

EarthJustice--Environmental Defense Fund--Environmental Integrity Project
League of Conservation Voters -- National Wildlife Federation
Sierra Club

May 4, 2022

The Honorable Charles E. Schumer
Majority Leader
United States Senate
Washington D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington D.C. 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

We are writing to respectfully request that the full Senate be given the opportunity to confirm Dr. Waterhouse to serve as Assistant Administrator of the EPA Office of Land and Emergency Management (OLEM).

Nearly two hundred environmental and environmental justice organizations representing millions of people across the country have signed the attached letters in further support of Dr. Waterhouse's nomination. These reflect the wide range of support and confidence that the American public has in Dr. Waterhouse to lead this office. Over the course of his career, Dr. Waterhouse has demonstrated his expertise in environmental law and deep commitment to protecting public health, the environment, and elevating the needs of environmental justice communities.

Now, more than ever, it is imperative that the Senate quickly confirm Dr. Waterhouse, as critical work at OLEM continues to be delayed. Congress included \$5 billion in dedicated funding for Superfund cleanup in the Bipartisan Infrastructure Act, and the President's Budget for FY 2023 includes billions of dollars to address economic revitalization in coal and power plant communities, the Brownfields program, and the Superfund program.

Dr. Waterhouse's confirmation will allow OLEM to maximize the impact of these vital resources and carry out its work to protect communities living with the impacts of significant hazardous waste contamination. Furthermore, Dr. Waterhouse's leadership

is essential to the Biden administration, as it seeks to deliver and effectively carry out ambitious promises to environmental justice leaders and communities. Thus, we urge you to immediately take up this critical nomination on the Senate floor to confirm Dr. Waterhouse.

Respectfully,

EarthJustice
Environmental Defense Fund
Environmental Integrity Project
League of Conservation Voters
National Wildlife Federation
Sierra Club

Attachments: [Waterhouse support letters](#)



August 2, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on Environment and Public Works
Washington, D.C., 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on Environment and Public Works
Washington, D.C., 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the undersigned organizations, we wholeheartedly support the nomination of Dr. Carlton Waterhouse to serve as Assistant Administrator for the Office of Land and Emergency Management (OLEM).

The Environmental Protection Agency's (EPA) Office of Land and Emergency Management is responsible for using well-established science and data to oversee and enforce critical land and waste programs like Superfund and Risk Management. OLEM is further charged with implementing environmental laws to protect public health and the environment from toxic waste, spills and releases of toxic chemicals and hazardous materials from facilities in communities across the country.

Dr. Waterhouse is well-qualified to lead this office. He brings almost three decades of experience to the table as an international expert of environmental law and environmental justice and holds a Ph.D. in social ethics. His academic experience is impeccable, earning degrees in science, theology, and law. In addition, he has deep roots within the EPA. Dr. Waterhouse began his law career as an attorney at EPA's Office of Regional Counsel in Atlanta, Georgia. He moved on to the Office of General Counsel in Washington, D.C. and acted as chief counsel for several notable cases, serving as both a national and regional expert on environmental justice. Dr. Waterhouse earned three of EPA's prestigious national awards. Dr. Waterhouse has demonstrated his commitment and tenacity to protect public health, the environment, and uplift the needs of environmental justice communities.

Dr. Waterhouse has also been a champion for environmental justice outside the courtroom and agency. During his tenure as a Professor at the University of Indiana School of Law, Dr. Waterhouse testified at a U.S. Commission on Civil Rights hearing regarding a coal-fired power plant in Waukegan, IL, highlighting how communities of color and low-income communities disproportionately experience the brunt of pollution, which was clearly demonstrated by the mostly Latino community facing coal ash contamination near the Waukegan coal plant. After joining the faculty at Howard University School of Law in 2019, Dr. Waterhouse created the Howard University Environmental Justice Center, a platform for engagement, scholarship, and service at the intersection of environmental law and civil rights. The Environmental Justice Center offered law students the chance to develop the skill and passion to help address longstanding environmental concerns, and tackle new threats created by climate change, by providing legal and advocacy support to communities most in need.

Dr. Waterhouse's unique combination of skills, experience and vision is precisely what EPA needs at this critical moment in history. Few people are as well qualified to lead the Office of Land and Emergency Management as Dr. Carlton Waterhouse. We urge the Committee to support the nomination of Dr. Waterhouse to serve as Assistant Administrator for the Office of Land and Emergency Management.

