

To: Jackson, Ryan[jackson.ryan@epa.gov]
From: J. Steven Hart
Sent: Mon 11/27/2017 7:43:19 PM
Subject: FW: Inside EPA on Dourson Nomination

Having dinner with Burr tonight- should I try to move him or want to just give up?

Subject: Inside EPA on Dourson Nomination

Dourson Likely To Continue Advisor Role At EPA If GOP Fails To Act On Pick

November 27, 2017

Michael Dourson, the Trump administration's controversial nominee to lead EPA's toxics office, is likely to continue in his role as an adviser to Administrator Scott Pruitt if the Senate GOP declines to act on his stalled nomination, sources say, suggesting there may be an incentive for Republicans to avoid considering the nominee and for the administration to maintain his pick.

The sources cite several cases during the Obama and other administrations when nominees for top EPA jobs continued playing similar advisory roles at the agency even though their nominations failed to advance in the Senate.

As a result, sources expect that Dourson could continue for some time to serve in his current role as Pruitt's advisor on chemical issues as long as the Senate doesn't vote on his nomination and he retains the administration's support.

By contrast, if the Senate were to act and the nomination were to fail, Dourson would face pressure to depart. "There are not a lot of examples at EPA of a nominee being affirmatively voted down by the Senate," one former EPA official says. "If that happened, he couldn't stay."

Dourson, a former EPA risk assessor and industry consultant, has faced strong opposition from Democrats and environmentalists, who fear he would undermine efforts to implement the reformed Toxic Substances Control Act.

But his nomination is in shaky territory after North Carolina's two Republican senators -- Richard Burr and Tom Tillis -- came out in opposition to the nomination over his past work on behalf of industry groups involved in several major chemical contamination issues in the state. A third GOP senator, Susan Collins (R-ME), has also indicated she is leaning against his confirmation.

Even Democrats who might otherwise support the nominee have declined to do so or to take a public position. As one example, Sen. Joe Manchin (D-WV), whose state is home to at least two high-profile chemical release events where Dourson helped industry develop less-protective safety standards, issued a statement declining to support Dourson.

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