



AUGUST 2, 2017 **BACKGROUND**

Scott Pruitt, Administrator of the Environmental Protection Agency

INTRODUCTION

Scott Pruitt became the 14th Administrator of the Environmental Protection Agency (EPA) on February 17, 2017 by a vote of 52-46. Most recently, he served as the Attorney General of Oklahoma. Previously, he represented the Tulsa area in the Oklahoma State Senate from 1999 to 2007, from which he launched two unsuccessful campaigns for higher office – a 2001 bid for Oklahoma’s 1st congressional district and a 2006 race for the state’s lieutenant governorship. Pruitt was born and completed his undergraduate education in Kentucky before moving to Tulsa to complete his Juris Doctor in 1993. He then entered into private practice where he specialized in constitutional law, contracts, insurance, labor, litigation, and appeals. This memorandum provides an overview of his career, expressed opinions on relevant topics, and the response to his nomination from Congress and other stakeholders.

POSITION

Administrator of the Environmental Protection Agency

NOMINEE

Edward Scott Pruitt

EDUCATION

B.A. in Political Science and Communications from Georgetown College, Juris Doctor from the University of Tulsa College of Law

AGE

49

PROFESSIONAL EXPERIENCE

Profession: Lawyer, Public Official

- Attorney General of Oklahoma (2011-2017)
- Co-owner and Managing General Partner, Oklahoma RedHawks (2003-2010)
- Senator, Oklahoma State Senate District 36 (2003-2007)
- Senator, Oklahoma State Senate District 54 (1999-2003)
- Lawyer (1993-1999)

FAMILY

Wife, Marlyn; 2 children, McKenna and Cade

SUMMARY OF KEY ISSUES

- **EPA Mission and Jurisdiction**

- In his opening speech to EPA staff and the media after his swearing in, Administrator Pruitt stated "I look forward to leading this agency with these principles in mind...the EPA can be pro-energy, pro-jobs, and pro-environment." ([EPA YouTube](#))
- As Attorney General of Oklahoma, Pruitt sued the EPA 13 times on the following issues ([New York Times](#)):
 - » Challenging the Cross State Air Pollution Rule
 - » Challenging Rule Placing Limits on Mercury Pollution
 - » Challenging Limits on Mercury a Second Time
 - » Challenging EPA Effort to Reduce Ozone Pollution
 - » Challenging EPA Rule Limiting Pollution during Power Plant Shutdowns or Malfunctions
 - » Challenging Plan by EPA to Protect Scenic Vistas in Certain National Parks
 - » Challenging Clean Air Standards for Oil and Gas Drilling and Production Sites
 - » Challenging Determination that Greenhouse Gas Pollution Endangers Health and the Environment
 - » Challenging the Clean Power Plan
 - » Challenging the Clean Power Plan a Second Time
 - » Suing to Block the Clean Power Plan
 - » Challenging Carbon Pollution Standards for New Power Plants
 - » Challenging the Clean Water Rule
- EPA Budget and Programs:
 - » President Trump's proposed Fiscal Year 2018 budget for the EPA represents a 31 percent cut from the agency's current funding. Administrator Pruitt said "the President's budget respects the American taxpayer. This budget supports EPA's highest priorities with federal funding for priority work in infrastructure, air and water quality, and ensuring the safety of chemicals in the marketplace." ([EPA Press Release](#))
 - » Despite statements calling those who want the EPA eliminated "justified," Administrator Pruitt has no intention to completely disband his agency. Rather, he has expressed support for shifting responsibility to the states saying, "we have state departments of environmental quality that have the resources and the expertise to deal with clean water and clean air issues." However, he has also defended certain programs saying "I am communicating a message that the brownfields program, the Superfund program, water infrastructures...are essential to protect." ([The Hill](#))
 - » On April 13th, the Office of Management and Budget produced guidance to implement President Trump's plans for reorganizing the federal government and reducing its workforce. In response, the EPA announced plans to initiate a buyout program to reduce staff numbers. Administrator Pruitt said the "EPA is returning to its core statutory mission, and focusing on greater value and results." ([EPA Release/ The Hill](#))

