

The Honorable Charles E. Schumer  
Majority Leader  
United States Senate Washington  
D.C. 20510

May 4, 2022

The Honorable Mitch McConnell Minority  
Leader  
United States Senate Washington  
D.C. 20510

The Honorable Thomas Carper  
Chairman, Committee on the Environment and Public Works  
United States Senate  
Washington D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member, Committee on the Environment and Public Works  
United States Senate  
Washington D.C. 20510

Re: Letter of Support for David M. Uhlmann

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Carper and Ranking Member Capito:

The USEPA's enforcement of the Clean Water Act, the Clean Air Act and other environmental statutes has declined sharply in the past few years, exposing vulnerable communities to higher levels of illegal pollution and law-abiding companies to unscrupulous competitors. We respectfully request that the Senate give EPA a fair opportunity to reverse this trend by confirming David Uhlmann as the Agency's new enforcement chief as soon as possible.

Between the 2018 and 2021 fiscal years, the number of inspections, criminal investigations, civil cases initiated or concluded, defendants charged with environmental crimes, and amounts violators paid for cleanup declined about 50% when average annual results are compared to 2002-2017 (details in chart below). Political indifference or hostility to environmental enforcement explains part of the decline, but so do budget cuts that have eliminated more than 22% of EPA's enforcement workforce since President George W. Bush's second term.

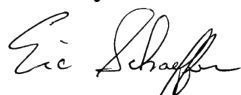
For many years, Republicans and Democrats have agreed that weakening enforcement of the Clean Water Act, Clean Air Act and other environmental laws enacted by Congress jeopardizes public health and our natural resources, undermines environmental justice, and gives violators an unfair advantage over companies that work hard to stay in compliance. Confirming Mr. Uhlmann's appointment as EPA's enforcement chief would signal a welcome return to this bipartisan tradition.

David Uhlmann was nominated to serve as the Assistant Administrator of the Office of Enforcement and Compliance on June 23, 2021 (and renominated January 4, 2022). More than ten months later, the Senate has yet to confirm his appointment, leaving EPA's beleaguered enforcement staff without a leader who can speak for the Biden Administration. No controversy or questions about Mr. Uhlmann's fitness for the job or his personal or professional integrity emerged during the Committee's hearing on his nomination last September or in the seven months since.

Mr. Uhlmann, a distinguished Professor of Environmental Law at the University of Michigan, spent seventeen years at the U.S. Department of Justice, the last seven as Chief of its Environmental Crimes Section between 2000 and 2007. His nomination is enthusiastically supported by both the environmental community and prominent law firms representing regulated industries. He has been endorsed by career veterans and high-ranking political appointees serving both Republican and Democratic Presidents, including Deputy Attorney General for the United States Larry Thompson (2001-2003); Assistant U.S. Attorney Generals for the Department of the Environment and Natural Resources Lois Schiffer (1994-2001), Tom Sansonetti (2001-2005), Ronald J. Tempas (2007-2009) and John Cruden (2015-2017); and former Assistant Administrators for EPA's Office of Enforcement and Compliance Assurance Steven A. Herman (1993-2001), Granta Nakayama (2005-2009) and Cynthia Giles (2009-2016).

Given the broad, bipartisan support for a nomination that has been pending for more than ten months we hope the Senate will be given the chance to confirm Mr. Uhlmann at the earliest opportunity. Senators who have decided to oppose every nominee the Biden Administration puts forward, regardless of their merit, will be free to vote no. But we are optimistic that a majority will show their support for enforcing our environmental laws by giving this highly qualified nominee the chance to return to public service.

Thank you for considering our views.



Eric Schaeffer  
Executive Director  
Environmental Integrity Project

Fred Krupp  
President  
Environmental Defense Fund

Abbie Dillen  
President  
Earthjustice

Howard Lerner  
Executive Director  
Environmental Law & Policy Center

NATIONAL, STATE, AND COMMUNITY-BASED ENVIRONMENTAL ORGANIZATIONS

Eric Schaeffer  
Executive Director  
Environmental Integrity Project

Ramon Cruz  
Executive Director  
Sierra Club

Abbie Dillen  
President  
Earthjustice

Ebony Martin  
Co-Executive Director  
Greenpeace USA

Lisa Frank  
Executive Director  
Washington Legislative Office  
Environment America

