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'We have a great view of what's going on' By Melissa Seckora

For lawmakers who are fine-tuning newly proposed legislation that deals with the environment and natural resources, Thomas L. Sansonetti has become the go-to man at the Department of Justice.

In his first extensive interview since he became the top legal enforcer of President Bush's environmental agenda, Sansonetti, the assistant attorney general for environment and natural resources, talked with The Hill about the administration's critics, his "constant interaction" with Congress, and the time he spends defending executive branch policies in court.

"We have a great view of what's going on in regards to environmental policy throughout the government, but it's not Justice's job to create policy. It's our job to defend policies that are made," Sansonetti said. "Our cases have gone up 25 percent. We have over 10,000 cases over here, and only about 400 lawyers."

But criticism of the administration's policies abounds from such non-profit groups as the Natural Resources Defense Council and Earthjustice, as well as from such senators as Jim Jeffords (I-Vt.), Chuck Schumer (D-N.Y.), and Barbara Boxer (D-Calif.), all of whom argue that the administration has failed to defend the law.

"During their first months in office the Bush administration tried to get Congress or federal agencies to weaken environmental laws and programs," said Buck Parker, executive director of Earthjustice, a public interest environmental law firm.

"Increasingly, they are shifting their efforts to the courts," he claimed. "[They are] not aggressively defending anti-environmental suits brought by industry, and the predictable result is the substantial weakening of environmental laws."

Based on a review of a dozen cases involving environmental protection policies last spring, Schumer and Boxer argued that the department failed to defend existing law, awarding Attorney General John Ashcroft a "toxic trophy" for his alleged failures.

The trophy, said Boxer at the time, was meant to identify federal failures to protect the environment and uphold environmental laws such as the Roadless Area Conservation Rule, the phase-out of snowmobiles in Yellowstone National Park, and the cleanup of toxic waste.

"This is a dangerous precedent to set when it comes to protecting the health of the American people," said Boxer.

"If these cases are representative of DOJ's current approach on environmental laws, it sends a dangerous message to environmental opponents," said Schumer. "It tells them that

if they do not like an environmental law or regulation, rather than challenge it in a public or legislative or regulatory forum, they should sue.”

“It says that if you challenge a rule in court — if you come through the back door — the administration will get rid of it,” added Boxer.

“I was gladly able to dash out a quick response to that,” said Sansonetti. “We were able, frankly, to rebut each and every one of those charges,” he added, in rejecting the notion that his division is not enforcing the nation’s environmental laws.

“What needs to be understood is that there are laws in place and where there is the opportunity for one of the secretaries, or the administrator of [the Environmental Protection Agency], to utilize their discretion under the law to pursue a lawbreaker, we do it. The second thing to understand is that policies change when administration’s change,” he explained.

“It’s senseless to beat the poor attorney general for something that he personally had nothing to do with,” he added. “What they’re really saying is that they disagree with the politics.”

Sansonetti is not troubled by the politics that comes with the job. As chief of staff for former Rep. (now Senator) Craig Thomas (R-Wyo.), he was already familiar with how environment and natural resources issues play out on the Hill before taking the post.

“Legislatively, it’s our job to help explain the status of the law,” he said, noting that his staff “monitors all the proposed environmental and natural resources legislation” and “drafts comments as how to improve the proposed law or why it is insufficient or why it’s great.”

“I have cases in every state so there is something for every senator and something for every congressmen,” he said.

“Sometimes lawmakers frankly will call and say: ‘I just can’t believe that my farmers can’t do X because of this bird.’ I have to explain, well, if farmers continue to plow these fields the piping plover isn’t going to have a place to nest,” he continued. “I get this sort of question all the time.”

All in all, Sansonetti feels he has nothing to apologize for. The Bush White House, he notes, has requested a generous 14 percent increase for his division in the coming fiscal year.

“The more money, the more people, the more enforcement,” he said.