

**2005 Virginia Attorney General Candidate Questionnaire**

DEADLINE: May 13, 2005; 5 p.m.

*About this questionnaire:* The Virginia League of Conservation Voters thanks you for taking time out of your busy schedule to complete this questionnaire. Your responses on the questionnaire will be a factor in endorsement and campaign contribution considerations.

We ask that you circle a **YES** or **NO** to each question that calls for it. If you do not, the interpretation of your response will be left to a screening committee. There are no “trick questions” – all “yes” responses support our positions. If you need further clarification of any of the questions, please do not hesitate to call us for additional information. If your response supports our conservation position, we assume that you will support your statements by actions once in office. Please feel free to offer a written response using the space below the question or by attaching additional comments. Please complete this questionnaire and return it to:

**Virginia League of Conservation Voters  
Attention: Lisa Guthrie  
530 E. Main Street; Ste. 820  
Richmond, VA 23219  
Phone: 804-225-1902  
Fax: 804-225-1904**

\*VALCV utilizes completed questionnaires strictly for the purposes of endorsements. We do not share completed questionnaires with the news media.

\_\_\_\_\_  
Candidate's Name- Please print

\_\_\_\_\_  
Candidate's signature

Home Address: \_\_\_\_\_

\_\_\_\_\_  
Phone: \_\_\_\_\_

Office Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Campaign Manager: \_\_\_\_\_ Phone: \_\_\_\_\_

Campaign Address: \_\_\_\_\_ Email: \_\_\_\_\_

Party Affiliation: \_\_\_\_\_

## **1. Standing**

Prior to 1996, only permittees could challenge environmental decisions in Virginia. After EPA learned of Virginia's restrictive standing law, it refused to grant Virginia delegation of the Title V operating permits under the Clean Air Act Amendments of 1990, stating that delegation of the federal air program required that citizens be allowed judicial review of decisions to the extent permitted under the U.S. Constitution.

Thus, in 1996, the Virginia General Assembly passed a law stating that permittees and others who could demonstrate they would be injured by a permit would have standing to the extent permitted under the U.S. Constitution.

Despite this law, the Attorney General has continued to oppose standing in environmental cases by individuals or organizations, claiming they have no standing and that organizations cannot represent their members in such actions.

The Virginia Supreme Court has recently upheld the right of citizens to appeal certification of Virginia Water Protection permits by the State Water Control Board. (cite case) However, this case took 3 years to work its way through the judicial system, and only now will the merits of the claim be considered.

The Attorney General has the option not to challenge standing in such cases. The Attorney General could instead enforce Virginia law, which cites the federal standard, and allow individuals and organizations to seek judicial review as long as they can show that their injuries would be caused by the permit and would be redressable by a favorable court decision.

If you are elected attorney general, would you institute a policy whereby standing is not routinely challenged in environmental cases unless it can be clearly shown that there is no connection between the complaining party and the alleged injury?

**YES**

**NO**

**Comments on Standing:**

## **2. Smithfield Foods: Confined Animal Feeding Operations**

Without any litigation, the North Carolina attorney general initiated and developed an agreement whereby Smithfield Foods and other hog producers have agreed to phase out lagoon storage of liquid manure (and its spray field application) in favor of environmentally protective waste disposal. Smithfield has agreed to contribute millions of dollars to develop new waste technologies and, at the end of 5 years, to install on all its corporate farms new technologies selected as environmentally beneficial and economically feasible by NC State University.

Would you as Attorney General, be willing to take leadership to develop a similar agreement with Smithfield Foods in Virginia, which is its corporate headquarters?

**YES**            **NO**

**Comments on CAFOs:**

(See [www.SouthernEnvironment.org](http://www.SouthernEnvironment.org) -- [http://www.selcva.org/res\\_news\\_2000-07-25.shtml](http://www.selcva.org/res_news_2000-07-25.shtml) for information about the Smithfield agreement)

**3. Solid Waste**

Increasing amounts of solid waste come into Virginia from other states each year. Please comment on each of the following proposals to minimize the impact of this imported trash.

A. Will you support strengthening regulations and enforcement pertaining to truck and barge transportation of waste?

**YES**                            **NO**

B. Will you support increasing the number of state inspectors at landfills?

**YES**                            **NO**

C. Will you support increasing penalties for illegal dumping? **YES**                            **NO**

Is this an issue on which you will take leadership initiative? **YES**                            **NO**

D. H.R. 274 and H.R. 70 are two effective waste bills currently before Congress which were initiated by the VA delegation – will you actively support these bills introduced by Virginia’s Congressional delegation to reduce and limit trash imports?

**YES**                            **NO**

E. Will you support a \$2 per ton tipping fee dedicated to landfill cleanup?

**YES**                            **NO**

**Comments on Solid Waste:**

**4. Clean Water and Air**

- A. As Attorney General, describe how you would use your office to enforce the Clean Water Act, the Safe Drinking Water Act and other applicable federal laws to protect Virginia's environment?
  
- B. What is the federal law that offers the best judicial instrument to ensure Virginia has clean and healthy air and water? (Explain why)
  
- C. Considering the limitations of the federal laws, what would you initiate to ensure that state laws and regulations protect Virginia's environment? What state law currently offers the best judicial instrument?

**5. Enforcement**

Would you as attorney general direct the attorneys in the natural resources division to make an independent assessment about the merits of an agency action? If you believe that the agency action is contrary to the intent or policy of environmental laws, would you refuse to defend the agency's decision? In other words, are you willing to use the office of the attorney general as an independent enforcement rather than merely act as the lawyer defending the decisions of the Executive Branch's environmental agency?

**YES      NO**

**Comments on Enforcement:**

**6. Conflict of Interest**

Public trust in government and in government decisions, including those relating to the environment, land use, and transportation, can be eroded by the perception that decisions are not

fair and objective. Strong laws governing conflicts of interest can strengthen the public trust. What would you do as Attorney General to strengthen conflict of interest laws at the state and local level, for both elected and appointed officials?

Would you support a requirement that those with a conflict would not only have to disclose the conflict, but would have to recuse themselves from decisions *and* public body discussions involving their conflicting economic interest?

**YES**

**NO**

## **7. Personal Views and Commitment**

- A. What role do you believe the Attorney General plays in defending the environment?
  
- B. How will you act as Attorney General to help Virginia's counties and municipalities to protect the environment?
  
- C. If elected, what three environmental issues will be a priority for you?
  - 1.
  
  - 2.
  
  - 3.
  
- D. What examples of environmental leadership can you cite from your past? Include legislative examples or organizational work.