Matthew Davis  
Senior Director of Government Affairs  
League of Conservation Voters

Lynn Thorp  
National Campaign Director  
Clean Water Action

Jon A. Mueller  
Vice President and  
Richard T. Pelham Chair for Litigation  
Chesapeake Bay Foundation

Joe Minott, Esq.  
Executive Director and Chief Counsel  
Clean Air Act Council

Frederick L. Tutman  
Executive Director  
Patuxent Riverkeeper

Angela Taranto  
Allegheny County Clean Air Now (ACCAN)

Fred Krupp  
President  
Environmental Defense Fund

Manisha Bapka  
President and CEO  
Natural Resources Defense Council

Howard Lerner  
Executive Director  
Environmental Law & Policy Center

Brad Campbell  
President  
Conservation Law Foundation

Abby Tinsley  
Associate Vice-President  
Policy & Legislative Affairs  
National Wildlife Federation

Robin Schneider  
Executive Director  
Texas Campaign for the Environment

Mike Tidwell  
Director  
Chesapeake Climate Action Network

Nancy Stoner  
President  
Potomac Riverkeeper Network

Alison Steele  
Executive Director  
Environmental Health Project

Ted Evgeniadias  
Executive Director  
Lower Susquehanna Riverkeeper

Jennifer Hadayia, MPA  
Executive Director  
Air Alliance Houston

Judith Enck  
President, Beyond Plastics  
Former EPA Regional Administrator, Region 3

Jane Williams  
Executive Director and Chief Counsel  
California Communities Against Toxics

Hannah Connor  
Senior Attorney, Environmental Health  
Center for Biological Diversity

David Reed  
Executive Director  
Chesapeake Legal Alliance

Rose Garr  
Government Affairs Director  
Climate Action Network

Julie Dicenzo  
Community Outreach Coordinator  
Communities First Sewickley Valley (PA)

Mike Andrews  
Community Advocates for Economy (PA)

Betty Wiley  
President  
Dunkard Creek Watershed Association (WV, PA)

Magali Sanchez-Hall  
Executive Director  
EMeRGE

Patrick Campbell  
Executive Director  
Group Against Smog & Pollution

Scott Eustis  
Community Science Director  
Healthy Gulf

Matthew Davis  
Senior Director of Government Affairs  
League of Conservation Voters

Matthew Mehalik, Ph.D  
Executive Director  
Breathe Project (PA)

Robert Ukeily  
Senior Attorney  
Center for Biological Diversity

Evey Mengelkoch  
Change the Chamber  
Lobby for Climate

Shannon Simpson  
Executive Director  
Climate First: Replacing Oil and Gas

Virginia Palacios  
Executive Director  
Commission Shift (TX)

Gail Murray  
Communications Director  
Communities First Sewickley Valley (PA)

Kyli Wagner  
Executive Director  
Defend our Future

Howard M. Rieger, Ph.D.  
Convener  
East End Neighbors (PA)

Rajani Vaidyanathan  
Spokesperson  
FCA Cares (PA)

Rev. Dr. Ambrose F. Carroll  
Founder  
Green the Church

Wilma Subra  
Technical Advisor  
Louisiana Environmental Action Network

Sally Stockwell  
Conservation Director  
Maine Audubon Society

Lisa Wozniak  
Executive Director  
Michigan League of Conservation Voters

Christine Graziano  
President  
Plant Five for Life

Gillian Garber  
Executive Director  
Protect Penn Township (Protect PT)

Bill Bunch  
Executive Director  
Save Our Springs Alliance (TX)

Verna Harrison  
Verna Harrison Associates, LLC

Linda Frame  
President  
West Virginia Environmental Council

Joshua Kratka  
Senior Attorney  
National Environmental Law Center

Scott Taylor  
President  
Protect Elizabeth Township (PA)

Tricia Cortez  
Executive Director  
Rio Grande International Study Center

Juan Parras  
Director  
T.E.J.A.S.