Respectfully,

Christine Santillana, Esq.
Legislative Counsel
Earthjustice

Mark N. Templeton, Esq.
Director
Abrams Environmental Law Clinic, University of Chicago Law School

Jennifer Peters
National Water Programs Director
Clean Water Action

Ruth Santiago, Esq.
Counsel
Comite Dialogo Ambiental, Inc.

Robyn Jackson
Climate & Energy Outreach Coordinator
Diné C.A.R.E.

Akeeshea Daniels
Maritza Lopez
East Chicago Calumet Coalition Community Advisory Group

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Eric Schaeffer, Esq.
Director

Environmental Integrity Project

Howard Learner, Esq.
Executive Director
Environmental Law & Policy Center

Tim Maloney
Senior Policy Director
Hoosier Environmental Council

Barbara Bolling Williams, Esq.
President
Indiana State Conference of the NAACP

Ashley Williams
Executive Director
Just Transition Northwest Indiana

Madeleine Foote
Deputy Legislative Director
League of Conservation Voters

Nancy C. Loeb, Esq.
Clinical Professor of Law
Director, Environmental Advocacy Clinic
Northwestern Pritzker School of Law

Elliot Brinkman
Executive Director
Prairie Rivers Network

Eric Sirota, Esq.
Director of Housing Justice
Shriver Center on Poverty Law

Dalal A. Aboulhosn
Acting Deputy Director of Policy, Advocacy and Legal
Sierra Club

Daniel Estrin, Esq.
General Counsel & Advocacy Director
Waterkeeper Alliance

December 14, 2021

Dear Senator Schumer:

The undersigned organizations strongly support the nomination of Dr. Carlton Waterhouse to serve as Assistant Administrator for the Office of Land and Emergency Management (OLEM). On their behalf, we urge you to quickly bring his nomination to a vote in the Senate before the end of the 2021 congressional session. Dr. Waterhouse is especially well-suited to lead OLEM and is in a unique position to immediately and effectively carry out the initiatives of the Biden Environmental Protection Agency (EPA) to protect Americans from toxic waste. Each day of delay postpones critical work of the agency and leaves the nation's health and environment in jeopardy.

Dr. Waterhouse is exceedingly qualified to lead OLEM, which is charged with implementing environmental laws to protect health and the environment from industrial chemical disasters and releases of hazardous materials from tens of thousands of facilities in communities across the country. OLEM is currently engaged in time-sensitive and critical national issues, including addressing nationwide coal ash pollution, Superfund cleanups, and first-ever regulation of PFAS. This work cannot wait and communities deserve immediate action. Many of these issues carry bipartisan support and are prioritized but the bipartisan Infrastructure and Jobs Act that became law a few weeks ago.

Dr. Waterhouse brings almost three decades of experience as an international expert of environmental law and environmental justice, and holds a Ph.D. in social ethics. His academic experience is impeccable, earning degrees in science, theology, and law. In addition, he has deep roots within the EPA, beginning his career at EPA's Office of Regional Counsel in Atlanta and moving on to the Office of General Counsel in Washington, D.C. where he acted as chief counsel for several notable cases and served as an expert on environmental justice. Dr. Waterhouse earned three of EPA's prestigious national awards and has demonstrated a deep commitment to protect public health, the environment, and environmental justice communities.

Dr. Waterhouse's unique combination of skills, experience and vision is precisely what EPA needs at this critical moment. Importantly, Dr. Waterhouse has already been working at OLEM on national toxic waste issues of highest impact, complexity and urgency for nearly a year - experience that cannot be replicated.

We respectfully urge you to stand up to the appalling actions of Senators on the Environment and Public Works Committee who declined to vote for his nomination. Partisan politics should not be allowed to jeopardize public health and the safety of fenceline communities, workers, first-responders, and the nation's water, and water resources. We strongly request that you support Dr. Waterhouse's nomination and bring the Senate to a vote on his confirmation before the end of the year. The health of millions of Americans depends on strong and effective leadership at the Office of Land and Emergency Management.

