply unacceptable. They are far outside the mainstream and contradict science. In the hearing, Mr. Pruitt acknowledged a human role in climate change, but he did not say what that role is or whether it warrants action by the EPA. He mischaracterized the status of the scientific debate and exaggerated the level of uncertainty, implying that he would not be in favor of strong federal action to combat climate change.

I am also concerned that, in his hearings, Mr. Pruitt would not make a firm commitment to EPA's preemption waiver process for new vehicle emissions standards in California and other states, saying only that he would have to "review" the issue. The waiver process has enabled California not only to greatly improve its air quality and manage its greenhouse gas emissions, but to become a world leader, setting the vehicle emission standards followed by many other states and countries.

His lack of enthusiasm for the waiver process is just one more bit of evidence that Mr. Pruitt's frequent appeals to states' rights are in reality a convenient fig leaf for gutting the important role the federal government must play in addressing interstate pollution issues and setting science-based minimum standards to protect citizens no matter where they live. Federal regulation is not the answer to every problem, but federal agencies have an important, indeed vital, role to play – one that Scott Pruitt clearly does not understand or appreciate.

This is not the first time we have been down this road. In the 1980s, when Ronald Reagan took office, he appointed Anne Gorsuch to head the EPA. She promptly set about trying to destroy it. A vigilant Congress checked her somewhat and ultimately found her in contempt of Congress, leading to her resignation.. Since then, Democrats and Republicans alike have appointed EPA Administrators who recognize the critical part the EPA plays in protecting our environment.

Anne Gorsuch came in as an unknown. Scott Pruitt does not. His record is clear. Congress again needs to be vigilant to prevent the EPA from being led by someone hostile to its very mission.

Promoting a healthy environment used to be a bipartisan concern in this country. Please show that it still is by opposing the nomination of Scott Pruitt for EPA Administrator.

Sincerely,



Donald M. Goldberg, Executive Director  
Climate Law & Policy Project