

Congress of the United States
House of Representatives
Washington, DC 20515-0529

HENRY A. WAXMAN
29TH DISTRICT, CALIFORNIA

April 29, 2002

The Honorable Christine Todd Whitman
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Whitman:

I am writing in regard to an article in Sunday's *New York Times* which reveals that President Bush rejected an EPA developed legislative proposal which was much more protective of public health and the environment than the President's Clear Skies Initiative.¹

According to the article, "Bush administration documents show that the agency's alternative proposal would have reduced air pollution further and faster than the proposal Mr. Bush eventually chose." For example, the article reported that the EPA proposed to cut sulfur dioxide emissions by an additional 33% percent eight years earlier than under the President's Clear Skies Initiative.

In the article, Mr. Jeff Holmstead, Assistant Administrator for Air and Radiation, confirmed that EPA had prepared a more stringent proposal. According to Mr. Holmstead, this proposal was rejected after it was shared with the electric utilities and unions, who stated that the proposal would create new jobs which could not be filled quickly enough. Mr. Holmstead is quoted as saying, "[w]e talked with people in the power sector and union folks, and we were convinced it was not feasible — there was not enough manpower to put on the types of controls that our models suggested would be necessary."

The information that Mr. Holmstead and other EPA officials received from electric utilities and unions resulted in the Administration backing away from a proposal which would have had significant benefits to the American people. The *Times* reports that the EPA documents say that the agency's proposal would prevent at least 19,000 premature deaths, 12,000 new cases of chronic bronchitis, and 17,000 hospitalizations, and would save about \$154 billion in annual health care costs by 2020.

As Congress considers the President's Clear Skies Initiative, it would be very helpful to see the information which formed the basis for abandoning an approach that would have better

¹"Bush Denied Stricter Option to Clear Skies Plan," *New York Times* (April 28, 2002).

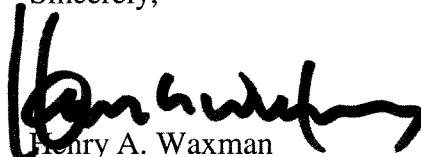
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protected public health and the environment. Therefore, I am writing to request that EPA immediately provide the information which was submitted by the “people in the power sector and union folks.” Specifically, please provide the following information:

1. Please identify any communications between you, any other person in your Agency, or to your knowledge any other official in the Administration and the “people in the power sector and union folks” regarding specific proposals to amend the Clean Air Act.
2. For each communication identified in question 1, please provide the names of the persons involved, the dates of the communication, the form of communication, a summary of the information exchanged or matters discussed during the communication, and copies of any written materials or electronic communications provided by the “people in the power sector and union folks.”

On Wednesday, May 1, 2002, the Energy and Air Quality Subcommittee will be receiving testimony from Mr. Holmstead which will discuss the President’s proposal. Therefore, I request that this information be provided no later than close of business April 30. If you are unable to identify all of the requested information within this timeframe, please provide by April 30 at least the key information that the Administration relied on in making this decision, and discuss with my staff when you will be able to provide the remainder of the information. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Henry A. Waxman". The signature is stylized and cursive.

Henry A. Waxman
Member of Congress