

The Man They Love to Hate

*EPA administrator Scott Pruitt's recipe for success:
fearless defiance of his political and media foes*

BY FRED BARNES

Every Sunday evening, the press office at the Environmental Protection Agency receives emails from the *New York Times* and *Politico* asking for EPA administrator Scott Pruitt's public schedule for the coming week. The press office ignores the emails.

The *Times* hasn't given up. It has sued the EPA for allegedly violating public records laws by not releasing the weekly schedule. But the agency has not buckled. "We're not going to roll out the red carpet for the *New York Times*," an EPA official says.

It's a small matter but points to a much bigger one. It involves Pruitt, who has run the agency since February and is a favorite of President Donald Trump. He's different from previous EPA bosses, notably in his attitude toward the political class in Washington, including the media. Pruitt is not afraid of them.

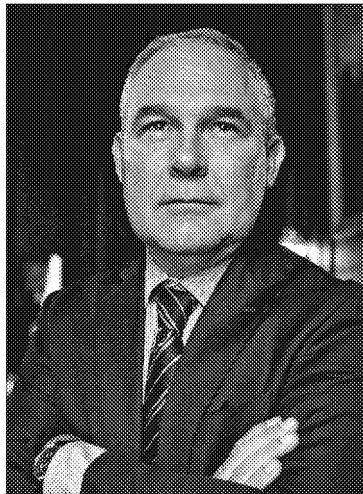
His fearlessness shows up in doing things most of Washington frowns on—or that are politically dangerous. Refusing to pamper the *Times* and the national press is the least of his offenses.

In the weeks before he took office, staffers from the agency openly protested his appointment. So when Pruitt arrived at EPA headquarters across the street in downtown Washington from the new Trump International Hotel, it was thought prudent for him to make peace with the bureaucrats, to woo or even appease them. He hasn't. He's merely treated them professionally.

Next, were he eager to get along, a smart step might have been to meet with the environmental interest groups whose

lobby has become a powerful force, especially on Capitol Hill. Pruitt hasn't taken the time to do so.

Instead, he's traveled out of town to confer with trade groups for manufacturing, mining, and fossil fuels. "We don't have enough resources . . . to hire enough personnel in this agency to stand on every corner in this country and say 'Thou shall' and make sure people do this or that," he told the *Washington Post*. "We need commitment from the private sector."



During his tenure as attorney general of Oklahoma, in the six years leading up to his appointment to the Trump cabinet, Pruitt filed 14 lawsuits against the EPA, a record that outraged environmentalists and liberals. In Washington, he has redoubled many of these efforts. He once sued to halt the EPA's Clean Power Plan (CPP). Now he's implementing an executive order to rescind it. The same is true of an EPA rule known as Waters of the United States (WOTUS). In Utah in August, when a U.S. Army Corps of Engineers official pointed to a tiny body of water and said it was regulated under WOTUS, Pruitt replied, "Well, it's not going to be anymore."

Pruitt isn't anti-regulation. It's regulatory overreach he regards as a menace to freedom and economic growth. Rather than concentrating on new regulatory targets, he's attacking the massive backlog of problems neglected by his predecessors, such as finally cleaning up the toxic waste at 1,300 Superfund sites and dealing with 700-plus state air quality plans left behind by earlier administrations.

Pruitt's biggest clash with the accepted wisdom of Washington has come over the Paris Accord, the international treaty to deal with climate change. In his campaign, Trump had promised to withdraw from the pact, only to be

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pressured to renege by top cabinet officials and his daughter and son-in-law once he got into the White House.

The president was rescued by Pruitt. In meetings at the White House, he provided Trump with a series of reasons to oppose the accord. It turned out that Pruitt knew more about the subject than the others. Trump stuck to his guns and pulled out.

Trump was so impressed he invited Pruitt to speak at the Rose Garden event in June to announce the withdrawal. This was highly unusual since Trump rarely shares the limelight, much less credit.

Pruitt lauded the president for his “unflinching commitment to put America first” and followed with what has become the theme of his EPA tenure. The United States does “better than anyone in the world in striking the balance between growing our economy, growing jobs while also being a good steward of our environment,” he said. Between 2000 and 2014, America reduced “its carbon emissions by 18-plus percent. And this was accomplished not through government mandate, but accomplished through innovation and technology of the American private sector.”