Respectfully,

Cindy Lowry
Alabama Rivers Alliance

Kristen Schlemmer
Bayou City Waterkeeper

John Zippert
Alabama State Association of Cooperative

Susan K. Holmes
BECAUSE

Trey Sherard
Anacostia Riverkeeper

Charles Scribner
Black Warrior Riverkeeper

Brandon Jones
Catawba Riverkeeper Foundation

David Flores
Center for Progressive Reform

Joe Laszlo
Central Illinois Healthy Community Alliance

Rusty Chinnis
Suncoast Waterkeeper

Mary Jadernak
Chicago Conservation Corp

Michael William Mullen
Choctawhatchee Riverkeeper

Gerald Orcholski
Citizen

Mary Ellen DeClue
Citizens Against Longwall Mining

Ellen Rendulich
Citizens Against Ruining the Environment

Aimee Erickson
Citizens Coal Council

Christine C. Main
Citizens for a Greener Illinois

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Clean Air Muscatine

Henry S. Cole, Ph.D.
Clean Air Prince George's Coalition

Dulce Ortiz
Clean Power Lake County

Jennifer Peters
Clean Water Action

Dorothy Barnett
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Debbie Chizewer
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Patuxent Riverkeeper

Lan R. Richart
Eco-Justice Collaborative

Cynthia Kanner
Environmental Defenders of McHenry County

Carol Andress
Environmental Defense Fund

Ann Mesnikoff
Environmental Law & Policy Center

Rev. Scott Onque
Faith in Place Action Fund

Melanie L. Cohen
Food and Water Watch

Joseph Campbell
Gas Free Seneca

Charlie Cray
Greenpeace USA

Jesse Kharbanda
Hoosier Environmental Council

Susan Thomas
Just Transition Northwest Indiana

Rich Kagan
Kagan Media Worldwide Inc.

Patricia Schuba
Labadie Environmental Organization

Nancy LaPlaca
LaPlaca and Associates LLC

Madeleine Foote
League of Conservation Voters

Erich Nakano
Little Tokyo Service Center

Richard Moore
Los Jardines Institute

Dan Burkhardt
Magnificent Missouri

Jackie Goldberg
LAUSD Board of Education

Toni Oplt
Metro East Green Alliance

Barbara J. Jennings
Midwest Coalition for Responsible Investment

Cheryl Nenn
Milwaukee Riverkeeper

Melissa Vatterott
Missouri Coalition for the Environment

Cade Kistler
Mobile Baykeeper

Rebecca Hammer
Natural Resources Defense Council

Abby Braman
Pearl Riverkeeper

Phillip Musegaas
Potomac Riverkeeper Network

Andrew Rehn
Prairie Rivers Network

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Protect the Middle Fork

Paula Dinerstein
*Public Employees for Environmental
Responsibility (PEER)*

Jordan Macha
*Public Laboratory for Open Technology and
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Jeanne Lux
Resident of Redondo Beach CA

Diane Wilson
San Antonio Bay Estuarine Waterkeeper

William Lucey
Save The Sound

Yvonne Taylor
Seneca Lake Guardian

Mark Frondorf
Shenandoah Riverkeeper

Kent Minault
Sierra Club

Lois Kain
Sierra Club Illinois Chapter, Prairie Group

Michael Berg
Sierra Club Missouri Chapter

Martha Camacho Rodriguez
Social Eco Education

Jane Affonso
*South Coast Interfaith Council Justice and
Peace Committee*

Virginia Richard
SouthWings

Pat Langley
Springfield CLEAN

Juan Parras
Texas Environmental Justice Advocacy Services

Steven Goldsmith
Torrance Refinery Action Alliance

Joanie Steinhaus
Turtle Island Restoration Network

Allison Cain
Union of Concerned Scientists

Richard Engler
*Former Member, US Chemical Safety and
Hazard Investigation Board*

Jeffrey "JD" Dixon
United Congregation of Metro East

Dr. Brian Moench
Utah Physicians for a Healthy Environment

Daniel E. Estrin
Waterkeeper Alliance

Betsy Nicholas
Waterkeepers Chesapeake

Alice Englebretsen

Cameran J. Bailey

Dalyan D. Johnston

Kay Ahaus

Lisa Peterson

Lisette Rubio

Tom Hazelleaf

December 15, 2021

Senator Chuck Schumer
Senate Majority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

Dr. Cecelia Martinez
Council on Environmental Quality
730 Jackson Place
Washington D.C. 20460

Senator Tom Carper, Chairman
U.S. Senate Committee on Environment and
Public Works
513 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Michael Regan
Administrator
Environmental Protection Agency
1300 Pennsylvania Ave NW
Washington, DC 20460

**Re: Dr. Carlton Waterhouse's nomination for the Office of Land and Emergency Management
Assistant Administrator position**

Dear Senators Schumer and Carper:

The undersigned write to express the urgent need for bold, new leadership in the Environmental Protection Agency's (EPA) Office of Land and Management (OLEM). We are encouraged by the prospect of Dr. Carlton Waterhouse serving as OLEM's Assistant Administrator, and we are eager to work with him in that capacity to help restore communities that have been neglected for far too long.

