UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 30 2018

OFFICE OF THE
ADMINISTRATOR

Ms. Margaret Weichert
Acting Director
U.S. Office of Personnel Management
1900 E Street, NW
Washington, D.C. 20415

Dear Ms. Weichert:

The U.S. Environmental Protection Agency (EPA) is requesting an exception to the Qualifications Review Board case processing moratorium for Mr. William Nickerson for the position of Director, Office of Regulatory and Policy Management, Office of Policy, Office of the Administrator.

The position to be filled by Mr. Nickerson – Director, Office of Regulatory and Policy Management (ORPM) – is one of the most critical Senior Executive Service (SES)-level jobs in the Agency. The Director of ORPM reports to the Associate Administrator for Policy, who in turn reports directly to the EPA Administrator. Among other functions, ORPM is chiefly responsible for managing and overseeing the Agency's internal regulatory development process, maintaining the information management systems that provide data about EPA's regulatory portfolio, and providing final review of regulations before they are signed by the EPA Administrator or published in the *Federal Register*. Thus, as the Acting Administrator of EPA, I have a vested interest in ensuring this position is filled by a qualified member of the SES and, as such, am requesting an exception to the Qualifications Review Board's case-processing moratorium.

As you are aware, the position of the Administrator of the EPA recently became vacant. The President has asked me to serve as Acting Administrator for the foreseeable future.
The Office of Policy began the recruitment process to permanently fill the ORPM Director position prior to my predecessor's departure. Because it may be some time before a permanent Administrator is nominated and confirmed, I would prefer not to delay Mr. Nickerson's formal selection to the SES as Director of ORPM. Further delay of this selection process would be a disservice to ORPM, which has been without a permanent Director for more than a year. Moreover, Mr. Nickerson, who has served as Acting Director of ORPM twice over the past three years, is an impressive candidate who has earned the right to join the SES in the capacity of ORPM Office Director. I'm concerned that any further delay of Mr. Nickerson's appointment

may result in us losing this opportunity to select the most qualified candidate for this critical SES position.

Mr. Nickerson is not currently on a Schedule C or noncareer SES appointment; rather, he has been a full-time federal employee for the past 16 years in a series of increasingly higher-level positions of responsibility and is now ready to make the move to SES. I look forward to your response to my exception request.

If you have any questions or need additional information, please contact Jeremy Taylor, Director, Human Resources Management Division, at taylor.jeremy@epa.gov or (919) 541-0537, or Dorothy Carr, Lead Human Resources Specialist, at carr.dorothy@epa.gov or (919) 541-4356. We appreciate your attention to this request.

Sincerely,

Andrew R. Wheeler
Acting Administrator

Enclosures

William Nickerson

(b) (6)
[redacted]

Professional Experience

Acting Office Director, Office of Regulatory Policy and Management, Office of Policy, US Environmental Protection Agency, Washington DC, 9/2015-12/2016 and 11/2017 to present

- Have recently served for over 18 months as the SES level manager for an office of more than 30 staff with a variety of technical and policy backgrounds that support the development of effective regulations and efficient regulatory and policy decision making at EPA
- Provide independent analysis and advice to EPA political leadership to resolve procedural and substantive issues with major regulations, often in consultation with EPA program offices and the Office of Management and Budget
- Serve as EPA's (acting) Small Business Advocacy Chair, convene and manage small business advocacy review panels with the Office of Management and Budget and the Small Business Administration, and provide advice to senior leadership on the impacts of rules on small entities
- Responsible for the development of EPA's semiannual regulatory agenda that provides information to the public about upcoming regulatory priorities
- Manage EPA's internal regulatory development process and maintain information management systems that provide data about EPA's regulatory portfolio to senior management
- Develop office budgets, recruiting and hiring strategies, and training plans
- Overhaul the IT system supporting regulatory development at EPA by developing existing staff, leveraging staff expertise from other parts of EPA, and strategically managing financial resources
- Spearheaded EPA's efforts to conduct retrospective reviews of existing regulations pursuant to Executive Orders; testified on behalf of EPA at a Senate hearing regarding Agency Progress in Retrospective Review of Existing Regulations
- Responsible for providing accurate and timely information on EPA's major regulatory activities in preparation for the 2016 Presidential transition
- Ensure consistent consideration of statutes and executive orders across EPA rules, timely and accurate publication of rules in the Federal Register, compliance with the Congressional Review Act, and responses to FOIA requests

