

HOUSE JOINT RESOLUTION NO. 34

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY THE HOUSE RULES COMMITTEE BY REQUEST

Introduced: 4/15/14
Referred: Resources

A RESOLUTION

1 **Condemning the comments of Gina McCarthy, Administrator of the United States**
2 **Environmental Protection Agency and requesting an apology; requesting that the**
3 **United States Government Accountability Office conduct an independent review of**
4 **actions by the United States Environmental Protection Agency pertaining to the state;**
5 **requesting that determinations by the United States Environmental Protection Agency**
6 **be equitably applied to the state; requesting that actions by the United States**
7 **Environmental Protection Agency be lawful and that determinations by the United**
8 **States Environmental Protection Agency found to be unlawful, unequitable, or not peer-**
9 **reviewed by the scientific community be rescinded and obstructions to the state and**
10 **communities, citizens, and ventures in the state be removed; and requesting that the**
11 **President of the United States and the United States Congress ensure that federal**
12 **agencies act with prudence and discretion, demonstrating fair and unbiased treatment**
13 **of the issues and people of the state.**

1 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

2 **WHEREAS** The United States Environmental Protection Agency has broad powers to
3 regulate nearly every aspect of life in the state, with policies that affect natural resources
4 management, human health, economic growth, energy, transportation, agriculture, industry,
5 and international trade; and

6 **WHEREAS** the mission and purpose of the Environmental Protection Agency is to
7 ensure that "all parts of society--communities, individuals, businesses, and state, local and
8 tribal governments--have access to accurate information sufficient to effectively participate in
9 managing human health and environmental risks"; and that "environmental protection
10 contributes to making our communities and ecosystems diverse, sustainable and economically
11 productive"; and

12 **WHEREAS** the Environmental Protection Agency accomplishes the agency's mission
13 by writing regulations that often set national standards that states and tribes must enforce; and

14 **WHEREAS** the Environmental Protection Agency recently nullified retroactively a
15 United States Army Corps of Engineers Clean Water Act sec. 404(c) permit issued in 2007
16 for the Pebble Mine project, thereby positioning itself to initiate post-permit veto authority to
17 rescind a sec. 404(c) permit issued for the Pebble Mine project and thwarting the rigorous
18 state permitting process in Alaska; and

19 **WHEREAS** the Environmental Protection Agency has seemingly enforced agency
20 rules inequitably for large projects on the east coast of the United States compared to fill
21 projects in this state, including permitting the "Big Dig" in Boston to dump fill on nearby
22 Spectacle Island; and

23 **WHEREAS** recent actions by the Environmental Protection Agency that have
24 significant effects on the development of resources of the state, such as restricting offshore air
25 quality permits, harassing placer miners in the Fortymile District over hearsay information,
26 preventing our fishermen from rinsing fish waste off of their boats into water they were in
27 only moments before, attempting to prevent fish parts or noxious conditions naturally caused
28 by decomposition from occurring near shore locations, and preventing residents from burning
29 natural fuels, such as wood or coal, to heat their homes in sub-zero Fairbanks winters, reflect
30 the agency's blatant disregard for the use of factual, peer-reviewed hard science that citizens
31 should be able to depend on for accurate and convincing decisions; and

1 **WHEREAS**, despite attempts by the state and congressional delegation of the state to
2 educate the Environmental Protection Agency about the unique ways of life and cultures of
3 the state, agency decisions continue to be based on anecdotal evidence or mock scenarios
4 rather than fact-based peer-reviewed science and demonstrate a lack of sensitivity to the
5 unique qualities of the state; and

6 **WHEREAS** Gina McCarthy, the Administrator of the Environmental Protection
7 Agency, visited several communities of the state in late August 2013, including both a Bristol
8 Bay community and the Interior city of North Pole, where residents welcomed her with good
9 will, gracious hospitality, and gifts, including a pin from the City of North Pole by Mayor
10 Bryce Ward and a traditionally significant gift of moose meat from the First Chief of the
11 Curyung Tribal Council; and

