

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

May 4, 2022

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

The Honorable Thomas Carper
Chairman, Committee on the Environment and Public Works
United States Senate
Washington D.C. 20510

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

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.

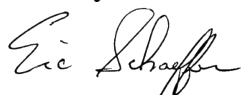
For many years, Republicans and Democrats have agreed that weakening enforcement of the Clean Water Act, Clean Air Act and other environmental laws enacted by Congress jeopardizes public health and our natural resources, undermines environmental justice, and gives violators an unfair advantage over companies 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
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Earthjustice

Howard Lerner
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**EPA Enforcement Performance Measures
2002-2017 vs. 2018-2021**

| Category | 2002-2017* Annual Average | 2018-2021 Annual Average | % Change |
|--|------------------------------|-----------------------------|----------|
| Civil/Criminal Outcomes | | | |
| Civil Inspections | 18,755 | 10,110 | -46% |
| Criminal Investigations | 326 | 167 | -49% |
| Civil Cases Referred to Justice Department | 237 | 102 | -57% |
| Civil Judicial/Administrative Case Conclusions | 3,392 | 1,673 | -51% |
| Criminal Defendants Charged | 240 | 110 | -54% |
| Civil/Criminal Enforcement Results (in millions of dollars) | | | |
| Civil Penalties | 750 | 480 | -36% |
| <i>Civil Penalties, outliers removed</i> | 188 | 135 | -28% |
| Civil Supplemental Environmental Projects | 51.5 | 20 | -61% |
| Injunctive Relief (civil cases) | 11,675 | 5,020 | -57% |
| <i>Injunctive Relief (civil cases), outliers removed</i> | 9,910 | 5,020 | -49% |
| Superfund Cleanup (funds recovered) | 1,759 | 1,163 | -34% |
| Criminal Fines and Restitutions | 407 | 70 | -83% |
| <i>Criminal Fines and Restitutions, outliers removed</i> | 138 | 70 | -49% |
| Court Ordered Environmental Projects | 601 | 2 | -100% |
| <i>Court Ordered Environmental Projects, outliers removed</i> | 135 | 2 | -99% |

*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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