Pruitt, 49, would not have been at the White House that day in June without the intervention of Harold Hamm, the billionaire oil and gas entrepreneur. Hamm was an ardent Trump supporter in the presidential race in 2016. Pruitt wasn't. He was aligned with Jeb Bush.

But the Bush connection wasn't an impediment when, soon after the election, Hamm asked Trump for one favor. Hamm, who is also an Oklahoman, wanted Pruitt to be EPA administrator, an associate said. Hamm was an admirer of Pruitt's efforts as state attorney general to thwart EPA abuses.

Trump, who had met Pruitt years earlier at an Oklahoma-Texas college football game, quickly agreed to Hamm's request. In short order, Pruitt joined meetings at Trump Tower where the transition team was working on plans for the new administration. He was nominated for the EPA post in early December. After an intensive bid by Senate Democrats to block Pruitt, he was confirmed, 52-46. One Republican, Susan Collins of Maine, voted no. Two Democrats, Heidi Heitkamp of North Dakota and Joe Manchin of West Virginia, voted for Pruitt.

His political advancement, uneven at best, had another patron, Republican senator Jim Inhofe, who was a neighbor of the Pruitt family in Tulsa. While a state senator, Pruitt was not a major figure in Oklahoma politics. He was a well-regarded lawyer, but he'd lost races for lieutenant governor and the U.S. House of Representatives. His future was unclear.

His decision in 2010 to run for attorney general would change that. He wasn't a household name statewide,

though seven years as general manager and part-owner of the Oklahoma City Redhaws minor league baseball team—he went to college on a baseball scholarship—had given him some notoriety. Then Inhofe, who pilots his own plane, flew Pruitt to gatherings around the state, giving his campaign a boost. He was elected in a landslide.

“In 2010, I saw the importance of being attorney general,” Pruitt told me. “It was the most important office at the state level of any in the country because of our ability to actually enforce the rule of law. You know how to hold the federal government accountable for decisions they were making outside of that authority. I think I was able to see that a little bit ahead of the curve.”

Pruitt emerged as a leader of a pack of state AGs who were “ruthlessly committed,” as he put it, to blocking the expansion of the federal government at the expense of the states. They championed states' rights, limits on federal power, and federalism. Pruitt established a federalism unit in his AG office.

He succeeded in killing an EPA rule that blamed air pollution from Oklahoma and Texas for harming Granite City, Illinois. Pruitt took the lead in suing the federal government over the Dodd-Frank financial reform bill, insisting it could damage state pension funds. He made a last-ditch effort to stop Obamacare's health-insurance exchanges from offering subsidies.

In 2014, he was tempted to run for the U.S. Senate. But he was advised—by Leonard Leo of the Federalist Society, among others—that his AG work was too important to give up. It was a close call, but he agreed to stay put. “My time as attorney general wasn't complete, and the cases and things we were focused upon—I ran for certain things, and our work wasn't done,” he says. He was unopposed for a second term as attorney general.

Fred Davis, his political adviser and media consultant, says Pruitt came to regret that decision. “He likes to do things that are important,” Davis says. “He missed his golden opportunity.” Maybe, but another one came along three years later.

In his 23 years in the Senate, Jim Inhofe says the confirmation hearing for his friend Scott Pruitt in the Committee on the Environment and Public Works was the most hostile he's ever witnessed. He is Pruitt's friend and mentor and is viewed by environmentalists as an enemy, just like Pruitt. If he's exaggerating, it's only a little.

The first Democrat to speak was Tom Carper of Delaware. “Too much of what I have seen of [Pruitt's] record on the environment and his views about the role of EPA are troubling and in some cases deeply troubling,” he said.

Carper quoted former EPA administrator Christine Todd Whitman, a Republican, saying she “can't recall



Pruitt is presented with his own customized helmet by coal miners in Sycamore, Pennsylvania, April 13.

ever having seen an appointment of someone who is so disdainful of the agency and the science behind what the agency does.” He added: “Coming to this hearing today, I fear she has gotten it right.”

