Statement of Robert Brenner
Before the U.S. House Committee on Oversight and Government Reform
Washington, DC
October 1, 2013

Good morning, Chairman Issa, Ranking Member Cummings, and distinguished Committee members.

I am Rob Brenner, and I served as the Director of EPA's Office of Policy, Analysis and Review – often referred to as the Air Policy Office – from 1988 until my retirement two years ago. My career was defined by the opportunity to play a key role in the development, enactment, and implementation of the bipartisan 1990 Clean Air Act Amendments. I organized talented EPA colleagues from across the Agency into a team that developed policy and drafted legislation for both the Reagan and George H.W. Bush administrations. Later I worked with EPA's political leadership and the Bush White House to send a Clean Air Act proposal to Congress and provide Congress with the information it needed for its deliberations. Thanks to our work at EPA, the Clean Air Act was passed in 1990 with the overwhelming support of both the U.S. House of Representatives and the Senate. Afterwards, I devoted much of my remaining career to the effective implementation of its provisions.

I am grateful for the public service opportunities I had at EPA. I was able to work with smart, determined, and effective leaders, not only at EPA; but also across the business, environmental, and academic communities; and with our partners in state and local government to help build an effective implementation program. I designed and led initiatives to provide business opportunities and economic incentives for U.S. companies, support technological innovation, reduce toxic exposures for communities, and monitor the Clean Air Act's costs and benefits for the U.S. taxpayer. The 1990 Clean Air Act has prevented millions of premature deaths and an even larger number of illnesses. Every one of those millions of people has a face; an individual with a family that has been spared the pain, sadness, and cost of managing and suffering with a pollution-induced illness.

I am also fortunate to have been well-recognized for my efforts. I received an EPA Gold Medal for my work on the development and passage of the 1990 Clean Air Act, the Mellon Career Award from the Air and Waste Management Association, Presidential Awards for Meritorious Public Service from Presidents George H.W. Bush and Bill Clinton, and a Distinguished Executive Award for "sustained extraordinary accomplishment" from President George W. Bush. Upon my retirement, then Assistant Administrator Gina McCarthy and Administrator Lisa Jackson presented me with a Distinguished Career Award. Just as meaningful to me are the many notes of thanks I continue to receive from exceptional individuals I recruited, managed, and mentored during my 30-plus years at EPA.

One of the people I recruited into public service was John Beale. Though the Clean Air Act initiative eventually succeeded, EPA's early efforts met their fair share of

frustration. During our unsuccessful attempt to get certain clean air amendments passed in 1987, it became apparent to me that we would need additional help. In particular, the team needed someone with a policy background, who could collaborate with the Agency's attorneys on legal issues, had a commitment to environmental protection, and would work well with our wide range of stakeholders. The person I decided to recruit for the position was John Beale.

John and I met in graduate school, where he was working on both a Master's Degree in Public Affairs and a law degree as part of a scholarship program. We became good friends and worked together on a foundation program to identify and recognize leaders in the area of energy and environmental policy. After graduate school we stayed in touch, and from the early 1980s until about 1989, we saw each other roughly once a year at a vacation home we co-owned in Massachusetts.

What I knew of John and his deep knowledge of and interest in environmental issues made him a strong candidate for the position. And what I witnessed of his commitment to public service, particularly his counseling of returning veterans and representation of abused children as an Officer of the Court, only made him a more obvious choice. In addition, John had gained extensive legal experience at a corporate law firm in Seattle and at the U.S. Attorney's office in New York. We had several discussions about working together in the fall of 1987, and in early 1988 John began a full-time consulting position at EPA. In a very short time, he became a highly-respected member of the Clean Air Act Amendments team. John had an unmatched ability to listen to participants in a negotiation and broker agreements that provided them – and EPA – with a successful outcome.

After that successful start, John transitioned into a full-time policy analyst position at EPA and served as co-director of the Agency's Clean Air Group during the exceptionally challenging 1989-1990 Clean Air Act legislative process. John developed many relationships at EPA, on the Hill, and with stakeholders, and he became a frequent and well-respected participant in Clean Air Act strategy meetings at the Bush White House.

After the Act's passage in 1990, John received an EPA Gold Medal for his contributions. He then began to consider new career options, including some outside of EPA. With the Clean Air Act implementation process still ahead of us, I felt it important that the Agency retain John's skills and knowledge of the Act's legislative history. I recommended that he receive a "retention allowance" – a salary bonus designed to enable the government to compete with the private sector to retain employees with much needed expertise. Those types of bonuses undergo numerous reviews and require approval from two Assistant Administrators, both of whom were superior to me. My recommendation of John was approved by them, and he began receiving the retention allowance in the early 1990s..

John's work over the subsequent decade clearly justified EPA's decision to encourage him to remain at the Agency. During the period I was John's supervisor, he made extraordinary contributions to public health and the environment:

- John worked out the details of several key 1990 Clean Air Act provisions with the EPA Administrator, senior White House officials, and members of Congress. His knowledge of the statute's intent enabled him to manage the subsequent development of two of its most challenging regulations: permitting requirements for large facilities and the improvements to the State-EPA planning processes for achieving air quality standards.

- He brought together the deeply divided stakeholders in the auto industry, states, and the environmental community to negotiate the National Low-Emitting Vehicle program, which resulted in large savings to the industry and significant public health benefits across the country.

