

## **Wehrum Record**

# **Former EPA Air Enforcement Chief Criticizes EPA for Failing to Rely on Science in Mercury Rule**

“A political agenda is driving the agency’s output, rather than analysis and science.”

Alan Miller and Tom Hamburger, Los Angeles Times, Mercury Emissions Rule Geared to Benefit Industry (March 16, 2004) (quoting Bruce Buckholt, Retired Director of the EPA’s Air Enforcement Division).

Wehrum’s Role: Counsel to the Assistant Administrator for the Office of Air and Radiation.  
Documents confirm Mr. Wehrum’s direct involvement in the rule.

“[T]he Agency downplayed or ignored the significant threat of mercury to children's health even in the face of persistent, evidence-based concerns voiced repeatedly by the leading children's health experts in the country.”

Susan West Marmagas, Physicians for Social Responsibility, Director, Environmental & Health Program, Senate Democratic Policy Committee Hearing on the Administration's Mercury Pollution Rule (April 19, 2005).

Wehrum's Role: Counsel to the Assistant Administrator for the Office of Air and Radiation.

Documents confirm Mr. Wehrum's direct involvement in the rule.

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# EPA Inspector General Critical of Proposed Mercury Rule

“Evidence indicates that EPA senior management instructed EPA staff to develop a Maximum Achievable Control Technology (MACT) standard for mercury that would result in national emissions of 34 tons annually, instead of basing the standard on an unbiased determination of what the top performing units were achieving in practice.”

EPA Inspector General, Additional Analysis of Mercury Emissions Needed Before EPA Finalizes Rules for Coal-Fired Electric Utilities (Feb. 3, 2005).

Wehrum's Role: Counsel to the Assistant Administrator for the Office of Air and Radiation.

Documents confirm Mr. Wehrum's direct involvement in the rule.

## **EPA Soot and Toxic Dust Standards Fail to Protect Children's Health**

“...the proposed standards do not provide adequate protection for infants and children...[W]e urge you to extend coverage of the coarse particulate matter standard to rural areas...[and] we urge you to reconsider exempting the agricultural and mining industries from regulation under the coarse particulate matter standard.”

Children's Health Protection Advisory Committee, Letter to EPA Administrator Johnson (March 3, 2006).

Wehrum's Role: Acting Assistant Administrator for the Office of Air and Radiation. Documents confirm Mr. Wehrum's direct involvement in the rule.

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# **11 Members of Congress Challenge EPA in Court for Violating Clean Air Act and for Usurping the Role of Congress**

“The EPA cannot usurp the role of Congress and create its own legislative policies, nor can it fail to follow explicit Congressional directive. Therefore, the proposed rule must be overturned.”

Brief of Amici Curiae Senators, H. Rodham Clinton, J. Corzine, J. Jeffords, P. Leahy, B. Boxer, F. Lautenberg, C. Schumer, J. Reed, J. Kerry, C. Dodd, and E. Markey (Sept. 15, 2005).

Wehrum's Role: Counsel to the Assistant Administrator for the Office of Air and Radiation and Acting Assistant Administrator for the Office of Air and Radiation. Documents confirm Mr. Wehrum's direct involvement.

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**Unanimous DC Circuit Panel Rejects EPA  
New Source Review Rule Finding that it  
is Unauthorized by the Clean Air Act**

“Only in a Humpty Dumpty world would Congress be required to use superfluous words while an agency could ignore an expansive word that Congress did use. We decline to adopt such a world-view.”

State of New York v. EPA, 2006 US. App. LEXIS 6598 (March 17, 2006) (DC Circuit in an opinion by Judith W. Rogers, David S. Tatel, and Janice Rogers Brown).

Wehrum's Role: Counsel to the Assistant Administrator for the Office of Air and Radiation and Acting Assistant Administrator for the Office of Air and Radiation. Documents confirm Mr. Wehrum's direct involvement.