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,

John A. Moore, Former Deputy Administrator

W. Michael McCabe, Former Deputy Administrator and Former Regional Administrator, Region 3 (Mid-Atlantic Region)

James M. Seif, Former Regional Administrator, Region 3

Bradley M. Campbell, Former Regional Administrator, Region 3

Christopher S. Zarba, Former Director, Science Advisory Board

Donald G. Barnes, Former Director, Science Advisory Board

Terry F. Yosie, Former Director, Science Advisory Board

J. Clarence Davies, Former Assistant Administrator for Policy, Planning and Evaluation

James J. Jones, Former Assistant Administrator, Office of Chemical Safety and Pollution Prevention
Lynn R. Goldman, MD, MPH, MHS, FAAP, Former Assistant Administrator for Toxic Substances
David Kling, Former Associate Administrator for Homeland Security
Penelope A. Fenner-Crisp, PhD, Former Deputy Director, Office of Pesticide Programs
A. Roger Anzzolin, Former Environmental Engineer
Alexandra Teitz, Former Attorney-Advisor, Office of General Counsel
Alice Mayio, Former Environmental Protection Specialist, Office of Wetlands, Oceans, and Watersheds
Amy L. Breedlove, Former Environmental Protection Specialist, Existing Chemical Br, Chemical Control Div, OSCPP
Andrew Stoddard, PhD, Former Water Supply Engineer, Region 5
Anne Norton Miller, Former Director, Office of Federal Activities
Arden A. Calvert, Senior Planning, Budgeting and Performance Measurement Official
Audrey Binder, Program Manager, Office of Toxic Substances
Barbara D. Davis, Former Environmental Health Scientist, Office of Solid Waste and Emergency Response, Oil Program
Barbara Elkus, Former Deputy Director, Office of Ground Water and Drinking Water
Barbara Karn, Former Environmental Scientist, National Center for Environmental Research
Barbara Mcguinness, Former Special Assistant to the Administrator
Becky Daiss, Former Biologist, Office of Toxic Substances
Belle N Davis, Former Chief, Procurement Policy Branch, Office of Administration and Resources Management
Bonnie Bellow, Former Public Affairs Director, Region 2
Brooks J. Bowen, Former Special Assistant to the Administrator
Bruce C. Buckheit, Former Director, Air Enforcement Division
Bruce M. Diamond, Former Director, Office of Site Remediation Enforcement
Bruce Weddle, Former Deputy Director, Office of Compliance, Office of Enforcement and Compliance Assurance
Carl B. Reeverts, Former Deputy Director, Drinking Water Protection Division
Carl C. Kohnert, Jr., Former Deputy Director, Air Management Division, Region 9
Carl F. Myers, Former Deputy Director, Assessment & Watershed Division, Office of Water
Carol Parker, Former Environmental Protection Specialist, Field and External Affairs Division, Office of Pesticide Programs

