

ALERTS**Environmental Law Alert - Gina McCarthy Nominated To Be EPA Administrator**

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Today President Obama announced his intent to nominate Gina McCarthy as Administrator of the U.S. Environmental Protection Agency (EPA), to replace Lisa Jackson, who resigned effective Feb. 14, 2013. Bob Perciasepe, EPA Deputy Administrator, currently is the Acting EPA Administrator.

Ms. McCarthy is the Assistant Administrator for EPA's Office of Air and Radiation. In that capacity, Ms. McCarthy has overseen a series of controversial Clean Air Act rulemakings, including proposals to regulate greenhouse gases. Prior to her current EPA appointment in June 2009, Ms. McCarthy served as the Commissioner of the Connecticut Department of Environmental Protection. Among her accomplishments as Commissioner was the establishment of a nutrient TMDL for the Long Island Sound.

While Ms. McCarthy's confirmation may be delayed while Senators exercise their prerogative to use her nomination as leverage to obtain EPA responses to information requests, we expect her to be confirmed eventually. In addition, while many Clean Air Act rules emerging from her current office are controversial, Ms. McCarthy and her office have a reputation for being open and sharing information with stakeholders, a reputation that is not shared by all EPA offices.

Upon Ms. McCarthy's confirmation, we expect Janet McCabe, the current Deputy Assistant Administrator for EPA's Office of Air and Radiation, to become Acting Assistant Administrator. Ms. McCabe formerly worked for the Indiana Department of Environmental Management, and for an Indianapolis children's health advocacy organization, Improving Kids' Environment.

Ms. McCarthy has state level experience in a wide variety of environmental issues and has worked for both Democrat and Republican governors. Immediately prior to moving to Connecticut in 2004, Ms. McCarthy was the Deputy Secretary of Operations within Governor Mitt Romney's Office for Commonwealth Development. Her other jobs in Massachusetts government included her 1985 appointment by Governor Dukakis to the Hazardous Waste Facility Site Safety Council within the state's Executive Office of Environmental Affairs. In 1994, Governor Weld chose Ms. McCarthy to be Executive Director of the Administrative Council of the Executive Office of Environmental Affairs, to manage the Massachusetts Toxics Use Reduction Program. In 1999, Ms. McCarthy became the Assistant Secretary of Pollution Prevention, Environmental Business, and Technology for Governor Cellucci. The responsibilities of this office included brownfields redevelopment, coal-fired power plants, innovative environmental technology, mercury reduction, and

RELATED PEOPLE**Fredric P. Andes**

Partner

Chicago, Washington, D.C.

P 312-214-8310

F 312-759-5646

fredric.andes@btlaw.com

**Charles M. Denton**

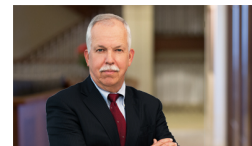
Partner

Atlanta, Grand Rapids

P 616-742-3974

F 404-264-4033

charles.denton@btlaw.com

**Michael H. Elam**

Partner

Chicago, Indianapolis

P 312-214-5630

F 312-759-5646

michael.elam@btlaw.com

**Anthony C. Sullivan**

Partner

Indianapolis

P 317-231-7472

F 317-231-7433

tony.sullivan@btlaw.com

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environmental justice. In February 2003, Governor Romney named Ms. McCarthy Undersecretary of Policy at the Massachusetts Executive Office of Environmental Affairs.

If confirmed, Ms. McCarthy will be the twelfth person to serve as EPA Administrator.

For more information, contact the Barnes & Thornburg attorney with whom you work or one of the following attorneys in the firm's Environmental Law Department: Charles Denton at charles.denton@btlaw.com or 616-742-3974; Jeff Longsworth at jeffrey.longsworth@btlaw.com or 202-408-6918; Fred Andes at fredric.andes@btlaw.com or 312-214-8310; Tony Sullivan at tony.sullivan@btlaw.com or 317-231-7472; and Michael Elam at michael.elam@btlaw.com or 312-214-5630.

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