On Tuesday, May 20, 2008, the Committee held an oversight hearing on the Environmental Protection Agency's new ozone air quality standards. Witnesses at the hearing included EPA Administrator Stephen Johnson, White House Office of Information and Regulatory Affairs Administrator Susan Dudley, and the Chair of EPA's Clean Air Scientific Advisory Committee, Dr. Rogene Henderson. At the hearing, the Committee examined a series of EPA decisions in which the White House overruled EPA's scientific and legal experts to insist on its desired outcome.

The White House disregarded science in setting ozone standard. Dr. Henderson testified that her expert scientific panel unanimously supported a cumulative, seasonal ozone standard to protect the environment because plants and humans are affected by ozone differently. Administrator Johnson acknowledged that EPA preferred such a standard before the President intervened; however, Administrator Johnson refused to provide the Committee with information explaining the President's consideration of or involvement in the matter. According to Dr. Henderson: "Willful ignorance triumphed over sound science."

The White House reversed the Administrator on the California waiver decision. In a deposition, EPA Associate Deputy Administrator Jason Burnett told the Committee that Administrator Johnson supported granting California's petition under the Clean Air Act to enforce its greenhouse gas emissions standards for cars and light trucks. He testified that Administrator Johnson "was very interested in a full grant of the waiver" in August and September 2007 and then thought that a partial grant of the waiver "was the best course of action." According to Mr. Burnett's testimony, Administrator Johnson's preference for a full or partial grant of the waiver did not change until after he communicated with the White House. The Administrator denied California's petition on December 19, 2007.

Administrator Johnson refused to answer direct questions about the White House role. Several members of the Committee asked Administrator Johnson a number of questions about the role of the White House in the ozone standards and California waiver decision. Mr. Johnson repeatedly refused to answer these questions. When asked several times whether he spoke with the President about the California waiver before denying the petition, he responded: "I have routine conversations with members of the Executive Branch, including the President, on a wide range of issues." The Administrator also would not tell the Committee if he recalled having conversations with the White House about whether costs could be considered in setting the ozone standards. The Clean Air Act prohibits the consideration of implementation costs in setting national ambient air quality standards.