Open Letter to All Members of the Senate of Virginia, p.4
Catherine Tunis, Former Analyst, Office of Enforcement and Compliance Assurance
Cheryl E. Wasserman, Former Associate Director for Policy Analysis, Office of Federal Activities, Office of Enforcement and Compliance Assurance
Christine Dibble, Former Office of Web Communications, Office of Public Affairs
Christopher C. Herman, Former Senior policy analyst, Office of International and Tribal Affairs
Chuck Elkins, Former Director of the Toxic Substances Office
Constance D. Drew, Former Manager, Information Systems Branch, Management Information Systems Division
Cynthia Metzger, Former Laboratory Director, Environmental Science Center, EPA Region 3
D. Randall Benn, Former Attorney-Advisor, Assistant Administrator for Water
Daiva Balkus, Former Director of Human Resources
Daniel L. Costa, Former National Program Director, Air, Climate, & Energy Research, Office of Research & Development
Daphne Gemmill, Former Community Relations Program Leader, Superfund
David B. Stangel, Former Policy Analyst, Office of Enforcement and Compliance Assurance
David Bloomgren, Former Communications Director, Office of Air and Radiation
David Dropkin, Former Research Chemist, NERL
David Friedman, Former Special Assistant for Monitoring to ORD Assistant Administrator
David Jesson, Former Staff, Air Quality Planning for Region 9
David Ziegele, Former Director, Office of Planning, Analysis and Accountability
Dawn M. Martin, Former Deputy Assistant Administrator, US EPA Headquarters
Deborah Hartman, Former Audit Coordinator, Office of Pesticide Programs
Deborah M. Rutherford, Former Director, Accountability Staff; Office of Planning, Analysis, and Accountability; Office of the Chief Financial Officer
Donald J. Brady, Former Director, Environmental Fate and Effects Division, Office of Pesticide Programs
Doreen Cantor Paster, Former Chief, Lead, Heavy Metals, & Inorganic Branch, Office of Pollution Prevention & Toxics
Edward E. Reich, Former Deputy Assistant Administrator for Enforcement
Edward J. Hanley, Former Deputy Assistant Administrator for Administration and Resources Management
Elizabeth A. Cotswoth, Former Director, Office of Radiation and Indoor Air
Elizabeth Hussain, Former Staff Officer in Information and Data Systems Division
Elizabeth Southerland, Former Director, Office of Science and Technology, Office of Water
Ellen Gilinsky, Former Associate Deputy Assistant Administrator, Office of Water
Ellen Kurlansky, Former Policy Analyst, Office of Air and Radiation
Eugenia McNaughton, Former Manager, Quality Assurance Office, Region 9
Frans J. Kok, Former Director of the Economic Analysis Division
G. Martin Wagner, Former Chief, Energy Policy Branch
Gail Hansen, Former Health Scientist, Office of Resource Conservation and Recovery
Georgina Guernica, Former Associate Division Director, PIID, ORCR
Gregory Fabian, Former Information Technology Specialist, Office of Ground Water and Drinking Water
Ingrid Sunzenauer, Former Senior Advisor, Environmental Fate and Effects Division, Office of Pesticide Programs
J. Michael Davis, PhD, Former Senior Science Advisor, National Center for Environmental Assessment
James A. Hanlon, Former Director, Office of Wastewater Management, Office of Water, EPA
James D. Taft, Former Chief of Targeting & Analysis Branch, EPA Office of Ground Water & Drinking Water
James J. O'Leary, Former Senior Program Analyst, Office of Resource Conservation and Recovery
James Repace, Senior Air Policy Analyst, Office of Policy Analysis, Office of Air Noise and Radiation.
Janet Adams, Former FOIA Specialist, Region 6 Enforcement and Compliance Division
Janet Bearden, Former Deputy Director, International Compliance Assurance Division (ICAD)
Janet L. Auerbach, Former Chief, Special Review Branch, Office of Pesticide Programs
Janice C. Linett, Former Senior Counsel, Office of Site Remediation Enforcement, Office of Enforcement and Compliance Assurance
Jay Ellenberger,Former Deputy Director, Field & External Affairs Div., Office of Pesticide Programs
Jeff Clark, Former Associate Director for Policy, EPA Office of Air Quality Planning and Standards
Jeremy Symons, Former Climate Policy Advisor, Office of Air and Radiation
Jeuli Bartenstein, Former Director, EPA Institute
Jody Forman, Program Analyst, Office of Regulation Management, 1980's
John Bachmann, Former Associate Director for Science Policy, Air Office
John C. Bosch Jr, Former Chief, National Air Data Branch
John J. Rigby, Former Section Chief, Office of Toxic Substances
John M. Rogers, PhD, Former Director, Toxicity Assessment Division, NHEERL, ORD
John W. Allis, PhD, Former Acting Chief Cellular Biophysics Branch, Health Effects Research Lab., Office of Research and Development
Jon D. Silberman, Former Special Assistant to the Director, Office of Compliance
Jonathan Cole, Former Associate Director, Office of Criminal Enforcement, Forensics and Training
Joseph T. Piotrowski, Former Acting Director, Region 3, Water Division
Julie Fitzpatrick, Former Risk Assessment Forum Staff, Office of the Science Advisor
Karen D. Johnson, Former Branch Chief for Drinking Water Enforcement and Ground Water Protection
Kathleen Martyn Goforth, Former Acting Associate Director, Water Division, Region 9
Kathleen White, Former Designated Federal Officer for the Science Advisory Board’s Environmental Engineering Committee
Kathy Hodgkiss, Former Acting Director, Region 3 Hazardous Site Cleanup Division
Kevin M. Crofton, PhD, Former Deputy Director, National Center for Computational Toxicology, Office of Research and Development, US EPA
Kevin W. McLean, Former Associate General Counsel, Pesticides and Toxic Substances Law Office, Office of General Counsel
Kimberly Green-Goldsborough, Former Program Analyst, Office of Policy
Larry Reed, Former Deputy Director, Office of Emergency and Remedial Response (Superfund)
Linda Birnbaum, Former Director, Experimental Toxicology, National Health and Environmental Effects Research Laboratory, ORD
Lori G. Kier, Former Senior Assistant Regional Counsel, Region 3
Lynda Hall, Former Manager, Nonpoint Source Program
Lynn Bradley, Former Chemist, Quality Staff, Office of Environmental Information
Margaret J. Stasikowski, Former Director, Health Effects Division, Office of Pesticide Programs
Marguerite (Peg) Hall, Former Records Manager, OLEM
Marjorie Weidenfeld Buckholtz, Former Director of Innovation and Partnerships, Office of Solid Waste and Emergency Response
Mario Salazar, Former National Technical Expert in Underground Injection Control, Office of Drinking Water
MARRIA O’MALLEY WALSH, Former Environmental Scientist, Region 3
Marvin B. Rubin, Former Branch Chief, Industrial Technology Division, Office of Water
Mary B. Klein, Former Senior Environmental Scientist/Policy Analyst, Office of Wetlands, Oceans, & Watersheds
Mary Blakeslee, Former Director, Policy and Communications Staff, Office of Science & Technology, Office of Water
Mary F. Dominiak, Former Environmental Protection Specialist, Chemical Control Division
Mary J. Frankenberry, Former Senior Statistician, Office of Pesticide Programs
Mary Lou Melley, Former Management Analyst, Office of Solid Waste and Emergency Response
Mary M. Letzkus, Senior Environmental Scientist
Matthew Davis, Former Health Scientist, EPA Office of the Administrator
Michael F. Branagan, Former Policy Analyst, Pesticide Policy Branch, Office of Policy Planning and Evaluation
Michael H. Kulik, Former Public Affairs Director, EPA Region 3
Michael H. Levin, Former National Director, Regulatory Reform
Michael Mason, Former Chief, State and Tribal Performance Branch, Office of Compliance, Office of Enforcement and Compliance Assurance
Michael Slimak, Ph.D., Former National Program Director, Office of Research and Development
Mike Burke, Former Associate Director, Chesapeake Bay Program
Odelia Funke, Former Director, Mission Investment Solutions Division, EPA Office of Environmental Information
Pamela M Hurley, Former Staff Toxicologist, Office of Pesticide Programs
Philip C. Metzger, Former Senior Counselor to the Deputy Administrator
Rebecca Jones, Former Chemist, Risk Assessment Division, Office of Toxic Substances
Richard Troast, Ph.D., Former Senior Scientist, Office of Solid Waste and Emergency Response
Rita Schoeny, Former Senior Science Advisor, Office of Science Policy ORD
Rita Smith, Former Deputy Director, Office of Planning, Analysis and Accountability, OCFO
Robert H. Wayland, Former Director, Office of Wetlands, Oceans, and Watersheds
Robert Linett, Former Chief, RCRA Enforcement Policy Section, Office of Waste Programs Enforcement
Ron Hoffer, Former Senior Advisor, Office of Water
Ron Slotkin, Former Director, Office of Multimedia, Office of the Administrator
Roy N. Gamse, Former Deputy Assistant Administrator for Planning & Evaluation
Russell S. Jones, PhD, Former Senior Scientist, Office of Pesticide Programs

