

Successful Legal Advocacy Within EPA - An Insider's Perspective On HQ Program Offices Rules, Roles and Realities

LaJuana S. Wilcher
English, Lucas, Priest & Owsley, L.L.P.
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Review of State WQS for Dioxin

Establishment of WQS

EPA WQC for Dioxin

Approval of States' WQS

Visibility of Dioxin Issue

Developing the CSO Policy

- Historic litigation
- 1989 “Policy
- Pending legislation in both (D) Houses of Congress
- AMSA Members very worried



You have to know the rules

Substantive and Procedural Rules

- What does the law say (Statute, Courts, Regulations?)
- APA Notice and Comment (but always meet with the decision makers)
- Government Ethics Rules
- Ex Parte Communications

Determine the best approach

- Informal Decision
- Policy
- Regulation
- Statute
- Litigation

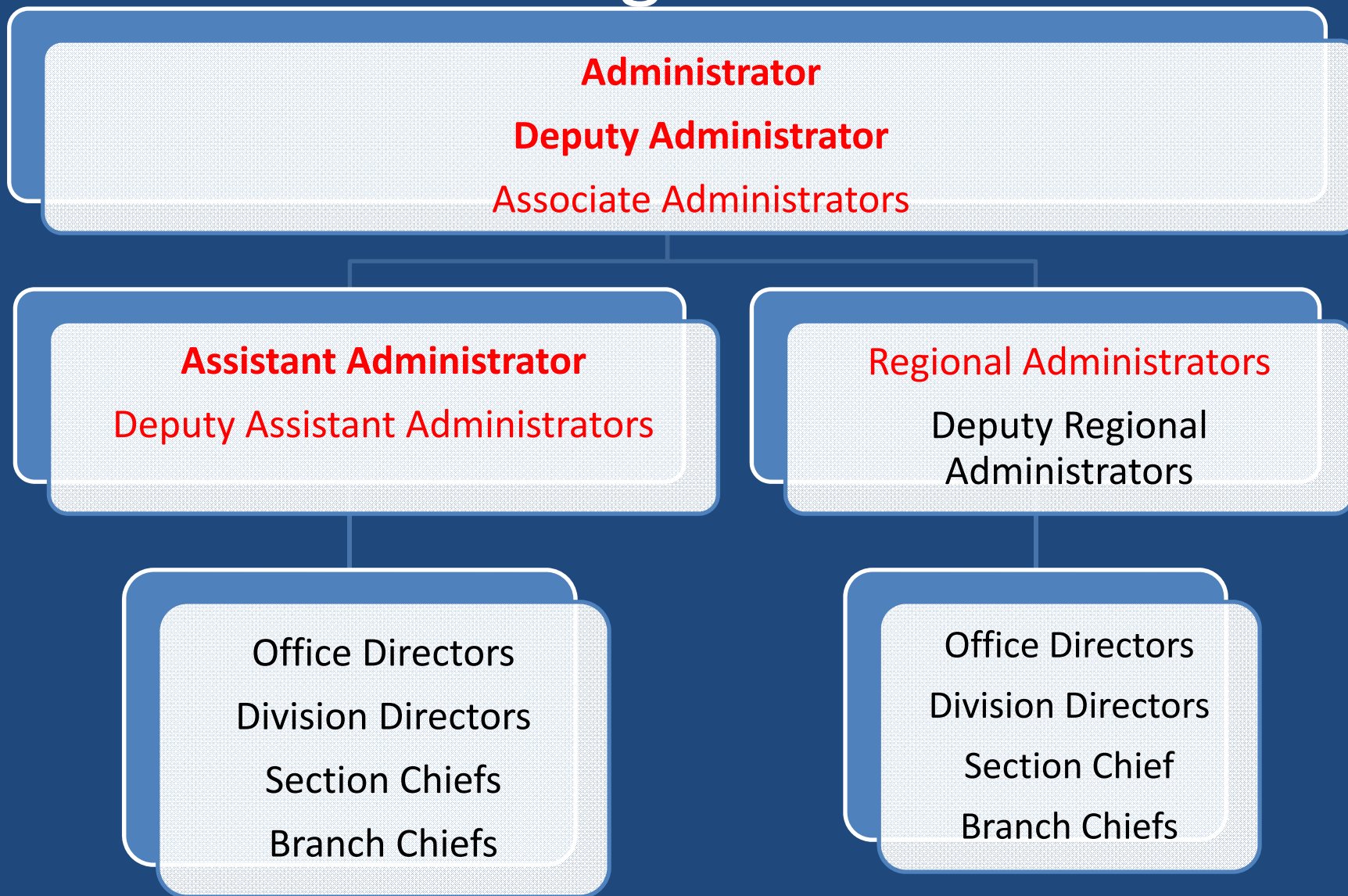
Roles



Who Decides? Roles Depend



EPA Organization



Roles of EPA Program Offices (DC)



Photo by DB King

- Comment on Legislation
- Implement Statutes and Court Interpretations
- Promulgate Rules
- Publish Guidance
- Develop and Defend Budget
- Coordinate and Communicate
 - Other EPA Offices
 - Other Agencies
 - Congress
 - Constituents
 - Press
- Special Issues