- **Climate Change**

- On March 9th, Administrator Pruitt appeared on CNBC and stated, "I would not agree that [carbon dioxide] is a primary contributor to the global warming that we see." Under President Obama, the EPA's webpage stated, "Carbon dioxide is the primary greenhouse gas that is contributing to recent climate change." Pruitt's view is at odds with the conclusion of NASA and the National Oceanic and Atmospheric Administration. ([CNBC](#))
- Administrator Pruitt does not believe that climate change is "a hoax," as President Trump has said previously, but questions whether or not human activity is its primary cause. ([USA Today](#))
- Administrator Pruitt has filled top positions at the EPA with staff who approach the issue similarly, drawing

heavily from the staff of his friend and fellow Oklahoma Republican, Senator Jim Inhofe, one of Congress' most prominent climate change skeptics. ([The New York Times](#))

- Endangerment Finding

- » Administrator Pruitt has drawn the ire of conservative groups for refusing to challenge the EPA's "endangerment finding." The rule is a product of a 2007 Supreme Court decision that directed the EPA to examine the scientific evidence and determine if greenhouse gases posed a threat to the public. Published in 2009, the rule is the foundation for the EPA's efforts to curb carbon dioxide emissions and was upheld by the U.S. Court of Appeals in the District of Columbia as "unambiguously correct." Administrator Pruitt's critics contend that any effort to undo environmental regulation without first challenging the endangerment finding would be for naught. However, according to two White House sources, Administrator Pruitt successfully argued against revoking the "endangerment finding" citing the legal hurdles and lengthy court battles it would invite. ([Politico](#))

- **Obama-era Environmental Regulations**

- Clean Power Plan

- » On March 28th, President Trump signed the "Executive Order on Promoting Energy Independence and Economic Growth," which specifically directed the EPA to initiate a review of the Clean Power Plan for the purpose of withdrawing it. Prior to the announcement, Administrator Pruitt said, "the executive order will address the past administration's efforts to kill jobs across the country," adding that he believes the order will "absolutely" bring back lost coal jobs. ([CBS News](#))

- "Waters of the United States" Rule

- » On February 28th, President Trump signed an Executive Order directing the EPA to review and then either rescind or revise the Clean Water Rule definition of "waters of the United States". Administrator Pruitt said the order "preserves a federal role in protecting water, but it also restores the states' important role in the regulation of water." Administrator Pruitt legally challenged the rule during his tenure as Attorney General of Oklahoma. ([The Washington Post](#))

- Fuel Economy Standards

- » In an op-ed published on March 20th, Administrator Pruitt explained the decision of the EPA and the Department of Transportation (DOT) to "revisit the previous administration's rule that finalized standards to increase fuel economy to the equivalent of 54.5 mpg for cars and light-duty trucks by Model Year 2025". The prior week, EPA and DOT put a pause on the process in order to reexamine the rule and hear from all stakeholders. Administrator Pruitt cited this decision as "an example of how the Trump administration is going to do things differently." ([USA Today](#))

- Paris Climate Accord

- » Following President Trump's decision to begin withdrawing the United States from the Accord, Administrator Pruitt defended his decision as "courageous... [President Trump] put America's interest first with respect to environmental agreements and international discussions." ([The Hill](#))

- **Agrochemicals**

- Accidental Release Prevention Requirements

- » On March 15th, Administrator Pruitt issued an administrative stay on regulations promulgated in response to a 2013 explosion at a fertilizer storage plant in West, Texas. The rule, which would have regulated how companies make information available to their surrounding communities in the event of an accidental release, will not be implemented until at least June 19th. Industry groups wrote to the Administrator in February requesting the delay in order to "address the numerous flaws." ([ABC News](#))
- » On June 9th, Administrator Pruitt signed a rule to further delay the effective date of the RMP rule amendments for 20 months until February 19, 2019. ([EPA Site](#))

- Regulation of the fertilizer Chlorpyrifos

- » In March, Administrator Pruitt denied a 10-year-old petition brought by environmental groups seeking a complete ban on chlorpyrifos citing "considerable areas of uncertainty" about the neurodevelopmental

effects of exposure to the pesticide. He also said the agency was “returning to using sound science in decision-making.” ([New York Times](#))

