

# United States Senate

WASHINGTON, DC 20510-4804

December 14, 2016

ENERGY AND NATURAL  
RESOURCES COMMITTEE  
ARMED SERVICES COMMITTEE  
COMMERCE, SCIENCE, AND  
TRANSPORTATION COMMITTEE  
VETERANS' AFFAIRS COMMITTEE

Patrick Morrisey  
Attorney General  
State Capitol Building 1  
Room E-26  
1900 Kanawha Boulevard East,  
Charleston, WV 25305

Dear Mr. Morrisey,

Hearing from West Virginians is important to me, and I appreciate you taking the time to voice your support for the nomination of Oklahoma Attorney General Scott Pruitt to serve as Administrator of the Environmental Protection Agency (EPA). I welcome your input, particularly in light of my conversations earlier this week with President-elect Donald Trump about the nation's energy industry and the important role regulatory reform will play in allowing us to realize our full potential.

As you know, I have joined several efforts led by Attorney General Pruitt in an effort to push back on regulatory overreach by the EPA. Along with 33 of my Senate colleagues in the Senate, I joined an amicus curiae brief filed with the D.C. Circuit Court of Appeals which urges that court to vacate the Clean Power Plan as an egregious overreach of the EPA's authority under the Clean Air Act. I recently signed onto another brief filed with the Sixth Circuit that argues against the EPA's waters of the United States (WOTUS) rule, a rule that would irreparably harm industries such as agriculture and energy by requiring federal water permits for vast but unfounded new categories of what the EPA purports to be "navigable waters". As you will recall, as Governor, I sued the EPA for overstepping its boundaries regarding mountaintop removal practices in West Virginia's coal industry in an effort to ensure that the states have rights and the power to oversee, regulate and protect their citizens and resources. Like all West Virginians, I want clean water and clean air, but these rules ignore common sense and go too far by preventing people from working.

In the Senate, I have led, sponsored and co-sponsored legislation that would repeal or roll back burdensome regulations including the Clean Power Plan, the 111(b) New Source Performance Standard for new and modified electric generating units, the most recent ozone NAAQs standard, and the WOTUS rule, among others. And, legislation that I championed which ensures the states are able to establish permitting programs to ensure the safe disposal and beneficial reuse of coal combustion residuals (CCRs) just passed Congress. This law will ensure that EPA's coal combustion residuals regulations are kept in check and that consumers are not saddled with unnecessary costs.

I believe that Attorney General Pruitt has an impressive resume, and, as a former executive, I believe that the President should have a chance to pick his team. With that being said, I also take my Constitutional responsibility of advise and consent very seriously. Article II, Section II,

Clause II of the United States Constitution provides for a full review of all Presidential appointments by the United States Senate to ensure our federal government is and will remain responsible to the people of our great nation. Your interest as a representative of our great state of West Virginia is noted.

The EPA is in desperate need of reform and I have spent my entire six years as your United States Senator leading efforts to do just that. It is critical that the next EPA Administrator has the necessary experience and expertise to get the job done. I look forward to meeting with Attorney General Pruitt and hearing how he intends to right-size the EPA and refocus it in line with the principles that I have set forth in my years of work on behalf of West Virginians.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Manchin III". The signature is fluid and cursive, with a large initial "J" and "M".

Joe Manchin III  
United States Senator