January 14, 2022

**Open Letter to All Members of the Senate of Virginia**

Dear Senators:

We write to offer our perspective on Andrew Wheeler's record at the U.S. Environmental Protection Agency as you consider his nomination for Virginia's Secretary of Natural Resources.

As former employees of the U.S. Environmental Protection Agency (EPA), we have proudly served the public interest, working for EPA Administrators appointed by both Republican and Democratic presidents. We believe that protecting public health and the environment are pursuits worthy of any president and governor, regardless of their political party. Nationally and in Virginia, the public has benefited when elected leaders from both parties have brought a steady hand to environmental protection, following the science and the law.

We are taking the unprecedented step of sending this joint letter because Mr. Wheeler does not have that steady hand. As EPA Administrator, Mr. Wheeler pursued an extremist approach, methodically weakening EPA's ability to protect public health and the environment, instead favoring polluters. Mr. Wheeler also sidelined science at the agency, ignored both agency and outside experts, rolled back rules to cut greenhouse gases and protect the climate, and took steps to hamstring EPA and slow efforts to set the agency back on course after he left office.

Christie Todd Whitman, a former EPA Administrator and Republican governor, warned Congress in 2019 not to confirm Wheeler.

> *"Having worked for Murray Energy, one of the biggest coal companies, Wheeler is unlikely to make any sort of serious effort to force the coal industry to clean up its act," she wrote. "Instead, I fear he will help industry reps find and expand loopholes so they can pollute with abandon."*

She was right. He did.

Wheeler was narrowly confirmed by the Senate despite opposition from both of Virginia's Senators as well as other Senators from both parties. Senator Manchin explained his "no" vote as follows:

> *"When I voted to confirm Mr. Wheeler to be Deputy Administrator of the EPA, I did so because I thought the President deserved to have his team in place. I also believed that I could work with Mr. Wheeler. Today, I voted against him to be the permanent Administrator of the EPA because as Acting Administrator, he hasn't demonstrated a desire or a will to make any meaningful progress on clean drinking water standards and has rolled back clean air standards that are directly impacting West Virginians."*

In the summer of 2020, six former EPA Administrators, including three who served in Republican administrations, provided recommendations on how to improve the agency's performance. Instead of giving the advice a thoughtful hearing, Administrator Wheeler immediately went on the attack in the press:

> Mr. Wheeler *"won't be taking 'reset' advice from administrators who ignored the Flint lead crisis, botched the Gold King Mine response, and encouraged New Yorkers to breathe contaminated air at Ground Zero,"* his spokesperson told the AP.

States have a vital role in fulfilling the federal-state partnership to protect public health and the environment. As EPA Administrator, Mr. Wheeler sought to undermine state resources in Virginia and across the country.

Mr. Wheeler proposed to slash clean water and clean air funding to Virginia and other states by 44 percent in a single year. He proposed a $782 million cut to clean water infrastructure by gutting state revolving loan funds under the Clean Water and Safe Drinking Water Acts.

Of particular note to Virginians: Mr. Wheeler's biggest budget axe would have fallen on the Chesapeake Bay had Congress enacted his budget. He proposed a massive 90% cut to funding for the Chesapeake Bay, reducing the proposal down to $7 million. In comparison, he proposed $320 million for Great Lakes Restoration in the same budget and did frequent media events in favored Great Lakes states that voted for Trump in 2016, including Ohio and Michigan.

Overall, Mr. Wheeler proposed cutting EPA's budget by 26% in FY 2021, including a 10% reduction in Superfund spending. He proposed to zero out environmental justice enforcement. Mr. Wheeler also proposed to eliminate 1,500 jobs from an already depleted workforce, which would have left EPA with its smallest workforce in 30 years.

Fortunately, Congress rejected Mr. Wheeler's extremist budget.

The list of Mr. Wheeler's efforts to roll back environmental protections is too long to enumerate fully in this letter. EPA formally undertook more than 50 significant rollbacks during his tenure as Administrator and Deputy Administrator. Under Mr. Wheeler, EPA revised or retired scores of policies and practices that did not require rulemaking or public notice and comment, thus keeping these actions out of the public eye.

Here are two examples of Mr. Wheeler's work as head of EPA that demonstrate his extreme pursuit of ideology over science, the law, and stakeholder input. In these cases, Mr. Wheeler not only undermined public health and the environment, but even worked against the advice of major sectors of regulated industry that preferred keeping effective rules in place.

- Despite bipartisan requests to maintain the Mercury and Air Toxics Standards rule, Mr. Wheeler not only rolled it back but also cooked the books to prevent EPA from

considering critical health benefits as it assesses future rules. The move puts millions of people at risk of dangerous exposure to toxic emissions of mercury, methane and other cancer-causing pollutants. The rollback was an ideological move motivated by the desire to hamstring EPA. In fact, it was opposed by the regulated industry. Trade associations including Edison Electric Institute, American Public Power Association, and the National Rural Electric Cooperatives Association asked EPA to leave the existing rule in place.

- Mr. Wheeler rolled back common sense rules to reduce methane emissions from the oil and gas sector, despite objections from some of the biggest oil and gas companies in the country. Even Exxon Mobil supported the Obama era methane rules. Instead, Mr. Wheeler's action hit the brakes on one of the most sensible and cost-effective options for tackling climate change – in this case by requiring companies to reduce gas leaks, saving energy and money while reducing emissions of a climate change super pollutant.

As you consider Mr. Wheeler's record, there should be little doubt that he will bring his extremist approach and polluter favoritism to Virginia. His playbook will be the same, putting at greater risk the health and welfare of the citizens of the Commonwealth and the environment in which they reside. Further, Mr. Wheeler would significantly undermine the progress that Virginia's legislature has recently made to advance clean energy and address climate change.

This is not the time to allow progress to go backwards, especially since there remains significant unfinished work to clean up existing pollution, prevent further degradation of the environment and craft effective solutions to mitigate the existential threats of climate change.

We recommend that you oppose Andrew Wheeler's confirmation.

Sincerely,

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