

U.S. Senate Committee on Environment and Public Works

STATEMENT Senator Barbara Boxer Press Conference on EPA Administrator Stephen Johnson July 29, 2008

Stephen Johnson's record as Administrator of EPA reveals a dangerous pattern of disregard for the public health and safety of the American people.

From the start, there were warning signs.

Even before his Senate confirmation, Mr. Johnson supported a program to spray pesticides around infants and young children and then study the toxic effects. This program was called CHEERS, but it was nothing to cheer about. Revelations about this controversial program resulted in its cancellation. However, Stephen Johnson's strong support for this program led me to oppose his nomination.

Since then, the EPA has issued one decision after another that leaves communities, families, and children in harm's way.

Here are just a few of many, many examples.

- In 2005, Johnson's EPA issued an air pollution rule on mercury emissions that failed to protect the public. This rule would have allowed concentrated levels of mercury, known as hot spots, that would pose a threat to children's health. That Johnson policy was harmful to the American people and was overturned by the federal courts.
- In 2006, Johnson's EPA weakened the toxic chemical release reporting requirements, undermining the public's Right to Know about pollution released in their communities. That Johnson policy was harmful to the American people and is in place now.
- In 2006 Johnson's EPA decided there would be no further testing for the toxic chemical perchlorate in drinking water. Despite scientific evidence of a threat to pregnant women, infants and children, EPA has failed to set a standard for perchlorate in drinking water. This policy is harmful to the American people.
- In 2007, Johnson denied a waiver that would have allowed California to address global warming pollution from automobiles. This decision blocks as many as 18 additional states. Johnson ignored the conclusion by his legal and technical staff that the Clean Air Act requires that the waiver be granted. This decision is not supported by the law. This decision is harmful to the American people.
- In 2008, Johnson's EPA issued a final air pollution standard for ozone or smog that disregarded the recommendations of scientists. Ozone has dangerous health effects and can cause premature death. This policy is harmful to the American people.

- In 2008, Johnson's EPA proposed an air-quality standard for lead that does not reflect the science. Lead is a dangerous toxin, especially to the health of children. This policy is harmful to the American people.
- In 2008, Administrator Johnson's EPA finalized a program that undermines the Agency's ability to establish the risk to humans from toxic chemicals. The public would also no longer have access to scientific information that impacts the health of our families. With this decision, polluting agencies and associated industries were placed in the driver's seat. This policy is harmful to the American people.

Administrator Johnson has repeatedly been warned by Congress and the courts that he is on a dangerous course. Time after time, the courts, all the way up to the Supreme Court, have overturned EPA actions and accused EPA of employing the "logic of the Queen of Hearts" and living in "a Humpty Dumpty" world. Johnson's EPA has shown an extraordinary disregard for the law, and by extension, a disregard for the American people.

Now Administrator Johnson is missing in action.

Despite repeated requests by the Senate Environment and Public Works Committee, Administrator Johnson has:

- failed to appear before the Committee on the ozone decision.
- failed to appear before the Committee on children's health.
- failed to appear before the Committee on EPA's environmental record.
- failed to appear before the Committee on the changes to the EPA's toxic risk assessment program.

And just last week, Mr. Johnson failed to appear before the Judiciary Committee to testify about White House interference with EPA.

Not only has Johnson failed to appear at hearings, the EPA has consistently stonewalled Congressional efforts to oversee the agency's work, withholding documents, and failing to respond to questions.

Administrator Johnson is hiding behind false claims of privilege to keep crucial documents from Congress and the American people, including the endangerment finding for greenhouse gases – an EPA document in which the Administrator himself found that greenhouse gas pollution poses a danger to the welfare of the American people.

Just this week we learned that EPA has even warned its own employees against responding directly to questions from investigators at the Government Accountability Office (GAO) or the EPA's own Inspector General, making it even harder to get at the truth.

TEXT OF EMAIL:

Subject PLEASE REMIND STAFF re:

RESPONDING TO GAO, IG AND PRESS

Please remind your staff at your next staff meeting of the following policies and procedures.

....2. If you are contacted directly by the IG's office or GAO requesting information of any kind, please forward their call or e-mail to Gwen Spriggs, cc Robbi. Please do not respond to questions or make any statements....

Finally, a comparison of Administrator Johnson's sworn testimony with other documentary evidence has raised serious questions about the truthfulness of his statements before the Environment and Public Works Committee in regard to the Administration's decision to deny the California waiver request.

Today, we are calling on the Attorney General of the United States to initiate an investigation of whether Mr. Johnson made false or misleading statements to Congress. You will now obtain a copy of that letter.

Mr. Johnson has consistently chosen special interests over the American people's interests in protecting health and safety.

He has become a secretive and dangerous ally of polluters, and we cannot stand by and allow more damage to be done.

We have lost all confidence in Stephen Johnson's ability to carry out EPA's mission in accordance with the law. In addition to calling for an Attorney General investigation, I call on Administrator Johnson to immediately resign his position.

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