For many decades, this office has failed to adequately protect people from the mismanagement of solid and toxic wastes and address the environmental injustices plaguing communities at the frontlines of our society's waste crisis. From communities hosting hazardous waste incinerators spewing toxic air pollution to communities living next to coal ash dumps, to the countless communities facing the poisoning of the groundwater they rely on to survive, our nation has abandoned its responsibility to protect those most affected by pollution.

In fact, little has changed since "Dumping in Dixie" was published more than 30 years ago. Frontline communities, particularly communities of color and low-income communities, continue to suffer huge harms and face grave risks from the improper handling and disposal of wastes and chemicals. This problem was supposed to be mitigated by the passage of the Resource Conservation and Recovery Act (RCRA) in 1974 and the Comprehensive Environmental Response, Compensation, and Liability Act (Superfund) in 1980. Under these and other federal environmental laws, it is OLEM's job to ensure that communities have the safeguards promised to them by Congress. Indeed, most Americans believe that they are protected from exposure to hazardous, industrial wastes. Nothing could be further from the truth. Unfortunately, OLEM's rulemakings have instead long favored polluters. In particular, under OLEM's watch, RCRA is now defined more by what waste it excludes, than what waste it includes. As a result, significant volumes of toxic wastes have been deregulated and our communities' soil, air and water have been horribly damaged.

It is well past time to correct the failures of prior Administrations to protect our nation's most vulnerable communities. During every prior Administration, even during times when we had high hopes for change, OLEM's actions have fallen far short, and even presented significant new threats to EJ communities. We need a new Assistant Administrator who will change OLEM's course to prioritize people, not polluters, and commit to advancing environmental justice.

Over the decades, time and again, OLEM has failed:

- To ensure that all hazardous waste are managed in a manner that are protective of human health and the environment;
- To issue and enforce regulations applicable to hazardous waste incineration that comply with federal law and protect surrounding communities from toxic air pollution;
- To ensure our industrial infrastructure is safe for host communities by establishing safeguards which protect frontline communities from explosions and major chemical releases;
- To guarantee that communities threatened by coal ash pollution are protected from toxic exposure from both current and legacy coal ash dump sites;
- To establish protective standards for the many communities facing the cleanup of PFAS contaminated groundwater and soils;
- To update its definition of elevated blood lead level to mirror CDC's reference blood lead level, and to update the Integrated Exposure Uptake Biokinetic (IEUBK) model and other remedial and removal action levels to reflect the new elevated blood lead level standard.
- To recapture the many hazardous wastes abandoned by the transfer-based exclusion, which is known to pose serious risks to communities of color and low-income communities;
- To close dangerous "recycling" loopholes that exclude hazardous waste facilities from complying with RCRA's cradle-to-grave requirements;
- To ensure that all facilities that burn tires, plastics, railroad ties and other wastes are subject to strong emission limits which protect the host communities;
- To require that both the Department of Defense and the Department of Energy maintain responsibility for the tremendous damage that they have caused to our nation's soil, air, and waters and that they fully remediate that damage;
- To prevent the proliferation of incinerators that dodge emission controls and safety requirements by operating under other names, such as gasification units and pyrolysis units;
- To ensure that unregulated industrial waste like phosphogypsum, hard rock mining waste, metal shredding residues, and other toxic wastes are managed in a way that is protective of health and the environment;
- To protect communities from exposure to PFAS chemicals and to identify technologies for the removal and destruction of these persistent "forever" compounds;
- To ensure that high-risk industries are required to have adequate financial assurances to address toxic spills and groundwater contamination;
- To regulate the disposal of aqueous film forming foams that the government has known to be toxic for decades and continues to threaten groundwater resources nationwide;
- To work with the Federal Emergency Management Agency (FEMA) to evaluate flood risks at contaminated sites, including reassessing existing flood maps for those sites;
- To provide meaningful opportunities for public participation for environmental justice communities in rulemaking, permitting of hazardous and solid waste facilities, and in remedy selection and five-year reviews at toxic site cleanups;
- To assist frontline communities so they can participate fully in the enforcement and administration of RCRA and Superfund regulations that affect their communities;
- To research, develop, and encourage the application of new advanced treatment technologies for our nation's most challenging toxic cleanups;
- To protect all residents from toxic exposure, including migrant children and adults held in detention camps that may be contaminated with toxic chemicals;
- To protect members of the military and their families living on bases where toxic chemicals are used and where historic dumping of hazardous substances occurred;