- **Public Lands**
 - Accidental Release Prevention Requirements
 - » On May 12th, the EPA settled a lawsuit against the Pebble Limited Partnership, reversing a longstanding campaign to stop groundbreaking on a copper and gold mine in Alaska’s Bristol Bay region. The decision does not guarantee a particular outcome, however, as the mine will still be required to undergo review by the Army Corps of Engineers. ([Washington Examiner](#))

PERSONAL STATEMENT ON NOMINATION

“I want to start with what is most important to you and to the public: if I have the honor to serve as EPA Administrator, my overarching goal will be to lead in a way that our future generations inherit a better and healthier environment. It will be my absolute privilege to work with the thousands of dedicated public servants at EPA who have devoted their careers to helping realize this shared goal. I’ve always said that if you love what you do, you’ll never work a day in your life, and I know those who work at EPA do so because of their tireless dedication to what they do.” ([Full Statement](#))

RESPONSE TO NOMINATION

Reactions to the nomination of Administrator Pruitt ranged from alarm amongst environmental groups to enthusiastic support from conservative and business organizations. The divide was evident in his confirmation vote of 52-46, one of the closest of President Trump’s cabinet nominees. Of note regarding his confirmation vote was Senator Susan Collins’ (R-ME) decision to vote against while Joe Manchin (D-WV) and Heidi Heitkamp (D-ND) voted in favor. On the political left, many do not trust him to execute the mandates of the agency based on his record as Attorney General of Oklahoma, perceived closeness to corporate interests, and his skepticism of efforts to address climate change. Political interests on the right, however, have been encouraged by his promises to roll back many Obama-era environmental regulations, which they view as burdensome and unnecessary.

ELECTED AND OTHER GOVERNMENT OFFICIALS

- **Senator John Barrasso (R-WY), Senate Committee on the Environment and Public Works Chairman:** “I want to congratulate Attorney General Pruitt on his nomination to lead the EPA. I look forward to hearing more from him on his experience and goals for the agency during the confirmation process. One thing is clear: Our country needs a new EPA administrator who will bring balance to vital environmental stewardship while we work together to keep the costs of energy affordable for all Americans.” ([Press Release](#))
- **Senator Tom Carper (D-DE), Senate Committee on the Environment and Public Works Ranking Member:** “I am also committed to a full and fair confirmation process with respect to the nominations of this president-elect, too. Having said that, though, I’ve shared with Mr. Pruitt, and I’ll share with my colleagues, that too much of what I’ve seen of his record on the environment and his views about the role of the EPA are troubling and, in some cases, deeply troubling.” ([Press Release](#))
- **Senator Susan Collins (R-ME):** “After careful consideration, I have decided to oppose the confirmation of Scott Pruitt, the nominee for Administrator of the Environmental Protection Agency (EPA). I have met at length with Mr. Pruitt, who is an accomplished attorney with considerable knowledge about environmental laws. We discussed many important environmental issues about which I care deeply—from EPA’s enforcement of landmark environmental laws, including the Clean Air Act and the Clean Water Act, to climate change and the Clean Power Plan, to protections from harmful pollutants such as lead and mercury. I also have reviewed testimony from his confirmation hearing.” ([Press Release](#))

- **Senator Joe Machin (D-WV):** “As a former Governor, I understand how crucial it is for an executive leader to have the chance to put his team in place. Every West Virginian wants clean air and clean water and I intend to be vigilant in working with Administrator Pruitt to ensure that our fundamental environmental protections are implemented in a sound and effective way. I believe that the economy and the environment can be balanced and work in harmony. Pruitt knows that I believe it is important that the EPA is working with states like West Virginia not against us.” ([Press Release](#))
- **Representative K. Michael Conaway (R-TX-11), House Agriculture Committee Chairman:** “I am pleased with today’s confirmation of EPA Administrator Scott Pruitt. For too long, farmers and ranchers have suffered from unnecessary, burdensome regulations as a result of EPA overreach. Administrator Pruitt understands that farmers and ranchers are the original, and best, stewards of the land, and I look forward to working with him to provide much-needed regulatory relief for rural America.” ([Press Release](#))
- **House Democratic Leader Nancy Pelosi (D-CA-12):** “For the sake of the air we breathe, the water we drink, and the planet we will leave our children, the head of the EPA cannot be a stenographer for the lobbyists of polluters and Big Oil. Scott Pruitt’s record as Oklahoma’s Attorney General is a laundry list of favors to the special interests. Pruitt has brazenly used his office as a vehicle for the agenda of big polluters and climate deniers in the courts – and he could do immense damage as the Administrator of the EPA.” ([Press Release](#))

