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# HOW SENATOR CORY GARDNER'S GREEN BONAFIDES ARE IN THE RED

## A LOOK AT GARDNER'S DISMAL RECORD ON THE ENVIRONMENT AND FAILURE TO PROTECT OUR COLORADO WAY OF LIFE

### INTRODUCTION

There are few United States senators currently serving in Congress whose policy positions and voting record are more misaligned with that of his or her constituents than Colorado Senator Cory Gardner. Across an entire suite of issues, time and again, Senator Gardner has failed to accurately represent the people who sent him to Washington, D.C.

In fact, according to the data experts at the media organization *FiveThirtyEight*, and based on President Donald Trump's 2016 election vote margins in Colorado, Senator Gardner would be expected to support the President's positions about 45 percent of time in the U.S. Senate. And yet, Senator Gardner votes in line with President Trump's position about 91 percent of the time. This makes him the second-most misaligned Senator with his or her constituents.<sup>1</sup>

In no policy area is this phenomenon more on display than with conservation and the environment. Since he first became Colorado's junior U.S. senator, Senator Gardner has voted against policies to protect clean air and water, supported the interests of fossil fuel companies above Colorado's taxpayers, fought against common-sense laws to limit carbon and air pollution, and helped swing open the doors to America's public lands for mining and drilling operations. In fact, our analysis shows that during the four years he has been in the Senate, he has voted against the environment four out of every five times.

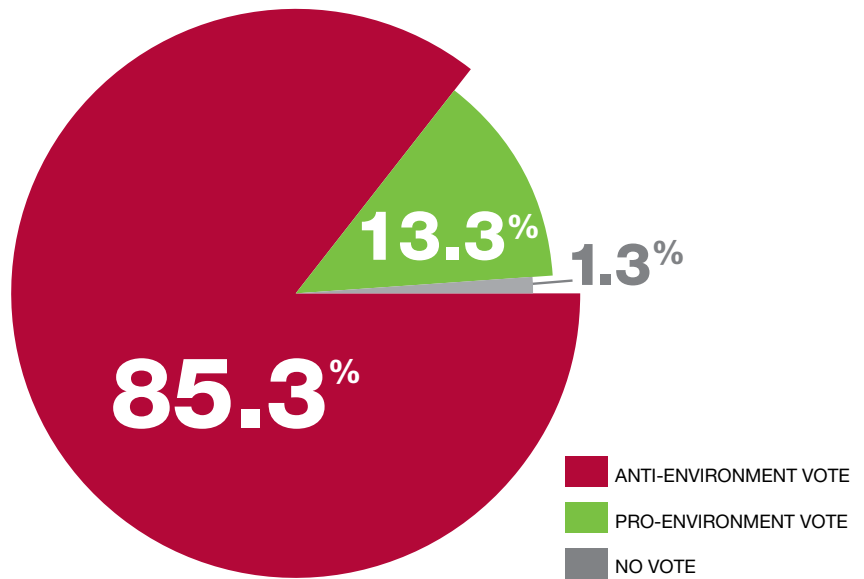
Nevertheless, Senator Gardner consistently touts his purported record on the environment. Recently for example, Gardner himself stated: "We've had some very good successes, and we'll continue to tout that environmental record."<sup>2</sup>

In this report, we look at the data to provide an in-depth look at Senator Gardner's voting record on the environment. It also shows specific areas where the senator has strayed from the interests of Coloradans, as well as places where the story he tells is far from accurate. It also provides recommendations for Senator Gardner to right the ship and begin voting in Coloradans' interests.

**COLORADANS ARE LOOKING FOR ANSWERS ABOUT SENATOR GARDNER'S LEADERSHIP ON THE ENVIRONMENT – OR LACK THEREOF. COLORADANS DESERVE A LEADER WHO TRULY FIGHTS FOR THEIR CLEAN AIR AND WATER, PUBLIC LANDS, AND DIVERSE COMMUNITIES.**