- From 1995 to 1997, John played a key role in the development of new national air quality standards for ozone and particulates. John established cross-agency processes to ensure that the EPA Administrator could carefully evaluate the extensive array of relevant health science and receive additional input from scientists and stakeholder groups outside the Agency. The standards have stood up well over time. Not only have the ozone and particulate standards proven to be a milestone in public health protection, but the legal challenges culminated in a unanimous Supreme Court decision, authored by Justice Scalia, upholding the standards.

- He was the leader of the U.S. negotiating team for LRTAP, an international agreement between more than 20 countries – including Europe, Russia, Canada, and Mexico – to reduce the long-range transport of air pollution. John was the North American representative on the Executive Board of the treaty organization and leader of the U.S. negotiating team for individual protocols to cut emissions of volatile organic compounds, nitrogen, sulfur, heavy metals, and for the enforcement provisions.

- John led U.S. negotiations with Mexico to control cross-border air pollution, resulting in Mexico installing additional controls on coal-fired power plants, factories, and vehicles operating in the border region.

- During the 1990s John also became the career policy lead for EPA's climate programs. John arranged for EPA to contribute its scientific expertise, helped develop U.S. policy positions, and then participated in

the negotiations regarding those policies. John also helped negotiate multi-nation action programs to reduce greenhouse gases such as methane. He was the lead EPA participant in the Department of State's efforts to negotiate programs to reduce carbon and other pollutants in India, and led the U.S. efforts that achieved the establishment of similar programs and emission reductions in China, Mexico, and South Africa. His responsibilities also included coordination of various scientific research and domestic energy efficiency programs and collaboration with other federal agencies to ensure that programs across the government operated in a complementary manner.

- John led the successful effort to include a commitment to a global clean cookstove program as an outcome of the Johannesburg World Summit on Sustainable Development. The initiative garnered broad international support and became the Bush Administration's signal achievement at the Summit.

- During the transition between the Clinton and Bush Administrations, John was the EPA representative at the Cabinet meeting with newly-elected President Bush to develop responses to both the California energy crisis and ongoing climate concerns. He continued to represent EPA in the follow-up meetings with the Vice President and senior officials from the Department of Energy, the State Department, and the Federal Energy Regulatory Commission. John received a letter of commendation from Vice President Cheney for his contributions to the development of the Bush Administration's National Energy Plan.

These were all high-priority activities for EPA, resulting in John working directly with the Assistant Administrator for Air and Radiation, and often the EPA Administrator, to develop and implement these initiatives. John's ability to successfully manage a broad range of projects made him a valuable member of the team.

In the late 1990s, John was promoted out of my office into a senior leadership position, reporting directly to the Assistant Administrator for Air and Radiation. The new position and title recognized his leadership in international climate and energy policy.

Notwithstanding all these accomplishments, I am aware that John has recently signed a plea agreement acknowledging that he received certain salary and bonus payments from the EPA to which he was not entitled. I am saddened and disappointed by these events. John is a friend and was an asset to the EPA. I am very proud of the projects I worked on with John. These projects have resulted in more cost effective and innovative policies and millions of people leading healthier lives. The fact that John's good works and contributions will be overshadowed by these events is unfortunate.

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Robert D. Brenner

For more than 25 years, Rob Brenner has been a national leader of clean air policy development in the United States. In recognition of that role, he received a Distinguished Career Service Award from Administrator Lisa Jackson upon his retirement from EPA in August 2011.

From 1988 to 2011, Rob was Director of the Office of Policy Analysis and Review at the Environmental Protection Agency (EPA). He played a key role in the development, Congressional passage, and implementation of the Clean Air Act Amendments of 1990 – the most significant and far-reaching environmental law passed in the last twenty-five years. Since the passage of that landmark law, Rob has focused on innovative, cost-effective ways to implement its provisions, particularly through the use of market-based approaches such as emissions trading and other economic incentives. He was a leader in EPA's efforts to promote development of new, more effective pollution-control technologies such as diesel retrofits, and he pioneered the use of economic analysis in evaluating the effectiveness of EPA programs.

Rob was also very active in nurturing and developing voluntary partnerships with local organizations to target and reduce pollution in their neighborhoods. The flagship program was Community Action for a Renewed Environment (CARE), a cross-media toxics-reduction initiative. Rob successfully incubated this concept, which is now an established EPA program, helping nearly 100 communities nationwide to decrease exposures to toxic chemicals.

Both President George H.W. Bush in 1993 and President Clinton in 1998 conferred on Rob the rank of Meritorious Senior Executive. In 2003, he received the Distinguished Executive Award for "sustained extraordinary accomplishment" from President George W. Bush.

Committee on Oversight and Government Reform
Witness Disclosure Requirement – "Truth in Testimony"
Required by House Rule XI, Clause 2(g)(5)

Name: Robert D. Brenner

1. Please list any federal grants or contracts (including subgrants or subcontracts) you have received since October 1, 2010. Include the source and amount of each grant or contract.

None.

2. Please list any entity you are testifying on behalf of and briefly describe your relationship with these entities.

None.

3. Please list any federal grants or contracts (including subgrants or subcontracts) received since October 1, 2010, by the entity(ies) you listed above. Include the source and amount of each grant or contract.

None.

I certify that the above information is true and correct.

Signature: Robert D. Brenner

Date: September 27, 2013