Dear United States Senators:

Article II, Section 2, Clause 2 of the United States Constitution, also known as the Appointments Clause, gives the President the power to nominate public officials with the advice and consent of the Senate, including administrators of executive agencies such as the Environmental Protection Agency (EPA). In the entire history of the U.S. Senate it has confirmed more than 500 Cabinet nominations, with only 9 rejections and 15 withdrawals. Clearly the Senate grants the President a great deal of deference with his nominations in all but the most extreme situations.

President Trump appointed Andrew Wheeler as EPA's Acting Administrator on July 5, 2018, and on January 9 of this year officially nominated him for the permanent role as Administrator. He was successfully voted out of the Senate Environment and Public Works Committee on February 9 and will likely face a full Senate confirmation vote later this month.

The result of that confirmation vote should be "yes" with a strong majority.

Wheeler is supremely qualified to continue the outstanding record of accomplishment at the EPA under President Trump:

- The EPA under President Trump has finalized 33 deregulatory actions at a savings of almost $2 billion to Americans, removed 22 sites from the Superfund National Priorities List – nearly eliminating the backlog of chemical submissions and registration actions that have festered for many years, and helped finance more than $4B in water infrastructure projects.

- Interestingly, greenhouse gas (GHG) emissions from major industrial sources have decreased by 2.7 percent during President Trump's first year in office – a better record than major countries that signed the Paris Climate Agreement, from which the president wisely extracted the United States. GHG emissions in the European Union have actually increased since that agreement was signed in 2015.

- The EPA under Wheeler has proposed the Affordable Clean Energy (ACE) Rule to replace the Clean Power Plan (CPP) to reduce GHG emissions from power plants. The CPP was such an egregious and arguably unconstitutional power grab of state energy policy authority that in an extremely unusual case it was stayed by the U.S. Supreme Court in February 2016. The ACE Rule, put forward by Wheeler, is a far more reasonable approach that views the states as partners, rather than adversaries by commandeering their authority as under the CPP Rule.

- EPA under President Trump ended "secret science" and "sue and settle" as official policies at EPA that did not serve the people of the United States. EPA has also canceled unworkable CAFE standards that produce vehicles the public doesn't want, and changed the definition for Waters of the United States (WOTUS) to prevent massive regulatory burdens on businesses and landowners.

- The EPA under Acting Administrator Wheeler has also done its part to help make America a dominant energy power again. EPA is now back to carrying out its original mission of protecting our air and water as opposed to shutting down coal plants and making promises we can't keep.

We ask that the United States Senate fulfill its Constitutional obligation and confirm the well-qualified Andrew Wheeler as EPA Administrator.

Sincerely,

E. Calvin Beisner, Ph.D.
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