

Emails reveal collusion between EPA and green groups on crafting climate-change rules



Workers tend to a well head during a hydraulic fracturing operation outside the town of Rifle in western Colorado. (Associated Press) ** FILE ** more >

By Valerie Richardson - *The Washington Times* - Tuesday, September 20, 2016

A newly released cache of government emails offers more evidence of behind-the-scenes collusion between the Environmental Protection Agency and green groups in crafting greenhouse-gas regulations, including an effort by one green lobbyist to enlist the EPA in fundraising.

The Energy & Environment Legal Institute issued a report Tuesday based on 492 communications obtained last week through open-records requests, one week before the D.C. Circuit Court of Appeals is scheduled to hear a challenge to the Obama administration's sweeping Clean Power Plan.

The documents include EPA associate policy administrator Michael Goo's use of a private

Yahoo account for what he described as a “channel” for “offline chats” with environmental advocacy groups, including the Clean Air Task Force, as well as then-EPA administrator Lisa Jackson’s description of the Clean Energy Group as an “industry validator” for climate-change regulations.

“EPA apparently sees no distinction between its public interest function and the special interests that lobby it,” said E&E general counsel David Schnare in a statement. “The courts need to take a hard look at this collusive behavior, and carefully examine the legal implications of EPA drafting rules in this fashion.”

The report also shows Clean Air Task Force advocacy director Conrad Schneider brainstorming on how to use his EPA connections to boost fundraising in an email to Mr. Goo subtitled, “How you can help CATF with funders.”

“We can tell foundation program officers that we are engaged in discussions with highly-placed officials in the Obama Administration regarding viable pathways forward on 111(d),” referring to the Clean Power Plan rule, says Mr. Schneider in a November 2012 email.

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He adds, “I can tell foundation program officers to call you: (a) for your take on the prospects for moving a 111(d) rule; and (b) to vouch for CATF’s value-added in the 111(d) (and 111(b)) processes.”

There is no response from Mr. Goo, although Mr. Schneider describes his email as a “recap” of their earlier conversation.

The emails and texts cover a three-year period starting in 2011 during which Mr. Goo worked with top environmental groups to devise “options” on regulating emissions from electricity-producing power plants.

The CATF “is the same group to which he [Mr. Goo] outsourced EPA rule-drafting responsibilities,” said EELI in a Tuesday press release. “Such efforts to encourage donations for a private group crosses a new ethical line for a federal employee.”

An April 2013 exchange via text message shows Mr. Goo in contact with the Sierra Club’s

John Coequyt on hydraulic fracturing, “even while EPA and the Sierra Club were in litigation against each other on the same matter,” the free-market institute said in its Tuesday press release.

“Goo suggested to Coeyqut a strategy to get around OMB’s objections to regulating fracking, telling Coeyqut that Goo would need to ‘talk some sense into OMB [expletive]’ who did not share the pair’s zeal for EPA regulation of the process in a certain rule,” said the institute.

EELI reiterated its call for the court to throw out the Clean Power Plan based on the agency’s failure to disclose its involvement with environmentalists in drafting the regulations.

“None of these communications was docketed in the public record when the NPRM [Notice of Proposed Rulemaking] was released for comments, even though they resulted in a Rule carefully calibrated to shut down coal power plants,” said the report. “Commenters could not have known that the Rule was drafted through ex parte contacts with environmental groups with whom Mr. Goo once worked. Such secrecy is inconsistent with fundamental principles of due process, fair notice, and accountable government.”

The EPA has previously declined to comment on the allegations of collusion, citing ongoing litigation.

The Supreme Court issued a stay of the Clean Power Plan in February pending the outcome of a lawsuit filed by about 20 states along with industry groups.

The plan, a cornerstone of President Obama’s effort to combat climate change, seeks to reduce by 32 percent emissions from coal-fired plants by 2020, a goal that critics say would force the closure of most plans and drive up electricity costs.

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