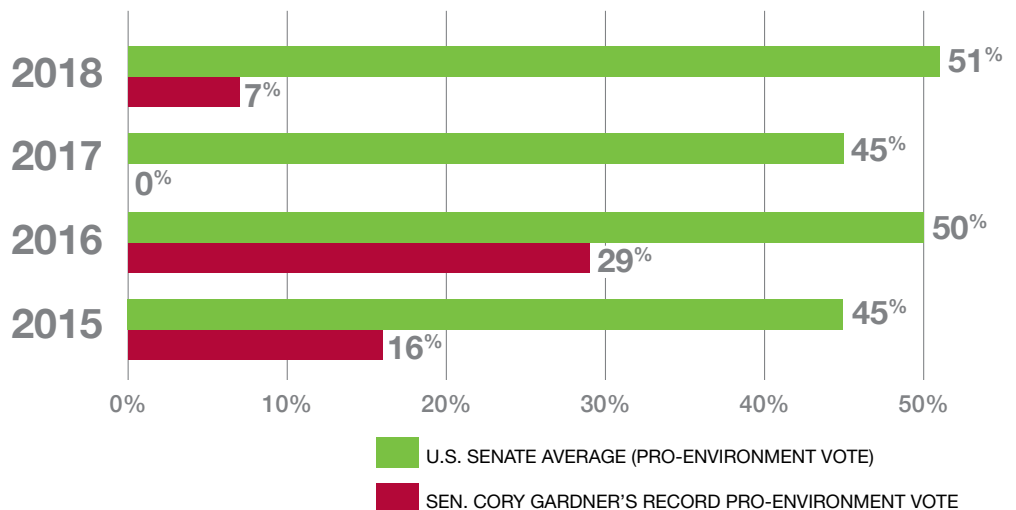
# ANALYSIS

Using data from the League of Conservation Voters' annual environmental scorecard, we found that Senator Gardner has cast 75 key votes on the environment since he has been in the Senate – including votes on legislation, budget resolutions, and administrative branch confirmations. In sum, between 2015 and 2018, Senator Gardner cast 64 votes against the environment.<sup>3</sup> This means that in more than eight in ten opportunities, Senator Gardner elected to vote against Colorado's environment.



And this is a consistent problem: indeed, Senator Gardner's environmental voting record falls far short of the U.S. Senate average in every year. In 2018, for example, he voted on behalf of the environment just 7 percent of the time, while the Senate average was 51 percent.

After President Donald Trump was elected, Senator Gardner did even worse, voting on behalf of the environment zero percent of the time, compared against a 45 percent Senate average. He did only slightly better in 2015 and 2016, taking pro-environment votes 16 percent and 29 percent of the time respectively, still well below the senate average.<sup>4</sup>



While certainly there are other Republicans who scored worse (some of whom garnered scores of zero percent), these numbers put Senator Gardner on par with other Western Republicans, including Montana Senator Steve Daines and former Nevada Senator Dean Heller. But more important than comparison to the average Senate score or others in the Republican caucus is the fact that Senator Gardner's voting record runs contrary to the policy preferences of most Coloradans. This phenomenon plays out over and over in public opinion surveys.

This is a dismal batting average, especially for a senator from Colorado, a state in which:

- Voters care deeply about protecting and preserving Colorado's resources and environment. Not only do 69 percent of Coloradans consider themselves "a conservationist,"<sup>5</sup> but a survey of Colorado unaffiliated voters taken just after the 2018 midterm elections found that when asked which policy issue was "most

important in your vote for governor,” 42 percent of independents selected “energy and the environment” as one of their top two choices – the most of any issue asked.<sup>6</sup>

- According to the annual Colorado College “State of the Rockies” poll, Coloradans strongly disapprove of the job that the U.S. Congress and President Trump are doing as it relates to stewardship of our nation’s natural resources and the environment.<sup>7</sup>
- The president and his preferred policy positions have become less popular with Coloradans. At the time of President Trump’s inauguration in January 2017, 45 percent of Coloradans approved of President Trump and 44 percent disapproved. Two years later, 56 percent of Coloradans disapprove of the job the president is doing, while only 40 percent approve.<sup>8</sup>

**YET, ON ENVIRONMENTAL POLICY, SENATOR GARDNER IS IN LOCK-STEP WITH THE PRESIDENT – AND OUT OF STEP WITH COLORADANS – AT EVERY TURN.**

The next section of this report showcases some of those instances.



