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

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  Fred Krupp
Executive Director  President
Environmental Integrity Project  Environmental Defense Fund

Ramon Cruz  Manisha Bapka
Executive Director  President and CEO
Sierra Club  Natural Resources Defense Council

Abbie Dillen  Howard Lerner
President  Executive Director
Earthjustice  Environmental Law & Policy Center

Ebony Martin  Brad Campbell
Co-Executive Director  President
Greenpeace USA  Conservation Law Foundation

Lisa Frank  Abby Tinsley
Executive Director  Associate Vice-President
Washington Legislative Office  Policy & Legislative Affairs
Environment America  National Wildlife Federation

Matthew Davis  Robin Schneider
Senior Director of Government Affairs  Executive Director
League of Conservation Voters  Texas Campaign for the Environment

Lynn Thorp  Mike Tidwell
National Campaign Director  Director
Clean Water Action  Chesapeake Climate Action Network

Jon A. Mueller  Nancy Stoner
Vice President and  President
Richard T. Pelham Chair for Litigation  Potomac Riverkeeper Network
Chesapeake Bay Foundation

Joe Minott, Esq.  Alison Steele
Executive Director and Chief Counsel  Executive Director
Clean Air Act Council  Environmental Health Project

Frederick L. Tutman  Ted Evgeniadias
Executive Director  Executive Director
Potomxent Riverkeeper  Lower Susquehanna Riverkeeper

Angela Taranto  Jennifer Hadayia, MPA
Allegheny County Clean Air Now (ACCAN)  Executive Director
Air Alliance Houston
<table>
<thead>
<tr>
<th>Name</th>
<th>Title/Role</th>
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<tbody>
<tr>
<td>Judith Enck</td>
<td>President, Beyond Plastics</td>
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<tr>
<td></td>
<td>Former EPA Regional Administrator, Region 3</td>
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<td>Jane Williams</td>
<td>Executive Director and Chief Counsel</td>
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<td>California Communities Against Toxics</td>
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<td>Hannah Connor</td>
<td>Senior Attorney, Environmental Health</td>
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<td>David Reed</td>
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<td>Chesapeake Legal Alliance</td>
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<td>Rose Garr</td>
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<td>Julie Dicenzo</td>
<td>Community Outreach Coordinator</td>
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<td>Mike Andrews</td>
<td>Community Advocates for Economy (PA)</td>
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<tr>
<td>Betty Wiley</td>
<td>President</td>
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<td>Dunkard Creek Watershed Association (WV, PA)</td>
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<td>Magali Sanchez-Hall</td>
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<td>Matthew Mehalik, Ph.D</td>
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<td>Robert Ukeily</td>
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<td>Shannon Simpson</td>
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<td>Kyli Wagner</td>
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<td>Howard M. Rieger, Ph.D.</td>
<td>Convener</td>
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<td>Rajani Vaidyanathan</td>
<td>Spokesperson</td>
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<td>FCA Cares (PA)</td>
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<tr>
<td>Rev. Dr. Ambrose F. Carroll</td>
<td>Founder</td>
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<td>Green the Church</td>
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<tr>
<td>Wilma Subra</td>
<td>Technical Advisor</td>
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<td>Louisiana Environmental Action Network</td>
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<td>Sally Stockwell</td>
<td>Conservation Director</td>
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<tr>
<td></td>
<td>Maine Audubon Society</td>
</tr>
<tr>
<td>Name</td>
<td>Title</td>
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<tr>
<td>Lisa Wozniak</td>
<td>Executive Director</td>
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<tr>
<td>Christine Graziano</td>
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<td>Gillian Garber</td>
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<td>Bill Bunch</td>
<td>Executive Director</td>
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<td>Verna Harrison</td>
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<td>Linda Frame</td>
<td>President</td>
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<tr>
<td>Joshua Kratka</td>
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<td>Scott Taylor</td>
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<td>Tricia Cortez</td>
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<td>Juan Parras</td>
<td>Director</td>
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<tr>
<td>Caleb Merendino</td>
<td>Co-Executive Director</td>
</tr>
</tbody>
</table>
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  
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John Bachmann  
Chapel Hill, NC  
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EPA/OAR’s Office of Air Quality and Standards  

William Baker  
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Former EPA Senior Air Policy Advisor, EPA Region 2  

Maureen Barden  
Former Assistant Regional Counsel, EPA Region 3  

Dr. Donald Barnes  
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Bonnie Bellow  
Brooklyn, NY  
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Bharat Mathur
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Frances McChesney
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Dan McGovern
Former Regional Administrator, Region IX,
Administrations of Presidents Ronald Reagan and George H. W. Bush

Chilton McLaughlin
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Environmental Engineer, EPA Region 7

Patricia Meaney
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Former EPA Director of the Management Division
USEPA ALUMNI (cont’d)

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

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

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Mobile Source Enforcement Branch, OECA

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Office of Enforcement

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USEPA ALUMNI (cont’d)

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Barbara Toole O’Neill
OEP

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Bruce Weddle
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Former Deputy Director of Compliance Assurance
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

<table>
<thead>
<tr>
<th>Category</th>
<th>2002-2017* Annual Average</th>
<th>2018-2021 Annual Average</th>
<th>% Change</th>
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<tr>
<td><strong>Civil/Criminal Outcomes</strong></td>
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<tr>
<td>Civil Inspections</td>
<td>18,755</td>
<td>10,110</td>
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<tr>
<td>Criminal Investigations</td>
<td>326</td>
<td>167</td>
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<tr>
<td>Civil Cases Referred to Justice Department</td>
<td>237</td>
<td>102</td>
<td>-57%</td>
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<td>Civil Judicial/Administrative Case Conclusions</td>
<td>3,392</td>
<td>1,673</td>
<td>-51%</td>
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<td>Criminal Defendants Charged</td>
<td>240</td>
<td>110</td>
<td>-54%</td>
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<td><strong>Civil/Criminal Enforcement Results (in millions of dollars)</strong></td>
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<tr>
<td>Civil Penalties</td>
<td>750</td>
<td>480</td>
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<td>Civil Penalties, outliers removed</td>
<td>188</td>
<td>135</td>
<td>-28%</td>
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<td>Civil Supplemental Environmental Projects</td>
<td>51.5</td>
<td>20</td>
<td>-61%</td>
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<td>Injunctive Relief (civil cases)</td>
<td>11,675</td>
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<td>Superfund Cleanup (funds recovered)</td>
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<td>Criminal Fines and Restitutions</td>
<td>407</td>
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<td>-83%</td>
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<td>Criminal Fines and Restitutions, outliers removed</td>
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<td>70</td>
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<td>Court Ordered Environmental Projects</td>
<td>601</td>
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<td>Court Ordered Environmental Projects, outliers removed</td>
<td>135</td>
<td>2</td>
<td>-99%</td>
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*Data for court ordered environmental projects is from 2004 to 2017.

Source: Annual enforcement reports published by the USEPA every fiscal year. All dollar amounts have been inflation adjusted to 2021 dollars.
## EPA Enforcement Performance Measures
### 2002-2017 vs. 2018-2021

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

*Data for court ordered environmental projects is from 2004 to 2017.*

Source: Annual enforcement reports published by the USEPA every fiscal year. All dollar amounts have been inflation adjusted to 2021 dollars.