



UNITED STATES SENATE

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Senators Call for EPA Administrator's Resignation *Ask for Investigation Into Inconsistencies in Testimony Before Congress*

Washington, D.C. – Senate Environment and Public Works Committee Chairman Barbara Boxer (D-CA) and committee members Sheldon Whitehouse (D-RI), Amy Klobuchar (D-MN), and Frank Lautenberg (D-NJ) **called for the resignation of Environmental Protection Agency Administrator Stephen L. Johnson** today, charging that Johnson had given misleading testimony before Congress; refused to cooperate with Congressional oversight; and based agency decisionmaking on political considerations rather than scientific evidence or the rule of law. The case against Johnson is outlined in a **Sense of the Senate resolution** Boxer and Whitehouse will introduce today.

The senators **asked Attorney General Michael B. Mukasey to investigate** apparent contradictions between the sworn testimony of Administrator Johnson and the testimony of other sworn witnesses regarding the circumstances surrounding EPA's denial California's request for a waiver under the Clean Air Act to set strong standards for global warming emissions from vehicles.

Senator Boxer said, "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. I call on Administrator Johnson to immediately resign his position."

"Administrator Johnson has done the bidding of the Bush Administration and its political allies without hesitation or question," said Whitehouse, a former U.S. Attorney and Attorney General for Rhode Island. "He has acted, consistently and routinely, without regard for the law or the determinations of the courts; he has damaged the mission, the morale, and the integrity of his great department; and he has betrayed his solemn duty to Americans who depend on him to protect their health and environment. The American people cannot accept such a person in a position of such great responsibility. I call on Administrator Johnson to resign his position, effective immediately."

"Administrator Johnson wants to punt climate change to the next administration, and he might be successful – but he is not going to punt on democracy," said Klobuchar. "We can no longer pretend that there was no political interference at the Environment Protection Agency when time and time again we see partisan politics prevailing over professionalism, and special interest spin prevailing over science."

"The American people deserve an Environmental Protection Agency that lives up to its name," said Lautenberg. "Yet on issue after issue, whether fighting global warming or giving communities the right

to know about pollution in their neighborhoods, Administrator Johnson has protected industry at the expense of the American people. It is time for new leadership at the EPA.”

On December 19, 2007, Administrator Johnson denied a request by California for a waiver of the Clean Air Act that would permit the states to set tough standards on global warming pollution from motor vehicles. This was the first time in over 50 instances that EPA has ever denied outright a California waiver request. In sworn testimony before the Committee, Administrator Johnson stated that he based his decision on California’s failure to meet criteria required under the Clean Air Act, and said that the decision was “mine and mine alone.” Many other states, including Rhode Island, have adopted California’s standards, or are in the process of adopting them, but all are barred from implementing the standards unless California receives a waiver from EPA.

However, former Associate Deputy Administrator Jason Burnett testified last week that Mr. Johnson had in fact determined that California *had* met Clean Air Act criteria necessary for approval of the waiver, and had communicated to the Administration that he intended to grant the waiver in part. Mr. Burnett further testified that Administrator Johnson only reversed course and denied the waiver after White House officials informed him of President Bush’s “policy preference” for a single regulatory system – even though the Clean Air Act clearly contemplates a dual system in cases where the statutory criteria for the waiver are met.

Administrator Johnson has repeatedly refused to appear before Congressional committees seeking his testimony on matters related to his agency, including, most recently, a hearing before the Senate Judiciary Committee that had been scheduled for Wednesday, July 30. That hearing has since been canceled. Under his leadership, the EPA has also failed to produce materials requested by Congress, despite promising otherwise. In addition, ignoring numerous requests by the EPW Committee, EPA has refused to make public a document outlining its proposed response to the Supreme Court’s decision in *Massachusetts v. EPA*, which held that EPA had the authority under the Clean Air Act to regulate global warming pollution from automobiles.

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