Jim Braddock in Law360 on Trump Environmental Pick Hartnett White

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Law360 quoted Haynes Boone Counsel Jim Braddock in a report about Kathleen Hartnett White, President Donald Trump's pick to head the White House's Council on Environmental Quality.

The *Law360* report called Hartnett White, who had a confirmation hearing before the Senate Committee on Environment and Public Works on Nov. 8, "polarizing" when she chaired the Texas Commission on Environmental Quality between 2001 and 2007. …

Hartnett White … always made it clear where she stood on environmental issues, said Haynes Boone's Braddock, a former Texas air regulator.

"She applied the laws as they were written and didn't veer off into areas where she believed the law didn't, such as making permitting decisions on overall decisions of whether coal was good or bad," Braddock said.

Law360 reported that Hartnett White's TCEQ came under fire in 2003 when the Texas State Auditor's Office issued a report heavily criticizing the agency's enforcement process. The audit report, which examined the TCEQ's enforcement record between 2001 and 2003, found that the agency didn't issue enforcement orders and settle cases in a timely fashion.

It also found that in 80 enforcement cases during that time period, the TCEQ fined violators only $1.6 million even though the violations provided $8.6 million worth of economic benefits to violators, a disparity which the report said "could reduce their incentive to comply." … However, Hartnett White opposed proposals by TCEQ officials to revise the agency's penalty structure.

"The biggest issue was economic benefit of noncompliance — that's always a hotly disputed issue," Braddock said. "But you can chew up a lot of time and resources and have economists arguing over whether there was an economic benefit and how much it was."

Excerpted from *Law360*. To read the full article, click here. (Subscription required)

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