It was downhill from there. Anti-Pruitt outbursts from the audience were “extraordinary,” Carper said. “We don’t often have [the] kind of disruptions . . . we are witnessing here today.” There was a mind-numbing examination of phosphorus levels in the Illinois River. Bernie Sanders (I-Vermont) twice cited a debunked “poll” in which 97 percent of scientists supposedly said global warming is man-made. A retired employee from Oklahoma’s environmental office turned out to be the head of the state’s Sierra Club branch. Committee Democrats asked for an outside hearing, which they didn’t get, and an extra round of questioning, which they did.

Pruitt had plenty of time to speak. Listing his principles, he started with one he often mentions. “We must reject as a nation the false paradigm that if you are pro-energy, you are anti-environment, and if you are pro-environment, you are anti-energy. I utterly reject that narrative. . . . It is not an either-or proposition.”

The *New York Times* is Pruitt’s most vigorous media critic. In August, it featured a front-page story under the headline “Scott Pruitt Is Carrying Out His E.P.A. Agenda in Secret.” The story, among other things, noted he’s “the first head of the agency to ever request round-the-clock security.”

Smart move by Pruitt. Given the way he’s been demonized, he needs the security. In September, the *Washington Post* reported that his guards—“triple the manpower” of his predecessors—are pulling agents away from “pursuing environmental crimes.” The story didn’t mention the EPA has 15,000 employees.

If the secrecy is supposed to mean Pruitt is in hiding, it’s failed. In recent weeks, he’s spoken to a packed crowd at the Federalist Society’s annual meeting. He’s not

ubiquitous, but he’s also addressed the Hoover Institution, the Cato Institute, the American Principles Project, and the American Council for Capital Formation (ACCF). Last week, he testified before the House Energy and Commerce Committee and briefed reporters at the White House.

I’m told Pruitt has a strategic plan for dealing with the media. But it sometimes seems to be improvised. Yet it works, keeping negative stories to a minimum. Some appearances, like the Federalist event, are on-the-record. Others aren’t. Pruitt took questions, mostly from energy industry officials, at the ACCF. But several were from a *New York Times* reporter, Lisa Friedman, who has repeatedly asked for Pruitt’s weekly schedule. The issue was climate change. Their Q-and-A was off-the-record.

The truth is, everyone from Washington to Morocco, where Pruitt dealt with a trade-related issue last week, knows what he’s up to. Some like it, some don’t. It’s clear he has both long-term goals and a short-term agenda.

He’s reformed the 22 panels of science advisers at the agency, kicking those who get EPA grants off to avoid conflicts of interest. And he has barred the practice of “sue and settle” whereby EPA consents to a settlement in litigation, often with environmentalists. It’s a backdoor way to create regulations that Congress would be unlikely to enact.

In his speeches, Pruitt talks about EPA’s core responsibilities. They’ve been downplayed as climate change has become the overriding issue for the scientists and bureaucrats who work for him.

One of his pet peeves is the Superfund site West Lake Landfill near St. Louis. It contains waste from the Manhattan Project, which led to the atom bomb. It’s been left alone for 27 years with no decision on how it should be disposed of. Pruitt has set a deadline for a decision.

After Hurricane Harvey, Pruitt learned of another dangerous site on the San Jacinto River near Houston. “All they’ve done for like 10 or 11 years is put rocks on top of a covering to prevent the release of toxic dioxin . . . into the water supply there,” he told me. In September, he personally checked out the site and promised an answer before the OU-Texas football game on October 14. The EPA announced a \$115 million fix on October 11.

Last month, the EPA put out a candid news release that said Pruitt “isn’t just dismantling the Clean Power Plan and other high-profile environmental programs of the Obama era. He’s on a mission to re-engineer the agency’s culture by returning power to states and away from the Washington bureaucrats and coastal elites he said have led it astray.” Those bureaucrats work for Pruitt. He was not fearful of antagonizing them.

JUSTIN MERRIMAN / GETTY

In October, he went to Hazard, Kentucky, and told coal miners “the war on coal is over.” Senate majority leader Mitch McConnell, in introducing Pruitt, said it was “great” to have an EPA administrator “who’s not afraid to come to Kentucky.”

