

April 26, 2012

Administrator Jackson:

We are writing today in regards to the comments Region VI Administrator Al Armendariz made regarding his philosophy of enforcement. Specifically, Mr. Armendariz said:

It was kind of like how the Romans used to, you know, conquer villages in the Mediterranean. They'd go into a little Turkish town somewhere, they'd find the first five guys they saw and they'd crucify them. Then, you know, that town was really easy to manage for the next few years.

And so you make examples out of people who are in this case not complying with the law. Find people who are not complying with the law and you hit them as hard as you can and make examples out of them. It's a deterrent thing.

I hope that you will agree with us that these comments are beyond the pale. The EPA is not a conquering army, it does not wield dictatorial power, and it certainly was not granted the authority to crucify anyone – metaphorically or not.

We find it hard to believe that any of those facts need clarification, but these comments suggest otherwise.

Mr. Armendariz's statements betray a vindictive culture that is driven by ideology more than it is by science. It is no secret in Texas, the heart of America's oil and gas industry, that the EPA has become a petty, arbitrary, and demagogic organization. It is a sad fall for an institution charged with safeguarding the public.

As director of Region VI, Mr. Armendariz has shown little restraint on putting his "crucifixion strategy" into action. Time and time again, Mr. Armendariz has rushed to publicly proclaim what horrible sin a company has committed. With great fanfare he would "crucify" them in public and hoist them high, for all to see. Only later, when the crowds had left, and only the scientists and jurists remained, did he admit that perhaps he had been a bit too hasty.

There is no more striking example of this than the charges he leveled against Range Resources in 2010 of contaminating two family wells in Parker County, TX. When the *Imminent and Substantial Endangerment Order* was issued, it said the "Agency orders Range Natural Gas Company to stop the contamination of Methane and Other Contaminants into drinking water near multiple residences." Mr. Armendariz went on to say, "We believe these were dangerous situations, it was very alarming. We believe we had to act, and act quickly to preserve the well-being of the families that live in these homes."

Unfortunately, he was flat wrong. There was no contamination and his office failed to conduct appropriate or adequate science to support his claims. Eighteen months later, his office quietly withdrew its emergency order.

Mr. Armendariz has not just been content to make examples of oil and gas companies though; he has trained his deterrence efforts on state and local government as well.

The State of Texas has long had a successful flexible permitting program that the EPA first approved 18 years ago. Yet, upon stepping into office, Mr. Armendariz decided that the state of Texas needed to be given notice, so he invalidated the program and sought to have the EPA act as the permit granter for the state. Again, his efforts were in vain. The Courts ruled decisively against his actions, rebuking him by saying:

...the EPA disapproved the PCP Standard Permit—submitted four and a half years earlier—based on its purported nonconformity with three extra-statutory standards that the EPA created out of whole cloth. Moreover, the EPA did this in the context of a cooperative federalism regime that affords sweeping discretion to the states to develop implementation plans and assigns to the EPA the narrow task of ensuring that a state plan meets the minimum requirements of the Act.

The Court then ordered the EPA to approve the Texas regulations.

These are two examples out of dozens where Mr. Armendariz has allowed his personal views to trump the laws he is charged with carrying out and the science that is supposed to guide him. It is clear that his deep seated biases are hindering his competent management of the office he holds.

As public servants, the power we exercise is not our own, it is on loan to us from the people we serve, the American public. When we use that power in ways that cannot be justified – in Mr. Armendariz’s case either through science or under the law – we sow distrust and anger among those we serve.

It is no wonder that the opinions of government is at an all time low – petty bureaucrats like Mr. Armendariz brandish their authority like a weapon, taking joy in intimidating the individuals and companies they oversee.

The men and women who work for oil and gas companies are our constituents, our friends, and our neighbors. They are not criminals in need of deterrence; they are Americans who care deeply about the communities they live and work in.

Not only do energy companies power America, but they are also building our nascent economic recovery. The industry that Mr. Armendariz seeks to deter employs millions of Americans in good, high paying jobs. In some of the hardest hit parts of the country, the energy industry is putting Americans back to work.

Where violations of the law take place and punishment is appropriate, there should be punishment. But, no American should be subject to the spiteful whims of an Administrator who

is so blinded by his ideology that had cannot discern the difference between enforcement and crucifixion.

Given the relationship Mr. Armendariz has cultivated with the citizens of Texas, we believe that the EPA and Region VI would be best served if there was a new, less divisive Administrator installed in his place. Mr. Armendariz's conduct and statements have so contaminated the well that his continued service in this office seems likely to be met with increasing hostility and resistance from the very people he is expected to work with and for.

We are deeply disappointed in not only the statements of Mr. Armendariz, but also the abrasive, hostile posture that his office has struck during his tenure. It is our recommendation that Mr. Armendariz be relieved of his position, effective immediately.

Sincerely,