

Meet the environmental law expert leading Biden's EPA team

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Earthjustice's Patrice Simms is leading President-elect Joe Biden's EPA transition team. @Earthjustice/Twitter

Patrice Simms, a prominent environmental lawyer, will help lay the foundation for President-elect Joe Biden's more aggressive regulatory approach at EPA.

Simms is the EPA agency review team's lead as part of the incoming administration's transition effort. Known for his environmental justice expertise, Simms has been a top Justice Department attorney, law professor and career EPA lawyer who has been unafraid to battle in court to fight pollution and protect the environment.

Quentin Pair, a senior trial attorney at the Department of Justice from 1980 to 2015 who served with Simms, called him "a brilliant lawyer."

"He is committed to these issues, particularly environmental justice. He is a proven warrior," Pair told E&E News. "Proven environmental justice warrior. He believes that at the base of our problems is the disproportionate impacts on people of color."

Simms has also been a fierce critic of the Trump EPA. He was a Howard University School of Law professor when the president was inaugurated in 2017, but by May that year, he had joined Earthjustice, essentially the environmental movement's law firm, as a vice president of litigation.

The environmental group has been one of the most pugnacious opponents of this administration.

Earthjustice has filed 166 lawsuits against the Trump administration, a group spokesman told E&E News. Of the 50 that have been decided, Earthjustice has won 41 for a win rate of 82%.

Several of those lawsuits have challenged the Trump EPA's rollbacks of environmental regulations, like the reworking of the legal justification for the Mercury and Air Toxics Standards, delay of the chemical disaster rule, and reversing the ban on the pesticide chlorpyrifos.

In 2018, Simms said the agency's court record was "pretty abysmal," given the losses EPA already had suffered.

"It's not terribly surprising. They're engaged in a reckless and irresponsible effort to undermine our public health and environmental protections, and not surprisingly, that's running up against what the law requires," Simms said ([Greenwire](#), Aug. 13, 2018). Simms also opposed Justice Brett Kavanaugh's confirmation to the Supreme Court, saying the nomination jeopardized "the ability of the federal agencies to do what it needs to do to protect us all" in a [protest](#) outside the court.

He also castigated the Trump EPA for its enforcement policy during the COVID-19 pandemic, calling it "both unprecedented and startling."

"The sheer breadth of the enforcement discretion is astounding. I have never seen a blanket enforcement discretion letter that, in one fell swoop, invites industry to try to justify any and all noncompliance with almost any environmental obligation," Simms said in an Earthjustice [blog post](#).

Simms didn't respond to questions from E&E News for this story. An automatic reply from his Earthjustice email account said he was on extended leave through December.

'A passion' for environmental justice

Simms earned a bachelor's degree in psychology from Northeastern University and then a law degree from Howard University, according to his LinkedIn profile. By 1998, he was an attorney in EPA's Office of General Counsel and later counsel to the agency's Environmental Appeals Board.

A former colleague from his time in the EPA general counsel's office said Simms was well-liked and respected by those who worked with him.

"Patrice was a good person to have as a colleague: thoughtful, easygoing and a good lawyer," the ex-colleague told E&E News.

Simms then joined the Natural Resources Defense Council, and, by 2009, he returned to Howard as a law professor. However, he was soon brought on as a deputy assistant attorney general in the Justice Department's Environment and Natural Resources Division during the Obama administration.

Ignacia Moreno, who served as assistant attorney general of ENRD from 2009 to 2013, said Simms is a "nationally recognized environmental law expert" with "impeccable judgment" and "is calm in a storm."

"I first met Patrice when I recruited him to serve as one of my deputies at the Department of Justice," Moreno said, saying he helped manage litigation and policy, including the division's implementation of President Clinton's executive order on environmental justice.

She added, "I expect that he will distinguish himself as the lead of the agency review team and in any other role to which he may be appointed in a Biden-Harris administration."

Pair remembers letting out an exclamation of surprise in a Justice staff meeting when Moreno gave the news of Simms being hired at the department.

"I had to tell her that we had to work hard to get him on faculty at Howard and now we were going to lose him," Pair said.

Simms helped put together environmental justice training for ENRD staff, said Pair, who himself helped spread the use of EJ across the federal government during his time at Justice.

"He had a passion for this stuff. He got it," Pair, also an adjunct professor at Howard's law school, said about Simms' understanding of environmental justice. "He got the importance of this not only as an African American but as a lawyer."

Simms returned to Howard as a law professor. He has authored [law articles there](#), including on the use of "supplemental environmental projects," a practice phased out by the Trump administration, to advance EJ; questioning subsidies for the fossil fuel industry; and diversity in the environmental movement.

Choosing Simms to lead the EPA transition team could be taken as a sign that the Biden administration will take EJ seriously.

"He is well-respected in the environmental justice movement. I think it was likely meant to signal that they are listening to folks on the outside with roots in the movement," an EPA employee told E&E News about Simms.

Leading the transition

Simms is leading a 12-member team full of former EPA heavy hitters who helped craft air, climate and water regulations during the Obama administration ([Greenwire](#), Nov. 12).

It's a job that requires coordination not only with them but with the transition's leaders, Congress and outside parties interested in the incoming administration's plans.

"The most important audience for the transition team is the incoming EPA administrator, whom the team will probably brief, and its work must be tailored to what the new administrator will want and need to know," said Bob Sussman, who co-chaired President Obama's EPA transition team.

He added it will be important to identify the Trump administration's final and proposed rules because many of these will require action in the Biden administration's early days.

"Some transition members may end up supporting the confirmation process for the new administrator, assuming the president-elect's confirmation team wants their help," Sussman said.

The transition has been hindered, however, as the General Services Administration has not ascertained Biden as the winner of the 2020 presidential election, which President Trump is disputing. Until that happens, members of the agency review teams are not permitted to contact agency personnel, according to a transition spokesperson.

Sussman said access to EPA documents and employees "is very valuable," but the transition can move forward without it.

"Stakeholders and congressional staff can also be important information sources, and the transition team will be able to gain the benefit of this input even without the formal machinery of the transition," Sussman said.

Pair could see Simms landing at EPA, Justice or the White House in the Biden administration, considering he was picked to lead the EPA transition team.

"Does that mean he is going to be asked to join the administration? One can speculate that may be so," Pair said. "He is committed to do everything he can lawfully to protect populations. He is not going to back down."

Reporter Timothy Cama contributed.

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