Caleb Merendino  
Co-Executive Director  
Waterway Advocates

## US ENVIRONMENTAL PROTECTION AGENCY ALUMNI

Bernadine Abbott Hoduski  
Kansas City, MO  
Former Librarian, EPA Region 7

Bill Arguto  
Former Acting Branch Chief, Water Division, EPA Region 3

Cindy Anderson  
Chevy Chase, MD  
Former Attorney-Advisory, Office of General Counsel

John Bachmann  
Chapel Hill, NC  
Former EPA Associate Directory of Science/Policy and New Programs,  
EPA/OAR's Office of Air Quality and Standards

William Baker  
New York, NY  
Former EPA Senior Air Policy Advisor, EPA Region 2

Maureen Barden  
Former Assistant Regional Counsel, EPA Region 3

Dr. Donald Barnes  
Alexandria, VA  
Former Director of EPA Science Advisory Board (1990-2002)

Bonnie Bellow  
Brooklyn, NY  
Former EPA Public Affairs Director, EPA Region 2

Vicky Binetti  
Sewell, NJ  
Former Associate Director, Water Protection Division, EPA Region 3

Bob Blaszcak  
Cary, NC  
Retired Environmental Engineer, OAQPS, Office of Air & Radiation, EPA

Bruce Buckheit  
Former Director, Air Enforcement Division, OECA

USEPA ALUMNI (cont'd)

Bonnie Bush  
Chicago, IL  
Environmental Engineer/Enforcement Officer, Region 5 Air Enforcement

Dave Calkins  
Orlinda, CA  
Former EPA Chief of Air Programs, EPA Region 9

Bradley Campbell  
Boston, MA  
Former Regional Administrator, EPA Region 3

Carol Campbell  
Former Assistant Regional Administrator, Ecosystem Protection and Remediation, EPA Region 8

Isabel Chamberlain  
Former EPA National Expert on Trace Metal Analyses in Environmental Samples, Inorganic Chemistry  
Team Leader for Region 10

Tai-ming Chang  
Blue Bell, PA  
Former EPA Deputy Director, Environmental Assessment and Innovation Division

David Chin  
Environmental Engineer, EPA Region 1, Drinking Water Program, SRF Program, Infrastructure Grants

Kerrigan Clough  
Evergreen, CO  
Retired Deputy Regional Administrator, EPA Region 8

Lori Cohen  
Former Associate Director, Office of Environmental Cleanup, EPA Region 10

Kris Colt  
Former Manager, Pollution Prevention and Materials Management Unit, EPA Region 10

John Cross  
Former EPA Branch Chief CERCLA Enforcement Division, Headquarters

Patrick Crotty  
Former Engineer Director, USPHS, Former Drinking Water Branch Chief, EPA Region 8

George Czerniak  
Homer Glen, IL  
Former EPA Director, Air and Radiation Division, EPA Region 5

USEPA ALUMNI (cont'd)

Lee Daneker  
Former Supervisor Aquatic Resources Unit, EPA Region 10

Susan Dax  
Deputy Director, Office of Financial Management, OCFO

Linda Deschambault  
Former UESPA Region 9

Jim Dougherty  
Former EPA Attorney/Section Chief - OECA (RCRA/CERLA Enforcement)

Bill Early  
Former Deputy Regional Administrator, EPA Region 3

Alan Eckert  
Former EPA Associate General Counsel for Air and Radiation

David Farrel  
Former Chief, Office of Federal Activities, EPA Region 9

Lisa Friedman  
Former EPA Associate General Counsel, Office of General Counsel

Robert Friedrich  
Middletown, MD  
Former Deputy Associate General Counsel

Barbara Elkus  
Washington, DC  
Former EPA Deputy Director, Office of Ground Water and Drinking Water

Penelope Fenner-Crisp  
Former EPA Health Effects Division Director, Office of Pesticide Programs

Deborah Flood  
Bainbridge Island, WA  
Former EPA Section Chief, Office of Compliance and Enforcement, EPA Region 10

Roy Gamse  
Senior Executive Service as Former Deputy Assistant Administrator for Planning and Evaluation

John Gevertz  
Environmental Scientist, Office of Pesticides and Toxic Substances



USEPA ALUMNI (cont'd)

Ken Gigliello  
Frankford, DE  
Former Associate Director, CAMPD, Office of Enforcement and Compliance Assurance

Elliot Gilberg  
Washington, DC  
Former Director, Office of Site Remediation Enforcement (OECA)

Marcia Ginley  
Retired Senior Enforcement Attorney/Advisor, Office of Enforcement & Compliance Assurance  
AED, WFO