Associate Office Director, Office of Regulatory Policy and Management, Office of Policy, US Environmental Protection Agency, Washington DC, acting 4/2013-10/2014, permanent 11/2014 -9/2015 and 12/2016 to 11/2017

- Provide policy advice to senior political leadership and EPA program office management on priority regulations
- Develop budget submissions, organizational assessments, and operating plans; ensure appropriate and timely implementation
- Serve as a liaison with other EPA offices such as Children's Health and Environmental Justice, as well as with the Office of Inspector General and the Government Accountability Office
- Led a group of managers and senior staff from three different EPA offices to harmonize the data and methods used to analyze the costs and benefits of the Steam Electric and CCR rules
- Provided leadership and made substantial improvements to the Agency's regulatory development process and associated IT systems, including guidance documents, electronic routing and approval, digital signature, and the design of a modernized IT infrastructure

Regulatory Impact Analyst, Policy and Regulatory Analysis Division, Office of Policy, US Environmental Protection Agency, Washington DC, 9/02-4/2013

- Provided policy advice and analysis to career and political management and actively participated in substantive development of EPA regulations and policies
  - Experience with regulations and policies developed under multiple statutes, including the Clean Air Act, Clean Water Act, Safe Drinking Water Act, Emergency Planning and Community Right to Know Act, and Resource Conservation and Recovery Act
  - Provided analysis and regulatory review of policy options, market failures, legal foundations, stakeholder concerns, costs and benefits, risk assessments, and environmental justice issues
  - High profile projects and rules have included carbon sequestration, oil and natural gas facilities, petroleum refineries, effluent guidelines rules and planning, air toxics standards, and the Toxics Release Inventory

- Led a 40 person team to design, develop, and begin implementation of a new Environmental Justice screening tool that launched internally in 2012 and was publicly released in 2015 (EJSCREEN). Developed materials for the Science Advisory Board, a federal advisory committee, and numerous internal briefings for career and political leadership. Provided policy advice directly to senior career and political leadership of the Agency on a wide range of policy and technical questions related to the tool. After public release, EJSCREEN won EPA's highest award for Geographic Information Systems that recognizes technical excellence of national significance, and won the Special Achievement in GIS award from Esri

- Completed a detail as the acting Division Director for the Program Analysis Division in the Office of Policy (11/09-3/10)
  - Steered the Division through an office reorganization process, including the creation of functional statements, staffing plans, and allocation of Division budget. Managed Division staff, including the approval of individualized training and developmental assignments. Maintained the Division's existing work portfolio, developed new lines of work and recruited additional staff.
  - Worked regularly and directly with EPA's Deputy Administrator and the Agency's career Deputies to develop and launch the Executive Management Council (the premier Council for all of EPA's career Deputies). Responsible for the development of the Council's governing charter, briefings and talking points for the Deputy Administrator, and consultations with staff and management from multiple program and regional offices about the intent, structure, and launch of the Council.

- Identified major regulatory issues and prepared briefing materials for the 2008 Presidential transition team and incoming EPA political leadership. Helped senior officials prepare for Congressional hearings, and responded to correspondence from Congress, the EPA Inspector General, and the GAO.

- Core member of the team that overhauled EPA's performance measurement infrastructure in 2007-2008. Reviewed and analyzed dozens of performance measures from program and regional offices that became the basis for a publicly available management report. Led a team of colleagues who staffed a series of meetings between the Deputy Administrator and major EPA program offices. These efforts were largely responsible for EPA winning the President's Quality Award two years in a row.