Open Letter to All Members of the Senate of Virginia, p.8
Sara Schneeberg, Former Assistant General Counsel, Air and Radiation Law Office, Office of General Counsel
Shannon Sturgeon, Former Program Analyst
Sharon Payne, Former Program Analyst, Office of Policy, Planning and Evaluation
Sherry G. Selevan, Former Reproductive Epidemiologist, National Center for Environmental Assessment, Office of Research and Development
Stephanie Sanzone, Former Environmental Protection Specialist
Steve Shapiro, Former Specialist, Office of Pesticides and Toxic Substances
Steve Young, Former Senior Advisor, Office of Environmental Information
Steven Miano, Former Assistant Regional Counsel
Steven Silverman, Former Attorney, Office of General Counsel
Susan E. Bromm, Former Director, Office of Federal Activities
Susan Janowiak, Former Comptroller, EPA Region 3
Susan R. Wyatt, Former Branch Chief, Chemicals and Petroleum Branch, Office of Air and Radiation
Susan Vogt Moore, Former Deputy Assistant Administrator, Office of Pesticides and Toxic Substances
Suzanne E. Fenton, Former Research Biologist, Reproductive Toxicology Division, NHEERL, ORD
Thomas M. Crisp, PhD, Former Senior Scientist, Office of Research and Development
Tina Parker, Former Director, Program Management & Support, Office of Solid Waste
Tracy Hopkins, Former staff, OSRTI
Vivian M. Daub, Former Director, Planning Division, Office of Planning, Analysis, and Accountability
Walter J. Brodtman, Former Chief, Operations Branch, Office of Water
William F. Swietlik, Former Scientist, Office of Water