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# FIVE CASE STUDIES: Gardner's Voting Record is Out of Touch with Colorado

## 1 METHANE

Coloradans overwhelmingly support capturing methane waste, a policy which Senator Gardner voted to eliminate. In 2017, Senator Gardner voted to permanently end the Methane and Waste Prevention Rule (commonly called the “BLM methane rule”), a common-sense standard that requires oil and gas companies to adopt measures that reduce wasted methane from venting, flaring, and leaks. The rule was based on a nationally-leading state methane policy that Colorado issued in 2014. The federal rule helped to generate upwards of \$200 million annually for taxpayers – an amount oil and gas companies now pocket at the expense of Coloradans and all Americans. What’s more, the rule limited unnecessary methane pollution, a potent greenhouse gas, from entering the atmosphere.<sup>9</sup>

Coloradans, however, were widely supportive of the BLM methane rule. According to a 2018 public opinion survey, 74 percent were supportive of the rule, while only 18 percent opposed it.<sup>10</sup>



## 2 PUBLIC INPUT INTO OIL AND GAS DRILLING

Coloradans want input into where and how oil drilling happens, and at the same time oppose opening vast tracts of public lands for oil and gas development. Unfortunately, cutting the public out of the decision-making processes and opening our lands up for drilling is an approach that Senator Gardner has regularly supported.

Rather than empowering Coloradans who live in the oil patch to participate in planning and provide input into where and how drilling occurs in their backyard, Senator Gardner has put up roadblocks to public participation. For example, he voted for bills to prioritize drilling on public lands without local input,<sup>11</sup> to permanently eliminate rules intended to include communities and the public in oil leasing decisions,<sup>12</sup> and to fast track pipeline construction across public lands by circumventing environmental reviews.<sup>13</sup>

Public opinion surveys demonstrate that Coloradans’ are overwhelmingly opposed to efforts that would expand oil and gas drilling on public lands in the state, with six in ten opposing more drilling and only three in ten supporting more drilling.<sup>14</sup>

## 3 PROTECTING PUBLIC LANDS

Coloradans support protecting public lands as parks, conservation areas, and wilderness, but Senator Gardner’s leadership is nowhere to be found when it comes to protecting Colorado wilderness.

Cory Gardner is the only Colorado senator since 1964 – the year the historic Wilderness Act became law – not to sponsor a single wilderness bill. This decision is not because Coloradans are divided on the imperative of protecting public lands, wildlife habitat, and expanding outdoor recreation opportunities. On the contrary, they support elected officials who emphasize land and water protections by a nearly 7 in 10 margin; while just over 2 in 10 Coloradans want elected leaders to emphasize energy protections over land protections.<sup>15</sup>

Coloradans’ strong support for parks and wilderness is substantially strengthened by the well-documented economic benefits of protected lands. According to one economic analysis, rural counties with more protected public lands have shown significantly faster growth in employment, personal income, and per capita income, when compared against rural counties with less protected acreage.<sup>16</sup>

Senator Gardner’s failed leadership is also not for lack of important and broadly supported wilderness proposals in Colorado. Look no further than the Colorado Outdoor Recreation and Economy (CORE) Act, introduced into the U.S. Senate this year by senior Colorado Senator Michael Bennet. The CORE Act would

permanently protect new wilderness in the central and southern Colorado mountains, but Senator Gardner has opted against joining his Colorado colleague in supporting the important legislation.

## 4 CLIMATE CHANGE AND RENEWABLE ENERGY

A total of 62 percent of Coloradans believe climate change is a serious problem,<sup>17</sup> and believe that solar and wind power represent the future of our state,<sup>18</sup> yet Senator Gardner has failed to provide leadership on these issues.

Climate change is an existential threat facing Colorado and our way of life.

From expanding wildfires to warm winters and low snowpack, a changing climate risks altering what makes Colorado one of the great places to live and work. Colorado's agriculture sector -- of which Gardner claims he is a champion-- is particularly vulnerable to climate change due to impacts on water supplies, drought, and increased temperatures. Consider, for example, the fact that if we do nothing to stop climate change, 18 Colorado counties will lose 25 percent or more in annual crop yields.<sup>19</sup>

Considering that the electric sector is the leading source of carbon pollution that causes climate change, it is imperative to deploy as much clean energy onto the grid as possible.

And yet, while Senator Gardner has at the very least stated that climate change is happening and is man-made, he has done little to address it other than a handful of measures to promote renewable energy. And what's worse, he has actively voted against efforts to address climate change. Senator Gardner could show true leadership on these issues by working to reduce carbon pollution across all sectors of the economy.



