

**Delaware, District of Columbia, Hawai'i, Maryland,
Massachusetts, New York, Oregon, Rhode Island, Vermont**

January 17, 2017

The Honorable John Barrasso
307 Dirksen Senate Office Building
Washington, District of Columbia 20510

The Honorable Tom Carper
513 Hart Senate Office Building
Washington, District of Columbia 20510

Dear Chairman Barrasso and Ranking Member Carper:

The undersigned Attorneys General write to express our strong opposition to the nomination of Scott Pruitt as Administrator of the Environmental Protection Agency (EPA). As the Attorney General of Oklahoma, Mr. Pruitt made it a priority to attack the rules—promulgated by EPA to implement Congressional mandates—that EPA is charged with enforcing. This is not just a matter of policy difference; Mr. Pruitt has sought to tear apart the very notion of cooperative federalism that forms the foundation of our federal environmental laws. That cooperation makes it possible for states and the federal government, working together, to protect the health of the American people and the resources on which we depend.

When the United States Congress enacted our major federal environmental laws, like the Clean Water Act and the Clean Air Act, it recognized that states working alone could not ensure that people would have clean air to breathe and clean water to drink. Congress understood that a strong federal role—led by EPA—is critical to achieving the goals of protecting the environment and the health of all people in every state. And, cooperative federalism avoids the risk that some states might opt not to control pollutants as stringently, or at all, thereby presenting a hazard to other states. Toxic mercury emitted from a power plant in one state reaches the fish in lakes and ponds in another state that are caught and eaten by fishermen and their families. Because pollution does not recognize state borders, the strong partnership between the federal government and the states has been a hallmark of successful efforts in the U.S. to address environmental pollution.

But Mr. Pruitt has sought to turn the clock back, advocating that states should be left to decide for themselves what constitutes clean air and water, no matter the effects on other states. Throughout his tenure as Oklahoma Attorney General, Mr. Pruitt filed multiple lawsuits seeking to block EPA from fulfilling its Congressionally-mandated obligations under the Clean Air Act. For example, he

fought the Mercury and Air Toxics Standards, which have been in effect since 2015, and are delivering about a 75 percent reduction in toxic mercury emissions from power plants. That is a major benefit in light of the fact that, currently, all 50 states have fish consumption advisories in place due to mercury air pollution. Those standards are also achieving reductions of other hazardous pollutants emitted by power plants that harm human health. When EPA rejected Oklahoma's deficient plan to comply with its obligations under the Regional Haze Rule, which reduces power plant air pollution to improve air quality in our national parks and federal wildlife refuges, Mr. Pruitt appealed and lost. The Supreme Court refused to hear his subsequent appeal. He challenged EPA's 2015 rule to reduce ozone pollution, which contributes to serious public health problems like asthma. And, in another case, although the Supreme Court ultimately thwarted the challenge, Mr. Pruitt opposed EPA's Cross State Air Pollution Rule, which protects downwind states from power plant air pollution that crosses state lines.

Mr. Pruitt has also espoused a far-reaching interpretation of state power under the Tenth Amendment, one that would hamstring EPA—and Congress, for that matter—in addressing pollution that crosses state borders. Under that view, a state agency that has a legal role in facilitating a private entity's compliance with an EPA pollution regulation, for example by issuing a permit to site a new facility or allowing rate recovery for installation of pollution controls, is being unconstitutionally “commandeered” by EPA. Such a view is not only legally wrong under Supreme Court precedent; it would undermine our federal environmental laws.

It is also deeply concerning that Mr. Pruitt has steadfastly questioned the science of human-caused climate change. He consistently sought to obstruct efforts to limit the dire threat it presents to the safety and welfare of the American people, our national security interests, as recognized by the Department of Defense, and, increasingly, our economy. Nearly ten years after the Supreme Court, in *Massachusetts v. EPA*, held that the Clean Air Act authorizes EPA to regulate greenhouse gas pollutants, Mr. Pruitt helped lead the charge to further delay and overturn urgently-needed EPA actions to regulate dangerous greenhouse gas pollution under the Act.

In his efforts to defeat EPA's work to reduce the threat of climate change, Mr. Pruitt continues to be a vocal critic of EPA's Clean Power Plan. That plan is designed to reduce dangerous carbon pollution from power plants, the largest sources of those emissions. EPA's rule harnessed existing industry trends to set an achievable and reasonable standard, but Mr. Pruitt joined a group of states challenging the rule and obtained a stay of its implementation in 2016. He has also sued EPA because it issued regulations limiting methane (a powerful greenhouse gas) pollution from new and modified sources within the oil and gas sector.

Mr. Pruitt's actions demonstrate that he not only rejects, but is openly hostile to, EPA's mission of working with states, and local and tribal governments, to protect human health and the environment across the entire nation. For this reason, he is manifestly unsuited for the role of EPA

Administrator. We are deeply concerned that approval of Mr. Pruitt's appointment would trigger an unprecedented dismantling of the framework that has allowed the United States, for over 40 years, to address pollution impacts that have a high human and economic cost. We urge you to vote against his confirmation.

Sincerely,



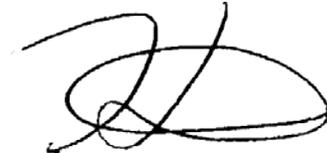
Maura Healey
Massachusetts Attorney General



Eric Schneiderman
New York Attorney General



Matthew Denn
Delaware Attorney General



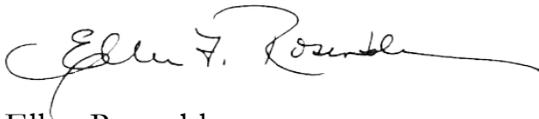
Karl Racine
District of Columbia Attorney General



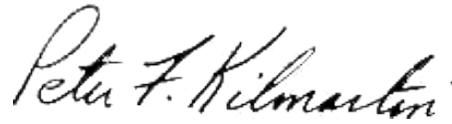
Doug Chin
Hawai'i Attorney General



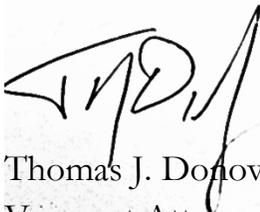
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