

Inside EPA

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Bush Revives Controversial EPA, OMB Nominees With Senate Submission

As the Despite strong Democratic opposition, President Bush this week resubmitted four controversial nominations for key environmental posts to the Senate after the nominees failed to clear the 109th Congress due to lawmakers' concerns about either their records or EPA policies.

At the same time, **four controversial Bush nominees for appeals court positions have withdrawn their nominations, including William Myers III, whose nomination last year raised concerns among environmentalists because of what they say is Myers' anti-environmental record.**

Bush on Jan. 9 renominated Alex Beehler as EPA's inspector general; William Wehrum to head EPA's air office; and Susan Dudley to head the White House Office of Management & Budget's regulatory review arm. All three nominees drew Democratic concerns last year over their qualifications.

Bush also renominated Roger Romulus Martella Jr. as EPA general counsel. Sen. Ron Wyden (D-OR) last year placed a hold on Martella not because of his qualifications, but over concerns about EPA's mobile source air toxics rule. Wyden wants EPA to abandon a plan in the proposed rule to allow refiners to trade emissions credits rather than reduce levels of the air toxic benzene levels in fuel.

A Wyden spokeswoman says if EPA does not address the senator's concerns by the time Martella's nomination comes up for a vote in the

Senate environment committee, the senator "may put another hold on the nominee."

The nominations of Beehler, Wehrum and Dudley are likely to generate fresh opposition in the Democratic-controlled 110th Congress. Sen. Barbara Boxer (D-CA) -- chairwoman of the Senate Environment & Public Works Committee that will consider Beehler's and Wehrum's nominations -- placed holds on both nominees last year over concerns about their records.

Boxer at a Jan. 10 press conference said her problems with Wehrum continue and that she is disappointed in the president's decision.

Meanwhile, Dudley received a tepid response from Democratic lawmakers late last year at her confirmation hearing in the Senate Homeland Security & Governmental Affairs Committee, indicating she too may face a tough road to confirmation this year.

Sources have previously said that Democratic opposition to Wehrum and other nominees may prompt the president to give recess appointments to the nominees should lawmakers block a full Senate confirmation vote, with a recess appointment for Wehrum being made potentially as early as the President's Day holiday beginning Feb. 19.

Meanwhile, Beehler -- the Defense Department's No. 2 environment official -- is signaling to his staff he will likely continue in his current role for some time, indicating his possible awareness over a likely tough confirmation fight this year.

However, the administration will avoid some confirmation fights after Myers, William Haynes, Terrence Boyle and Michael Wallace all withdrew their names for appeals court nominations.

Myers was opposed by a bipartisan group of senators primarily because of his environmental record. Glenn Sugameli, senior legislative counsel at Earthjustice, said in a Jan. 9 statement that Myers' withdrawal "is long overdue, and a victory for the environment."

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