

Testimony Submitted for the Record
Senate Committee on Environment and Public Works
Hearing on the Nomination of the Honorable Lee M. Zeldin to be Administrator of the
Environmental Protection Agency

**By Donald K. Sherman, Executive Director and Chief Counsel, Citizens for Responsibility
and Ethics in Washington**

January 16, 2025

Chairman Capito, Ranking Member Whitehouse and members of the Committee, thank you for the opportunity to submit testimony regarding the nomination of Lee Zeldin to be Administrator of the Environmental Protection Agency (EPA).

My organization, Citizens for Responsibility and Ethics in Washington (CREW), is a nonpartisan nonprofit organization dedicated to fighting corruption and preserving ethical democracy. Among our other work, CREW aims to hold officials in all three branches of government accountable for conflicts of interest between their public duties and their private finances. I write today to highlight the conflicts between Lee Zeldin's personal financial interests and the duties of the office for which he has been nominated.

The EPA is responsible for enforcing the laws Congress passes to protect the health and well-being of the environment and the public.¹ The EPA is crucial in the nation's efforts to maintain clean air and water, conserve its natural resources and raise awareness about environmental risks across all levels of government.² At the heart of the EPA's work is its regulation of private industry across a diverse range of sectors, from agriculture and transportation to dry cleaning and furniture manufacturing.³ When businesses or individuals violate environmental law and regulations, it can threaten the health and safety of Americans in urban, suburban and rural communities across the country. The EPA's work to impose civil or criminal penalties on violators through a variety of enforcement actions is integral to protecting the lives and livelihoods of your constituents and countless others.⁴

¹ U.S. Environmental Protection Agency, *Our Mission and What We Do*, <https://www.epa.gov/aboutepa/our-mission-and-what-we-do>.

² *Id.*

³ U.S. Environmental Protection Agency, *Agriculture Sectors: Crop (NAICS 111) and Animal (NAICS 112)*, <https://www.epa.gov/regulatory-information-sector/agriculture-sectors-crop-naics-111-and-animal-naics-112>; U.S. Environmental Protection Agency, *Transportation and Warehousing Sector (NAICS 48-49)*, <https://www.epa.gov/regulatory-information-sector/transportation-and-warehousing-sector-naics-48-49>; U.S. Environmental Protection Agency, *Dry Cleaning Sector (NAICS 8123)*, <https://www.epa.gov/regulatory-information-sector/dry-cleaning-sector-naics-8123>; U.S. Environmental Protection Agency, *Furniture Manufacturing Sector (NAICS 337)*, <https://www.epa.gov/regulatory-information-sector/furniture-manufacturing-sector-naics-337>.

⁴ U.S. Environmental Protection Agency, *Basic Information on Enforcement*, <https://www.epa.gov/enforcement/basic-information-enforcement>.

Given this broad mandate, EPA activity also has a direct impact on private industry, which in turn has a vested interest in influencing the agency to its benefit. It is for that reason that Mr. Zeldin's apparent conflicts of interest are so concerning. Mr. Zeldin's financial disclosures reveal that he has been paid more than \$100,000 to write a number of op-eds in several publications since leaving Congress in 2023.⁵ Three of those op-eds were related to environmental policy: two op-eds on corporate environmental, social and governance (ESG) practices, and another on New York State's climate goals and fracking policy.⁶ Mr. Zeldin's disclosure reveals that he was paid to write these op-eds by three public relations firms: CRC Advisors, DCI Group and CGCN Group.⁷ It is unclear on behalf of which clients these public relations firms paid Mr. Zeldin, but certainly they are not representative of the everyday Americans who rely on EPA's enforcement of our environmental laws. It is likely, moreover, that those clients have a vested interest in influencing public opinion and public policy on climate and environmental policy and could be among the industries that EPA conducts oversight of or has previously imposed criminal and civil penalties on. For instance, CGCN Group's clients include the American Petroleum Institute and multiple energy companies, while CRC's clients include Chevron.⁸

It is a bedrock principle of American democracy that public officials serve the public good, not their own private interests. Codified in 18 U.S.C. § 208, federal conflict of interest laws bar government officials from acting on matters in which they, or someone whose interests are imputed to them, have a financial stake.⁹ These payments, made on behalf of clients whose identity the public does not know, for the purpose of writing op-eds on topics closely related to the functions of the EPA, make more salient questions about whether Mr. Zeldin, if confirmed, will act in the best interests of the public, rather than in service to private

⁵ Bryan Metzger, *Trump's pick to lead EPA was paid tens of thousands to write op-eds criticizing climate policies and ESG*, Business Insider (Jan. 12, 2025), <https://www.businessinsider.com/trump-epa-nominee-lee-zeldin-financial-disclosure-editorials-esg-climate-2025-1>.

⁶ Lee Zeldin, *How Congress Can Stop the Next FTX*, RealClear Policy (Mar. 3, 2023), https://www.realclearpolicy.com/articles/2023/03/03/how_congress_can_stop_the_next_ftx_885118.html; Lee Zeldin, *War on ESG investing must shift focus to proxy advisers*, Newsday (Aug. 10, 2024), <https://www.newsday.com/opinion/commentary/guest-essays/esg-investing-yte5q4zn>; Lee Zeldin, *New York targets beef producers but can't meet its own climate goals*, Fox News (July 31, 2024), <https://www.foxnews.com/opinion/new-york-targets-beef-producers-cant-meet-its-own-climate-goals>.

⁷ Lee Zeldin, *Executive Branch Personnel Public Financial Disclosure Report (OGE Form 278e)*, U.S. Office of Government Ethics (Dec. 31, 2024), <https://extapps2.oge.gov/201/Presiden.nsf/PAS+Index/B4586F4FD7718EA485258C0F00336FAE/%24FILE/Zeldin%2C%20Lee%20%20final278.pdf>.

⁸ OpenSecrets, *Lobbying Firm Profile: CGCN Group*, <https://www.opensecrets.org/federal-lobbying/firms/summary?cycle=2024&id=D000032643>; Peter Wade and Andrew Perez, *Trump's EPA Pick Has Been Writing Op-eds on Behalf of Secret Clients*, Rolling Stone (Jan. 12, 2025), <https://www.rollingstone.com/politics/politics-news/lee-zeldin-trump-epa-op-eds-1235233073>.

⁹ 18 U.S.C. § 208.

companies who seek to influence EPA policy. Before considering Mr. Zeldin's nomination, the Senate must first receive adequate transparency from Mr. Zeldin about his financial entanglements, and assurances that he will be in compliance with conflict of interest laws and will recuse himself when required by law. To that end, Mr. Zeldin must disclose to this committee who the clients were that paid for his op-eds, demonstrate that the payments he has received will not improperly influence his policymaking judgment as EPA administrator and promise to recuse from matters when necessary.

The EPA administrator is a guardian of the nation's environment, public health and well-being. As this committee well knows, to be confirmed to this position, a nominee must demonstrate that they possess the requisite temperament and disposition to be entrusted with such responsibility. In order to ensure that Mr. Zeldin can perform the duties of EPA administrator on behalf of the American public without bias or financial conflicts, and to properly fulfill its constitutional duty to advise and consent on a president's cabinet nominees, the Committee must inquire into the relevant op-ed payments Mr. Zeldin received last year, and receive assurances that those payments will not impact his decision making if confirmed. We thank the Committee for taking seriously its consideration of this nomination and its fidelity to our federal conflicts of interest laws.