ADVOCACY, THINK TANK, AND POLITICAL ORGANIZATIONS

- **American Chemistry Council:** “We congratulate Attorney General Pruitt on his nomination as Administrator of the Environmental Protection Agency. We share Mr. Pruitt’s view that EPA’s regulatory decisions should be based on sound scientific evidence, and we look forward to working with the new EPA Administrator and the dedicated staff at the EPA to implement the nation’s key environmental statutes in a fair, efficient and effective manner.” ([Press Release](#))
- **Kim Glas, Executive Director, BlueGreen Alliance:** “We have staunchly supported the Environmental Protection Agency’s (EPA) mission to protect people and communities. The nomination of Scott Pruitt, someone who has actively advocated against the EPA’s guiding principles and who challenges widely accepted climate science, places the health and safety of all Americans in jeopardy.” ([Press Release](#))
- **David McIntosh, President, Club for Growth:** “The EPA’s reign of regulatory malpractice is coming to an end. The nomination of Scott Pruitt is a brilliant move by the president-elect, and one that will reap benefits for the American economy. Too often the EPA was the Obama Administration’s weapon of choice for crushing the private sector. We are confident that Scott Pruitt, who has done yeoman’s work in fighting EPA overreach, will restore the wise balance between necessary environmental protections and the operation of free-market industries that cause America to prosper.” ([Press Release](#))
- **Neera Tanden, President, Center for American Progress:** “Far from draining the swamp, President-elect Trump is making a devil’s bargain with Big Oil and the special interests he promised to clear out of Washington. Scott Pruitt has received more than \$300,000 from the very fossil fuel industries he will be charged with regulating. This is great news for the billionaires who own the oil and gas industry and terrible news for American families who will have to bear the effects of pollution.” ([Press Release](#))
- **Neil Bradley, Chief Policy Officer, Chamber of Commerce:** “Although we will not agree on every issue, as both Attorney General for the State of Oklahoma and as the president’s nominee to head the EPA, Scott Pruitt has demonstrated an appropriate understanding of the proper role of the EPA Administrator and a commitment to leading the agency in a direction that will protect public health and the environment. We encourage a swift vote on his nomination.” ([Press Release](#))
- **Jamie Rappaport, CEO and President, Defenders of Wildlife:** “Scott Pruitt is the absolute wrong choice to lead the Environmental Protection Agency. Climate change is an undeniable and growing threat to our nation. We need a leader for EPA who fully appreciates the gravity of the menace that climate change poses for our nation’s public health, our wildlife and our environment, and is prepared to use the full force of our nation’s strong environmental laws to curb that threat. Mr. Pruitt is plainly not that person.” ([Press Release](#))
- **Zippy Duvall, President, American Farm Bureau:** “an ideal nominee” who “has profound respect for the laws written by Congress.” ([Press Release](#))

- **Fred Krupp, President, Environmental Defense Fund:** “He is a deeply troubling choice to head the agency that protects the clean air all Americans breathe and the clean water we drink. Our country needs – and deserves – an EPA Administrator who is guided by science, who respects America’s environmental laws, and who values protecting the health and safety of all Americans ahead of the lobbying agenda of special interests.” ([Press Release](#))
- **Grover Norquist, President, Americans for Tax Reform:** “Americans for Tax Reform supports Donald Trump’s nomination of Oklahoma Attorney General Scott Pruitt to lead the EPA. Pruitt will ensure American taxpayers and businesses are no longer subject to abusive EPA overreach and unconstitutional regulatory diktats.” ([Press Release](#))
- **William Yeatman, Senior Fellow, Competitive Enterprise Institute:** “Green pressure groups have come to think of EPA as their hereditary fiefdom. That could end if someone like Scott Pruitt becomes the administrator. Pruitt has been a leader in the pushback against EPA’s unlawful regulatory overreach and destructive war on coal. His nomination means that when it comes to environmental and energy policy, President-elect Trump not only talks the talk, he walks the walk.” ([Press Release](#))
- **Gene Karpinski, President, League of Conservation Voters:** “We are so strongly opposed to Scott Pruitt’s candidacy that LCV broke with standard procedure to inform the Senate that we will absolutely score the vote on his nomination. Pruitt, a climate denier who has sued the EPA a whopping 14 times over commonsense, science-based public health protections, is simply unqualified to lead the Environmental Protection Agency. There is a clear and very disturbing pattern of Pruitt taking action on behalf of polluting companies in very close proximity to those companies making large financial contributions to Pruitt and organizations he has led. Confirming Scott Pruitt to President-Elect Trump’s rigged cabinet is the opposite of draining the swamp. He’s a radical extremist who sides with polluters and their profits at the expense of our air and water at every opportunity.” ([Press Release](#))