- To protect human health and the environment by regulating the management and disposal of oil and gas wastes under RCRA, particularly fracking waste;
- To meaningfully embrace Executive Order 12,898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Communities,” requiring EPA to “identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law.”

We are convinced that Dr. Carlton Waterhouse is up to this challenge and we are committed to engaging with him on the many critical actions that OLEM must undertake during the Biden-Harris Administration to renew our faith that our government can play a role in protecting environmental justice communities.

Respectfully submitted,

Alison Waliszewski
Policy and outreach manager
5 Gyres Institute

Therese Vick
NC Healthy, Sustainable Communities
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Blue Ridge Environmental Defense League

Debra Campbell
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Frances Kelley
Director
Action for a Livable Tomorrow

Thomas Helme
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California Environmental Justice Coalition

Pamela Miller
Executive Director
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Drew Wood
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Cheryl Auger
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Ban SUP

Nick Lapis
Director of Advocacy
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Laura Olah
National Coordinator
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Bay Area-System Change not Climate Change

Jaclyn Lopez
Florida Director
Center for Biological Diversity

Jordan Macha
Executive Director & Waterkeeper
Bayou City Waterkeeper

Elizabeth O'Nan
Chair
Chapel Hill Organization for Clean Energy

Charles Scribner
Executive Director
Black Warrior Riverkeeper

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Clean Air Action Network of Glens Falls

Emily Donovan
Clean Cape Fear

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Clean Water Action Council of NE WI

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Comité Diálogo Ambiental

Felipe Aguirre
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Ricardo Pulido
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Founder and Administrator
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John E. Peck
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Denise Patel
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Patricia Schuba
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Our Santa Fe River

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Protect All Children's Environment

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River Valley Organizing

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Safe Skies Clean Water Wisconsin

Robert Gould, MD
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San Francisco Bay Physicians for Social Responsibility

Joe Ritchie
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Saratoga Sites Against Norlite Emissions

Terrie Green
Executive Director
Shore Up Marin City

Leslie Fields
Director, Policy, Advocacy and Legal
Sierra Club

Jeffrey Lamont
SOH2O

Modesta Pulido
Chairperson
St. Philomena Social Justice Ministry

Kristin Shrader-Frechette
President
Stop Toxic Housing in Pasadena

Tea Tanaka
Stop EtO

Janet Johnson
Co-coordinator
Sunflower Alliance

Kathy Hawes
Executive Director
Tennessee Clean Water Network

Robin Schneider
Executive Director
Texas Campaign for the Environment

Jan Dell
Independent Engineer
The Last Beach Cleanup

Jackie Nuñez
Founder
The Last Plastic Straw

Marylia Kelley
Executive Director
Tri-Valley CAREs

Joanie Steinhaus
Gulf Program Director
Turtle Island Restoration Network

Cheryl Sommer
President
United Congregations of Metro-East

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Luis A. Bonilla-Soto
Full Professor in Environmental Health
University of Puerto Rico

Miriam Gordon
Policy Director
Upstream

Bianca Lopez and Tom Helme
Co-Founders, Project Directors
Valley Improvement Projects

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Valley Watch

Myrna Pagán
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Bart Mihailovich
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U.S. Waterkeeper Alliance

Charlene
Waste Issues Representative
Waukesha County Environmental Action League

Janice Schroeder
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West Berkeley Alliance for Clean Air and Safe Jobs

Kristen Mello
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Westfield Residents Advocating For Themselves

Anabell Romero Chavez
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Jennifer Giegerich
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Hannah Mortensen
Executive Director
Wisconsin Environmental Health Network

Abby Lois
Executive Director
Wisconsin Health Professionals for Climate Action

Vicki Berenson
Interim Administrative Coordinator
Wisconsin Network for Peace and Justice

Al Gedicks
Wisconsin Resources Protection Council

Paul Connett, Ph.D
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Work on Waste, USA

Felix Aponte-Ortiz

William Anderson