Aaron Goldberg  
Former Attorney-Advisor, Office of General Counsel

Daniela Golden  
Former EPA Financial Analyst, RCRA Enforcement Program, EPA Region 8

Jesse Goldfarb  
Former Special Assistant to the Assistant Administrator,  
Office of Enforcement and Compliance Monitoring

Virginia Gorsevski, Ph.D.  
Former Program Manager at USEPA, Office of Air and Radiation

Allen Greenberg  
Washington, DC  
Former EPA Director of Transportation Partners Program

Richard Gross  
Guilford, CT  
Former EPA Chief of the Existing Chemical Control Branch, Office of Toxic Substances

Lisa Haage  
Former Supervisory Attorney, Office of Regional Counsel, EPA Region 9

Ed Hanley  
Former Deputy Assistant Administrator for Management and Administration

James Hanson  
Former Section Chief, Superfund Program, EPA Region 9

Deborah Hartman, Esq.  
EPA Office of Pesticide Programs

USEPA ALUMNI (cont'd)

Marion Herz  
Bethesda, MD  
EPA Former Chief of Staff, Office of Compliance, Office of Enforcement and Compliance Assurance

John William Hirzy, Ph.D.  
Former EPA Senior Scientist

Jon Jacobs  
Washington, DC  
Former EPA Senior Counsel, Office of Criminal Enforcement, Forensics & Training/OECA

Tim Jones  
EPA Office of Water

Rick Karl  
Mill Spring, NC  
Superfund Division Director, EPA Region 5

Lester Kaufman  
Mill Valley, CA  
Former Manager, Underground Storage Tanks Program, EPA Region 9

Stephen Keach  
Former Program Analyst, Regional and State Planning Division (1990s)

Jim Ketcham-Colwill  
Arlington, VA  
Former Policy Analyst, Office of Air and Radiation

Nancy Ketcham-Colwill  
Arlington, VA  
Former Chief of Staff, Office of Air & Radiation

Monica Kirk  
Depoe Bay, OR  
Former Assistant Regional Attorney, Region 10, 1986-86; Portland, 1996-2012

Dave Kling  
Vienna, VA  
Former EPA Associate Administrator for Homeland Security

Elaine Koerner  
Former Office of the Administrator, Designated Federal Officer,  
Presidential Advisory Committee, Good Neighbor Env. Board

USEPA ALUMNI (cont'd)

Nancy Harney  
EPA Federal Facilities Program Manager, EPA Region 10

Ron Kreizenbeck  
Former Deputy Regional Administrator, EPA Region 10

Ellen Kurlansky  
Washington, DC  
Former Policy Analyst, Office of Air and Radiation

Michael H. Kulik  
Havertown, PA  
Former EPA Director of Public Affairs, EPA Region 3

John La Padula  
Former Deputy Directory, Emergency and Remedial Response Division, Region 2

Stan Laskowski  
Former Deputy Regional Administrator, EPA Region 3, 1982-97

Montel Livingston  
Former Associate Director, Office of Management Programs, EPA Region 10

Teresa N. Lukas  
Longmont, CO  
Former Associate Regional Counsel, EPA Region 8

Bharat Mathur  
Former Acting Regional Administrator, EPA Region 5

Frances McChesney  
Former EPA Senior Counsel, California Water Resources Control Board

Dan McGovern  
Former Regional Administrator, Region IX,  
Administrations of Presidents Ronald Reagan and George H. W. Bush

Chilton McLaughlin  
Paola, KS  
Environmental Engineer, EPA Region 7

Patricia Meaney  
Brookline, MA  
Former EPA Director of the Management Division

USEPA ALUMNI (cont'd)

Bruce Means  
Washington, DC  
Former EPA Manager in the Office of Superfund Remediation and Technology Innovation

Dan Menotti  
Potomac, MD  
Former EPA Associate General Counsel for Air and Radiation

Anne Miller  
Arlington, VA  
Former EPA Director of the Office of Federal Activities, Office of Enforcement and Compliance Assurance

Marty Monell  
Rehobeth Beach, DE  
Former EPA Deputy Director, Office of Pesticide Programs

Kate Montague Perry  
Former Attorney-Advisor, Office of Enforcement and Compliance Assurance

