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White House Meddling in Rulemaking Process Undercuts EPA's Action on Coal Ash, Says CPR President Rena Steinzor

(Washington) -- The following statement was issued today by Rena Steinzor, President of the Center for Progressive Reform (CPR) and Professor at the University of Maryland School of Law:

"Lisa Jackson bravely called her mammoth 563-page *Federal Register* notice a "proposed rule" but in the practical sense of that term, it is nothing of the sort. Instead, today's notice has what we can call the "OIRA/industry proposal" and the "EPA/environmentalist" proposal. Because EPA is actively considering these two very different approaches, it has not actually proposed anything from a regulatory perspective. The EPA will almost certainly have to go back and get another round of public comment before making a final decision, which is not what Jackson wanted when she walked into OIRA's door.

"EPA Administrator Lisa Jackson was in a tough position on coal ash. If you are African-American and low-income, you have a 30 percent greater chance of living near a big pit of this toxic brew than a white American, and Jackson correctly decided that such a clear environmental justice issue should be at the forefront of the Obama Administration's agenda. When Lisa Jackson sent a tough regulatory proposal to the White House for review, it languished for months as a tsunami of industry lobbyists visited and revisited Cass Sunstein's doubting economists.

"The White House has met with industry representatives on this issue literally dozens of times, and it's no surprise those meetings netted a delay. The administration could and should have moved ahead months ago with one strong proposal to tackle toxic coal ash.

"The White house forced the EPA to delay getting the regulatory process moving. To add insult to injury, Lisa Jackson was forced to step between angry activists and OIRA, as she tried in vain to slap lipstick on what isn't such a cute little pig."

The Center for Progressive Reform was among the first groups to draw attention to a series of White House meetings on coal ash beginning in 2009, at the Office of Information and Regulatory Affairs (OIRA). A list of CPR's recent writing on the subject is below.

The Center for Progressive Reform (www.progressivereform.org) is a nonprofit research and educational organization dedicated to protecting health, safety, and the environment through analysis and commentary. For more information, visit CPR on the web at www.progressivereform.org.

4/20/10: Eye on OIRA: Is EPA About To Take a U-Turn on Coal Ash?

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=1B5D65E6-060B-D514-6F46B6F87CD54F5B>

4/5/10: Eye on OIRA: Coal Ash Meetings Up to 42, or More Than Half of All OIRA Meetings on EPA Rules

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=CE877002-A1A5-ADAC-34017AC4184F218A>

2/17/10: EPA's Cooperative Approach on Coal Ash Nets "Action Plans" From Industry -- But Here's What EPA Could Really be Doing With Existing Authority

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=DC7D472F-EAE3-ED21-82E6D44EC71DC226>

2/12/10: Eye on OIRA: The 121st Day and Coal Ash Still Going to Pits in the Ground

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=C3858DAF-B077-29C3-FDB46FDDB7FFBC6D>

2/10/10: Eye on OIRA: Coal Ash Visits by Regulation Foes Up to 28; OIRA's Open Door Policy Creates Double Standard for Special Interests, Flouting Obama Ethics Initiatives

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=B8651FEC-A7FA-21C6-83D00F5752204D7F>

1/20/10: Coal Ash First Real Test of Obama Commitment to Health and Safety Regulation

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=4C358214-ECA4-12C3-CBAEC38CB709FB56>

1/11/10: Back to the Future: OMB Intervention in Coal Ash Rule Replicates the Bush Administration's Way of Doing Business

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=1DDEA50F-E885-B550-C04BDE576F2C0B6E>

1/9/10: WSJ Says White House and EPA at Odds on Coal Ash; Industry Meetings with OIRA on Issue at 17 and Counting

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=141267EF-D8C3-78E1-71C927491E35962B>

12/18/09: While EPA Delays Decision on Coal Ash, Industry and White House Busy With Backdoor Meetings on Issue, Documents Show

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=A2763877-D0BC-7A9E-7AAF5D1CB3CD321E>

11/25/09: OIRA Must Be Having a Doorbuster Sale of Its Own

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=26F564B2-AA8D-A731-F3332D29E559FB96>

11/11/09: Like Christmas Shopping Season, the Battle Over Rules at OIRA Begins Earlier and Earlier Every Year

<http://www.progressivereform.org/CPRBlog.cfm?idBlog=E4065E06-D272-5E55-9D3A275E0413EB46>

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