12 **WHEREAS** it was reported in the Wall Street Journal on March 6, 2014, that officials
13 from the "ethics bureaucracy chased her down for a dinky City of North Pole pin someone
14 gave her at an event," yet these pins are coveted by many recipients who understand they are
15 given in the "Spirit of Christmas Year Round"; the Administrator responded dismissively, "I
16 threw the (expletive) thing away"; and it was further reported that she disparaged the jar of
17 moose meat, valued as a traditional subsistence food and relied upon by many residents of the
18 state in both rural and urban areas of the state, saying it "could gag a maggot"; and

19 **WHEREAS** North Pole and Fairbanks communities are suffering from manipulation
20 of 1997 National Ambient Air Quality Standards by the Environmental Protection Agency
21 that create a PM2.5 air quality attainment compliance issued, despite a distinct lack of
22 scientific understanding of the integrity of the underlying data, and with manipulation of
23 ground water contamination issues; and

24 **WHEREAS** the values of an agency leader permeate the culture, environment,
25 attitudes, and behaviors of the agency and are often reflected in agency decisions, in this case
26 revealing a plausible disdain for the residents of the state and our cultures and traditions, and
27 instilling distrust in residents of the state and other reasonable persons that, while Gina
28 McCarthy remains the Administrator of the United States Environmental Protection Agency,
29 environmental decisions by the agency will be gravely prejudiced by the Administrator's
30 negative bias and have serious consequences for the ability of residents to settle and
31 responsibly develop the state as guaranteed in the 1958 Statehood Act, ratified by voters of

1 the state and signed by President Eisenhower on January 3, 1959;

2 **BE IT RESOLVED** that the Alaska State Legislature condemns the comments of
3 Gina McCarthy, Administrator, United States Environmental Protection Agency reported in
4 the March 6, 2014, Wall Street Journal, and considers the comments to be an abhorrent
5 display of disrespect for the state's shared way of life and unbecoming the Administrator's
6 high position of authority; and be it

7 **FURTHER RESOLVED** that the Alaska State Legislature considers Administrator
8 McCarthy's comments to be indicative of a culture within the United States Environmental
9 Protection Agency too often characterized by indifference, wilful ignorance, and disrespect
10 for the state and the cultures of the state; and be it

11 **FURTHER RESOLVED** that the Alaska State Legislature requests and demands that

12 (1) Administrator McCarthy immediately apologize directly to the state, to all
13 residents of the state, to the City of North Pole, and to those individuals whose thoughtful
14 welcoming gifts she wrongfully disparaged;

15 (2) the United States Government Accountability Office conduct an
16 independent review of actions by the United States Environmental Protection Agency
17 pertaining to the state under the current administrator's tenure, using fact-based scientific
18 determinations that have been peer-reviewed, scrutinized, and critiqued by expert scientists
19 before they become widely accepted;

20 (3) Environmental Protection Agency determinations be equitably applied to
21 the state, as if in any other state;

22 (4) actions by the Environmental Protection Agency be lawfully applied
23 according to the requirements and restrictions placed on federal agencies under the Alaska
24 Statehood Act, the Alaska Native Claims Settlement Act, and the Alaska National Interest
25 Lands Conservation Act; and

26 (5) all determinations made by the Environmental Protection Agency found to
27 be unlawful, unequitable, or not peer-reviewed by the scientific community be rescinded and
28 obstructions to the state and communities, citizens, and ventures in the state be removed; and
29 be it

30 **FURTHER RESOLVED** that the Alaska State Legislature requests the President of
31 the United States and the United States Congress to ensure that federal agencies act with

1 prudence and discretion and demonstrate fair and unbiased treatment of the issues and people
2 of the state that federal agencies and officials be held to restraints imposed on them by the
3 Statehood Act, and that they are responsive to the lawful requests made by, or on behalf of,
4 the state.

5 **COPIES** of this resolution shall be sent to Honorable Barack Obama, President of the
6 United States; the Honorable Joseph R. Biden, Jr., Vice-President of the United States and
7 President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of
8 Representatives; the Honorable Harry Reid, Majority Leader of the U.S. Senate; the
9 Honorable Gina McCarthy, Administrator of the United States Environmental Protection
10 Agency; the Honorable Lisa Murkowski and the Honorable Mark Begich, U.S. Senators, and
11 the Honorable Don Young, U.S. Representative, members of the Alaska delegation in
12 Congress.