

EPA

Dems worry enforcement pick has already started work

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Senators are questioning Susan Bodine's role at U.S. EPA. Senate Environment and Public Works Committee

Democrats are questioning whether President Trump's nominee to head U.S. EPA's Office of Enforcement and Compliance Assurance has already started doing the work ahead of Senate confirmation to the position.

In a [letter](#) sent yesterday, Sens. Sheldon Whitehouse (D-R.I.) and Jeff Merkley (D-Ore.) asked Susan Bodine to explain her current role as special counsel to the administrator on compliance.

Senate, but Whitehouse and Merkley say she may be violating the Federal Vacancies Reform Act.

"Your appointment creates the appearance, and perhaps the effect, of circumventing the Senate's constitutional advice and consent responsibility for the position to which you have been nominated," the letter says. "Your improper involvement in EPA enforcement decisions could provide grounds for subjects of EPA actions to challenge the legal validity of those actions in court."

Public Employees for Environmental Responsibility late last month voiced similar concerns after EPA officials indicated that Bodine would start at the agency on Sept. 5, before she is officially confirmed.

"What positive enforcement contribution does Susan Bodine bring that cannot wait another week or two for confirmation?" PEER Executive Director Jeff Ruch said in a statement.

The Democrats wrote yesterday they would move to prevent Bodine's nomination from advancing until she responds to their questions.

EPA, meanwhile, said it is planning a reply.

"We will respond to Senator Whitehouse through the proper channel," EPA spokesman Jahan Wilcox said in an email to E&E News.

The Office of Enforcement and Compliance Assurance is one of the few EPA offices that address issues ranging from air and water pollution to toxics. If confirmed, Bodine will have an opportunity to shape the agency's enforcement policies under the Trump administration ([Climatewire](#), June 14).

Reporter Kevin Bogardus contributed.

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