

The Facts Behind Senator Vitter's Bogus Campaign Against EPA Nominee, Gina McCarthy

On May 9, Senator Vitter (R-LA) led seven fellow Republicans on the Senate Environment and Public Works Committee in a boycott of the committee vote to confirm Ms. Gina McCarthy as the next Administrator of the Environmental Protection Agency. Ms. McCarthy has responded to an unprecedented 1,079 questions from Committee Republicans, but Senator Vitter did not like the answers to some of these questions.

Senator Vitter has asserted that EPA has “stonewalled on four of the five categories” of demands that Vitter characterizes as “transparency”-related. Closer examination reveals, however, that Senator Vitter's outstanding demands have nothing to do with transparency, but rather with ideology. In reality, Senator Vitter is abusing the nomination process to browbeat EPA to change its policies in a way that will undermine the agency's ability to protect public health and the environment.

Vitter's five demands show what's really going on:

Vitter Demand #1: Require EPA to draft guidance limiting official business to official email accounts and improving the agency's response to Freedom of Information Act requests.

Status: EPA has done this and Senator Vitter has acknowledged as much.

Vitter Demand #2: That Ms. McCarthy's private email accounts be re-reviewed, despite her testimony that she did so and does not use personal email accounts to conduct official EPA business.

Status: Ms. McCarthy reviewed her email accounts and testified before the committee in April regarding her practices relating to personal and official email. Partisan criticism of the *prior* EPA Administrator's emails have nothing to do with Ms. McCarthy. Senators did not object under prior Republican administrations when political officials had more than one official email account. But Ms. McCarthy does not even follow that practice. Senator Vitter's criticism is partisan and an excuse for obstruction.

Vitter Demand #3: Provide Senators with underlying data from air pollution studies dating to 1993 regarding the health impacts of particulate matter (or soot) pollution, despite the data's inclusion of personally identifiable medical information of patients involved in the studies.

Status: EPA has provided Senators with data in its possession from those studies that does not contain personally identifiable medical information. The agency has provided information about how the studies were conducted, contacted many of the researchers involved, and offered to meet with Senate staff on a number of occasions.

Most important, however, is the reason Republicans on the committee demand this data. Polluter lobbyists have attacked this data for years because the studies (along with countless other studies over the years) found an association between soot pollution and mortality. The Bush administration, Health Effects Institute and numerous medical researchers and

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organizations globally have reaffirmed that link. Soot pollution is emitted by power plants, refineries, and chemical plants. House Republicans in both the 112th and 113th Congress have tried and failed to discredit this science in an effort to dismantle life-saving clean air standards EPA issues that reduce soot pollution. Vitter and his colleagues here are attempting to advance ideological goals through the confirmation process that they are unable to institute through legislation.

Vitter Demand #4: EPA should undertake “whole economy” cost-benefit analysis of health standards using a non-peer reviewed, industry-pushed model.

Status: EPA has thoroughly outlined to the committee the different cost-benefit analyses the agency uses, including analysis beyond regulated sectors. The particular model Vitter and his colleagues demand EPA use is an industry-backed, non-peer reviewed economic model that EPA has said is not suited for the demanded purpose. Again, prior extreme legislation (such as the “TRAIN” Act in the House) pushed this idea. Vitter’s demand is designed to lead to paralysis by analysis – crippling EPA with red tape and biasing EPA processes against health safeguards and toward industry-desired outcomes.

Vitter Demand #5: In lawsuits against the agency for violating the law, the Senators demand that non-party “intervenor” be given the right to participate in all settlement negotiations. Senator Vitter asked further that EPA publish notices the agency receives from outside parties conveying the intent to sue EPA when it fails to meet a mandatory statutory duty.

Status: EPA has agreed to publish all notices it receives from outside parties conveying an intent to sue. The Senators’ demands relating to non-party interventions are again part of an ideological agenda designed to thwart law enforcement of health safeguards. These demands parrot bills introduced in both the House and the Senate that give corporations and industry parties the right to join all EPA settlement talks. This means industries that pollute illegally would be guaranteed a right to try to limit the response to their own illegal activities.

Senator Mitch McConnell has admitted that the Republicans’ boycott and demands are an attempt to gather data “used to justify EPA’s job-killing regulations.” These demands have nothing to do with good government or transparency. Instead, they are political attacks aimed at crippling an agency whose job it is to protect public health and the environment.

Ms. Gina McCarthy is highly qualified to head EPA. She enjoys support from states, businesses and public health groups, among others. She has worked for five previous Republican governors and has been confirmed by the Senate previously. She deserves to be confirmed as EPA Administrator.