Frank Montarelli  
Centennial, CO  
Former EPA Senior Public Affairs Advisor, EPA Region 8

Linda Murray  
Former EPA Special Assistant to Director, Health Effects Division, Office of Pesticide Programs

Carl Meyers  
Sarasota, FL  
Former Deputy Director, Assessment & Watershed Protection Division, Office of Water

Anne Nutt  
Former Associate Regional Counsel, Office of Regional Counsel, EPA Region 9

Elizabeth Obenshain  
Atlanta, GA  
Former Regional Criminal Enforcement Counsel, EPA Region 4

Don Olson  
Former Branch Chief, Water Enforcement Division, OECA

Richard Ossias  
Colebrook, NH  
Former EPA Associate General Counsel for Air and Radiation, Office of General Counsel

USEPA ALUMNI (cont'd)

Ron Outen, Ph.D.  
Bethesda, MD  
Former Office of Toxic Substances

John T. Owens III  
Former Director Office of Site Remediation and Restoration EPA Region 1

Patrick Parenteau  
Former Regional Counsel, Region 1  
Professor of Law & Senior Counsel, Environmental Advocacy Clinic, Vermont Law School

Maria Parisi Vickers, Esq.  
Philadelphia, PA  
Former Deputy Director, Office of Resource Conservation and Recovery

Carole Parker  
Arlington, VA  
Former EPA Environmental Protection Specialist, Office of Pesticide Programs

Vickie Patton  
Former Attorney-Advisor, Office of the General Counsel

Chester Pauls  
Former Chief, Compliance and Enforcement Section, EPA Office of Drinking Water under Vic Kimm

S. Stephen Platt  
Formerly National Expert, Underground Injection Control Program,  
Safe Drinking Water Act Branch, EPA Region 3

Erv Pickell  
Mobile Source Enforcement Branch, OECA

Eydie Pines  
Environmental Engineer OSWER/OSW/MISWD, Product Stewardship Advocate

Keri Powell  
Decatur, GA  
Former Senior Clean Air Act Attorney, Office of Regional Counsel, EPA Region 3

Ann Prezyna  
Former Deputy Regional Counsel, EPA Region 10 (Retired)

Stephen Ralph  
Winthrop, WA  
Former EPA Regional Salmon Ecologist, EPA Region 10

USEPA ALUMNI (cont'd)

Larry Reed  
Durham, NC  
Former Deputy Director of the Office of Superfund Remediation and Technology Innovation (OSRTI)

Mario Salazar  
Environmental Engineer, National Technical Expert on Injection of Hazardous Waste

Joe Santarella  
Special Regional Criminal Enforcement Counsel, EPA Region 8, Criminal Investigation Division

Rita Schoeny  
Washington, DC  
Former EPA Senior Science Advisor, Office of Science Policy, ORD

Sara Schneeberg  
Former Assistant General Counsel, Air and Radiation Law Office EPA

David Schulz  
National Power Industry Oracle, EPA Region 5 Air Enforcement

Susan Schwartz  
Dagsoboro, DE  
Former EPA Deputy Director, Office of Wetlands, Oceans, and Watersheds, Office of Water

Mark Schweisberg  
Merrimac, MA  
Former Chief, Wetlands Protection Program, EPA Region 1

Jessica Scott  
St. George, VT  
Former Attorney-Advisor, EPA Office of General Counsel

Stephen Siedel  
Chevy Chase, MD  
Director, Stratospheric Protection Division, Office of Air and Radiation

Kathy Setian  
Superfund Remedial Project Manager (1991-2012)

Steve Shapiro  
Takoma Park, MD  
Environmental Protection Specialist, Office of Pesticides and Toxic Substances

USEPA ALUMNI (cont'd)

James Sickles  
Former Superfund Project Manager, EPA Region 9

Jon Silberman  
Fairfax, VA  
Former Senior Attorney-Advisor to the Director of the Office of Compliance-  
Next Generation Compliance Team

Meg Silver  
Former Supervisory Attorney, Office of Regional Counsel, EPA Region 10

Sam Silverman  
Former EPA Deputy Director, Office of Environmental Stewardship

Steven Silverman  
Takoma Park, MD  
Former EPA Office of General Counsel

Herbert S. Skovronek, Ph.D.  
Morris Plains, NJ  
EPA Former Technical Advisor to the Director, Industrial Waste Treatment Research Laboratory

