



Public Employees for Environmental Responsibility

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July 10, 2018

Mr. Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue, NW
Washington DC 20460

Dear Acting Administrator Wheeler,

Your predecessor's tenure at the U.S. Environmental Protection Agency's (EPA) was scandal-ridden, but worse, it attacked the very core of EPA - the scientists, engineers, and lawyers working in the regional offices around the country. Scott Pruitt's actions resulted in a demoralized EPA staff, a skeptical public, and real dangers to human health and the environment.

As Acting Administrator, you have an opportunity to repair some of this gratuitous damage. To that end, Public Employees for Environmental Responsibility (PEER) urges you to revisit and reverse several Pruitt restrictions that hobble the regional offices of EPA.

As you are aware, nearly one-half of EPA's workforce work in one of the ten regional offices scattered around the country. These regional offices make it more efficient to assist the states, and allow for inspectors to visit sites and meet with the regulated communities and stakeholders. Most importantly, regional offices become familiar with the distinct environmental issues faced by different regions. For example, Clean Water Act issues in the temperate northwest are very different than those in the arid southwest.

Scott Pruitt claimed to embrace cooperative federalism, expressing a desire to:

work...collaboratively with states, local government, and tribes to implement laws that protect human health and the environment, rather than dictating one-size-fits-all mandates from Washington. EPA is more efficient and more effective in its protection of human health and the environment when it works together with states and tribes and engages local communities from a foundation of trust, transparency, and collaboration.¹

¹ <https://www.epa.gov/home/cooperative-federalism-epa>

However, by stripping regional offices of authority to make programmatic calls, Pruitt did exactly the opposite: he forced a one-size-fits-all solution on a diverse set of problems. Specifically, Pruitt:

- 1) Had Susan Bodine, Assistant Administrator of the Office of Enforcement and Compliance Assurance (OECA), demand that the regions brief Headquarters “before taking any action” on referrals to the Department of Justice²;
- 2) Issued two memoranda wresting control from the regions on jurisdictional issues surrounding wetlands³ and Section 404(c) vetoes⁴, essentially removing the regions’ power to have any say in U.S. Army Corps of Engineers wetland permits; and
- 3) Seized control over all existing Superfund cases with remedies estimated to cost \$50 million or more.⁵

These actions, taken together, have rendered regional office decision-making in enforcement, wetlands, and Superfund issues moot. Career staff in EPA regional offices are hogtied by Washington DC, and they are unable to use their expertise to resolve issues and protect human health and the environment.

PEER urges you to seek help from the regional scientists, engineers, and attorneys in day to day decision-making. The role of the Administrator and other political appointees should be to help set policy based on regional input and knowledge. Unlike your predecessor, you should also show respect for the hard-working and knowledgeable staff that you now oversee.

With the help of regional offices, you are in position and have a responsibility to protect the environment for generations to come. A good start would be to reverse these Pruitt-era directives so that the regions can return to protecting and assisting the states, the regulated communities, and the environment.

Thank you for your attention to this matter.

Sincerely,



Jeff Ruch
Executive Director



Kyla Bennett
New England Director

² <http://www.nacwa.org/docs/default-source/resources---public/2018-03-23epadoj.pdf?sfvrsn=2>

³ https://www.peer.org/assets/docs/wetlands/4_4_18_Delegation_of_Authority.pdf

⁴ https://www.epa.gov/sites/production/files/2018-06/documents/memo_cwa_section_404c_regs_06-26-2018_0.pdf

⁵ https://www.epa.gov/sites/production/files/2017-05/documents/cercla_delegation_memo_and_delegations.pdf