



January 9, 2018

MADIGAN: EPA ADMINISTRATOR SHOULD BE RECUSED FROM ATTEMPT TO REPEAL CLEAN POWER PLAN

Chicago — Attorney General Lisa Madigan, along with a coalition representing 19 states and municipalities, today submitted a 30-page letter to the U.S. Environmental Protection Agency (EPA) objecting to EPA Administrator Scott Pruitt’s involvement in the proposed rulemaking to repeal the Clean Power Plan (CPP).

Madigan and the coalition argued that Pruitt’s participation in the rulemaking is unethical, violates constitutional due process and prevents a fair and impartial proceeding. The CPP is a science-based policy enacted under the Obama administration to significantly reduce carbon pollution from power plants, the country’s largest stationary source of climate-damaging pollution. As Oklahoma’s attorney general, Pruitt made his opposition to the CPP clear through numerous media statements and many attempts through the courts and the legislature to try to stop the EPA from moving forward with the CPP.

“Administrator Pruitt must be recused from any involvement in the EPA’s attempt to repeal the Clean Power Plan,” Madigan said. “Administrator Pruitt has a clear and consistent bias in favor of the fossil fuel industry’s positions, disqualifying him from being involved in the rulemaking process.”

In the letter, Madigan and the coalition underscored that the Constitution’s Due Process Clause and basic principles of administrative law entitle those interested in a rulemaking to a fair and open proceeding. Key to that right is access to an impartial decision-maker. Madigan and the coalition argued Administrator Pruitt cannot serve as a neutral and fair decision-maker based on his prior determination as Oklahoma attorney general that the CPP is illegal, a legal position which Pruitt has continued since becoming EPA Administrator.

Madigan and the coalition argued that Administrator Pruitt’s efforts to repeal the CPP ignore the EPA’s legal responsibility to address climate change in order to serve the narrow interests of the fossil fuel industry. As part of her support for the CPP, Madigan has emphasized that other energy solutions, including renewable wind and solar power and energy efficiency, are reducing harmful emissions while keeping electricity bills affordable for consumers.

According to a New York Times report, as EPA Administrator, Pruitt has “held back-to-back meetings, briefing sessions and speaking engagements almost daily with top corporate executives and lobbyists from all the major economic sectors that he regulates - and almost no meetings with environmental groups or consumer or public health advocates, according to a 320-page accounting of his daily schedule from February through May, the most detailed look yet at what Mr. Pruitt has been up to since he took over the agency.”

Joining Madigan in sending today’s comment letter were officials from California, Delaware, Hawaii, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Vermont and Washington, as well as the cities of Boulder, Chicago, the District of Columbia, New York, Philadelphia, South Miami, and Broward County, Fla.

The letter is available [here](#).

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