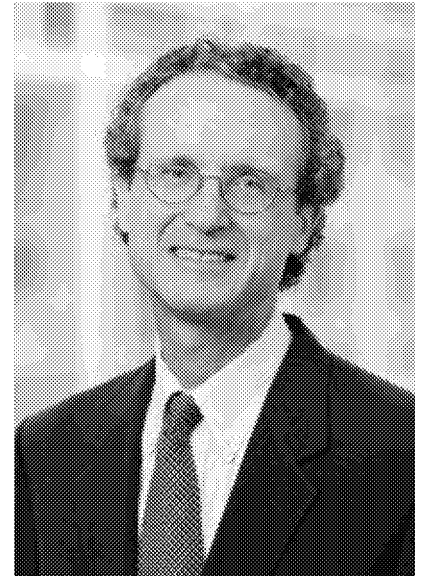


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10 Questions For The EPA's Bill Wehrum

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Bill Wehrum

Law360, New York (November 17, 2017, 7:11 PM EST) --

The [U.S. Environmental Protection Agency's](#) new air chief Bill Wehrum won't just be helping the Trump administration roll back Obama-era rules like the Clean Power Plan, he'll also be taking a close look at the agency's 2009 carbon dioxide endangerment finding and its New Source Review permitting program, he told Law360 in an exclusive interview.

Wehrum, who previously headed [Hunton & Williams LLP's](#) administrative law practice, which includes the environmental practice group, spoke with Law360 about a wide range of issues Friday, three days after formally taking over as assistant administrator of the EPA's Office of Air and Radiation.

What are your top priorities?

If I had to pick two or three things that are at the top of the list, of course the Clean Power Plan is up there. We've already proposed to repeal the Clean Power Plan, and the public hearings on that are coming up the week after next. So we've started a process on a very important rule and very important issues, and seeing that through is going to be a very high priority, if not a top priority, for us here.

The second thing is — again, begun prior to my arrival, but I'll definitely be working on this — we announced the intent to reconsider the midterm review for greenhouse gas standards for cars and trucks. I'm going to be talking to the transportation office about what kind of comments were submitted and begin thinking about how to handle those issues.

Then there's a big category of everything else. This office is responsible for a lot of issues big and small, and I think maybe the most important thing I'll do, especially in the short term, is try to gain an understanding of what the landscape looks like big and small, and then begin working with the offices to start talking those issues out. From a procedural standpoint, I think a lot of good work has been done prior to my arrival, but now that I'm here, I think the office is poised to really start getting into gear and working on a lot of issues and getting a lot done.

Do you feel the New Source Review permitting program needs revision?

I think it can be improved, you bet. It was a very high priority to reform the program when I was at EPA the first time, back in the Bush 43 administration, and we did a series of pretty large-scale regulations that were directed at trying to make it work better. So this time around, the program is still there, it's still big, it's still complicated, and I absolutely think that there are ways it could be improved and that will be a priority of mine.

Do you believe the EPA's 2009 endangerment finding regarding carbon dioxide was correct?

That's one of many, many things I need to spend time with my staff coming up to speed on and one of many, many things I need to talk with the administrator and others in the administration about. So I'm in a learning phase right now, and it will take me some time to get my arms around it.

There's a mountain of data and a mountain of science related to climate right now, and I have never climbed that mountain, but I fully intend to. So there's a lot I have to learn and it's a very important issue, it's a very high priority, so believe me, it's something I'll be spending some time on.

Do you think the California vehicle emissions waiver should stay in place or be withdrawn?

That's another very important issue, but not something I've had an opportunity to come up to speed on yet.

Is there any pending litigation that you know for sure you will recuse yourself from?

Absolutely. I was counsel of record in a number of cases challenging EPA regulations that I handled in my capacity as a lawyer in private practice, and I can't touch any of those cases now that I'm here at EPA.

There are very, very stringent rules that apply to people like me that transition from the public sector into government service. I'm subject to lawyer rules of ethics, government rules of ethics and the additional Trump ethics pledge. So all of those combine to create a very strict set of rules that govern what I can and can't do now that I'm here at EPA.

I've already met and had a lengthy discussion with EPA ethics officials to make sure that we absolutely follow the rules and follow the law.

Does that apply to the regulatory process as well?

The absolute recusals apply to what are typically called "particular matters," and litigation is a particular matter because there are defined parties on each side of it. A general rulemaking, like the methane rule, is not a particular matter. So if we go forward with rule amendments on the methane rule, that is not something I would be recused from.

How do you think the relaxation of regulations on the fossil fuel industry could affect the broader energy sector, and renewables in particular?

The way in which power is generated and distributed and used is influenced by lots of factors, one of which is EPA regulatory programs. So yes, we will be taking a hard look at the regulatory programs that apply to the power sector, at least the ones we regulate. But do we regulate solar in the air office? No. Do we regulate fossil combustion in the air office? Yes, we do. So we'll be taking a look at those regulations. The CPP is a good case in point. My job is to look at those rules and make sure we faithfully implement the Clean Air Act and do it as smartly and efficiently as we can.

What do you think were the biggest mistakes the EPA air office made during the Obama administration?

I think the most productive thing we can do is look ahead and not look back. A big reason why I'm here is that there continue to be numerous compelling and important issues that we deal with under the Clean Air Act and my job is to look ahead and chart the best course that I can and protect human health and the environment, because that's job No. 1 here at EPA, but be smart about it.

In what ways would you like your tenure to further the EPA's mission of protecting human health and the environment?

The administrator has said time and time again, our job is to faithfully implement the laws. And my beat is mostly Clean Air Act, so job No. 1 for me is to continue implementing our authorities and responsibilities under the act.

A big reason why I'm here is I think it's very, very important that we also do that in the smartest and most efficient way possible. We have to do the job of protecting health and the environment, that's why we're all here, but I think it's critically important to do that in a way that is as smart and streamlined as possible.

Do you think the air office needs to be refocused in any way? Is it spending time and energy in areas that would be better spent in others?

That's a hard question for me to answer right now, I'm still coming up to speed on what issues and actions are in the pipeline. But one thing I would say is that most of what we do around here is stuff that we have to do under the Clean Air Act, so from my perspective, it's not so much a matter of stopping work on a bunch of stuff and starting work on a bunch of other things, that's just not what it's about. It's managing the issues and managing the rules that we have to do and have to write under the Clean Air Act, and again, doing that in the smartest, most efficient way we can.

Editor's note: This interview has been edited for length and clarity.

--Editing by Katherine Rautenberg and Aaron Pelc.