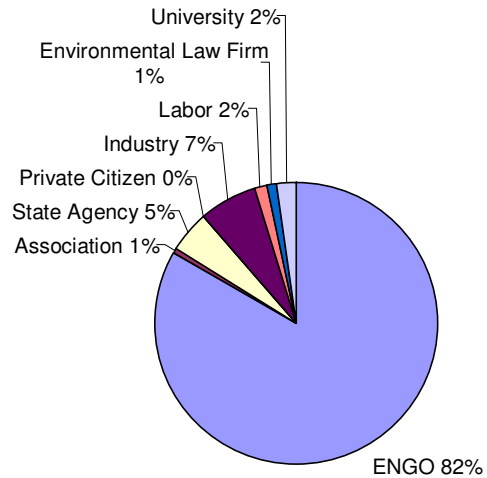


MILLIONAIRE ENVIRONMENT GROUPS TAKE MILLIONS IN TAXPAYER DOLLARS FROM EPA LITIGATION

Based on a snapshot of the Environmental Protection Agency’s (EPA) litigation over the past couple of years, environmental groups (ENGOS) profited more than any other plaintiff, including industry, from attorney’s fees paid from environmental litigation against EPA.

Attorney's Fees Awarded By Payee Type



U.S. Senate Environment and Public Works Committee (EPW) Ranking Member Jim Inhofe and EPW Transportation and Infrastructure Subcommittee Ranking Member David Vitter uncovered this fact after obtaining data from the Government Accountability Office. This is the first time the federal government has released such data. The data includes litigation costs for all EPA environmental statutes except the National Environmental Policy Act (NEPA).

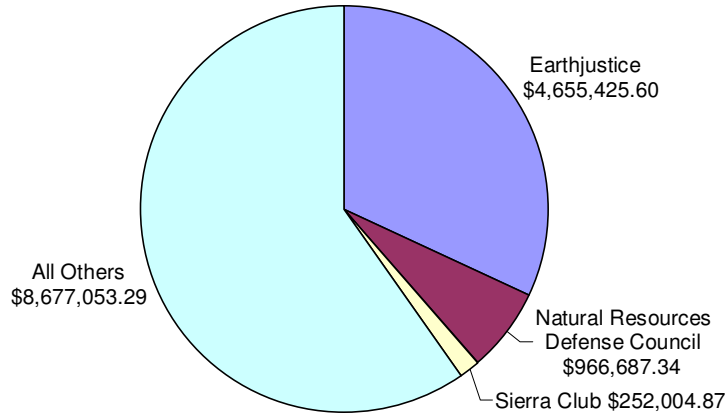
Under various statutes, EPA and the Treasury Department are required to reward attorney’s fees to plaintiffs that successfully challenge EPA.

These same Environmental Organizations that benefited are multi billion dollar organizations.

| Environmental Organization | Net Assets Reported in 2009 |
|-----------------------------------|------------------------------------|
| Sierra Club | \$48,920,055.00 |
| Earthjustice | \$32,377,514.00 |
| Natural Resources Defense Council | \$181,427,464.00 |

The data reveals that that one litigant—Earthjustice-- received 32 percent of all attorney’s fees paid to EPA litigants. When combined with 2 other litigants—the Sierra Club and the Natural Resources Defense Council—these three groups received 41 percent of all the attorney’s fees awarded to EPA litigants.