- Significant and sustained participation in cross-Agency effort to revise EPA's Report on the Environment (2005-2009). Conducted detailed technical review of multiple environmental and human health indicators, prepared for regular meetings with senior EPA managers, and responded to comments during interagency and Science Advisory Board review. Worked to translate the full scientific ROE to a Highlights Document intended for a more general audience, and to have the ROE inform EPA's strategic planning and prioritization efforts.

Litigation Consultant, Self Employed, State College PA, 1/98-1/99

- Collaborated with two engineering academics, advising several law firms on technical and strategic elements of environmental lawsuits
- Provided technical direction for trial preparation, mediation preparation, depositions, and motion writing
- Interfaced with technical experts, conducted research, and performed exposure assessments

Environmental Engineer, O'Quinn and Laminack Law Firm, Phoenix AZ and Houston TX, 8/95-12/97

- Developed technical foundations for environmental lawsuits through analysis of site specific data and manufacturing processes, research, and document review
- Created and developed case arguments and strategy, analyzed and critiqued opposing theories

Education

- M.S., Technology and Policy, Massachusetts Institute of Technology
- M.S., Environmental Change and Management, Pembroke College Oxford
- B.S., Civil Engineering, Pennsylvania State University

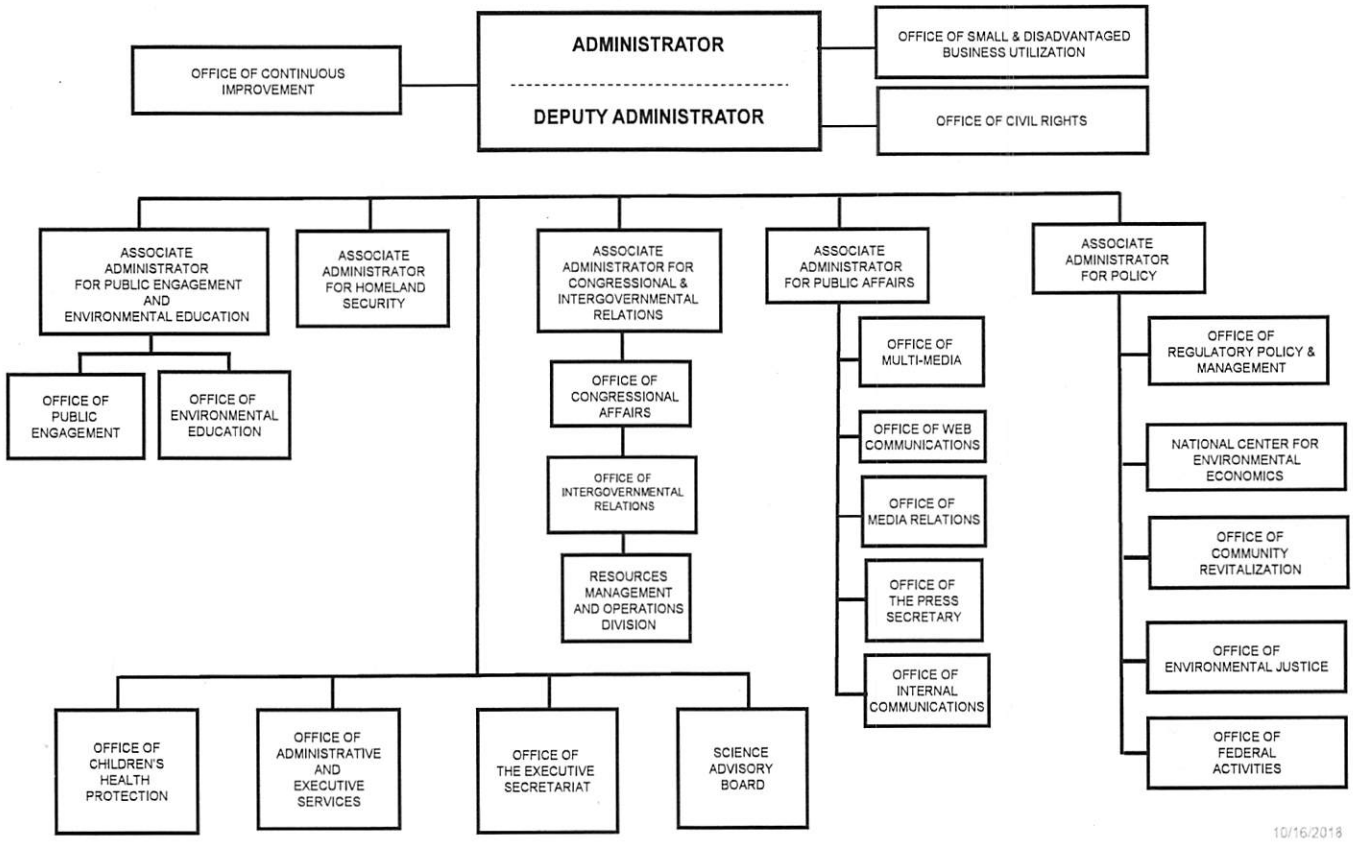
Awards, Training, and Volunteer Work

- EPA Administrator's Award for Performance Management
- Completed the Partnership for Public Service Excellence in

Government Fellows program

- President of the Board for a daycare that provides childcare for 100 families
- Seven-time recipient of EPA's third highest award, including multiple nominations by other EPA offices

Office of the Administrator



10/16/2018

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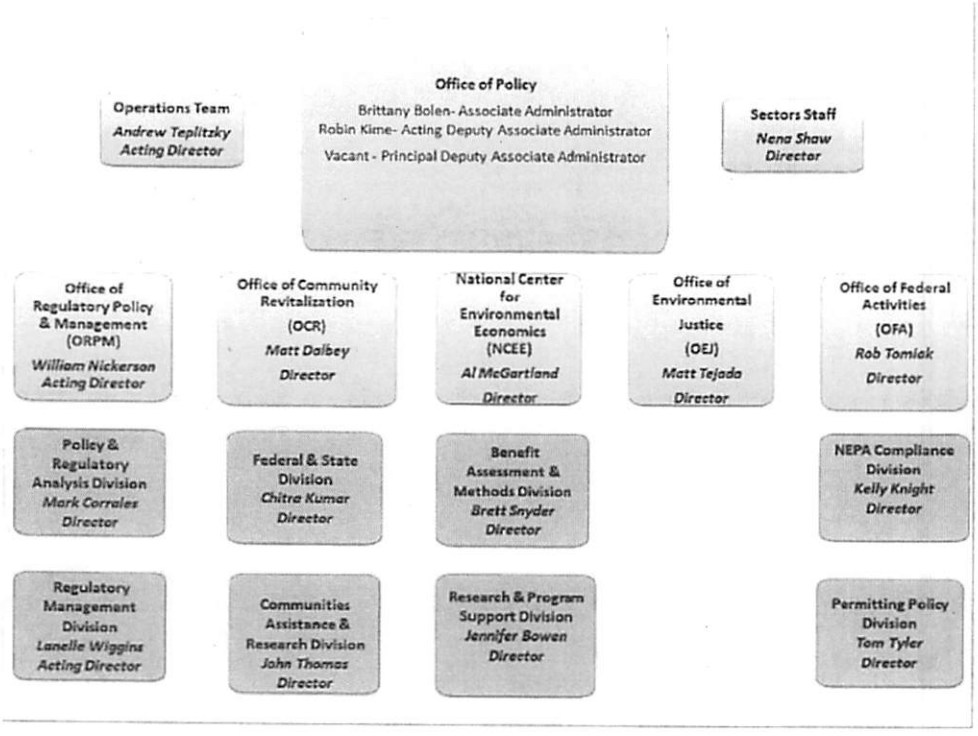
OP Organizational Chart



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