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Opening Statement of Rep. Henry A. Waxman Chairman, Committee on Oversight and Government Reform Business Meeting Regarding the Contempt Resolution June 20, 2008

For months, the Committee has been investigating EPA's decision to prevent California and other states from reducing greenhouse gas emissions from motor vehicles and its decision to adopt new ozone air quality standards weaker than those recommended by the agency's scientific experts.

These investigations have shown that the decisions in these important environmental matters were made not at EPA, but in the White House. In both cases, the scientists, the agency career staff, and EPA Administrator Johnson wanted to take stronger action to protect the environment. And in both cases, the White House rejected the agency's position.

Today the President has asserted executive privilege to prevent the Committee from learning why he and his staff overruled EPA. There are thousands of internal White House documents that would show whether the President and his staff acted lawfully. But the President has said they must be kept from Congress and the public.

In the case of the California motor vehicle standards, we learned that EPA's experts and career staff all supported granting the California petition. In a briefing prepared for Stephen Johnson, the Administrator of the Environmental Protection Agency, EPA's own lawyers said: "we don't believe there are any good arguments against granting the waiver. All of the arguments ... are likely to lose in court if we are sued."

Administrator Johnson listened and was prepared to support a partial approval to California's request. But then the White House intervened. In December, after secret communications with White House officials, Administrator Johnson ignored the law and the evidence and denied California's petition.

In the case of the ozone standards, the same pattern happened. We learned that EPA's expert advisory panel unanimously recommended a new standard for protecting the environment. After considering all of the alternatives, Administrator Johnson agreed with the new approach.

He was opposed, however, by industry and Susan Dudley, the Administrator of the White House's Office of Information and Regulatory Affairs. And once again, the White House intervened. On the evening before the final rule was released, President Bush rejected the unanimous recommendation of both EPA's experts and Administrator Johnson and instructed EPA to abandon the new standard.

The Clean Air Act is clear about what can be considered and what cannot be considered when EPA makes decisions under its authority. In both cases, the EPA's methodical and scientific process pointed to specific outcomes. In both cases, the outcome dramatically changed when the White House became involved.

This Committee has a fundamental obligation to learn the truth about what actually happened on these critical health and environmental decisions. That is why we have been seeking documents in both cases that would provide important details about the President's role in directing Administrator Johnson's actions.

This morning I have been informed that the White House is asserting executive privilege over thousands of documents the Committee is seeking. This is an extraordinary step. Administrator Johnson has repeatedly insisted he reached his decisions on California's petition and the new ozone standard on his own, relying on his best judgment.

Today's assertion of executive privilege raises serious questions about Administrator Johnson's credibility and the involvement of the President. Without the remaining documents, it will be nearly impossible to fully understand the President's role in overruling the unanimous recommendations of EPA's own experts.

We had scheduled a vote on a contempt resolution for this morning for Mr. Johnson and Ms. Dudley. We will not have that vote in light of the executive privilege claim. I want to talk with my colleagues on both sides about this new development and consider all our options before deciding how we should proceed.