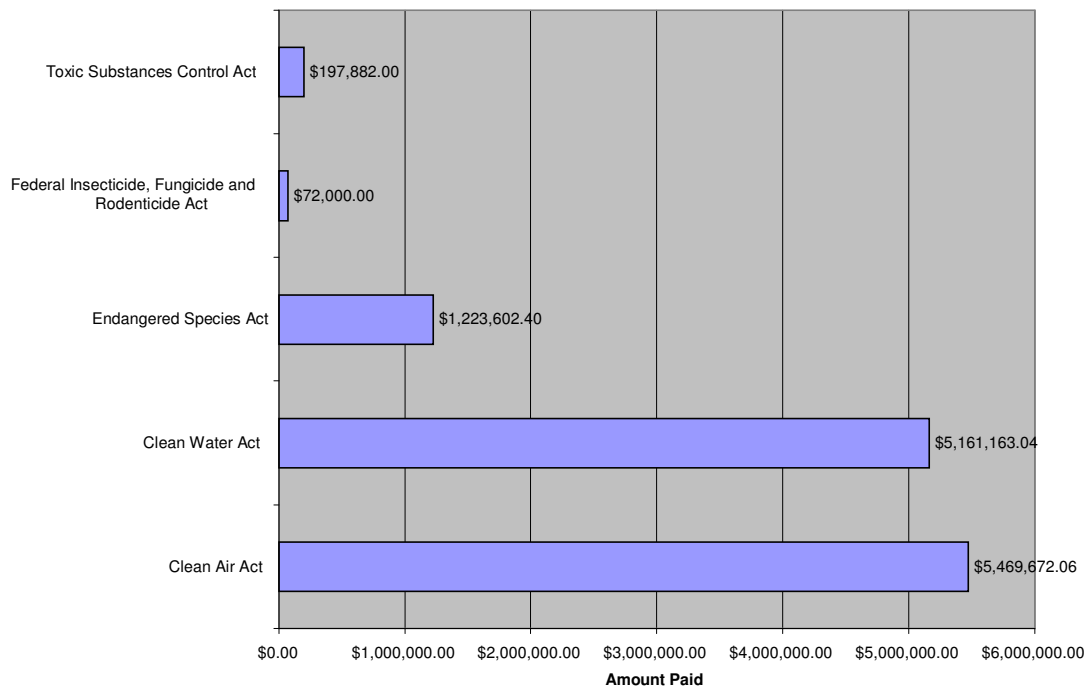
Top Recipients of Attorney's Fees from EPA Litigation



In addition to attorney's fees awarded, the Senators found that Justice spent at least \$43 million in taxpayer dollars defending EPA in court from 1998 - 2010.

The Senators also uncovered that most of the attorney's fees paid to environmental organizations were paid under the Clean Air Act, followed next by the Clean Water Act.

ENGO Attorney's Fees Paid by Statute



While federal statutes were written with citizen suit provisions and attorney's fees reparations to ensure that citizens had proper avenues to seek redress against the federal government—did Congress envision a handful of multi-billion dollar organizations benefitting the most?

GAO UNCOVERS TRANSPARENCY AND ACCOUNTABILITY GAPS IN USE OF TAXPAYER DOLLARS TO PAY EPA LITIGANTS

In providing this data to Senators Jim Inhofe and David Vitter, the Government Accountability Office (GAO) uncovered a troubling lack of transparency and accountability in record keeping regarding environmental litigation expenses incurred in EPA litigation. Specifically, GAO could only provide the Senators with data from recent years, rather than the past 15 years, as the Senators requested.

GAO uncovered a troubling lack of transparency and accountability in record keeping regarding environmental litigation expenses from EPA cases. Specifically, GAO found:

- Inconsistent formatting of key data elements produced significant problems for completing our analysis and required significant manual review by GAO and Justice.
- The Department of Justice does not have a standard approach for maintaining key data on environmental litigation cases, and the data they do collect are in two separate databases that do not collect the same type of data on environmental cases.
- EPA does not track its attorneys' time by case, GAO was not able to include data on EPA attorney costs spent on environmental litigation cases.
- GAO was unable to calculate the total number of hours that Justice Attorneys worked on environmental cases – and hence, total costs of attorney time – because the U.S. Attorneys' time is not tracked by case.
- The Department of Treasury does record data on payments made from its Judgment Fund, an account within the Treasury Department authorized under the Equal Access to Justice Act for rewarding attorney's fees to successful plaintiffs, but does not publish them.
- The government may also incur other costs associated with litigation, including the costs of revising regulations in response to lawsuits, EPA overhead costs, and costs associated with delays in EPA permitting, but GAO did not have reliable data to quantify these costs.

GAO Found No Plans to Improve Transparency and Accountability.

- In discussing these accountability issues, Justice officials said they do not plan to change their approach to managing the data because they use the data in each system to manage individual cases, not to identify and summarize agencywide data on cases or trends.
- While funds are spent to maintain the systems, Justice officials indicated that the systems are old and adding data fields or otherwise making changes to the systems may be technically infeasible or too costly.
- Currently, no aggregated data on environmental litigation or associated costs are reported by federal agencies.