



## When nice words hide a bad environmental record

By Eric Schaeffer and Zachary Frankel  
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There were few surprises at Tuesday's Senate hearing on Gov. Michael Leavitt's nomination to head the Environmental Protection Agency. The governor stuck closely to the White House playbook, using code words like "collaboration," "balance," and "sound science," and talking up voluntary compliance and industry's need for "clearer" regulations when answering the softball questions he got from most senators.

These are exactly the words that Republican pollsters advise their clients to use when hiding bad environmental records, as President Bush did when he visited one of the country's dirtiest power plants recently to talk up "Clear Skies."

But an examination of Leavitt's own environmental record might shed light on whether these words really mean anything to him, and how he would manage the EPA.

Utah's environmental groups turned out in force Tuesday to express their opposition to the governor's nomination, citing his history of ignoring violations of the environmental law, weakening regulatory agencies and stifling public comment. They circulated an impressive and well-documented 13-page critique of Leavitt's decisions on wilderness, wetlands, enforcement, environmental cleanup and other issues.

The governor suggested at the hearing that "collaboration" and "balance" are his trademark when dealing with environmental issues. But if that's true, why are Utah's environmental groups so dead set against his nomination, while lobbyists for the mining and power industries can hardly conceal their delight?

The governor's decision to cut Utah's wilderness groups out of secret negotiations to open up wild lands to oil exploration suggests he finds collaboration easier when dissenting voices are locked out of the room.

Leavitt is in favor of sound science, he assured his friends on the Senate Environment Committee. Too bad the senators were too polite to ask him why he opposed tightening arsenic limits for drinking water, the same limits that the National Academy of Sciences endorsed not once but twice. Or why he opposed new health-based standards for fine-particle pollution, despite a decade of studies by the Harvard School of Public Health, the American Cancer Society, and the Health Effects Institute, which show that fine particles contribute to heart disease and tens of thousands of premature deaths a year. Just whose scientists is Gov. Leavitt listening to?

There was the usual talk about encouraging voluntary compliance with environmental laws, which undoubtedly has its place. But what happens when powerful and well-connected polluters in Utah break the law? The federal EPA had to bring its own enforcement cases against MagCorp, which released 10 times more chlorine air pollution than all other states combined, and Wasatch Energy Systems, which violated dioxin limits by more than 300 percent, because the state couldn't seem to find the will.

Those pesky Clean Air rules that EPA just relaxed had to be "clarified," the governor explained, because they were just too darn hard to understand. But wait, didn't Utah's own director of air quality, Rick Sprott, say the Bush administration's rewrite was a "train wreck" that would be impossible to enforce?

The governor was ready for that one. With a twinkle in his eye, he assured us that Mr. Sprott is on board now, because "all his comments" were accepted by EPA. But Mr. Sprott described the proposed rules as a train wreck because they require states to review complex accounting data, and allow projects that could increase air pollution to go forward without state review. That didn't change at all in the final rules, because the industry didn't want it to.

Let's hope the Senate follows up on that one. Let's hope the Senate gets past the rhetoric and examines the record, before deciding if Leavitt is the right person to head the EPA.

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