Jane Souzon  
Gaithersburg, MD  
Office of Enforcement

Jonah Staller  
Former Associate Regional Counsel, Office of Regional Counsel, EPA Region 8

Fred Stiehl  
Former Director, Enforcement Policy, Targeting and Data Management Division,  
EPA Office of Enforcement and Compliance Assurance

Dana Stotsky  
Louisville, CO  
Former Senior Enforcement Attorney, Enforcement and Compliance Division, EPA Region 8

Elizabeth (Betsy) Southerland  
Former Director of the Office of Science and Technology, Office of Water

USEPA ALUMNI (cont'd)

Wanda Taunton

Former EPA Deputy Assistant Regional Administrator, Office of Ecosystems Protection & Remediation,  
EPA Region 8

June Taylor

Former EPA Outreach Coordinator, Office of Public Affairs, EPA Region 9

Katherine J. Teter

Former Senior Enforcement Attorney (Superfund), EPA Region 8

Dick Thiel

Former Drinking Water Branch Chief, EPA Region 10

Deborah Thomas

Former EPA Branch Chief, Compliance Assistance and Sector Programs Division  
Office of Compliance (OECA)

Gary Timm

Former Chief, Chemical Testing Branch, Office of Pollution and Toxics

Barbara Toole O'Neill

OEP

Stephen (Steve) Tuber

Boulder, CO

Former Assistant Regional Administrator, Office of Prevention and Regulatory Assistance, EPA Region 8

Gaylene Vasaturo

Former Associate Regional Counsel, EPA Region 5

Kathleen Veit

Retired Associate Director, Air, Waste, Toxics, EPA Region 10

Michael Walsh

Arlington, VA

Former Deputy Assistant Administrator, Mobile Source Air Pollution Control

Bruce Weddle

Lake Worth Beach, FL

Former Deputy Director of Compliance Assurance



USEPA ALUMNI (cont'd)

Lydia Wegman  
Chapel Hill, NC  
Former Director of the Health and Environmental Impacts Division

Kerry Whitford  
Denver, CO  
Former EPA State Assistance Program Manager, EPA Region 8

John Wilson  
Falls Church, VA  
Retired Program Analyst, Office of Water, USEPA

William Wisniewski  
West Deptford, NJ  
Former EPA Deputy Regional Administrator, EPA Region 3

Rob Wolcott  
Former EPA Deputy Assistant Administrator for Policy

Judith Wong  
Former Assistant Regional Administrator, EPA Region 8

George Wyeth  
Attorney, EPA Office of Enforcement and Compliance Assurance

David Ziegele  
Chevy Chase, MD  
Former Director, Office of Planning, Analysis and Accountability, Office of the Chief Financial Officer

**EPA Enforcement Performance Measures  
2002-2017 vs. 2018-2021**

Category	2002-2017* Annual Average	2018-2021 Annual Average	% Change
<b>Civil/Criminal Outcomes</b>			
Civil Inspections	18,755	10,110	-46%
Criminal Investigations	326	167	-49%
Civil Cases Referred to Justice Department	237	102	-57%
Civil Judicial/Administrative Case Conclusions	3,392	1,673	-51%
Criminal Defendants Charged	240	110	-54%
<b>Civil/Criminal Enforcement Results (in millions of dollars)</b>			
Civil Penalties	750	480	-36%
<i>Civil Penalties, outliers removed</i>	188	135	-28%
Civil Supplemental Environmental Projects	51.5	20	-61%
Injunctive Relief (civil cases)	11,675	5,020	-57%
<i>Injunctive Relief (civil cases), outliers removed</i>	9,910	5,020	-49%
Superfund Cleanup (funds recovered)	1,759	1,163	-34%
Criminal Fines and Restitutions	407	70	-83%
<i>Criminal Fines and Restitutions, outliers removed</i>	138	70	-49%
Court Ordered Environmental Projects	601	2	-100%
<i>Court Ordered Environmental Projects, outliers removed</i>	135	2	-99%

*Source: Annual enforcement reports published by the USEPA every fiscal year. All dollar amounts have been inflation adjusted to 2021 dollars. \*Data for court ordered environmental projects is from 2004 to 2017.*

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