## 5 TRUMP NOMINEES

Senator Gardner has also voted to greenlight scandal-ridden Trump administration nominees with little regard for their track records.

A primary responsibility of any U.S. senator, granted by the U.S. Constitution, is to provide "advice and consent" on and seriously review presidential nominations for jobs in government, and to only appoint the most qualified candidates who will commit to representing his or her state's interests. And yet, Senator Gardner has greenlit all of President Trump's nominees, no matter how under-qualified or how deep their conflicts run.

After voting in favor of scandal-ridden Environmental Protection Agency administrator Scott Pruitt, Senator Gardner did not think twice about putting a coal and mining lobbyist, Andrew Wheeler, in charge of the very agency responsible for protecting America and the environment from the impacts of industrial energy and mining.

It is the same for the Department of the Interior, the agency charged with overseeing America's parks and public lands. Senator Gardner voted to put the now-disgraced Interior Secretary Ryan Zinke in charge of the agency. Never admitting his mistake, the senator voted to confirm Zinke's former deputy, David Bernhardt, to lead the Interior Department.<sup>20</sup> Bernhardt is an oil and gas lobbyist who has been called a "walking conflict of interest" for lobbying on behalf of numerous companies that now have business before the agency he now runs.<sup>21</sup>

Coloradans were wary of Bernhardt's nomination. In fact, after hearing information about Bernhardt and the Interior Department's actions, 57 percent of Coloradans said they would oppose his confirmation with only 29 percent supporting.<sup>22</sup> And, 60 percent of Coloradans said that they would have an unfavorable opinion of Senator Gardner if he voted to confirm Bernhardt.<sup>23</sup>

# THE TRUTH Behind Gardner's Purported Good Environmental Record

From the very beginning of his first race for the Senate in 2014, when he posed in front of wind turbines for a campaign advertisement, Senator Gardner has attempted to convince Coloradans that he is a champion for the environment.

In addition to his dismal environmental record described above, there is much more to the stories that Gardner has told the media, the public, and his constituents about his purported record. Here are three instances where Gardner's claims of leadership or victory don't hold up.



## LAND AND WATER CONSERVATION FUND

Senator Gardner has made his support for reauthorizing the Land & Water Conservation Fund (LWCF) a cornerstone of his purported conservation agenda. LWCF provides a critical source of funding to do everything from building local baseball fields and swimming pools to enhancing recreation access for hiking, fishing, and biking on America's public lands. Many have called it America's most important park and conservation funding program.<sup>24</sup>

Senator Gardner helped permanently reauthorize the program in December 2018 and has continued to tout that fact. But, a few things are worth pointing out. First, this program should never have been allowed to expire in the first place, which it did under universal leadership of Republicans. In addition, reauthorizing LWCF did not do much good because there was no money dedicated to the program. Getting a bill passed that would fully fund LWCF - as S. 1081, which Gardner has cosponsored, would do - would truly be a win.

## PUBLIC LANDS PROTECTIONS

Senator Gardner claimed that a massive public lands package passed by Congress in early 2019 "delivers" for Colorado.<sup>25</sup> That bill, the "Natural Resources Management Act," was the largest public lands package in a decade. Millions of acres of lands across the West were protected, especially in Utah, New Mexico, Washington, Oregon and California.

However, there were no wilderness protections for Colorado in the bill. The only items for Colorado were small measures to increase a national monument by a few hundred acres and study whether or not to commemorate the Amache internment camp. Protecting some of the hundreds of thousands of acres of Colorado public lands that still need to be protected is critical for a Senator from Colorado.

## RENEWABLE ENERGY

Senator Gardner has touted his record on clean energy in Colorado.<sup>26</sup> And, substantively, he has done the right thing on several clean energy issues, most importantly supporting tax credits for wind and solar energy.

However, this is just a part of the story, which shows that Senator Gardner has been selective about his votes. Rather than wholeheartedly support a clean future, Senator Gardner has cherry picked issues to vote yes on and has voted no on those that actually are priorities and have real teeth including: rolling back the Clean Power Plan, America's groundbreaking attempt to clean up the electric sector<sup>27</sup>; efforts to promote energy efficiency<sup>28</sup>; and cleaning up our transportation sector by promoting electric vehicles.<sup>29</sup>

To put it another way: Senator Gardner has voted five times to block limits on carbon pollution, seven times to protect billions in subsidies for fossil fuels, seven times to undermine scientific reviews, and 10 times to make it harder to establish or enforce environmental protections.<sup>30</sup> Senator Gardner is not a champion for solar and wind energy in Colorado, despite the campaign commercials.