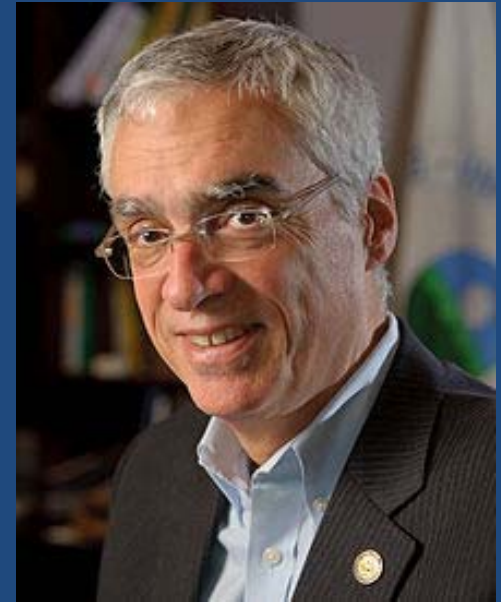
AAs OW 1989 - 2011

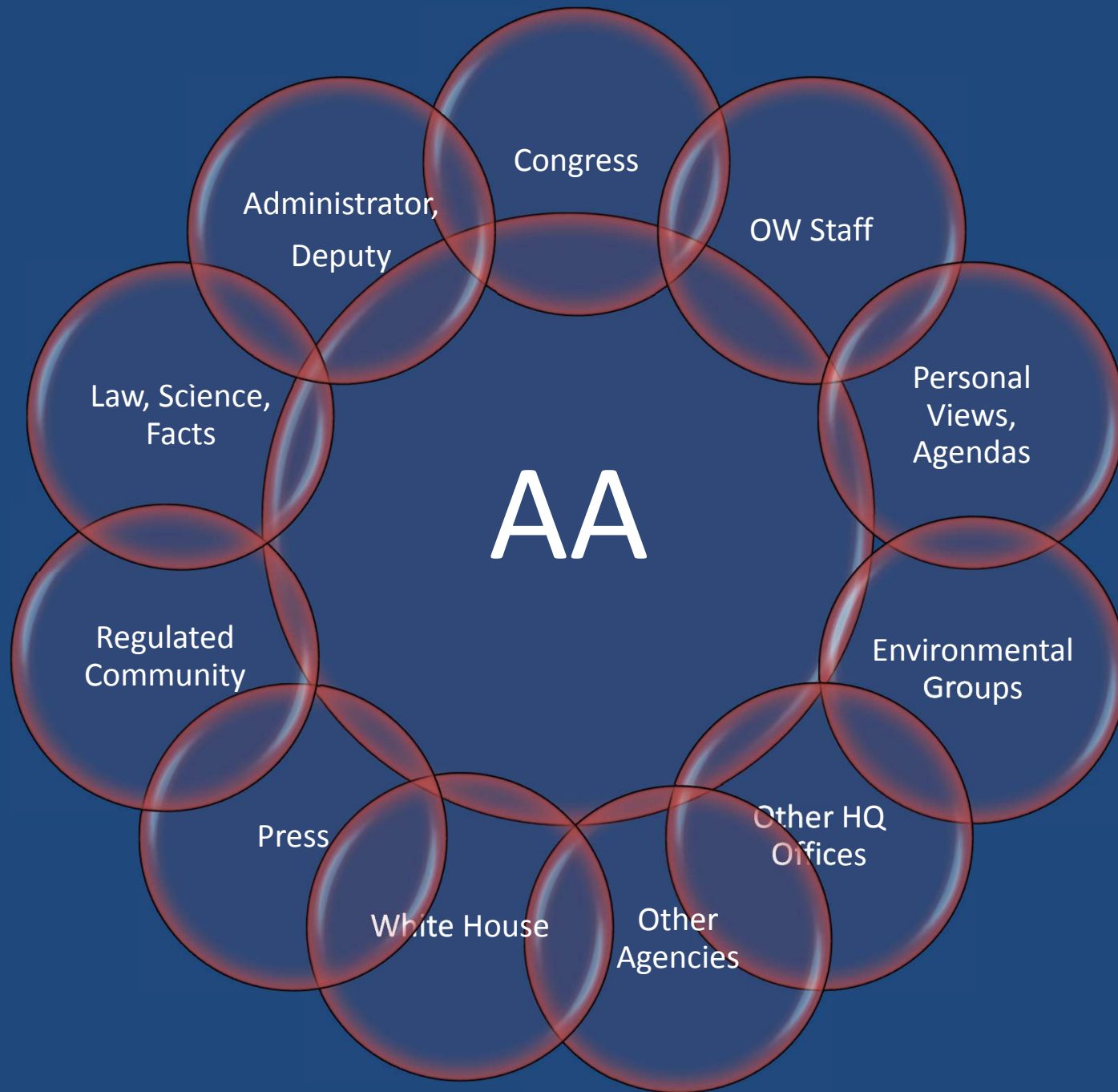


EPA OW Senior Management



Who Decides?





WQS for Dioxin

- Science
 - Law
 - Interests
 - Regs
 - Staff
-
- *NRDC v EPA*, 16 F.3d 1395 (4th Cir. 1993)

The CSO Policy

- Negotiated in 1991-1992
 - Staff
 - Other Offices
 - Constituencies
- Briefings - Last 10% Rule
- New Administration – 1994 Publication
- CWA § 402 (q)
- “New” Interpretations

Contact Information

LaJuana S. Wilcher

English, Lucas, Priest & Owsley, L.L.P.

1101 College Street

Bowling Green, KY 42101

860-227-3524 (cell)

lajuanawilcher@aol.com