Secretary



November 28, 2016

Administrator Gina McCarthy U.S. Environmental Protection Agency 1200 Pennsylvania Avenue, N.W., Room 1101A Washington, DC 20460

Dear Administrator McCarthy:

As the final months of the Obama administration draw to a close I would like to express my deep concern over the direction your Environmental Protection Agency (EPA) is taking to rush through a flurry of last-minute rules and regulations.

As the head of a state environmental department that enforces federal regulations, I am troubled by your statement that EPA is "running – not walking – through the finish line of President Obama's presidency." The Obama administration recognized the peril of midnight regulations in a January 2009 memorandum that directed the heads of executive agencies to freeze regulations proposed by the Bush administration and allow Obama appointees the opportunity to review them. U.S. Senator Harry Reid also sponsored a bill in January 2009 that sought "to return the government to the people by reviewing controversial 'midnight regulations' issued in the waning days of the Bush administration."

Your recent statements indicate that you will not extend that courtesy to the incoming Trump administration. Just last month Obama administration agencies approved more than 50 regulations that carry an expected economic impact of \$38 billion. Additionally, more than 160 regulatory actions are still under review. Many of your EPA rules have proven to be controversial; if not unlawful. The federal power plan and the Waters of the United States (WOTUS) rules are examples of new regulations handed down that would greatly harm economic growth with no benefit to the environment.

As you are aware, the U.S. Supreme Court took the unprecedented step of placing the power plan on hold this year; finding that North Carolina and dozens of other states were likely to prevail in their legal challenge against it. This illegal plan would harm low-income Americans who can least afford higher energy costs and stifle economic development in industries such as manufacturing. The WOTUS rule, which was also stayed, represents a

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federal power grab that would limit the ability of farmers to work their land and obstruct the development of private property. It is my sincere hope that the new administration will move quickly to reverse these two devastating attempts at federal overreach as soon as possible.

EPA should avoid the inevitable court challenges against new environmental rules and allow the president-elect and his designees to consider their impact. Please do not force states such as North Carolina to once again join coalitions to overturn hastily prepared and adopted rules.

Thank you for consideration.

Sincerely,

Donald R. van der Vaart

Secretary, N.C. Department of Environmental Quality