In Washington, D.C.
2204 Rayburn House Office Building
Washington, D.C. 20515
(202) 225-3976 (phone)
(202) 225-4099 (fax)

In Los Angeles
8436 West Third Street,
Suite 600
Los Angeles, CA 90048
(323) 651-1040 (phone)
(818) 878-7400 (phone)
(310) 652-3095 (phone)
(323) 655-0502 (fax)

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Op-Ed Articles

Quayle Group Meddles with our Standards

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Los Angeles Times

By Henry A. Waxman

The competitiveness council plays to the special interests, in secret, subverting the law.

Vice President Dan Quayle's advisers think that his image will be enhanced by his efforts to weaken the Clean Air Act because "you can't be a lightweight and a nation menace at the same time."

They're wrong; the vice president's reckless and sloppy interference with the law loo foolish and is dangerous.

Here's what's happened. When Congress debated the new Clean Air Act last year, bi polluters and the Bush Administration advocated the weakest control options in near every section of the bill. Congress rejected most of these proposals and passed a tougher bill than the President wanted.

Bush, to his credit, chose to sign rather than veto the act, and it became law.

Under our Constitution, the President must "faithfully" execute a law once it's enacte An administrative agency -- in this case the Environmental Protection Agency -- is charged with implementing and enforcing the law's provisions.

For the past year, the House subcommittee on health and the environment has been investigating the EPA's implementation of the Clean Air Act. Part of what we found was expected: Polluters who lost legislative battles in Congress have asked the EPA for special consideration. In most cases, the agency has said no.

What's troubling, however, is that the EPA's position means little. Disappointed lobbyists merely take their case to Quayle's Council on Competitiveness. There they have found friendly ears willing to reverse the EPA's decisions, although the only thing the council knows is what the polluters have told it.

The council wants to be a super-regulatory body, but it refuses to comply with the laws and rules that all federal regulators must live by. Although the council regularly invites industry lobbyists to voice their objections to agency regulations, those messages remain private, in violation of the principles of open government. This secrecy breeds all of the problems that our administrative and ethics laws were

designed to overcome -- conflict of interest, political favoritism and lawlessness.

In a recent subcommittee hearing, four of the nation's leading legal experts agreed th the council was illegally trampling on important laws and procedures.

First, by quashing an EPA recycling regulation that affected his family's newspaper business, Quayle violated the most minimal ethical standards. One expert bluntly described the vice president's actions as "the common alley-cat breed of conflict of interest."

Second, Quayle was wrong -- legally and ethically -- to give his chief deputy at the council, Allan B. Hubbard, who owns a chemical company, a blanket waiver from ot conflict-of-interest laws. This waiver allows Hubbard to participate in clean-air regulatory decisions that directly affect his financial interest.

Third, Hubbard has acted inappropriately -- and probably illegally -- in making regulatory decisions that affect his financial holdings.

Finally, the council's secret meetings, ex parte contacts with dissatisfied private interests and refusal to keep any records are an illegal intrusion into the regulatory process. The council's conduct goes far beyond anything in the Keating Five scandal it doesn't merely advocate special-interest fixes, it dictates them.

The council has already met with EPA officials on the Clean Air Act at least 50 time In one case, a council proposal for a major loophole, which the EPA was strong-arm into adopting, was so egregious that the agency's chief lawyer took the unprecedente step of concluding in writing that the regulation was likely to be rejected if challenge in court.

Federal law requires fair and open administrative proceedings, in which each interested party can read and rebut the other's comments and none has private access to the decision-makers. In this, as in conflict-of-interest questions, it's essential that the public's trust in the impartiality of federal decision-makers be honored. Ethics ca never take a back seat to political expediency or ideological zeal.

At a minimum, Quayle and his staff have ineptly hindered measures that protect the public, failed to meet ethical standards and evaded public accountability.

Bush pledged that "the threshold for judging ethical conduct in government is not, should not and will not be whether an appointee has committed a criminal offense, b whether that individual has exercised honest, unbiased judgment and scrupulously avoided any appearance of impropriety or conflict of interest."

Quayle and his staff fail this test. It's time for Bush to demand that the council's arrogance of ethics and perversion of law and the regulatory process be stopped.