

November 28, 2022

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer and Minority Leader McConnell:

I am writing as a former chief counsel of the Senate Environment and Public Works Committee under both Chairman Jim Inhofe and Chairman John Barrasso and as a former assistant administrator of the U.S. Environmental Protection Agency (EPA) in both the George W. Bush and the Donald J. Trump administrations.

I strongly believe that presidents are entitled to select their own team to serve in their administrations. That is true whether the president is Republican or Democrat.

As a former chief counsel, I have worked on many nominations. Of course, I respect the advice and consent role of the Senate. In carrying out that role the Senate should weed out nominees who are personally or professionally unqualified.

As a former assistant administrator, I have been through the Senate confirmation process twice. Both times I was held up for six months by the minority for reasons unrelated to my qualifications. In each case, my nomination was used as leverage to ensure responses to oversight requests.

While it is a common practice, holding up a nomination is not oversight. Congress has ample oversight tools to employ to highlight policy disagreements. To allay any concerns of the minority party that their oversight requests will not be honored, a chairman can agree to support the oversight requests of the minority.

Some may believe that denying a president a Senate-confirmed appointee will stall the work of an agency. That is demonstrably untrue. Instead, the absence of a Senate-confirmed appointee can lead to unbalanced policy decisions. Because they are accountable to Congress as well as the president, Senate-confirmed appointees must consider all ramifications of an action and that consideration can have a moderating effect.

Finally, let me focus on EPA. David Uhlmann is the nominee for assistant administrator of the EPA office I held in the Trump administration: Office of Enforcement and Compliance Assurance (OECA). While I am sure that I will not agree with Professor Uhlmann on all issues, I am not aware of any objections to his personal or professional qualifications. Despite this fact, his confirmation has been delayed for nearly a year and a half.

I have great respect for the current OECA acting assistant administrator, Larry Starfield. But I know that overseeing OECA takes all the time of an assistant administrator and two deputies. Larry is doing the job of three people. While he is immensely competent, it is not possible for one person to monitor everything that goes on in an office as large as OECA. If errors of judgment are made by the staff, there is no one accountable to Congress. That is not good for Republicans, Democrats, or the public.

Professor Uhlmann's nomination has already been returned to the President once. I strongly urge you to confirm Professor Uhlmann before the end of this Congress.

Sincerely,



Susan Parker Bodine

cc: The Honorable Thomas R. Carper
Chairman
Committee on Environment & Public Works

The Honorable Shelly Moore Capito
Ranking Member
Committee on Environment & Public Works