

July 30, 2008

Dear Administrator Johnson:

It is in the spirit of partnership between EPA workers and managers toward fulfilling the Agency's mission that we address this letter to you.

We write on behalf of the EPA employees that we represent to express our collective dismay over the way in which the Advance Notice of Proposed Rulemaking (ANPRM), "Regulating Greenhouse Gas Emissions Under the Clean Air Act," was presented for public comment.

The way in which you subverted the work of EPA staff in your preamble statement on the merits of the supporting rationale for the ANPRM was as unprecedented as it was stunning to your staff and damaging to EPA's reputation for sound science and policy. And the fact that EPA's experts who worked on this ANPRM were not given the opportunity to read or address the adverse comments of OMB, USDA, Department of Commerce, Department of Energy, and the Department of Transportation in advance of the ANPRM publication is troubling and, quite frankly, unprofessional. We believe that EPA's hardworking, dedicated staff has earned more respect than you are giving. It makes your public and private pronouncements of thanks to EPA staff ring hollow. We would ask you to allow these EPA experts to submit responses to these agency submissions as part of the ANPRM public comment process.

The decision to publish the critiques of other agencies in the name of "transparency" in decision-making is both disingenuous and counterproductive. A far more direct contribution would be made to the credibility and transparency of EPA decision-making if you cooperated with congressional requests for documents and hearings. The professional staff of EPA has nothing to hide. In fact, contrary to your assertions of executive privilege, the free flow of policy recommendations would be aided by opening up all (not just selected) communications to public scrutiny.

Based on the media-covered responses to the ANPRM in the *Wall Street Journal*¹ and from the U.S. Chamber of Commerce's William Kovacs², EPA is being portrayed as foolish and dictatorial. Your action has lent support to critics like those above and the indicted former Congressman Tom Delay who characterize EPA's civil servants - who are sworn to duty and charged with helping to protect the environment - as virtual enemies of the United States, an outrage that is unacceptable. We fear your action may make it more difficult for EPA and your successor, whether he or she takes office in January or before, to act decisively to protect the environment and public health. Without the public's respect and support, EPA's work to implement the environmental laws of our nation is jeopardized. The silence from your office in the face of such calumny and your failure to come to the Agency's defense, wounds us far more than the ranting of Delay, Kovacs and the *Wall Street Journal*.

¹ *Wall Street Journal*, July 19, 2008, p. A8

² William Kovacs, U.S. Chamber of Commerce, in *Washington Post* July 12, 2008 p. A4

You were once one of us. We were proud when you were nominated as the first of us to occupy the Administrator's Office, and we expected great things. Our disappointment is profound.

We hope that in your final days in office you will try to rectify some of this damage and remove some of the tarnish from your legacy.

Sincerely,

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