Re: Letter of Support for David M. Uhlmann

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Carper and Ranking Member Capito:

The USEPA’s enforcement of the Clean Water Act, the Clean Air Act and other environmental statutes has declined sharply in the past few years, exposing vulnerable communities to higher levels of illegal pollution and law-abiding companies to unscrupulous competitors. We respectfully request that the Senate give EPA a fair opportunity to reverse this trend by confirming David Uhlmann as the Agency’s new enforcement chief as soon as possible.

Between the 2018 and 2021 fiscal years, the number of inspections, criminal investigations, civil cases initiated or concluded, defendants charged with environmental crimes, and amounts violators paid for cleanup declined about 50% when average annual results are compared to 2002-2017 (details in chart below). Political indifference or hostility to environmental enforcement explains part of the decline, but so do budget cuts that have eliminated more than 22% of EPA’s enforcement workforce since President George W. Bush’s second term.

For many years, Republicans and Democrats have agreed that weakening enforcement of the Clean Water Act, Clean Air Act and other environmental laws enacted by Congress jeopardizes public health and our natural resources, undermines environmental justice, and gives violators an unfair advantage over companies that work hard to stay in compliance. Confirming Mr. Uhlmann’s appointment as EPA’s enforcement chief would signal a welcome return to this bipartisan tradition.
David Uhlmann was nominated to serve as the Assistant Administrator of the Office of Enforcement and Compliance on June 23, 2021 (and renominated January 4, 2022). More than ten months later, the Senate has yet to confirm his appointment, leaving EPA’s beleaguered enforcement staff without a leader who can speak for the Biden Administration. No controversy or questions about Mr. Uhlmann’s fitness for the job or his personal or professional integrity emerged during the Committee’s hearing on his nomination last September or in the seven months since.

Mr. Uhlmann, a distinguished Professor of Environmental Law at the University of Michigan, spent seventeen years at the U.S. Department of Justice, the last seven as Chief of its Environmental Crimes Section between 2000 and 2007. His nomination is enthusiastically supported by both the environmental community and prominent law firms representing regulated industries. He has been endorsed by career veterans and high-ranking political appointees serving both Republican and Democratic Presidents, including Deputy Attorney General for the United States Larry Thompson (2001-2003); Assistant U.S. Attorney Generals for the Department of the Environment and Natural Resources Lois Schiffer (1994-2001), Tom Sansonetti (2001-2005), Ronald J. Tempas (2007-2009) and John Cruden (2015-2017); and former Assistant Administrators for EPA’s Office of Enforcement and Compliance Assurance Steven A. Herman (1993-2001), Granta Nakayama (2005-2009) and Cynthia Giles (2009-2016).

Given the broad, bipartisan support for a nomination that has been pending for more than ten months we hope the Senate will be given the chance to confirm Mr. Uhlmann at the earliest opportunity. Senators who have decided to oppose every nominee the Biden Administration puts forward, regardless of their merit, will be free to vote no. But we are optimistic that a majority will show their support for enforcing our environmental laws by giving this highly qualified nominee the chance to return to public service.

Thank you for considering our views.

Eric Schaeffer
Executive Director
Environmental Integrity Project

Fred Krupp
President
Environmental Defense Fund

Abbie Dillen
President
Earthjustice

Howard Lerner
Executive Director
Environmental Law & Policy Center
NATIONAL, STATE, AND COMMUNITY-BASED ENVIRONMENTAL ORGANIZATIONS

Eric Schaeffer  
Executive Director  
Environmental Integrity Project

Ramon Cruz  
Executive Director  
Sierra Club

Abbie Dillen  
President  
Earthjustice

Ebony Martin  
Co-Executive Director  
Greenpeace USA

Lisa Frank  
Executive Director  
Washington Legislative Office  
Environment America

Matthew Davis  
Senior Director of Government Affairs  
League of Conservation Voters

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National Campaign Director  
Clean Water Action

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Vice President and  
Richard T. Pelham Chair for Litigation  
Chesapeake Bay Foundation

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Paxtuxent Riverkeeper

Angela Taranto  
Allegheny County Clean Air Now (ACCAN)

Fred Krupp  
President  
Environmental Defense Fund

Manish Bapna  
President and CEO  
Natural Resources Defense Council

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Environmental Law & Policy Center

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Conservation Law Foundation

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Policy & Legislative Affairs  
National Wildlife Federation

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Executive Director  
Texas Campaign for the Environment

Mike Tidwell  
Director  
Chesapeake Climate Action Network

Nancy Stoner  
President  
Potomac Riverkeeper Network

Alison Steele  
Executive Director  
Environmental Health Project

Ted Evgeniadias  
Executive Director  
Lower Susquehanna Riverkeeper

Jennifer Hadayia, MPA  
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Air Alliance Houston
Judith Enck
President, Beyond Plastics
Former EPA Regional Administrator, Region 3

Jane Williams
Executive Director and Chief Counsel
California Communities Against Toxics

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Mike Andrews
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Betty Wiley
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Patrick Campbell
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Scott Eustis
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Evey Mengelkoch
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Kyli Wagner
Executive Director
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Lisa Wozniak  
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Plant Five for Life

Gillian Garber  
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Juan Parras  
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Former Director, Office of Planning, Analysis and Accountability, Office of the Chief Financial Officer
# EPA Enforcement Performance Measures

## 2002-2017 vs. 2018-2021

<table>
<thead>
<tr>
<th>Category</th>
<th>2002-2017* Annual Average</th>
<th>2018-2021 Annual Average</th>
<th>% Change</th>
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<tbody>
<tr>
<td><strong>Civil/Criminal Outcomes</strong></td>
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<tr>
<td>Civil Inspections</td>
<td>18,755</td>
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<td>Criminal Investigations</td>
<td>326</td>
<td>167</td>
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<tr>
<td>Civil Cases Referred to Justice Department</td>
<td>237</td>
<td>102</td>
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<td>Civil Judicial/Administrative Case Conclusions</td>
<td>3,392</td>
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<tr>
<td>Criminal Defendants Charged</td>
<td>240</td>
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<tr>
<td><strong>Civil/Criminal Enforcement Results (in millions of dollars)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Civil Penalties</td>
<td>750</td>
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<tr>
<td>Civil Penalties, outliers removed</td>
<td>188</td>
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<tr>
<td>Civil Supplemental Environmental Projects</td>
<td>51.5</td>
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<tr>
<td>Injunctive Relief (civil cases)</td>
<td>11,675</td>
<td>5,020</td>
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<td>Criminal Fines and Restitutions</td>
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*Source: Annual enforcement reports published by the USEPA every fiscal year. All dollar amounts have been inflation adjusted to 2021 dollars. *Data for court ordered environmental projects is from 2004 to 2017.*
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