As <u>predicted by Cara</u> recently in this space, it's being widely reported (for example <u>here</u>) this morning that <u>Gina McCarthy</u>, currently EPA's Assistant Administrator for the Office of Air and Radiation, is Obama's pick to succeed Lisa Jackson as EPA Administrator.

Cara sees this appointment as a good thing for EPA's climate policy efforts and efforts to work with states like California, which of course is playing its own important role in climate policy. I agree. I would just add that I think it says a couple of things about the administration's priorities for environmental policy in its second term.

First, it's a stay-the-course appointment. McCarthy has headed up EPA's air pollution regulation division for the past four years, and air pollution (both conventional and greenhouse gas versions) has been the agency's clear focus. EPA has had, and will have, its hands full with air pollution issues, particularly with figuring out how the Clean Air Act must, can, and should be used to combat greenhouse gas pollution. McCarthy is well positioned to lead that effort. She knows the relevant laws, institutions, and players well. But she won't forget that the Clean Air Act deals with much more than climate change; her background is as a public health advocate.

Second, she's a pragmatist, interested in outcomes rather than how they are achieved. She has been a chief architect of the administration's Cross-State Air Pollution Rule, which was designed to improve air quality at relatively low cost by allowing "air-quality assured trading" (EPA's term) in the eastern half of the country. That rule, which followed on a Bush administration trading initiative that didn't survive judicial review, was itself <u>struck down by the D.C. Circuit</u> as inconsistent with the Clean Air Act. Although that rule didn't survive, it indicated the agency's (and presumably McCarthy's) willingness to think creatively and use all the tools at its disposal to try to achieve its goals, in this case dealing with the persistent and difficult problem of interstate air pollution. She'll need that kind of creativity going forward, and a more sympathetic D.C. Circuit wouldn't hurt either.

This appointment makes all kinds of sense at the current political moment — McCarthy is an insider who knows how to work the system and understands the kinds of opposition she will be dealing with in Congress and some states. If there's a downside to it, it is that it will reinforce the agency's existing emphases on air pollution and on public health. I've been frustrated with the lack of progress on water issues in the first Obama term, and I've been frustrated for some time with the minimal attention paid by the EPA (despite its name) to environmental harm as opposed to human health impacts. But even I don't think it would be a viable strategy to put aggressive ecosystem protection front and center right now.