

Q: Mr. Wehrum, last week you argued a case before the U.S. Court of Appeals for the D.C. Circuit. My understanding is that case does not involve EPA, but rather a challenge to certain regulations from the Occupational Health and Safety Administration, also known as OSHA. Could you please briefly describe the nature of your representation?

A: Yes, I argued a case involving an OSHA rule setting a workplace exposure limit for silica. We contend that OSHA did not provide an adequate basis for its decision. This is a typical administrative law case where the court must determine whether the rule is supported by substantial evidence. This case has absolutely nothing to do with my responsibilities at EPA, if confirmed to this position.

Q: And you confirmed that taking part in this oral argument did not present a conflict of interest for your nominated position of Assistant Administrator for Air and Radiation at EPA?

A: I have been in close consultation with EPA ethics officials with regard to my ethical obligations. My participation in this case does not violate any of my obligations.

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Q: Will you commit to continue to act consistently with any and all ethics determinations provided by that office?

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A: Yes, absolutely.