# CONCLUSION

There is still time for Senator Gardner to demonstrate environmental and conservation credentials. Here are a few specific steps for the senator to take:

- Fully fund the Land and Water Conservation Fund by pushing his caucus to pass S 1081.
- Co-sponsor and push his caucus leadership to pass the CORE Act (H.R. 823), sponsored by Senator Michael Bennet and Congressman Neguse to expand public land protections across the state.
- Show that he is taking the threat of climate change seriously by working across the aisle to control carbon pollution and help alleviate the impacts of climate change, including co-sponsorship of H.R. 9, the “Climate Action Now Act” that would require the U.S. to meet emissions reductions targets outlined in the Paris climate accords.
- Recognize that some places in Colorado are too special to drill by publicly calling on the Trump administration and to defer proposed oil and gas leases in sensitive wildlife habitat and other areas that are not appropriate for drilling.

**COLORADANS CARE DEEPLY ABOUT THEIR ENVIRONMENT, OUTDOOR RECREATION OPPORTUNITIES, AND WAY OF LIFE. THEY WANT AND DESERVE A SENATOR WHO PRIORITIZES THESE VALUES. SENATOR CORY GARDNER HAS MUCH TO PROVE WHEN IT COMES TO HIS ENVIRONMENTAL RECORD.**

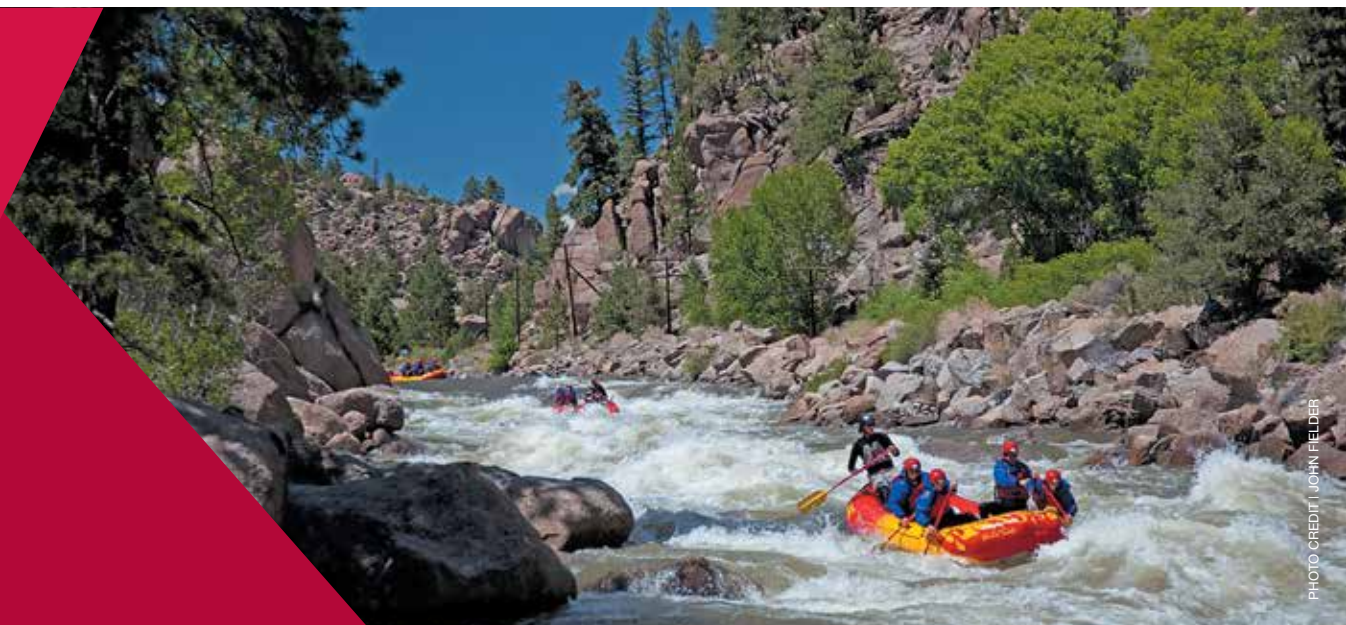


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# END NOTES

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