Pruitt’s fondest dream is to stir two national debates, one on climate change, the other on the question of what is true environmentalism. He believes the science is not “settled” on climate change. And “at its core, environmentalism is about stewardship . . . not putting up fences” around natural resources.

But there’s a problem. Inside the Trump administration, there’s skepticism about the value of debates on matters outside the comfort zone of many Republicans. And the skeptics have a point.

The Paris Accord is an exception. Pruitt spent more than a month advising Trump on that issue. It wasn’t easy. John Kelly hadn’t arrived as chief of staff, and the discussions in the Oval Office were disorganized. The deck looked stacked against withdrawal. Secretary of State Rex Tillerson was against it. So was deputy national security adviser Dina Powell. Economic adviser Gary Cohn was wary. And Ivanka Trump and Jared Kushner were flatly opposed to withdrawal.

The discussions were “competitive,” Pruitt says. Other countries and multinational companies “were very, very intentional about staying in the accord. The Paris Accord was, in my view, never about CO₂ reduction. It was clearly putting this country at an economic disadvantage.”

“Why do you go to Paris to apologize . . . when you’re already reducing CO₂ levels? Why do you go to China and India and say, ‘Oh, by the way, you don’t have to do anything until 2030’? And India? ‘You get \$2.5 trillion.’ And why did Russia [get] to increase its emissions?”

This was music to Trump’s ears—exactly what he needed to hear. And when he announced he was pulling out of the accord, his speech was brimming with figures and technical points that sounded as if they had come from a Pruitt position paper.

Pruitt is now a rock star to conservatives. The American Principles Project (APP) gave him its Human Dignity award last month. Why? “Because he’s shown a lot of courage in his willingness to do the right thing and absorb attacks without deviating from his agenda and what he thinks is right,” says APP’s Jeff Bell.

In Washington, most don’t dare, but fearlessness can be the secret to success. Just ask Trump. ♦

Regulatory Relief: The Untold Story of 2017

THOMAS J. DONOHUE
PRESIDENT AND CEO
U.S. CHAMBER OF COMMERCE

After coming into office on the heels of a relentless regulatory onslaught from the Obama administration, President Trump and leaders in Congress worked diligently throughout 2017 to rein in the regulatory state. These actions didn’t always make big headlines, but their results certainly have. Soaring business confidence, a robust stock rally, and consecutive quarters with growth rates of 3% tell the story of an economy finally feeling relief from overregulation.

President Trump started quickly upon entering office, promptly halting all pending regulations and signing executive orders to ensure that new rules were issued only if old ones were eliminated. Congress also took bold action early to seize a narrow window of opportunity to invalidate regulations using the Congressional Review Act (CRA).

Under the CRA, Congress reversed 14 midnight regulations issued in the

waning days of the Obama administration. One example was the Federal Contracts Blacklisting Rule, a devastating regulation that could have barred businesses from federal contracts for mere allegations of labor violations. Congress more recently used the CRA process to rescind the anti-arbitration rule, which would have effectively banned arbitration clauses in consumer contracts and forced all disputes to be dealt with in court. It would have amounted to an enormous gift to the trial bar.

The Environmental Protection Agency was another bright spot for rule reversals. It took action to repeal harmful regulations like the sweeping Waters of the U.S. rule, which broadly expanded the definition of federally regulated bodies of water, and the Clean Power Plan (CPP), which sought to regulate large swaths of the economy.

Harmful labor regulations were also rescinded, including the Department of Labor’s (DOL’s) joint employer rule, which created confusion and threatened

the ability of businesses to work with each other, particularly in the franchising setting. DOL also delayed key portions of the Fiduciary Rule, which would have further increased costs and limited choices for retirement savers.

A final example was a court’s blocking of the overtime rule owing to a legal challenge brought by the U.S. Chamber of Commerce. The rule would have doubled the salary level for exemption from overtime pay, raising costs for businesses and causing workers to have their hours cut.

The Chamber set the table for this historic regulatory relief through many years of lobbying Congress, engaging with agencies, and fighting in the courts. Heading into 2018, we stand ready to build on these results and advance a smart regulatory approach that will allow businesses to invest, expand, and hire with confidence.



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