

January 24, 2008

Dear Administrator Johnson,

As EPA union officers, we write to express our deep dismay and concern over the damage to EPA's reputation following your December 19 decision to deny the California Waiver Request on vehicle greenhouse gas emissions (the California "tailpipe standards"). We represent thousands of EPA employees whose credibility and reputations rise and fall with the Agency's.

We lament that your decision -- perceived by many as having been politically-motivated and prompting Congressional investigations -- has cast a negative light on our Agency. To some degree, your actions have placed our members in a negative light through guilt by association. This is especially troubling to the EPA staff we represent.

Throughout your outstanding career alongside us in the Civil Service we have admired your commitment to good science and professionalism. You added to that esteem in our eyes when, during your confirmation hearings, you said:

"I have worked with eight of the nine EPA Administrators, and I understand first-hand the enormous responsibility the Administrator of the EPA has to protect human health and the environment. That sense of responsibility is heightened by being the first career employee and the first individual with formal scientific training to be nominated to head the Agency....

"Mr. Chairman, while serving in various positions within the Agency, I have relied upon several principles to guide my decisions. Even as we face new challenges, I believe that these are the principles I would rely upon as Administrator, and I'd like to summarize them briefly. First, I will continue to work to ensure that the Agency's decisions are based on the best available scientific information....

"As a scientist, I am intrigued with the promise that these new areas of discovery hold for improving the world we live in. But I also recognize that the process of scientific discovery is not always straightforward; there are times when we're not sure what the science is telling us. So our challenge is to make sure that when we are required to make regulatory or policy decisions, we are using the best

available scientific information, and at the same time we should continue to pursue and encourage rigorous scientific inquiry.

“The second principle I will follow is to pursue as open and transparent a decision making process as possible. During my time at EPA, I have managed virtually every aspect of the Agency’s rulemaking process, from the development of technical scientific papers, to the final, formal decisions. I understand that the credibility of EPA’s decisions comes from two things: first, from the integrity of the science that underlies the decision; and second, from the ability of the public to understand how the Agency came to its decision. The ideal rulemaking process would be one in which we solicit input and advice from all interested stakeholders and then make a decision with which everyone agrees. Unfortunately, it rarely happens that way. Even when there is disagreement on the Agency’s final decision, I want to be certain that the Agency has a clear rationale for that decision, and that rationale is evident to all who may be interested.

“As a part of this effort to improve the openness of our rulemaking process, I will work hard to strengthen and improve the dialogue among government, the regulated community, public interest groups, and the general public. Furthermore, I recognize the important interest that Congress has in our work – both as the author of laws given to the Agency to implement, and as the overseer of taxpayers’ dollars charged to EPA’s trust – and I will do my best to accomplish your intent...”

We could not have asked for a more hopeful lead in to your Administratorship.

Whatever the technical and legal merit of your decision in this case, media coverage has been negative. A large part of the American public believes the White House motivated your recent decision. Many of the professional civil servants we represent are troubled by your decision to overrule what has been reported as the unanimous recommendation of our Agency's legal and technical staff.

As you know, EPA's National Partnership Council -- a joint labor-management effort -- developed EPA's Principles of Scientific Integrity (<http://intranet.epa.gov/ord/scienceintegrity/>). These Principles follow similar lines as your testimony, which you drew upon

from your history as a career EPA scientist. In light of your Administration's repeated proclamations in support of these Principles we are at a loss to understand your decision on the California Waiver Request. The appearance is that you have disregarded the very principles you proclaimed in your confirmation testimony and our Agency's Principles of Scientific Integrity. Given these circumstances there is now a broad and dark shadow over the integrity of any future Agency decisions under your leadership.

You have it in your power to repair EPA's reputation, by being forthright and honest and by providing the "clear rationale" for your decision, as you pledged to do in your confirmation testimony. We call on you to explain why you chose the option you did and, of utmost importance, we ask that you explain why you rejected the options recommended by your technical and legal staffs.

If your actions cause EPA to lose credibility, how does this make us the "stronger EPA" you proclaim to support? How can we attract the best and brightest to work at our Agency if our credibility for making science-based policy decisions is in doubt? The impact on employee morale can be devastating and may take years to recover. Your December 19 decision and its impact on EPA is reminiscent of the wide-spread chaos under Administrator Gorsuch, which resulted in many dedicated EPA employees quitting out of disgust and frustration. We call on you as EPA Administrator not to let this happen again.

It is completely in your hands to provide to Congress the evidence and rationale for your decision on the California Waiver Request, to turn over a new leaf, to create an environment conducive to the American Public once again trusting their Environmental Protection Agency and EPA employees once again trusting their Administrator, and to restore the hope and inspiration with which you began your tenure as Administrator.

Respectfully,

/s/ Steve Shapiro, President
AFGE Local 3331, EPA HQ

/s/ Bill Evans, President
NTEU Chapter 280, EPA HQ

/s/ Dwight A. Welch, Vice-President
NTEU Chapter 280, EPA HQ

/s/ J. William Hirzy, Executive Vice-President
NTEU Chapter 280, EPA HQ

**/s/ Jeffery Bratko, Vice-President for Professional Unit Labor Relations
AFGE Local 704, Region 5**

**/s/ Wendell Smith, President
Engineers and Scientists of California
IFPTE Local 20, Region 9**