



United States Senate
Washington, DC 20510

Re: Oppose the judicial nomination of Neomi Rao to the United States Court of Appeals for the D.C. Circuit.

Dear Senator,

The League of Conservation Voters (LCV) works to turn environmental values into national, state and local priorities. Each year, LCV publishes the *National Environmental Scorecard*, which details the voting records of members of Congress on environmental legislation. The *Scorecard* is distributed to LCV members, concerned voters nationwide, and the media.

We urge you to oppose the judicial nomination of Neomi Rao to the United States Court of Appeals for the D.C. Circuit. During her time as Administrator of the Office of Information and Regulatory Affairs (OIRA), Rao has led efforts to roll back fundamental environmental protections and misuse the regulatory review process for partisan political purposes.

During review of proposed rollback of the *Methane and Waste Prevention Rule*, Rao's office repeatedly pressured the Environmental Protection Agency (EPA) to adopt fossil fuel requests to significantly reduce inspections for natural gas leaks. OIRA's proposal would have doubled the amount of methane released into the atmosphere and, according to the EPA's own determination, conflicted with their legal obligation to reduce emissions. Rao's office has also censored language related to the impact of climate change on public health, removing references from EPA reports on the *Clean Power Plan* and the *Refrigerant Management Program*.

Rather than using an objective analysis of costs and benefits resulting from public protections, Rao adopted a method that seeks to disregard public health benefits, and artificially inflate costs to corporate interests. Specifically, since the Reagan administration OIRA has required agencies to consider "co-benefits" of rules, such as reduction of pollution that isn't the primary objection of the protection. However, to undermine the protections of the *Mercury and Air Toxics Standards*, Rao allowed the EPA to ignore co-benefits, including an estimated 11,000 premature deaths and 130,000 asthma attacks prevented annually by the rule.

Rao has spent the past twenty years arguing against environmental and other public protections, disparaging efforts to keep our air and water clean as unnecessary burdens on corporate freedom, and even referring to the greenhouse effect as a "controversial theory." Her long record on this issue, as well as her partisan efforts as the head of OIRA, make clear that she is incapable of serving fairly as a federal judge. The D.C. Circuit is considered by many as the second highest court in the nation, and deals largely with the review of federal agency action. Confirming a partisan, anti-environment nominee to a lifetime position on the bench undermines the function of the court as an independent arbiter of the executive branch.

In addition, LCV is committed to racial justice and equity, and Rao's writings on sexual assault, race, and LGBTQ equality are offensive and demean the integrity of the court. Rao's inflammatory writings elucidate her motivation for spending her career devaluing efforts to protect and support those most at risk in our society, motivations which have no place on the federal bench.

For these reasons, LCV strongly urges you to oppose the judicial nomination Neomi Rao to the United States Court of Appeals for the D.C. Circuit. We will consider including this confirmation vote in the 2019 *Scorecard*. If you need more information, please call my office at (202) 785-8683 and ask to speak with a member of our government relations team.

Sincerely,

Gene Karpinski
President