About the District Policy Group

The bipartisan District Policy Group at Drinker Biddle is comprised of 15 lobbyists, public policy specialists, grassroots coordinators and other experienced government relations professionals—including former Congressman Dr. Phil Gingrey (R-GA). Our team’s extensive experience comes from working on Capitol Hill, within trade associations and advocacy organizations, and in the private sector. We have a long record of success in delivering insightful political and policy analyses, developing meaningful policymaker relationships, and advancing and achieving our clients’ federal public policy goals.

For each representation we undertake, we carefully assemble a team of professionals with the specific experience, knowledge and relationships needed to meet the client’s unique needs. We are nationally recognized for our lobbying work in health care, and also represent clients in other industries, such as agriculture, trade, environment, transportation and manufacturing.

Primary Contacts



Ilisa Halpern Paul, President

(202) 230-5145
Ilisa.Paul@dbr.com

Ilisa Halpern Paul leads the District Policy Group and has more than 25 years of experience in government relations, advocacy, and policymaking in non-profit, academic, federally-funded, and government settings. Ilisa’s practice centers on advising clients with respect to advancing their federal legislative, regulatory and programmatic policy agendas. Her work has earned her the recognition as one of *The Hill’s* Top Lobbyists of 2015 and 2016, as well as a feature story in *The Hill* regarding her rise to success.



The Honorable J. Phillip Gingrey, M.D., Senior Advisor

(202) 230-5163
Phil.Gingrey@dbr.com

Phil Gingrey is a senior advisor in the District Policy Group at Drinker Biddle. Dr. Gingrey is a former U.S. Congressman who served Georgia's 11th congressional district from 2003 to 2015. Throughout his 12 years in Congress, Dr. Gingrey served on numerous influential committees, including the House Committee on Energy & Commerce, which focused on issues such as energy, health care, telecommunications, environment and interstate commerce. Also during his Congressional tenure, Dr. Gingrey served on the Committee on Education and the Workforce and the Committee on Armed Services.



Jodie Curtis, Executive Vice President

(202) 230-5147
Jodie.Curtis@dbr.com

Jodie Curtis co-heads the District Policy Group and focuses on federal policy, appropriations, and regulatory issues. She has more than 20 years of experience in government, Congressional affairs and representing the legislative and regulatory interests of for-profit, non-profit, and global organizations. Prior to joining the firm, Jodie served as an assistant director with a large national non-profit health care advocacy organization, deputy chief of staff for U.S. Representative Thomas M. Barrett (D-WI), executive assistant for U.S. Representatives Lynn Rivers (D-MI) and Peter Barca (D-WI), and district director/legislative assistant for Wisconsin State Senator Barbara Ulichny.



Laura H. Phillips, Partner, Drinker Biddle

(202) 842-8891
Laura.Phillips@dbr.com

Laura H. Phillips is chair of the firm's Government and Regulatory Affairs Practice Group, which houses the District Policy Group. She has been a leader in the telecommunications market for more than 25 years. Laura counsels wireless and wired technology entrepreneurs on issues related to the development of new technologies, including the development of spectrum auctions, network interconnection, access, universal service and Voice over Internet Protocol (VoIP). She also represents clients in regulatory matters stemming from communications service convergence, the growth of wireless services and the Internet.